



Wednesday, 10 October 2012

## LICENSING SUB-COMMITTEE

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

**Thursday, 18 October 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 Stocks

Councillor Brooksbank

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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:

**Anne Mulholland, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

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** (Pages 1 - 6)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 16 August 2012, 23 August 2012 and 20 September 2012.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary 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 Governance Support 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 Premises Licence – Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW** (Pages 7 - 26)  
To consider an application for a Premises Licence – Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW.
7. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH** (Pages 27 - 46)  
To consider an application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH.



## Minutes of the Licensing Sub-Committee

16 August 2012

-: Present :-

Councillors Addis, Parrott and Brooksbank

### 11. Election of Chairman

Councillor Addis was elected as Chairman for the meeting.

### 12. Minutes

The Minutes of the meeting of the Sub-Committee held on 22 June 2012 were confirmed as a correct record and signed by the Chairman.

### 13. Licensing Act 2003 – An application for a Premises Licence – McDonalds Restaurant, Yalberton Road, Paignton

Members considered a report on an application for a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Members of the Public	Two Representations received in respect of the Licensing Objective 'The Prevention of Public Nuisance'.	3 July 2012 6 July 2012

The Licensing Sub-Committee noted that Notices had been returned by two members of the public. One member of the public subsequently advised that he was unable to attend. Members agreed it was in the public interest to continue with the hearing.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined his application, as set out in the submitted documents and responded to Members questions.
Member of the Public	A Member of the Public highlighted his concerns in respect of the Application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton be granted as applied for.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members noted the concerns of the Interested Parties. In doing so, they were satisfied by the oral Representation of the Applicant which demonstrated his responsive and responsible attitude in managing these premises and his intentions to address historic and future instances which may arise. In addition, Members noted that there were no Representations made by either the Police or Environment Protection and that the Applicant had a record of working closely with the Police and Local Community to address issues as they arose.

#### **14. Gambling Act 2005 – Two applications for the Variation of a Licensed Premises Gaming Machine Permits**

Members considered a report on an application for a Variation to a Licensed Premises Gaming Machine Permit for two premises, namely the Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, Torquay and The London Inn, 15-16 The Strand, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Torbay Children Safeguarding Board	Representation which outlined the use of five particular operating systems	7 August 2012

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined his application, as set out in the submitted documents and responded to Members questions.

Decision:

That the application for a Variation of a Licensed Premises Gaming Machine Permit for two premises, namely the Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, Torquay and the London Inn, 15-16 The Strand, Torquay be granted as applied for.

Reason for Decision:

Having carefully considered the application and the written Representation by the Torbay Safeguarding Children Board, Members resolved to grant the licence having

being reassured by the Applicant's oral Representation and the Licensing Authority's high confidence in the management of both the Green Ginger, The London Inn and JD Wetherspoon as a company. In addition, confirmation was given of compliance with the Code of Practice, following Officers visits and meetings with the management.

Chairman

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## Minutes of the Licensing Sub-Committee

23 August 2012

-: Present :-

Councillors Addis, Pentney and Bent

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### 15. Election of Chairman

Councillor Pete Addis was elected as Chairman for the meeting.

### 16. Taxi Driver Report

Members considered a report on the suspension of a Hackney Carriage Driver whose Medical Certificate expired on 9 July 2012.

Written Representations received from:

Name	Details	Date of Representation
Licensing Authority	Letter requesting the submission of an updated medical certificate.	11 July 2012
	Letter regarding the suspension of Torbay Council Issued Drivers Licence due to an updated medical certificate not being received.	26 July 2012
	Letter informing the Driver of the Licensing Committee hearing date and enclosing the Report.	13 August 2012

Oral Representations received from:

Name	Details
Licensing Authority	Senior Licensing Officer outlined the matter, as set out in the Committee Report and responded to Members questions.

The Licensing Sub-Committee noted that the Hackney Carriage Driver had not exercised his right to be present at the hearing and agreed it was in the public interest to continue with the meeting.

## Decision:

That Mr Orwell's Hackney Carriage Driver's Licence be revoked, as in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 because Members could not be satisfied that he remained a fit and proper person to hold such a licence. In addition Members of the Sub-Committee resolved that this revocation shall have immediate effect in the interest of public safety, as in accordance with 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

## Reason for Decision:

Having carefully considered the Licensing Sub-Committee report and the attached appendices, Members resolved that Mr Orwell had been given sufficient opportunity to provide the necessary Medical Certificate, having been advised in writing on two separate occasions and during a telephone conversation with an Officer of the Council of the need to provide such a certificate in order to remain a licensed driver. Despite this, Members noted to date that Mr Orwell has still not provided this certificate.

In addition Members were concerned that having implied to the Council's Licensing Department that he was no longer living at the address he had provided to the Council, Mr Orwell when asked was not prepared to give an alternative address to Officer's. Members noted that as in accordance with Section 2, Part C, point 7 of the Council's Hackney Carriage & Private Hire Drivers Handbook, this was a requirement to do so.

In concluding Members noted that Mr Orwell had not taken the opportunity to appear before them to explain his circumstances and therefore felt that they were left with no option but to revoke his driver's licence to ensure public safety.

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Chairman



## Minutes of the Licensing Sub-Committee

20 September 2012

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**17. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of The Yacht, 18-19 Victoria Parade, Torquay TQ1 2BB**

Members were advised by the Senior Licensing Officer that the Application for a Variation to a Premises Licence in respect of the Yacht, 18-19 Victoria Parade, Torquay TQ1 2BB had been withdrawn. The Chairman agreed that the Committee did not need to proceed.





Briefing Report Public Agenda Item: Yes  
No:

Title: Licensing Act 2003 – An application for a Premises Licence –  
Minerva Hotel, 3 Adelphi Road, Paignton TQ4 6AW

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee** **18<sup>th</sup> October 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 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.4 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.
- 1.5 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 supply alcohol on the premises from 1800 until midnight seven days a week.

To be open to the public from 1800 until 0030 seven days a week. The hotel will be open to residents 24 hours a day.

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 relevant Representations have been received from a Responsible Authority and Interested Parties. The Licensing Authority is also satisfied that the Representations have been 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 relating to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

We have received 7 letters of Representation from members of the public, with 12 signatures, relating to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". This is shown as Appendix 4.

There have been no other Representations received from any other Interested Party or any 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 Public Protection.

Appendix 4 Representations from Interested Parties, 7 letters with 12 signatures.

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.

# Agenda Item 6

## Appendix 1



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 Edward Lee

(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			
Minerva Hotel Adelphi Road			
Post town	Paignton	Post code	TQ4 6AW
Telephone number at premises (if any)	01803 556421		
Non-domestic rateable value of premises	£ 4700		

### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

Please give a general description of the premises (please read guidance note1)

Hotel with 10 bedrooms + dining room.

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

N/A
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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 type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input 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 type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input 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 type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input 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**

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"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	18.00	24.00			
Tue	18.00	24.00			
Wed	18.00	24.00			
Thur	18.00	24.00			
Fri	18.00	24.00			
Sat	18.00	24.00			
Sun	18.00	22.00			
			<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)		

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

Name	Edward Lee
Address	Minerva Hotel Adelphi Road Paignton Devon
Postcode	TQ4 6AW
Personal Licence number (if known)	BAS/PM 000699
Issuing licensing authority (if known)	Basildon Council

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)

N/A

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	18.00	00.30	<p><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)</p> <p>The hotel is open 24 hours for residents.</p> <p>The timings on the left are for non-residents.</p>
Tue	18.00	00.30	
Wed	18.00	00.30	
Thur	18.00	00.30	
Fri	18.00	00.30	
Sat	18.00	00.30	
Sun	18.00	22.30	

**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)**

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

The outside of the property will have CCTV + sensor lighting to prevent outside disturbance.  
Drunk or disorderly persons will not be admitted

**c) Public safety**

A first aid box will be provided.  
An accident book will be kept + maintained at the premises.  
Emergency exits will be kept unobstructed.  
Smoke + heat alarms will be installed + checked.  
Fire blankets + extinguishers will be in place.

**d) The prevention of public nuisance**

As extractor system is installed in the kitchen.  
Refuse will be stored in lockable bins + collected weekly by a contractor.  
Waste oil will be disposed of by a reputable company

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

We will adopt the challenge 21 scheme.  
All staff will be trained + will sign the policy.  
Children will only be admitted if accompanied by parents/guardians.



# Memorandum

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To:	From :	Community Safety
c.c	Contact :	Mr Karl Martin
c.c.	Ext :	01803 208025
c.c	My Ref :	1ZV SRU No: 180209/KJM
For the attention of: Licensing Steve Cox	Your Ref Date :	  20 September 2012

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**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Minerva Hotel, , 3 Adelphi Road,  
Paignton, Devon, TQ4 6AW**

- 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

I wish to object to the above named application as I do not believe the application supports the licensing objective 'Prevention of Public Nuisance'.

The Minerva guest house is flanked by residential flats next door and surrounded by B&B's, Guest Houses and small hotels. The street can be regarded as a mixed residential area as it predominately provides sleeping accommodation for visitors.

Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

*'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'* **Licensing Statement of Principles, Torbay Council, 2011, p37-38.**

The applicant has not convinced me the application has considered Torbay council Licensing Statement of Principles sec 3.3. This is evident by the lack of clarity in how the applicant is going to control noise nuisance arising from the proposed activities being

applied for. These concerns are also echoed in representations made by local residents. Specifically the applicant has failed to address the following points:

1. No clarity on the how the front of the building is going to be used. Is this the smoking area? How will noise from patrons using this area be managed? Will be patrons be allowed to consume alcohol in this area until midnight 7 days a week.
2. No consideration given to taxi arrangements or people arriving and leaving the premises.
3. No details provided for parking arrangements.
4. Has the applicant considered the neighbours and character of the surrounding area?
5. The operating schedule states an extractor system is to be installed but does not mention to what specification. How will the operator ensure the extractor does not cause a smell or noise nuisance, no mention of maintenance schedules?
6. The operating schedule refers to to waste storage but does not offer any detail. When will bottles be emptied?

This applicant in making this application has not considered how the premises will impact on the local community and therefore I have concluded this application does not promote the licensing objective 'The prevention of public nuisance'. In accordance I recommend the Licensing Sub-Committee give their due consideration to the following recommendations:

1. Refuse the application on the grounds the application does not promote the licensing objective 'The prevention of public nuisance' in accordance with Licensing statement of principles.

Alternatively:

2. Reduce supply of alcohol to non-guest from 6:00 p.m. 11:00 p.m. Sunday-Friday and Saturday from 10:00 a.m. to 11:00 p.m.
3. Attached necessary and/or appropriate conditions to the license to address concerns of the local community and Environmental Protection.

**Mr Karl Martin**  
Public Protection Officer

180209

UP ACKNOWLEDGED

JAC

19th Sept 12.

Dear Carrie Carter - Licensing Enforcement Office

Re - Minerva Hotel App No. 029707

We have lived & run [REDACTED] on Adelphi Road for the last 10 years - it is a lovely quiet road and we were amazed that against all the opposition planning was given for a steak house 25 yds from our premises.

We are under the impression that a late night license has now been applied for which will have a detrimental effect on our business. As some of our bedrooms front onto Adelphi road we fear that our guests will be kept awake by the noise of people coming and going late at night also the noise created by people stood outside on the smoking area because as we all know the more people drink the louder they become.

Adelphi road is a mixture of residential homes with a few B&Bs & self catering

properties. We know from bitter experience  
Re - The factory which is 60yds away across  
on Torbay road how much noise people make  
when they have had a drink.

The noise, antisocial behaviour and  
public nuisance which this would create  
if this application was successful would be  
detrimental to our business and living standards  
as it is so close to our homes.

Yours faithfully

A large, dark, irregularly shaped redaction covering the signature area, consisting of two horizontal smudges.

(1 signature)

TOWN COUNCIL E.N. & P. DIVISION			
24 SEP 2012			
OFFICER	REPLY	FILE NO	DOC NO

Dear Sir/Madam.

Ref. Alcohol/Drinks Licence till midnight  
FOR. NIVAGVA HOTEL, ADLERPHI  
ROAD. TQ4 6AW.

As you can see we are about  
[redacted] from the hotel / steak house  
who want a licence for Alcohol  
till midnight, when it opens so  
I'm sure it will! even with all  
the protest by the near residents  
who will all have to suffer the  
noise, parking problems, music  
and the ever present cooking  
smells, delivery vans blocking  
out access etc.

In respect of such as us  
& the elderly who live adjacent  
to this venture can you either

say no to a drinks licence  
or at least not allow it to  
go on after 10-30pm this  
would still mean people will  
be leaving 11-30pm cars  
starting up and people shouting  
and merry. we already have  
the rugby club at weekends  
across the road but to have  
to put up with it everynight  
would be unbearable.

We have lived here for 30yrs  
and are now in our 80's I  
never thought that in a private  
road you would allow this to  
happen among private homes, has  
anyone been to look at the location  
? and asked themselves would we  
like this going on next door  
to us devaluing property of hard  
working people, there, are plenty  
of these places for sale who

are struggling to make ends meet  
let them buy something with  
the passing trade already there  
I don't think you will take  
much notice of an elderly person  
but I do try to live & let live  
and I feel this just will not  
work and you can stop the whole  
thing happening.

Yours Faithfully

A large, solid black rectangular redaction covering the signature area.

(2 signatures)

180209

TOWN			
EPA			
24 SEP 2012			
OFFICER	REPLY	FILE NO	LDCO No
ACK	JM		

Dear Ms Carter,

Licence Application No: PL0199; 029707.  
Minerva Hotel, 3 Adelphi Road , Paignton.

We wish to register our objections to the above Licence application.

We have lived on Adelphi Road for many years having retired to this quiet residential area. Last week we were astonished to learn that the Council had approved the opening of a Steak House on our road and now we have found out that the proprietor wishes to have a licence for his premises until 12.00 am. Clearly we are opposed to this application as we see that it will have a major impact on the quality of our living standards.

We understand that he is trying to make a living but there should equally be consideration to his neighbours. My wife and I have grave concerns regarding the opening times of when the licence would operate to non-residents.

- A licence until 12.00 am Monday to Friday will result in a lot of noise being made when people come and go from the restaurant such as car door closing, the noise from car engines, people being loud which would disturb our sleep as our bedroom is at the front of the property less than 50 yards away from the Minerva Hotel.
- Also, once people have had their fill of alcohol up to midnight, possibly people may come out of the Rugby Club straight in to the Hotel, there may even be situations of antisocial behaviour such as drunk and disorderly.
- Is the licence to consume alcohol restricted to the restaurant area and not outside? We see his guests smoking at the front of his building. If this was to become a formal smoking area will this mean that people could drink outside as well? If so we do believe that this would not be suitable for what is predominantly a residential street with people walking by in the evening with children.

Is it possible for the Council to place some restrictions on the use of the outside area and the hours of opening to sell alcohol as we feel this would go some way to reducing our fears and concerns.

Yours sincerely

( 2 signatures )





25/09/12

Carrie Carter,  
Licencing and Public Protection.

Dear Carrie Carter,

**Re: Application 029707 for a Premises Licence for Minerva Hotel, 3 Adelphi Road, Paignton**

We wish to make the following representations AGAINST the application.

1. The notice of the application was only displayed publically on the 18/9/12, at which point it was attached to a telephone post outside of the hotel. Should it be displayed for 28 days? We have therefore only been aware of the hours applied for since we saw the notice on the 18/9/12. On the 19/9/12 we saw the owner of the property, David Birch, change the notice to reflect a date of the 27/9/12 for representations.
2. The premises opening hours for non-residents on the application are not correct. Surely the application should reflect correct information.
3. The licencing times requested on Monday to Saturday, i.e., till Midnight, far exceed planning approved opening hours for use of the premises for non-residents.
4. There are a lot of residential properties in Adelphi Road, with aged occupants, and we would be gravely concerned about noise issues at ALL times if the licence is granted. If a licence is to be granted a reasonable time for the licence to end on Monday to Saturday should be 10.30. Any time after this would give us further concerns regarding crime and disorder, public safety and public nuisance.
5. It is not clear as to whether the licence covers the proposed smoking area outside
6. As the designated premises supervisor is not living on the premises, who will be responsible for the supply of alcohol 7 days a week, and for holidays and sickness?
7. How will the alcohol servery be secured outside licencing hours? It is in a breakfast/kitchen area, and needs to be secure from guests and their children.

Yours sincerely,


(2 signatures)



17 September 2012

Dear Ms Carter,

Reference: Licence Application No: PL0199: 029707, Minerva Hotel, 3 Adelphi Road , Paignton.

We wish to register our objections to the above Licence application.

Adelphi Road is a quiet residential area and is one of the attractions why many of our guests stay at our self catering establishment.

Whilst we have no objections to the licence we do have concerns regarding the opening times and scope of when the licence would operate to non-residents.

- A licence until 12.00 am Monday to Friday will result in noise as people come and go from the restaurant such as taxi's people being boisterous etc creating a Public Nuisance.
- In addition we have concerns that once people have consumed alcohol until the early hours there may be situations of antisocial behaviour normally associated with being drunk and disorderly.
- Finally, we trust that the licence to consume alcohol appertains solely to the restaurant area and not outside, eg a smoking area, as we feel that this would be unsuitable for a predominantly residential street.

Therefore, we are of the opinion that a restriction should be enforced against the opening hours for the sale and consumption of alcohol and any outside area should be vacated by no later than 10.30pm.

Yours sincerely

(2 signatures)



[Redacted]

21 SEP 01

To Whom It May Concern

Re: Licence Application for the Minerva Hotel, Adelphi Road, Paignton

I am writing to alert you of my concerns regarding this application, both as a resident of Roundham with Hyde and as one of it's two elected Councillor's for the Roundham with Hyde Ward.

Due to concerns already in the Adelphi Road / Adelphi Lane area of drug trafficking and the potential of additional noise and public nuisance factor to the elderly residents in the age-related flats next door to the Minerva, I would be seriously concerned if the licensing went beyond 10.30pm/10.45pm any evening.

At the Sea front end of Adelphi Road, we already have an HMO which is causing problems – at the other end is the Rugby Club, and the chef for the Minerva is from the Rugby Club. On the one hand really good for business on the other hand additional potential for Public Nuisance, Crime and Disorder and concern for Public Safety around alcohol consumption.

I understand there has already been issues around public nuisance from guests at the Minerva, and police involvement. I would not want to see the risk of this further increased by extended licensing hours.

Yours Sincerely

[Redacted signature block]

( 1 Signature )

20 SEP 2012



We would like to make the following comments about our objections to the granting of a license application of the Minerva.

There is a history of late night noise at the Minerva sometimes going on into the early hours with the police being called. The proprietors don't seem to have any consideration to the surrounding neighbours when they consume a high level of alcohol. The police attended on 6<sup>th</sup> of August when the music was blaring out from 12.30am until 3.00am. When we telephoned and then knocked on their door to ask for the music to be turned down we were ignored.

We had several complaints from our guests and are really worried that if this happens on a continual basis our successful bed and breakfast guest house will be ruined. As our guest house is attached to the Minerva we would expect the noise levels to be higher with late night door banging, people smoking outside close to our front door.

We would ask that a curfew on the licensing hours be last orders for food and drink to be 22.30pm. We would also ask that only smoking would be permitted outside and no alcohol to be drunk outside. This we hope would reduce the noise and length of time people would spend outside.

Most of our guests are in by 22.00 hours and although I appreciate that this is early, The impact of people driving home after leaving the restaurant, banging of car doors etc talking at a late hour would seriously damage our business by reducing the standard that our guests expect and also reducing the amount of repeat trade that we continually enjoy.

We hope that you will take in account these objections.

Yours truly,



(2 Signatures)



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

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay TQ2 6QH

Wards Affected: **Cockington with Chelston**

To: **Licensing Sub-Committee** On: **18<sup>th</sup> October 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 Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.
- 1.4 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.

- 1.5 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 allow the provision of Live Music and Recorded Music indoors from 2000 until 2300 from Tuesday to Saturday.

- 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 variation to the Premises Licence, as a relevant Representation has been received from an Interested Party. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

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

There have been no other Representations received from any 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	Representation from an Interested Party

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.

# Agenda Item 7

## Appendix 1

Schedule 4 to the Licensing Act 2003  
(Premises Licences and Club Premises  
Certificates) Regulations 2005

[Insert name and address of relevant licensing authority and its reference number (optional)]

Torbay Council  
Safety and Licensing Department  
Roebuck House, Abbey Road  
Torquay TQ2 5EJ

### 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.

(1) ~~I~~ [We] (2)

Kanti Singh and Philip Conway

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

#### Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Waters Edge Hotel  
Corbyn Head  
Torbay Road  
Torquay. TQ2 6QH

Post town Torquay

Post code TQ2 6QH

Telephone number at premises (if any)

Non-domestic rateable value of premises

#### Part 2 - Applicant details

Daytime contact telephone number

E-mail address  
(optional)

Current postal  
address if  
different from  
premises address

Post Town

Postcode

#### Part 3 - Variation

Please tick  Yes

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

Day Month Year

If not do you want the variation to take effect from

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

(1) Delete as applicable.  
(2) Insert name(s) of applicant(s).



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

1. To allow the provision of live and recorded music and facilities for dancing.
2. To include additional conditions on the licence with a view to supporting the public nuisance objective.
3. To amend certain of the existing conditions in order to bring them in line with current practice under the Licensing Act 2003.

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 for:

(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

<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 <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors	x
					Outdoors	
					Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon			In the lounge at the front of the premises.			
			Music provided by soloist, accompanied by instrument only.			
Tue	2000	2300				
Wed	2000	2300	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)			
Thur	2000	2300				
Fri	2000	2300	<b>Non standard timings. Where you intend to use the premises for the performance of live 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 from 2000 hours to 0100 hours on 1st January.			
Sat	2000	2300				
Sun						

# F

<b>Recorded music</b> 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 <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors	x
					Outdoors	
					Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon			Facilities to be provided in the lounge at the front of the premises.			
Tue	2000	2300				
Wed	2000	2300	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Thur	2000	2300				
Fri	2000	2300	<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 from 2000 hours to 0100 hours on 1st January.			
Sat	2000	2300				
Sun						

Provision of facilities for making music			Please give a description of the facilities for making music you will be providing		
Standard days and timings (please read guidance note 6)			<b>Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>		
Day	Start	Finish			
			Outdoors		
			Both		
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4)		
Thur					
Fri			<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)		
Sat					
Sun					

**J**

Provision of facilities for dancing			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		
Standard days and timings (please read guidance note 6)			Indoors	x	
			Outdoors		
			Both		
			<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) Facilities to be provided in the lounge at the front of the premises.		
Mon					
Tue	2000	2300	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)		
Wed	2000	2300			
Thur	2000	2300	<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) On New Year's Eve from 2000 hours to 0100 hours on 1st January.		
Fri	2000	2300			
Sat	2000	2300			
Sun					

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	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

**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

**ANNEXE 2**  
**Additional conditions transferred from the licence**

Condition 3  
 Condition 4  
 Condition 6

Please tick  yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

# 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)**

- i. No alcohol may be consumed in the entrance porch area after 23.00 hrs.
- ii. All reasonable steps will be taken to ensure that customers outside the premises reception shall not cause any nuisance to local residents or other guests.
- iii. Doors and windows in areas where entertainment is performed will be kept shut at all times while regulated entertainment is being provided.
- iv. A Sound Limiting Device will be installed and set at a level to be agreed with the Environmental Protection Officer for Torbay Council.

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

**(c) Public safety**

**(d) The prevention of public nuisance**

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


# Agenda Item 7

## Appendix 2

Licensing Act 2003

# Premises Licence

# 277

LOCAL AUTHORITY	
	<p>Licensing Section                      Torbay Council                      Roebuck House                      Abbey Road                      TORQUAY                      DEVON                      TQ2 5EJ</p>

### Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
<p><b>Waters Edge Hotel</b>                      Corbyn Head, Torbay Road, Torquay, Devon, TQ2 6QH. <span style="float: right;">Telephone 01803 293876</span></p>

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 AUTHORIZES 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 ON and OFF the premises			
	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve	10:00am	11:00pm
	New Year's Eve	Noon	10:30pm
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Saturday	10:00am	11:20pm	
Sunday	Noon	10:50pm	
Good Friday	Noon	10:50pm	
Christmas Day	Noon	3:20pm	
	7:00pm	10:50pm	
New Year's Eve	10:00am	11:20pm	Except on a Sunday
	Noon	10:50pm	Sunday
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		



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

Kanti Singh	Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay, Devon, TQ2 6QH. Telephone 01803 293876
Philip Conway	Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay, Devon, TQ2 6QH. Telephone 01803 293876

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

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

Kanti SINGH	Waters Edge Hotel, Corbyn Head, Torbay Road, Torquay, Devon, TQ2 6QH. Telephone 01803 293876
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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. PA0143	Issued by Torbay
--------------------	------------------

*F. K. Hughes*

Frances Hughes  
Assistant Director of Environmental Health and Consumer Protection  
22 November 2005

**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.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Additional Conditions Transferred from the Licence**

1. Intoxicating liquor shall not be sold or supplied otherwise than to:-
  - a) Residents of or persons staying at the Waters Edge Hotel, Corbyn Head, Torquay.
  - b) Management and other staff employed at The Waters Edge Hotel, Corbyn Head, Torquay.
  - c) Bona fide guests of a) and b).
  - d) Persons attending bona fide functions held at the premises at which bona fide meals are served, restricted to the period between the 1st day of October in any year and the 31st day of May in the following year, such functions being organised by an individual or organisation other than the owners and hiring the premises for the specified period.
2. There shall be no Off Sales.
3. The Licensees shall not be authorised to apply for any occasional licences.
4. A dry lounge shall be provided for residents of and persons staying at the Waters Edge Hotel, Corbyn Head, Torquay.
5. For the purpose of this licence, residents of and persons staying at the Waters Edge Hotel, Corbyn Head, Torquay shall be deemed to be only those persons who are staying at the said premises for board and lodging, including breakfast and one other of the customary main meals.
6. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary for meals served in the licensed premises.

**Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.



- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**ANNEXE 3**

None

**ANNEXE 4****PLANS**

Copy attached to Licence.

Licensing Act 2003  
**Premises Licence**

**PL0277**

LOCAL AUTHORITY



**Torbay Council**  
Licensing & Public Protection  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Tel: 01803 208126  
Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Waters Edge Hotel**

Corbyn Head, Torbay Road, Torquay, Devon, TQ2 6QH.

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

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

ADDITIONAL MANDATORY CONDITIONS

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

**The following conditions shall come into force on 6<sup>th</sup> April 2010**

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, 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-

**ADDITIONAL MANDATORY CONDITIONS**

- (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.
2. 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).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

**The following conditions shall come into force on 1<sup>st</sup> October 2010**

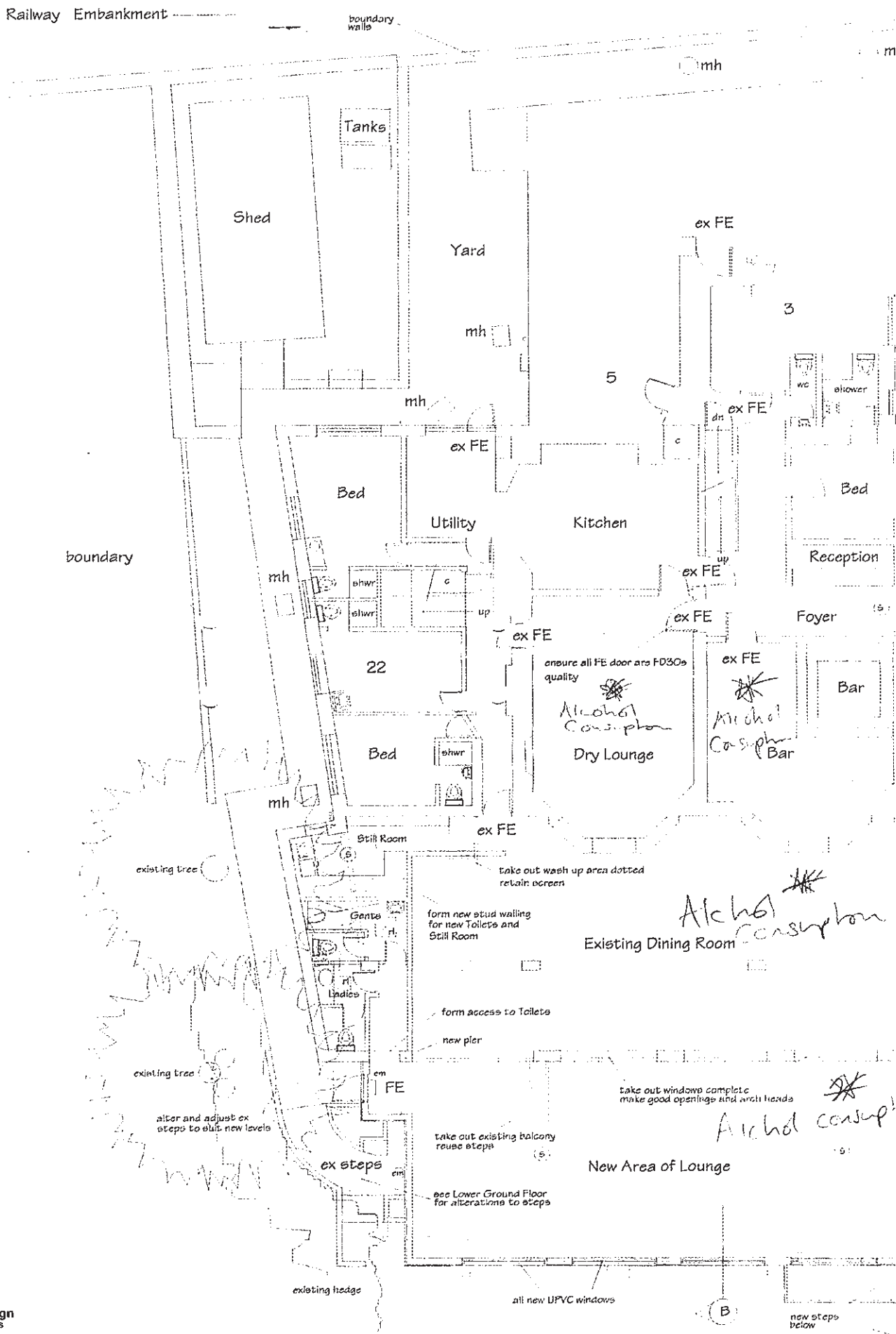
4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such 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.
5. The responsible person shall ensure that-
- (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
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

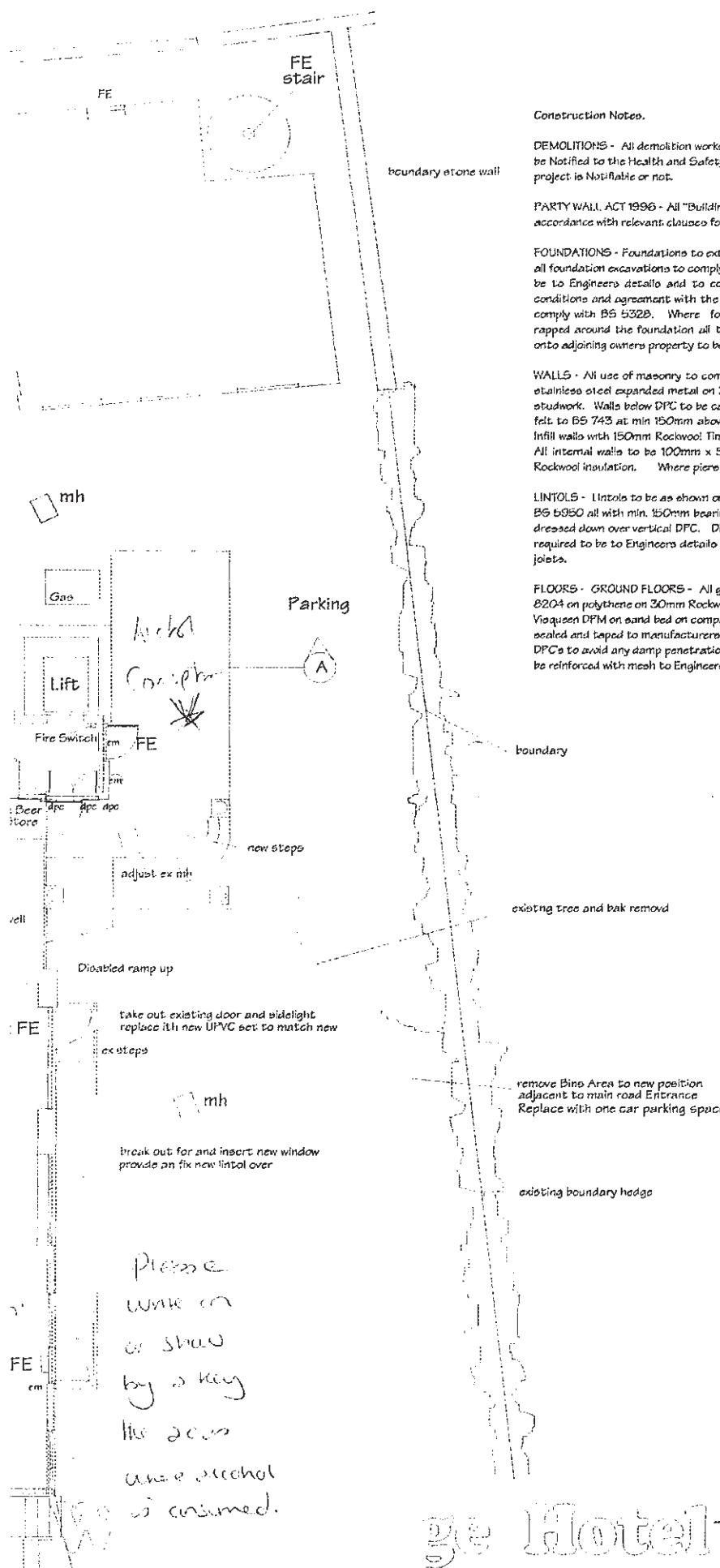
**DATE OF ISSUE**

This addendum to Premises Licence PL0277  
was issued on 11 May 2010



ANNEXE 4





**Construction Notes.**

**DEMOLITIONS** - All demolition works however small are to be to BS 6187. Demolition works if found to be necessary are to be notified to the Health and Safety Executive on forms provided, this applies to all demolition works whether the main project is Notifiable or not.

**PARTY WALL ACT 1996** - All "Building Owner" Notifications required under the Party Wall Act 1996 will be carried out in accordance with relevant clauses for proposed works within the stipulated distances from the "Adjoining Owners".

**FOUNDATIONS** - Foundations to external walls to be 600mm x 300mm concrete to BS 8110 : Part 1, and min 900mm deep, all foundation excavations to comply with BS 6031 Earthworks or BS 8004 Foundations as applicable. Any underpinning to be to Engineers details and to comply with BS 8004 Foundations. Final depth of foundations dependant on site conditions and agreement with the Building Control Officer at inspection stage, concrete mix, aggregates and strength to comply with BS 5328. Where foundations are near trees existing or removed a polythene root barrier to be provided rapped around the foundation all to satisfaction of the Building Control Officer at inspection stage. Any encroachment onto adjoining owners property to be agreed prior to commencement.

**WALLS** - All use of masonry to comply with Code of Practice BS 5628. External walls to be 19mm waterproof render on stainless steel expanded metal on 38mm x 25mm vertical battens on breather membranes on 9mm ply on 150mm x 50mm studwork. Walls below DPC to be cavity blockwork in two skins of 100mm concrete blocks. DPC to walls to be Bituminous felt to BS 743 at min 150mm above ground level. Air bricks to be inserted where required and to comply with BS 493. Infill walls with 150mm Rockwool Timber Batts, finish internally with 12.5mm plasterboard and set on 500g vapour barrier. All internal walls to be 100mm x 50mm stud work finished with 2 x 12.5mm plasterboard and set. Infill with 100mm Rockwool insulation. Where piers are proposed no pier to be max 3M c/c.


**LINTOLS** - Lintols to be as shown on Plans and Sections - all Pre-stressed Concrete lintols to BS 8110 and Steel Beams to BS 5950 all with min. 150mm bearing each end and highload DPC over extending 150mm either side of external opening and dressed down over vertical DPC. Dimensional tolerances to satisfy BS 5977. Design of beams, padstones or columns if required to be to Engineers details and calculations. Lintols to timber frame structure to be min. twin 200mm x 50mm joists.

**FLOORS - GROUND FLOORS** - All ground floor areas to be 65mm sand and cement screed to Code of Practice 204 and BS 8204 on polythene on 30mm Rockwool Rockfloor insulation or similar to BS 5422 on 100mm concrete base on 1200g Super Vioquesen DPM on sand bed on compacted hardcore min 100mm thick. DPM to be well lapped with all DPC's and all joints sealed and taped to manufacturers recommendations. Care is to be taken at all times with the laying of all DPM's and DPC's to avoid any damp penetration at a later date. Where hardcore fill is more than 600mm deep the concrete slab to be reinforced with mesh to Engineers details and calculations.

**NOTE -**

Alter and extend existing Fire Alarm System to requirements of Fire Officer.  
 Esc lighting to be to BS 5266 Part 1.  
 All doors within 3M of an external Fire Escape to be fire resisting up to a height of 1.1M above paving

- (S) Smoke detector
- em Emergency Light

Amendments:	
A: Amended after meeting with client	December 1999
B: Amended for Building Regs	Feb 2000
C: Amended for Fire Officer	July 2002
Copyright is reserved on all drawings and principles of design All dimensions to be verified on site No dimensions to be scaled from drawing	
Drawing	Entrance level Plans - Ground Floor Building Regulation drawing
Project	Waters Edge Hotel - Torbay Road - Torquay
Drawing No:	778 - 13
Rev:	C
Scale	1:100
Drawn:	PP/CAD
Date	Dec 1999
 <b>Drayton Studio Design</b> Associates	
Chartered Designer - Incorporated Architectural Technologist - Planning Supervisor	
75 Bridle Close - Hookhills Farm - Paignton - TQ4 7ST Telephone: 01803-844894 Fax: 01803 845650	

[REDACTED]

11 September 2012

Torbay Council Licensing Section

Dear Sirs,

Licensing Act 2003

RE: The Waters Edge Hotel, Torbay Road, Torquay

Application to Torbay Council for the variation of a premises license in respect of:

“Live and recorded music and facilities for dancing”

I object to the grant of license for the above activities (hitherto carried out unlicensed) for reasons stated in my previous letters to the licensing section dated 10 October 2011 and 15 May 2012, further copies of which are enclosed.

I confirm my objection to the siting of tables and chairs within the canopied area adjacent to the hotel entrance: These clearly encourage residents to congregate therein indefinitely, resulting in noise nuisance into the early hours.

This is unacceptable and I would expect the hotel proprietors to eliminate future nuisance by actively preventing such gatherings.

Yours sincerely,

[REDACTED]

TORBAY COUNCIL  
12 SEP 2012  
LICENSING SECTION



15 May 2012

FAO C. Noble Esq.

Dear Mr Noble,

Further to my telephone call on 11 May regarding high volume music disturbance emanating from the Waters Edge hotel on most Tuesday, Thursday and Saturday nights.

Whilst I have now had a cordial conversation with Thomas Ward the manager, the problem remains unresolved.

I should be pleased if you would take this matter up with the owner on our behalf with a view to eliminating the nuisance.

Yours sincerely,

[REDACTED]

10 October 2011

FAO K Elliott

Dear Karen,

RE: Waters Edge Hotel, Torbay Road

Further to our phone conversation on 6 October.

The hotel provides live music for residents on most Tuesday, Thursday and Saturday nights until around 11pm. The noise levels are such that we are required to increase the volume on our TV etc accordingly.

Post 11pm residents congregate for varying lengths of time within an open fronted roofed structure attached to the hotel entrance. Their conversations etc are clearly audible <sup>FROM</sup> from our bedroom, some 10 metres from the structure. We were awakened at 3am on Sunday 2 October by similar activity.

I look forward to your response.

Yours sincerely

[REDACTED]