



Wednesday, 10 December 2014

LICENSING SUB-COMMITTEE

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

Thursday, 18 December 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 Addis

Councillor Bent

Councillor Ellery

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 - 7)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 13 November 2014 and 27 November 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 Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay. TQ1 3PS.** (Pages 8 - 40)
To consider an application for a Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay. TQ1 3PS.



Minutes of the Licensing Sub-Committee

27 November 2014

-: Present :-

Councillors Addis, Bent and Brooksbank

24. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

25. Minutes

The Minutes of the meeting of the Sub-Committee held on 6 November 2014 were confirmed as a correct record and signed by the Chairman.

26. Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF

Members considered an application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF.

The Premises do fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation stating that the Licensing Objective 'The Prevention of Crime and Disorder' would be undermined if the application is granted.	29 October 2014

Oral Representation received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor advised that an application to change the Designated Premise Supervisor (DPS) for the Exeter Polish Shop had been submitted.
The Police	The Police advised that they had no objection with the Variation to the Premise Supervisor Application if Mr Kaczmatcyk was the sole DPS for the Torquay Polish Shop.

Additional Information:

The Senior Licensing Officer circulated an e-mail, with the permission of the Chairman and approval of the Senior Solicitor, from the Applicant's Solicitor to the Licensing Team, advising that he had submitted an application to vary the Licence as to the DPS of the Exeter Polish Shop and that Mr Kaczmatcyk would be the sole DPS for the Torquay Shop.

The Police Representative informed Members that there was now no objection to this application.

Decision:

That the application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of The Polish Shop, 9 Market Street, Torquay TQ1 3AF be granted.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members were satisfied that with the removal of Mr Kaczmatcyk as the Designated Premise Supervisor of the Exeter Polish Shop with the agreement of the Police and the Licensing Authority, for Mr Kaczmatcyk to be the sole Designated Premise Supervisor of the Torquay Polish Shop.

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

Members considered an application for a Variation to a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF.

The Premises do fall within the Cumulative Impact Area.

Written Representation received from:

Name	Details	Date of Representation
Police	Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance.'	29 October 2014

Oral Representation received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor advised that a revised condition had been submitted to the Police.
The Police	The Police advised that they had agreed to additional changes to the proposed revised condition.

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

Additional Information:

The Senior Licensing Officer circulated an e-mail, with the permission of the Chairman and the approval of the Senior Solicitor, from the Applicant's Solicitor to the Licensing Team, advising that following discussions with the Police, the Applicant proposed the following condition in place of the one originally proposed in the Application:

'No super strength beer, lager or cider of 6% ABV or above shall be sold other than premium beer, lager or cider.'

The Police Representative advised Members that prior to the Committee hearing, an agreement had been reached with the Applicant's Solicitor and agreed by the Applicant.

Decision:

That the application for a Variation to a Premises Licence in respect of The Polish Shop, 9 Market Street, Torquay TQ1 3AF be granted in accordance with the condition put forward by the Applicant at the hearing and agreed by the Police which reads as follows; No super strength beers, lagers or ciders of 6% abv or above shall be sold.

That the condition put forward in the application be withdrawn, as agreed by the Applicant at the hearing.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members were satisfied on hearing the oral representations, to grant the Variation put forward at the hearing, as there are not further concerns regarding this Premise.

Chairman/woman



Minutes of the Licensing Sub-Committee

13 November 2014

-: Present :-

Councillors Addis, Doggett and Stocks

22. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

23. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR

Members considered a report on an application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder.'	15 October 2014
Public Protection	Representation in relation to Licensing Objective 'The Prevention of Public Nuisance.'	16 October 2014

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

Oral Representation received from:

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

Members noted that in the Oral Representations of both the Police and Public Protection Representatives that as Responsible Authorities, they had not been consulted prior to the submission of the application, as per the Licensing Statement of Principles, Torbay Council 2011, Section 3 Page 15.

Additional Information:

Members were advised by both the Police Representative and Public Protection Officer that the Applicant had not demonstrated within the operating schedule that the granting of this application would not impact on any of the Licensing Objectives and their recommendation was for the application to be refused.

Applicant's Representative informed Members that he had not completed the application form and having taken instructions only a few weeks ago, it was clear that some elements had been completed incorrectly. It was not the Applicant's intention to hold live events of boxing and wrestling but instead these were to be televised and following input from the Senior Licensing Officer, it was apparent that this section should have been left blank as the activity requested is covered by another section in the application form. In addition the Applicant's Representative offered to reduce the timings of that applied for to 1am.

Decision:

That the application for a Variation to a Premises Licence in respect of Hop n Grapes, Lower Union Lane, Torquay TQ2 5PR be refused.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to refuse the application as they could not be satisfied on the evidence before them that if granted, this application would not add to the problems of crime and disorder and/or public nuisance in the area.

Members concluded that in considering the evidence, the operating schedule was too vague and did not sufficiently demonstrate how it will protect residential premises in close proximity to their premises from public nuisance, that put forward by the Applicant conflicted with conditions currently on the premises licence and that the oral representation by the Applicant's Representative and current Designated Premises Supervisor gave no certainty to there not being a negative cumulative impact on one or more of the Licensing Objectives in what was being applied for.

Members were concerned to note that the Applicant had not consulted with the Responsible Authorities prior to making this application, despite that stated within the Council's Licensing Policy and Revised Guidance issued under section 182 of the Licensing Act 2003. Had the Applicant done so, Members believed that the nature of this application would have been very different and not orally amended as a reactionary measure to the concerns highlighted by Members and the Responsible Authority's present at the hearing

Members considered what if any conditions could be added by them as an alternative to an outright refusal but resolved after careful deliberation of the oral amendments to the application and responses given to both theirs and the Responsible Authority's concerns, that it was for the Applicant to rethink his application in consultation with the Responsible Authorities and propose appropriate measures for the variation of a premises licence which is situated in such close proximity to residential properties and within the Council's saturation zone.

In coming to this decision Members had specific regard to the Council's Licensing Statement of Principles 2011.

Chairman/woman

Agenda Item 6



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Torquay United Football Club, Plainmoor, Torquay TQ1 3PS

Wards Affected: **St Marychurch**

To: **Licensing Sub Committee** **18th December 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 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”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and 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.

The application is to apply for a new premises licence to cover No. 10 Restaurant and Bar area, The Popside Football Stand and the football pitch and stands.

The No. 10 Restaurant and Bar and The Popside Football Stand both hold existing Premises Licences, which will be surrendered if this application is successful.

A brief description of the application, as follows:

The Exhibition of films indoors from 11:00hrs until Midnight on Monday to Sunday.

To provide Live and Recorded Music indoors and outdoors from 11:00hrs until Midnight on Monday to Sunday (The premises wish to hold 2 outdoor music events per year with a maximum capacity of 3000).

To provide Late Night Refreshment on and off the premises from 23.00hrs until Midnight on Monday to Sunday.

The Sale of Alcohol on and off the premises from 10:00hrs until Midnight on Monday to Sunday.

For all of the above, with the exception of films, the applicant has applied to extend the hours on Friday and Saturday from 11.00 until 01.00 for pre-arranged functions in the Gulls Nest and No. 10 Restaurant.

To be open to the public from 0800hrs until 0030hrs on Monday to Sunday. On Friday and Saturday until 01.30 for pre-arranged functions only.

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 and Interested Parties. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received two representations from members of the public in relation to the Licensing Objectives: "Prevention of Crime and Disorder", "Prevention of Public Nuisance" and "Protection of Children from Harm". These are shown as Appendix 3.

We have received one representation from Environmental Protection in support of the application in relation to the following Licensing Objectives: "The Prevention of Public Nuisance". This is shown as Appendix 4.

There have been no additional Representations received from any other 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 Representations from members of the public

Appendix 4 Representation from Environmental 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.

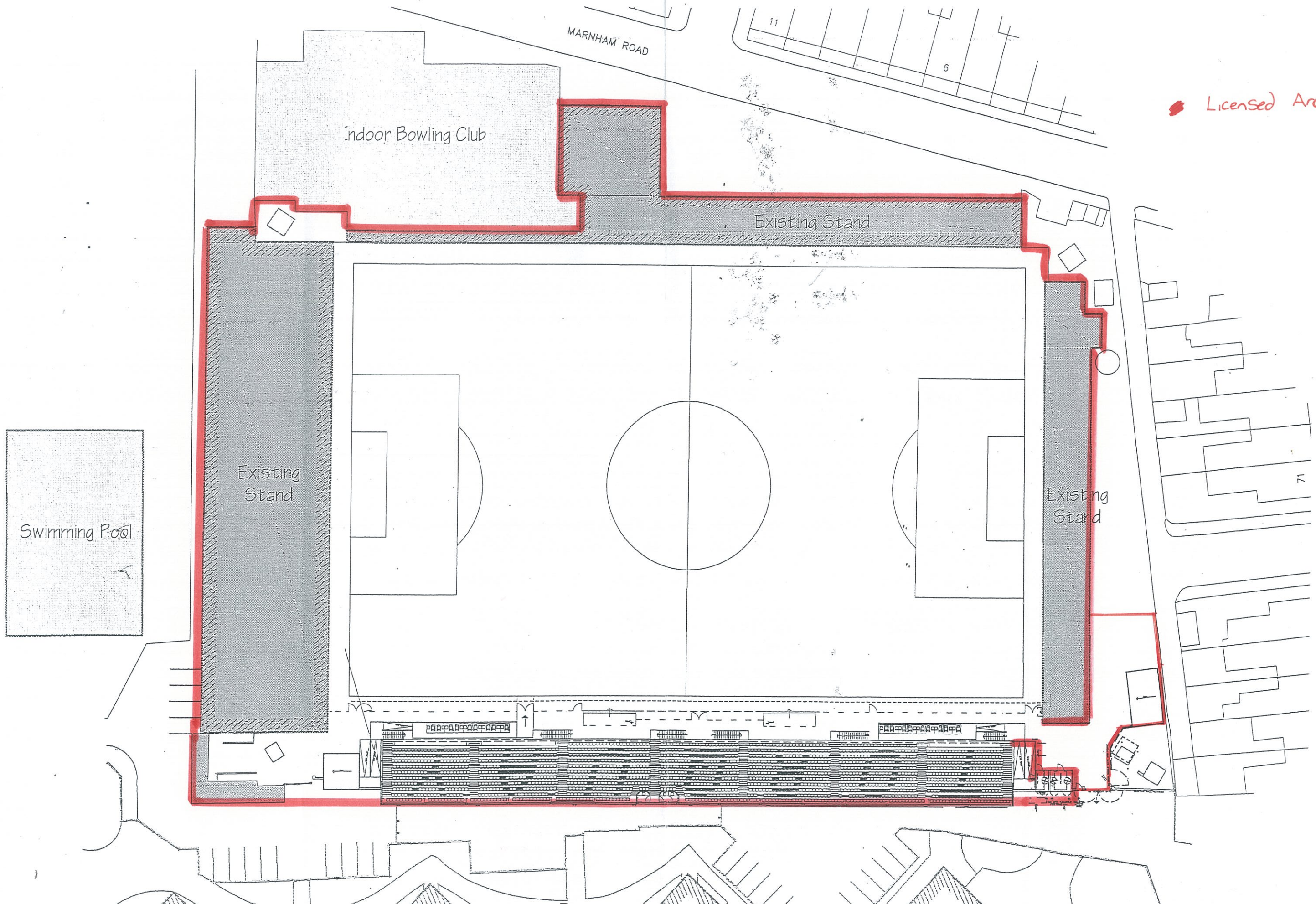
Documents available in Members' rooms

None

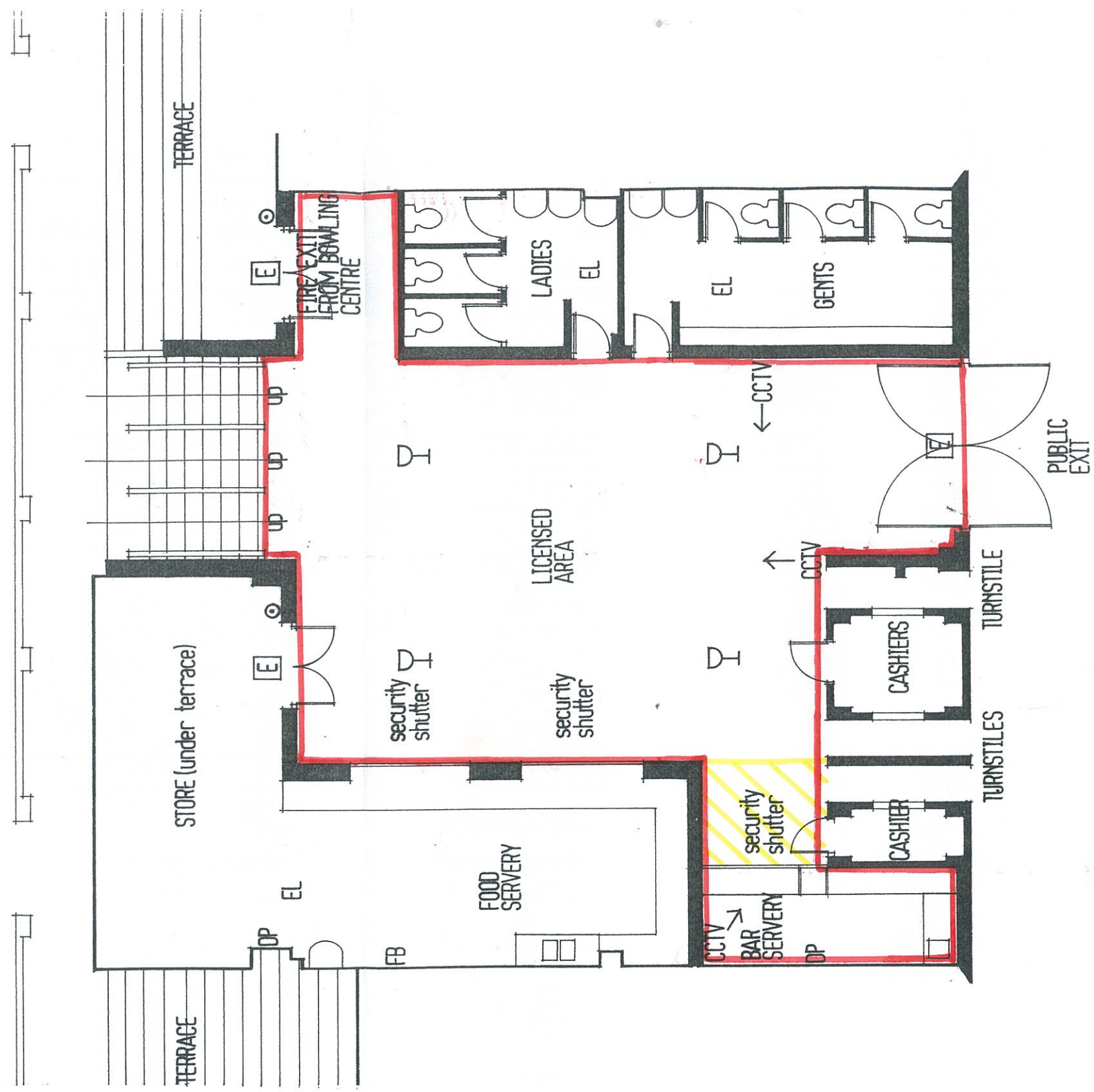
Background Papers:

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

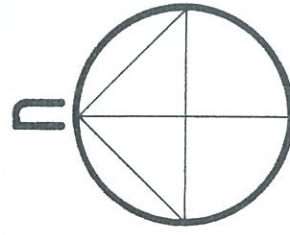
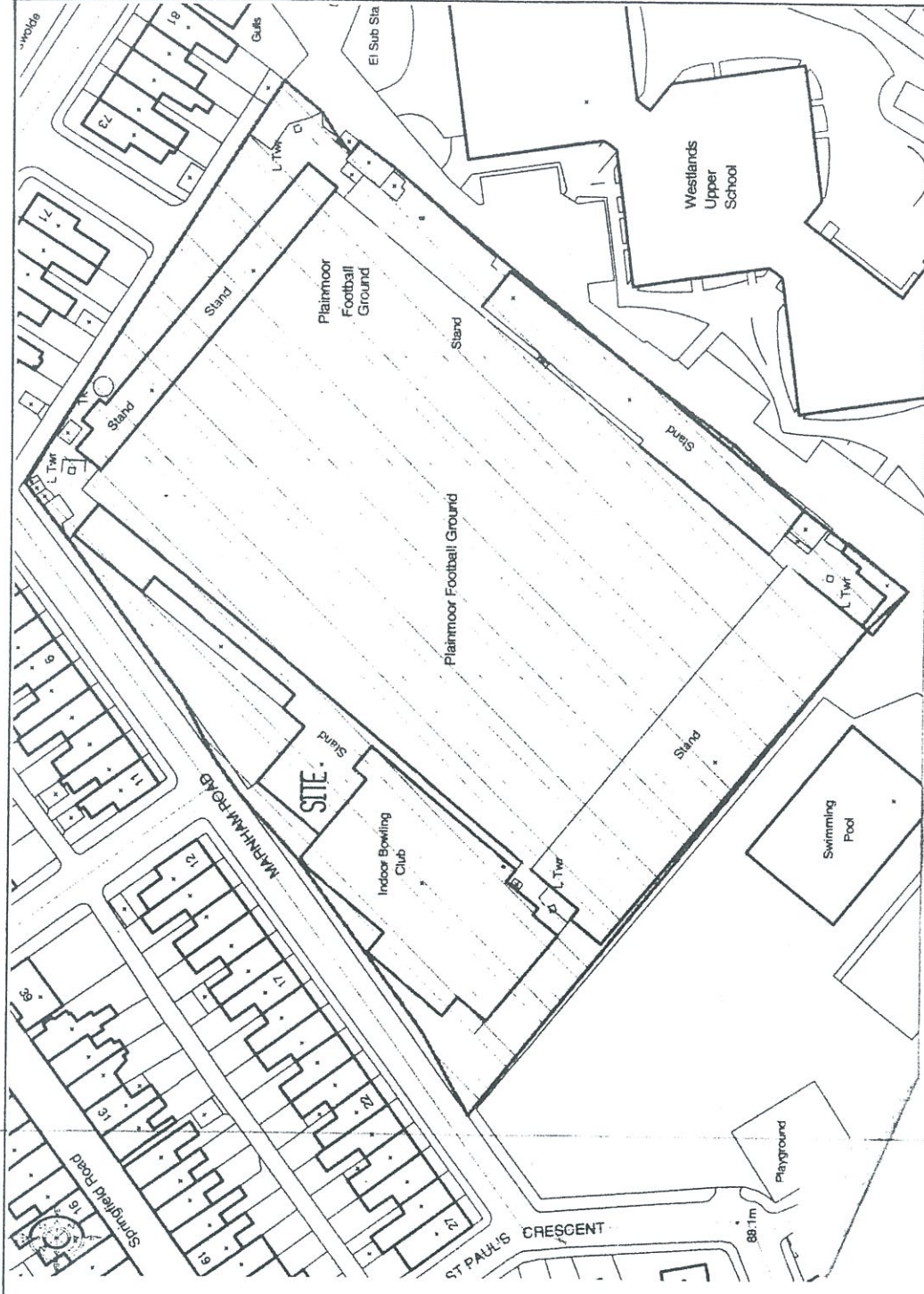
Torbay Council Licensing Policy 2011.



POP SIDE BAR



part ground floor plan
(north west stand)



site location plan

LEGEND

- FIRE EXIT SIGN (illuminated)
- EMERGENCY LIGHT
- FIRE ALARM CALLPOINT
- DRY POWDER EXTINGUISHER
- FIRE BLANKET
- CCTV CLOSED CIRCUIT TV CAMERA
- LICENSED AREA
- LICENSED AREA
- NO UNACCOMPANIED UNDER 16'S

SITE

Pop Side Bar
TORQUAY UNITED AFC
PLAINMOOR
TORQUAY TQ1 3PS

PROJECT

LICENCE APPLICATION

DARREN SIMMER
A R C H I T E C T U R E

9 WESTBOURNE ROAD TORQUAY TQ1 4JT
 Tel/Fax 01803 316399 Email darrensimmer@yahoo.co.uk

SCALES

1:100 1:1250

DATE

8.08

BY

DS

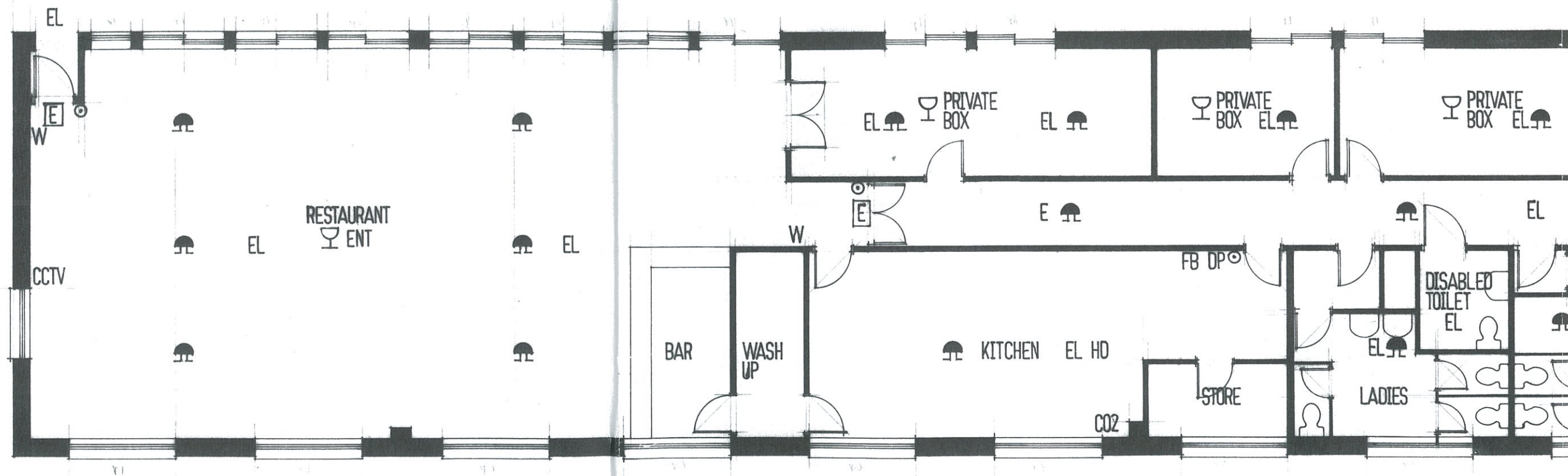
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2071

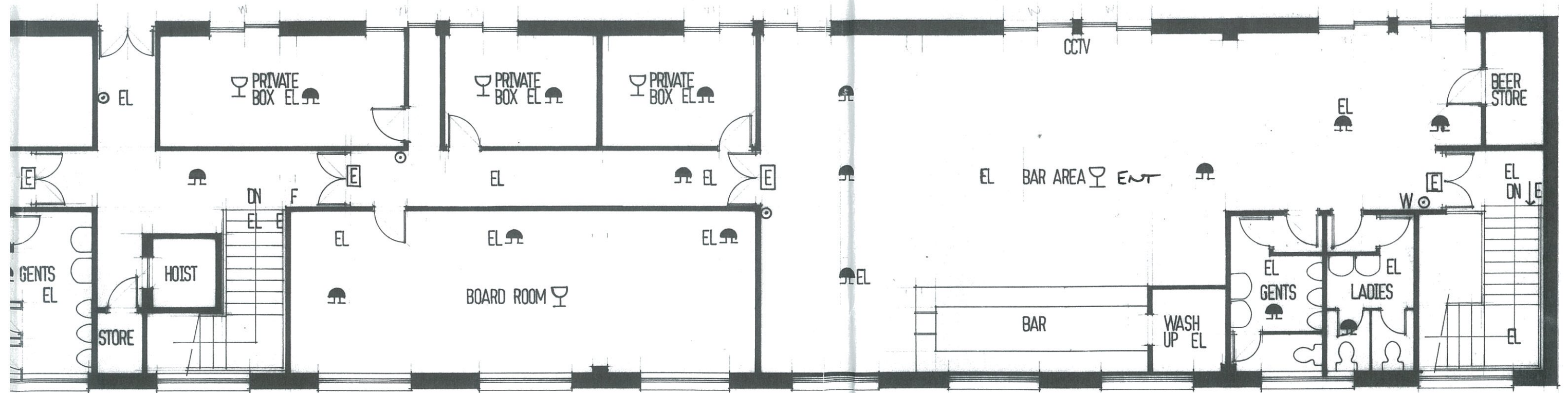
DRG NO.

05

Gulls Nest
& NO. 10 Restaurant.

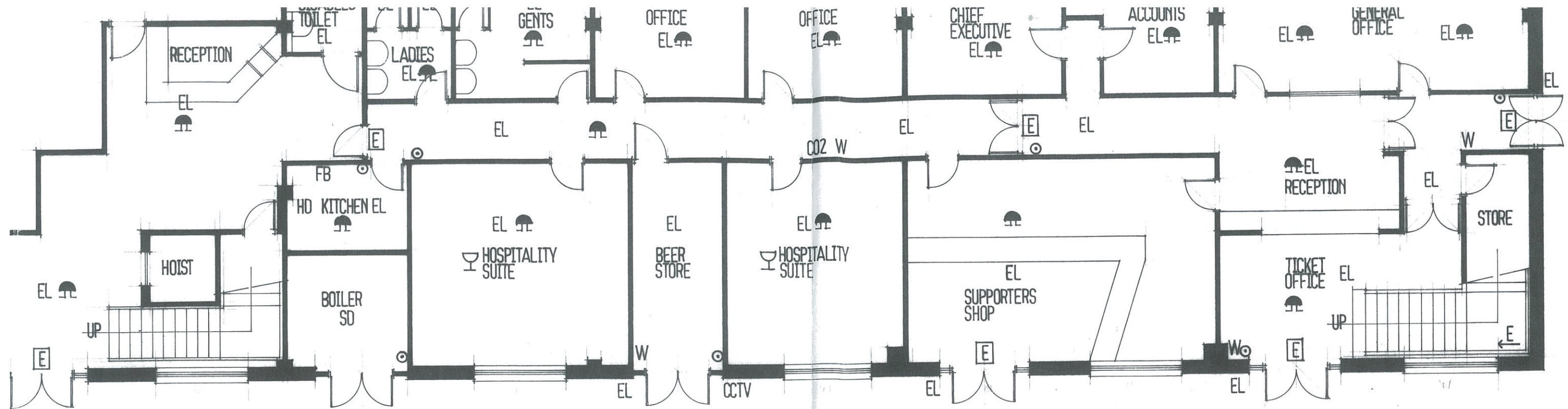


first floor plan





ground floor plan



LEGEND

- [E] FIRE EXIT SIGN (illuminated)
- E FIRE EXIT SIGN (non-illuminated)
- EL EMERGENCY LIGHT
- ⊙ FIRE ALARM CALLPOINT
- ☂ FIRE ALARM SOUNDER
- HD HEAT DETECTOR
- SD SMOKE DETECTOR
- FB FIRE BLANKET
- W WATER FILLED EXTINGUISHER
- CO2 CARBON DIOXIDE EXTINGUISHER
- DP DRY POWDER EXTINGUISHER
- F FOAM FILLED EXTINGUISHER
- CCTV CLOSED CIRCUIT TV CAMERA
- 🍷 LICENSED AREA
- ENT ENTERTAINMENT AREA

site
Torquay United
PLAINMOOR
TORQUAY
TQ1 3PS

project
LICENCE APPLICATION

drawing
GROUND & FIRST FLOOR PLAN

DARREN SIMNER
ARCHITECTURE

9 WESTBOURNE ROAD TORQUAY TQ1 4JT
 Tel/Fax 01803 316399 Email darrensimner@yahoo.co.uk

scales	date	by	job no	drg no
1:100	1.08	DS	2071	01B



Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We TORQUAY UNITED ASSOCIATION FOOTBALL CLUB 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 TORQUAY UNITED FOOTBALL CLUB PLAINMOOR			
Post town	TORQUAY	Postcode	TQ1 3PS

Telephone number at premises (if any)	01803 328666
Non-domestic rateable value of premises	£27,500

Part 2 - Applicant Details

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

- 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)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
FOOTBALL STADIUM & PREMISES

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 any that apply

- 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 late night refreshment (if ticking yes, fill in box I)



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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	11:00	00:00		Please give further details here (please read guidance note 3) Gulls Nest & No.10 Restaurant only	
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	00:00			
Sun	11:00	00:00			

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 type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	11:00	00:00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Tue	11:00	00:00			
			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)		
Wed	11:00	00:00			
			<ul style="list-style-type: none"> - Friday-Saturday 11:00-01:00 Pre-arranged functions only (Gulls Nest & No.10 Restaurant only) - New Year's Eve 11:00-01:00 (Gulls Nest & No.10 Restaurant only) - Maximum of 2 events per annum outdoors including either Live or Recorded music, with attendance limited to 3000 people. 		
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	11:00	00:00	Please give further details here (please read guidance note 3)		
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	00:00			
Fri	11:00	00:00	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) <ul style="list-style-type: none"> - Friday-Saturday 11:00-01:00 Pre-arranged functions only (Gulls Nest & No.10 Restaurant only) - New Year's Eve 11:00-01:00 (Gulls Nest & No.10 Restaurant only) - Maximum of 2 events per annum outdoors including either Live or Recorded music, with attendance limited to 3000 people. 		
Sat	11:00	00:00			
Sun	11:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	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 (please read guidance note 5)		
Sat	23:00	00:00	<ul style="list-style-type: none"> - Friday-Saturday 11:00-01:00 Pre-arranged functions only (Gulls Nest & No.10 Restaurant only) - New Year's Eve 11:00-01:00 (Gulls Nest & No.10 Restaurant only) - Maximum of 2 events per annum outdoors 		
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00			
Fri	10:00	00:00			
Sat	10:00	00:00			
			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)		
			<ul style="list-style-type: none"> - Friday-Saturday 10:00-01:00 Pre-arranged functions only (Gulls Nest & No.10 Restaurant only) - Supply of alcohol on any football match day from a time 15 minutes after the commencement of the match, to a time 15 minutes after the half-time interval, with consumption to be concluded within 30 minutes of the conclusion of the half-time interval (Pop Side Bar only) - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (Gulls Nest & No.10 Restaurant only) 		
Sun	10:00	00:00			

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

Name	
Address	
Postcode	
Personal licence	
Issuing licensing	

COUNCIL

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:30	<u>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</u> (please read guidance note 5) <ul style="list-style-type: none"> - Friday-Saturday 08:00-01:30 Pre-arranged functions only (Gulls Nest & No.10 Restaurant only) - On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (Gulls Nest & No.10 Restaurant only)
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

Conditions

General

Pop Side Bar

1. Supply of alcohol shall be on any football match day from a time 15 minutes after the commencement of the match, to a time 15 minutes after the half-time interval, with consumption to be concluded within 30 minutes of the conclusion of the half-time interval.
2. The Designated Premises Supervisor or a Personal Licence holder shall be present within the stadium at all times that alcohol is supplied.

Gulls Nest & No.10 Restaurant

1. All Licensable Activities within the Gulls Nest and No.10 Restaurant must take place indoors, except 2 (two) events per annum which can take place outdoors.

Music Event (Outdoors)

1. On 2 occasions per annum, alcohol may be supplied within the licensed premises area. Locations where the alcohol will be supplied must be agreed in advance through the Statutory Safety Advisory Group.

The Prevention of Crime and Disorder

Pop Side Bar

1. No alcoholic beverages shall be taken from the licensed premises into the stadium.
2. No alcoholic beverages shall be consumed in view of or from the stadium.
3. A minimum of 2 (two) SIA accredited stewards shall be positioned, at all times alcohol is supplied, on the steps from the premises to the stadium, to ensure compliance with these conditions.
4. A radio link shall be maintained between the bar area and the Police Control Room on match days.
5. Alcohol shall not be served in glasses or glass bottles and shall only be served in polycarbonate glasses, plastic glasses, plastic bottles or cans.
6. No disorder within the area of the licensed premises shall be tolerated.
7. Cash till drawers shall be removed when the bar is not in operation.
8. CCTV shall be installed at the premises, recordings shall be kept for a minimum of 14 days and made available to the police on request, and the images will be of an evidential standard and to the satisfaction of the police.

Gulls Nest & No.10 Restaurant

1. CCTV shall be installed at the premises, recordings shall be kept for a minimum of 14 days and made available to the police on request, and the images will be of an evidential standard and to the satisfaction of the police.
2. As far as is practical, that persons on or leaving the premises and using adjacent car parks and highways shall be reminded to conduct themselves in an orderly manner and not in any way to cause annoyance to residents or persons passing by.
3. The maximum number of persons to be permitted within the first floor restaurant area shall be 120.
4. All drinking glasses in which drinks are served shall be in toughened or strengthened glasses and no drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
5. Regular glass and bottle collection shall be undertaken throughout the premises.
6. Patrons shall not be permitted to leave the premises with any glass or bottles which belong to the premises.
7. There must be no entry or re-entry to the premises after 12 midnight.

Music Event (Outdoors)

1. When events other than football are held at the premises the following conditions shall apply:
 - (a) An Event Management Plan shall be submitted to the SAG (Safety Advisory Group) at least 3 months in advance of any event.

(b) The event shall be run in accordance with the Event Management Plan approved by the SAG.

Public Safety

Gulls Nest & No.10 Restaurant

1. Adequate access shall be provided for emergency vehicles.
2. All parts of the premises and all fittings and apparatus therein, all fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, shall be maintained at all times in good order and in a safe condition.
3. The Premises must adhere to the Fire Safety Act 2005 at all times.

The Prevention of Public Nuisance

Gulls Nest & No.10 Restaurant

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation, especially after 11pm. The assessment for noise shall be from the boundary to the nearest residential properties on all sides of the licensed premises. The criteria that shall be applied is as follows:
 - a) Before 11pm, noise emanating from the premises shall not be clearly distinguished from other noise.
 - b) After 11pm, noise emanating from the premises shall not be distinguishable above background levels of noise.
 - c) Local Authorities shall reserve the right to make further assessments from within the residential property in cases of internal noise and where premises are attached to others.
2. To allow live and amplified music inside and to reduce noise breakout, doors and windows facing on to any noise sensitive premises (e.g. dwelling) shall be kept shut during entertainment. A management scheme shall be in place to ensure this situation remains.
3. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. The placing of refuse, such as bottles, into receptacles outside the premises shall take place at times that will prevent disturbance to nearby properties.
5. The premises shall remain open for at least half an hour after alcohol is served, during which time patrons shall be dispersed gradually.

Music Event (Outdoors)

1. The event shall have a wind down period to allow for public dispersal. Marshalls/Stewards shall control and advise the public to leave the site quickly and quietly.
2. The Designated Organiser shall ensure that announcements are broadcast by loudspeaker system at closing requesting that patrons co-operate in leaving the premises and vicinity as quickly and quietly as possible.
3. Construction and deconstruction of the fencing, staged area and units ancillary to the event shall not be carried out between the hours of 23.00 and 08.00 hours to minimise disturbance to residents.

4. The organiser shall liaise with Environmental Health regarding environmental regulations, noise levels. Council Officers if in attendance shall monitor noise level and have contact with stage control.
5. Sound checking shall be only carried out for a period of 1 hour at a time agreed with Environmental Health.
6. The sound pressure level of the event shall not exceed 100Db (A) Leg60sec for the duration of the event measured at a height of 2.5m 50m from the front of the stage (or at the delay tower/sound booth).
7. All amplification speakers shall be operated towards 'Bristow Bench' or as advised by Environmental Health.
8. Prior to commencement of the event, sound checks shall be undertaken by Environmental Health as appropriate.
9. The volume of amplified sound must be under the control of a designated member of staff and will be monitored from locations as identified by Environmental Health and documented on a plan as part of the Event safety guide.

The Protection of Children from Harm

Pop Side Bar

1. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 shall be requested to provide an approved form of identification bearing a photograph.

Gulls Nest & No.10 Restaurant

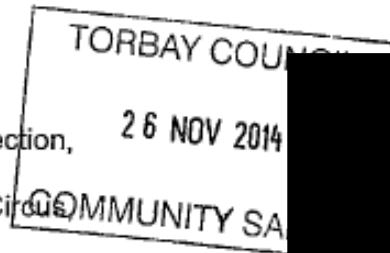
1. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 shall be requested to provide an approved form of identification bearing a photograph.

FAO:

Licensing & Public Protection,

C/O Town Hall, Castle Circus

Torquay TQ1 3DR



Dear sir/madam

I wish to raise an objection to the proposed licensing application by Torquay United Football Club:

Name of Premises	PL Number	Address of Premises	Type of Application	Licensable activities	Operating times (these are the longest times but details may vary in Application)	Date by which Representations must be made
Torquay United Football Club	New	Plainmoor, Torquay	Application for a Premises Licence	Sale of Alcohol Films Live Music Recorded Music Late Night Refreshment	10:00-00:00 Mon-Sun 11:00-00:00 Mon-Sun 11:00-00:00 Mon-Sun 11:00-00:00 Mon-Sun 23:00 – 00:00 Mon-Sun	01 Dec 2014

Over the years I have had many occasions to bring to the attention of TUFC the noise nuisance created by the licensed activities, on both the ground and first floor venues at TUFC. Each time the franchise/management changes, the adherence to noise abatement has to be re-visited.

My areas of concern are:

1. Windows remaining open after 2100 hours, fire doors standing open.
2. Main and internal front doors remaining open as customers enter and exit.
3. Additional noise due to customers using the area at the front as a smoking area.
4. Disturbance in the surrounding area as customers disperse, into the early hours of the morning.

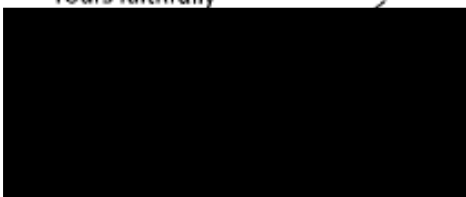
1. Windows - the ground and first floor windows regularly remain open past 2100 hours; this breaches the integrity of noise containment, provided by the double glazed window units and causes noise nuisance; the excuse is generally that customers open the windows. With regard to the ground floor, the ground floor windows are barred against burglary, so there is no fire and safety factor affecting the locking of the windows. The windows should be locked, thereby ensuring that customers cannot open windows randomly. First floor windows should also have provision for locking, unless they are specifically required to be available for exit in the case of a fire. If however the fire escape plan does not require exit via the first floor windows, these should also be locked against random customer opening. The air conditioning system should be sufficient to regulate the atmosphere. The ground floor fire doors should not be open, except in the event of a fire.
2. The main and internal front doors are regularly left ajar: a remedy for this would be proper enforcement of door closure, including efficient automatic door closers, maintaining separation between the opening of the internal and external doors.
3. When customers go out to smoke, at the front of the building, noise levels are amplified as customers converse in the smoking area with the volumes enhanced by lack of inhibition due to alcohol consumption. The provision of a designated smoking area, at the rear of the building, where there are no domestic dwellings adjacent, would alleviate the situation, provided there was a proper enforcement of no smoking directly at the front of the building.
4. My concerns are the knock on effect of the later licensing, as customers can take considerable time to vacate the premises and the associated noise disturbance into the surrounding area will continue later into the night / early morning.

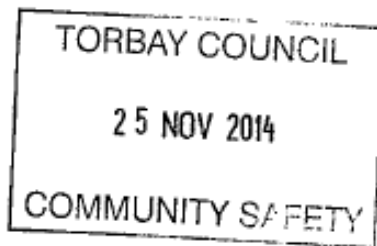
As a recent example of lack of adherence to windows remaining open after 21:00 hrs:

On Friday 21/11/14 I was disturbed by the sound level coming from TUFC premises; I looked out and observed that the first floor windows, in the kitchen area, were open at 22:00 hrs. The kitchen area is located behind the bar area and is accessed by a connecting door from the bar - this connecting door is normally left open. I have pointed out on a number of occasions that the combination of the door and the windows being open breaches the sound proofing integrity of the double glazed windows. The kitchen area is not accessible by the customers of TUFC, so it is the staff alone that has responsibility for windows remaining open. I also noted that the same windows were still open at 23:25. This is not an isolated incident by any means.

I would have thought that with the application for a license extension very careful attention would have been paid to adherence: this is an example of complacency with regard to noise nuisance to the neighbourhood.

Yours faithfully





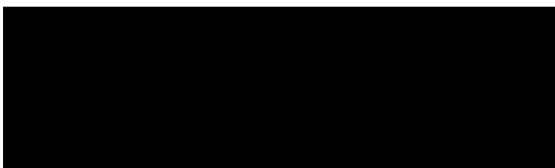
Executive Head of Public Safety
Licensing and Public Protection
C/o Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Sir or Madam,

I wish to object to the licence application by Torquay United Football Club. Specifically I object to application for sale of alcohol, live music and recorded music and late night refreshment. My grounds for objection are :

- 1) Prevention of crime and disorder- currently the Plainmoor area of Torquay already has a number of premises licensed for sale of alcohol and sale of alcohol in McCols and Waitrose. Further increasing the availability of alcohol in a geographic area which already has ready availability increases the likelihood of crime and disorder directly associated with excess alcohol consumption. Increasing availability of alcohol so close to the football ground encourages excess consumption on match days increasing the risk of antisocial behaviour.
- 2) Public nuisance: Torquay United Football Club is located in an area of dense residential population. There is currently a limited amount of on-street parking. These licences would constitute significant nuisance to residents within the area of the licensed premises from the increased levels of noise from music, extra traffic and noise from night time use of the streets by people. Late night music played by Boots and Laces already is a nuisance and is frequently heard as far as Bronshill Road. These applications apply to daytime hours as well as night potentially increasing traffic at a time that the area already has high traffic density due to Westlands School and heavy day time parking.
- 3) Protection of Children: I believe increased availability of alcohol during school opening hours in the area of Westlands school puts children at risk. They will potentially be exposed to any antisocial behaviour of users of the licensed premises. The extra noise caused by music and users of the premises is potentially disruptive to childrens sleep.

Yours faithfully,



Memorandum

To:	From	: Community Safety
c.c	Contact	: Mr Karl Martin
c.c.	Ext	: 01803 208025
c.c	My Ref	: 1ZV SRU No:
For the attention of: Mandy Guy	Your Ref	:
	Date	: 28TH November 2014

Subject: Premises– Licensing Act 2003

Premises Name & Address: Torquay United Football club, Marham Road, Torquay.

1. This application seeks to merge two existing premises licences into one and add the ability to offer two large events per year. It is not the intention of the applicant for both events to be music orientated, however suggested conditions assume both events will be music based activities. Torbay Council licensing Statement of Principles 2011 requires:-

'In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, applicants are strongly recommended to consult with the relevant Responsible Authority...'

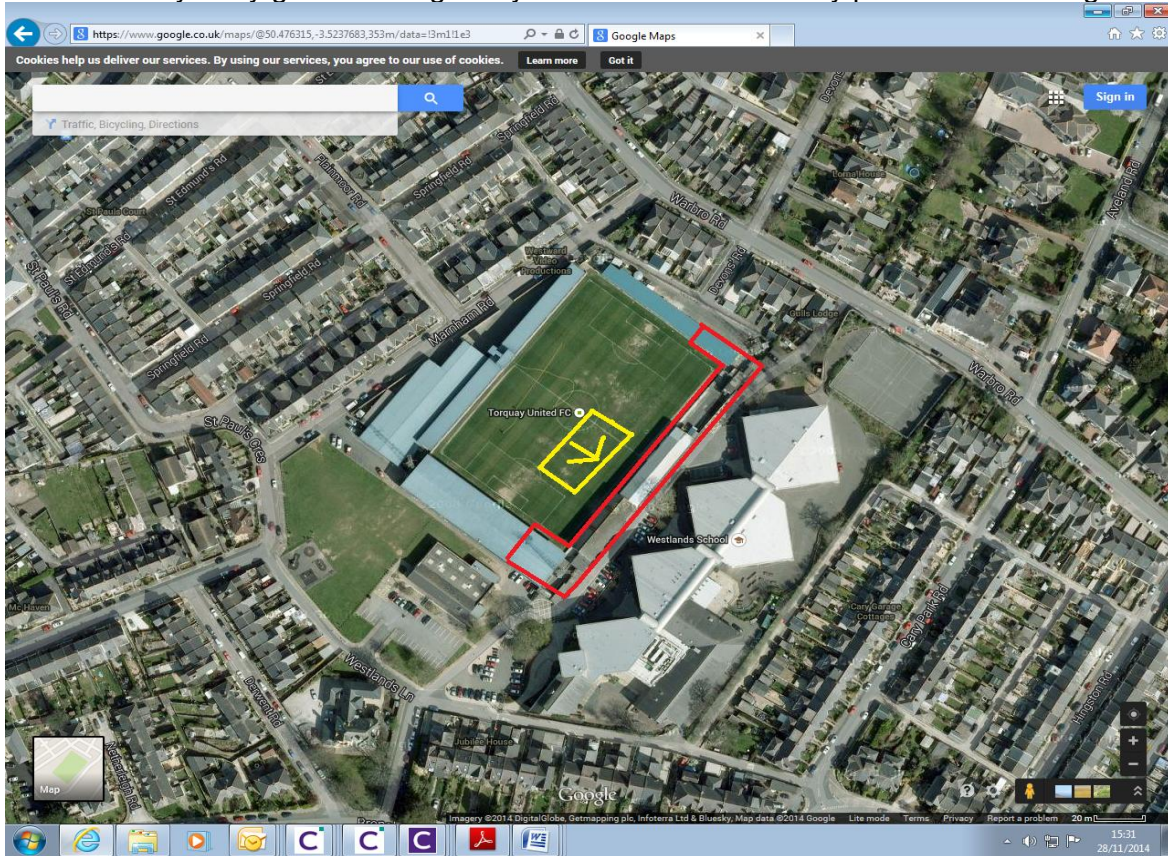
2. Prior to the submission of this application, senior management of TUFU consulted with all responsible authorities. As part of this consultation, agreements were reached with regards to additional conditions to ensure the licencing objective 'Prevention of Public Nuisance' would not be undermined by the proposed activities.
3. It should be noted the Football club operates and manages two bars known as the 'popside bar' and 'Gulls nest'. Boots and Laces and Torquay bowling club, though situated on land belonging to TUFC both are separate enterprises and do not form part of this application.
4. The hosting of large music events at sports grounds the operator to apply and a hold a special safety certificate. This is a certificate issued under the Safety of Sports Grounds Act 1975 and is required for a a specified activity or activities on a specified occasion or occasions The certificate must be approved and granted prior to a large music event requested in this application and special safety certificate will state conditions that must be complied with.
5. The Public Safety Advisory group (PSAG) is the approving authority and will request the club submits an event safety plan. The event safety plan will include policy and procedures to control public nuisance for consultation and approval by PSAG.

6. The licensing conditions recommended and accepted by the TUFC as part of the application reflect that a special safety certificate will be required and where possible duplication has been avoided.
7. Conditions agreed specifically for the two large events are reproduced below and serve to support existing conditions:-
 - *The event shall have a wind down period to allow for public dispersal. Marshalls/Stewards shall control and advise the public to leave the site quickly and quietly.*
 - *The Designated Organiser shall ensure that announcements are broadcast by loudspeaker system at closing requesting that patrons co-operate in leaving the premises and vicinity as quickly and quietly as possible.*
 - *Construction and deconstruction of the fencing, staged area and units ancillary to the event shall not be carried out between the hours of 23.00 and 08.00 hours to minimise disturbance to residents.*
 - *The organiser shall liaise with Environmental Health regarding environmental regulations, noise levels. Council Officers if in attendance shall monitor noise level and have contact with stage control.*
 - *Sound checking shall be only carried out for a period of 1 hour at a time agreed with Environmental Health.*
 - *The sound pressure level of the event shall not exceed 100Db (A) Leq60sec for the duration of the event measured at a height of 2.5m 50m from the front of the stage (or at the delay tower/sound booth).*
 - *All amplification speakers shall be operated towards 'Bristow Bench' or as advised by Environmental Health.*
 - *Prior to commencement of the event, sound checks shall be undertaken by Environmental Health as appropriate.*
 - *The volume of amplified sound must be under the control of a designated member of staff and will be monitored from locations as identified by Environmental Health and documented as part of the event safety plan.*
8. I have considered all representation made by interested parties received at the time of writing and believe any relevant concerns have been addressed by the inclusion of relevant and proportionate licensing conditions. An additional level of protection and reassurance is offered by conditions contained within the special safety certificate approved by PSAG.
9. I offer to members of the licensing sub-committee the application as applied will not undermine the licensing objective 'Prevention of Public Nuisance'.

Mr Karl Martin
Public Protection Officer

Appendix 1.0 – Ariel view of TUFC

Red boundary likely guest seating and yellow box indicates likely position of the stage.



Appendix 1.1 – Street view of TUFC