



Wednesday, 26 February 2014

LICENSING SUB-COMMITTEE

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

Thursday, 6 March 2014

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 Ellery
Councillor Brooksbank

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
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. **Minutes** (Pages 1 - 4)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held 6 February 2014 and 13 February 2014.
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 Variation to a Premises Licence in respect of Domino’s Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW** (Pages 5 - 24)
To consider an application for a Variation to a Premises Licence in respect of Domino’s Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW.



Minutes of the Licensing Sub-Committee

6 February 2014

-: Present :-

Councillors Bent, Brooksbank and Pentney

51. Election of Chairman/woman

Councillor Pentney was elected as Chairwoman for the meeting.

52. Exclusion of the Press and Public

Prior to consideration of the item in Minute 53 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)

53. Taxi Driver Report

Members considered an exempt report concerning a Torbay Council Licensed Driver and whether he remained a 'fit and proper person' to hold a Torbay Council Driver's Licence. At the hearing Members of the Licensing Sub-Committee heard submissions from the Environmental Health Manager (Commercial), a Police Officer from Devon and Cornwall Constabulary and the Respondent.

Decision:

That the Respondent's Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provision Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government (Miscellaneous) Provision Act 1976.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to revoke the Respondent's Driver's Licence, as they could not be satisfied that he remained a 'fit and proper' person to hold such a licence.

In coming to that decision, Members considered having been charged with the responsibility to determine the driver's licence, whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person to whom they care or any vulnerable person known to them to get into a vehicle with the Respondent alone. An unequivocal and unanimous answer to this question, was 'no'.

This answer was formed considering their duty to protect the public, in the knowledge that a licensed driver is in a position of trust and on the evidence before them; the Respondent had conducted himself in a manner that was inappropriate, unacceptable and fell well below the standard expected by them of a driver licensed by Torbay Council.

Whilst Members had regard to the seriousness of the allegations, they balanced this against the evidence submitted by the Police, in that previous allegations had been made by the alleged victim to a third party, which were dissimilar to those allegations before them, and the fact that when investigated by the Police they were believed not to have happened and as such, no crimes were created.

Notwithstanding this regard, Members primarily came to their decision based on the fact that the Respondent had by his own admission watched pornography on a portable DVD player, whilst on duty in his taxi and outside a school. Of further concern, the purpose of the Respondent's presence was, as contracted between the company he worked for and a local authority, to provide regular transport to a lone vulnerable female who the Respondent said, may have seen what he was watching when she approached his vehicle. When questioned by Members, the Respondent accepted that such conduct was inappropriate.

In addition, two days after the allegations were made, the Police when arresting the Respondent and in the process of searching his taxi, discovered a Portable DVD player with what the Respondent admitted as having a 'naughty DVD' in it.

Members considered whether to suspend the driver's licence but unanimously resolved that due to such a serious error of judgement made by the Respondent, in watching pornography outside a school in the circumstances in which he was there for and having no regard that such material could have been seen by others, including children meant that the only appropriate outcome was an outright revocation.

In coming to the decision to revoke the Respondent's driver's licence, Members resolved that it should be with immediate effect, as it is in the interest of the public to do so. Members' reasoning for this determination is due to the perceived risk which they believe the Respondent poses, following his serious error of judgement in these circumstances.

Chairman/woman

Minutes of the Licensing Sub-Committee

13 February 2014

-: Present :-

Councillors Addis, Brooksbank and Doggett

54. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

55. Licensing Act 2003 – An application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark 163 Newton Road, Torquay

Members considered a report on an application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark, 163 Newton Road, Torquay TQ2 7AL.

Written Representations received from:

Name	Details	Date of Representation
Police	Letter of representation in relation to Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm' and a list of 10 proposed conditions and a supplementary Incident Log FT/13/.	15 January 2014 3 February 2014

Oral Representations received from:

Name	Details
The Applicant's Legal Representative	The Applicant's Legal Representative outlined the application, as set out in the submitted documents and responded to Members questions.
Police	The Police Representative outlined their objection, as set out in the submitted documents and responded to Members questions.

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

Additional information:

A colour version of a map of the surrounding area was circulated to Members as a black and white version included in the report pack, was not clear and a brochure of products supplied by Krates Ltd was circulated with the Chairman's approval.

An e-mail, dated 12 February 2014, was circulated to Members by the Applicant's Legal Representative, which showed agreement between the Applicant and the Police on the proposed conditions, as per the Police Representation, in the submitted report, numbered 3, 4, 7 and 8 and agreement of the Polices' requested condition 2 which will take the place of conditions 4 and 5 on the submitted Application. Agreement of amended wording, as per the e-mail, to the conditions proposed by the Police numbered 5, 6, 9 and 10.

The e-mail advised non-agreement to the Polices' condition 1.

Decision:

That the an application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark, 163 Newton Road, Torquay TQ2 7AL be granted as applied for, subject to the agreed position reached by both parties and that Condition 1 proposed by the Police will not be added to the Premises Licence.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the Licence in the manner that they had, having been satisfied that the previous 2 year trade by the Company has not resulted in the issues or concerns raised by the Police and therefore, Condition 1, sought by the Police was in their view not appropriate and on hearing from all parties present would be difficult to enforce given the nature of the business.

Chairman



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Domino's Pizza, 114 St Marychurch Road, Plainmoor, Torquay TQ1 3HW

Wards Affected: **St Marychurch**

To: **Licensing Sub-Committee**

On: **6th March 2014**

Contact Officer: **Mandy Guy**
Telephone: **01803 208025**
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 Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance".
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

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

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To increase the hours for the pizza delivery business to allow Late Night Refreshment from 23.00 until 03.00 seven days a week. The existing licence allows Late Night Refreshment from 23.00 until 23.30 Sunday to Thursday and from 23.00 until midnight Friday and Saturday.

To increase the Opening Hours to the same as the times requested for Late Night Refreshment.

- 2.2 The current Premises Licence is shown as Appendix 2.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from Responsible Authorities. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 3.

We have received a representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 4.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or

(ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.

- 2.8 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the current Premises Licence.
Appendix 3	Representation from the Police.
Appendix 4	Representation from Public Protection.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.

Agenda Item 6

Appendix 1

Continued from previous page...

* Your position in the business	<input type="text" value="Secretary"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
* Building number or name	<input type="text" value="121a"/>	
* Street	<input type="text" value="Queen Street"/>	
District	<input type="text"/>	
* City or town	<input type="text" value="Newton Abbot"/>	
County or administrative area	<input type="text"/>	
* Postcode	<input type="text" value="TQ12 2BN"/>	
* Country	<input type="text" value="United Kingdom"/>	

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="114"/>
Street	<input type="text" value="St. Marychurch Road"/>
District	<input type="text" value="Plainmoor"/>
City or town	<input type="text" value="Torquay"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="TQ1 3HW"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

10,500

Section 3 of 17

VARIATION

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

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Pizza delivery business looking to extend our potential opening hours. Currently the opening hours are:
Sunday-Thursday 11am-11:30pm
Friday & Saturday 11am-Midnight

We would like to extend them to be:
Monday-Sunday 10am-3am

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 23:00

End 03:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 23:00

End 03:00

Start

End

WEDNESDAY

Start 23:00

End 03:00

Start

End

THURSDAY

Start 23:00

End 03:00

Start

End

FRIDAY

Start 23:00

End 03:00

Start

End

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Providing hot food.
No alcohol, music or entertainment of any sort on the premises

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

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

Section 16 of 17

LICENSING OBJECTIVES

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

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

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

As Existing

b) The prevention of crime and disorder

The store has CCTV coverage, and access control on the back door. The frontage is well lit, and the large windows provide a good view of the exterior at the front of the store.

c) Public safety

As Existing

d) The prevention of public nuisance

Music will not be played in the premises.

e) The protection of children from harm

As Existing

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

Continued from previous page...

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

Section 16 of 17

LICENSING OBJECTIVES

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As Existing

b) The prevention of crime and disorder

The store has CCTV coverage, and access control on the back door. The frontage is well lit, and the large windows provide a good view of the exterior at the front of the store.

c) Public safety

As Existing

d) The prevention of public nuisance

Music will not be played in the premises.

e) The protection of children from harm

As Existing

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises.

Licensing Act 2003
Premises Licence

758

LOCAL AUTHORITY



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

Part 1 - Premises Details

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

Dominos Pizza

114 St Marychurch Road, Torquay, Devon, TQ1 3HW.

Telephone 01803 313444

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	11:30pm
	Friday to Saturday	11:00pm	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	Noon	11:30pm
Friday to Saturday	Noon	Midnight

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

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

D A Hall Trading Limited

121A Queen Street, Newton Abbot, Devon, TQ12 2BN.

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

D A Hall Trading Limited

04716134

Stephen Cox

Steve Cox
Environmental Health Manager (Commercial)
25 March 2011

ANNEXES

ANNEXE 1

MANDATORY CONDITIONS

None

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The premises shall continue to adhere to the rigorous standards set out in the Domino's Franchise Agreement.
2. The premises must be adequately staffed so as to allow the proper management of the premises and supervision of those who visit them.
3. Alcohol must not be sold.
4. Where customers visit the store, the pizzas must be supplied to them in closed cardboard boxes.

The Prevention of Crime and Disorder

1. The premises shall actively co-operate with the local police to ensure that they are aware of particular problems which affect the area and which may potentially affect the store.
2. The premises shall not countenance the use or supply of illegal drugs and the staff shall inform the police immediately of any such suspected activity on or in the vicinity of the store.
3. The premises shall recruit professional and reputable staff.
4. The premises must not use or supply glassware.

Public Safety

1. The premises must comply with all requisite health and safety legislation.
2. The premises must carry out regular health and safety risk assessments.
3. In the most unlikely event that a greater number of people congregate in the premises that is conducive to public safety, the staff shall not hesitate to ask people to leave the store and shall always encourage them to take advantage of the home delivery service.

The Prevention of Public Nuisance

1. The doors and windows shall be kept closed at night to prevent transmission of noise.
2. Customers who visit the premises shall be asked to leave the premises quietly and with due consideration for the neighbours.
3. The delivery drivers shall be instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind the neighbours (particularly residential occupiers).
4. The premises shall have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion.
5. The equipment must be properly sound insulated and operated strictly in accordance with manufacturers' requirements,

ANNEXES continued ...

guide lines and tolerances.

6. All the air extraction system must comply with Building Regulations requirements and must be designed to ensure that there is no escape of cooking smells to neighbouring premises.
7. The premises must neither use or supply glassware.

The Protection of Children From Harm

1. The store must not be licensed for the sale of alcohol.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

1. Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.
2. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
3. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to to a minimum.
4. The movement of bins and rubbish outside the premises shall be kept to a minimum after 11.00pm. This shall help to reduce the levels of noise produced by the premises.
5. All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting lid. This shall help to prevent litter being blown around.

ANNEXE 4

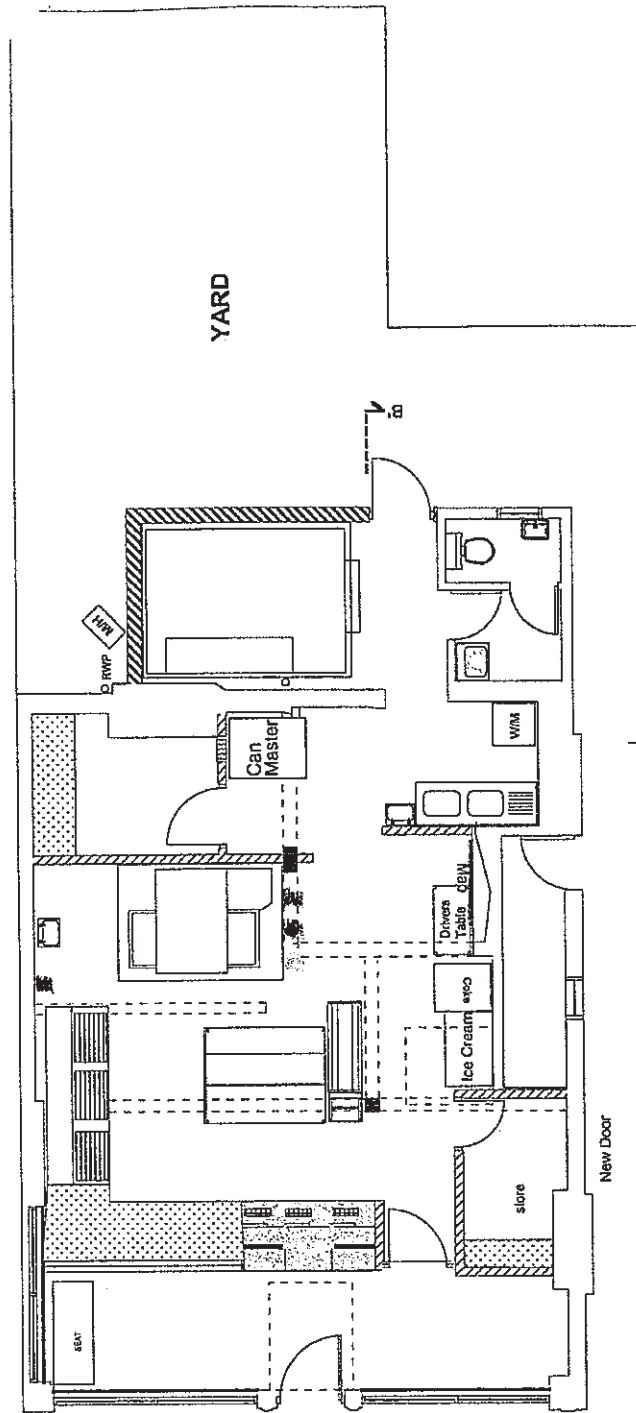
PLANS

Copy attached to Licence.

DOMINOS PIZZA
114 ST MARYCHURCH ROAD
TORQUAY
TQ1 3HW

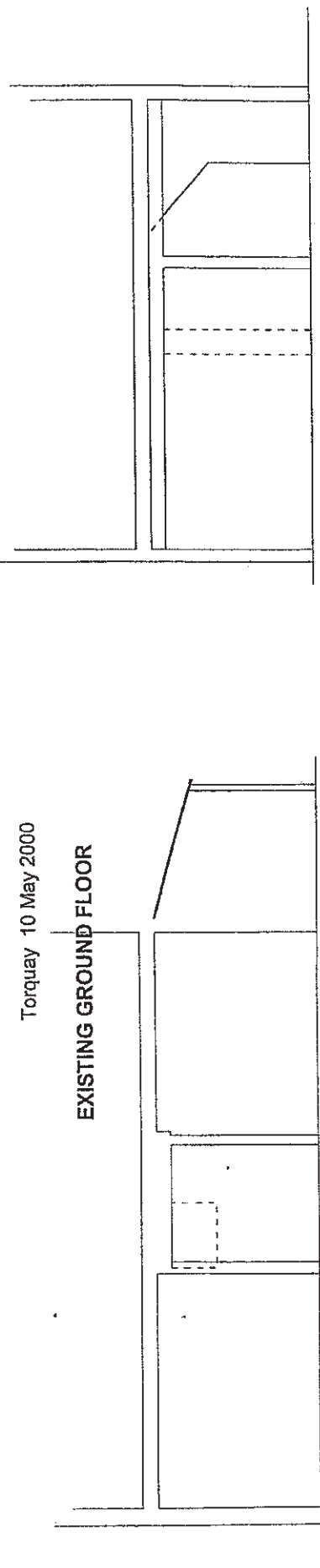
- ☐ FIRE EXTINGUISHER (FOAM)
- ☐ FIRE EXTINGUISHER (CO2)
- ☐ FIRE BLANKET

Scale 1:100



Torquay 10 May 2000

EXISTING GROUND FLOOR



Agenda Item 6

Appendix 3



Devon & Cornwall Police

Building safer communities together

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

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01392 452225

21 January 2014

Dear Sir/Madam

Domino's, 114 St Marychurch Road, Torquay

I refer to an application for the Variation of the Premises Licence in respect of the above premises.

Having considered the application, and discussed the matter with Mr Rose of DA Hall Trading Ltd, the police request that the following condition is imposed on the licence:

"A CCTV system capable of providing images of an evidential standard, shall operate at the premises throughout the times the premises are open to the public. All recordings from the system shall be kept for a minimum of 14 days and copies of recordings to be supplied to the police within 7 days of any request."

The police consider that the application does not contain sufficient detail concerning CCTV provision at the premises and the requested condition therefore expands on this. For your information Mr Rose has confirmed that CCTV is already installed in the premises and that this condition is acceptable to him.

The police consider the above step is appropriate to ensure that the licensing objectives are met.

licensingeast@devonandcornwall.pnn.police.uk



www.devon-cornwall.police.uk

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Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'C. Armes'.

Superintendent C Armes
LPA Commander

Memorandum

To:	From	: Environmental Officer
c.c	Contact	: Karl martin
c.c.	Ext	: 01803 208025
c.c	My Ref	: SR No: 198452 4PC (Form 150)
For the attention of:	Your Ref	:
Steve Cox, Licensing Manager	Date	: 5 th February 2014

Subject: Premises – Licensing Act 2003

Premises Name & Address: Dominos Pizza, 114 St Marychurch Road, Torquay, Devon, TQ1 3HW

- 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 nuisance

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

This is an application to extend an existing Late night authorisation from midnight until 3:00am. Due to the proximity and density of residential accommodation this site can be regarded as a residential area, please see Figure 1 & 1(a). Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

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

I accept the existing licence complies with the criteria but in my professional view this is not case if the premises operates beyond midnight. The main concerns are the potential of customers to loiter in the area and general noise associated with the operation of a late night take away.

The authority has recently received one complaint from a nearby resident. The complaint had three aspects to it. Firstly the rear door used by delivery drivers would bang against the door frame every

time it was used. Secondly staff congregating at the rear of the premises for the purposes of smoking and lastly noise associated with waste disposal, again at the rear of the premises. These issues have now been addressed by management.

To offer reassurance to local residents and the licensing committee I would respectfully urge members to consider the following potential actions:

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

Alternatively:-

Address my concerns by way of amendments to existing conditions and adding further conditions as detailed below.

1. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. Patrons shall be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
3. Deliveries of food and other materials necessary for the operation of the business must be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
4. The manager must ensure that staff who depart after midnight and especially when the business ceases trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
5. Deliveries (other than customer delivers) and movement of bins and rubbish activities shall not take place outside of the area between 23.00 hours - 07.00 hours.
6. Staff on rest/smoking breaks shall only use the pavement area on Westhill Avenue after 9p.m. and no more than one person at a time. Maximum of two staff if staff safety concerns arise.
7. Regularly inspection and maintenance of the rear door used by delivery drivers to ensure the doors does not become a source of noise nuisance.
8. Vehicles used by delivery drivers must parked at Waitrose car park or other suitable locations away from residential accommodation.
9. Remove existing annex 3 condition:-

'4. The movement of bins and rubbish outside the premises shall be kept to a minimum after 11.00pm. This shall help to reduce the levels of noise produced by the premises.'

Mr Karl Martin
Public Protection Officer

Figure 1 – Map of immediate area, residential accommodation highlighted as shown.

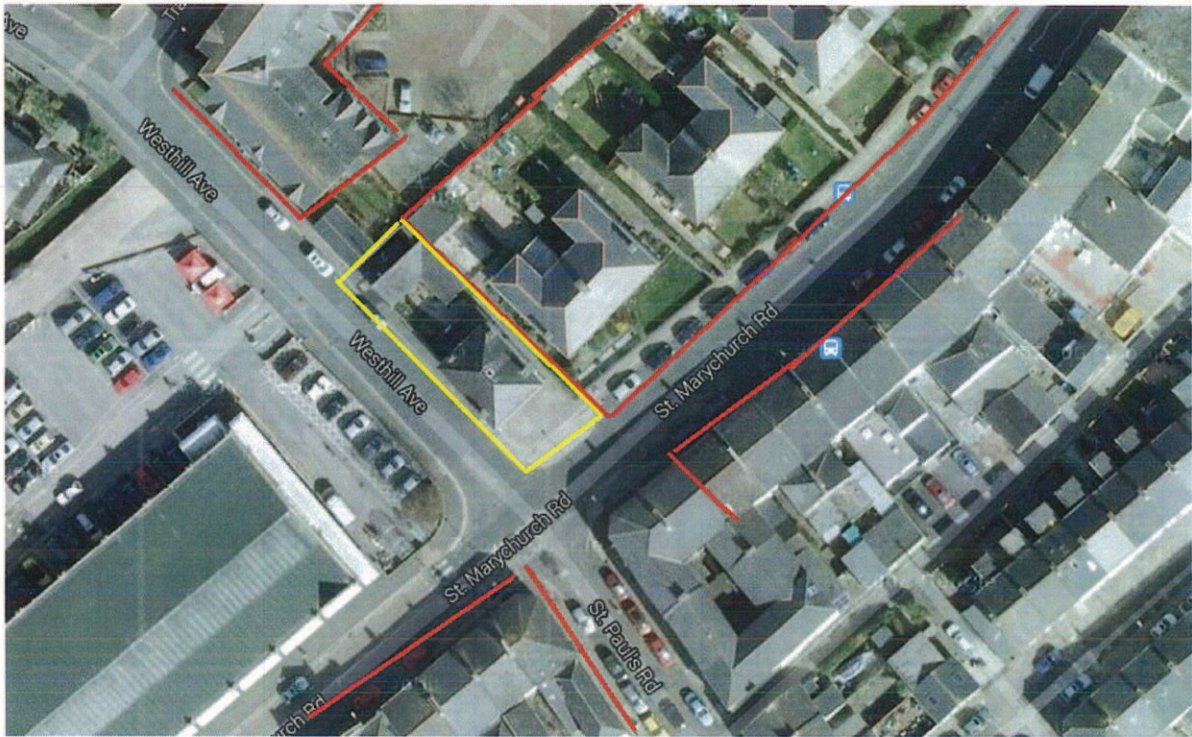


Figure 1a – Street view, front of premises

