



Wednesday, 4 March 2015

LICENSING SUB-COMMITTEE

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

Thursday, 12 March 2015

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 Brooksbank

Councillor Doggett

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

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 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 5 February 2015.
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. **An application for a Premises Licence in respect of Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED** (Pages 6 - 35)
To consider an application for a Premises Licence in respect of Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED.
7. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS** (Pages 36 - 75)
To consider an application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS.



Minutes of the Licensing Sub-Committee

5 February 2015

-: Present :-

Councillor

Councillors Addis, Bent and Ellery

34. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

35. Minutes

The Minutes of the meeting of the Sub-Committee held on 8 January 2015 were confirmed as a correct record and signed by the Chairman.

36. Licensing Act 2003 – An application for a New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB

Members considered an application for a for a New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.'	18 December 2014
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	24 December 2014
Interested Party	Representation in support of the new Premises Licence.	23 December 2014

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

The Chairman agreed to additional time to be allowed for the Oral Representations with a flexible limit of 20 minutes to ensure all parties could put their case forward.

Oral Representations received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor outlined the application, as set out in the submitted documents and responded to Members questions.
The Police	The Police outlined their Representation, as set out in the submitted documents and responded to Members questions and advised of proposed conditions.
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents and responded to Members questions and advised of proposed conditions.

Members noted that in the Oral Representations of the Public Protection Officer and the Police Representative, that the Applicant had been advised to consult with the Responsible Authorities, but had submitted the complete application within 24 hours therefore only allowing a very small window of opportunity for consultation and suggested that the Applicant had failed to consult adequately prior to the submission of the application, as per the Licensing Statement of Principles, Torbay Council 2011, Section 3 Page 15.

Additional Information:

The Applicant's Solicitor provided colour photographs and presentations for Members, which had been circulated to them by e-mail prior to the meeting, which outlined the Las Iguanas Brand and ethos.

An e-mail between the Applicant's Solicitor and the Public Protection Officer was also circulated which outlined proposed conditions.

Members noted that the Police had proposed seven conditions, as per Appendix 3 of the submitted report. The Applicant's Solicitor confirmed that conditions 2, 3, 4 and 7 had been agreed and that Public Protection had proposed two conditions, as per Appendix 4 of the submitted report.

Decision:

That the application for a New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB be granted as applied for, subject to the following conditions.

Those proposed by the Police with the following amendments to conditions 1, 5 and 6 to read:

1. On any Friday and Saturday night that the premises remain open for the sale of alcohol after midnight and then closes after 0030 hrs between 1 April and 30 September, SIA door supervisors shall be employed on the premises from 2300 hrs until close, at a ratio of 1 supervisor per 100 customers. This condition shall apply on New Year's Eve and Bank Holiday Sundays.
5. All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses after midnight. On any Friday and Saturday night when the premises remain open for the sale of alcohol after midnight, no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after midnight. This condition shall also apply on New Year's Eve and Bank Holiday Sundays.
6. No under 18's shall be permitted on the premises after 2300 hrs. Those under 18 on the premises between 20.00 and 2300 hrs shall be permitted if accompanied by a responsible adult who is taking a table meal. An exception to under 18's being permitted on the premises after 2300 hrs shall be to attend a pre-arranged private function in the company of a responsible adult and where the premises are closed to the public.

Amendments to Operating schedule under the heading 'General – all four licensing objectives' to read:

All front of house staff shall receive in-house training around the sale of alcohol. Such training will be written in to a programme of ongoing review and shall be made available to a responsible authority on reasonable request.

Amendments to Operating schedule under the heading 'Protection of children from harm' to read:

All front of house staff shall through in-house training be made aware of the law regarding the refusal of service to any person who is drunk or is underage and how to seek an approved form of photographic identification from anyone who appears to be underage.

Additional conditions to read:

8. Patrons in the outside area consuming alcohol, shall be seated at all times after 2300 hrs.

9. After midnight patrons using the outside area shall be seated at tables directly next to the external wall of the premises.

10. No Regulated Entertainment shall be permitted after 11pm.

Reason for Decision:

Having carefully considered all the written and oral representations, Members resolved to grant the licence as decided; having been satisfied that the imposition of the proposed, amended and additional conditions would alleviate the concerns raised by the Police and Public Protection and promote the Licensing Objectives.

In coming to this decision, Members had careful regard for the type of premises that the Applicant sought the licence for, the location of the premises being directly under and in close proximity to residential and commercial residential properties and that raised by the Responsible Authorities orally at the hearing and in their written representations.

On balance Members had regard to the operational use of the premises as a commercially viable business but felt that it could not permit that applied for by the Applicant after midnight without appropriate conditions in place to prevent the Licensing Objectives being undermined.

Notwithstanding the assurances given by the Applicant's Solicitor as to why this operator did not require the usual conditions expected of a licensed premises, Members did in noting the close proximity of the residential premises and the out of town location, have regard to their local knowledge of the area and that historically this location had been a cause of concern for the Police, due to it being a thoroughfare for those staying at nearby commercial residential premises. Therefore without the additional and amended conditions being in place where this premise is to open and sells alcohol after midnight, there was in their mind a real risk of the Licensing Objectives being undermined if there was no SIA Door Stewards present at times stated in their decision.

In prohibiting regulated entertainment after 2300 hrs, Members gave due consideration to the Council's Licensing Statement of Principles 2011 and noted that the Applicant had failed in their application and in that orally presented by their Solicitor during the hearing, to sufficiently demonstrate how they will protect residential premises in close proximity to their premises from public nuisance. Given that residential premises were directly located above the premises, Members resolved that this condition was appropriate.

In prohibiting under 18's from the premises, as stated in their decision, Members resolved that this was appropriate as neither the Applicant's Solicitor nor the application made mention of a designated family dining area. Without this and no condition which restricted the sale of alcohol to those taking a table meal, gave rise to a concern for Members that under 18's would potentially be exposed to behaviour that would be detrimental to the Licensing Objective which seeks to protect children from harm.

In concluding, Members noted that whilst the Applicant has 38 other premises, they had not operated in Torbay previously and having been told by the Police at the hearing that Torbay has a higher rate of alcohol related incidents to that of Plymouth and Exeter, Members resolved that it was appropriate to put in place the conditions they had, given that being applied for.

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 Rutland Hotel, Daddyhole Road, Torquay TQ1 2ED

Wards Affected: **Wellswood**

To: **Licensing Sub Committee**

12th March 2015

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the Premises Supervisor;
 - (d) to reject the application.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

To provide Live Music (indoors) from 20:00 until midnight 7 days a week and from 20:00 until 01:30 on New Year's Eve. (Should the premises be granted a licence to sell alcohol then live music would not be licensable between 08:00 and 23:00 where there is an audience of 200 people or less).

To provide Recorded Music (indoors) from 10:00 until midnight 7 days a week and from 10:00 until 01:30 on New Year's Eve.

To provide anything of a similar description to Live Music, Recorded Music, Performance of Dance (indoors), from 20:00 until midnight 7 days a week and from 20:00 until 01:30 on New Year's Eve.

To provide Late Night Refreshment (indoors) from 23:00 until midnight 7 days a week and from 23:00 until 01:30 on New Year's Eve.

The Sale of Alcohol (on the Premises) from 11:00 until midnight 7 days a week and from 11:00 until 01:30 on New Year's Eve.

To be open to the public from 08:00 until 00:30 7 days a week and from 08:00 until 01:30 on New Year's Eve. To be open to residents 24 hours a day 7 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 relevant Representations have been received. 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 a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

We have received 6 Representations from members of the public in relation to the Licensing Objective "The Prevention of Public Nuisance". These are 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 Representation from Public Protection
- Appendix 4 6 Representations from members of the public.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.



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 RUTLAND HOTEL (TORQUAY) LIMITED
(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 <u>RUTLAND HOTEL, DADDYHOLE ROAD, TORQUAY, DEVON.</u>			
Post town	<u>TORQUAY</u>	Postcode	<u>TQ1 2ED</u>
Telephone number at premises (if any)	<u>01803 297550</u>		
Non-domestic rateable value of premises	<u>£ 20,000</u>		

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
16	01	2015

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)
 A DETACHED 29 BED ROOM HOTEL WITH A SOUTH FACING FRONT. AND A LARGE CAR PARK TO THE WEST SIDE OF THE PROPERTY. A BAR IS SITUATED ON THE GROUND FLOOR NEXT TO A LARGE FRONT ANNEXE, TO BE USED FOR AMPLIFIED MUSIC. (SELF EMPLOYED ENTERTAINERS). ALL OF THIS IS IN THE MAIN BUILDING.

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"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for performing plays (please read guidance note 4)			
Thur						
Fri			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)			
Sat						
Sun						

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	00:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	20:00	00:00			
Wed	20:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	20:00	00:00			
Fri	20:00	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)		
Sat	20:00	00:00			
Sun	20:00	00:00			

NEW YEARS EVE (20:00 – 01:30)

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	00:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	00:00			
Fri	10:00	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)		
Sat	10:00	00:00			
Sun	10:00	00:00			

NEW YEARS EVE
(10:00 – 01:30)

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing <p style="text-align: center;">KARAOKE</p>		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	20:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	20:00	00:00	Please give further details here (please read guidance note 3)		
Wed	20:00	00:00			
Thur	20:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	20:00	00:00			
Sat	20:00	00:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	20:00	00:00			
			NEW YEARS EVE 20:00 — 01:30		

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
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			
Sun	23:00	00:00			

NEW YEARS EVE
23:00 – 01:30

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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	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)		
			<p>NEW YEARS EVE</p> <p>11:00 – 01:30</p>		

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

Name	YVONNE ZOE WALLEY		
Address	RUTLAND HOTEL, DADDYHOLE ROAD TORQUAY, DEVON.		
Postcode	TQ1 2ED		
Personal licence number (if known)	PA0574		
Issuing licensing authority (if known)	TORBAY 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).

N/A.

L

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	08:00	00:30	<p>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)</p> <p>00:00 - 00:00 (RESIDENTS ONLY)</p> <p>NEW YEAR 08:00 - 01:30</p>
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	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

- ALL OBJECTIVES FALL UNDER OUR RISK ASSESSMENTS MADE ON A REGULAR BASIS. AND BY ATTENDING TRAINING PROGRAMMES IT WILL RAISE OUR AWARENESS.

b) The prevention of crime and disorder

- USE OF END OF EVENING WIND DOWN PROCEDURE IN PLACE.
- ACCEPTANCE OF ACCREDITED PROOF OF AGE CARDS AWARENESS.
- TRAINING AND SUPERVISION OF STAFF, REGARDING CRIME PREVENTION MEASURES.
- AWARENESS OF DESIGNATED AREAS FOR THE SALE & CONSUMPTION OF ALCOHOL & ANY LIMITATIONS IN PLACE.
- PROVISION OF LITTER BINS & ADEQUATE LIGHTING IN PLACE OUTSIDE PREMISES.
- INVOLVEMENT IN LOCAL COUNCIL & POLICE CRIME & DISORDER FORUMS.

c) Public safety

- AWARENESS OF SAFE CAPACITY OF PERSONS BOTH INSIDE & OUTSIDE AREA. WITH A MAXIMUM OCCUPANCY LIMIT.
- GUESTS AND MEMBERS OF THE PUBLIC & STAFF AWARE OF FIRE EVACUATION PROCEDURE, BY MEANS OF A SAFETY BRIEF UPON ARRIVAL

d) The prevention of public nuisance

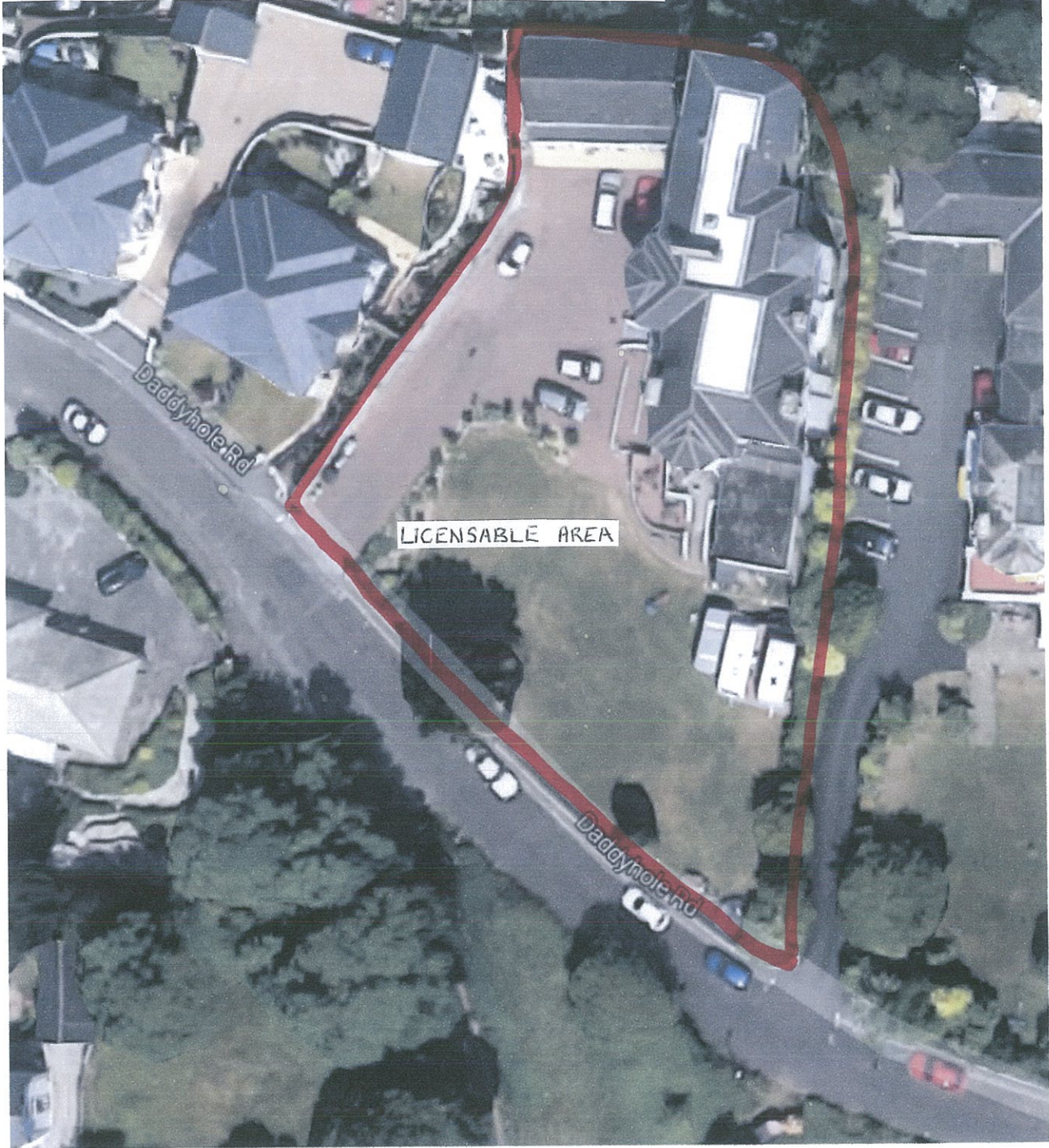
- MEASURES TAKEN TO PREVENT NOISE & / OR VIBRATION FROM ESCAPING THE PREMISES.
- MINIMAL ACTIVITY BETWEEN 11:00 – 07:00 TO PREVENT DISTURBANCE TO RESIDENTIAL DWELLINGS.
- EFFECTIVE MEASURES / MANAGEMENT ARRANGEMENTS FOR COLLECTION & DISPOSAL OF LITTER IN PLACE.

e) The protection of children from harm

- UNDER AGE CHILDREN ARE NOT PERMITTED TO SIT AT THE BAR OR BEHIND THE BAR.
- CHILDREN MUST BE SUPERVISED AT ALL TIMES BY THE APPROPRIATE PERSONS.
- I.D CHECKS IN PLACE TO IDENTIFY UNDERAGE PERSONS, USING AGREED FORMS OF I.D.
- INAPPROPRIATE BEHAVIOUR MONITORED TO PREVENT CHILDREN FROM BEING HARMED.

RUTLAND HOTEL, DADDYHOLE ROAD, TORQUAY,
DEVON, TQ1 2ED.

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All Licensable Activities.

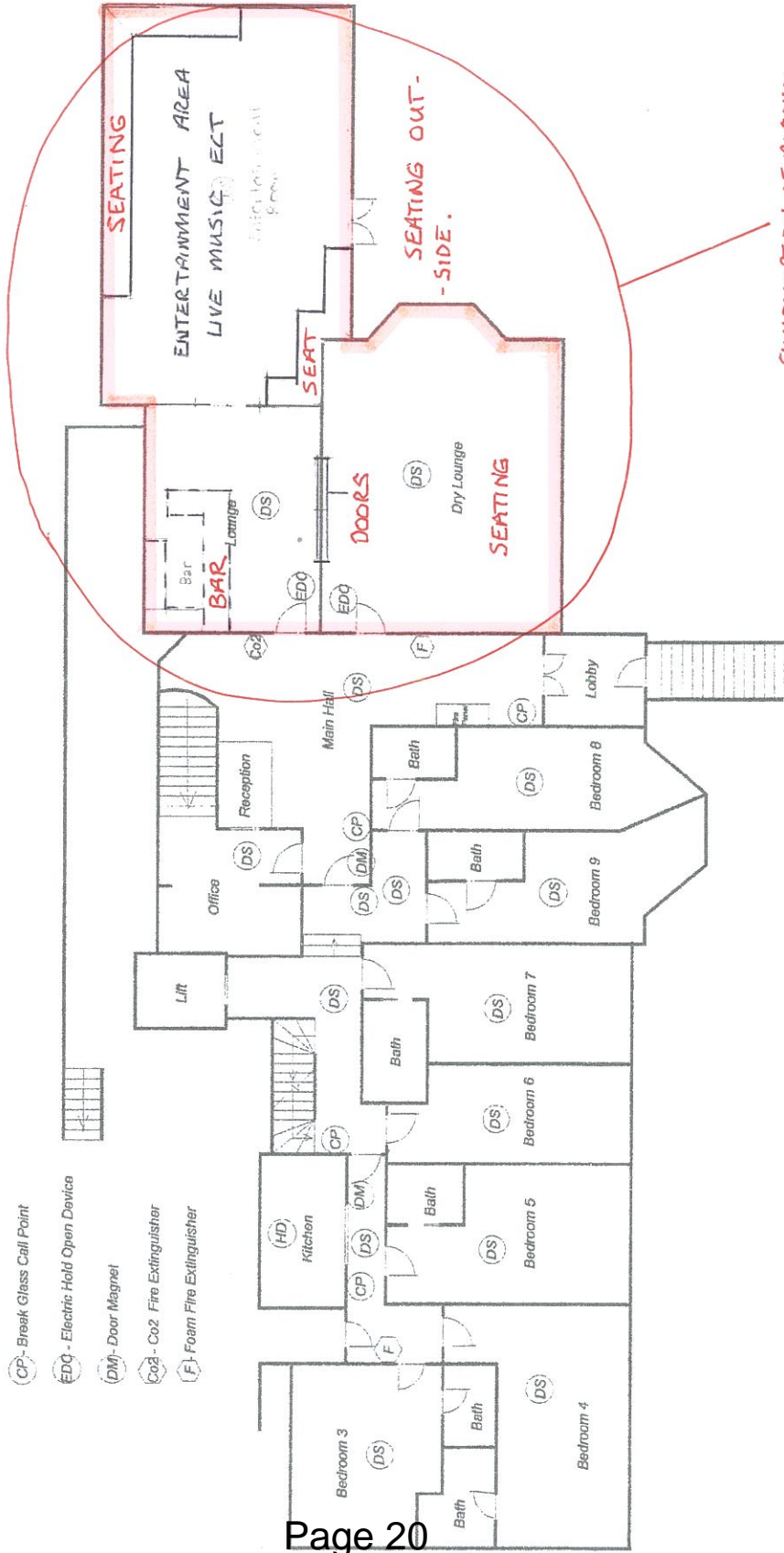


Client:

Mrs C Fleming

The Pullard Hotel
Dardabhale Road
Torquay

Date: 15 Jan 2015



Ground Floor

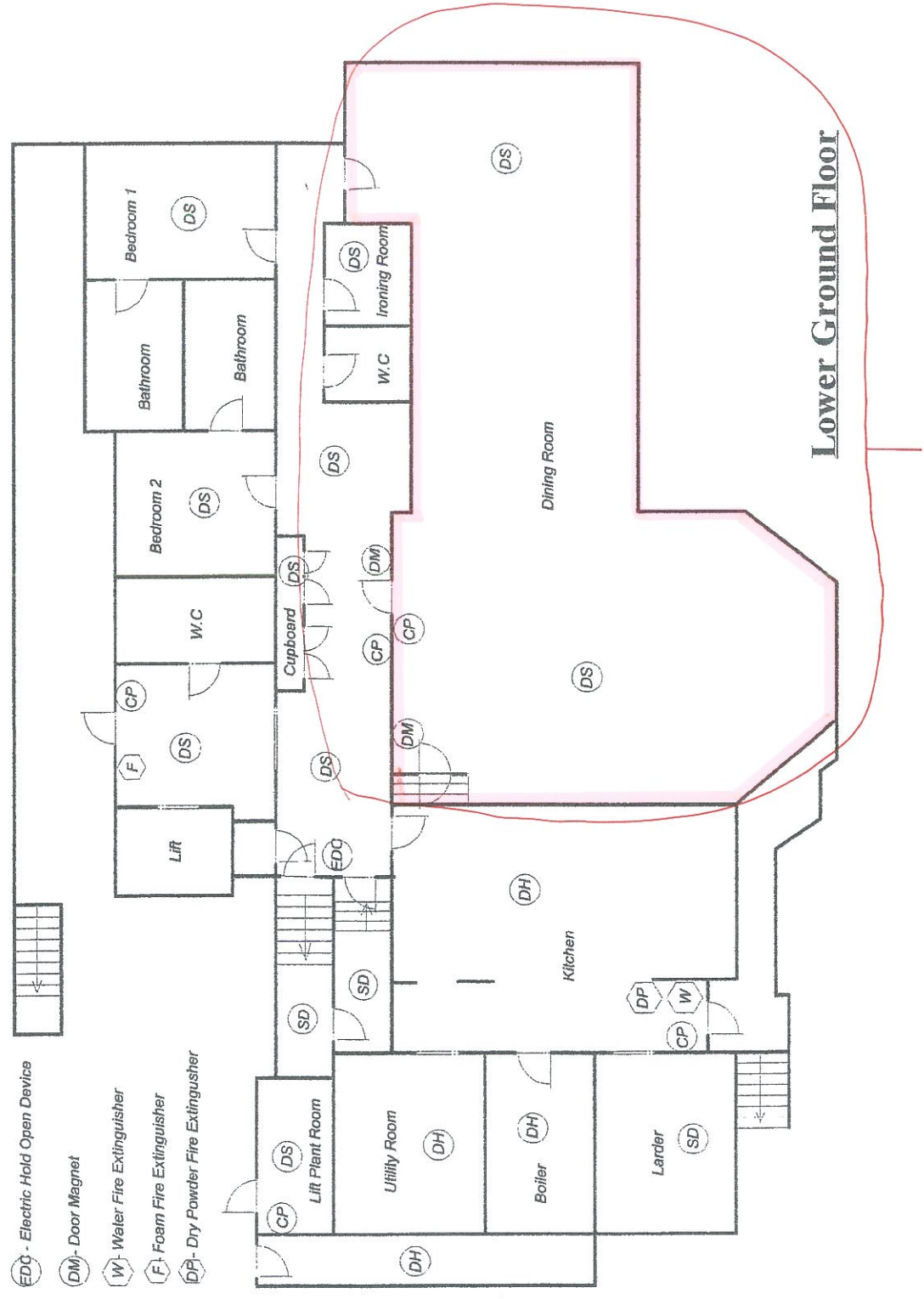
- (DS) - Smoke Detector/Sounder
- (DM) - Door Magnet
- (CP) - Break Glass Call Point
- (EDQ) - Electric Hold Open Device
- (F) - Foam Fire Extinguisher
- (CO2) - CO2 Fire Extinguisher

All licensable activities.

THE RUTLAND HOTEL
DADDYHOLE ROAD,
TORQUAY, DEVON
TQ1 2ED.

DATE 15 JAN 2015

- (DS) - Smoke Detector/Sounder
- (DH) - Heat Detector/Sounder
- (CP) - Break Glass Call Point
- (EDG) - Electric Hold Open Device
- (DM) - Door Magnet
- (W) - Water Fire Extinguisher
- (F) - Foam Fire Extinguisher
- (DP) - Dry Powder Fire Extinguisher



CONSUMPTION OF ALCOHOL IN DINING ROOM

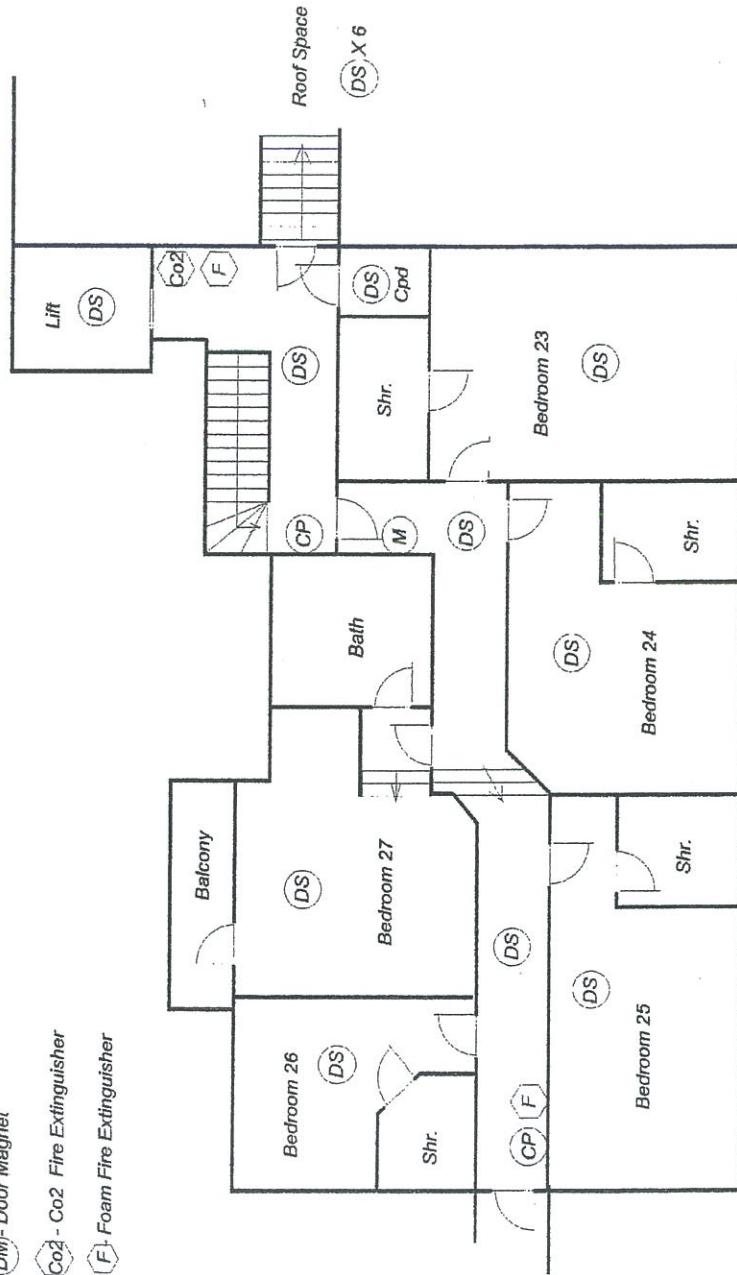
OUTLAND HOTEL

TORQUAY

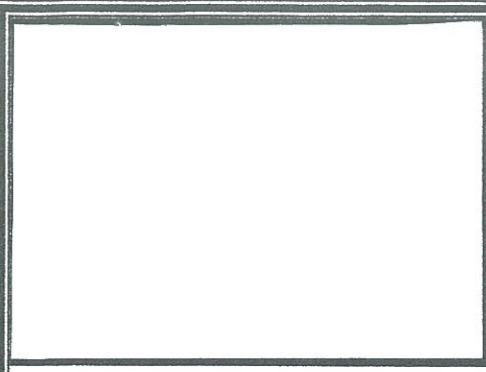
TRIZED

15/01/2015

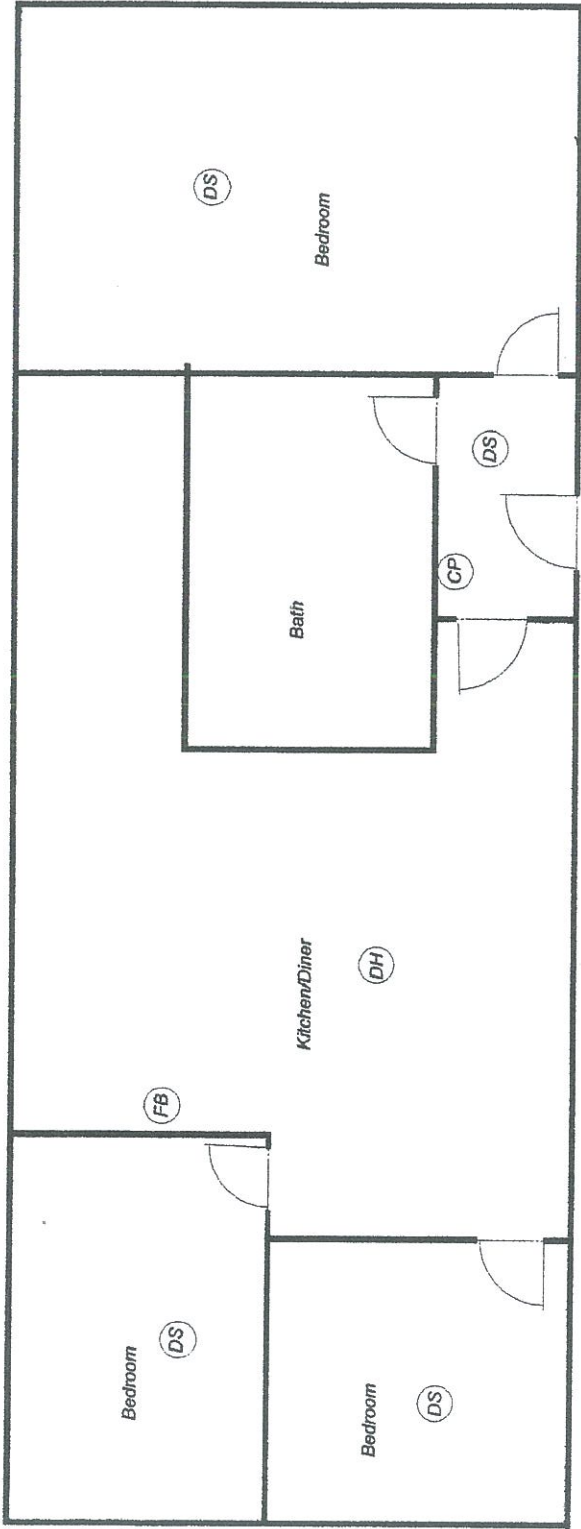
- (DS) - Smoke Detector/Sounder
- (DH) - Heat Detector/Sounder
- (CP) - Break Glass Call Point
- (EDQ) - Electric Hold Open Device
- (DM) - Door Magnet
- (Co2) - Co2 Fire Extinguisher
- (F) - Foam Fire Extinguisher



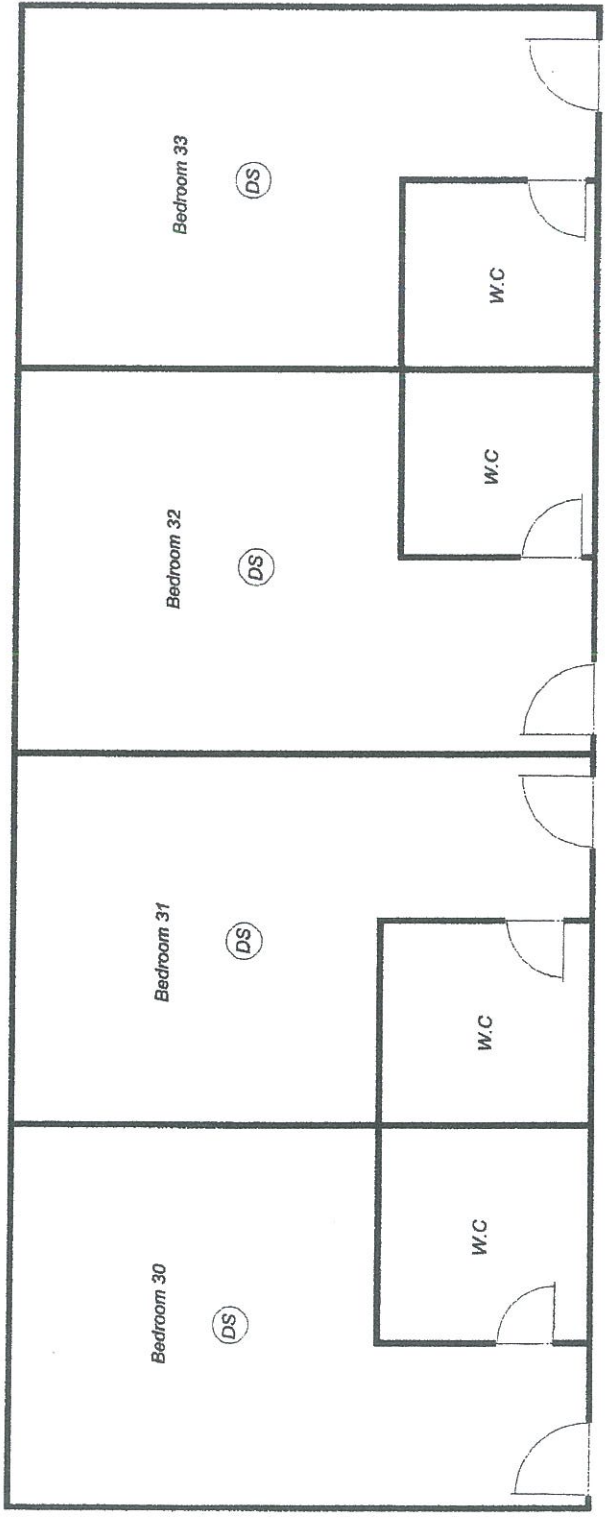
Second Floor



ENTLAW HOTEL
DADDY HILL ROAD
TORQUAY DEVON,
TQ1 2ED
DATE 15 JAN '15



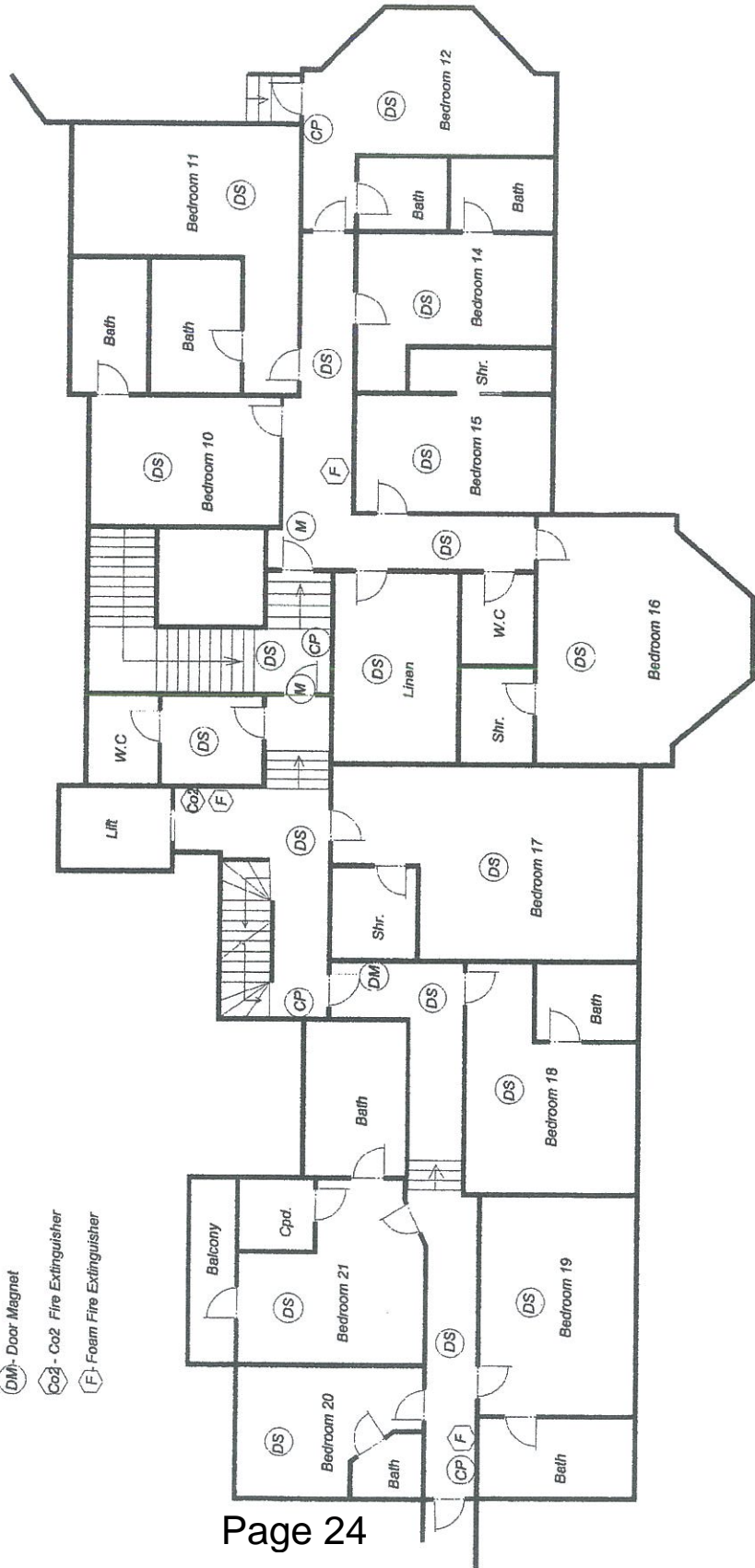
Managers Flat



Annexe Ground Floor

CUTLAND HOTEL
 DANNYHOLE ROAD.
 TORQUAY DEVON.
 TQ1 2ED

DATE: 15 JAN '15



- (DS) - Smoke Detector/Sounder
- (DH) - Heat Detector/Sounder
- (CP) - Break Glass Call Point
- (EDC) - Electric Hold Open Device
- (DM) - Door Magnet
- (Co2) - Co2 Fire Extinguisher
- (F) - Foam Fire Extinguisher

First Floor

Memorandum

To:	From	:	Community Safety
c.c	Contact	:	Mr Karl Martin
c.c.	Ext	:	01803 208025
c.c	My Ref	:	1ZV SRU No: 214174
For the attention of: Mandy Guy	Your Ref	:	
	Date	:	11 th February 2015

Subject: Premises– Licensing Act 2003

Premises Name & Address: Rutland Hotel, Daddyhole Road, TQ1 2ED

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
 - ii) Protection of children from harm
 - iii) Public safety
 - iv) Prevention of public nuisance
1. I wish to object to the above named application as I do not believe the application promotes the licensing objective 'Prevention of Public Nuisance'.
2. The Rutland Hotel is situated on Daddyhole Road which is a mixed use area of area of hotels, Coaching hotels and residential accommodation.
3. The premises has substantial land at the front of the premises which is included in the licensed area for alcohol but the applicant has not applied for live or recorded music outside.
4. The applicant despite advised by Licensing Officers before submission of the application of the need to consult with all responsible authorities has failed to consult with Environmental Protection as recommended:-

'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...'

Licensing Statement of Principles, Torbay Council, 2011, s3 p15

5. 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

6. The applicant has offered the following conditions as part of the operating schedule:-

'Measures taken to prevent noise & /or vibration from escaping the premises'

The applicant has not described what the measures they intend to take to prevent noise breakout in any detail which is enforceable or suitable and proportionate. Are we to assume this measures will included keeping doors and windows closed, installing a noise limiter, considered appropriate ventilation etc? What about management procedures for ensures staffs across shift patterns are aware of these procedures?

'Minimal activity between 11:00 – 07:00 to prevent disturbance to residential dwellings'

Whilst this is reassuring this conditions does again eludes to the detail on how the applicant will minimise disturbance. For example recorded music has been applied for until midnight but will the volume be reduce after 11:00pm? What activities and how will they be minimised?

'Effective measures/management arrangements for collection and disposal of litter in place'

This is not relevant mitigation measures for preventing public nuisance.

7. The Licensing Authority expects applicants to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant licensing objectives are promoted. Notable s2.3(ii)(iii) guides applicant where the following applies:-

(ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have a later opening time;

(iii) Public Safety matters for higher risk activities and one-off events.

Licensing Statement of Principles, Torbay Council, 2011, p13

8. The applicant has not convinced me the application has considered Torbay council Licensing Statement of Principles. This is evident by the lack of clarity in how the applicant is going to control noise nuisance arising from the proposed licensable activities applied for. Specifically the applicant has failed to consider basic management controls to prevent music breakout from the building.
9. I undertook a search of Torbay Councils database of noise complaints and I am pleased to confirm the department has to date not received any noise complaints from either residents or other business regarding the Rutlands Hotel. Though I am encouraged I am concerned a representation received from a interested party has

made reference previous occasions of their quiet peace and enjoyment being affected by the activities of the Rutland. Notable during the period the premises did not hold a licence.

10. It is the experience of Torbay Councils Environmental Health Officers generally hotels cause few public nuisance problems. However without considered and effectively implemented control measures a hotel can create noise nuisance as readily as a regular public house.
11. With this in mind I do not wish to seek refusal of this application outright but would respectfully invite the members of the licensing committee to consider a range of licensing conditions I suggest will mitigate my reservations and those of interested parties whom have made separate representations.
12. If the members of the committee are so minded I suggest the following conditions are applied to the license if granted:-
 - a. All doors and windows must be kept closed during regulated music and performances of live entertainment or similar.
 - b. A written management scheme must be implemented to the satisfaction of the Local Authority within one month of the granting of this application.
 - c. Noise from licensable entertainment shall not be distinguishable above ambient noise 10 meters or more from the premises. This shall be assessed from the street. However, should a complaint from a resident in the area be made steps shall be taken to ensure that noise breakout is reduced to a level agreed with the Local Authority and the residents.
 - d. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
 - e. The placing of refuse, such as bottles into receptacles outside the premises shall not take place before 08.00hrs or after 22:00hrs

Mr Karl Martin
Public Protection Officer

13. Appendix 1.0 – Street view and Plan of the locality of the Rutland





Licensing Dept.
Torbay Council
Town Hall
Torquay

4th February 2015

**Premises License Application
The Rutland Hotel - Daddyhole Road Torquay**

I write to comment on this application.

We have not experienced problems with public nuisance from noise emanating from this Hotel as it has been operated for its guests up to the present time. There have in the past been ongoing problems of noise from entertainment from another hotel until The Environmental Health Dept. managed to bring that to an end last year.

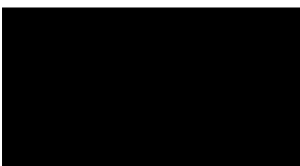
If therefore the intention is for the Hotel to operate much as it has done in recent years, I would not foresee problems arising from live and recorded music being on the Premises License.

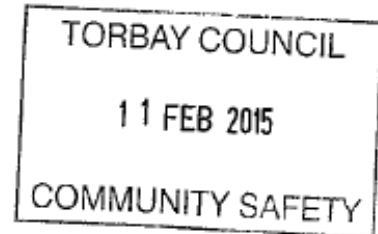
However, it seems that licensing the music is an addition to the license and the proposal, as advertised, does not include any conditions to limit the escape of noise from live and recorded music and karaoke into the neighbourhood. I feel that this must be addressed to avoid the potential for public nuisance from live and recorded music. I feel that there should certainly be a condition that no doors and windows in the bar/ballroom area are open whilst the music is playing.

My other concern is licensing of the outside area. I would not anticipate any problems if this is restricted to resident guests of the hotel but I firmly object to the possibility of a full "on licence" which would allow the present owners, or a subsequent purchaser, to effectively operate the premises as a "pub" open to non residents which, I feel, would be wholly inappropriate in this location.

Therefore, I do not oppose the license subject to it being limited to Hotel resident guests only and with conditions to limit the egress of entertainment noise into the neighbourhood, especially as the present license proposal provides for music on a nightly basis throughout the year.

Please advise me if there is to be a Licensing Committee hearing to consider these matters.





Licensing Dept.
Torbay Council
10th February 2015

Dear Sirs,

Application for Premises License. Rutland Hotel, Daddyhole Road.

We are the owners of a house very close to the boundary of the Rutland Hotel and are writing in connection with their application for a Premise License (or a variation of an existing license) including live events and the sale of alcohol seven days a week up to 12 p.m

We are concerned at the extent of the application and the likelihood of it causing a public nuisance, if sufficient conditions are not imposed preventing this. So please take this letter as an objection on the grounds of prevention of public nuisance.

Daddyhole Road is a quiet, residential cul-de-sac, in a conservation area, with the Plains and three small hotels/holiday apartments (of which the Rutland is one) at the end of the cul-de-sac. The unrestricted and unregulated ability of the Rutland to stage music events - including live music, seven days a week up to midnight will inevitably lead to considerable noise and disruption to the neighbourhood, potentially well past midnight.

We are particularly concerned by the noise late in the evening, which we have heard before from the Rutland during the summer months, but have ignored as one-off events staged for residents of the hotel. If non-residents were included we can assume they would park on Daddyhole Road (as the Rutland car park is always full and it is where they park their coach), or the Plain itself, so there would inevitably be considerable noise into the early hours of the night from customers leaving the hotel (starting cars, slamming doors, saying goodbye to friends etc.)- especially as alcohol would be involved. This would cause a severe nuisance to all neighbouring residents.

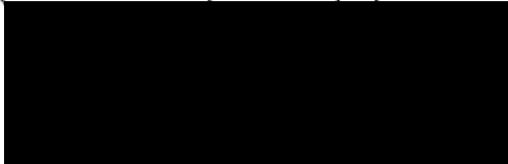
If the Committee is to grant this application, we would respectfully request that some thought is given to potential conditions including the following;

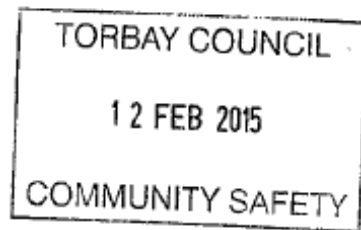
1. Restricting decibel levels at its source.
2. Restricting the escape of noise (say after 10 p.m.) by preventing windows being opened in the summer, possibly by requiring air-conditioning to be fitted.
3. A restriction on the number and status of people attending. Non hotel residents leaving the hotel en-masse late at night in a quiet residential area is a particular concern.

4. A restriction from staging any such events on the front lawn of the hotel fronting the road (as this may be intended according to the submitted plan). Staging such events, especially late in the evening during the summer would lead to intolerable noise and disruption.

We do appreciate that operating small hotels is difficult and the need to attract income from different sources is attractive. But we submit that the extent of the license applied for in terms of times, frequency and possibly numbers in what is substantially a residential area, is disproportionate and likely to materially, adversely affect the amenity of the area.

Yours sincerely

A large black rectangular redaction box covering the signature and name of the sender.



The Licencing Officer
Licencing & Public Protection
C/O Town Hall
Castle Circus
TORQUAY
Devon TQ1 3DR

Dear Sir or Madam

This refers to the Application for Premises License at the Rutland Hotel in Daddyhole Road.

I write as a resident of Daddyhole Road to express my concerns with regard to the application to alter the Premises License at the Rutland Hotel.

My main objection is based upon the prospects of a jarring and discordant change to what is currently a tranquil haven bordering on the much loved area of Daddyhole Plain.

The proposal to allow live music events would have the potential to lead to considerable noise and disruption to what is essentially a sanguine marriage of orderly run hotels and residential housing.

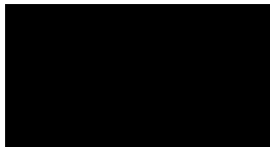
The lack of Car Parking opportunities in Daddyhole Road can already be an issue and this would be exaggerated by any additional traffic.

I realise that hoteliers have to generate revenue but the encouragement of non-residents to attend music events would entirely change the mood and ethos and of the area and represent a drastic and abrasive change for the area and would have the prospects of causing a public nuisance.

I request that in reviewing this request the authorities will have regard to the current peaceful characteristics surrounding the Rutland Hotel and will find accordingly.

Yours sincerely





TORBAY COUNCIL
16 FEB 2015
COMMUNITY SAFETY

13TH February 2015

Re: The Rutland Hotel Premises Licence Application

We wish to make a representation of objection to the New license application for live and recorded music based on the criteria of it causing a public nuisance.

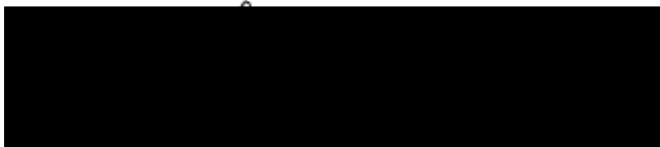
We live  and have had problems with noise on several occasions.

We moved into our property just over 2 years ago in December. One evening during our first summer we went to bed and to our surprise could clearly hear singing. We listened word for word to a rendition of 'Show me the way to Amarillo', as clear as a bell, followed by 'Una Paloma Blanca' then Elvis and other popular songs. This disturbance happened on several nights and was so noisy we are forced to sleep with the windows shut or use ear plugs. We soon realised that as the rear of our property is backed by a cliff face any noise projected from the hotel across the road hit's the cliff face in our garden and is bounced into our home. We know it is the same for our next door neighbours. If the councillors wish to visit our home to see the cliff face to appreciate the sensitivity of the acoustics they are very welcome.

Additionally, during the summer we have had drinks glasses and bottles thrown into our garden and have had a smashed glass in our driveway, whilst we cannot say this comes from the hotel, it is the closest drinking establishment to us.

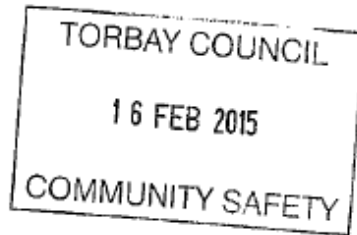
The flat roof extension of the Rutland where the music and drinking takes place which we see from our windows, projects toward the road from the original Victorian Villa. The extension has large windows and a French door facing down the road toward our home and others in the road. It is therefore wholly inappropriate for this extension to host any music as it inevitably causes a nuisance. If we had known The Rutland was in fact trading without this licence we would have lodged a complaint earlier. We note also that the proposed licence would allow drinking and music to extend into the gardens of the property this too would cause very serious noise nuisance for those living in the vicinity. Also if The Rutland extended their service to the wider public it would further add to the nuisance.

We therefore respectfully request that as this area is designated 93% residential and the topography allows sound to travel and amplify no music licence should be granted.






12th February 2015



Re: The Rutland Hotel Live and Recorded Music, late night food and Supply of Alcohol new Licence for inside and outside.

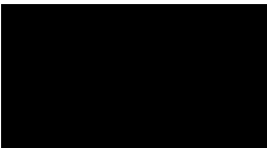
We are very concerned that The Rutland Hotel has applied for a music Licence and that this Licence covers 10 am to 12 midnight through Monday to Sunday. We have in the past experienced noise disturbance from drunken guests at the hotel when the Rutland has hosted party.

As this is a mostly residential area and we have already experienced problems we kindly request this Licence is not granted on the grounds it would cause a serious public nuisance for the residents in this road.

I am sure my neighbours who are away for an extended winter holiday would also wish to object.  Daddyhole Road. They will be returning mid March but in their absence I would like to register their probable objection and I am sure they will contact you to confirm on their return.

Yours sincerely,





TORBAY COUNCIL

17 FEB 2015

COMMUNITY SAFETY

15 February 2015

Re: The Rutland Hotel Application for New Licence for alcohol and music

We wish to raise the strongest objection to the licence on the grounds of it causing a public nuisance, in particular to any form of music and to drinks in the grounds of the hotel and to any form of commercial activity after 10pm.

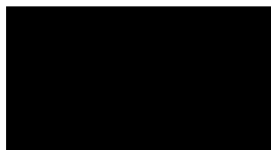
We live in what is regarded as a mostly residential area. Our property faces The Rutland and noise, in our experience, travels across the road to us and to the rear of our property where it is magnified by the cliff face. We have in the past been disturbed by guests late in the evening who have clearly had too much to drink, shouting and also by music when The Rutland has had entertainment evenings. This is especially so in the summer when windows are open and we are unable to sleep. We have also had a problem with glasses and bottles chucked into our garden.

We know there was a 10 year ongoing problem with The Devonshire Hotel down the road after it was granted a licence by the council, causing a noise nuisance for the residents. We respectfully do not want another 10 year problem at this end of the road and we hope the council will feel the same.

If we had known The Rutland was trading without a licence over the past 4 years we would have raised an objection before.

We all pay high council tax bills in Daddyhole Road as it is classed in the upper bandings as a desirable area to live so we hope the council will protect this mainly residential area from any further potential for public nuisance.

Yours sincerely,



Agenda Item 7



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Waterside Holiday Park, Dartmouth Road, Paignton TQ4 6NS

Wards Affected: **Churston with Galmtpon**

To: **Licensing Sub-Committee** On: **12th March 2015**

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 Protection of Children from Harm”.
- 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 licence a new shop area being created inside the main building which is found on the lower level of the Club House, for the Sale of Alcohol..

To allow the Sale of Alcohol on and off the Premises, including the new shop area, from 08.00 until 01.00 7 days a week. The existing licence allows the sale of alcohol on and off the Premises from 10:00 until 01:00.

To allow the premises to be open to the public from 08:00 until 01:30 7 days a week.

To amend the following conditions on the licence: drinks not to be served in glass bottles (Annexe 2, Prevention of Crime and Disorder condition 1 and Annexe 3 condition 3); and Children not being allowed where intoxicating liquor is sold without a responsible adult (Annexe 2, Protection of Children from Harm condition 1.) Details are shown under section L of the application.

- 2.2 A copy of the current premises licence is shown in 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 a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”. This is shown as Appendix 3.

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

- 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.

Documents available in members' rooms

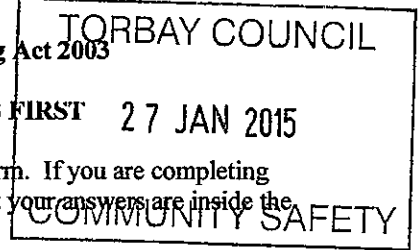
None

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.

Application to vary a premises licence 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 PARK HOLIDAYS UK LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 700

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description WATERSIDE HOLIDAY PARK DARTMOUTH ROAD			
Post town	PAIGNTON	Postcode	TQ4 6NS
Telephone number at premises (if any)	01803 812400		
Non-domestic rateable value of premises	£ 171,000		

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

APPLICATION IS BEING MADE TO ENABLE A NEW SHOP AREA BEING CREATED INSIDE THE MAIN BUILDING WHICH IS FOUND ON THE LOWER LEVEL OF THE CLUB HOUSE – SEE ENCLOSED PLAN.

WE ALSO WISH TO REMOVE THE CONDITION REGARDING DRINKS NOT TO BE SERVED IN GLASS BOTTLES(Annex 2 Prevention of Crime & Disorder Condition 1& Annexe 3 Condition 3). THE CONDITION IS TO READ “ALL DRINKING GLASSES IN WHICH DRINKS ARE SERVED SHALL BE IN STRENGTHENED GLASS.”

ALL CURRENT LICENSABLE ACTIVITIES (ENTERTAINMENT) ARE TO REMAIN THE SAME BUT TO ENABLE THE SHOP TO OPEN EARLIER WE WISH TO AMEND THE HOURS OF OPENING HOURS & SALE OF ALCOHOL.

Please Note** When the application has been granted we will be surrendering the current licence on the shop – number 772.**

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

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all 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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	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 5)		
Mon	08.00	01.00			
Tue	08.00	01.00			
Wed	08.00	01.00			
Thur	08.00	01.00			
Fri	08.00	01.00			
Sat	08.00	01.00			
Sun	08.00	01.00			
			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 6)		
			As previous		

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	01.30	
	-----	-----	
Tue	08.00	01.30	
	-----	-----	
Wed	08.00	01.30	
	-----	-----	
Thur	08.00	01.30	
	-----	-----	
Fri	08.00	01.30	
	-----	-----	
Sat	08.00	01.30	
	-----	-----	
Sun	08.00	01.30	
	-----	-----	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CONDITION 1/PAGE 13 UNDER THE PROTECTION OF CHILDREN FROM HARM NEEDS TO BE AMENDED FROM :
CHILDREN SHALL NOT BE PERMITTED IN ANY AREA BEING USED FOR THE SALE AND SUPPLY OF INTOXICATING LIQUOR UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT

TO:
CHILDREN SHALL NOT BE PERMITTED IN ANY AREA USED FOR THE SALE AND SUPPLY OF INTOXICATING LIQUOR UNLESS ACCOMPANIED BY A RESPONSIBLE ADULT EXCLUDING THE SHOP

and
CONDITION 1/PREVENTION OF CRIME & DISORDER, ANNEX 2(pg 7) & CONDITION 3, PREVENTION OF CRIME & DISORDER, ANNEX 3(pg 13)AMENDED FROM:
ALL DRINKING GLASSES IN WHICH DRINKS ARE SERVED SHALL BE IN STRENGTHENED GLASS. NO DRINK SHALL BE SERVED IN A GLASS BOTTLE FROM WHICH IT IS INTENDED OR LIKELY THAT A CUSTOMER SHALL DRINK.

TO:
ALL DRINKING GLASSES IN WHICH DRINKS ARE SERVED SHALL BE IN STRENGTHENED GLASS.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

THE SHOP WILL FALL UNDER ALL THE CONDITIONS CURRENTLY ON THE PREMISES LICENCE.

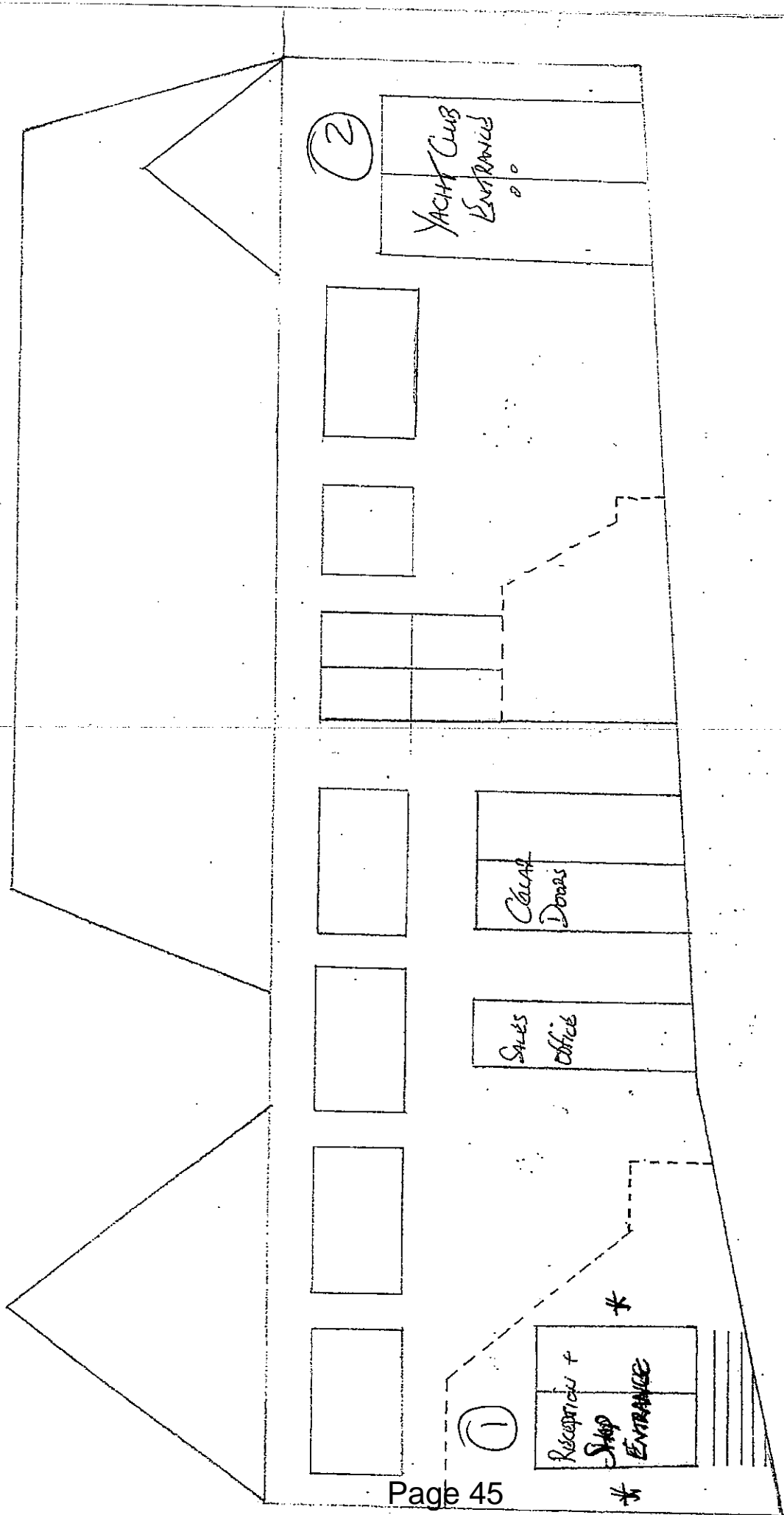
b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

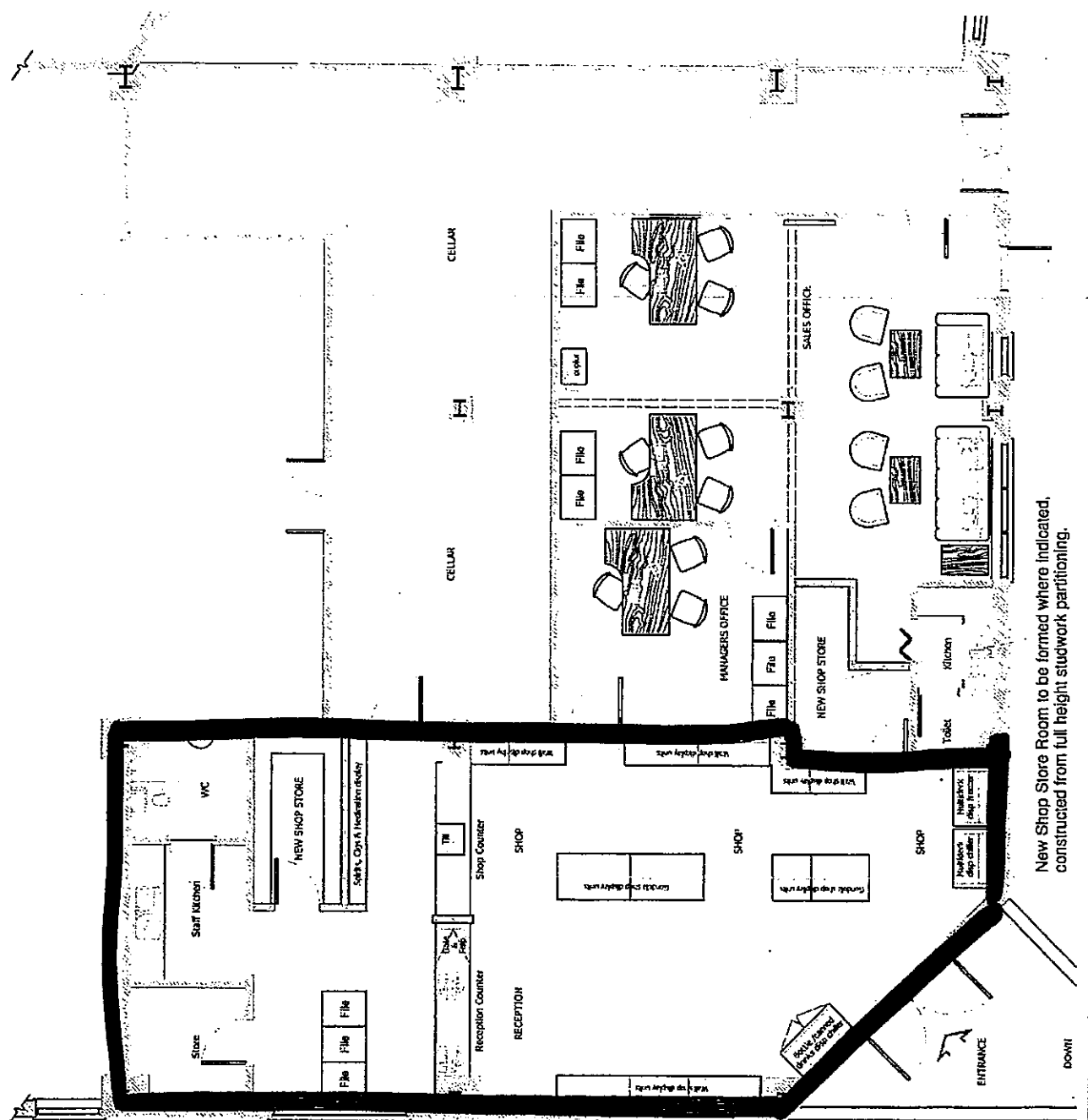
e) The protection of children from harm

Waterside Housing Park - Complex Building



1

A4

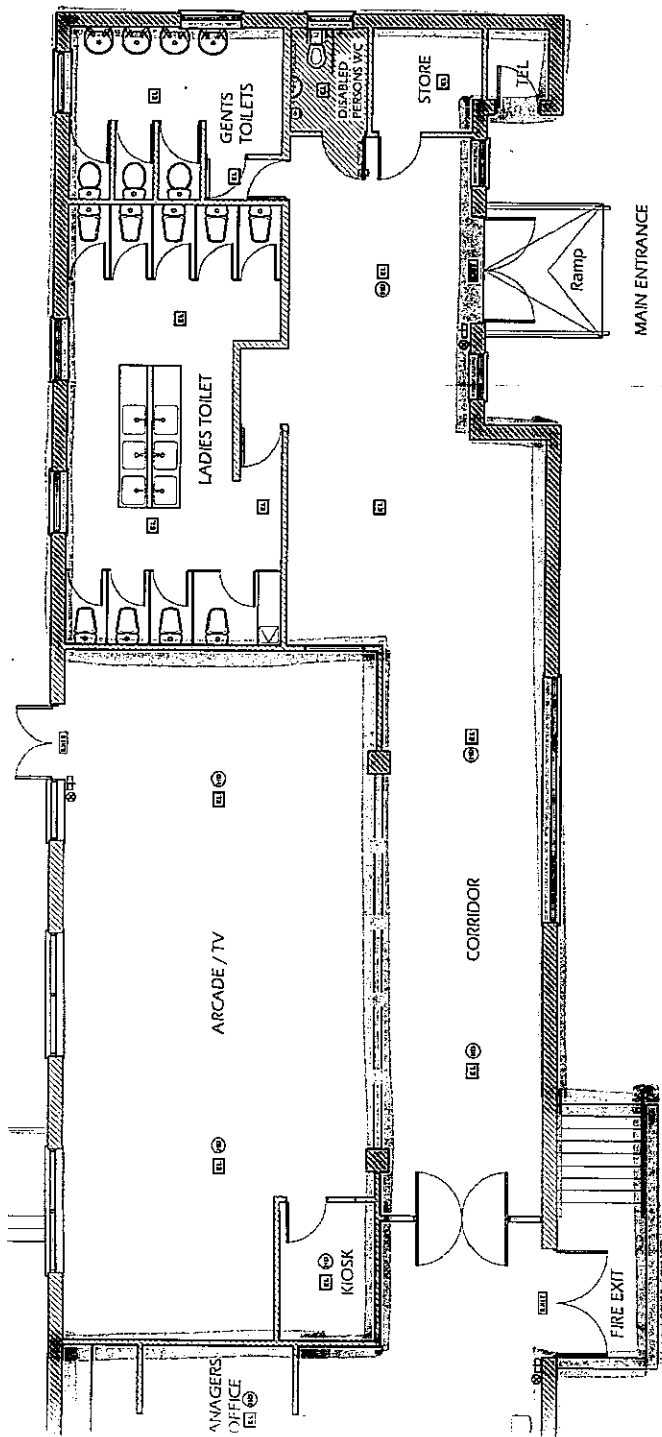


New Shop Store Room to be formed where indicated, constructed from full height studwork partitioning.


Client: Park Holidays UK Ltd
 Site: Waterside Holiday Park
 Three Beeches, Dartford Road
 Paignon, Devon TQ4 6NS
 Project: Proposed alterations to form combined
 Reception & Shop and enlarged Caravan
 Sales Office.
 Licensing

Date: November 2012 | Scale: 1:100 @ A4
 Drawn by: SMF | Checked by: GSD
 14 Rushmore Close
 West Mersea
 Essex
 CO5 8QQ
 Tel: 01206 385858
 Fax: 01206 385680
 www.stroods.co.uk

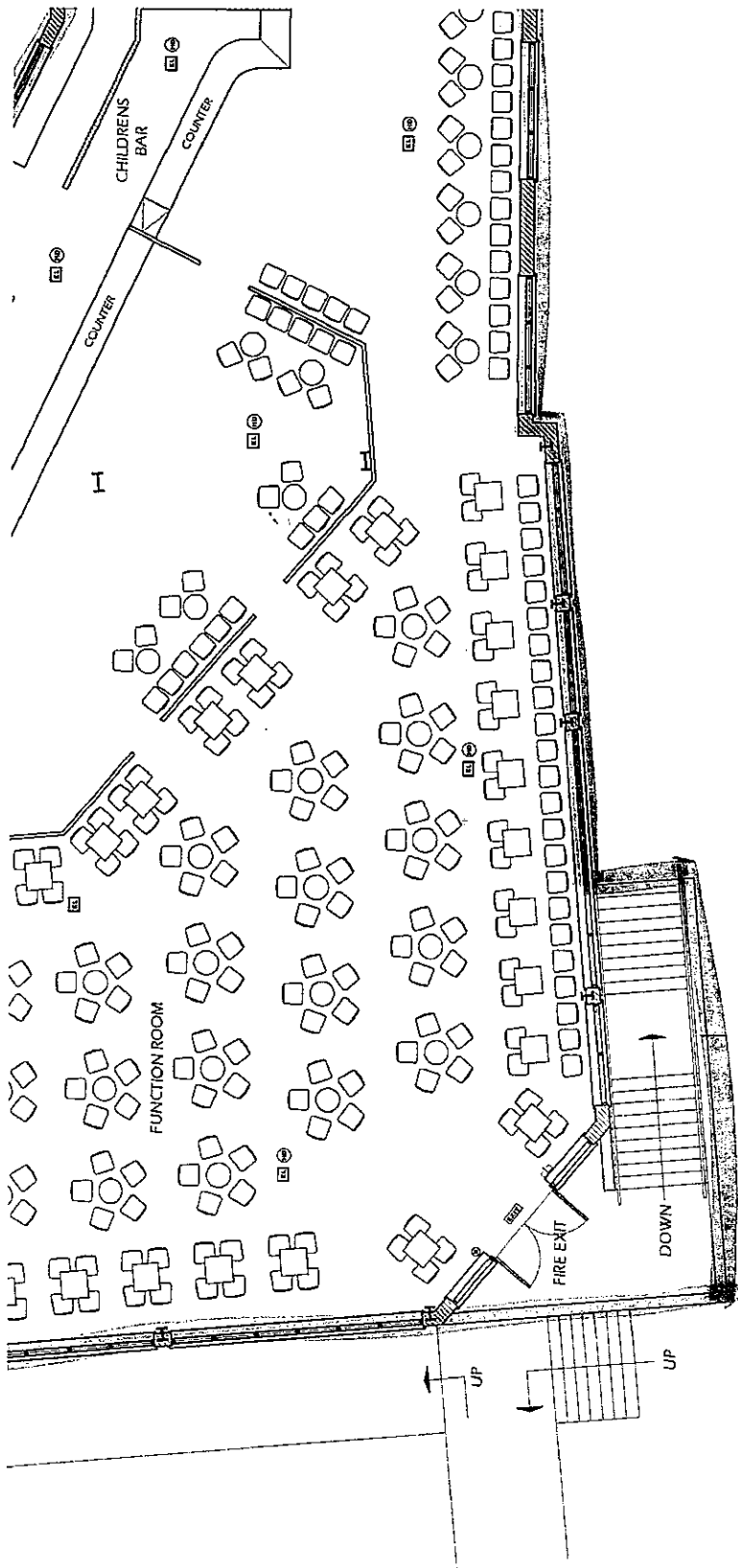
Drawing No: 1912 / 02 Revision:



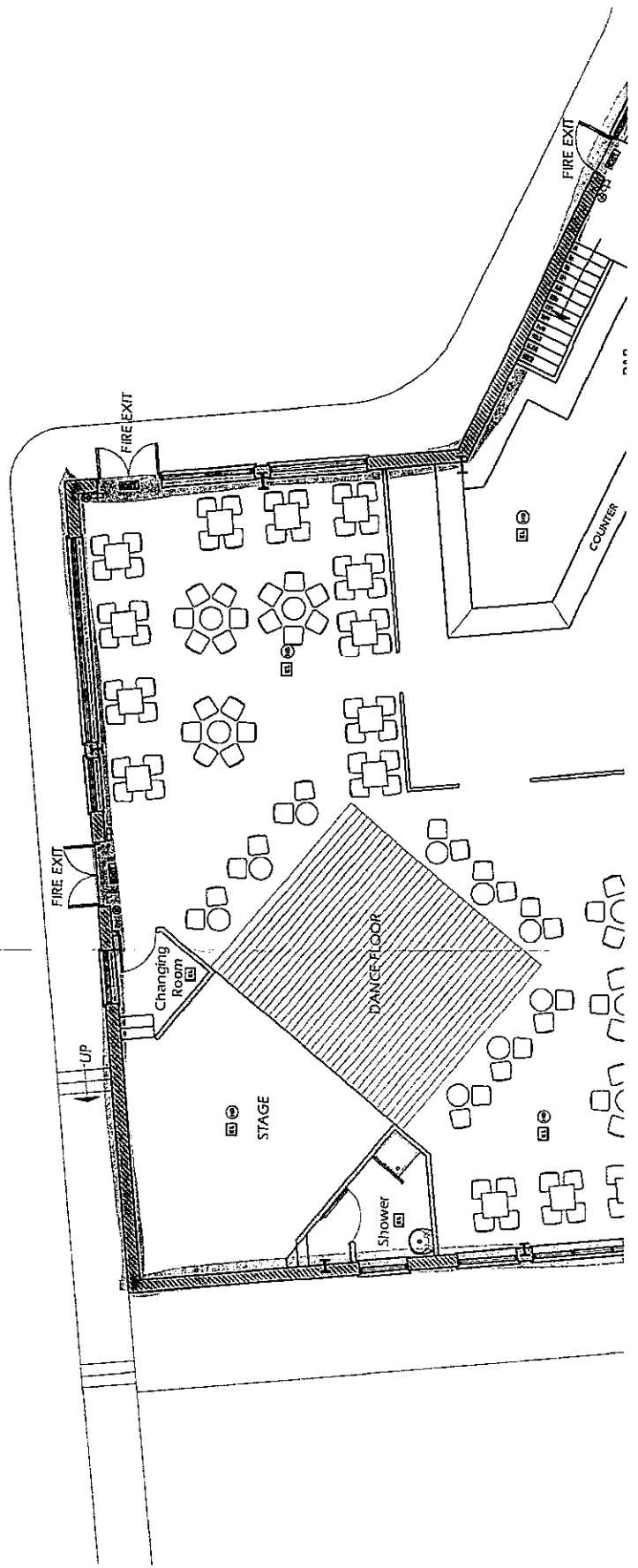
2







		Project: Waterride Holiday Park Three Beechos Paignton, Devon
14 Rushmere Close West Mersea Essex CO5 8 0Q Tel: 01206 385883 Fax: 01208 385880 www.stroods.co.uk		Title: The Main Clubhouse Licensing Plan
Client:		Date: February 2007
Park Holidays UK		Scale: 1 - 100 @ A1
Drawing No: 1467 / 01		Rev:
Drawn by: SMF	Checked by: CSD	

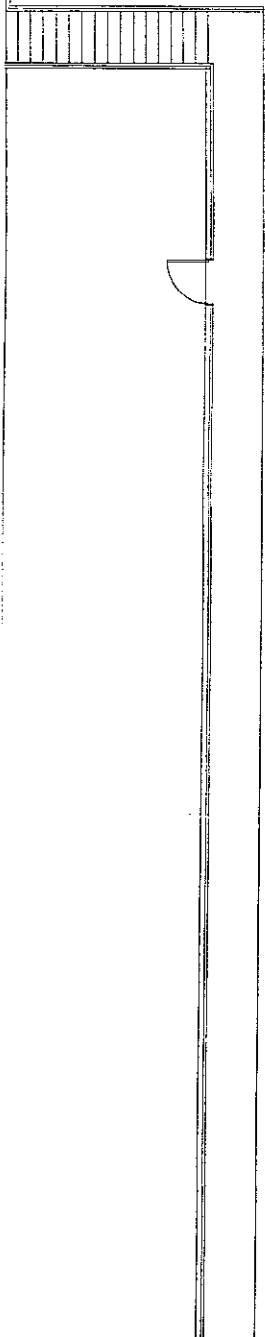
GROUND FL



A1




LEGEND	
	ILLUMINATED FIRE EXIT SIGN
	1 HR NON-MAINTAINED EMERGENCY LIGHT
	HEAT DETECTOR
	FIRE ALARM CALL POINT
	WATER FIRE EXTINGUISHER (9LP)
	FIRE BLANKET



Licensing Act 2003
Premises Licence

700

LOCAL AUTHORITY	
	<p>Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
<p>Waterside Holiday Park Dartmouth Road, Paignton, Devon, TQ4 6NS. Telephone 01803 812400</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> - a performance of live music - any playing of recorded music - entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance - entertainment facilities for making music - entertainment facilities for dancing - provision of late night refreshment - the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	11:30pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
I. Provision of facilities for making music (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight

Licensing Act 2003
Premises Licence

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors) continued ...	New Year's Day	Midnight	11:00pm
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	1:30am
New Year's Eve	10:00am	Midnight
New Year's Day	Midnight	11:00pm

These times relate to Reception and the Yacht Club. The site is open to residents 24 hours a day.

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises
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Part 2

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

Park Holidays UK Ltd	Coghurst Hall, Ivy House Lane, Ore, Hastings, Sussex, TN34 4NP. Telephone 01424 751185
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Park Holidays UK Ltd	2434161
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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Andrew Mark BELLERBY	Dawlish Sands Holiday Village, Warren Road, Dawlish, Devon, EX7 0PG.
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. SCDCPERS177	Issued by Suffolk Coastal
-------------------------	---------------------------

Licensing Act 2003

Premises Licence

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Stephen Cox

Steve Cox
Environmental Health Manager (Commercial)
20 February 2013

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence , or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti social behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7). The responsible person shall ensure that -

ANNEXES continued ...

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Additional Conditions Transferred from the Licence**

1. Intoxicating liquor shall not be sold or supplied otherwise than to:
 - i) Bona Fide residents and persons staying at Waterside Holiday Park.
 - ii) Management and other staff and entertainers performing at Waterside Holiday Park.
 - iii) Bona fide guests of the above.

Restrictions transferred from the On Licence

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

Credit Sales

ANNEXES continued ...

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

General

1. The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
2. A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
3. There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-
"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"
4. No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical requirements.
5. Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
6. In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
7. Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
8. Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
9. If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
10. A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
11. Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform,

ANNEXES continued ...

or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.

12. The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
13. The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
14. Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
15. Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
16. A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
17. In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
18. The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

The Prevention of Crime and Disorder

1. All drinking glasses in which drinks are served shall be on strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer shall drink.
2. All spirits in the shop shall continue to be displayed behind the counter and to be sold only by way of counter service.

Public Safety

1. All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
2. Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.
3. The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
4. The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
5. The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded.

ANNEXES continued ...

Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.

6. Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided:- One attendant/steward for every 250 people on the premises.
7. A register shall be kept at the premises of all attendants on duty on each day that the premises are operating. Such register to be entered with the name of the employee and the time that they commenced duty and the time when they ceased.
8. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read.
9. In the event that the full number of required stewards is not available at any time, the premises shall be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.
10. Any person acting as a steward in any circumstances other than those outlined above shall have been given appropriate instruction in Fire Safety and First Aid.
11. The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
12. In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
13. All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
13. Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
14. All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
15. All doors and fastenings shall at all times be kept in proper working order.
16. All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
17. The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
18. Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or

ANNEXES continued ...

storing any article shall be made in corridors, passageways, gangways or exitways.

19. All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
20. Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
21. Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
22. Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.
23. In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
24. In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.
25. Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
26. Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.
27. The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
28. It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
29. The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
30. All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
31. All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
32. A record shall be kept of Certificates of Fitness obtained
33. The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.

ANNEXES continued ...

34. A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
35. A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
36. Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
37. All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
38. The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.
39. The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
40. The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
41. In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
42. In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
43. Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
44. When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
45. All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
46. In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.
47. All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
48. All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.
49. All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
50. The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior

ANNEXES continued ...

consent of the Council.

51. A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
52. A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
53. The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
54. A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
55. No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.
56. No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
57. No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
58. Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
59. Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
60. Smoking shall be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
61. Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
62. A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
63. The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
64. Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
65. The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
66. Combustible materials may only be stored in such positions as may be approved by the Council.
67. Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be give annually by a recognised insurance

ANNEXES continued ...

company and shall be submitted to the Council with any initial or renewal Licence application.

68. Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
69. All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.
70. Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people.
71. Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-
- Hypnotism (as defined by the Hypnotism Act 1952);
 - Striptease, lap dancing or any similar performance;
 - The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
 - The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

72. With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.
73. In relation to any consent given for a hypnotism display, the following conditions shall apply:-
- 1 No exhibition, demonstration or performance shall be held whereby:
harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
 - 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
 - 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
 - 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.

ANNEXES continued ...

- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

The Prevention of Public Nuisance

1. The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
2. The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
3. The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
4. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
5. During any period of time where amplified sound is played in any part of the Premises either:-
 - (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
 - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR

The Protection of Children From Harm

1. Children shall not be permitted in any area where intoxicating liquor is being sold or supplied unless accompanied by a responsible adult.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes after 12.30am, SIA door staff shall be employed from 9.00pm until closing.
3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
4. There must be no entry or re-entry to premises after 12 midnight.

ANNEXES continued ...

Public Safety

1. The ratio of stewards to customers on the premises shall be no less than 1:75.
2. All electrical equipment brought on to the premises by performers in conjunction with their act must be electrically tested to ensure its safety.
3. The use of strobe lighting shall only be permitted in instances where the flicker rate of the output unit is 4 flickers per second or less.
4. Clear signage indicating the use of strobe lighting and the risk of flicker sensitive epilepsy must be clearly displayed prior to and during all performances at which strobe lighting is to be used.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11pm. The criteria applied, from boundary to nearest residential property are;
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Within the Yacht Club, all fire doors shall remain closed during amplified live music and entertainment and the door lobby shall remain in use throughout the time of amplified entertainment.
3. Within the Smugglers Bar, doors and windows shall remain closed during amplified live music and entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.

ANNEXE 4

PLANS

Copy attached to Licence.

LOCAL AUTHORITY

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

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Waterside Holiday Park**

Dartmouth Road, Paignton, Devon, TQ4 6NS.

Telephone 01803 812400

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	11:30pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
I. Provision of facilities for making music (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	7:00pm	11:00pm
	New Year's Eve	10:00am	Midnight

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors) continued ...	New Year's Day	Midnight	11:00pm
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	New Year's Day	Midnight	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	1:30am
New Year's Eve	10:00am	Midnight
New Year's Day	Midnight	11:00pm

These times relate to Reception and the Yacht Club. The site is open to residents 24 hours a day.

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Park Holidays UK Ltd Coghurst Hall, Ivy House Lane, Ore, Hastings, Sussex, TN34 4NP.

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

Park Holidays UK Ltd 2434161

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Andrew Mark BELLERBY

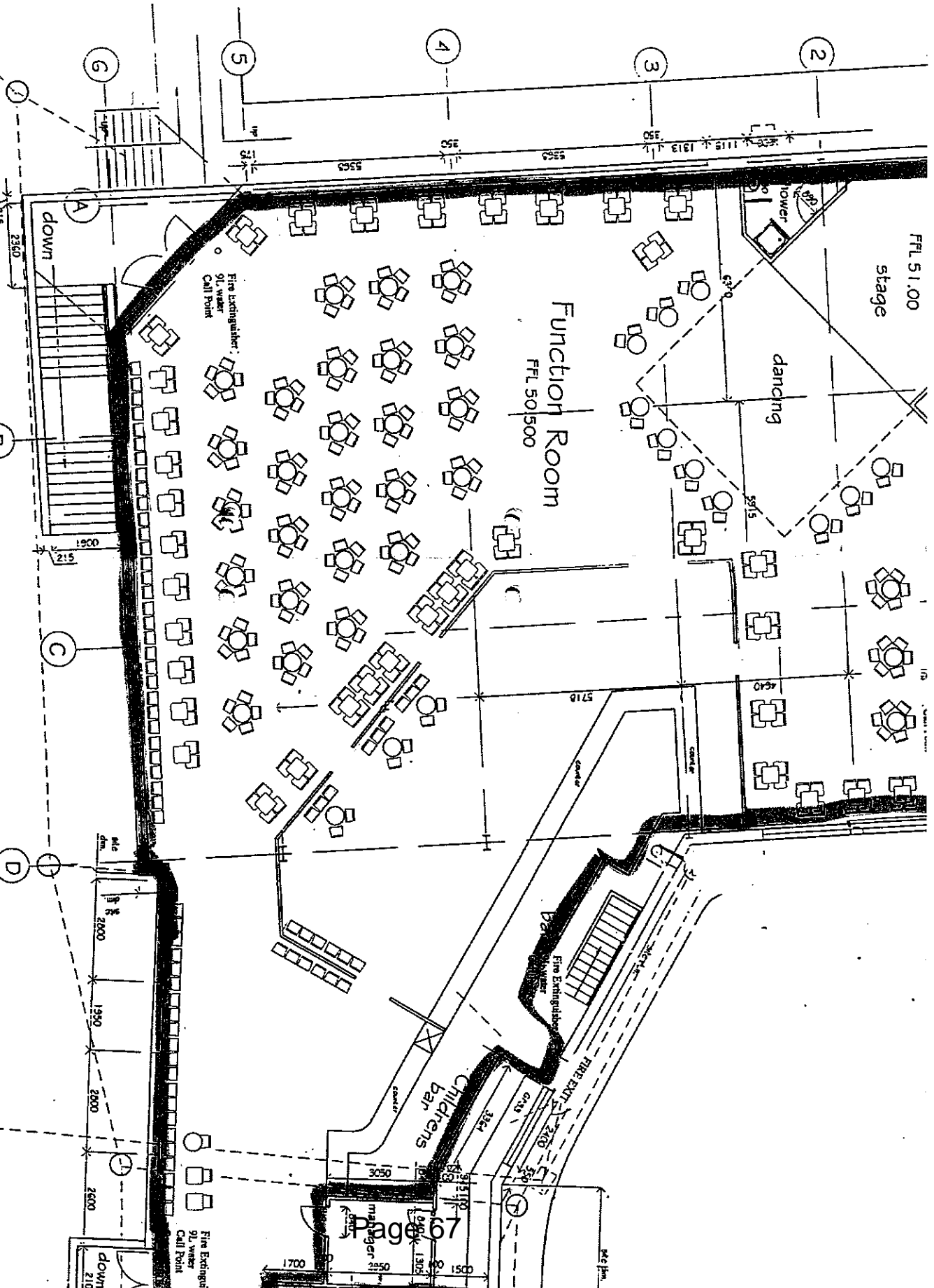
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003.

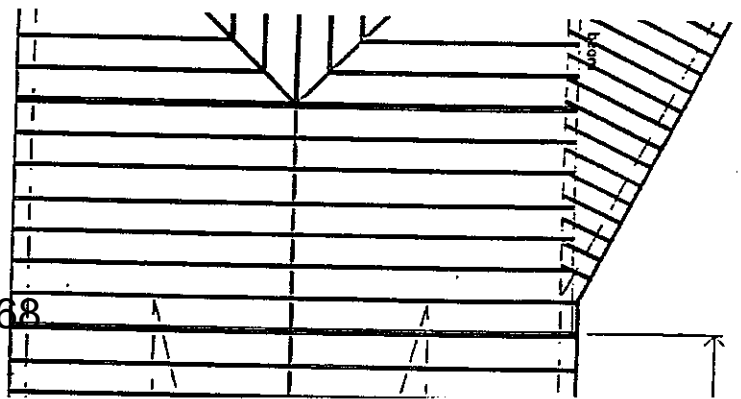
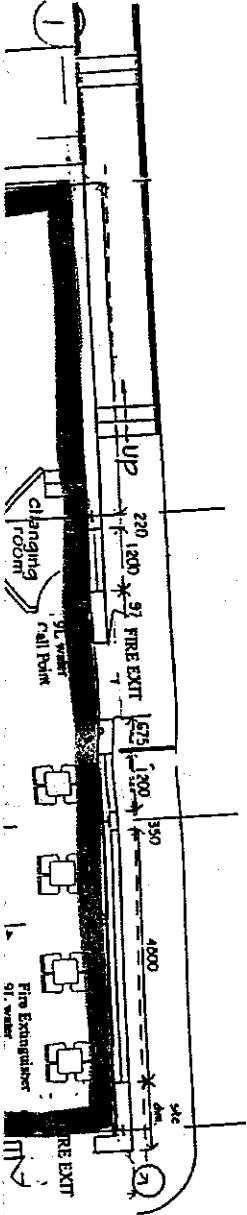


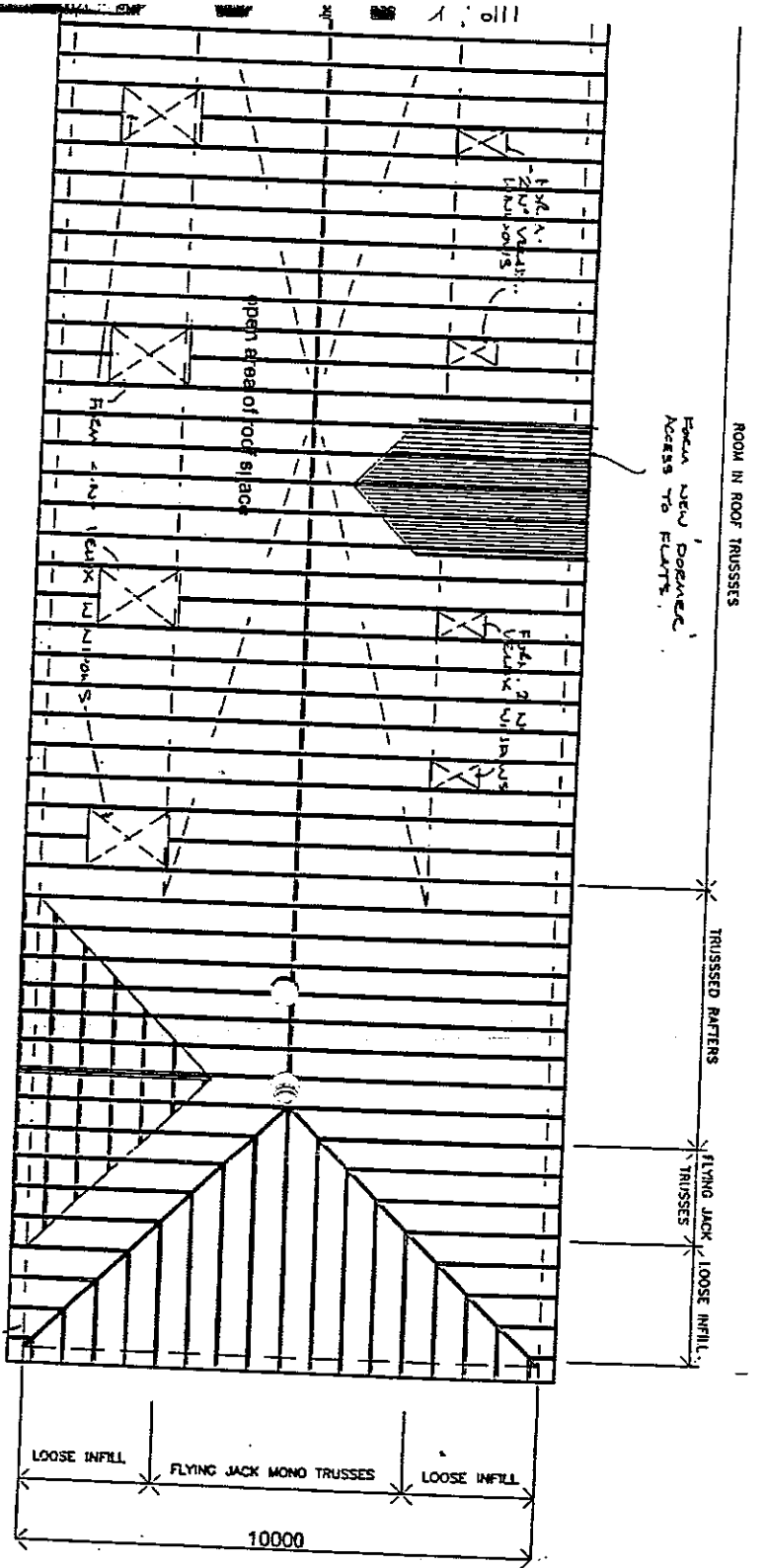
Steve Cox
Environmental Health Manager (Commercial)
20 February 2013

GROUND FLOOR PLAN



ANNEXE 4

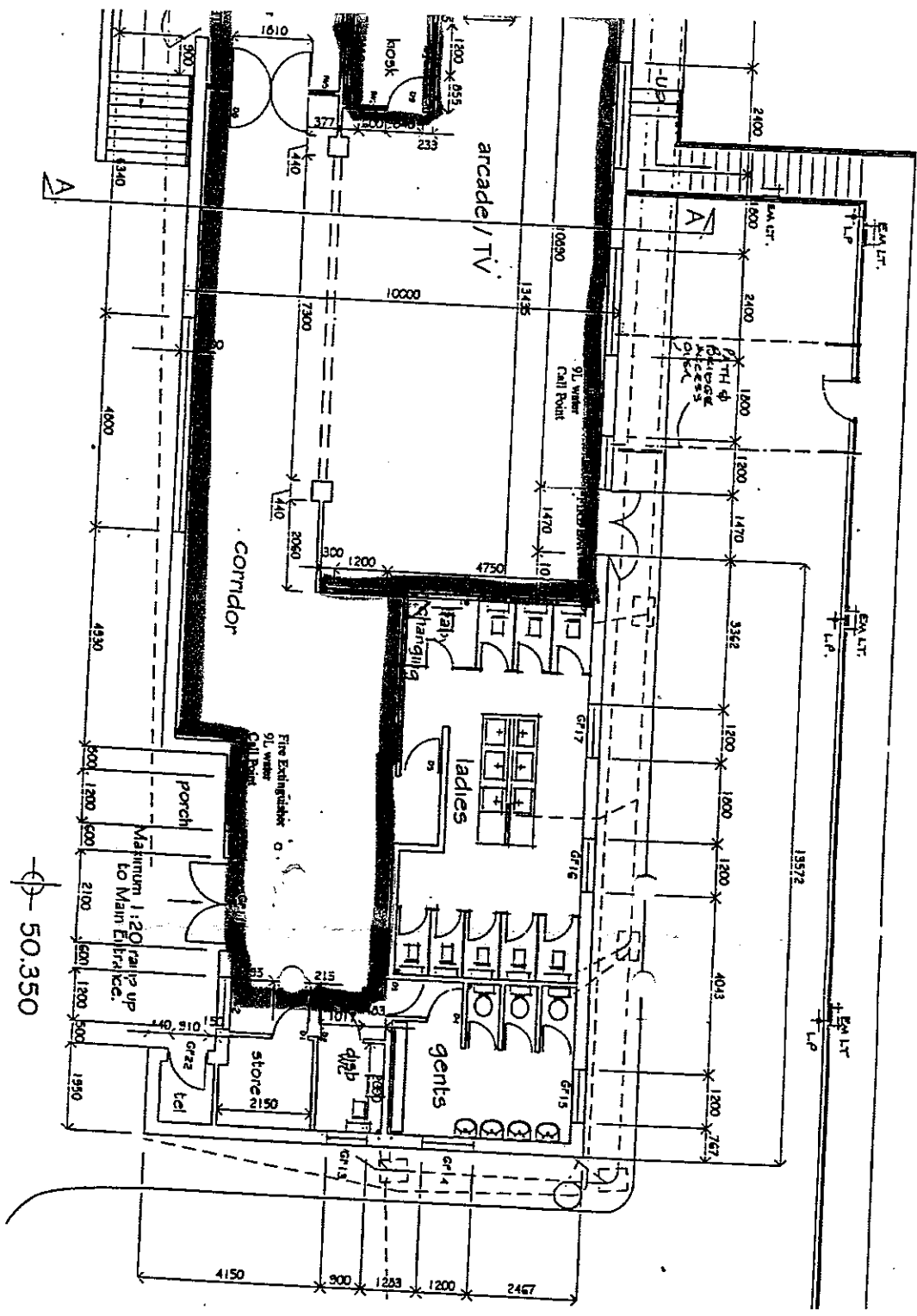




NO DIMENSIONS TO BE SCALED FROM THIS DRAWING
NOTES:

2003/11775
2 2 2003
2003/11775

APPLICATION NO. 2003/17775
APPROVED 17 DEC 2003



REVISIONS		DATE
CLIENT WATERSIDE HOLIDAY PARK THREE BEECHES PAIGNTON		
PROJECT WATERSIDE HOLIDAY PARK THREE BEECHES PAIGNTON		
SCALE 1:100		
DRAWN BY D.G.B.		DRAWING No. E. 1526
DATE 21-10-03		REV. 2
CHECKED BY		
DRAWING TITLE PLANS		



DEVON & CORNWALL
CONSTABULARY

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

Licensing East
Force Headquarters
Middlemoor
EXETER
EX2 7HQ

25 February 2015

Dear Sir/Madam

Re: Waterside holiday Park, Three Beaches, Dartmouth Road, Paignton, TQ4 6NS

With regard to the above variation application under section 34 of the Licensing Act 2003, please be advised that the police intend to make representation to the Torbay Council Licensing Committee.

Police Licensing have discussed this application with the applicants representative, Ms Kirsty Stagg, InnCourt Licensing Consultants and as a result of these discussions the police contend the removal of this condition Annex 2 Prevention of crime and disorder condition 1 and annex 3 condition 3, allowing drinks to be served in a glass bottle from which it is intended or likely that a customer shall drink. This could well lead to the potential increase and likelihood of serious injury being caused and likely to have a negative impact on the Licensing Objectives.

I refer to the attached letter from General Manager, Torbay hospital 20 June 1995 appendix A and Herald Express article 6 August 2004, which relates to the supporting of an enforceable condition to say "All glasses in which drinks are served shall be of strengthened glass and no drinks shall be served in a bottle from which it is intended that a customer will drink.

In Torbay every premises licence that authorises the sale of alcohol after midnight has a condition prohibiting such glass bottles and this has been a policy since 1993.

The police have agreed the following conditions, which has been agreed in liaison with InnCourt Consultants, see attached email appendix c, which should be added to the licence under the prevention of crime and disorder and protecting children from harm to ensure that the Licensing Objectives are met:-





**DEVON & CORNWALL
CONSTABULARY**

Prevention of crime and Disorder

1. On every occasion that the premises extends its hours of operation for sales of alcohol after midnight and closure to the public after 00.30hrs, from 9.00pm of that operational day, all drinks shall be served in toughened or strengthened glasses and no drinks shall be served in glass bottles from which it is intended or likely that a person shall drink.
2. Alcoholic drinks to be consumed in the licensed area only and customers must not be permitted to take open containers outside the licensed area of the premises.
3. Regular collection of empty/finished containers to be removed from public areas.

Protection of children from harm

1. As per application - Children shall not be permitted in any area used for the sale and supply of intoxicating liquor unless accompanied by a responsible adult, excluding the shop.
2. There must be a Challenge 25 policy in place.

The police have also discussed the new shop area being created in the main building on the lower level of the club house, see plan attached to application, and earlier opening time to 8am. The police do not see that this will have an impact on the licensing objectives.

The police submit this for the Local Authority Licensing Committee for their consideration and appropriate amendments to the licence.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Peter Cosby, on 01803 218464.

Yours faithfully,

Mr P Cosby
Licensing Officer
Devon BCU
Devon and Cornwall Constabulary



Mr P Strick
General Manager, Torbay Hospital
Hengrave House
Lawes Bridge
TORQUAY TQ2 7AA

Paignton Police Station
PO Box 1
PAIGNTON
TQ3 2YF

RPS/LM 20 June 1995 (01803) 841255
CSUPT/F/jds/ced Ch Supt Seaton

Dear

Thank you for your letter dated 13 June 1995 and the possibility of you making a general statement regarding the use of strengthened glasses in our night clubs.

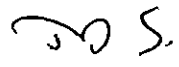
This initiative began in 1993 when I supported the Torbay Borough Council's decision to add a condition whereby all drinking glasses in use in night clubs should be of a type, when smashed would fragment and not leave jagged edges. Only one club in Torbay dissented and went to Law in objection. As a result the condition placed on all premises with the benefit of a Special Hours Certificate (those that stay open after normal permitted hours) was amended to say all glasses in which drinks are served shall be of strengthened glass and no drinks shall be served in a bottle from which it is intended that a customer will drink.

This condition became enforceable from December 1994 and to date the police have had no reported assaults involving the use of bottles and glasses. I would like to publicise this success. I feel added weight would be given if the Hospital felt that there had been a decrease in the amount of patients that you are dealing with who have injuries caused by a bottle or a glass that occurred in one of Torbay's night clubs.

A general enquiry to this effect has been made by one of my officers to Mr Hugh Walters' office. However, I am sorry to hear that Mr Walters is indisposed and we were not able to gain any information.

I look forward to hearing from you and should you require any further information please do not hesitate to contact me.

Yours sincerely



J D Seaton
Chief Superintendent

Fastest steam train in the west

FOR the first time in its history, the steam locomotive Union of South Africa will be heading along the Newton Abbot to Kingswear line this weekend.

The former London and North Eastern Railway Class A4 engine's appearance will be a welcome surprise for many railway fans because a former Great Western steam engine had been expected to make the journey.

But the promoter of the trip, Past Time Rail, changed its plans for this Sunday and opted to use Union of South Africa instead.

Barry Cogar, general manager of the Paignton and Dartmouth Steam Railway said: "This will be an exciting day for us, and a first for this notable class of engine on our railway."

"Although Class A4 streamlined locomotives have made occasional trips on the main line between Paddington and Plymouth, the class has never been seen on the Newton Abbot to Torquay branch.

"As a youngster I always admired the sleek lines and high-speed exploits of the T.N.R.R. A4s and this

Teenager broke into mum's home

Stole cash and phone

By STAFF REPORTER

A TEENAGER who has been in 57 foster homes in five years, stole cash from his mother's purse and took her mobile telephone while she was asleep upstairs, a court heard.

David Flay got into his mother's home in Newton Abbot through a toilet window, crown prosecutor Michael Ashby, told the court.

Flay's solicitor Julie Ward told magistrates he had found the back door unlocked and gone in to get something to eat and somewhere to sleep.

But he left after finding the cash and the mobile telephone, Mr Ashby told South Devon Magistrates sitting at Totnes Court.

Ms Ward revealed that 18-year-old Flay had been in foster care since he was 13 years old. In that time, she said, he had had 57 foster "placements".

She said the relationship between Flay and his mother was "not good" although he kept in contact with his sister and brother who still lived at home.

Order

She pointed out that Flay was already subject to a two-year community rehabilitation order which was imposed in Barnstaple for an offence of shoplifting when he claimed he was stealing to eat and to get court that Flay was not

Christmas presents for his sister and brother.

Flay of Combe Cross, Ideford Comb, Newton Abbot, appeared in court where he admitted stealing the telephone and cash after entering a home in Broadlands Avenue, Newton Abbot, on July 4.

He was given a conditional discharge for a year after the magistrates agreed that the rehabilitation order should be allowed to continue. Mr Ashby told the court that Flay was not

allowed in his mother's home unless she was there. When she found the cash and the mobile telephone were missing, she went to Flay's home where she found the phone and took it back.

However, by then Flay had thrown the sim card away, he added.

Flay told police he had gone to his mother's home because he was hungry and needed somewhere to sleep.

Ms Ward said Flay lived in bed and breakfast accommodation with supervision and that he was employed doing holiday work delivering leaflets and cleaning cars vans.

Stab case man cleared

A MAN who claimed he stabbed a South Devon drug dealer in self defence has been cleared of wounding charges.

Dennis Queensborough, 38, was acquitted at Exeter Crown Court of wounding Damien Pearce with intent and also found not guilty of the lesser charge of unlawful wounding.

The prosecution claimed that Mr Queensborough went uninvited into Mr Pearce's home in Elm Grove Road, Dawlish and stabbed him in the stomach with a sheath knife.

Mr Queensborough said he went to the house to collect money that was owed to him.

He agreed he went into the house without being invited.

When he got inside, he said all he wanted to do was to speak to Mr Pearce about the £120 he had lent him.

He said he had no intention of being violent and just wanted the money because he was leaving for a working holiday in Spain.

Mr Queensborough said once inside the house, he did not have a chance to speak to Mr

New bid to halt horror 'glassings'

By PAUL JAMES

POLICE in Torbay today backed a growing campaign urging more licensed premises to introduce safety glasses and bottles so they can't be used as face-smashing weapons.

They are behind a law-changing initiative based in Taunton where pretty Louise McClintock lost the eight



armed with a hammer and an axe and was screaming and shouting at him.

The jury heard that Mr Queensborough saw a knife in the property and managed to pick it up and lunge at Mr Pearce in self defence.

Mr Queensborough of Milton Road, Exeter had denied both the charges and was cleared after a three day trial.

Fight witness appeal

TORBAY police are appealing witnesses to a fight in Paignton on Sunday.

Officers were called to the incident on Torbay Road just after midnight following a report of serious disorder.

Seven people were involved in the fracas near take away Pappas, in Torbay Road.

A police spokesman said: "We were called to a fight outside the take away but we believe there might have been an incident inside a short time before. We would like anyone who may have been inside prior to the fight to contact us."

Two 26-year-old men and a sixteen-year-old boy who were arrested on suspicion of violent disorder, were released on police bail until next month. Anyone with information call 08452 777444.



SAFETY FIRST: Ken Grewwcock of Torquay harbourside's London Inn with a shatter-proof glass.

PHOTO: Alan Craig, HAC00106_AC_001

day, on all nightclub Public Entertainment Licenses which insisted all drinking glasses should be strengthened.

He added: "We would welcome a similar condition to apply to all public houses, but at this time it relates only to the Public Entertainment Licence. Not all pubs have one."

"We commend the Taunton initiative and hope that it is successful. Anything that increases public safety in licensed premises has got to be supported."

■ **OPINION: Page 16**

"Since then statistics have shown that we took the right step at the time," he said.

And he promised: "We will continue to offer people who frequent licensed premises the safest environment."

He said the council would be looking closely at a review of pub safety matters when it became the licensing authority next February.

PC Stanlake said: "In 1994 we worked with the local authority to create a condition, which remains in place to this day, as a result of people

Wetherspoons' London Inn on Torquay's harbourside, said: "We've used these glasses for as long as I can remember. I think the campaign is a very good idea. I'm all for it."

He said shatterproof glasses had problems of their own because their bulk still made them hefty objects if used wrongly.

Torbay Council's licensing officer Barrie Davis confirmed the borough paved the way for changes nearly 10 years ago.

attack which also left her face badly disfigured.

Bay licensing officer Neil Stanlake said the borough was already "ahead of the game" by securing a ruling for strengthened glasses and bottles in all local nightclubs in 1994, although the stricture did not extend to pubs.

In an ideal world, he said, pubs would follow suit. He wished the campaign every success.

Some pubs in South Devon have already opted for safer alternatives, among them the Wetherspoons operation which runs watering holes in Torquay, Paignton, Brixham and Newton Abbot.

All the pubs use specially toughened glasses which disintegrate into a thousand pieces when broken instead of leaving deadly shards which can be used as daggers.

Ken Grewwcock, manager at

remuner. The LNER Class A4 Pacific design was an improved and slightly more powerful version of the Class A3 Pacific Flying Scotsman.

"Union of South Africa was one of five Class A4 engines built in 1937, allocated to work the Coronation express between London Kings Cross and Edinburgh in the then unprecedented time of six hours.

A year later, sister engine Mallard took the world speed record for a steam locomotive of 126mph, which it still holds.

"Union of South Africa was withdrawn from British Railways everyday service in 1966 after 30 years' action, but it is one of three A4 Pacifics which have been kept in working order over the past three decades for use on enthusiast specials."

Book for travel from Bristol to Kingswear on 0871 871 4113.

The life and Times of Mr Muttcock



Handbag was stolen at party

A THIEF stole a handbag containing £250 during a party at the Dartington College of Arts on Tuesday night.

The bag was stolen while the party was under way at the reception room between 11.30pm and lam on Wednesday morning.

The bag, minus the £250, was later found in a gents toilet at the college.