



Wednesday, 17 June 2015

LICENSING SUB-COMMITTEE

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

Thursday, 25 June 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 Cunningham

Councillor Ellery

Councillor Manning

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 4 June 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 The Dressed Crab, Vaughan Parade, Torquay TQ2 5EG** (Pages 6 - 19)
To consider an application for a Premises Licence in respect of The Dressed Crab, Vaughan Parade, Torquay TQ2 5EG.
7. **Licensing Act 2003 – An application for a Premises Licence in respect of Kids Party Room, 31 Abbey Road, Torquay TQ2 5NQ** (Pages 20 - 31)
To consider an application for a Premises Licence in respect of Kids Party Room, 31 Abbey Road, Torquay TQ2 5NQ.



Minutes of the Licensing Sub-Committee

4 June 2015

-: Present :-

Councillors Doggett (In place of Ellery), Manning and King

(Also in attendance: Councillors Brooks, Stubley and Tolchard)

1. Election of Chairman/woman

Councillor Manning was elected as Chairman for the meeting.

2. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Doggett instead of Councillor Ellery.

3. Minutes

The Minutes of the meeting of the Sub-Committee held on 16 April 2015 and 23 April 2015 were confirmed as a correct record and signed by the Chairman.

4. Licensing Act 2003 – An application for a Premises Licence in respect of Subway, 49 Fleet Street, Torquay TQ2 5DW

Members considered a report on an application for a Premises Licence in respect of Subway, 49 Fleet Street, Torquay TQ2 5DW.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation in relation to Licensing Objective 'The Prevention of Crime and Disorder.'	6 May 2015
Safeguarding and Reviewing Services	Representation in relation to Licensing Objective 'The Protection of Children from Harm.'	13 April 2015

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

Oral Representation received from:

Name	Details
The Applicant	The Applicant 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.
Safeguarding and Reviewing Services	The Officer Safeguarding and Reviewing Service outlined their objection, as set out in the submitted documents, outlined proposed removal and inclusion of a replacement condition and responded to Members questions.

Additional Information:

Members were advised by the Safeguarding and Reviewing Service Officer that the Applicant had confirmed that they agreed with the removal of the condition set out in the Operating Schedule and the inclusion of a proposed replacement condition, as per the submitted report and the Applicant confirmed this agreement.

Decision:

That the application for a Premises Licence in respect of Subway, 49 Fleet Street, Torquay TQ2 5DW be granted as applied for, subject to the following conditions;

- (i) There shall be a minimum of two members of staff present on the premises from 11 pm to 5 am.
- (ii) 1 SIA Door Steward shall be employed at the premises from 1 am until 30 minutes after the premises closes on Friday and Saturday nights. On all other occasions the Premises Licence Holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, at such times determined appropriate by that risk assessment.

(iii) Whenever Door Stewards are on duty at the premises they shall wear yellow high visibility jackets/tabards for the entirety of their duty.

(iv) That the premises shall join and maintain membership of the Nitenet Radio Communications Scheme.

(v) No person under the age of 16 years shall be employed on the premises.

The following amendments shall apply to the Operating Schedule as per per Appendix 1 of the submitted report;

a) General

To be amended to read;

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

b) The prevention of crime and disorder

Addition of condition to read;

Prominent signage shall be displayed at the premises notifying patrons that CCTV is in operation.

c) Public safety

Addition of condition to read;

An incident log book shall be kept at the premises at all times and made available to the Responsible Authorities.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Premises Licence as decided, having been satisfied that the proposed, additional and amended conditions would promote the Licensing Objectives. Namely, the Prevention of Crime and Disorder and the Prevention of Children from Harm.

In coming to this decision, Members noted the oral concerns raised by the Police Representative in that this application is for a new Premises Licence in the Cumulative Impact Area and without the appropriate conditions set out in this decision, Members could not be satisfied that the operation of this premises would not add to Crime and Disorder.

Members further noted that the Applicant's intention for this application, as orally submitted by him at the hearing, was to increase revenue from the premises. In doing so, Members resolved that this would result in an increase in footfall not only to the premises itself but also to the immediate surrounding area and this in itself was likely to increase the risk of Crime and Disorder due to Patrons using these premises after 1am on a Friday and Saturday night being under the influence of alcohol.

Taking into consideration the Applicant's Operating Schedule, Members could not be satisfied that that which is contained within it could reasonably be carried out by the ratio of staff proposed by the Applicant. Therefore it is appropriate to require two members of staff to be present on the premises from 11pm – 5am to ensure that the Licensing Objectives are promoted and there is full compliance with the Applicant's proposed Operating Schedule.

In respect of imposing conditions relating to Nitenet radio and SIA Door Stewards, Members resolved that these were appropriate due to anticipated increase in footfall, the location of the premises, the nature of the patrons likely to be under the influence of alcohol at the times being sought by this application and the timely response required to prevent crime and disorder occurring and the Police's oral and written Representation which outlined their concerns though experience of these type of premises.

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

Members considered a report on an application for a Premises Licence in respect of Ewings, 1A The Strand, Torquay TQ1 2AA.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Safeguarding and Reviewing Services	Representation in relation to Licensing Objective 'The Protection of Children from Harm.'	2 April 2015

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

Oral Representation received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Safeguarding and Reviewing Services	The Officer from Safeguarding and Reviewing Service outlined their objection, as set out in the submitted documents, outlined proposed conditions and responded to Members questions.

Additional Information:

Members were advised by the Safeguarding and Reviewing Service Officer that the Applicant had confirmed their agreement to the additional conditions, as per the submitted report. The Applicant confirmed this agreement.

Decision:

That the application for a Premises Licence in respect of Ewings, 1A The Strand, Torquay TQ1 2AA be granted as applied for, subject to the condition proposed and as agreed by the Safeguarding and Reviewing Service and as agreed by the Applicant.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence having been satisfied that the proposed and agreed conditions would seek to promote the Licensing Objectives.

In consideration of the Council's Statement of Principles 2011, Members were also satisfied that the application would not add to the problems with Crime and Disorder and/or Public Nuisance in the area.

In concluding, Members noted that there were no other Representations received from any other Responsible Authority or any Interested Parties.

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 The Dressed Crab, Vaughan Parade, Torquay TQ2 5EG

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

25th June 2015

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ 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. The Premise is situated within the Cumulative Impact Area.

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

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

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

(a) to grant the licence subject to

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

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

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

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

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

(d) to reject the application.

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

determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

The Supply of Alcohol from 11:00 until 22:00 7 days a week on the Premises.

To be open to the public from 11:00 until 22:00 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 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 the Police in relation to the licensing objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". This is shown as Appendix 3.

The Police have corresponded with the Applicant who has confirmed that he will adhere to the conditions proposed by the Police. A copy of this email 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 Copy of email with agreement to Police proposed conditions.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

- Address OS map reference Description

Address Description

Further Details

Telephone number

Non-domestic rateable value of premises (£)

from previous page...

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

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 11:00

End 22:00

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 11:00

End 22:00

Start

End

WEDNESDAY

Start 11:00

End 22:00

Start

End

THURSDAY

Start 11:00

End 22:00

Start

End

FRIDAY

Start 11:00

End 22:00

Start

End

SATURDAY

Start 11:00

End 22:00

Start

End

SUNDAY

Start 11:00

End 22:00

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

closed from November 1st until March 1st

Continued from previous page...

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

MONDAY

Start

End

Start

End

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

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.

State any seasonal variations

from previous page...

Example (but not exclusively) where the activity will occur on additional days during the summer months.
from November 1st until March 1st

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.

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.

No anti social behavior
No selling of alcohol to underage people
Operating Schedule
Clear challenge age signage

b) The prevention of crime and disorder

Not selling alcohol to intoxicated customers
Clear notice stating times of alcohol sale under the premises licence

c) Public safety

A log book shall be kept on site
area is well lit at night

d) The prevention of public nuisance

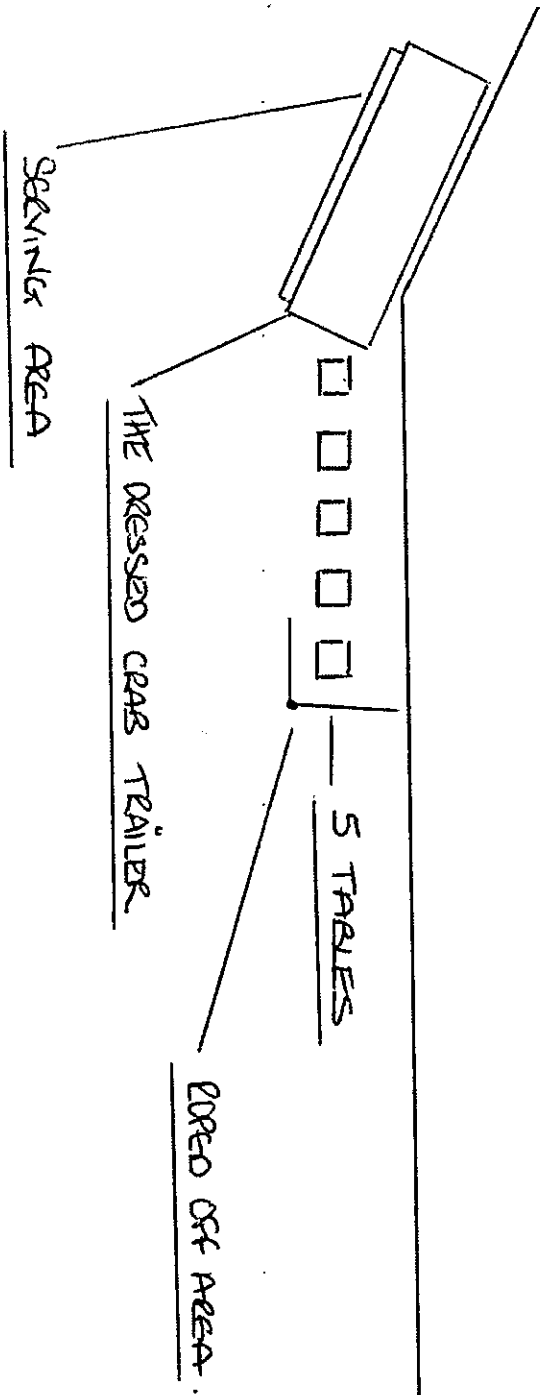
Noise reduction measures
Customers will be asked to leave quietly

e) The protection of children from harm

Challenge 21 or 25 shall be implemented
Staff will be trained on requirements for identification i.e passport photograph etc

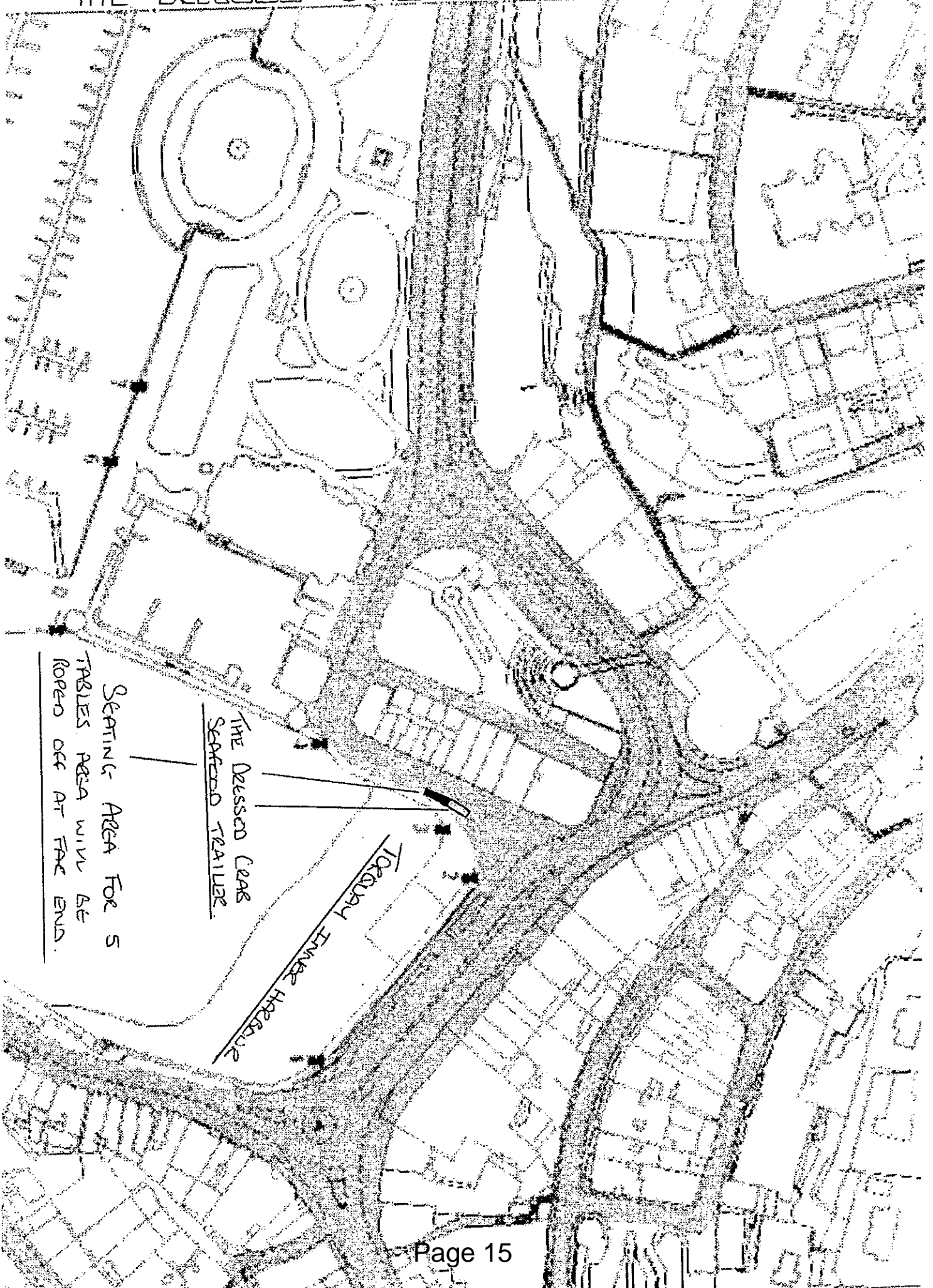
SUBWAY.

TORONTO INNER HARBOUR



THE DRESSED CRAB - TORONTO VAUGHAN PARADE

THE DRESSED CRAB SEAFOODS - TORQUAY HARBOUR



SEATING AREA FOR 5
TABLES AREA WILL BE
ROPED OFF AT FACE END.

THE DRESSED CRAB
SEAFOOD TRAILER.

TORQUAY INNER HARBOUR



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

1 June 2015

Dear Sir/Madam

The Dressed Crab, Torquay Harbour (next to slip way), Vaughan Parade, Torquay

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

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 prior to the submission of this application. Despite this we are not objecting to the grant of this application but request that the below conditions are imposed on the licence:

1. The consumption of alcohol shall be restricted to persons who are seated.

julie.smart@devonandcornwall.pnn.police.uk

2. No alcohol shall be sold in glass bottles from which it is intended or likely that a person shall drink.
3. All drinks shall be served in toughened, strengthened, polycarbonate or plastic glasses.
4. The top half of the kiosk door shall be secured in the open position at all times that alcohol is sold from the premise to ensure adequate supervision of customers in the seating area.

The police consider that including the above conditions on the premises licence will ensure that staff at the premises can satisfactorily supervise customers and reduce the likelihood of incidents involving glassware, which will assist in ensuring the licensing objectives are met.

Furthermore, my Licensing Officer, Mrs Julie Smart, has corresponded with the applicant, Mr Bennett, who has confirmed that he will agree to adhere to the above conditions, a copy of the email is attached for your information. Therefore, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities.

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

Yours faithfully



Superintendent G Mayhew
LPA Commander

Agenda Item 6

Appendix 4

SMART Julie 50403

From: [REDACTED]
Sent: 27 May 2015 13:15
To: SMART Julie 50403
Subject: Re: DRESSED CRAB, TORQUAY APPLICATION FOR PREMISES LICENCE

Hi Julie

Many thanks for the email. I have read the terms and I fully agree to adhere to those restrictions.

Best Regards

Dan.

Dan Bennett
DPS South West Ltd
[REDACTED]

On 27 May 2015, at 12:17, <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Mr Bennett

I have received a copy of your application for the grant of a premises licence in respect of the above premises. Having considered the matter and visited your premise where I discussed the application with a member of your staff, I am contacting you to advise you that the police will be requesting the Licensing Authority to impose the below conditions on your licence:

1. The consumption of alcohol shall be restricted to persons who are seated.
2. No alcohol shall be sold in glass bottles from which it is intended or likely that a person shall drink.
3. All drinks shall be served in toughened, strengthened, polycarbonate or plastic glasses.
4. The top half of the kiosk door shall be secured in the open position at all times that alcohol is sold from the premise to ensure adequate supervision of customers in the seating area.

Please note that conditions 1 and 2 above are standard conditions contained within your Pavement Cafe Permit and therefore even if they were not included on your premises licence you will still need to ensure that these conditions are complied with. Your permit also includes a condition that drinking vessels shall be of strengthened glass, but you may wish to use plastic or polycarbonate vessels.

As the seating area is to the side of your kiosk and a view is not afforded of this area from the main service hatch, condition 4 will ensure that your staff are able to monitor your customers whilst they are consuming alcohol.

In case you are not already aware, your premises are situated within the Torbay Council Cumulative Impact Area and therefore unless you can demonstrate within your application that your premises will not add to crime, disorder or public nuisance in the area, your application could be refused by the Licensing Committee. The police consider that by adding the above conditions to your licence, this will strengthen your application and demonstrate that your premise is not likely to add to the existing problems in the area.

If you are in agreement with the above conditions, please can you email back to this effect. If you do not agree with the above, the police will make representation and the matter will be considered by the Licensing Committee in due course.

Should you wish to discuss the above, please do not hesitate to contact me on the below numbers.

Kind regards

Julie Smart
Police Licensing Officer
01803 218900
07894 176952

Please note that I do not work on Fridays.

101 - The new non emergency number for Devon and Cornwall Police
Textphone 18001 101 for the deaf, hard of hearing or speech impaired
Always call 999 in an emergency

Devon and Cornwall Police aims to serve the communities of Devon and Cornwall and help inspire greater confidence in the Police. For more information please visit our website at www.devon-cornwall.police.uk

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Agenda Item 7



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Kids Party Room, 31 Abbey Road, Torquay TQ2 5NQ

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

25th June 2015

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ 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. The Premise is situated within the Cumulative Impact Area.

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 Public Nuisance”.

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

(a) to grant the licence subject to

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

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

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

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

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

(d) to reject the application.

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

determination of the matter.

2. Introduction

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

A brief description of the application, as follows:

The Provision of Recorded Music from 10:00 until 20:00 7 days a week.

To be open to the public from 10:00 until 20:00 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 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 an Interested Party in relation to the licensing objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

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

- 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 an Interested Party.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	kids party room,31
* Street	abbey road
District	
* City or town	torquay
County or administrative area	
* Postcode	tq2 5nq
* Country	United Kingdom

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

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

- Address
 OS map reference
 Description

Postal Address Of Premises

Building number or name	kids party room ,31
Street	abbey road
District	
City or town	torquay
County or administrative area	
Postcode	tq2 5nq
Country	United Kingdom

Further Details

Telephone number	07817648343
Non-domestic rateable value of premises (£)	10,000

Part 19

APPLICANT DETAILS

At capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (CSA) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity ((within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm the following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes
- No

From previous page...

From more people are
expected to attend the
classes at any one time,
state the number expected to
attend

Section 6 of TED

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of TED

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of TED

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of TED

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of TED

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of TED

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

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

Continued from previous page...

WEDNESDAY

Start 10:00

End 20:00

Start

End

THURSDAY

Start 10:00

End 20:00

Start

End

FRIDAY

Start 10:00

End 20:00

Start

End

SATURDAY

Start 10:00

End 20:00

Start

End

SUNDAY

Start 10:00

End 20:00

Start

End

Will the playing of recorded music 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.

State any seasonal variations for playing recorded music

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 playing of recorded music 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.

from previous page...

12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 1B 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 11A of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 1E 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 1E 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.

none

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days/And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

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

State any seasonal variations

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

none

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.

none

from previous page...

Part B 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 the steps you will take to promote all four licensing objectives together.

We want to provide a space to hold children's birthday party's.
We are restricting party's to children under the age of 12.
no alcohol will be allowed on the premises.

b) The prevention of crime and disorder

24hr CCTV, premises supervised at all times.
each party is booked with us by parents and they are present throughout the party.

c) Public safety

cctv,,
party room is full matted underfoot to prevent injuries to children falling.
fire alarm system,, emergency lighting and fire escapes.
first aid kits.

d) The prevention of public nuisance

noise to be kept to a minimum outside.
doors kept closed to prevent noise leakage.
children supervised by parents on arrival and leaving the premises.

e) The protection of children from harm

supervision at all times and cctv/cbs checked.
parents on site.
matted play/dance area
cctv
all access to and from party areas have stair-gates fitted
electrical fittings all up out of childrens reach.

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.

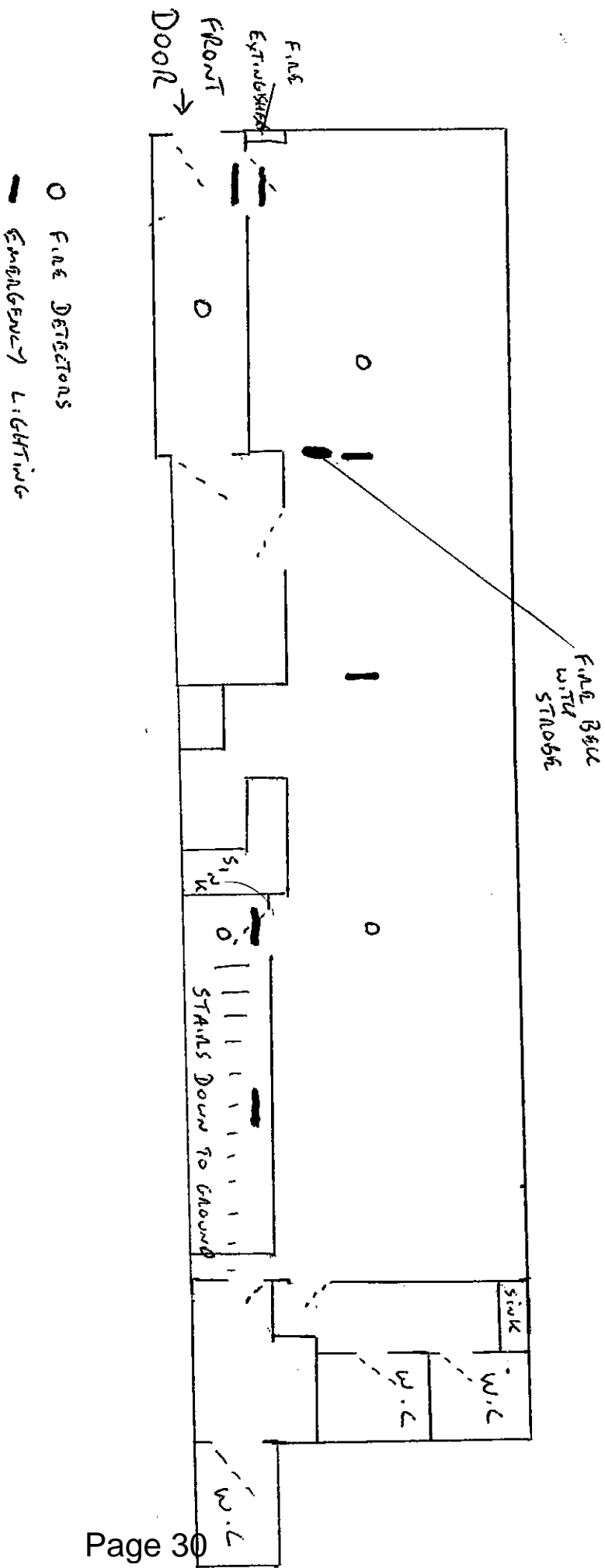
Premises licence fees are determined by the non domestic rateable value of the premises.

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>

Band A – No RV to £4300	£100.00
Band B – £4301 to £53000	£190.00
Band C – £53001 to £87000	£315.00
Band D – £87001 to £125000	£450.00*
Band E – £125001 and over	£655.00*

KIDS PARTY ROOM, 31 ABBEY RD, TORQUAY, TQ2 5NR

1m - 1cm scale



With reference to the premises application license for 31 Abbey Road, Torquay (The Kids Party Room), I would like to object to the closing times stated on the application.

As a family living above the mentioned premises, I do not feel that a finishing time of 9.00 PM is justified.

I do not think it fitting to endure the constant sound of loud music, coming from the play rooms below. The bouncy castle directly beneath us, as a big impact on our floor causing it to bounce significantly when the children are using it.

While I would like to state again, I am not against the license

only the times of the party's 9.00 PM finish.

I feel 6/7 PM would be a more appropriate finishing time, when considering my family live directly above.