



Wednesday, 12 December 2012

LICENSING SUB-COMMITTEE

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

Thursday, 20 December 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

Councillor Addis

Councillor Parrott

Councillor Pentney

Working for a healthy, prosperous and happy Bay

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

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: 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 - 2)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 8 November 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 – Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG** (Pages 3 - 17)
To consider an application for a Premises Licence in respect of Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG.
7. **Licensing Act 2003 – An application for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ** (Pages 18 - 44)
To consider an application for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ.



Minutes of the Licensing Sub-Committee

8 November 2012

-: Present :-

Councillors Addis, Faulkner (A) and Hytche

22. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

23. Minutes

The Minutes of the meeting of the Sub-Committee held on 18 October 2012 were confirmed as a correct record and signed by the Chairman.

24. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Bed Bar, 26 Victoria Parade, Torquay TQ1 2BD

Members considered a report on an application for a Variation to a Premises Licence in respect of Bed Bar, 26 Victoria Parade, Torquay TQ1 2BD. The Premise is in the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	One Representation received with two signatures in respect of the Licensing Objective 'The Prevention of Public Nuisance.'	24 September 2012

The Licensing Sub-Committee noted that a notice to speak had not been returned by the member of the public. Members agreed it was in the public interest to continue with the hearing.

Oral Representation received from:

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

Members noted there have been no other Representations received from any Responsible Authority or any other Interested Parties.

Decision

That the application for a Variation to a Premises Licence in respect of Bed Bar, 26 Victoria Parade, Torquay TQ1 2BD be granted as applied for, subject to the removal of the following conditions:

- (i) Annex 2, General - Condition 7. No longer relevant as application seeks to remove these Licensable Activities;
- (ii) Annex 2, The Prevention of Crime and Disorder - Condition 18 is covered by Mandatory Condition 5 in Annex 1;
- (iii) Annex 3, Public Safety – Condition 2. No longer relevant as application seeks to remove Licensable Activity;

the amendment of the following conditions:

- (i) Annex 2, General – Condition 3. To read: 8pm, as opposed to 02.30. In line with limiting the use of Terrace Area for consumption;
- (ii) Annex 2, General – Condition 1. To read: At all times the terraced area is open after 10pm, the area shall be directly supervised by an SIA door steward who shall ensure as part of their duties that excessive noise is not generated by patrons using this area so as to unreasonably disturb nearby residents;

and the addition of the following conditions:

- (i) At all times the terraced area is open before 10pm, the area shall be monitored by staff who shall ensure, as part of their duties, that excessive noise is not generated by patrons using this area so as not to unreasonably disturb nearby residents;
- (ii) Patrons who behave a noisy manner on the terraced area shall be removed from this area.

Reason for Decision

Having carefully considered the Written and Oral Representations, Members resolved to grant the licence as outlined in the decision, having been satisfied that the additional and amended conditions would seek to promote the licensing objective, namely 'The Prevention of Public Nuisance' and in doing so, should alleviate the concerns raised by the Interested Party in their Representation.

Chairman



Briefing Report Public Agenda Item: Yes
No:

Title: Licensing Act 2003 – An application for a Premises Licence – Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **20th December 2012**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence. The Premise is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”.
- 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 the Responsible Authority 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 the Supply of Alcohol off the premises from 0800 until 1800 Monday to Saturday and from 1000 until 1800 on Sunday.

To be open to the public from 0800 until 1800 Monday to Saturday and from 1000 until 1800 on Sunday.

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 one Representation from the Police in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”. This is shown as Appendix 3.

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

- 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 Representations 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 Relevant parts of the application form

Appendix 2 Plan of Premises.

Appendix 3 Representation from the Police.

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

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 Savers Health and Beauty Limited
(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 Unit 18 Union Square Shopping Centre,			
Post town	Torquay, Devon,	Post code	Tq1 3Dg
Telephone number at premises (if any)		01803 203694	
Non-domestic rateable value of premises		£58000	

Part 2 - Applicant Details

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" 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) |

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Savers Health and Beauty Limited
Address Hutchinson House 5 Hester Road Battersea London SW11 4AN
Registered number (where applicable) 2202838
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

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

If you wish the licence to be valid only for a limited period, when do you want it to end?

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

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

A retail shop selling a range of health and beauty products plus household goods and food.

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


Provision of entertainment facilities:

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

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

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Finish time 2000 hours on Mon to Sat in December. Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Sunday Trading Law will be adhered to if hours restrictions (no more than 6 hours between 1000 and 1800) apply to these premises. 		
Mon	0800	1800			
Tue	0800	1800			
Wed	0800	1800			
Thur	0800	1800			
Fri	0800	1800			
Sat	0800	1800			
Sun	1000	1800			

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


Name Lucy Callum	
Address 365a Torquay Road Preston Paignton	
Postcode	TO3 2BT
Personal Licence number (if known)	PA 2573
Issuing licensing authority (if known)	TORBAY 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)

None

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Finish time 2000 hours on Mon to Sat in December.
Mon	0800	1800	
Tue	0800	1800	
Wed	0800	1800	
Thur	0800	1800	
Fri	0800	1800	
Sat	0800	1800	
Sun	1000	1800	
			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)
			Sunday Trading Law will be adhered to if hours restrictions (no more than 6 hours between 1000 and 1800) apply to these premises.
			

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 company maintains comprehensive regulatory compliance procedures and all aspects of the four licensing objectives are covered by these procedures.

b) The prevention of crime and disorder

A CCTV system is installed that is capable of continuously recording for a period of not less than 31 days, and is in good working order meeting the Home Office Guidelines

Recordings will be made of all trading periods.

The correct date and time will be generated onto both the recording and the real time image screen

This system will be able to produce copies of recordings on site.

The system is capable of facial image recognition of all persons both entering and exiting the store. At least one camera from the system is in operation covering the doorway and another covering the till area.

Copies of such recording shall be provided on request to an officer under the direction and control of the Police or an officer of the Licensing Authority.

The DPS will ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or the Police

There are clear signage indicating that CCTV equipment is in use and recording at the premises

The DPS will take such steps as are necessary to ensure that the system is operated and maintained in accordance with these conditions.

c) Public safety

Fire safety measures and procedures are in operation at the store in accordance with Fire Safety Regulations.

Provision will be made for the disabled to ensure safe evacuation in the event of fire or other emergency and general access to the store.

d) The prevention of public nuisance

All planning requirements will be met and procedures established to prevent noise nuisance from deliveries.

Measures will be in place to ensure the proper disposal of all waste.

e) The protection of children from harm

A written log shall be kept of all refusals including refusals to sell alcohol. The holder of the Premises Licence shall ensure that the refusal log is properly maintained and this shall involve, but is not limited to, nominating in writing a responsible person to check and sign it on a weekly basis.

The holder of the Premises Licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification – passport, photo driving licence or PASS accredited photo ID – proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

All staff shall be trained to challenge every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training.

`Challenge 25` posters shall be displayed in prominent positions at the premises.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

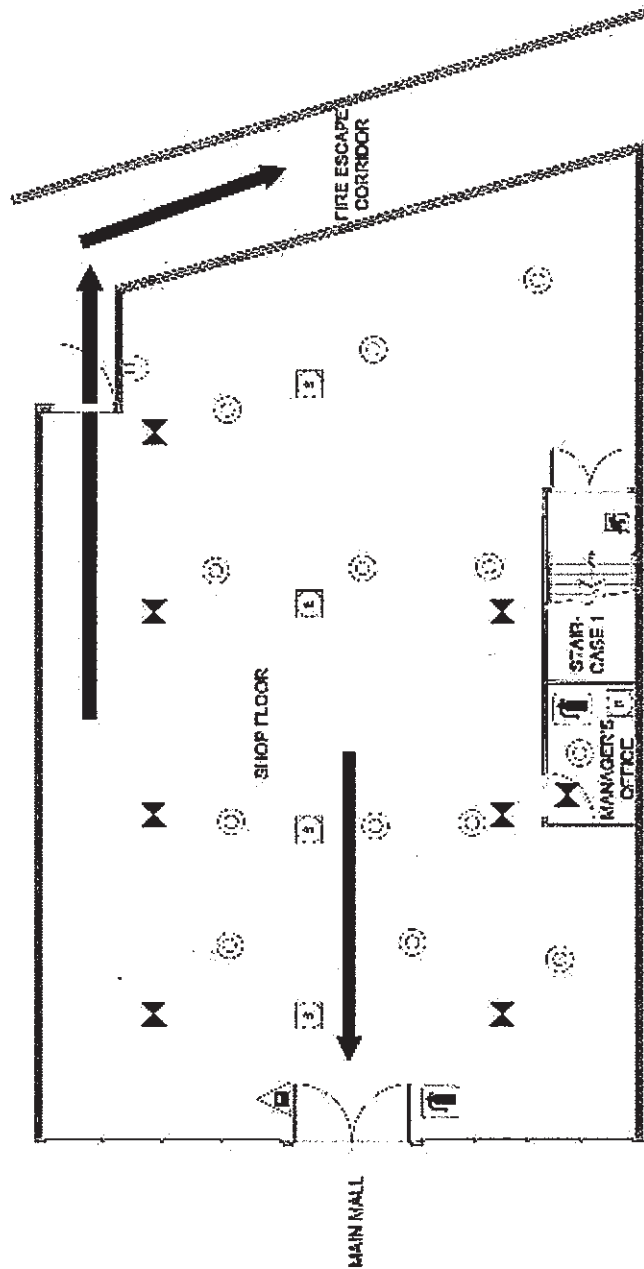
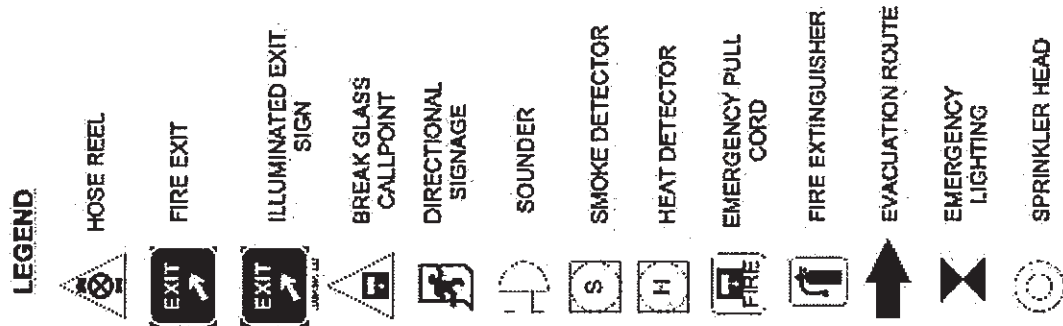
IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

FIRE SAFETY ARRANGEMENT DRAWING

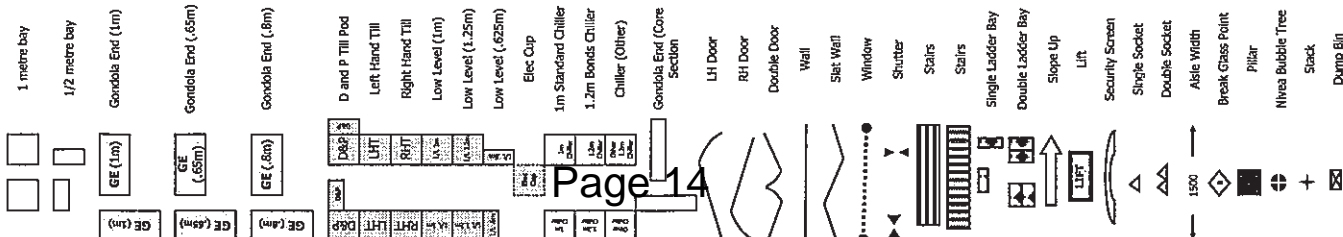
FRA DRAWING

SITE REFERENCE: 2525, Savers, UNIT 18 UNION
SQUARE SHOPPING CENTRE, TORQUAY, TQ1 3DG



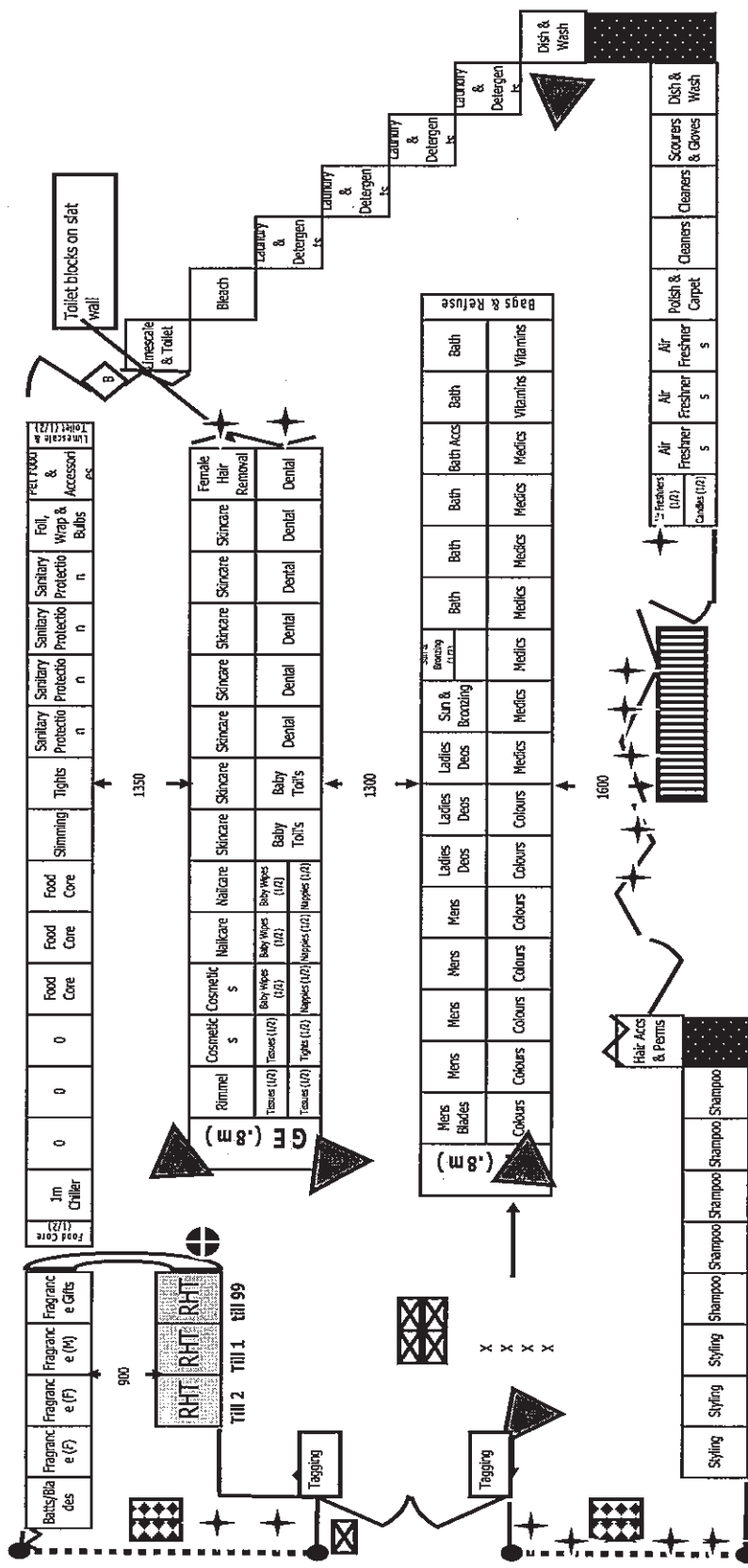
GROUND FLOOR

Key



Categories

Air Fresheners	Mens
Baby Acs	Mens Blades
Baby Food	Nailcare
Baby Toils	Nappies
Baby Wipes	Paper
Bags & Refuse	Pet Food & Accessories
Bath	Pollin & Carpet
Bath Acs	Rimmed
Baths	Sanitary Protection
Bates/Blades	Sources & Gloves
Blades (TII)	Shampoo
Bleach	Skincare
C/Wool	Slimming
Candles	Syling
Clovers	Sun & Bronzing
Colours	Tights
Con Bags	Tissues
Cosmetics	Unspecified
Dental	Vitamins
Dish & Wash	
Disinfects	
Female Hair Removal	
Felt, Wrap & Bulbs	
Food Core	
Fragrance (F)	
Fragrance (M)	
Fragrance Cils	
Grocery	
Hair Acs & Perms	
Ladies Deos	
Laundry & Detergents	
Limescale & Toilet	
Medics	



savers

HEALTH HOME BEAUTY

Last Updated (was):	21/02/12
Updated By:	Simon Henman

No. of Dump Bins	4
No. of Stacks	9
No. of Ladder Bays (1m)	0
No. of Ladder Bays (1.2m)	0

Store Name	Torquay
Store Number	2525
Equipment Type	1m Chem / White
Floor Area (sqm)	1965
Ceiling Height (cm)	276
No. of Bays (not inc Frag)	256.5



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TORBAY COUNCIL E.N. & C.F. DIVISION			
21 NOV 2012			
OFFICER	ASST	FILE No	DOC No

Torbay Council Licensing Team
C/O Torquay Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Devon & Cornwall Constabulary
Licensing East
Headquarters
Middlemoor, Exeter
Devon EX2 7HQ

21 November 2012

Dear Sir/Madam

Savers, Unit 18 Union Square Shopping Centre, Torquay, TQ1 3DG

I refer to the above premises and an application for the Grant of a Premises Licence.

My Licensing Officer, Julie Smart, has attempted to contact Terry Reid, Senior Learning and Development Manager, and Alex Tolan of Savers by telephone on several occasions, but despite leaving messages for them has received no contact. As a result of this, on Monday 19 November 2012 Mrs Smart sent Alex Tolan an email outlining the conditions that the police intend to seek in respect of this application, but to date she has not received any contact from Savers regarding this matter. The police therefore have no further information regarding this company's application, other than the matters detailed within the application.

For your information, this premises is situated within the Torbay Council Cumulative Impact Area, which has been identified as an area subject to high levels of alcohol related crime, disorder, anti-social behaviour and public nuisance, and is also within an area covered by the Torbay Council Alcohol Consumption in Designated Public Places 2003 Central Torquay Order.

This area has significant problems with street drinkers purchasing large quantities of high strength lager and cider, or single cans of similar types of alcohol, and consuming the same within the No Drinking Zone. The police are working closely with all off licence type premises in the town centre in an effort to reduce the availability of these types of alcohol, which in turn will have a positive impact on the licensing objectives. The police therefore consider that the following conditions should be imposed on the licence in order to ensure that the Licensing Objectives are met:

Cont'd ...





1. The following lines of alcohol shall be not sold from the premises:

Alco-pops - Bacardi Breezer range, Red Square range, VK range, WKD range or other similar products
Beer, lager, bitter or cider with an abv of more than 6 %
2. No single cans of alcohol will be sold.
3. The sale of all spirits shall be by way of counter service only.
4. The premises shall join, maintain membership and actively participate in the local Storenet/Nitenet Radio Communications Scheme which shall be monitored by staff at all times the premises are open to the public.
5. The premises will join and actively participate in the "Torbay Against Crime" project set up by the Town Centres Company and Torquay BID.
6. Tills shall be adjacent to the off-licence area for greater supervision and at least one of these tills shall be manned at all times that alcohol is available for sale.
7. The alcohol shall be restricted to the area as shown on the plan submitted with the application. There will be no alteration to the area used for the display of alcohol without prior consultation with the police and with the licensing authority's officers.
8. Signage shall be prominently displayed to confirm that:
 - (a) No alcohol will be sold or supplied to any persons who are intoxicated.
 - (b) No alcohol will be sold or supplied to persons who are under 18 and proof of age must be provided if requested.
9. Further signage shall be provided confirming the offences in relation to the purchase for or on behalf of children and by children under the Licensing Act 2003.
10. There shall be on the premises at all times that alcohol is being sold, a senior member of staff being either the proprietor, a manager, assistant manager or other senior member of staff.
11. No fewer than two members of staff shall be on the premises when alcohol is for sale. If there are occasions when there are less than the above numbers, alcohol shall not be sold to the public.





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12. Outside the hours for the sale of alcohol, or in the event of insufficient members of staff on the premises, all alcohol will be covered from the view of customers by means of roller blinds or other similar coverings.

13. Every item of alcohol shall be marked on the label with a large S in waterproof pen before the item is placed on the shelf for sale.

The police do not consider that there are other ways in which this application can be made acceptable.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Julie Smart, on 01803 841400.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', written over a horizontal line.

Superintendent J Nye
Geographic Superintendent - Torbay



Agenda Item 7



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

Title: Licensing Act 2003 – An application for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ

Wards Affected: **Berryhead with Furzeham**

To: **Licensing Sub-Committee** On: **20th December 2012**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premises detailed above, for a variation to a Club Premises Certificate.
- 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 Prevention of Crime and Disorder”.
- 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. Having regard to the representations, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

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

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the interested parties and responsible authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 84 of the Act for a Variation to a Club Premises Certificate. 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 increase the hours of the following existing licensable activities to bring them in line and make them more consistent:-

Indoor Sporting Events from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

The Performance of Live Music from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

Recorded Music from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

Anything of a similar description to Performance of Live Music, recorded Music and Performance of Dance from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

The Provisions of facilities for Making Music from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

The Provision of Facilities for Dancing from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

The Provision of Facilities for entertainment similar to Making Music and Dancing from 1100 until midnight Monday to Friday and from midday to midnight on Sunday.

The Supply of Alcohol on and off the premises from 1100 until 0200 from Monday to Saturday and on Sunday from midday until 0200.

Hours of opening from 1030 until 0230 Monday to Saturday and from 1200 until 0230 on Sunday.

The existing Club Premises Certificate has varying hours for each of the above activities, some of which also vary on different days of the week. A copy of the current Club Premises Certificate is shown as Appendix 2.

To add the licensable activity 'Anything of a similar description to Performance of Live music, Playing of Recorded Music and the Performance of Dance' indoors.

To remove the Licensable Activity the 'Performance of Dance' as it is not required.

- 2.2 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 85(1) but is unable to issue the amended certificate as a relevant representation has been received from a Responsible Authority. The 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 one Representation from the Police, relating to the Licensing Objective 'The Prevention of Crime and Disorder. This is shown as Appendix 3.

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

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 85(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 representations 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 10(b) 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.
- 2.7 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	Relevant parts of the application form
Appendix 2	Copy of current Certificate
Appendix 3	Representation from the Police

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:

Torbay Council Licensing Policy 2011.



Application to vary a Club Premises Certificate to be granted under the Licensing Act 2003

FORM M

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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.

BRIXHAM CONSERVATIVE CLUB

(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number CP0039

Part 1 – Club premises details

Name of club BRIXHAM CONSERVATIVE CLUB			
Postal address of premises, if any, or if none ordnance survey map reference or description 1 NEW ROAD			
Post Town	BRIXHAM	Postcode	TQ5 8LZ
Telephone number (if any)	01803 882205		
E-mail address (optional)			

Name of person performing duties of a secretary to the club MR THOMAS EDWARD COYSH			
Address of person performing duties of a secretary to the club BRIXHAM CONSERVATIVE CLUB 1 NEW ROAD			
Post Town	BRIXHAM	Postcode	TQ5 8LZ

Part 3 - Variation

Please tick yes

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

If not when do you want the variation to take effect from

Day Month Year

1	1	1	1	1	1	1	1
---	---	---	---	---	---	---	---

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

1. Extend hours for existing activities to bring them all in line and make the license more consistent.
2. Remove performance of dance as not required.
3. Add "Anything of a similar description to Live & Recorded music".
4. Remove and replace conditions.

If the club's 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 – Club Operating Schedule

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

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

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 entertainments (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

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

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box L)

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box L)

In all cases complete boxes M, N, O and P

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details here</u> (please read guidance note 3) competitions, awards and presentation events organised by local League representatives.
Day	Start	Finish	
Mon	1100	0000	
Tue	1100	0000	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	1100	0000	
Thur	1100	0000	<u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	1100	0000	
Sat	1100	0000	
Sun	1200	0000	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Amplified and unamplified live music		
Mon	1100	0000			
Tue	1100	0000	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	1100	0000			
Thur	1100	0000	Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.		
Fri	1100	0000			
Sat	1100	0000			
Sun	1200	0000			

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0000			
Tue	1100	0000			
Wed	1100	0000	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	1100	0000			
Fri	1100	0000	Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.		
Sat	1100	0000			
Sun	1200	0000			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment that the club will be providing</u> KARAOKE</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0000		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0000	<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed	1100	0000			
Thur	1100	0000	<p><u>State any seasonal variations for this entertainment</u> (please read guidance note 4)</p>		
Fri	1100	0000			
Sat	1100	0000	<p>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.</p>		
Sun	1200	0000			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of facilities for making music that the club will be providing</u> Stage and Hall	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	1100	0000	<u>Please give further details here</u> (please read guidance note 3)	
Tue	1100	0000		
Wed	1100	0000	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	1100	0000		
Fri	1100	0000	<u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for making music at different times from those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat	1100	0000	On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.	
Sun	1200	0000		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the type of facilities for dancing that the club will be providing Dance floor.	
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon	1100	0000	Please give further details here (please read guidance note 3)	
Tue	1100	0000	State any seasonal variations for the provision of dancing facilities (please read guidance note 4)	
Wed	1100	0000	Non-standard timings. Where the club intends to use the premises for the provision of dancing facilities at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.	
Thur	1100	0000		
Fri	1100	0000		
Sat	1100	0000		
Sun	1200	0000		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility the club will be providing</u> Cabaret		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0000		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0000	<u>Please give further details here</u> (please read guidance note 3)		
Wed	1100	0000			
Thur	1100	0000			
Fri	1100	0000	<u>State any seasonal variations for the provision of this entertainment facility</u> (please read guidance note 4)		
Sat	1100	0000			
Sun	1200	0000			
			<u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.		

L

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations (please read guidance note 4)		
Mon	1100	0200			
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200			
			Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.		
Fri	1100	0200			
Sat	1100	0200			
Sun	1200	0200			

M

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1030	0230	
Tue	1030	0230	
Wed	1030	0230	
Thur	1030	0230	
Fri	1030	0230	
Sat	1030	0230	
Sun	1200	0230	

Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list (please read guidance note 5)
 On New Year's Eve, from the end of permitted hours to the start of permitted hours on the following day.

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

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking
Remove all conditions from Annexe 2 including restrictions transferred from the Club Premises Certificate, and credit sales.

To be replaced with the attached conditions.

Please tick yes

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

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

Reasons why the club has failed to enclose the club premises certificate or relevant part of it

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

a) General- all four licensing objectives (b, c, d, e)

- 1. CCTV surveillance with exterior lighting must be provided and maintained to monitor the arrivals and departures at the main club door.**
- 2. The club committee and bar staff must be informed of the Licensing Act 2003 and the statutory requirements to comply with the relevant provisions of the Act.**

b) The prevention of crime and disorder

- 1. The club constitution must include rules governing the conduct of members and their guests within and adjacent to the club premises.**
- 2. Admission to the club must be confined to members and their bona fide guests, interaffiliated club members and visiting sports teams, and shall be controlled through a door entry system.**
- 3. Guests arriving unaccompanied must be scrutinised via CCTV before admission and signing in by the host member.**
- 4. Club employees must be instructed not to admit or serve members and guests who behave in a drunk and disorderly fashion.**
- 5. Misconduct must be reported to the committee to consider action under the club's disciplinary code.**

c) Public safety

- 1. The club must comply with Health and Safety and Fire Safety regulation.**
- 2. Risk assessments must be conducted and preventative and control measures put in place to ensure the safety of all persons present in the club at all times.**
- 3. The club must comply with advised capacity limits.**
- 4. Suitable signage must be displayed for emergency escape routes and fire action.**

d) The prevention of public nuisance.

- 1. Suitable signage requesting patrons to respect the needs of local residents and leave the premises quietly must be displayed.**
- 2. Where live and recorded music are played, all reasonable steps must be taken to avoid disturbance to neighbouring properties.**
- 3. Existing conditions from Annexe 3 shall still apply.**

e) The Protection of Children from Harm

- 1. Young adults applying for membership must satisfy the committee that they are over 18. If there is any doubt, proof of age must be produced.**
- 2. Children under 18 shall only be allowed when accompanied by members attending members' functions and dining.**
- 3. Committee members and members of staff must be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children.**

Licensing Act 2003

Club Premises Certificate

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LOCAL AUTHORITY



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

Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Brixham Conservative Club

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

1 New Road, Brixham, Devon, TQ5 8LZ.

Telephone 01803 882205

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the supply of alcohol
- the sale by retail of alcohol to guests

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Thursday	7:00pm	11:00pm
	Friday	7:00pm	Midnight
E. Performance of live music (Indoors)	Wednesday	9:00pm	11:30pm
	Friday	8:00pm	Midnight
	Saturday	8:00pm	12:30am
	Sunday	2:30pm	11:00pm
F. Playing of recorded music (Indoors)	Monday	11:00am	11:00pm
	Tuesday	11:00am	11:00pm
	Wednesday	11:00am	11:30pm
	Thursday	11:00am	11:30pm
	Friday	11:00am	Midnight



THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES' continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors) continued ...	Saturday	11:00am	12:30am
	Sunday	Noon	11:00pm
G. Performance of dance (Indoors)	Wednesday	8:00pm	11:30pm
	Friday	8:00pm	Midnight
	Saturday	8:00pm	12:30am
	Sunday	2:30pm	5:00pm
I. Provision of facilities for making music (Indoors)	Monday	11:00am	11:00pm
	Tuesday	11:00am	11:00pm
	Wednesday	11:00am	11:30pm
	Thursday	11:00am	11:30pm
	Friday	11:00am	Midnight
	Saturday	11:00am	12:30am
	Sunday	Noon	11:00pm
J. Provision of facilities for dancing (Indoors)	Wednesday	8:00pm	11:30pm
	Friday	8:00pm	Midnight
	Saturday	8:00pm	12:30am
	Sunday	2:30pm	11:00pm
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Wednesday	8:00pm	11:30pm
	Friday	8:00pm	Midnight
	Saturday	8:00pm	12:30am
	Sunday	2:30pm	11:00pm
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only	Monday to Thursday	11:00am	11:00pm
	Friday to Saturday	11:00am	Midnight
	Sunday	Noon	11:00pm
	Christmas Eve	11:00am	12:30am
	New Year's Eve	11:00am	1:30am
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Thursday	11:00am	11:00pm
	Friday to Saturday	11:00am	Midnight
	Sunday	Noon	11:00pm
	Christmas Eve	11:00am	12:30am
	New Year's Eve	11:00am	1:30am

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Not Applicable:		

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

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

Licensing Act 2003

Club Premises Certificate

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F. K. Hughes

Frances Hughes
Executive Head of Community Safety
30 July 2010



ANNEXES**ANNEXE 1****MANDATORY CONDITIONS**

None

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. There must be CCTV surveillance with exterior lighting which monitors arrivals and departures at club main door.
2. Club management, stewards and bar staff shall be informed of the Licensing Act 2003 objections and statutory requirements and shall comply with all relevant provisions of the Act.

The Prevention of Crime and Disorder

1. The conduct of members and their guests within and adjacent to club premises must be as per the rules in the Club Constitution.
2. Admission to the club shall be confined to members and bona fide guests and shall be controlled through the door entry system.
3. Guests arriving unaccompanied shall be scrutinised via CCTV before admission and signing in by the host member.
4. Club employees shall be instructed not to admit or serve members and guests who behave in a drunk or disorderly fashion.
5. Misconduct shall be reported to committee to consider action under the club's disciplinary code.

Public Safety

1. The club must comply with Health and Safety and Fire Precautions regulations.
2. Following risk assessments, preventative and control measures must be in place to ensure the safety of members, guests, employees and entertainers whilst on the premises.
3. The club must comply with advised capacity limits.
4. Fire action notices must be posted.
5. Emergency escape routes must be signposted.

The Prevention of Public Nuisance

1. There must be signage displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises.
2. When live or recorded music is played, all reasonable steps shall be taken to avoid disturbance to neighbouring properties.

The Protection of Children From Harm

1. Young adults applying for membership must satisfy the committee that they are over 18, if necessary by producing proof of age.
2. Children under 18 shall only be allowed accompanied by members for funerals or weddings (of members).

ANNEXES continued ...

3. Committee members of the club, stewards and members of staff must be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children.

Restrictions transferred from the Club Premises Certificate

Alcohol shall not be sold or supplied except during permitted hours.

The above restriction does not prohibit:

- (a) 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;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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;

Alcohol shall not be sold in an open container or be consumed on the licensed 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 to a canteen or mess.

General

- 1. CCTV surveillance with exterior lighting must be provided and maintained to monitor the arrivals and departures at the main club door.
- 2. Club management, steward and bar staff must be informed of the Licensing Act 2003 and the statutory requirement to comply with the relevant provisions of the Act.

The Prevention of Crime and Disorder

- 1. Club constitution must include rules governing the conduct of members and their guests within and adjacent to the club premises.
- 2. Admission to the club must be confined to members and their bona fide guests and shall be controlled through a door entry system.
- 3. Guests arriving unaccompanied must be scrutinised via CCTV before admission and signing in by the host member.
- 4. Club employees must be instructed not to admit or serve members and guests who behave in a drunk and disorderly fashion.
- 5. Misconduct must be reported to the committee to consider action under the clubs disciplinary code.

Public Safety

- 1. The club must comply with Health and Safety and Fire Precautions regulation.
- 2. Risk assessments must be conducted and preventative and control measures put in place to ensure the safety of members, guests, employees and entertainers whilst on the premises.
- 3. The club must comply with advised capacity limits.
- 4. Suitable signage must be displayed for emergency escape routes and fire action.

ANNEXES continued ...**The Prevention of Public Nuisance**

1. Suitable signage requesting patrons to respect the needs of local residents and leave the premises quietly must be displayed.
2. Where live and recorded music are played all reasonable steps must be taken to avoid disturbance to neighbouring properties.

The Protection of Children from Harm

1. Young adults applying for membership must satisfy the committee that they are over 18. If there is any doubt proof of age must be produced.
2. Children under the age of 18 may only be permitted when accompanied by adult members for funerals and weddings of club members.
3. Committee members, the club steward and other members of staff must be instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and the protection of children.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Public Nuisance**

1. Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hrs. The criteria applied, from boundary to nearest residential property are;
 - (a) Before 23:00hrs- Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hrs- Noise emanating from the premises will not be distinguishable above background levels of noise.
 - (c) The Local Authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties) to make further assessments from within the residential property.
2. Any amplified live music will cease by 00:00hrs.
3. Doors and windows will be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains.
4. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
5. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

ANNEXE 4**PLANS**

Copy attached to Licence.



DEVON & CORNWALL
CONSTABULARY

FAO; Mandy Guy
Licensing Department,
C/O Town Hall,
Torbay Council,
Castle Circus,
Torquay,
TQ1 3DR

Licensing Officer
Torquay Police Station
South Street
Torquay,
Devon TQ2 5AH

03 December 2012

Dear Mandy Guy,

RE : Conservative Club, 1 New Road, Brixham

I refer to the application made by The Brixham Conservative Club for the variation of Club premises certificate issued by Torbay Council under Section 84 of the Licensing Act 2003, Club Premises Certificate CP0039.

The police have met with the Conservative Club Representative, Mr Tom Coysh and as a result of the discussion the police consider that the following times for license activities should be reduced on the licence in order to ensure that the licensing objectives are met.

If this variation is granted it would allow the sale of alcohol until 02:00 and close of premises until 02:30 Mon to Sun and therefore the police raise an objection to the times under the crime and disorder and public safety objectives. This is likely to increase the level of impact in the area of the premises at this time of the night and possibly affect the safety of Club members' dispersal from the area in a safe manner. The police would therefore like to see the licensable activity for the sale of alcohol and closing time as follows:-

Section L – Sale of Alcohol: Mon-Sat 11:00 to 01:00 and Sun 12:00 to 01:00

Section M – Opening Club hours: Mon-Sat 10:30 to 01:30 and Sun 12:00 to 01:30

This is a heightened area of impact due to other premises in the immediate which potentially could have levels of crime and disorder and anti-social behaviour, which could potential lead to further crime in this vicinity.





**DEVON & CORNWALL
CONSTABULARY**

The police do not consider that there are other ways in which this application can be made acceptable, and for your information Mr Coysh has confirmed by email 26th November 2012 that these revised times are satisfactory.

The Police submit this for the Local Authority Licensing Committee for their consideration and appropriate amendments to the licence, and should you require further information please do not hesitate to contact me.

Yours faithfully

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