

## LICENSING SUB-COMMITTEE

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

**Thursday, 27 June 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 Bent

Councillor Doggett

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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:

**Lisa Antrobus, 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 - 4)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 16 May 2013.
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. **Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay TQ1 1DT** (Pages 5 - 17)  
To consider an application for a Premises Licence in respect of Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay.



## Minutes of the Licensing Sub-Committee

16 May 2013

-: Present :-

Councillor

Councillors Addis, Doggett and Brooksbank

**47. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**48. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Doggett instead of Councillor Stocks.

**49. Minutes**

The Minutes of the meeting of the Sub-Committee held on 25 April 2013 were confirmed as a correct record and signed by the Chairman.

**50. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Co-op, 16 Great Rea Road, Brixham TQ5 9SW**

Members considered a report for an application for a Variation to a Premises Licence in respect of Co-op, 16 Great Rea Road, Brixham TQ5 9SW.

Written Representations received from:

Name	Details	Date of Representation
Members of the Public	Nine Representations received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder,' 'Public Safety' and 'The Prevention of Public Nuisance.'	Various dates

The Senior Licensing Officer circulated a map and two photographs to Members showing the position of the Co-op in relation to the surrounding area and a list of nearby off-licence premises in the TQ5 area, with the Chairman's approval.

Copies of the Co-operative Welcome and Citrus Training Guide were made available to Members.

Oral Representation received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor outlined the application, as set out in the submitted documents and responded to Members questions.
Members of the Public	Members of Public highlighted their concerns in respect of the Application and responded to members questions.

Members noted there have been no Representations received from any Responsible Authority.

Additional Information:

Members of Public were advised by the Chair that matters which fell outside the scope of Licensable Activities and Promotion of the Licensing Objectives, could not be considered by the Licensing Sub-Committee and should be addressed by the Council's Planning and Trading Standards department and where appropriate by the Police. Although the Committee acknowledged the issues raised, they were advised that they could only consider matters in respect of varying the hours of the Premises Licence on a Sunday only.

Decision:

That the application for a Premises Licence in respect of Co-op, 16 Great Rea Road, Brixham TQ5 9SW be granted as applied for, subject to the Conditions put forward by the Applicant.

Reason for Decision:

Having carefully considered all the Oral and Written Representations, Members resolved to grant the Licence as applied for, having acknowledged the frustrations put forward by the Interested Parties but noted that these did not directly relate to the Licensable activity being applied for. In addition, Members noted that one of the Interested Parties submitted that it was their belief that the variation sought was already ongoing and therefore noting this belief and the fact that there were not any reported issues within the times sought, members found no reason to believe that the granting of this variation would undermine the Licensing Objectives.

Members further noted the absence of any Representations from either of the Responsible Authorities.

In concluding, should issues arise as a result of this grant, then a Review of the Premises Licence is permissible.

**51. Licensing Act 2003 – An application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ**

Members considered a report for an application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ.

Written Representation received from:

Name	Details	Date of Representation
Member of the Public	One Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder,' and 'The Prevention of Public Nuisance' with two signatures on it.	April 2013

The Senior Licensing Officer circulated a map to Members showing the position of the White Rock Convenience Store in relation to the surrounding area and a list of nearby off-licence premises in the TQ4 area, with the Chairman's approval.

A written response to the Representation was circulated from the Applicant through the Solicitor to Members, with the Chairman's approval.

Oral Representation received from:

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

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

Members were advised by the Senior Licensing Officer that she had spoken with the Member of the Public who had made the Representation and they had informed her that they would not be able to attend due to being on holiday. Members agreed it was in the public interest to continue with the meeting and an additional Representation from the Member of Public was circulated with the Chairman's approval.

Decision:

That the application for a Premises Licence in respect of White Rock Convenience Store, 91 Goodrington Road, Paignton TQ4 7HZ be granted as applied for, subject to the conditions put forward by the Applicant.

Reason for Decision:

Having carefully considered all the Oral and Written Representations, Members resolved to grant the Licence having acknowledged the Representations put forward by the Interested Party but noted that concerns raised within this Representation were either not attributable to this Premises, as this was an application for a new Premises Licence or that they were outside the scope of the Licensing Authority's remit. Namely, opening times, issue of parked cars in the nearby car park, throwing of items at their window.

In addition, Members noted that there were no Representations received from any of the Responsible Authorities and were satisfied that the conditions put forward by the Applicant and the layout of the Premises in which alcohol would be sold, would, in their minds, seek to promote the Licensing Objectives.

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Chairman



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of Ephesus Turkish – Greek Restaurant, 48 Torwood Street, Torquay, TQ1 1DT**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **27 June 2013**

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. The Premises 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 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:

The Performance of Dance from 18.00 until 23.00 seven days a week.

Late Night Refreshment from 23.00 until midnight seven days a week both indoors and outdoors.

The sale of Alcohol both on and off the premises from 08.00 until 23.45 seven days a week.

The premises will be open to the public from 08.00 until 00.30 seven days a week.

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

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received from an Interested Party. 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 an Interested Party 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 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 an Interested Party.

### **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**

**FORM B**

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 EPESSES 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			
ZARA 48 TORWOOD STREET			
Post town	TORQUAY	Post code	TQ1 1DT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£7,200	

**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)

Restaurant with bar  
doing sit down meals and takeaway 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)

In all cases complete boxes N, O and P

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1800	2300	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	1800	2300			
Wed	1800	2300	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	1800	2300			
Fri	1800	2300	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Performance of dance by belly dancers throughout course of evening.		
Sat	1800	2300			
Sun	1800	2300			

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00			
Sat	23:00	00:00	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun	23:00	00:00			

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 type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) <del>#</del> <i>John</i>					
Mon	<del>0800</del> 0800	<del>23:45</del> 23:45						
Tue	<del>0800</del> 0800	<del>23:45</del> 23:45						
Wed	<del>0800</del> 0800	<del>23:45</del> 23:45						
Thur	<del>0800</del> 0800	<del>23:45</del> 23:45						
Fri	<del>0800</del> 0800	00:00						
Sat	<del>0800</del> 0800	00:00						
Sun	<del>0800</del> 0800	<del>23:45</del> 23:45						
						<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

*1 TO FOLLOW*

Name	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

**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 - Belly dancers will wear appropriate clothing at all times.

**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	0800	<del>00:00</del>		
		00:00		
Tue	0800	<del>00:00</del>		
		00:00		
Wed	0800	<del>00:00</del>		
		00:00		
Thur	0800	<del>00:00</del>		<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)
		00:00		
Fri	0800	<del>00:00</del>		
		00:00		
Sat	0800	00:30		
Sun	0800	00:00		
		<del>00:00</del>		

**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

1) Alcohol will only be consumed by persons seated and having a meal at the premises.

2) The premises shall have a CCTV system installed, which will operate whenever the premises are open. The system shall have recording facilities and all recordings will be kept for a minimum of 14 days, such recordings will be provided to the police when required.

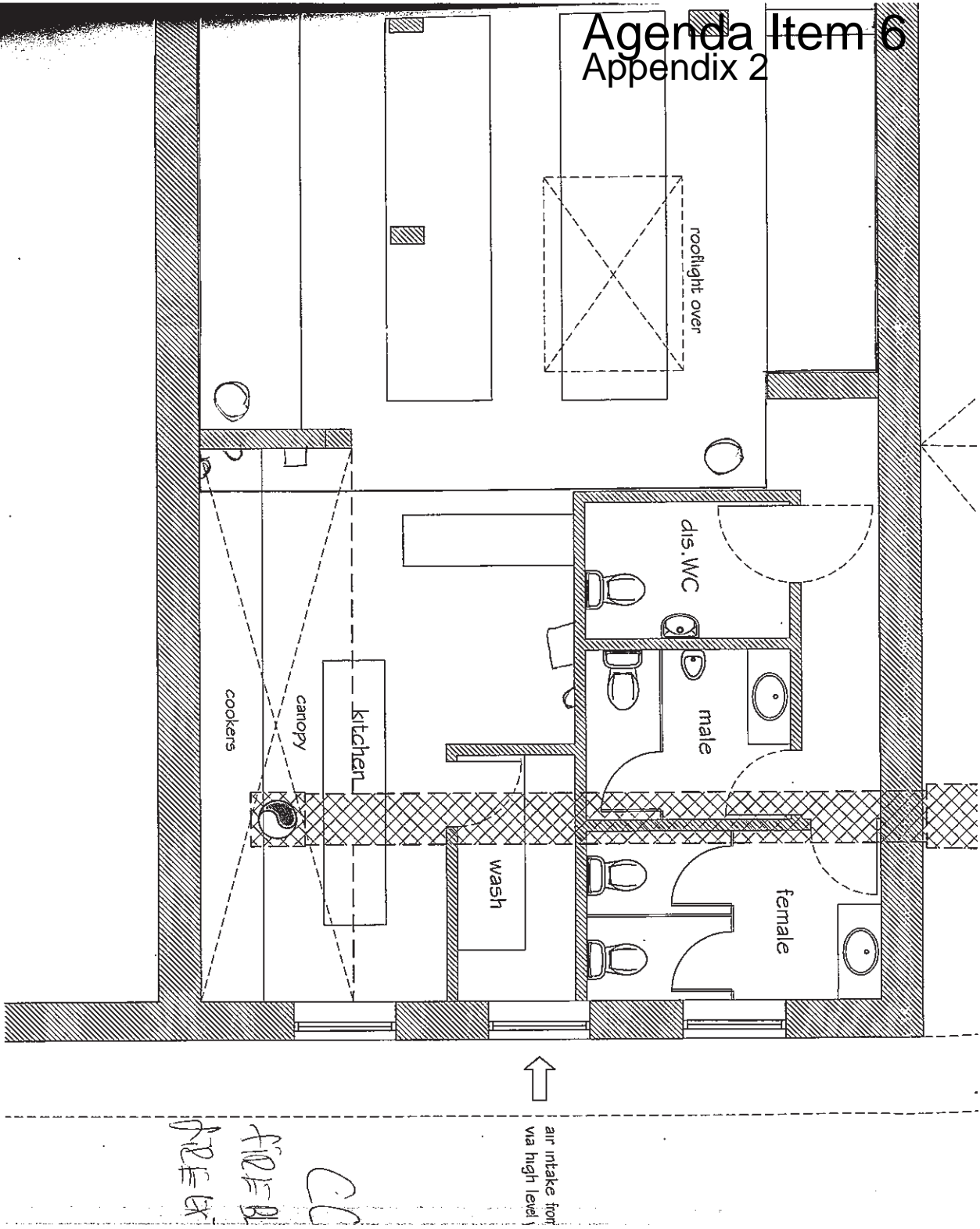
c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

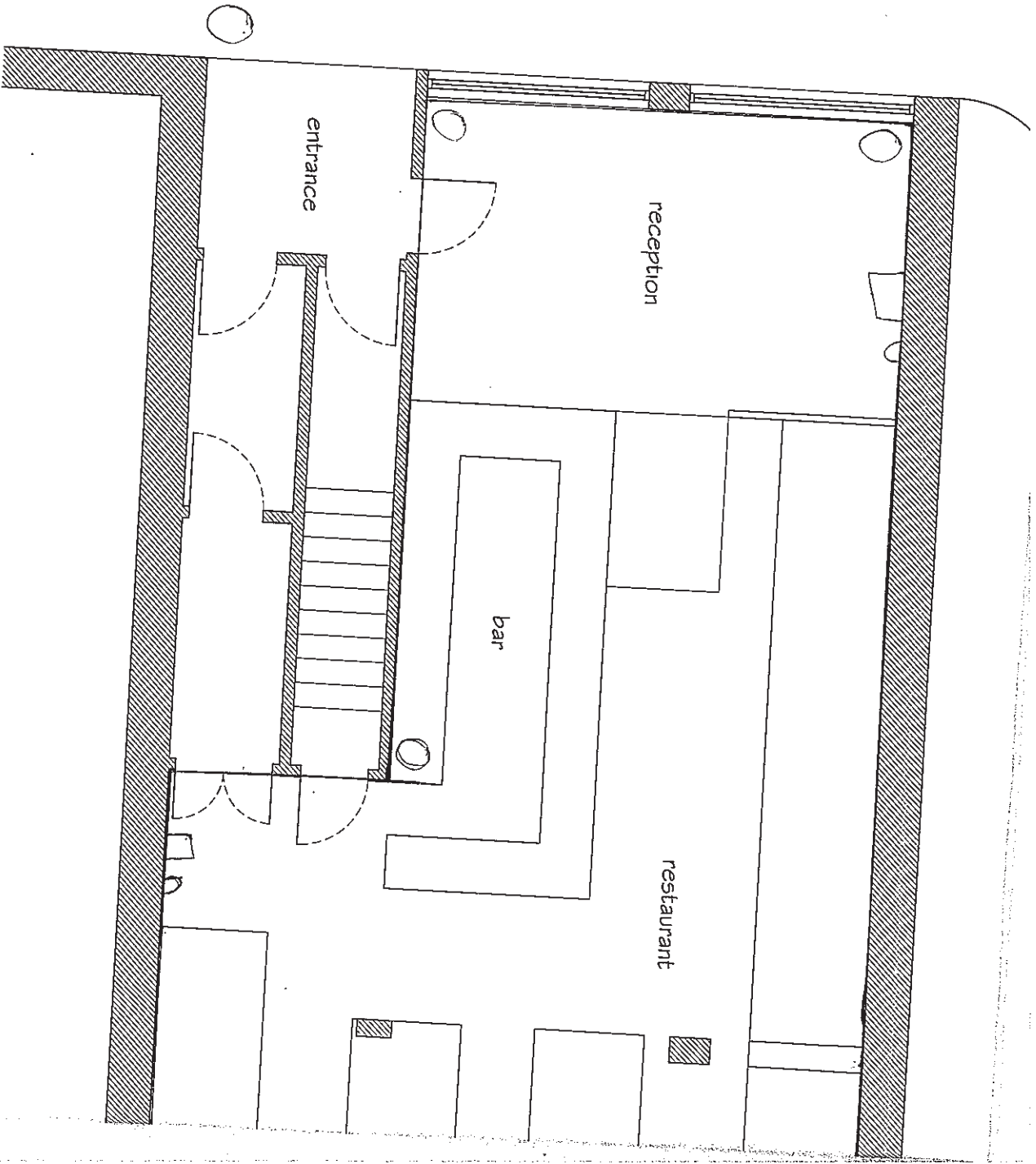
1) The premises shall operate a Challenge 25 policy, ID will be requested from anyone who appears under the age of 25. If satisfactory photographic ID in the form of driving licence, passport or approved PASS card is not produced, no sale of alcohol will take place.





PROPOSALS

CHANGE OF USE TO RESTAURANT 48 TOR



VENTILATION PROPOSAL

Dear Sir,

I am writing to object strongly to the application of 48 Towood St to obtain a licence to sell alcohol. I understand this licence would include permission for dancing and music. As I have pointed out in previous letters to the council this is the only property in the area where a residential flat sits directly above a restaurant. All the others have commercial properties above. We already have enough problems in the area with noise from music in other bars, clubs ect without adding to this. We are constantly in discussion

P.T.O.

with the council regarding this. I live directly above this restaurant and would be in a direct line for any noise from it. We do not want people who have been drinking standing ~~in~~ in our porch/entrance which we share with the restaurant.

Yours Faithfully

