



Wednesday, 13 November 2013

LICENSING SUB-COMMITTEE

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

Thursday, 21 November 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 Brooksbank

Councillor Pentney

Councillor James

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

www.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 The Polish Shop, 9 Market Street, Torquay TQ1 3AF**
To consider an application for a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF.

(Pages 1 - 11)



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

21st November 2013

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

1.1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.

1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

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

2. Introduction

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

A brief description of the application, as follows:

The Sale of Alcohol off the Premises from 0700 until 2300 seven days a week.

To be open from 0700 until 2300 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 a Member of the Public in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". This is shown as Appendix 3.

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

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

TORBAY COUNCIL

- 1 OCT 2013

**ENV HEALTH
FOOD SAFETY**

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 Pawel Puzelko and Krzysztof Lukasz Kaczmarczyk

(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 9 Market Street - The Polish shop			
Post town	Torquay	Post code	TQ1 3AF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£18250

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)
Convenience store

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

M

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)		
Mon	0700	2300			
	-	-			
Tue	0700	2300			
	-	-			
Wed	0700	2300			
	-	-			
Thur	0700	2300			
	-	-			
Fri	0700	2300			
	-	-			
Sat	0700	2300			
	-	-			
Sun	0700	2300			
	-	-			
			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

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	
Mon	0700	2300	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	0700	2300	
	-	-	
Wed	0700	2300	
	-	-	
Thur	0700	2300	
	-	-	
Fri	0700	2300	
	-	-	
Sat	0700	2300	
	-	-	
Sun	0700	2300	
	-	-	

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. The premises will be laid out in accordance with drawing no 05 as served with the application or in the case of alteration to those plans any further plans served on the responsible authorities and licensing authority prior to completion of the premises, or as later approved in writing by the licensing authority.~~

b) The prevention of crime and disorder

1) No super strength beers, lagers or ciders of 5.5% abv or above shall be sold other than premium beers, lagers or ciders.
2) The sale of all spirits shall be by way of counter service only
3) A senior member of staff shall be on duty at the premises at all times that alcohol is being sold
4) Alcohol may only be sold to the public if there are at that time no fewer than two ^{members of staff} people on the premises.
5) CCTV shall be provided on the premises and shall be kept in good working order at all times.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

1. The store will operate a Challenge 25 scheme whereby any person who attempts to buy alcohol who appears to be 21 or under will be asked to provide identification to prove they are 18 or over. Notices will be kept on display at the store to inform customers and staff about the scheme. The following forms of identification are acceptable; photo driving licence, passport, proof of age standards scheme (PASS) card and any other locally or nationally approved form of identification.
2. Staff will be trained before they are allowed to sell alcohol on the law and the store's practices and procedures to prevent sales of alcohol to persons under 18.
3. The store will operate a scanning till with a prompt when age-related products are offered for sale.

4. Staff will keep a refusals book to record the refusal of sale of any age-related product.

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)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

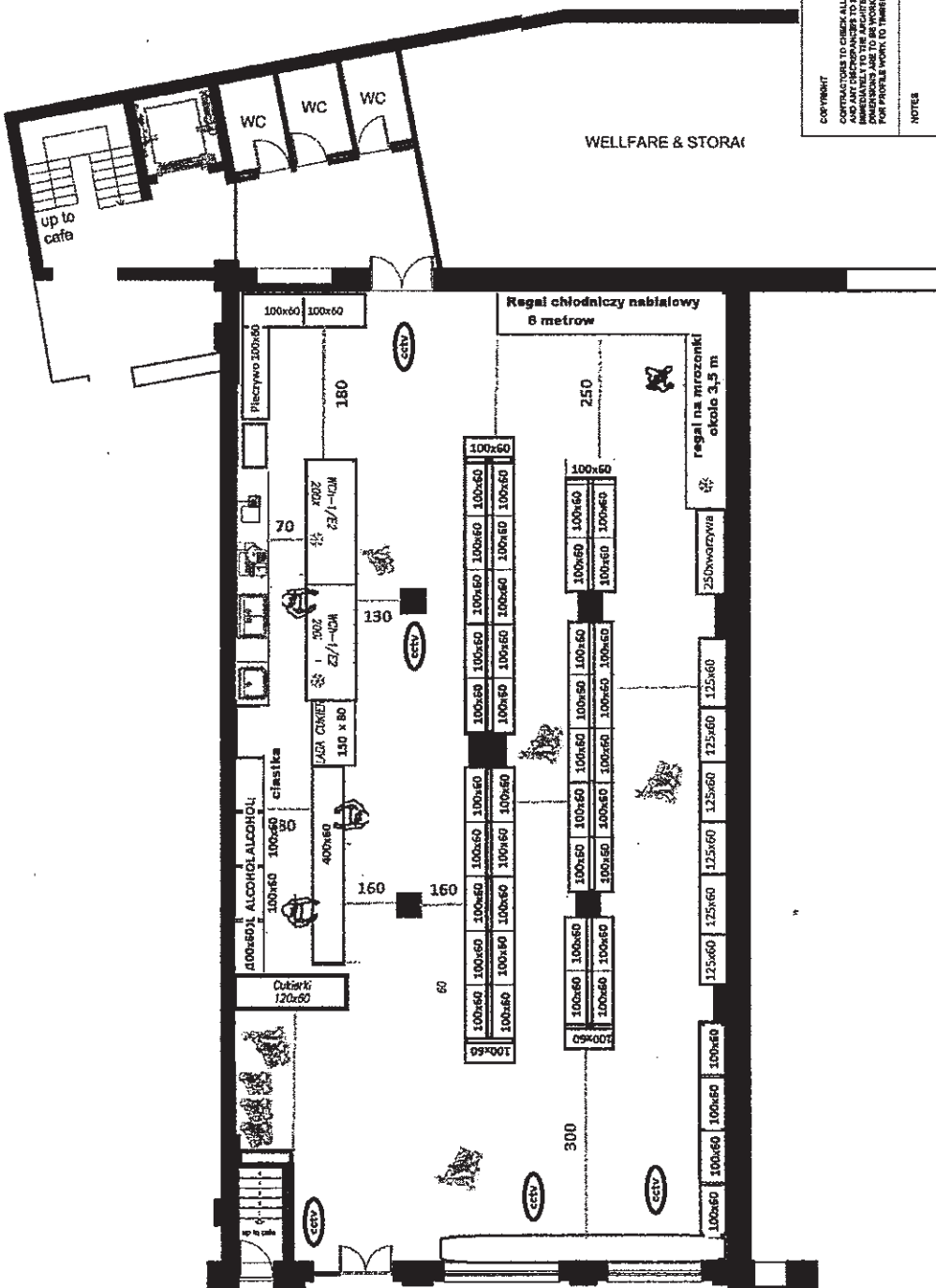
Signature	
Date	30 September 2013
Capacity	Solicitor

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Agenda Item 5

Appendix 2



WELFARE & STORAGE

<p>CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE AND ANY DIMENSIONS TO BE PROVIDED IN THE DRAWINGS ARE TO BE WORKED FROM EXCEPT FOR PEOPLE WORK TO THESE DETAILS.</p> <p>NOTES</p>	<p>NARRACOTTS architect & planning consultants</p> <p>2 Montpellier Terrace Torquay TQ1 1BL</p> <p>01 353 3322 01 353 3167 www.narracotts.co.uk/narracotts.aspx</p>
	<p>Replacement Floor Finish, Torquay Indoor Market, Market Street, Torquay. ref:</p> <p>9 Market Street Torquay TQ1 3AF</p>
<p>REVISIONS</p>	<p>JOB 1648</p> <p>SCALE 1:100</p> <p>DATE 06/08/2015</p>

05

TORBAY COUNCIL

29 OCT 2013

ENV HEALTH
FOOD SAFETY

27 October 2013, Torquay

To whom it may concern

I would like to appeal against polish shop "Pawelek" applying for alcohol licence in premises at 9 Market Street in Torquay. I was considering that objection for long time and decided in mine and my neighbours from Queen Street to write to You. Here are my reasons:

- security; Market street and Queen street area is one of most dangerous and criminal in Torquay, another off licence opened till 11pm wouldn't help to keep that area safe. Especially that shop is almost on the way of people following harbour side pubs and clubs.
- price of drinks offered by chain Pawelek will attract heavy drinkers from other parts of Torquay. Not only polish but mainly lower part of english society like it take place in Exeter at Cowick Street area, where you can find drunk people on the streets around "Pawelek" drinking and using every corner as an "open air" toilet. To confirm that information please ask Exeter Council.

This will be happening here, for sure on steps between Queen and Market street. Why there is so many drinkers there? First of all chain Pawelek use low prices of alcohol to make people come to their shop and get food aswell. For example fourpack of strong 7% lager cost £7.30 in Tesco, but in Pawelek 7% polish lager will cost £4-£4.40. English shops offers polish lager (5% Lech or Tyskie) 4 for £5.50, in Pawelek it cost £1 a can or 6 cans for £5.50!! Because of that Market street will be full of drunk people what will cause violence and dirty streets. It will affect all residents of that area. I don't to be attack if I refuse to borrow a "fiver" to some drunk gentelman.

-parking. Residents of Queen street have already problems with very limited parking spaces. Unfortunately customers of Morrisons and other shops using our street as free parking. it will incese a lot after opening another polish shop on Market street. I don't think that Polish people are gonna park their cars on the paid parking on the top of Market street. Most of them will leave a car on Queen Street and sneak through the steps to Market street. These are my reasons why i'm against giving alcohol licence to "Pawelek" polish shop on 9 Market Street. Thank You for you time and attention.