

## **LICENSING SUB-COMMITTEE**

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 19 April 2012**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Addis  
Councillor Faulkner (A)

Councillor Parrott

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**Working for a healthy, prosperous and happy Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207013**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Minutes**

To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 15 March 2012.

(Pages 1 - 5)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

5. **Urgent items**

To consider any other items that the Chairman decides are urgent.

6. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay,**

To consider an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED.

(Pages 6 - 52)



## Minutes of the Licensing Sub-Committee

15 March 2012

-: Present :-

Councillors Bent, Butt and Pentney

### 589. Election of Chairman/woman

Councillor Butt was elected as Chairman for the meeting.

### 590. Minutes

The Minutes of the meetings of the Sub-Committee held on 1 December 2011 and 22 December 2011 were confirmed as a correct record and signed by the Chairman.

### 591. Licensing Act 2003 – An application for a Premises Licence – Trents, 8 Torwood Street, Torquay, TQ1 1EB

Members considered a report on an application for a Premises Licence in respect of Trents, 8 Torwood Street, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

| Name   | Details  | Date of Representation |
|--------|--|------------------------|
| Police | Representation raised on the grounds of Torbay Council Saturation Policy (Cumulative Impact Area) and three of the Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Protection of Children from Harm' and 'The Prevention of Public Nuisance' and | 20 February 2012       |

|                      |   |                                 |
|----------------------|---|---------------------------------|
|                      | suggested conditions that should be imposed on the Licence should the Licence be granted. Supporting information from the Police consisting of Police Logs and statements.          | 13 March 2012                   |
| Public Protection    | Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' and suggested conditions that should be imposed on the Licence should the Licence be granted. | 1 February 2012                 |
| Member of the Public | Representation in relation to Licensing Objective 'The Prevention of Public Nuisance.'<br>Additional e-mail to support what would have been said if able to attend the Meeting.     | 25 Jan 2012<br><br>1 March 2012 |

Superintendent Nye was not present at the start of the meeting and no apologies had been received. Police Representatives and the Sub Committee agreed to proceed in his absence. He joined the meeting shortly after the start.

The Sub-Committee noted that the Member of the Public who had submitted a written Representation but was unable to attend, was aware that the meeting was taking place and as such, the Sub-Committee agreed to proceed in the person's absence. The Sub-Committee stated that they would during their deliberations have regard to the member of the Public's additional written Representation, which had previously been circulated.

With agreement of Members and other parties present an additional Representative for the Applicant was allowed to speak although they had not been included on the returned Notice to do so.

**Oral Representation was received from:**

| Name          | Details  |
|---------------|--|
| The Applicant | The Applicant and their Representatives outlined the Application, as set out in the submitted report and responded to the Representations from the Police, |

|                   |  |
|-------------------|--|
|                   | Public Protection, member of the Public and Members questions.   |
| The Police        | The Police Representatives outlined their Representation, as set out in Appendix 3 to the submitted report and supporting information which had been circulated prior to the hearing and responded to the Representation from the Applicant and Members questions. |
| Public Protection | The Senior Environmental Health Officer outlined his Representation, as set out in Appendix 4 to the submitted report and responded to Representations from the Applicant, Police and Members questions.   |

### **Additional information**

With the agreement of the Members a written from the Applicant to the Representations and supporting information circulated by the Police was circulated by the Senior Licensing Officer.

### **Applicant's response to Representations:**

The Applicant confirmed that they had received a 23 page copy of the supporting information from the Police on the 14 March 2012 and were very surprised to note the content and the size of the document on the day before the Licensing Sub-Committee hearing.

The Applicant stated that they had agreed to nine of the eleven conditions proposed by the Police, as set out in Appendix 3 of the submitted report. The exception being conditions g) and j).

The Applicant further stated that they agreed with all of the proposed conditions by Public Protection, as set out at Appendix 4 of the submitted report.

Decision:

That the application for a Premises Licence in respect of Trents, 8 Torwood Street, Torquay be granted as applied for, subject to conditions a to i and k proposed by the Police and conditions in full, as proposed by Torbay Council's Public Protection Team with the underlined amendments to the wording of two of the those conditions as follows:

A scheme of sound insulation works to the premises shall be submitted to and approved by the local environmental health department. Such a scheme shall include sound insulation works to windows, doors and shall include details of the construction of acoustic lobbies and glazing to prevent noise breakout. The scheme of works shall be implemented prior to regulated entertainment being allowed.

Door staff shall monitor the area outside their premises and take all reasonable steps to ensure that patrons do not congregate outside the premises so as to unreasonably disturb local residents.

In addition to the conditions above, Members resolved that it was both necessary and proportionate to add four further conditions in granting this application to ensure promotion of the Licensing Objectives:

All drinks promotions shall be managed in a responsible manner.

The Lifestyle Area Manager shall be the Designated Premises Supervisor.

The capacity shall be limited to no more than 100 patrons at any one time.

There shall be no more than ten patrons permitted to smoke outside the front of the premises after 22.00 hrs.

**Reasons for Decision:**

Having carefully considered all of the written and oral Representations, Members had regard to the concerns raised by the objectors and to the Council's Licensing Statement of Principles 2011 and the Home Office guidance issued under section 182 of the Licensing Act 2003, given that this is an application for a Premises Licence that is situated within the Council's Cumulative Impact Area (CIA).

In doing so, Members resolved that it was proportionate to depart from the Council's Policy in respect of this application, as they were satisfied that by the imposition of the Applicant's operating schedule, the agreed and additional conditions, and taking into account the oral Representation by the Applicant that the granting of this licence would not add to crime and disorder and/or public nuisance in the area and as such, they believed that there would be no negative impact on one or more of the Licensing Objectives.

Members were satisfied with the Applicant's submission in response to the concerns raised by the Police. Although it was accepted that there were a number of reported incidents at one of the Applicant's other Premises, Members felt on the evidence before them that they were unable to add sufficient weight to the Police's evidence and submissions so as to warrant a refusal of the application, despite the Premises being within the CIA.

In reaching this conclusion, Members had particular regard to the fact that the evidence before them was not comparable to similar Licensed Premises within the CIA and not all of the evidence was persuasive as some incidents listed within the supporting information was deemed to be lawful or outside of the control of the Premises Licence Holder and therefore not reflective of irresponsible or ineffective management. Furthermore there was no evidence to demonstrate that any of the listed incidents had resulted in persons being charged with or convicted of an offence.

Members were made aware that the Applicant holds a number of other Licensed Premises within the CIA and noted that the Police raised no concerns in respect of the management of those Premises. In light of this and the limited number of Patrons and duration for operation, Members were reassured by the Applicant's overall ability to manage these premises in a responsible manner with compliance to the imposed conditions.

Concerns were raised in respect of the application being time limited, from 1 April 2012 until 31 October 2012 and that normal avenues of recourse for the Responsible Authorities would be restricted due to time constraints. In considering this point, Members resolved to their satisfaction that there are a number of timely enforcement options available to the Responsible Authorities should issues of concern arise as a result of this grant, either by way of an Expedited Review, provisions under the Anti Social Behaviour Act 2003 or prosecution under section 136 of the Licensing Act 2003 and therefore concluded that this was not a persuasive factor to refuse the application.

In concluding, Members had regard to the specific issues raised by the Interested Party and Responsible Authority in respect of Public Nuisance and after careful deliberation, they resolved that by the imposition of the conditions proposed by the Council's Public Protection Team, as agreed in full by the Applicant, along with additional conditions imposed by Members that these concerns would be alleviated.

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Chairman

# Agenda Item 6



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

On: **19 April 2012**

Contact Officer: **Carrie Carter**

☎ Telephone: **01803 208037**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence. The Premise is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.5 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
  - (a) to modify the conditions of the licence, or
  - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.



## **2. Introduction**

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To extend the terminal hour for the sale of alcohol from 10.00 until 03.00 Sunday to Friday.

To extend the terminal hour for late night refreshment from 23.00 until 02.00 Sunday to Saturday.

To extend the terminal hour for live music, recorded music, the performance of dance from 10.00 until 03.00 Sunday to Friday.

To provide anything of a similar description to live and recorded music and the performance of dance from 10.00 until 03.00 Monday to Sunday.

To extend the terminal hour for the provision of facilities for making music and dancing from 10.00 until 03.00 Sunday to Friday.

To provide entertainment facilities similar to making music and dancing from 10.00 until 03.00 Monday to Sunday.

To extend the opening hours from 10.00 until 03.30 Sunday to Friday.

To make related changes to the Licence Conditions. These changes are referred to in Schedule 1 and Schedule 2 of the application shown as Appendix 1.

- 2.2 There is a current Premises Licence in place which permits live music, recorded music, making music, dancing, late night refreshment and the sale of alcohol. The timing of these permitted activities are varied, dependant on the day of the week. These timings are shown in detail in Appendix 2.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the amended Premises Licence, as relevant Representations have been received from a Responsible Authority and Interested Parties. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

We have received 2 Representations from Interested Parties in relation to the Licensing Objectives "The Prevention of Public Nuisance", and "The Prevention of Crime and Disorder". These are shown as Appendix 4.

There have been no additional Representations received from any other Responsible Authority or any other Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
  - (a) The applicant for the variation of the licence against any decision to modify the conditions
  - (b) Any person who made a relevant representation in relation to the application who desires to contend
    - (i) that any variation made ought not to have been made, or
    - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates' court may:-
  - (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,and may make such order as to costs as it thinks fit.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

|            |   |
|------------|---|
| Appendix 1 | Relevant sections of the application form           |
| Appendix 2 | Copy of the current Premises Licence                |
| Appendix 3 | Copy of the Representation from Public Protection   |
| Appendix 4 | Copy of the Representations from Interested Parties |

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

The current Premises Licence for the above Premise.  
Torbay Council Licensing Policy 2011.

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
 You may wish to keep a copy of the completed form for your records.

I/We Jam Leisure Ltd

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

|                                       |
|---------------------------------------|
| <b>Premises licence number</b><br>595 |
|---------------------------------------|

**Part 1 – Premises Details**

|  |         |                  |         |
|--|---------|------------------|---------|
| <b>Postal address of premises or, if none, ordnance survey map reference or description</b><br>Park lane<br>1 Torwood street |         |                  |         |
| <b>Post town</b>   | Torquay | <b>Post code</b> | Tq1 1ed |

|  |              |
|--|--------------|
| <b>Telephone number at premises (if any)</b>   | 01803 214446 |
| <b>Non-domestic rateable value of premises</b> | £38400       |

**Part 2 – Applicant details**

|  |                               |                 |  |
|--|-------------------------------|-----------------|--|
| <b>Daytime contact telephone number</b>                          | 01803 292079                  |                 |  |
| <b>E-mail address (optional)</b>                                 | adrian.m.hobbs@btinternet.com |                 |  |
| <b>Current postal address if different from premises address</b> |                               |                 |  |
| <b>Post Town</b>   |                               | <b>Postcode</b> |  |

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

|                      |                      |                      |                      |                      |                      |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Day                  |                      | Month                |                      | Year                 |                      |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

change of times to:-

Premises Open Hours granted

|                  | Time From | Time To |
|------------------|-----------|---------|
| Sunday to Friday | 10:00am   | 3:30am  |

Provisions of late night refreshments

|                    |         |        |
|--------------------|---------|--------|
| Sunday to Saturday | 23:00pm | 2:00am |
|--------------------|---------|--------|

Sale by retail of alcohol, Live Music, Recorded Music, the Performance of dance, anything of a similar description, Making of music, Dancing, and any entertainment of a similar description.

|                  | Time From | Time To |
|------------------|-----------|---------|
| Sunday to Friday | 10:00am   | 3:00am  |

The removal of conditions to allow under 18 events,

The attachment of conditions for the running of under 18 events

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

### Provision of late night refreshment (if ticking yes, fill in box L)

### Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**E**

| Live music<br>Standard days and<br>timings (please read<br>guidance note 6) |       |        | Will the performance of live music take place<br>indoors or outdoors or both – please tick<br>(please read guidance note 2)  | Indoors  | <input checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
|   |       |        |  | Outdoors | <input type="checkbox"/>            |
|   |       |        |  | Both     | <input type="checkbox"/>            |
| Day   | Start | Finish |  |          |                                     |
| Mon   | 1000  | 0300   | <b>Please give further details here</b> (please read guidance note 3)  |          |                                     |
|   |       |        |  |          |                                     |
| Tue   | 1000  | 0300   |  |          |                                     |
|   |       |        |  |          |                                     |
| Wed   | 1000  | 0300   | <b>State any seasonal variations for the performance of live music</b><br>(please read guidance note 4)  |          |                                     |
|   |       |        |  |          |                                     |
| Thur  | 1000  | 0300   |  |          |                                     |
|   |       |        |  |          |                                     |
| Fri   | 1000  | 0300   | <b>Non standard timings. Where you intend to use the premises<br/>for the performance of live music at different times to those<br/>listed in the column on the left, please list</b> (please read guidance<br>note 5)<br>Xmas eve, Newyears eve , 1100-0330 |          |                                     |
|   |       |        |  |          |                                     |
| Sat   | 1000  | 0330   |  |          |                                     |
|   |       |        |  |          |                                     |
| Sun   | 1000  | 0300   |  |          |                                     |
|   |       |        |  |          |                                     |

**F**

|  |              |               |   |          |                                     |
|--|--------------|---------------|---|----------|-------------------------------------|
| <b>Recorded music</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)   | Indoors  | <input checked="" type="checkbox"/> |
|  |              |               |   | Outdoors | <input type="checkbox"/>            |
|  |              |               |   | Both     | <input type="checkbox"/>            |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 3)   |          |                                     |
| Mon  | 1000         | 0300          |   |          |                                     |
|  |              |               | <b>State any seasonal variations for the playing of recorded music</b><br>(please read guidance note 4)   |          |                                     |
| Tue  | 1000         | 0300          |   |          |                                     |
|  |              |               | <b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br>Xmas eve, Newyears eve , 1100-0330 |          |                                     |
| Wed  | 1000         | 0300          |   |          |                                     |
|  |              |               |   |          |                                     |
| Thur   | 1000         | 0300          |   |          |                                     |
|  |              |               |   |          |                                     |
| Fri  | 1000         | 0300          |   |          |                                     |
|  |              |               |   |          |                                     |
| Sat  | 1000         | 0330          |   |          |                                     |
|  |              |               |   |          |                                     |
| Sun  | 1000         | 0300          |   |          |                                     |
|  |              |               |   |          |                                     |



**G**

|   |              |               |  |          |                                     |
|---|--------------|---------------|--|----------|-------------------------------------|
| <b>Performances of dance</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Will the performance of dance take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)   | Indoors  | <input checked="" type="checkbox"/> |
|   |              |               |  | Outdoors | <input type="checkbox"/>            |
|   |              |               |  | Both     | <input type="checkbox"/>            |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 3)  |          |                                     |
| Mon   | 1000         | 0300          |  |          |                                     |
|   |              |               | <b>State any seasonal variations for the performance of dance</b><br>(please read guidance note 4)   |          |                                     |
| Tue   | 1000         | 0300          |  |          |                                     |
|   |              |               | <b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br>Xmas eve, Newyears eve , 1100-0330 |          |                                     |
| Wed   | 1000         | 0300          |  |          |                                     |
|   |              |               |  |          |                                     |
| Thur  | 1000         | 0300          |  |          |                                     |
|   |              |               |  |          |                                     |
| Fri   | 1000         | 0300          |  |          |                                     |
|   |              |               |  |          |                                     |
| Sat   | 1000         | 0330          |  |          |                                     |
|   |              |               |  |          |                                     |
| Sun   | 1000         | 0300          |  |          |                                     |
|   |              |               |  |          |                                     |

H

|  |       |        |  |          |                          |
|--|-------|--------|--|----------|--------------------------|
| <p><b>Anything of a similar description to that falling within (e), (f) or (g)</b><br/>Standard days and timings (please read guidance note 6)</p> |       |        | <p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>  |          |                          |
| Day  | Start | Finish | <p><b><u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u></b></p>  | Indoors  | <input type="checkbox"/> |
| Mon  | 1000  | 0300   |  | Outdoors | <input type="checkbox"/> |
|  |       |        |  | Both     | <input type="checkbox"/> |
| Tue  | 1000  | 0300   | <p><b><u>Please give further details here (please read guidance note 3)</u></b></p>  |          |                          |
| Wed  | 1000  | 0300   |  |          |                          |
| Thur   | 1000  | 0300   | <p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</u></b></p>   |          |                          |
| Fri  | 1000  | 0300   |  |          |                          |
| Sat  | 1000  | 0330   | <p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b><br/>Xmas eve, Newyears eve , 1100-0330</p> |          |                          |
| Sun  | 1000  | 0300   |  |          |                          |

|  |              |               |  |                                     |
|--|--------------|---------------|--|-------------------------------------|
| <b>Provision of facilities for making music</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Please give a description of the facilities for making music you will be providing</b>  |                                     |
|  |              |               | <b>Will the facilities for making music be indoors or outdoors or both – please tick</b><br>(please read guidance note 2)  |                                     |
|  |              |               | Indoors  | <input checked="" type="checkbox"/> |
|  |              |               | Outdoors   | <input type="checkbox"/>            |
|  |              |               | Both   | <input type="checkbox"/>            |
| <b>Day</b>   | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 3)  |                                     |
| Mon  | 1000         | 0300          |  |                                     |
|  |              |               |  |                                     |
| Tue  | 1000         | 0300          |  |                                     |
|  |              |               | <b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)  |                                     |
| Wed  | 1000         | 0300          |  |                                     |
|  |              |               |  |                                     |
| Thur   | 1000         | 0300          |  |                                     |
|  |              |               | <b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br>Xmas eve, Newyears eve , 1100-0330 |                                     |
| Fri  | 1000         | 0300          |  |                                     |
|  |              |               |  |                                     |
| Sat  | 1000         | 0330          |  |                                     |
|  |              |               |  |                                     |
| Sun  | 1000         | 0300          |  |                                     |
|  |              |               |  |                                     |

J

|   |              |               |   |          |                                     |
|---|--------------|---------------|---|----------|-------------------------------------|
| <b>Provision of facilities for dancing</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Will the facilities for dancing be indoors or outdoors or both – please tick</b> (see guidance note 2)   | Indoors  | <input checked="" type="checkbox"/> |
|   |              |               |   | Outdoors | <input type="checkbox"/>            |
|   |              |               |   | Both     | <input type="checkbox"/>            |
|   |              |               | <b>Please give a description of the facilities for dancing you will be providing</b>  |          |                                     |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here</b> (please read guidance note 3)   |          |                                     |
| Mon   | 1000         | 0300          |   |          |                                     |
|   |              |               |   |          |                                     |
| Tue   | 1000         | 0300          |   |          |                                     |
|   |              |               | <b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)   |          |                                     |
| Wed   | 1000         | 0300          |   |          |                                     |
|   |              |               |   |          |                                     |
| Thur  | 1000         | 0300          |   |          |                                     |
|   |              |               | <b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)<br>Xmas eve, Newyears eve , 1100-0330 |          |                                     |
| Fri   | 1000         | 0300          |   |          |                                     |
|   |              |               |   |          |                                     |
| Sat   | 1000         | 0330          |   |          |                                     |
|   |              |               |   |          |                                     |
| Sun   | 1000         | 0300          |   |          |                                     |
|   |              |               |   |          |                                     |

**K**

|   |              |               |   |          |                                     |
|---|--------------|---------------|---|----------|-------------------------------------|
| <b>Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)</b> |              |               | <b><u>Please give a description of the type of entertainment facility you will be providing</u></b>   |          |                                     |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b><u>Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)</u></b>  | Indoors  | <input checked="" type="checkbox"/> |
| Mon   | 1000         | 0300          |   | Outdoors | <input type="checkbox"/>            |
|   |              |               |   | Both     | <input type="checkbox"/>            |
| Tue   | 1000         | 0300          | <b><u>Please give further details here (please read guidance note 3)</u></b>  |          |                                     |
| Wed   | 1000         | 0300          |   |          |                                     |
| Thur  | 1000         | 0300          | <b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j (please read guidance note 4)</u></b>  |          |                                     |
| Fri   | 1000         | 0300          |   |          |                                     |
| Sat   | 1000         | 0330          | <b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b><br>Xmas eve, Newyears eve , 1100-0330 |          |                                     |
| Sun   | 1000         | 0300          |   |          |                                     |

L

|   |              |               |  |          |                                     |
|---|--------------|---------------|--|----------|-------------------------------------|
| <b>Late night refreshment Standard days and timings (please read guidance note 6)</b> |              |               | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>   | Indoors  | <input checked="" type="checkbox"/> |
|   |              |               |  | Outdoors | <input type="checkbox"/>            |
|   |              |               |  | Both     | <input type="checkbox"/>            |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>Please give further details here (please read guidance note 3)</b>  |          |                                     |
| Mon   | 2300         | 0200          |  |          |                                     |
|   |              |               | <b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>   |          |                                     |
| Tue   | 2300         | 0200          |  |          |                                     |
|   |              |               | <b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</b> |          |                                     |
| Wed   | 2300         | 0200          |  |          |                                     |
|   |              |               |  |          |                                     |
| Thur  | 2300         | 0200          |  |          |                                     |
|   |              |               |  |          |                                     |
| Fri   | 2300         | 0200          |  |          |                                     |
|   |              |               |  |          |                                     |
| Sat   | 2300         | 0200          |  |          |                                     |
|   |              |               |  |          |                                     |
| Sun   | 2300         | 0200          |  |          |                                     |
|   |              |               |  |          |                                     |

**M**

|   |              |               |   |                  |                                     |
|---|--------------|---------------|---|------------------|-------------------------------------|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>  | On the premises  | <input type="checkbox"/>            |
|   |              |               |   | Off the premises | <input type="checkbox"/>            |
|   |              |               |   | Both             | <input checked="" type="checkbox"/> |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> | <b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>  |                  |                                     |
| Mon   | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |
| Tue   | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |
| Wed   | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |
| Thur  | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |
| Fri   | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |
| Sat   | 1000         | 0330          | <b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b><br>Xmas eve, Newyears eve , 1100-0330 |                  |                                     |
|   |              |               |   |                  |                                     |
| Sun   | 1000         | 0300          |   |                  |                                     |
|   |              |               |   |                  |                                     |

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

None

0

|   |              |               |   |
|---|--------------|---------------|---|
| <b>Hours premises are open to the public</b><br>Standard days and timings (please read guidance note 6) |              |               | <b>State any seasonal variations</b> (please read guidance note 4)  |
| <b>Day</b>  | <b>Start</b> | <b>Finish</b> |   |
| Mon   | 1000         | 0330          |   |
|   |              |               |   |
| Tue   | 1000         | 0330          |   |
|   |              |               |   |
| Wed   | 1000         | 0330          |   |
|   |              |               |   |
| Thur  | 1000         | 0330          |   |
|   |              |               |   |
| Fri   | 1000         | 0330          | <b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)<br>Xmas eve, Newyears eve , 1100-0330 |
|   |              |               |   |
| Sat   | 1000         | 0400          |   |
|   |              |               |   |
| Sun   | 1000         | 0330          |   |
|   |              |               |   |

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

see schedule 1 conditions to be removed



**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

See schedule 2

**b) The prevention of crime and disorder**

See schedule 2

**c) Public safety**

See schedule 2

**d) The prevention of public nuisance**

See schedule 2

**e) The protection of children from harm**

See schedule 2

Schedule 1 conditions to be removed

### **Prevention of Crime and Disorder**

1. Clear notices shall be placed outside the premises indicating the opening and closing times as well as age restriction with no-one under the age of 18 being allowed to enter.
5. The Licensees shall be using a counting system operated by two doormen. Each doorman shall have a clicker, one for people arriving and one for people leaving. Once a safe occupancy level is reached no further persons shall be admitted until patrons leave or the time is reached when no further patrons are allowed to enter in accordance with the premises licensee, whichever is the first.
10. Every Door Steward and member of Management must carry effective 2 way radios with earpieces. This equipment is kept in good working order and is used at all times when the premises is open to the public.

### **The Promotion of Public Safety**

7. At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment.
8. The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept within a log book.
9. Facilities and equipment suitable for the number of patrons and the type of event undertaken shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.

### **The Protection of Children from Harm**

1. Children below the age of 18 shall be excluded from the premises during licensing opening hours.
2. Proof of identity (passport etc) shall be requested from anyone who appear to be under the age of 18.

Schedule 1 conditions to be removed (cont')

### **ANNEXE 3**

#### **CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

##### **The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.

##### **Public Safety**

1. The ratio of stewards to customers on the premises shall be no less than 1:75.

## **Schedule 2 additional conditions**

### **The Protection of Children from Harm**

1. Proof of identity (passport etc) shall be requested from anyone who appears to be under the age of 18.
2. No persons under the age of 18 shall be employed in connection with the sale of and supply of alcohol.
3. All bar staff shall be suitably trained to prevent the sale of alcohol to under 18's.

### **Under 18 events may take place to which the following conditions shall apply;**

1. These events shall finish no later than 23.00 hours, after which there will be a 30 minute period before reopening to over 18s.
2. The police shall be notified in writing or email at least 14 days prior to the event.
3. SIA door stewards must be employed throughout the event, which shall include at least 1 female steward. All stewards shall have undergone a criminal records bureau check.
4. All alcohol shall be locked and or obscured from view.
5. All Gaming machines with prizes and cigarette machines shall be unplugged and locked.
6. All promotional material relating to alcohol shall be removed.
7. Any person refusing to be searched shall be refused entry.
8. Metal detectors shall be used random on entry.
9. The event shall be promoted to ages of 14 years and above.
10. Foreign student events shall be restricted to foreign students only.
11. Throughout under 18 events, the DPS or personal licence holder must be present.


### **The Promotion of public safety**

1. Staff shall be trained in first aid
2. The ratio of stewards to customers on the premises shall be no less than 1:100.

## Schedule 2 additional conditions (cont')

### **The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 14 days and the police to have access to recordings at any reasonable time.
2. Every Door Steward and member of Management must carry effective 2 way radios with earpieces. This equipment is kept in good working order and is used at all times when the premises is open to the public.

|   |  |
|---|--|
| <b>LOCAL AUTHORITY</b>  |  |
|  | <p>Licensing Section<br/>Torbay Council<br/>Roebuck House<br/>Abbey Road<br/>TORQUAY<br/>DEVON<br/>TQ2 5EJ</p> <div style="border: 1px solid black; padding: 10px; width: fit-content; margin-left: auto; margin-right: auto;"> <p style="font-size: 24px; font-weight: bold;">COPY</p> </div> |

Part 1 - Premises Details

|   |                             |
|---|-----------------------------|
| <b>POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION</b> |                             |
| <p><b>Park Lane</b><br/>1 Torwood Street, Torquay, Devon, TQ1 1ED.</p>                      | <p>Telephone 01803 2144</p> |

|  |  |
|--|--|
| <b>WHERE THE LICENCE IS TIME LIMITED THE DATES</b> |  |
| <p>Not applicable</p>                              |  |

|   |  |
|---|--|
| <b>LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE</b>  |  |
| <ul style="list-style-type: none"> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> <li>- provision of late night refreshment</li> <li>- the sale by retail of alcohol</li> </ul> |  |

|   |  |  |  |
|---|--|--|--|
| <b>THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES</b> |  |  |  |
|---|--|--|--|

| Activity (and Area if applicable)             | Description   | Time From | Time To |
|---|---|-----------|---------|
| <b>E. Performance of live music (Indoors)</b> |   |           |         |
|   | Monday  | 7:00pm    | 12:30am |
|   | Tuesday   | 7:00pm    | 12:30am |
|   | Wednesday   | 7:00pm    | 2:00am  |
|   | Thursday  | 7:00pm    | 2:00am  |
|   | Friday  | 7:00pm    | 2:00am  |
|   | Saturday  | 7:00pm    | 3:00am  |
|   | Sunday  | 7:00pm    | 1:30am  |
|   | Christmas Eve   | 7:00pm    | 4:00am  |
|   | New Year's Eve  | 7:00pm    | 4:00am  |
|   | Bank Holiday Sunday - 02.00 am finish                                     |           |         |
|   | See below   |           |         |
|   | British Summer Time - allow for additional hour when clocks move forward. |           |         |
| <b>F. Playing of recorded music (Indoors)</b> |   |           |         |
|   | Monday  | 11:00am   | 12:30am |
|   | Tuesday   | 11:00am   | 12:30am |
|   | Wednesday   | 11:00am   | 2:00am  |
|   | Thursday  | 11:00am   | 2:00am  |
|   | Friday  | 11:00am   | 2:00am  |
|   | Saturday  | 11:00am   | 3:00am  |
|   | Sunday  | 11:00am   | 1:30am  |
|   | See below   |           |         |



## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES (continued)

| Activity (and Area if applicable)   | Description   | Time From | Time To  |           |
|---|---|-----------|----------|-----------|
| <b>F. Playing of recorded music (Indoors) continued ...</b>                     |   |           |          |           |
|   | Christmas Eve   | 11:00am   | 4:00am   |           |
|   | New Year's Eve  | 11:00am   | 4:00am   |           |
|   | Bank Holiday Sunday - 02.00 am finish                                     |           |          |           |
|   | British Summer Time - allow for additional hour when clocks move forward. |           |          |           |
| <b>I. Provision of facilities for making music (Indoors)</b>                    |   |           |          |           |
|   | Monday  | 7:00pm    | 12:30am  |           |
|   | Tuesday   | 7:00pm    | 12:30am  |           |
|   | Wednesday   | 7:00pm    | 2:00am   |           |
|   | Thursday  | 7:00pm    | 2:00am   |           |
|   | Friday  | 7:00pm    | 2:00am   |           |
|   | Saturday  | 7:00pm    | 3:00am   |           |
|   | Sunday  | 7:00pm    | 1:30am   | See below |
|   | Christmas Eve   | 7:00pm    | 4:00am   |           |
|   | New Year's Eve  | 7:00pm    | 4:00am   |           |
|   | Bank Holiday Sunday - 02.00 am finish                                     |           |          |           |
|   | British Summer Time - allow for additional hour when clocks move forward. |           |          |           |
| <b>J. Provision of facilities for dancing (Indoors)</b>                         |   |           |          |           |
|   | Monday  | 7:00pm    | 12:30am  |           |
|   | Tuesday   | 7:00pm    | 12:30am  |           |
|   | Wednesday   | 7:00pm    | 2:00am   |           |
|   | Thursday  | 7:00pm    | 2:00am   |           |
|   | Friday  | 7:00pm    | 2:00am   |           |
|   | Saturday  | 7:00pm    | 3:00am   |           |
|   | Sunday  | 7:00pm    | 1:30am   | See below |
|   | Christmas Eve   | 7:00pm    | 4:00am   |           |
|   | New Year's Eve  | 7:00pm    | 4:00am   |           |
|   | Bank Holiday Sunday - 02.00 am finish                                     |           |          |           |
|   | British Summer Time - allow for additional hour when clocks move forward. |           |          |           |
| <b>L. Late night refreshment (Indoors)</b>                                      |   |           |          |           |
|   | Monday  | 11:00pm   | 11:30pm  |           |
|   | Tuesday   | 11:00pm   | 11:30pm  |           |
|   | Wednesday   | 11:00pm   | 1:30am   |           |
|   | Thursday  | 11:00pm   | 1:30am   |           |
|   | Friday  | 11:00pm   | 2:00am   |           |
|   | Saturday  | 11:00pm   | 3:00am   |           |
|   | Sunday  | 11:00pm   | 1:30am   |           |
|   | Christmas Eve   | 11:00pm   | 3:00am   |           |
|   | New Year's Eve  | 11:00pm   | 3:00am   |           |
|   | Bank Holiday Sunday - 02.30am finish                                      |           |          |           |
|   | British Summer Time - allow for additional hour when clocks move forward. |           |          |           |
| <b>M. The sale by retail of alcohol for consumption ON and OFF the premises</b> |   |           |          |           |
|   | Monday  | 11:00am   | Midnight |           |
|   | Tuesday   | 11:00am   | Midnight |           |
|   | Wednesday   | 11:00am   | 2:00am   |           |
|   | Thursday  | 11:00am   | 2:00am   |           |





## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued

| Activity (and Area if applicable)  | Description                           | Time From | Time To |
|--|---------------------------------------|-----------|---------|
| M. The sale by retail of alcohol for consumption ON and OFF the premises continued ... | Friday                                | 11:00am   | 2:30am  |
|  | Saturday                              | 11:00am   | 3:30am  |
|  | Sunday                                | 11:00am   | 2:00am  |
|  | Christmas Eve                         | 11:00am   | 3:30am  |
|  | New Year's Eve                        | 11:00am   | 3:30am  |
|  | Bank Holiday Sunday - 03.00am finish. |           |         |

British Summer Time - allow for additional hour when clocks move forward.

## THE OPENING HOURS OF THE PREMISES

| Description                           | Time From | Time To |
|---------------------------------------|-----------|---------|
| Monday                                | 11:00am   | 12:30am |
| Tuesday                               | 11:00am   | 12:30am |
| Wednesday                             | 11:00am   | 2:30am  |
| Thursday                              | 11:00am   | 2:30am  |
| Friday                                | 11:00am   | 3:00am  |
| Saturday                              | 11:00am   | 4:00am  |
| Sunday                                | 11:00am   | 2:30am  |
| Christmas Eve                         | 11:00am   | 4:00am  |
| New Year's Eve                        | 11:00am   | 4:00am  |
| Bank Holiday Sunday - 03.30am finish. |           |         |

British Summer Time - allow for additional hour when clocks move forward.

## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

## Part 2

## NAME (REGISTERED), ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Jam Leisure Ltd  
info@clairesnightclub.co.uk

39-41 Torwood Street, Torquay, Devon, TQ1 1DZ.  
Telephone 01803 292079

## REGISTERED NUMBER OF HOLDER FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Jam Leisure Ltd

3177210

## NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Louise SIMS

Flat 2, 42 St James Road, Torquay, Devon, TQ1 4AY.

## PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2402

Issued by Torbay





*Stephen Cox*

Steve Cox  
Environmental Health Manager (Commercial)  
21 September 2011

## ANNEXES

## ANNEXE 1

**MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out or arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7) The responsible person shall ensure that -

## ANNEXES continued

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**MANDATORY CONDITION: DOOR SUPERVISION**

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
  - (b) In respect of premises in relation to-
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**ANNEXE 2****CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Prevention of Crime and Disorder**

1. Clear notices shall be placed outside the premises indicating the opening and closing times as well as age restriction with no-one under the age of 18 being allowed to enter.
2. Warning notices shall also be placed at the entrance door indicating conditions of entry including regular identification checks, random searches and the use of metal detectors.
3. The Licensees shall carry on working with the local authority and support any seasonal and other advertising campaigns.
4. The number of persons admitted to the premises on any one occasion shall not exceed a safe occupancy. This is in agreement with the responsible authorities notably Devon Fire and Rescue and the Health and Safety team.
5. The Licensees shall be using a counting system operated by two doormen. Each doorman shall have a clicker, one for people arriving and one for people leaving. Once a safe occupancy level is reached no further persons shall be admitted until patrons leave or the time is reached when no further patrons are allowed to enter in accordance with the premises licence, whichever is the first.



## ANNEXES continued

6. Persons leaving the premises shall be reminded to conduct themselves in an orderly manner and not cause annoyance to other members of the public or nearby residents.
7. A CCTV System must cover both inside and outside the premises in positions agreed with the Council and Police. All cameras are recorded to a high standard and kept for a minimum of 14 days and shall be made available to the police on demand.
8. All the door staff must be Security Industry Authority licensed.
9. Each accredited door steward when on duty must wear distinctive dress, are all over the age of 18 and are trained to vet customers and keep public order.
10. Every Door Steward and member of Management must carry effective 2 way radios with earpieces. This equipment is kept in good working order and is used at all times when the premises is open to the public.
11. A Night Net Radio must also be held at the Head Door Steward at the entrance and all instances of crime and disorder shall be reported to the police.
12. There must be a zero tolerance with drugs and have a drugs policy in force on the premises, with the objective of securing, as far as reasonably practical, the safety of others attending the premises.
14. A secure drug deposit bag approved by Devon & Cornwall Police shall be located on the premises for the safe storage of any drugs found or seized.
15. There must be provision of toughened safety glasses and plastic bottles. All glasses are stamped in accordance with Weights and Measures Legislation. No drinks, whether in glasses or bottles must be removed from the premises.
16. All the staff must be fully trained and at least one competent manager shall be on the premises whilst open to the public. All bar staff will be suitably trained to prevent the sale of alcohol to under 18's.
17. Adequate glass and bottle collection shall be undertaken throughout the premises.
18. Premises must join and maintain membership of the Torquay Night Time Economy Forum attending at least 2 meetings in each calendar year.
19. On every operational day when door supervision is required, then those SIA door supervisors employed in front of house duties must wear high visibility reflective jackets for the entirety of their duty.
20. There must be no entry or re-entry after 2am.

**The Promotion of Public Safety**

1. The fire safety measures with which the premises are provided shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment as required by and in accordance with the Fire Precautions Regulations.
2. The premises shall undertake to maintain a safe occupancy level.
3. A log book shall be kept upon the premises in which shall be entered particulars of inspections made: those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises licence that required the recording of such information. The log book shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
4. Adequate access must be provided for emergency vehicles.
5. Where crowd management measures are needed all reasonable steps shall be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps and that portable barriers shall be provided to prevent crushing and keep queues in an orderly fashion.
6. Suitable and clearly identifiable areas for dancing must be set aside, and separate from the dance area suitable means of providing cool air/ventilation and adequate seating must be provided.
7. At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment.

## ANNEXES continued

8. The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept within a log book.
9. Facilities and equipment suitable for the number of patrons and the type of event undertaken shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
10. All fire exits, gangways, escapes, extinguishers, fire points etc shall remain free of obstruction and will be tested and assessed on a regular basis. All exits are fitted with fixed automatic catches. Weekly fire alarm tests and fire certification as required by Fire Authority shall be carried out.
11. A Fire Risk Assessment shall be carried out monthly and Risk Assessments shall be carried out regularly.
12. Regular testing and certification of appliances and systems shall be carried out, including PAT and Electrical Testing.
13. All parts of the premises must be adequately illuminated from two independent sources and in the event of general lighting failure emergency lighting shall be immediately fully illuminated and the public shall be required to leave the premises forthwith.
14. In the event of evacuation caused by failure of general lighting, the public shall not be readmitted until the general lighting is fully restored.
15. Suitable and sufficient sanitary accommodation must be provided, clearly marked and in good order at all times.
16. The implementation of correct disposal of waste must be carried out on the premises at all times.
17. There must be provision of sufficient number of people on site to secure the safety of the premises at all times.
18. There must be use of toughened glasses and plastic bottles which reduces the risk of harm to the public.
20. Air management system within the premises shall be used during entertainment.
21. No explosive or highly inflammable material shall be brought into the premises.
22. No pyrotechnics shall be used on the premises.
23. Smoke machines shall be in a fixed position, protected against interference and manned by a competent operator at all times when in use. Non-toxic, non-flammable smoke shall be used and will be limited to areas where the public are admitted and not obscure exit signs.
24. Lasers must not be used on the premises without prior consultation with the Licensing Authority and compliance with HS(G) 95.

**Prevention of Public Nuisance**

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
3. Two noise limitation devices shall be installed to control both areas which have amplification equipment fitted. These devices shall be regularly maintained.
4. There shall be no use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas.
5. The placing of refuse such as bottles into skips outside the premises shall take place at times that will prevent disturbance to nearby properties and the movement of bins and rubbish outside the premises shall be kept to a minimum after 11pm.
6. Quieter/Mellower music shall be played towards the end of the evening to encourage calmness and an announcement shall be made prior to closing requesting patrons to leave the premises as quietly and quickly as possible.



## ANNEXES continued

8. Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
9. Door staff must be positioned at exits at closing times to ensure noise from patrons leaving is minimized.
10. Taxi operators shall be nominated for staff and customer use. The companies telephone numbers shall be advertised to customers.
11. The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.
12. Deliveries of kegs, bottles, food and other materials shall be carried out between the hours of 09.30am - 05.30pm weekdays.

**The Protection of Children from Harm**

1. Children below the age of 18 shall be excluded from the premises during licensing opening hours.
2. Proof of identity (passport etc) shall be requested from anyone who appear to be under the age of 18.

**ANNEXE 3****CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.

**Public Safety**

1. The ratio of stewards to customers on the premises shall be no less than 1:75.

**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains.
3. Entrances must be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
4. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

**ANNEXES continued**

5. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
6. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

ANNEXE 4

| revisions   |                          |
|---|--------------------------|
| rev   | description              |
| A.  | 13-07-03 AMUSE AMENDMENT |
| job<br>PARK LANE P.H.<br>CRNR. PARK LANE & TORWOOD<br>ST. TORQUAY |                          |
| drawing<br>AS PROPOSED  |                          |
| drawing reference number<br>5219.03                               | revision<br>A            |
| scales<br>1:100   | date<br>DEC. 2001        |
|   | drawn                    |

**COLLINE  
RITCHIE  
ARCHITECTS**

**22A VICTORIA PARADE  
TORQUAY, DEVON. TQ1 2BB**

**TELEPHONE: (01803) 298431**

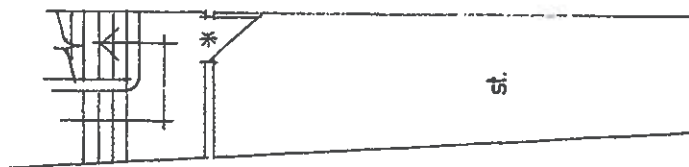
**FAX: (01803) 200956**

EMERGENCY LIGHT EN. CUPBUII

① DOOR TO 2ND FLOOR RESIDENTIAL ACCOMMODATION TO BE FIXED SHUT WITH ACCESS PERMITTED FOR OCCASIONAL MAINTENANCE ONLY.

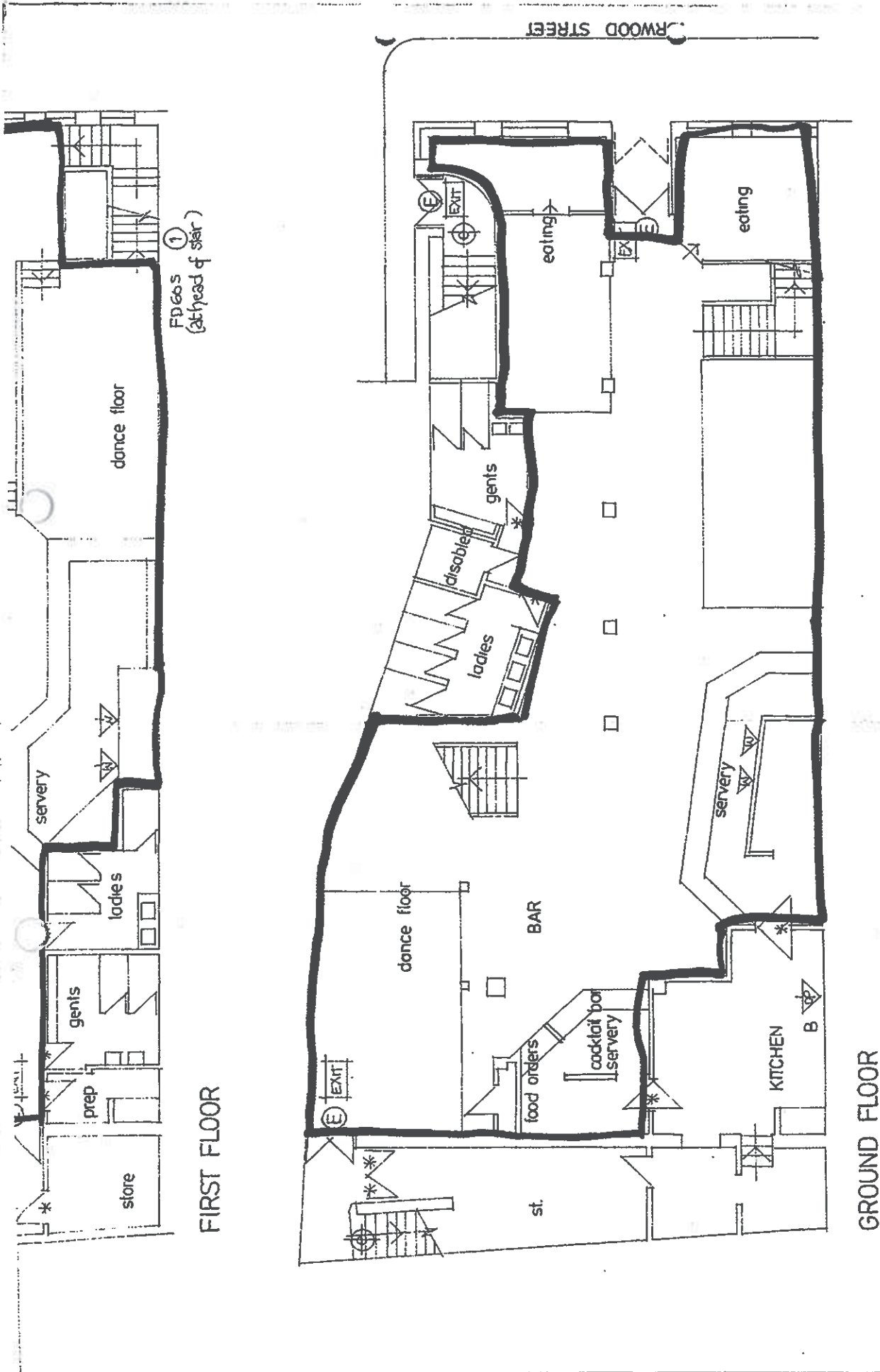
NOTES  
EMERGENCY LIGHTING TO BE PROVIDED THROUGHOUT IN ACCORDANCE WITH BS 5226 PART 1 1988  
FIRE EXIT SIGNS TO BE PROVIDED THROUGHOUT IN ACCORDANCE WITH BS 5499 PART 1 1990  
TYPE M FIRE ALARM SYSTEM TO BE PROVIDED AND MAINTAINED TO BS 5839. PART 1 1988

AREA FOR MECHANICAL CONSUMPTION



MEZZANINE FLOOR  
(rear star only)





FIRST FLOOR

GROUND FLOOR

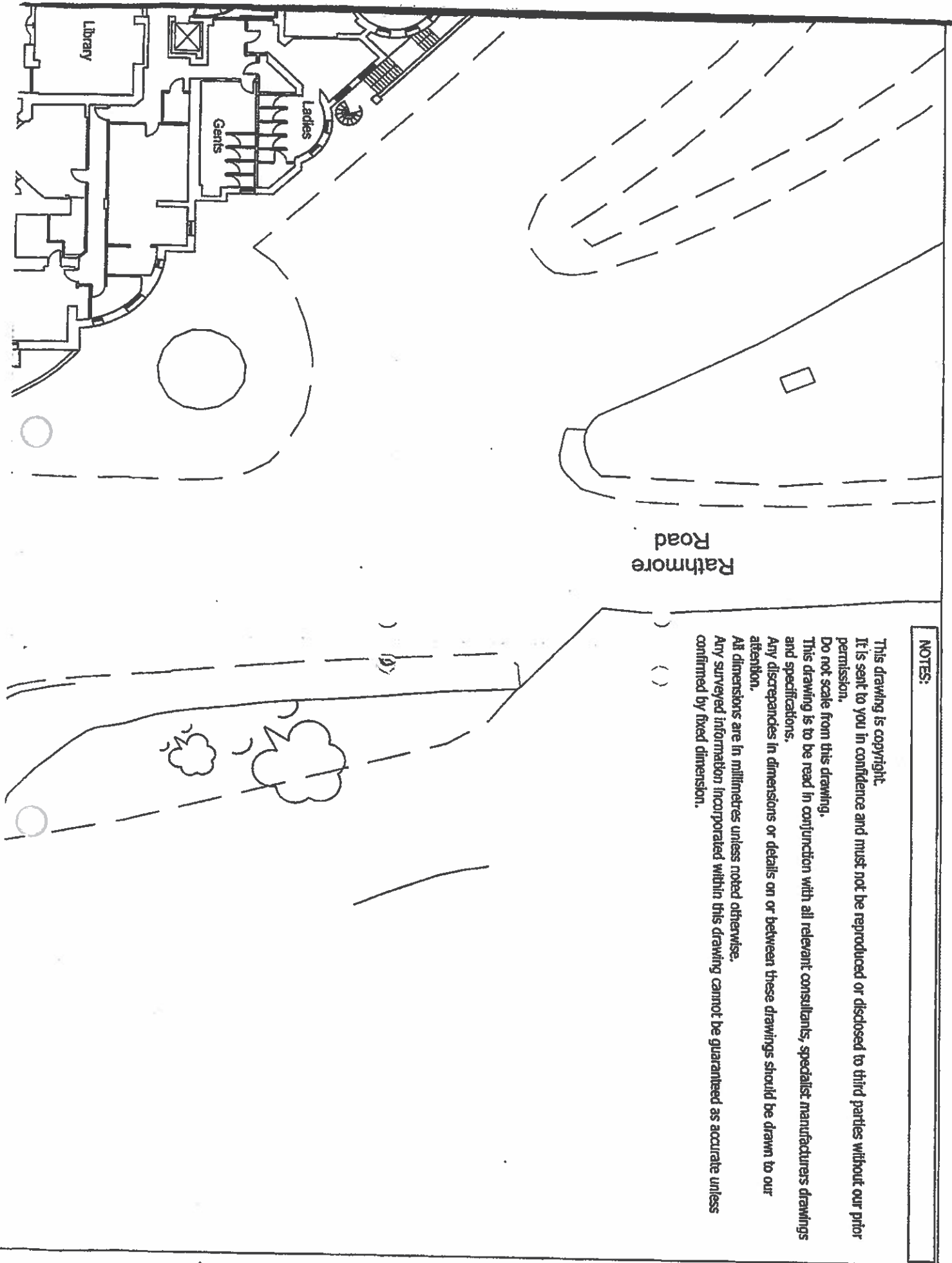
KEY

ⓔ FIRE EXIT DOORS WITH EMERGENCY FITTINGS  
SECURITY DOORS - FIXED OPEN WHILST BUILDING  
IS IN USE  
EMERGENCY EXIT SIGN - ILLUMINATED

\* 1/2 HOUR FIRE RES. DOOR DOORS WITH SELF-CLOSERS  
9 LITRE - WATER TYPE FIRE EXTING.  
52 KG DRY POWDER FIRE EXTING.

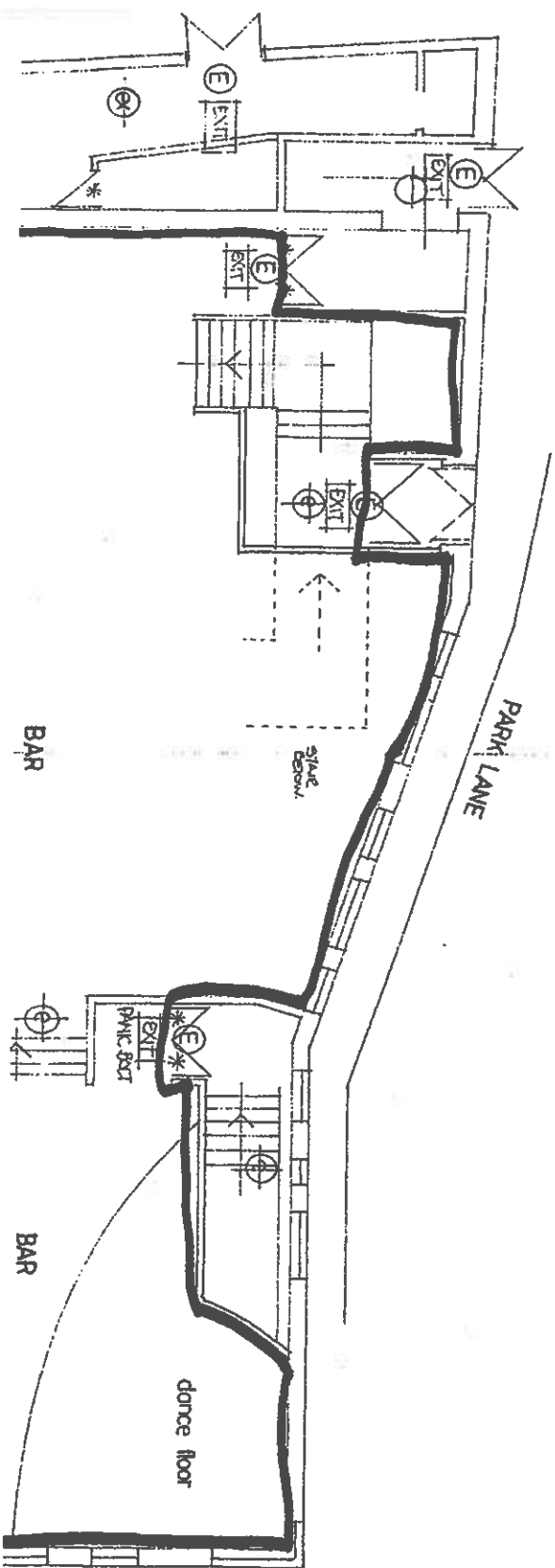
B FIRE BLANKET  
EMERGENCY LIGHT

- NOTES:
- 1 this drawing is subject to copyright
  - 2 do not scale this drawing
  - 3 all dimensions to be checked on site
  - 4 if in doubt, please ask



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This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications.  
Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.  
All dimensions are in millimetres unless noted otherwise.  
Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.



# Memorandum

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|  |                     |                                 |
|--|---------------------|---------------------------------|
| <b>To:</b>   | <b>From</b>         | : <b>Community Safety</b>       |
| <b>c.c</b>   | <b>Contact</b>      | : <b>Mr Karl Martin</b>         |
| <b>c.c.</b>  | <b>Ext</b>          | : <b>01803 208025</b>           |
| <b>c.c</b>   | <b>My Ref</b>       | : <b>1ZV SRU No: 171615/KJM</b> |
| <b>For the attention of: Licensing<br/>Steve Cox</b> | <b>Your<br/>Ref</b> | :                               |
|  | <b>Date</b>         | : <b>22 February 2012</b>       |

---

**Subject: Premises-- Licensing Act 2003**  
**Premises Name & Address: Park Lane, 1 Torwood Street, Torquay,  
Devon, TQ1 1ED**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

Please see attached report.



**Mr Karl Martin**  
Licensing and Public Protection Officer

## **Overview**

The view held by Environmental Protection is not of one of out right objection to the variation application but instead one of support if a number of conditions and a scheme of works has been agreed between Environmental Protection and the applicant so that the licensing objective the Prevention of Public Nuisance is not undermined and ensuring the application is in line Torbay Council Licensing Policy.

To date a number of meetings have been undertaken with the applicant to reach an agreement on preventing further incidents of public nuisance. Some action has been taken by the premises and licensing conditions have been agreed. However complaints continue and the premise is already subject to a noise abatement notice.

I believe that the applicant has not fully addressed our concerns at the time of writing this report and I would respectfully ask the licensing committee to consider the facts and opinions of this report when deliberating a decision on this application.

Torbay Council Licensing policy states that applications to vary the existing licence will automatically be refused if the application will contribute to existing crime and disorder or public nuisance in this area. It is proven by the way of abatement notice and continuing complaints that this premises is contributing to public nuisance and any variation to the licence will undoubtedly have a negative impact on local residents.

However a reasonable and measured scheme of works and additional licensing conditions asked for by Environmental Protection are in place to balance the rights of local residents and the needs of the business.

If the applicant completes the scheme of works, Environmental Protection will have no reason to be concerned that this premises will cause public nuisance in the future. In this case I do not object to the application.

### **Brief Description of the club**

Park Lane is a nightclub situated on the corner of Park Lane and Torward Street (see appendix 1). The club is owned and managed by the applicant Adrian Hobbs who has run the club for the last 8 years. The club is situated within the cumulative impact zone. Currently operated over 2 floors with a smoking area at the rear of the property.

The applicant requests to extend the permitted times for alcohol consumption 'on' the premises. The applicant requires the additional hours as part of plans to modernise the club and allow underage discos to take place earlier in the evenings. The modernisation is being planned in phases and is expected to take one year.

It should be mentioned when the works are completed I believe that the premises is unlikely to cause a nuisance as the works will greatly improve the noise attenuation properties of the building.

#### **Historically and current noise nuisance complaints**

The council has only received one noise complaint in the last 8 years prior to 18 months ago when the council received a complaint from a local resident. Since then another resident has lodged a complaint about noise breakout from the premises. Noise nuisance amounting to statutory nuisance was witnessed from within the home of a local resident and a noise abatement notice was served on the applicant in July 2010.

Despite the applicant undertaking some works at the premises, noise nuisance continues to disturb local residents on occasions. One of the complainants reported the noise breakout has not been a problem for many months, however recently was disturbed by noise breakout from Park Lane.

Work with the management of the club has largely resolved these issues but on occasions the noise breakout is significant to cause a problem to the complainants as mentioned above.

I believe there is inherent weakness in the noise attenuation properties of the building. Mr. Hobbs has been made aware of our views. Some work has been undertaken mainly the blanking off of a redundant ventilation vent identified as a major source of noise breakout prior to the submission of the variation application.

The buildings main noise attenuation weak spots are at the front of the building and to the side. On the Park Lane side there are a number of windows and one fire exit has been identified as a source of noise breakout.

Mr. Hobbs is in the early stages of refurbishment of the club. An outline of his proposals has been submitted with the variation applications. If the plans he has suggested are implemented the risk of this premises causing future noise nuisance could be greatly reduced.

A key consideration to consider in the application is the applicant wishing to be able to open the club earlier for regulated entertainment for the purpose of running underage discos. The belief is if the applicant has not managed to control noise breakout at this point in time, extending the times permitted for regulated entertainment will extend the time residents are exposed to noise nuisance adding to the negative impact this is already having on the lives and wellbeing.

#### **Agreements reached/enacted (at time of writing)**

##### **Completed:-**

- ✓ 'Boss' speakers removed from the front lobby.
- ✓ Agreement of additional conditions (except condition 4, negotiations continue), see appendix 2.

##### **Outstanding:-**

- Agreeing to build a temporary lobby to the main door.
- Sound boarding windows along park lane, although our views have been expressed to Mr. Hobbs this might not be enough on its own to control the noise breakout.
- Improving sound insulation properties of the fire exit on Park Lane.
- Setting noise limiters to an agreed level to prevent statutory nuisance in residents homes.
- Moving a bass bin from underneath the fire exit to its previous location.
- Time scale for refurbishment of the club.

It is felt it is important to agree, where possible, when the refurbishment work is likely to finish. As stated earlier I believe that when the refurbishment work is completed the premise is unlikely to contribute to noise nuisance in the area.

However, as this is not the case at this times I would urge the committee to consider the variation application is granted but deferred by the way of conditions until such times as the club refurbishment has been completed or the Mr. Hobbs can demonstrate the scheme of works being implemented will be effective at controlling noise nuisance.

### **Conclusion**

In the main the club has operated successful without contributing to public nuisance. Yet in the last 18 months the club has contributed to public nuisance in the area resulting in undermining the licensing objective; the prevention of public nuisance.

Recent meetings with the Mr. Hobbs has highlighted this may be due to moving of a bass bin and tweaking of the system that occurred around the time complaints first starting being received. This resulted in a noise abatement notice being served on the premises.

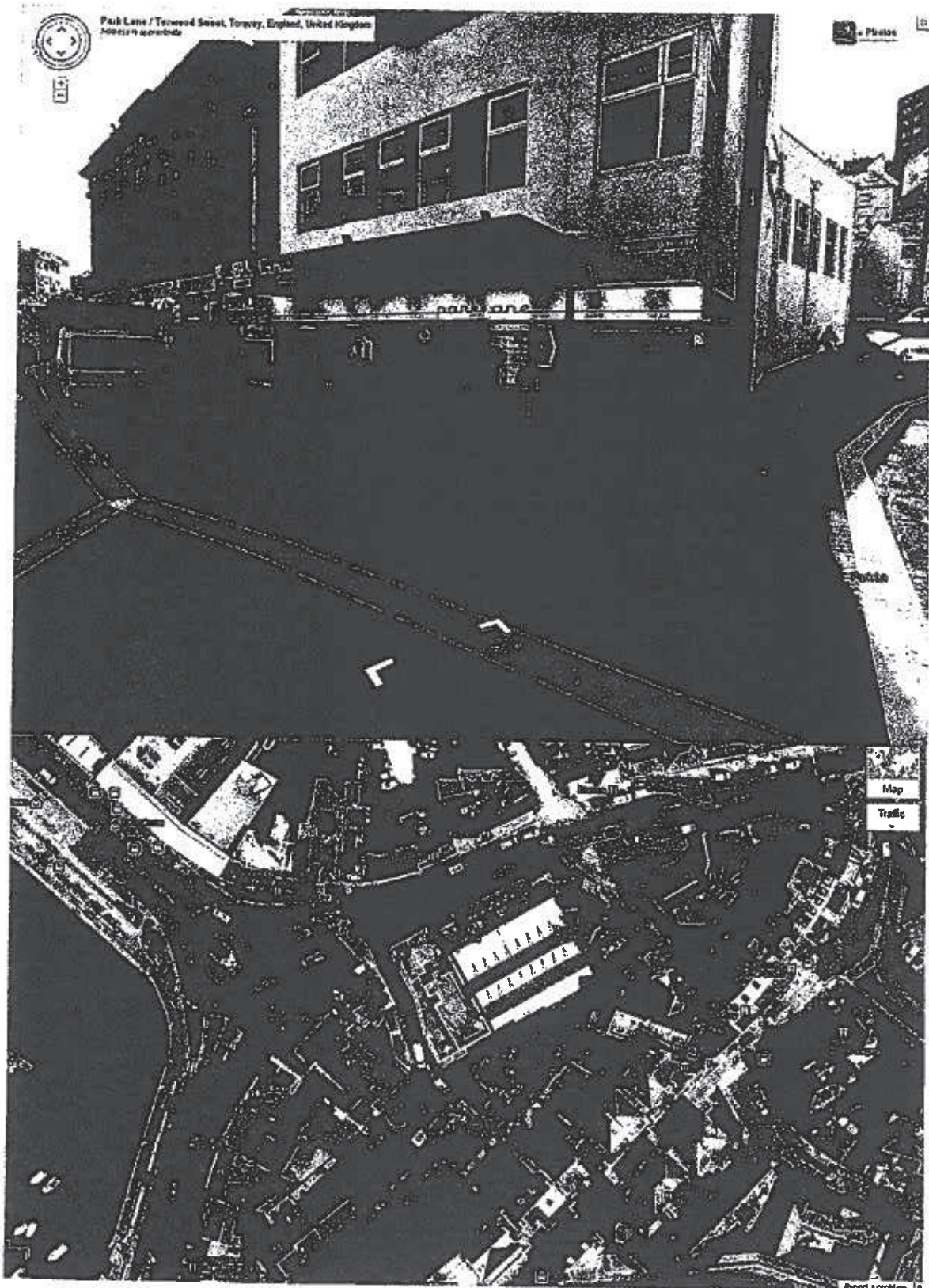
If the noise scheme of works is completed by the applicant and additional conditions complied with I so no reasonable reason to object to the variation. However, if not I do believe this variation application will add to the existing problem in this area. This view is reinforced by Torbay Council Licensing Policy that variation application should be automatically rejected if a premises in the cumulative impact zone cannot adequately demonstrate who they will manage their activities impact on the local environment.

### **Recommendations**

- The application to be granted in full if the applicant agrees in full to the conditions and scheme of works outlined in this report.
- The application to be rejected if the scheme of works is not agreed between Environmental Protection and the applicant to preserve the licensing objectives and to comply with Torbay Council Licensing Policy.



Appendix 1 – Street view and aerial view of Park Lane



Red – Park Lane Nightclub  
Green – Nearest residential properties

## Appendix 2 – Suggested additional conditions

### The Prevention of Public Nuisance

1. The variation to the existing premises licence shall not be permitted until such time that the levels of noise limiters are set and agreed between the premises licence holder or a nominated person by them and the Environmental Health Department so as not to unreasonably disturb nearby residents.
2. These levels shall be set and agreed by within 1 month of the application being granted.
3. The variation to the existing premises licence shall not be permitted until such time that the following works have been implemented to the agreement of the Environmental Health Department.
  - a. Sound boarding windows along Park Lane.
  - b. Improving sound insulation properties of the fire exit on Park Lane.
  - c. Moving a bass bin from underneath the fire exit to an agreed new location.
4. By the 31<sup>st</sup> May 2012 the Premises Licence holder shall build a temporary lobby to the specification agreed with Environmental Health Department.
5. Before any refurbishment is commenced an evaluation of any noise breakout must be undertaken and a report submitted to the Environmental Health Department. Agreement must be reached with the Environmental Health Department on the works to be undertaken to attenuate noise break out and those works must be implemented to their satisfaction.
6. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure that levels are reduced to those agreed in condition 1.
7. There shall be no exterior sited speakers or speakers in doorways and lobbies.
8. No changes to the Public Address system shall be made without prior consultation with the local Environmental Health Department; this includes moving of speakers, addition or removal of any equipment and the use of guest acts/DJ's own equipment.
9. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door staff shall take all reasonable steps to ensure that their patrons leave in a quiet manner.
10. Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
11. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.
12. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.

Dear Licensing,

Please accept this email as an objection to the above licence application being made for jam leisure ltd, park lane, 1 torwood street, torquay, devon, tq1 1ed..

The license in effect adds:

30 minutes on to Saturday night

30 minutes on to Friday night for alcohol/opening though an hour for some activities.

An hour for Sunday, Wed & Thursday nights.

And three hours Monday and Tuesday nights.

I am objecting on the following grounds:

Prevention of noise and public nuisance

Public nuisance the noise of leaving is just at a different later time, causing later disturbances when customers walk down torbay street, past queens quay for taxi's. - no provision for transport outside of the premise.

'Public nuisance' in terms of customers visiting takeaways beneath our bedroom window, who talk loudly, swear, argue and hang around.

'Noise' - the premises has many issues with noise breakout, with double glazed windows shut, black out blinds, shutters, black out curtain, thick fabric curtain, the base regularly goes through the fabric of the building (boom, boom).

I specifically refer to two current conditions, "noise or vibration shall not emanate from the premise such as to cause persons in the neighbourhood to be unreasonably disturbed" - noise

"Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave quietly and quickly as possible" - the street noise is horrendous, with road blocked off at leaving time.

Etc, etc

Whilst I believe some measures are proposed to rectify this, I do not believe the premises, given a years worth of complaints, abatement notice, more complaints takes its current operating license seriously.

Consideration should also be given to the continued development of queens quay which will take the number of residents in excess of 50 next to the venue.

The venue is in the saturation area where the CIP comes into effect, no special argument for an exception on the CIP on this application has been provided or should be considered. The CIP recognises there is a problem in the area with the number of venues.

The venue is in the middle of a residential area, and currently affects many premises, resulting in broken sleep patterns and stress.

These venues are driving me out of my home, due to the music, and noisy patrons.



MAR 2012



Dear Sir/Madam 29/3/2012

I would like to make an objection to the Application PARK LANE night club has applied for regarding the extension to opening hours. At the present time I am having problems with excessive loud music till early hours and persons leaving Park Lane when it closes using Park Lane as a place to urinate and Defecate and also using it for Drug use, and I feel this goes against the Park Lane by staying open till the early hours of the morning, it breaches the Public Order

act also I have also been told  
they intend to hold Student Nights  
I would like to point out when  
the since closed Rudd Bar  
carried out student nights  
we had a large increase of  
Both English and Foreign Student  
using Park Lane to consume  
Alcohol ingesting 97% of Both  
~~the~~ nationalities were under age  
and the language and behaviour  
was so bad One was afraid to  
ask them to leave on due to  
verbal threats. When Rudd Bar  
closed its doors the under age  
drinking ~~by~~ problem went away  
So I now feel if Park Lane is  
granted an extension all these  
problems will start up again.  
Name of Park Lane door staff

---

3

or management Better to Patal  
the close proximity of these buildings  
to help combat these forementioned  
problems and once again I strongly  
object to its extension as it  
will have an adverse effect  
on the style I wish to live as it  
is hard enough at the moment  
to go to bed say at 11pm and  
be woken up by the music and  
the chatter male and female  
shouting and screaming till 3-20pm  
and it is ~~advised~~ <sup>plain</sup> were they have  
come from and use your front  
door and steps as a public use.

