



Wednesday, 27 May 2015

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 4 June 2015**

commencing at **10.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Members of the Licensing Sub-Committee will be determined at the Adjourned Annual Council Meeting on 1 June 2015.

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**Working for a healthy, prosperous and happy Bay**

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

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

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 7)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 16 April 2015 and 23 April 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. **Licensing Act 2003 – An application for a Premises Licence in respect of Subway, 49 Fleet Street, Torquay TQ2 5DW** (Pages 8 - 21)  
To consider an application for a Premises Licence in respect of Subway, 49 Fleet Street, Torquay TQ2 5DW.
7. **Licensing Act 2003 – An application for a Premises Licence in respect of Ewings, 1A The Strand, Torquay TQ1 2AA** (Pages 22 - 34)  
To consider an application for a Premises Licence in respect of Ewings, 1A The Strand, Torquay TQ1 2AA.



## Minutes of the Licensing Sub-Committee

16 April 2015

-: Present :-

Councillors Addis, Brooksbank and Doggett

**46. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**47. Minutes**

The Minutes of the meeting of the Sub-Committee held on 26 March 2015 were confirmed as a correct record and signed by the Chairman.

**48. Licensing Act 2003 – An application for a Premises Licence in respect of The Cliff Railway Café, 10 Babbacombe Downs Road, Torquay TQ1 3LF**

Members considered an application for a Premises Licence in respect of The Cliff Railway Café, 10 Babbacombe Downs Road, Torquay TQ1 3LF.

The Premises do not fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation received in respect of the Licensing Objectives 'The Prevention of Crime and Disorder.'	12 March 2015
Public Protection	Representation received in respect of the Licensing Objectives 'The Prevention of Public Nuisance.'	16 March 2015
Safeguarding Children's Board	Representation received in respect of the Licensing Objectives 'The Protection of Children from Harm.'	24 February 2015

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

Oral Representations received from:

Name	Details
The Applicant	The Applicant 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.

The Senior Licensing Officer read the Representation submitted by the Safeguarding Children's Board and advised that the Applicant had agreed with the conditions proposed in the Representation.

Other information:

Members were advised that the Applicant had indicated agreement to most of the proposed conditions from the Police, Public Protection and the Safeguarding Children's Board.

Decision:

That the application for a Premises Licence in respect of The Cliff Railway Café, 10 Babbacombe Downs Road, Torquay TQ1 3LF be granted as follows:

1. A CCTV system shall be installed at the premises to the satisfaction of the police, and must operate at all times the premises are open to the public. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images at any reasonable time.
2. Food shall be available at all times the premises are open to the public.

3. The consumption of alcohol shall be restricted to persons who are seated at tables and notices shall be displayed accordingly within the outside seating area.
4. The outside seating area shall be regularly monitored by waiting staff, who will ensure that customers remain seated at all times, that items of crockery, glasses and bottles are not taken outside the area and that tables are cleared of crockery, glasses and bottles as soon as possible.
5. Notices shall be displayed within the outside seating area advising customers not to take glasses/bottles out of the area.
6. The premises shall operate a Challenge 25 Policy whereby any person who appears under the age of 25 will be required to produce an approved form of identification.
7. All staff shall receive training in relation to their responsibilities with regards to the Licensing Act, in particular regarding drunkenness, drugs and underage issues. The management will also provide regular refresher training to all staff.
8. After 6pm there should be a prominent, clear and legible notice displayed within the outside seating area stating that patrons are required to respect neighbours by keeping noise to a minimum.
9. After 6pm patrons of the premises must be reminded by staff to leave in a quiet and orderly manner so as to not unreasonably disturb nearby residents and a prominent notice shall be displayed to this effect at the exit.
10. All patrons must be seated when using the outside seating area as shown on the premises plan.
11. Service of alcohol must be by waiter/waitress service only.
12. No under 18's shall be permitted on the premises after 9pm unless accompanied by a responsible adult who is taking a meal.
13. An exception to under 18's being permitted on the premises after 9pm 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.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence having been satisfied that the imposition of the above conditions would alleviate the concerns raised by the Responsible Authorities and seek to promote the Licensing Objectives.

Chairman/woman

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## Minutes of the Licensing Sub-Committee

23 April 2015

-: Present :-

Councillors Addis and Brooksbank

(Also in attendance: Councillors Amil and Pountney)

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### 49. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 50. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Abbey Service Station, Avenue Road, Torquay TQ2 5LG

Members considered a report on an application for a Variation to a Premises Licence in respect of Abbey Service Station, Avenue Road, Torquay TQ2 5LG.

The Premises do fall not within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Prevention of Public Nuisance' and 'Public Safety.'	1 April 2015
Interested Parties	8 Representations with 10 signatures in relation to Licensing Objectives 'The Prevention of Crime and Disorder,' 'The Prevention of Public Nuisance' and 'Public Safety.' One Representation was on behalf of the areas Community Partnership.	Various dates

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

Oral Representation received from:

Name	Details
The Applicant's Legal Representative	The Applicant's Legal Representative outlined the application, as set out in the submitted documents and responded to Members questions.
Police	The Police outlined their objection, as set out in the submitted documents, outlined proposed conditions and responded to Members questions.
Interested Parties	The Interested Parties who had returned their Notices to attend, outlined their objections, as set out in the submitted documents and responded to Members questions.

Members noted that notices from Interested Parties had been received confirming they were attending, but were advised that one Interested Party had not arrived prior to the start of the hearing but was aware that the Committee was taking place. It was agreed that the Committee would be heard in their absence.

Additional Information:

Members of the Sub-Committee formed for today's hearing are the same three Members who sat on the Licensing Sub-Committee hearing on the 14 August 2014.

The Committee noted that a previous application for a Variation to the Premise Licence had been heard in August 2014 where a number of conditions had been imposed and the sale of alcohol was limited from 8am - midnight. The Committee's Senior Solicitor reminded Members that whilst there had been a previous application, each application must be considered on its own merits having regard to the written and oral Representations submitted or heard during this hearing.

Members noted that the Police had proposed 2 conditions, as per Appendix 3 of the submitted report. The Police Licensing Officer confirmed that these conditions had been agreed with the Applicant's Solicitor and an email confirming this agreement is set out at Appendix 5 of the submitted report.

**Decision:**

That the application for a Variation to a Premises Licence in respect of Abbey Service Station, Avenue Road, Torquay TQ2 5LG be granted as applied for, subject to the conditions proposed by the Police and agreed by the Applicant and an additional condition which shall read:

The premises CCTV system will incorporate a camera covering the premises forecourt and the serving hatch at the front of the premises.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the application having been satisfied that there was insufficient evidence before them to refuse the application. As such, it is their opinion that the decision with the additional conditions is appropriate for the promotion of the licensing objectives and proportionate to what is intended to be achieved, when weighing up the risks and benefits of this application on all parties.

Whilst Members were mindful that each application is decided on its own merits, it did when coming to its decision carefully consider what was said at this hearing in respect of the Applicant's previous application for the same premises in August 2014, as each party present had made considerable submissions on this point. In doing so, Members resolved that the compelling oral evidence before them in August 2014 which demonstrated that a number of licensing objectives were and would be undermined was not before them today. Instead they heard that which Interested Parties feared would happen but there was no evidence to support that this had or was likely to happen and that incidents referred to, could not be directly attributable to this premises.

In weighing up these concerns and fears, Members noted both the oral and detailed written Representations of the Police and formed the view that as they were the main source of advice relating to matters of the crime and disorder licensing objective, as per the Guidance issued under Section 182 of the Licensing Act 2003 and that they had no objection to the grant of this application, if their two proposed and agreed conditions were inserted in to the Licence, then it would be unfounded of them to refuse the application where there is no actual evidence to demonstrate that this objective would be undermined.

In addition Members noted the absence of any Representation from Public Protection, despite clear guidance being given to the Interested Parties present at the conclusion of the 2014 hearing, most of who have made a further Representation for this application, to report their concerns about the premises to the Responsible Authorities. In noting this, Members drew an inference that they had no concerns in respect of this application. The essence of this inference is that in their knowledge as experienced Licensing Sub-Committee Members, Public Protection more often than not made Representations on licensing application, especially where they have concerns.



Members were initially concerned that there had not been a long enough period since the previous application to demonstrate that the licensing objectives would not be undermined. However, given the absence of any reported incidents during this time, the concerns raised not being directly attributable to this premises, the Representations of the Police and the absence of a Representation from Public Protection, Members granted the licence as they did, having been assured by the submissions of the Applicant's Legal Representative that his client had extensive experience and a significant number of similar premises licences which had never been subject to a Review.

Whilst not forming part of the Sub-Committee's decision, Members welcomed the offer of the Applicant's Legal Representative that his client would meet with the Police on a periodic basis to review any incidents that may arise as a direct result of this grant. This will ensure that matters are dealt with immediately and future reoccurrence is prevented, where possible. In addition members welcomed the Applicant's offer of regular litter collections in the immediate vicinity of the premises to alleviate the concerns of the Interested Parties that discarded packaging of items that may have been purchased from their premises is entering nearby gardens.

In concluding, Members noted that should future issues arise as a result of this grant; a Review of the premises licence is available to both Interested Parties and Responsible Authorities.

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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 Subway, 49 Fleet Street, Torquay TQ2 5DW

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

**4<sup>th</sup> June 2015**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

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

## 2. Introduction

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

A brief description of the application, as follows:

The Provision of Late Night Refreshment (Indoors) from 23:00 until 05:00 7 days a week.

To be open to the public from 07:00 until 05:00 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 the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 3.

We have received a Representation from Child Protection in relation to the Licensing Objective "The Protection of Children from Harm". This is shown as Appendix 4.

There have been no additional Representations received from any other Responsible Authority or any 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 the Police.

Appendix 4 Representation from Child Protection.

### **Documents available in Members' rooms**

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2011.



<b>Torbay</b> <b>Application for a premises licence</b> <b>Licensing Act 2003</b>	TORBAY COUNCIL 11 APR 2015	For help contact <a href="https://forms.torbay.gov.uk/ContactLicenseTrading">https://forms.torbay.gov.uk/ContactLicenseTrading</a> Telephone: 01803 208025
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COMMUNITY SAFETY \* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	SUBWAY FLEET STREET	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	CHRISTOPHER
* Family name	WHITE
* E-mail	SUBWAYTORQUAY@YAHOO.CO.UK

Main telephone number Include country code.

Other telephone number

Indicate here if you want to be contacted

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House?       Yes       No

\* Registration number 6655430

\* Business name KTCW RESOURCES LTD

\* VAT number - 944015541

\* Legal status Private Limited Company

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

LIMITED COMPANY

**Address**

Building number or name

20

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

Add another applicant

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?

07

/

05

/

2015

dd

mm

yyyy

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

/

/

dd

mm

yyyy

Provide a general description of the premises

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

SUBWAY SANDWICH SHOP. FOR USE IN THE RETAIL SALE OF FOOD AND DRINK.

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

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Yes  No

**Section 13 of 19**

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

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors

Outdoors

Both

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

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

SALE OF SANDWICHES AND DRINKS.

State any seasonal variations



**Continued from previous page...**

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor  
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

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

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

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

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

Continued from previous page...

## Section 18 of 19

### LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

The premises shall consult with and work with local authorities such as the police to help identify potential hazards that they may be unaware of.

Employees working 'late' shifts shall be made aware of procedures and potential hazards so they can better prevent problems that can arise due to late night trading.

b) The prevention of crime and disorder

A notice shall be displayed indicating normal hours under the terms of the premises licence during which licensable activities are permitted.

CCTV shall be installed and kept for a minimum of 14 days. People shall be made aware they are on it.

No alcohol shall be allowed on the premises.

Nearby the premises shall be monitored to avoid loiterers.

Employees shall wear a uniform.

c) Public safety

CCTV shall be installed.

All drinks shall be served in plastic or cardboard, no glass.

All exits shall be kept clear of obstruction and clearly identifiable.

All public areas shall have fully operational lighting backed up by emergency lighting.

The entire shop shall be non-smoking.

An incident log book shall be kept.

d) The prevention of public nuisance

Deliveries and waste disposal activities shall not take place outside of the area between 23.00 hours - 07.00 hours.

In the vicinity of the premises litter directly related to sales shall be collected and disposed of at the end of each day.

A suitable number of waste receptacles for refuse storage shall be provided.

Patrons shall be asked not to stand around talking in the street outside.

A specific taxi company shall be nominated for staff and customers.

e) The protection of children from harm

Children shall not be permitted after 23.00 hours.

Staff who are under 18 but over 16 shall not be permitted to work after midnight.

Staff under 16 shall not be permitted to work after 1900 hours.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00





## Devon & Cornwall Police

Building safer communities together

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

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

Telephone: 01803 218900

06 May 2015

Dear Sir/Madam

**Subway, 49 Fleet Street, Torquay, Devon, TQ2 5DW**

I refer to the above premise and an application for the Grant of a Premises Licence, submitted by the applicant, Mr Christopher White.

This premise is situated within the Torbay Council Cumulative Impact Area, which has been identified as an area subject to high levels of alcohol related crime, disorder, anti-social behaviour and public nuisance.

I would take this opportunity to remind you that your Special Saturation Policy states that where relevant representations have been made, an application for a new Premises Licence, or the variation of an existing Premises Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the Applicant can demonstrate within their Operating Schedule, that there will be no negative cumulative impact on one or more of the Licensing Objectives.

I would also remind you that your Licensing Statement of Principles 2011 strongly recommends that applicants consult with Responsible Authorities to consider the matters set out in your policy and incorporate them in the Operating Schedule to reduce the risk of representations. Unfortunately the police were not consulted with prior to the submission of this application. Despite this we are not objecting to the granting of the licence but would draw your attention to certain parts of the application that are lacking in detail:

[julie.smart@devonandcornwall.pnn.police.uk](mailto:julie.smart@devonandcornwall.pnn.police.uk)



[www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)



The Government Standard

a result of meetings with the premises licence holders of these premises they all now employ door supervisors on Friday and Saturday nights in order to ensure their premises meet the licensing objectives. However it should be noted that the premises licenses for these premises do not contain any conditions in relation to door supervisors.

The police consider that including the above conditions on the premises licence will assist the premise licence holder in ensuring that the licensing objectives The Prevention of Crime and Disorder and the Prevention of Public Nuisance are met.

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

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right.

Superintendent G Mayhew  
LPA Commander

## Memorandum

<b>To:</b> Licensing Team	<b>From</b> :	<b>Safeguarding and Reviewing Service</b>
c.c	<b>Contact</b> :	Lisa Jennings
c.c.	<b>Ext</b> :	208687
c.c	<b>My Ref</b> :	
<b>For the attention of: Licensing</b>	<b>Your Ref</b> :	
	<b>Date</b> :	13 <sup>th</sup> April 2015

**Subject: Application for: New Premises Licence**

**Premises Name and Address: Subway, 49 Fleet Walk, Torquay, TQ2 5DW**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

The application makes reference to the employment of staff under the age of 16 years. The applicant advises that he does not intend to employ any person under the age of 16 and in view of this, coupled with the health and safety implications and Byelaws in Torbay which affect both the hours that children may work and also the type of work some children can do I would like to see the following condition removed:

- Staff under 16 shall not be permitted to work after 1900 hours

And replaced with:

- No person under the age of 16 years shall be employed on the premises

I have spoken to the applicant who has confirmed that they would be happy with the above.

Signed:

# Agenda Item 7



Briefing Report  
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Ewings, 1A The Strand, Torquay TQ1 2AA

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **4<sup>th</sup> June 2015**

Contact Officer: **Mandy Guy**  
Telephone: **01803 208124**  
E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

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



## 2. Introduction

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

A brief description of the application, as follows:

The Sale of Alcohol (on the Premises) from 11:00 until 23:00 7 days a week.

To be open to the public from 08:00 until 23:30 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 a relevant Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from Child Protection in relation to the Licensing Objective "The Protection of Children from Harm". This is shown as Appendix 3.

There have been no additional Representations received from any other Responsible Authority or any 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 Child Protection.

### **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 ANNA EWING

(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 EWINGS 1A THE STRAND			
Post town	TORQUAY	Postcode	TQ1 2AA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£20,000

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)  
48 SEATER RESTAURANT

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

**Provision of 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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 5)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
			NEW YEARS EVE – FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE, TO THE START OF PERMITTED HOURS ON NEW YEARS DAY.		

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

Name ANNA EWING	
Address FONTHILL COTTAGE LOWER WARBERY ROAD TORQUAY	
Postcode	TQ1 1QP
Personal licence number (if known) PA-2226	
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).**

NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	23:30	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)            NEW YEARS EVE – FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE, TO THE START OF PERMITTED HOURS ON NEW YEARS DAY.</p>
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	08:00	23:30	

Sun	08:00	23:30

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)**

- No drunk and disorderly behaviour on the premises area.
- Vigilance in preventing the use and sale of illegal drugs at the premises
- Premises shall work closely with the authorities to prevent public nuisance
- CCTV will be in operation
- Food will be available all day

**b) The prevention of crime and disorder – incident book will be on the premises at all times**

- CCTV system will be installed and in operation at all times, and equipment maintained to the satisfaction of chief police. Recorded images to be kept for 30 days and made available to police officer on request at any reasonable time. If CCTV is inoperative, police and licensing will be informed and immediate steps will be taken to put the equipment back into action.
- CCTV will cover restaurant, exit/entrance & outside of property
- All drinking glasses will be touchered. No bottles, all drinks served in a glass.
- water/wastress service to tables to sweep alcohol in

**c) Public safety – An anti drug policy to be in place agreed with police, any substance found will be handed to the police at earliest opportunity.**

- Well trained staff adherence to environmental health requirements
- Log book will be kept on the premises at all times to record any incidents
- Consumption of alcohol shall be restricted to persons who are seated.
- At least one qualified first-aider will be present on the premises at all times.
- Premises will adhere to a safe capacity
- Responsible assistance to persons who are seen with a disability.

**d) The prevention of public nuisance**

- Prominent and clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises quietly
- Customers will not be admitted to the premises outside permitted hours
- The movement of bins and rubbish outside the premises will be kept to a minimum. Bottles shall be disposed of quietly, during daylight hours.
- Customers will be asked not to stand around talking loudly outside the premises, outside permitted hours.
- Deliveries to arrive in daylight hours between 8am-6pm

**e) The protection of children from harm**

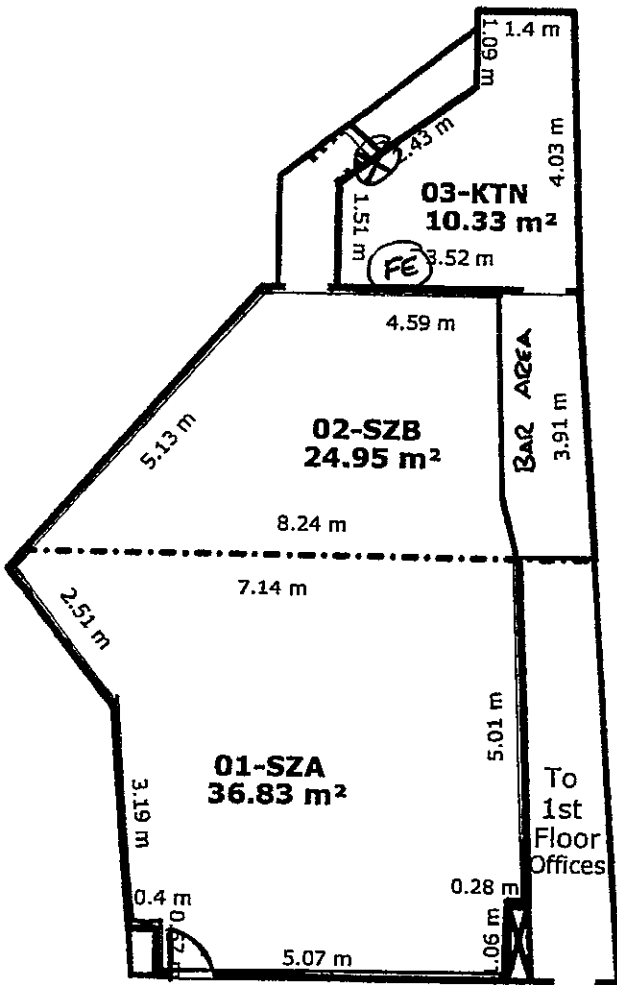
- Staff will be asked to adhere to training, for 'challenge 25'
- Staff will be required to ask for photo ID to verify a young persons age ie passport or driving licence.
- Anti drug posters will be clearly posted, anything found will be given to police immediately
- 'Challenge 25' posters will be in clear sight of customers
- Any incidents will be written in the log book that incept on the premises at all times.



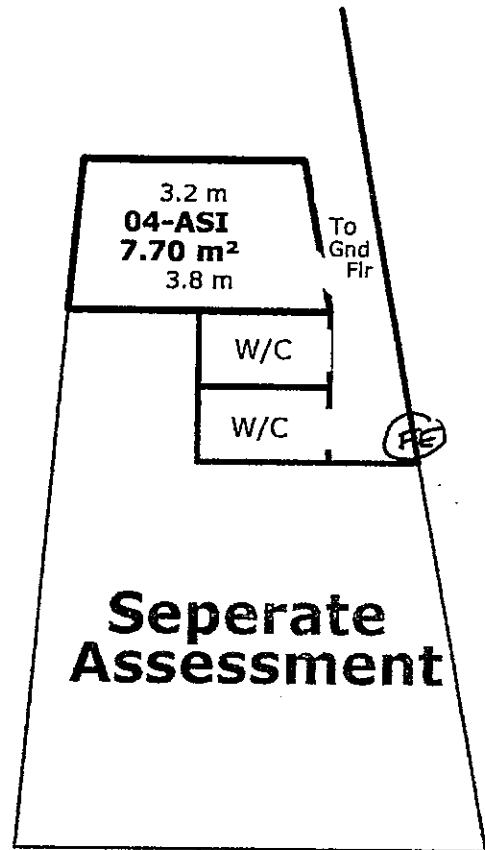
— = Licensed Area.

⊗ = Fire Blanket

⊙(FE) = Fire Extinguisher



Ground Floor



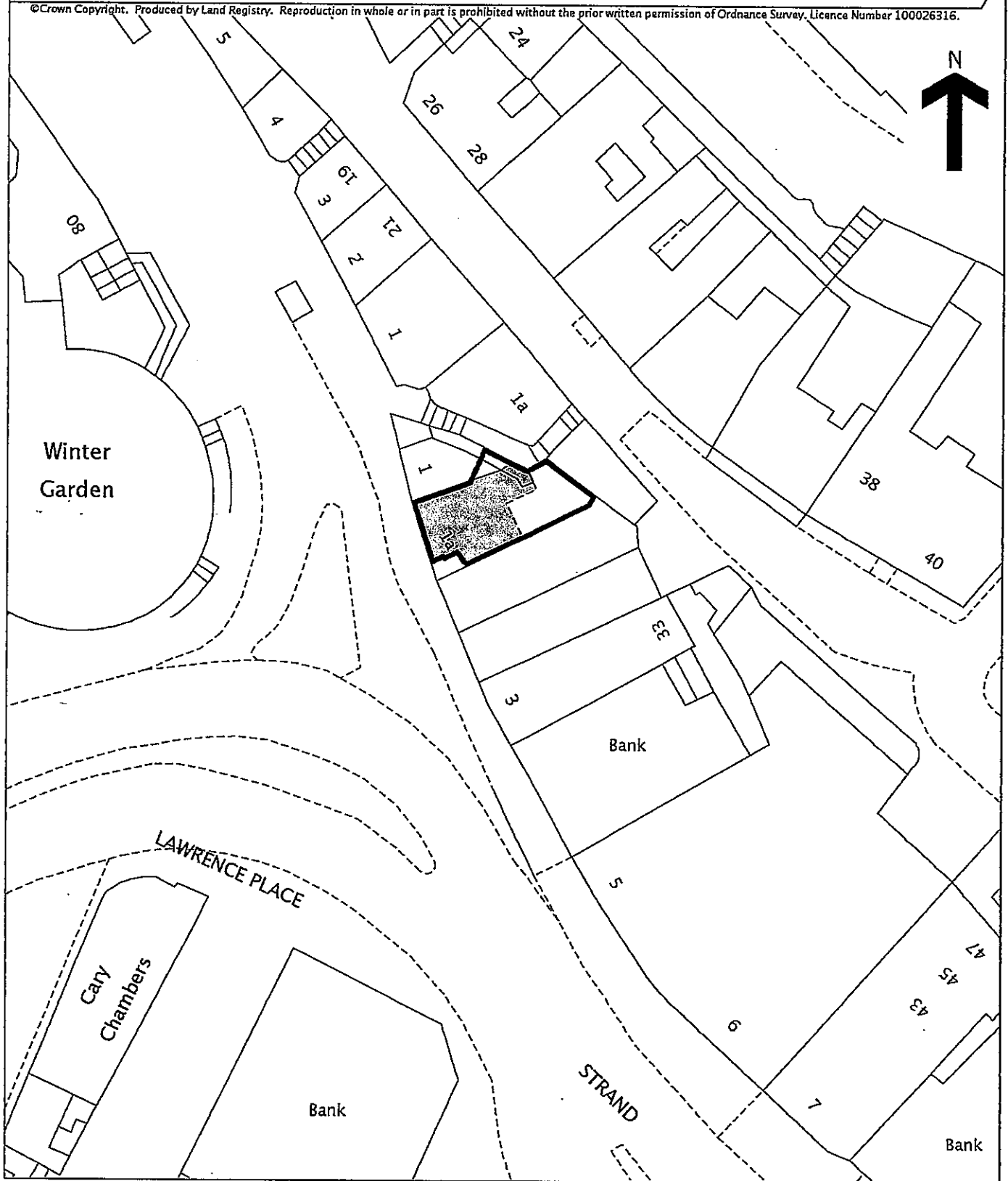
First Floor

Land Registry  
Official copy of  
title plan

Title number DN525046  
Ordnance Survey map reference SX9163NE  
Scale 1:500 enlarged from 1:1250  
Administrative area Torbay



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## Memorandum

To: **Licensing Team** From : **Safeguarding and  
Reviewing Service**  
c.c Contact : Lisa Jennings  
c.c. Ext : 208687  
c.c My Ref :  
For the attention of: **Licensing** Your Ref :  
Date : 2<sup>nd</sup> April 2015

**Subject: Application for: New Premises Licence**

**Premises Name and Address: Ewings, 1a The Strand, Torquay,  
TQ1 2AA**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

The application lacks suitable conditions to protect children from harm. In order to ensure the safety of children I would like to see the following additional conditions added:

- No under 16's shall be permitted on the premises after 21:00 hrs unless accompanied by a responsible adult who is taking a table meal.
- An exception to under 16's being permitted on the premises after 21:00 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.

I have spoken to the applicant who has confirmed that they would be happy to include the above conditions on their licence.

Signed:

A handwritten signature in black ink, appearing to be 'LJ', with a long horizontal stroke extending to the left and a loop at the end.

Lisa Jennings

Date: 16<sup>th</sup> April 2015