



Wednesday, 3 April 2013

LICENSING SUB-COMMITTEE

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

Thursday, 11 April 2013

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 Hytche

Councillor Doggett

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. **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.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Licensing Act 2003 – An application for a Premises Licence in respect of Splashdown @ Quaywest, Tanners Road, Goodrington Sands, Paignton TQ4 6LN**
To consider an application for a Premises Licence in respect of Splashdown @ Quaywest, Tanners Road, Goodrington Sands, Paignton TQ4 6LN.

(Pages 1 - 16)



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Splashdown @ Quaywest, Tanners Road, Goodrington Sands, Paignton TQ4 6LN

Wards Affected: **Goodrington with Roselands**

To: **Licensing Sub Committee**

11th April 2013

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.
- 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 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 provide Live Music outdoors on Fridays only from 18.00 until 21.00 during the months of May – September (inclusive).

To provide facilities for Dancing on Fridays only from 18.00 until 21.00 during the months of May – September (inclusive).

There are two areas allocated on the plan for Live Music and Dancing, however only one area will be used at any given time. This is to allow for an alternative option in event of adverse weather.

To provide Recorded Music from 10.00 until 23.00 Monday to Sunday indoors and from 10.00 until 17.30 Monday to Sunday outside.

The sale of Alcohol on the premises from 17.30-23.00 from Monday to Sunday. This will be for Boarders Restaurant and outside seating area.

To be open to the public from 08.00-23.30 from Monday to 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 Public Protection in relation to the Licensing Objective “The Prevention of Public Nuisance”. 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 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

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 5

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 LEMUR WATERPARKS LTD.

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description LEMUR WATERPARKS LTD. SPLASHDOWN@QUAYWEST TANNERS ROAD GOODRINGTON SANDS			
Post town	PAIGNTON	Post code	TQ4 6LN
Telephone number at premises (if any)	01803 550034		
Non-domestic rateable value of premises	£17500		

Part 2 - Applicant Details

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

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

Please give a general description of the premises (please read guidance note1)
PREMISES LICENCE - FOR BOARDERS RESTAURANT AND OUTSIDE SEATING AREA.
BOARDERS IS CURRENTLY OPERATING AS A RESTAURANT BUT WE WANT TO INCREASE NIGHT TRADE BY MAKING IT A SIT IN RESTAURANT WITH DRINKS LICENCE. ALTHOUGH THE RESTAURANT IS PART OF THE WATERPARK, THERE WILL BE NO ACCESS TO THE WATERPARK ITSELF DURING LICENCED HOURS. THE RESTAURANT WILL CARRY ON RUNNING AS IT CURRENTLY DOES DURING THE DAY (WITHOUT THE SALE OF ALCOHOL)
LIVE MUSIC & DANCING - WE PLAN TO OPERATE SPECIAL NIGHTS THROUGH THE MAIN SUMMER MONTHS ON A FRIDAY NIGHT BETWEEN THE HOURS OF 18:00 AND 21:00. WE HAVE ALLOCATED TWO AREAS (SEE PLAN), ONLY ONE AREA WILL BE USED AT A TIME BUT WOULD ALLOW US THE TWO OPTIONS IN CASE OF POOR WEATHER.
RECORDED MUSIC - TO ALLOW BACKGROUND MUSIC TO BE PLAYED WHEN THE RESTAURANT OR WATERPARK IS OPEN.

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)

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 type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) DJ (DISCO) OR LIVE MUSIC ON FRIDAY NIGHTS IN THE SUMMER		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4) MAY - SEPTEMBER (INCLUSIVE)		
Wed					
Thur			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 (please read guidance note 5)		
Fri	18:00	21:00			
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 3) TO ALLOW US TO PLAY BACKGROUND MUSIC IN THE WATERPARK AND RESTAUARNT - THIS MUSIC WILL BE PLAYED WITHIN BUILDINGS OR PLAYED FROM SPEAKERS AIMED AT THE WATERPARK RATHER THAN FROM WITHIN IT.	Both	<input checked="" type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Thur	10:00	23:00			
Fri	10:00	23:00	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 (please read guidance note 5) Recorded music required 10:00 - 17:30 Mon-Sun Outside Recorded music required 10:00 - 23:00 Mon - Sun Inside	Both	<input checked="" type="checkbox"/>
Sat	10:00	23:00			
Sun	10:00	23:00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing AS PART OF OUR DJ (DISCO) SEE SECTION E, THERE WOULD BE A SMALL DESIGNATED DANCE AREA	
Mon			Please give further details here (please read guidance note 3) A SMALL AREA WOULD BE SET ASIDE FOR USE OF DANCING AS PART OF OUR FRIDAY NIGHT OPENING, IN THE SUMMER. THIS WOULD BE IN ONE OF THE TWO AREAS MARKED ON THE PLAN, LOCATION WOULD BE DETERMINED BY THE WEATHER.	
Tue				
Wed			State any seasonal variations for providing dancing facilities (please read guidance note 4) MAY - SEPTEMBER (INCLUSIVE)	
Thur				
Fri	18:00	21:00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) ON PREMISES FOR BOARDERS RESTAURANT WHICH WILL NOT BE ACCESSABLE FROM THE WATERPARK OR VICE VERSA DURING LICENSING HOURS		
Mon	17:30	23:00			
Tue	17:30	23:00			
Wed	17:30	23:00			
Thur	17:30	23:00			
Fri	17:30	23:00			
Sat	17:30	23:00			
Sun	17:30	23:00			
			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)		

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

Name JONATHAN NEIL LEES	
Address 17 GEORGE ROAD PAIGNTON	
Postcode	TQ3 1QZ
Personal Licence number (if known) PA1035	
Issuing licensing authority (if known) TORBAY	

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) 08:00 - 23:30 WOULD BE THE MAXIMUM OPENING TIMES ACROSS THE SITE, BUT OPENING TIMES WOULD VARY WITHIN THESE TIMES DUE TO THE SEASON OR WEATHER.
Day	Start	Finish	
Mon	08:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	08:00	23:30	

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)

1. AS PART OF OUR OPERATING PROCEDURES WE WILL MAKE PROVISION FOR STAFFING AND MANAGEMENT LEVELS TO BE HIGH ENOUGH TO MEET ANY EXTRA DEMANDS OR ISSUES ARISING FROM LICENSING THE PREMISES.
2. OUR EXTERNAL SECURITY COMPANY (SECURE FORCE LTD) CURRENTLY PATROLS OF THE AREA THROUGHOUT THE NIGHT.
3. WE CURRENTLY RUN WITH DOCUMENTED RISK ASSESSMENTS, OPERATING PROCEDURES AS WELL AS EMERGENCY ACTION PLANS IN PLACE.
4. WE WILL USE THE GOVERNMENT AND COUNCIL BACKED DRINKING CAMPAIGNS SUCH AS "CHALLENGE 25" TO RESTRICT AGE DRINKING AND KNOWN OFFENDERS FROM THE PREMISES.
5. WE WILL WORK WITH ALL EMERGENCY/RESPONSIBLE AUTHORITIES TO ENSURE ALL EVENTS ARE SAFE AND HAVE MINIMAL ENVIRONMENTAL IMPACT AS POSSIBLE

b) The prevention of crime and disorder

1. ALL AREAS ARE COVERED BY A COLOUR CCTV SYSTEM WHICH WILL BE IN OPERATIONAL AT ALL TIMES THE PREMISES ARE TRADING AND THE EQUIPMENT WILL BE MAINTAINED TO THE SATISFACTION OF THE CHIEF OF POLICE. RECORDED IMAGES WILL BE RETAINED FOR AT LEAST 31 DAYS AND MADE AVAILABLE TO POLICE OFFICERS ON REQUEST. IF THE CCTV EQUIPMENT IS INOPERATIVE THE POLICE AND LICENSING AUTHORITY WILL BE INFORMED AS SOON AS IS POSSIBLE AND IMMEDIATE STEPS WILL BE TAKEN TO PUT THE EQUIPMENT BACK IN ACTION.
2. TWO SIA SECURITY DOORSTAFF WILL BE EMPLOYED TO SUPERVISE OPEN AIR EVENTS WITH A RATIO OF 1:100 THEREAFTER. THESE SECURITY STAFF WILL PREVENT OVERCROWDING OF THE LIVE MUSIC AREAS AS WELL AS ENSURE NO ALCOHOLIC BEVERAGES ENTER THE AREA.
3. ALL BEVERAGES WILL BE CONSUMED ON THE PREMISES
4. ALL GLASSES WILL BE REMOVED FROM PUBLIC AREAS AS SOON AS THEY ARE FINISHED WITH OR EMPTY
5. THERE WILL BE ADEQUATE PROVISION FOR FIRST AID AND FIRST AIDERS WITHIN ALL ACTIVITIES RUN INCLUDING THE LICENSED AREAS AS WELL AS THE LIVE MUSIC AREAS
6. THERE WILL BE ADEQUATE LIGHTING WHILST THE PUBLIC ARE ON THE SITE
7. A CUSTOMER CODE OF CONDUCT POSTER WILL BE DISPLAYED WARNING CUSTOMERS THAT IF THEY ACT IN AN INAPPROPRIATE MANNER, THEY COULD BE REMOVED FROM THE PREMISES.
8. AN ANTI-DRUGS POLICY WILL BE IN PLACE AND THERE IS A SECURE FACILITY TO STORE CONTROLLED DRUGS, WHICH WOULD THEN BE HANDED TO THE POLICE AT THE EARLIEST OPPORTUNITY.
9. A INCIDENT/REFUSALS LOG BOOK WILL BE MAINTAINED AND KEPT ON THE PREMISES AT ALL TIMES AND AVAILABLE FOR INSPECTION BY RESPONSIBLE AUTHORITIES
10. THE STAFFING AND MANAGEMENT STRUCTURE WILL BE EXTENDED ALLOWING FOR CHANGE IN ACTIVITIES AND WILL INCLUDE LIVE MUSIC EVENTS AS WELL AS LICENCED PREMISES.. ALL AREAS WILL BE FULLY STAFFED AT ALL TIMES. WE WILL ENSURE STAFF AND MANAGEMENT LEVELS ARE SUFFICIENT FOR THE ACTIVITY AT THE TIME. THERE IS ALSO PROVISION FOR SIA TRAINED DOOR STAFF TO BE PROVIDED AS NEEDED.

c) Public safety

1. THE SITE CURRENTLY OPERATES WITHIN OUR COMPANIES NORMAL OPERATING PROCEDURES (NOP) AND RISK ASSESSMENTS. THESE TWO DOCUMENTS HAVE BEEN CHANGED TO ENCOMPASS ANY EXTRA RISK FROM INTRODUCING A PREMISES LICENCE TO THE SITE. THE SITE ALSO OPERATES WITH A WRITTEN EMERGENCY ACTION PLAN (EAP).
2. THE WATERPARK WILL BE MADE INACCESSIBLE TO THE PUBLIC DURING LICENSING HOURS BY FULLY FENCING (WITH GATE) THE TWO AREAS FROM EACH OTHER.
3. A RESPONSIBLE OFFICER MUST BE AVAILABLE THROUGHOUT THE DURATION OF THE EVENTS
4. THERE WILL BE A MEANS OF ADDRESSING PATRONS DURING THE OPERATING HOURS, WHICH CAN BE HEARD ABOVE ENTERTAINMENT. THERE WILL BE MEANS TO INTERRUPT ALL ENTERTAINMENT TO MAKE IMPORTANT SAFETY ANNOUNCEMENTS.
5. STRICT CAPACITY NUMBERS WILL BE ENFORCED AND RECORDED. ONLY 250 PEOPLE WILL BE ALLOWED IN THE LARGER DANCE AREA AND 100 IN THE SMALLER ONE (ONLY ONE AREA OF THE TWO WILL BE USED ON ANY NIGHT)

d) The prevention of public nuisance

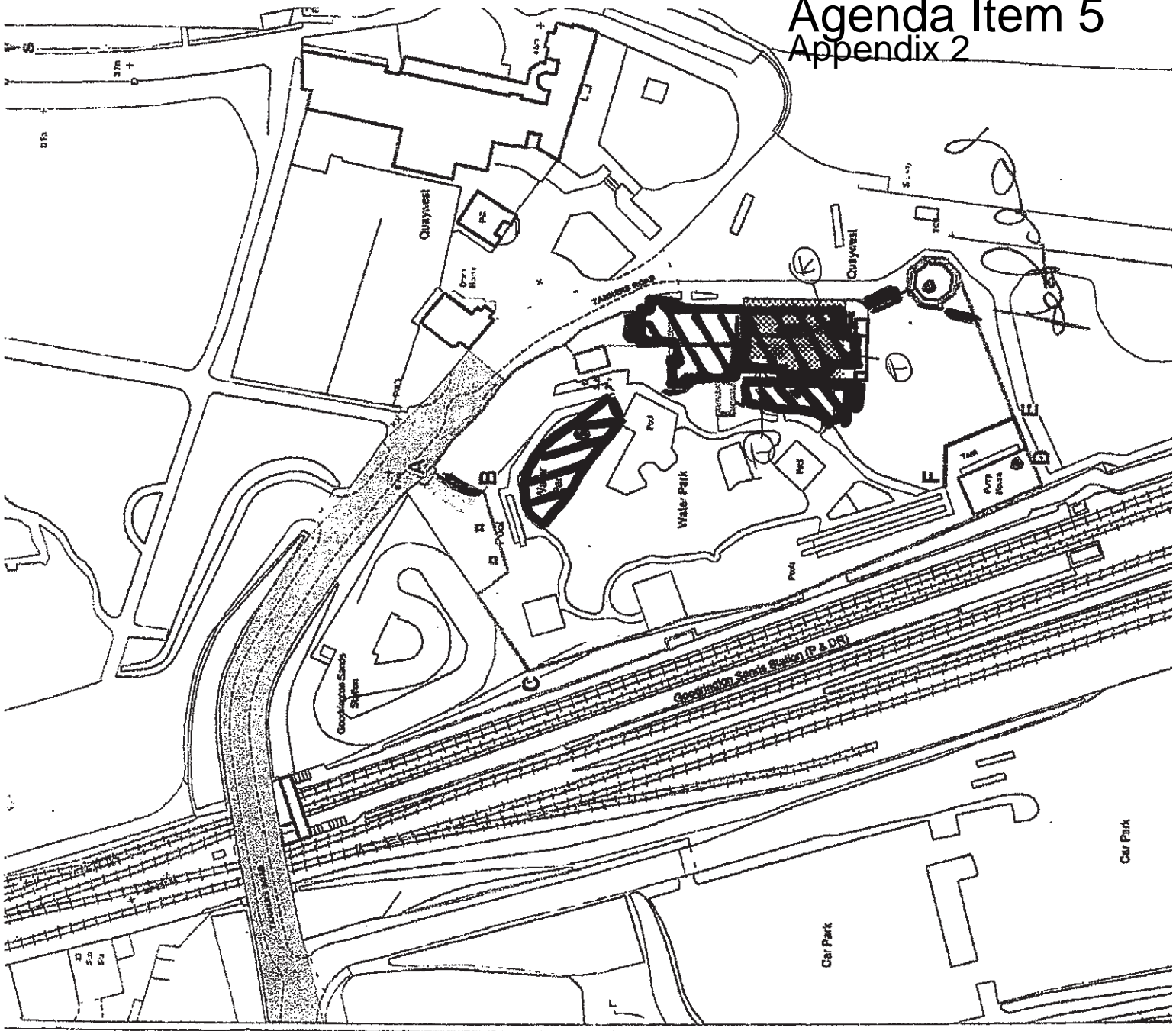
1. WE CURRENTLY EMPLOY AN EXTERNAL SECURITY COMPANY THAT IS RESPONSIBLE FOR THE SECURITY OF THE SITE AFTER HOURS, THEY ARE ABLE TO INCREASE PRESENCE AS REQUIRED TO REDUCE ISSUES OF PUBLIC NUISANCE
2. THE VOLUME OF AMPLIFIED SOUND IN CONNECTION WITH THE ENTERTAINMENT WILL BE AT ALL TIMES UNDER THE CONTROL OF THE DPS
3. THERE WILL BE SIGNAGE ASKING CUSTOMERS "TO PLEASE LEAVE QUICKLY & QUIETLY" TO REDUCE DISRUPTION TO LOCAL RESIDENTS.

e) The protection of children from harm

1. A CHALLENGE 25 POLICY TO BE IN PLACE AND ONLY PROOF OF AGE ID ACCEPTED WILL BE DRIVING LICENCE, PASSPORT OR NATIONAL ACCREDITED IDENTIFICATION SCHEME – PASS
2. THERE WILL BE ADEQUATE SIGNAGE REGARDING RESTRICTION ON UNDERAGE DRINKING
3. WHERE APPROPRIATE STAFF WILL BE CRB CHECKED IN LINE WITH OUR COMPANY POLICIES
4. THERE WILL BE FIRST AIDERS AVAILABLE AT ALL TIMES THE WATERPARK & RESTAURANT IS OPEN AND THE WATERPARK IS FULLY LIFEGUARDED AT ALL TIMES. WE ALSO OPERATE WITH STRICT LIFEGUARD NUMBERS AS PART OF OUR NORMAL OPERATING PROCEDURES (NOP). THE SITE HAS A DOCUMENTED EMERGENCY ACTION PLAN (EAP) TO ENSURE SAFE OPERATION AND EVACUATION OF ALL AREAS. WE ALSO RUN MONTHLY FULL SCALE EVACUATIONS OF ALL AREAS AS PART OF OUR STAFF TRAINING SCHEDULES.








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



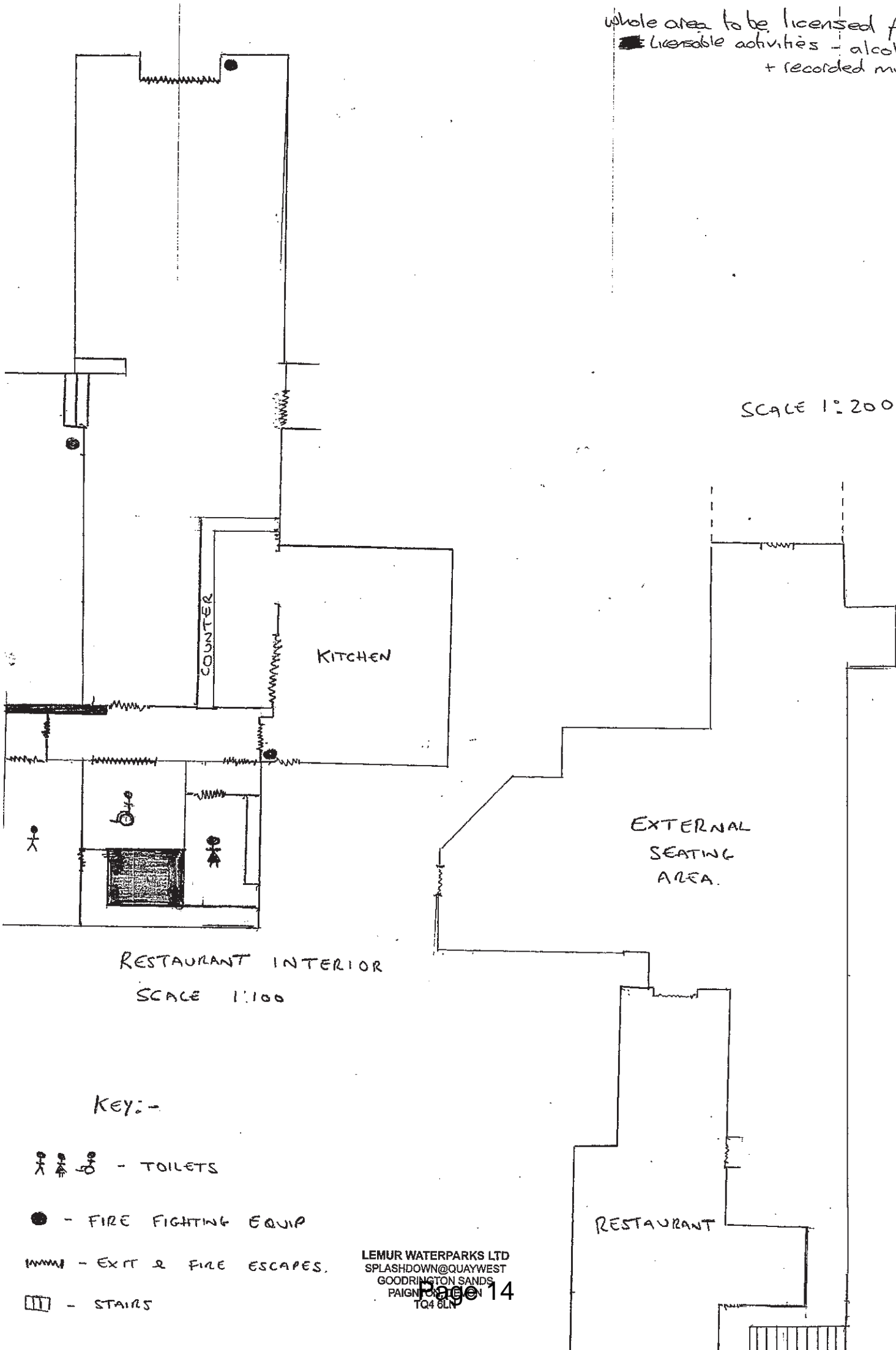
LEMUR WATERPARKS LTD
SPLASHDOWN@QUAYWEST
GOODINGTON SANDS
PAIGNTON, DEVON
TQ4 6LN

KEY:-

-  - PREMISES LICENCE
-  - RECORDED MUSIC
-  - LIVE MUSIC + DANCING
-  - KITCHEN
-  - TOILETS
-  - EXITS & FIRE ESCAPES
-  - FIRE FIGHTING EQUIPMENT

whole area to be licensed for
Licensable activities - alcohol
+ recorded music

SCALE 1:200



RESTAURANT INTERIOR
SCALE 1:100

Key:-

♂ ♀ - TOILETS

● - FIRE FIGHTING EQUIP

~~~~~ - EXIT & FIRE ESCAPES.

▤ - STAIRS



# Memorandum

|                                                      |                   |                        |
|------------------------------------------------------|-------------------|------------------------|
| <b>To:</b> Licensing                                 | <b>From</b> :     | Community Safety       |
| <b>c.c</b>                                           | <b>Contact</b> :  | Mr Gareth Fudge        |
| <b>c.c.</b>                                          | <b>Ext</b> :      | 01803 208025           |
| <b>c.c</b>                                           | <b>My Ref</b> :   | 1ZV SRU No: 186518/GDF |
| <b>For the attention of: Licensing<br/>Steve Cox</b> | <b>Your Ref</b> : |                        |
|                                                      | <b>Date</b> :     | 19 February 2013       |

**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Splashdown @ Quay West, , Tanners Road, Paignton, Devon, TQ4 6LN**

- 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

The proposed application is for the playing of amplified music to facilitate dancing in two areas of the Splashdown water park one of which is outside.

I am concerned that the use of a public address system outside to provide music at a volume that is suitable for dancing will cause disturbance to the residents of the flats at Great Western Close and that this might amount to Public Nuisance even given the limited time period that the applicant intends to use the premises for music. Great Western Close is situated 150m from the boundary of the area where it is intended music is to be played outside. Assuming that the loudspeakers develop 97dB 1 m from them (a level not uncommon for the playing of music for dancing) the predicted level at the nearest residential accommodation would be 53dB which would be clearly audible at the residential accommodation. This is assuming a single source of noise, the noise would travel further should multiple speakers be used.

The applicant has offered no measures in their application to control this other than to state that the music will be under the control of the DPS and that security guards will be on hand. Neither of these measures will ensure that the volume of the music is controlled to such a level that residents will not be disturbed.

It is therefore, my considered view that the application as it stands has the potential to result in Public Nuisance.

I would therefore recommend that the following conditions be attached.

All regulated entertainment shall be played through a noise limiting device.

The level of the music through the limiter shall be agreed with the Responsible Authority for Public Nuisance in writing.

The limiter shall be kept in a locked tamper-proof box the keys to which shall be held by an independent party.

No changes shall be made to the public address system without prior consent of the Responsible Authority for Public Nuisance.

**Mr Gareth Fudge**

Senior Environmental Health Officer