



Tuesday, 1 May 2012

## LICENSING SUB-COMMITTEE

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

**Thursday, 10 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 Pentney  
Councillor Butt

Councillor Doggett

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**Our vision is for a cleaner, safer, prosperous 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: [democratic.services@torbay.gov.uk](mailto:democratic.services@torbay.gov.uk)



# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Minutes** (Pages 1 - 5)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 15 March 2012.
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. **Licensing Act 2003 – An application for a Premises Licence – MV Western Lady VII Passenger Vessel, operating out of Torquay** (Pages 6 - 28)  
To consider an application for a Premises Licence in respect of MV Western Lady VII Passenger Vessel, operating out of Torquay.



## Minutes of the Licensing Sub-Committee

15 March 2012

-: Present :-

Councillors Bent, Butt and Pentney

### 615. Election of Chairman/woman

Councillor Butt was elected as Chairman for the meeting.

### 616. 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.

### 617. 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.' Additional e-mail to support what would have been said if able to attend the Meeting.	25 Jan 2012  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 Trens, 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 5



Briefing Report No: Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence – MV Western Lady VII Passenger Vessel, operating out of Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **10<sup>th</sup> May 2012**

Contact Officer: **Mandy Guy**  
Telephone: **01803 208124**  
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 new 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 Objective “The Protection of Children from Harm”.
- 1.5 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
  - (a) to grant the licence subject to
    - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;(Such conditions may differ in respect of different parts of the Premises and/or different activities).
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the Premises Supervisor;
  - (d) to reject the application.



- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

## **2. Introduction**

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:

To permit Plays, Films, Live Music; Recorded Music; Performances of Dance, Provision of Facilities for making Music and the Provision of Facilities for Dancing from 09.00 until 23.30 seven days a week.

To permit the Supply of Alcohol from 09.00 until 23.30 seven days a week.

To provide Late Night Refreshment from 23.00 until 23.30 seven days a week.

To be open to the public from 09.00 until 23.30 seven days a week.

A copy of the plan of the Premises is shown as Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from Torbay Safeguarding Children Board in relation to the Licensing Objective "The Protection of Children from Harm". This is shown as Appendix 3.

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

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 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.

- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
    - (i) to impose conditions on the licence, or
    - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
  - (b) Any person who made a relevant Representation who desires to contend
    - (i) that the licence ought not to have been granted, or
    - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.
- 2.7 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 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representation from Torbay Safeguarding Children Board.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton or Brixham and Torquay, Paignton, Churston or 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:

Torbay Council Licensing Policy 2011.



**Application for a Premises Licence to be granted  
under the Licensing Act 2003**

**FORM B**

**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 DARTMOUTH RIVER BOAT CO LTD (Also trading as: DART PLEASURE CRAFT LTD)  
*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description M.V.WESTERN LADY VII (PASSENGER VESSEL OPERATING OUT OF TORQUAY)			
Post town		Post code	
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£0	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

Please give a general description of the premises (please read guidance note1)  
CLASS V/VI DOMESTIC PASSENGER VESSEL LICENSED BY THE MARITIME &  
COASTGUARD AGENCY

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick yes

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

**Provision of entertainment facilities:**

- |   |                                     |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I)   | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/>            |

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

**Supply of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input type="checkbox"/>		
				Outdoors <input type="checkbox"/>		
				Both <input checked="" type="checkbox"/>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon	09.00	23.30				
Tue	09.00	23.30				
Wed	09.00	23.30			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Thur	09.00	23.30				
Fri	09.00	23.30	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat	09.00	23.30				
Sun	09.00	23.30				

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	09.00	23.30			
Tue	09.00	23.30			
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed	09.00	23.30			
Thur	09.00	23.30			
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	09.00	23.30			
Sat	09.00	23.30			
Sun	09.00	23.30			

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	09.00	23.30			
Tue	09.00	23.30			
Wed	09.00	23.30	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur	09.00	23.30			
Fri	09.00	23.30			
Sat	09.00	23.30			
Sun	09.00	23.30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	09.00	23.30			
Wed	09.00	23.30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	09.00	23.30			
Fri	09.00	23.30	<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) ON NEW YEAR'S EVE THE PLAYING OF RECORDED MUSIC EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)		
Sat	09.00	23.30			
Sun	09.00	23.30			



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	09.00	23.30			
Tue	09.00	23.30			
Wed	09.00	23.30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	09.00	23.30			
Fri	09.00	23.30	<u>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</u> (please read guidance note 5) ON NEW YEAR'S EVE THE PERFORMANCE OF DANCE EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)		
Sat	09.00	23.30			
Sun	09.00	23.30			

1

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Mon	09.00	23.30		
Tue	09.00	23.30		
Wed	09.00	23.30		
Thur	09.00	23.30		
Fri	09.00	23.30		
Sat	09.00	23.30		
Sun	09.00	23.30		
			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
			<b><u>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</u></b> (please read guidance note 5) ON NEW YEAR'S EVE PROVISION OF FACILITIES FOR MAKING MUSIC TO BE EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)	

J

<b>Provision of facilities for dancing</b> 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 type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	09.00	23.30		
Tue	09.00	23.30	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)	
Wed	09.00	23.30		
Thur	09.00	23.30	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5) ON NEW YEAR'S EVE PROVISION OF FACILITIES FOR DANCING TO BE EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)	
Fri	09.00	23.30		
Sat	09.00	23.30		
Sun	09.00	23.30		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	23.30	<b>Please give further details here</b> (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	09.00	23.30			
Wed	09.00	23.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	09.00	23.30			
Fri	09.00	23.30	<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</b> (please read guidance note 5) ON NEW YEAR'S EVE PROVISION OF FACILITIES FOR LATE NIGHT REFRESHMENT TO BE EXTENDED BY 30 MINUTES (23.30 TO MIDNIGHT)		
Sat	09.00	23.30			
Sun	09.00	23.30			

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon	09.00	23.30		
Tue	09.00	23.30		
Wed	09.00	23.30		
Thur	09.00	23.30		
Fri	09.00	23.30		
Sat	09.00	23.30		
Sun	09.00	23.30		
			<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</b> (please read guidance note 5) ON NEW YEAR'S EVE HOURS OF SALE FOR ALCOHOL TO BE EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

<b>Name</b>

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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	23.30	
Tue	09.00	23.30	
Wed	09.00	23.30	
Thur	09.00	23.30	
Fri	09.00	23.30	
Sat	09.00	23.30	
Sun	09.00	23.30	

**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)

ON NEW YEAR'S EVE OPENING HOURS TO BE EXTENDED BY 30 MINUTES (09.00 TO MIDNIGHT)

**P** Describe the steps you intend to take to promote the four licensing objectives:

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

The sale of alcohol must only take place under the careful supervision of a Personal Licence holder on board each vessel, under the general supervision of the Designated Premises Supervisor ashore.

All vessels must be manned by Personnel who have received training as directed by the Maritime Coastguard Agency (MCA) for the safety and security of passengers on board a Domestic Passenger Vessel.

All Boat Masters of vessels must be fully certified by the MCA; they must conduct their vessel in accordance with International Rules for Prevention of Collisions at Sea, in accordance with ~~Torquay~~ Brixham Harbour Byelaws and with existing Safety Management codes on board, approved and regularly audited by the MCA.

Alcohol sales, alcohol consumption or regulated entertainment must not take place on board the vessel whilst secured alongside at ~~Torquay~~ or Brixham unless severe weather conditions make it unsafe to get under way. In such circumstances, but only with pre-booked charter groups on board, the duration of the charter would take place secured alongside with alcohol sales, consumption and regulated entertainment allowed. There must never be more than two vessels engaged in such activity at any one time.

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

**MCA Approved Gangway Supervisors**

Crew members must be trained to MCA specification supervise the embarking and disembarking of patrons and they are clearly identifiable by their uniform.

**Bottles and Glasses**

Alcoholic drinks must only be consumed out of toughened glasses within the zones indicated on the plan of the vessel. Wine and champagne bottles may be taken from the bar to tables within the alcohol consumption zone

Customers must not be permitted to take open containers of alcoholic or soft drinks from the premises.

Customers carrying open or sealed bottles or glasses must not be permitted to the premises except where a party organiser is providing their own wine and has agreed corkage charges in advance.

All bottles and glasses must be removed from public areas as soon as they are finished with or empty.

**Radios**

Crews on board all Dart Pleasure Craft vessel must be able to contact Marie Rescue Sub Centre (MRSC) Brixham by VHF marine radio in the event of any emergency.

There is an existing Search & Rescue Cooperation plan between Dart Pleasure Craft Ltd and MRSC Brixham.

### Capacity Limits

All vessels must have passenger capacity limits and associated crew requirements which are specified by the MCA and must be strictly adhered to.

### Proof of Age

Where the age of a customer is in doubt, proof of age must be required before alcohol sale takes place.

### Drinks Promotions

Drinks promotions must not be permitted.

### Drugs

Dart Pleasure Craft Ltd has a zero drug tolerance policy on board all company vessels.

A secure facility to store controlled drugs such as paracetamol must be available on board.

### Notices

Crime Prevention notices must be on board warning customers of the prevalence of Crime which may target them, eg "bags should not be left unattended"

A detailed "customer code of conduct" poster must be displayed warning customers that if they act in an inappropriate manner, they could be barred from all company vessels.

### General

Policy for management of large groups: - A group must be required to nominate a responsible person to liaise with staff on board

Incident logs must be kept on all company vessels for the official recording of any public disorder in accordance with the Safety Management Code.

## c) Public safety

### Workplace Regulations (for premises where persons are employed)

Fire Safety Measures - All Dart Pleasure Craft Vessels must be subjected to annual material examination by MCA surveyors, which include the testing of installed fire-fighting and fire alarm systems and the verification that portable fire-fighting equipment carried complies with passenger certificate specifications.

MCA surveyors must examine the Safety Management Code (containing full emergency procedures) twice per year and issue a Safety Management Certificate for each vessel. The maintenance, re-charging and certification of portable fire-fighting equipment must be carried out and an annual certificate must be issued.

### Electrical System

All Dart Pleasure Craft vessels must be surveyed ashore and afloat annually by MCA surveyors. The examination must include the installed electrical systems which must comply with Merchant Shipping Safety Specifications. Temporary installations on board must also be



included with the exception of contract discotheques.

#### Drinking water

Free drinking water must be available on board every vessel, laboratory tested annually as fit for human consumption.

#### Occupancy Figures

The maximum numbers permitted to be carried on board company vessels must be adhered to as specified in the Passenger Certificate. Actual numbers embarking are recorded by gangway staff and a record must be kept on board and ashore for every trip made.

#### Disabled People

Disabled customers must be welcome on board Dart Pleasure Craft vessels, but for safe access a small degree of mobility is required by everyone.

Owing to the design of the jetty and the vessel, people who use wheelchairs must be able to walk (assisted if necessary) for just a few steps for access at the boarding gates, since crews cannot lift occupied wheelchairs. Each wheelchair must be accompanied by an attendant to help the occupant in the event of an emergency on board. Motorised wheelchairs are not permitted on board, since their size obstructs the safe movement of passengers. The total number of wheelchairs permitted to be carried at the discretion of the Master of the vessel.

#### Sanitary Accommodation

Toilet facilities must be available.

#### Air management

All vessels must have sufficient natural air ventilation/circulation for passenger comfort. Noise pollution must be controlled by the Master to comply with Torquay Harbour notices which clearly specify the geographical zones in the Torbay area where silence must be observed after certain times. This compliance must be achieved by close liaison between the Master and the band/disco operator and by way of a wheelhouse over-ride switch to the music amplifier power outlet. Ventilation must not be comprised in the interests of prevention noise break out.

#### Special Effects

Special effects must not be used unless full safety controls are in place with consideration of guidance from the Environmental Health Department.

Lasers must not be permitted.

#### First Aid

Dart Pleasure Craft Ltd must ensure that all times, that there are adequate first aid arrangements. All Boat Master and the majority or crew members must be qualified in-date first aiders.

An adequate and appropriate supply of First Aid equipment and materials must be available for the use of patrons. MCA scale is one type-approved First Aid box per 100 people or part thereof carried.

Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures must be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable disease.

#### Gangways, Exit routes & Steps

Gangways, exit routes and steps must be maintained in good order with non-slip and even surfaces. Edges of steps and stairways must be conspicuously marked.

#### Staff/Stewards

Sufficient numbers of staff who are suitably trained must be provided on the premises as specified on the passenger Certificate.

All staff must receive suitable training regarding action to take in an emergency and in general safety precautions.

Vessels must be checked daily by Masters and crews as part of start-up checks.

#### Glasses and Bottles

The provision of plastic glasses and bottles must be reviewed depending on the type of entertainment provided and the number of behaviour of patrons attending.

Regular glass and bottle collection must be undertaken throughout opening hours.

#### Addressing Patrons

A Public Address System must be used to address patrons during operating hours.

#### Queue Management

Barriers must be installed on access pontoons for queue safety and control.  
All vessels are fitted with MCA approved guard-rails to prevent patrons falling.

#### Noise

Patrons must not be exposed to excessive noise.

#### Fire Safety (checklist)

All doors must be easily openable without the use of a key, card, code or similar means and must be available for egress while the public are on the premises.

Means of escape must be maintained, unobstructed immediately available and clearly identifiable.

Exit doors must be regularly checked to ensure they function satisfactorily

Any removable security fastenings must be removed whenever the premises are open to the public or staff.

All fire doors must be maintained effectively self-closing and must not be held open than by

approved devices.

Step, sill and stair edges must be highlighted so as to be conspicuous.

All gangways, exit ways and treads of steps or stairways must be maintained with non-slippery and even surfaces

All floor coverings must be secured and maintained so that they will not ruck. Mats must be fitted into matwells so as to be flush within the floor surface.

Hangings, curtains and temporary decorations must be maintained in a flame retardant condition

Upholstered seating to be fire retardant and compliant with current fire safety regulations

Curtains, hangings and temporary decorations must not obstruct exits, fire safety signs or fire-fighting equipment

Notices detailing the actions to be taken in the event of the fire or other emergency must be prominently displayed and maintained in good condition. A safety and emergency briefing is given by the Master over the PA system on sailing.

Access to the closest point of road approach to the alongside berth in *Torquay* and at *Brixham* must be available for emergency vehicles.

Fire drill and emergency lighting tests must be conducted monthly in accordance with MCA requirements. Records of these tests must be made available to the Licensing Authority upon request. The Emergency Procedures training Log must be held in the wheelhouse part of the Safety Management Code.

All fire exits and means of escape must have signs in accordance with BS5499

An evacuation policy must be in place that is to the satisfaction of the Fire Authority. All staff members must be trained in the evacuation policy.

Wall and ceiling finishes must be fire resistant.

Exit doors on vessels generally open outwards.

#### d) The prevention of public nuisance

##### Noise

Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed as directed by *Torquay* Harbour byelaws.

Noise levels must be positively controlled by Boat Masters in order to comply with *Torquay* Harbour byelaws covering noise pollution without compromising ships ventilation.

A PA announcement must be made by the Boat Master before patrons disembark requesting that noise/disturbance is avoided.

Staff must be positioned at gangways when patrons disembark to ensure noise is minimised.

The Master must assess the impact of noisy activities on neighbouring residential premises to

the Vessels' geographical position and take appropriate action to prevent public nuisance.

#### Delivery/Collection/Storage Activities

The delivery of goods must be restricted to between 09:00 hours and 17:00 hours.

The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance.

Bottle skips and bins containing cans or bottles must not be emptied outside after closing, but must be dealt with the next day during normal office hours.

The movement of bins and rubbish outside the premises must be kept to a minimum. Rubbish brought ashore by hand, at the end of a charter must be placed in skips provided on the jetty.

#### Control of Litter

All the rubbish produced by the vessels must be stored securely in a designated area or bin with a tight fitting and lockable lid.

#### Control of Light Pollution

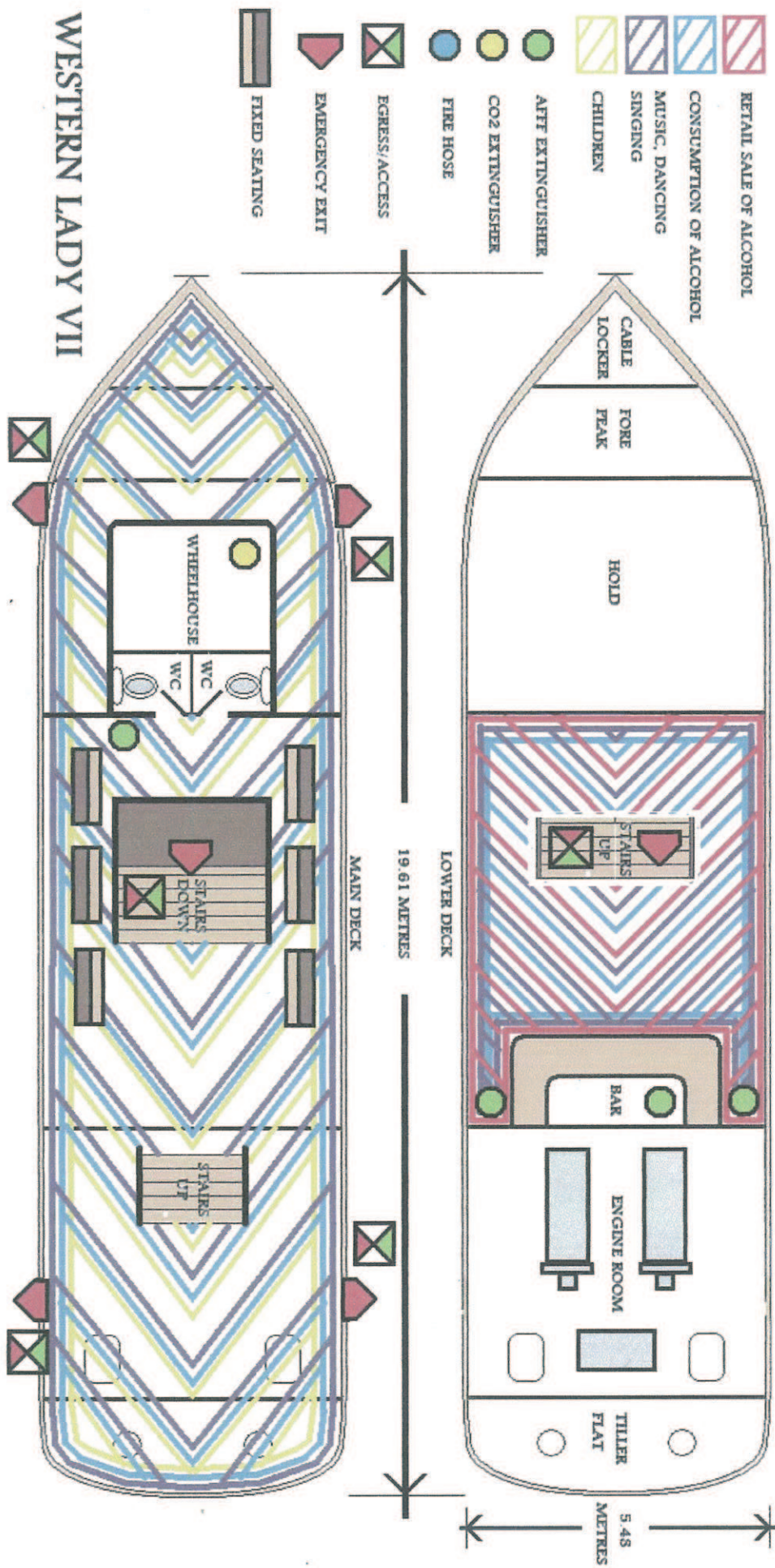
External lighting on board the vessel must comply with the internal regulations for the prevention of collisions at sea. Domestic lighting must be switched off by 0100 when crews have cleaned the vessel after an evening charter.

Flashing or bright lights must only be placed in positions that do not cause a nuisance to residents on the *harbourside*, people on board private vessels at marinas or other *harbour* users.

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

There are no age restrictions on board Dart Pleasure Craft vessels a proof of age policy must be in effect at the bar for the sale of alcohol.

Events which include nudity or striptease must not be permitted on board the vessel.



## Memorandum

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<b>To:</b> Licensing Team	<b>From</b> :	<b>Torbay Safeguarding Children Board</b>
<b>c.c</b>	<b>Contact</b> :	Lisa Jennings
<b>c.c.</b>	<b>Ext</b> :	208583
<b>c.c</b>	<b>My Ref</b> :	
<b>For the attention of: Licensing</b>	<b>Your Ref</b> :	
	<b>Date</b> :	12 April 2012

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**Subject: Application for New Premises Licence– Licensing Act 2003**

**Premises Name and Address: DARTMOUTH RIVER BOAT CO, MV WESTERN LADY VII, DARTMOUTH, TQ6 0AA**

- 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 nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

The application lacks suitable conditions to protect children from harm. In order to ensure the safety of children I would like to see the following conditions included:

- No children under the age of 16 shall be allowed on the vessel without a parent or responsible adult (18 years old or over)
- A proof of age policy for any customer purchasing alcohol who looks under 21 years of age.
- No further alcohol shall be served to anyone deemed to be intoxicated

I have spoken to Ian Campbell at the Dartmouth River Boat Company who has confirmed that the company would be happy to include the above conditions on their licence.

Signed: 

Date: 12 April 2012