



Wednesday, 25 April 2012

LICENSING SUB-COMMITTEE

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

Thursday, 3 May 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 Parrott

Councillor Brooksbank

Working for a healthy, prosperous and happy Bay

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



LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Minutes**

To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 19 April 2012.

(Pages 1 - 3)

3. **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.)

4. **Urgent items**

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

5. **Exclusion of the Press and Public**

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

6. **Renewal of Torbay Council Issued Driver's Licence** (Pages 4 - 18)
To consider the Renewal of a Torbay Council Issued Driver's Licence.
7. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Your Local Co-Op, 18 Fore Street, St Marychurch, Torquay, TQ1 4LY** (Pages 19 - 31)
To consider an application for a Variation to a Premises Licence in respect of Your Local Co-op, 18 Fore Street, St Marychurch, Torquay TQ1 4LY.



Minutes of the Licensing Sub-Committee

19 April 2012

-: Present :-

Councillors Addis, Faulkner (A) and Parrott

638. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

639. Minutes

The Minutes of the meeting of the Sub-Committee held on 15 March 2012 was deferred as no members of the Sub-Committee from that date were present.

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

Members considered a report on an application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance' and conditions and scheme of works that should be imposed should the Variation to the Premises Licence be granted.	22 February 2012
Member of the public	Two representations in relation to Licensing Objectives 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder.'	29 March 2012

The Sub-Committee noted that the members of the public, who had submitted written Representation, had been advised the meeting was taking place and had not returned their notices to say they were attending. Members agreed to proceed in their absence.

Oral Representation was received from:

Name	Details
The Applicant	The Applicant outlined the Application, as set out in the submitted report and responded to the Representations from Public Protection, members of the public and members questions.
Public Protection	The Licensing and Public Protection Officer outlined his representation, as set out in Appendix 3 to the submitted report and responded to Representations from the Applicant and Members questions.

Additional information:

The Licensing Sub-Committee was asked to note that a Public Notice displayed in the newspaper, showing the Variations to the Premises Licence in respect of the application omitted to show the proposed changes for Saturdays, but did show changes to late night refreshments on that day.

As the published Variation Notice was incomplete, interested parties did not have full information and were unable to make Representations. Members were advised to disregard the Variation to Premises Licence for Saturday except for late night refreshments and that the proposed Variation to Premises Licence for this day would have to be submitted to the Licensing Department separately, should the Applicant still wish to apply.

A copy of the newspaper advertisement was circulated to Members.

Members also noted that a Noise Abatement Notice was served on the premises in the summer 2010.

Applicant's response to Representations:

The Applicant applied for a Variation to Premise Licence to standardise times of operations and to permit under 18's events.

The Noise Abatement Notice issued in 2010 was due to intermittent complaints. 3 additional complaints had been made since this time but the Applicant was satisfied that there was compliance, with no further complaints since the schedule of work had been undertaken.

The Applicant confirmed that he accepted the conditions as set out in Appendix 3 of the submitted report and that the scheme of works outlined by the Public Protection Department had all been completed. The completion of these works confirmed by the Licensing and Public Protection Officer in attendance and that the completed work had been inspected with the exception to a change to a fire exit and that as a result of this, amendments should be made to:

Condition 3 by removing a. b. c.

Adding an additional word to condition 5 to read;

Before further 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.

The removal of condition 7.

Decision:

That the application for a Variation to a Premises Licence in respect of Park Lane, 1 Torwood Street, Torquay, TQ1 1ED be granted as applied for, subject to the imposition of the proposed and amended conditions put forward by the Environmental Protection Department and as agreed by the Applicant.

Reasons for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Variation to the Premises Licence having been satisfied that the necessary works identified by the Environmental Protection Department have been completed in full by the Applicant.

In doing so, Members were also satisfied that the Policy in respect of the Cumulative Impact Area is adhered to, and that granting the Application will not add to Public Nuisance.

Members had particular regard to Representations made by Interested Parties and noted resolved in their belief that by the imposition of the conditions and works completed by the Applicant, these concerns would be addressed.

In concluding, Members noted the absence of any Representation by the Police and therefore were satisfied that the grant of the application would not add to crime and disorder.

Chairman

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 7



Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Your Local Co-Op, 18 Fore Street, St Marychurch, Torquay, TQ1 4LY

Wards Affected: **St Marychurch**

To: **Licensing Sub-Committee**

On: **3rd May 2012**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

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.
- 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”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm.
- 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 licensed hours for the sale of alcohol from 0600 until 2300 Monday to Sunday. This is an additional 2 hours in the morning from Monday to Saturday and an additional 4 hours in the morning and half hour in the evening on Sunday.

To open the Premises from 0600 until 2300 from Monday to Sunday. The existing licence transferred over on grandfather Rights and does not specify the opening hours.

- 2.2 The current Premises Licence is shown as 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 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 3 letters of Representation from 5 Interested Parties in relation to the Licensing Objectives "The Prevention of Public Nuisance", "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". These are shown as Appendix 3.

There have been no Representations received from any of the Responsible Authorities 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 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.

MAR 2012

Application to vary a premises licence under the Licensing Act 2003

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 Co-operative Group Food Limited

(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

Premises licence number 328

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Your Local Co-operative 18 Fore Street St Marychurch Torquay			
Post town	Devon	Post code	TQ1 4LY

Telephone number at premises (if any)	01803 328 578
Non-domestic rateable value of premises	£30750

Part 2 – Applicant details

Daytime contact telephone number	0161 827 5745		
E-mail address (optional)	licensing@co-operative.coop		
Current postal address if different from premises address	Licensing Department 5 th Floor Federation Building Dantzig Street		
Post Town	Manchester	Postcode	M60 0AF

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	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
To Change the licenced hours & opening hours of the store to 6am-11pm Monday-Sunday

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)					
Mon	06:00	23:00						
Tue	06:00	23:00						
Wed	06:00	23:00						
Thur	06:00	23:00				<u>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</u> (please read guidance note 5)		
Fri	06:00	23:00						
Sat	06:00	23:00						
Sun	06:00	23:00						

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	06:00	23:00	
Tue	06:00	23:00	
Wed	06:00	23:00	
Thur	06:00	23:00	
Fri	06:00	23:00	
Sat	06:00	23:00	
Sun	06.00	23.00	
			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 (please read guidance note 5)

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

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)

A closed circuit TV monitoring system to be installed and maintained. images recorded and retained for at least 21 days and to be handed to police/local authority on request.

b) The prevention of crime and disorder

Signage to be displayed instore that it is an offence for people aged under 18 to purchase alcohol.

Store fitted with a panic button for staff to press in cases of emergency

Store fitted with a burglar alarm.

c) Public safety

To meet the requirements of the Fire Safety Order 2005

d) The prevention of public nuisance

no deliveries to take place between the hours of 2300 and 0600 the following day.

e) The protection of children from harm

all staff are trained in relation to underage related sales of alcohol. proof of age scheme in place.


"Challenge 25" scheme in place and notices of this prominently displayed within the store

electronic till prompt when alcohol is scanned to remind staff to check the age of the purchaser

"Age Refusals Register" refusals book kept to record where sales of alcohol are challenged or

Licensing Act 2003
Premises Licence

328

LOCAL AUTHORITY	
	Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
Your Local Co-Op 18 Fore Street, St Marychurch, Torquay, Devon, TQ1 4LY.	Telephone 01803 328578

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	5:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
	Not Applicable:		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Co-operative Group Food Ltd licensing@co-operative.coop	New Century House, Manchester, M60 4ES. Telephone 0161 827 5745

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)
Co-operative Group Food Ltd 26715R



Licensing Act 2003
Premises Licence

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

Leanne HIRST

7 Earlswood Drive, Heritage Park, Paignton, Devon, TQ3 3GR.

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. PA0503

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
3 January 2012



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 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.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

None

ANNEXE 3

None

ANNEXE 4

PLANS

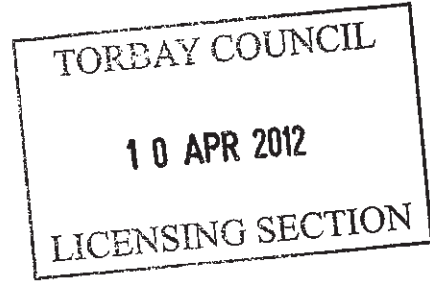
Copy attached to Licence.

Agenda Item 7

The HEAD of
LICENSE AND PUBLIC PROTECTION DEPARTMENT

Roebuck House
Abbey Road
Torquay
Devon
TQ2 5DP

173681



Sunday, 08 April 2012

Dear Sir

OBJECTIONS TO THE APPLICATION TO EXTEND LICENSING HOURS OF SELLING

Ref CO-OP 18 FORE STREET, ST. MARYCHURCH, TORQUAY, DEVON

Dear Sir

We, and a lot of the residents that have lived in the area for more than 40 years, have seen lots of changes in the area, there is absolutely no need for Co-op's license to be increased AM OR PM

WE STRONGLY OBJECT TO ANY INCREASE OF LICENSING OR OPENING HOURS WHETHER IT IS AM OR PM

We understand that our objection has to meet with one or more of these objectives, in our comments below we think we meet with all of the objectives

- No 1 Prevention of Crime and Disorder
- No 2 Protection of Children from Harm
- No 3 Public Safety
- No 4 Prevention of Public Nuisance

Allowing these hours of selling alcohol will increase the groups of people and Drunks that will hang around the shop, which is already happening outside the Co-op in Reddenhill Road, the Co-op in St.Marychurch and Tesco's on the Babbacombe Road this in turn will increase violence, offences, damage and abuse to the community; and the security of our homes will be compromised.

The increase of people and groups of this sort will increase crime and public disorder as it has done with the other premises of this nature

On many separate occasions myself, my father, and my partner have all been asked by under aged youths to buy alcohol and Cigarettes, outside the Co-op in Babbacombe and the Co-op in St.Marychurch, and have seen others members of the public being asked outside of Tesco's, the youths of today do not like to be told NO, this is what will happen even more than it does now at the above named site, and our safety in our homes will be compromised

We very rarely, if ever pass the Co-op in Babbacombe and St.Maryschurch and the Tesco store on the Babbacombe Road, and do not see Teenagers, Drunks, or people begging for money hanging around the outside of the shops

Babbacombe Downs has had a problem with youngsters and alcohol for several years taking up a lot of police time; this again will make things worse, putting further strain on our police force

If the Co-op is allowed an even earlier opening and later closing time it would have an even more detrimental effect on our lives and the environment

There is absolutely no sensible reason that alcohol needs to be sold so early or late in the evening

Yours sincerely

From

We received 3
copies of this letter
with 5 names.