



Wednesday, 30 September 2015

LICENSING SUB-COMMITTEE

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

Thursday, 8 October 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 Manning

Councillor Stocks

Councillor King

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. **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.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **An application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham TQ5 9AH** (Pages 3 - 16)
To consider an application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham TQ5 9AH.
6. **An application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton TQ4 7PE** (Pages 17 - 32)
To consider an application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton TQ4 7PE



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Shoals Cafe on the Lido, Berry Head Road, Brixham TQ5 9AH

Wards Affected: **Berry Head with Furzeham**

To: **Licensing Sub Committee**

8th October 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.

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

1.2 The matters raised relate to the Licensing Objectives “The Prevention of Public nuisance” “Public Safety” 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 Parties 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, on the Premises, from 11:00 until 23:00 seven days a week.

To be open to the public from 08:00 until 23:30 seven 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 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.

1.3 We have received 2 Representations from Members of the Public in relation to the Licensing Objectives “The Prevention of Public nuisance” “Public Safety” and “The Protection of Children from Harm”.
These are 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 2 Members of the Public.

Documents available in Members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2011.



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We SARAH LOUISE PEAKES
(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			
SHOALS CAFE ON THE LIDO BERRY HEAD ROAD			
Post town	BLIXHAM	Postcode	TQ5 9AJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£4,500	BAND B

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
23	07	2015

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

DD	MM	YYYY

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

THE PREMISES COMPRISES OF AN OPEN KITCHEN, ONE TOILET WITH LOBBY AND INDOOR SEATING FOR APPROX 20 PEOPLE. THERE IS AN OUTSIDE TERRACE WITH SEATING FOR APPROX 20 PEOPLE. (NEXT YEAR WE ARE HOPING TO USE THE ROOFTOP TERRACE) THERE IS NO CAFE CARPARK BUT A COUNCIL CARPARK APPROX 100 YARDS AWAY. WE ARE SITUATED ABOVE SHOALSTONE POOL...

AS AN EX-SERVING POLICE OFFICER I AM FULLY AWARE OF LICENSING LAWS...
 If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
			Both <input type="checkbox"/>	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) <p style="text-align: center;">NO VARIATIONS.</p>	
Mon	1100	2300		
Tue	1100	2300		
Wed	1100	2300		
Thur	1100	2300		
Fri	1100	2300		
Sat	1100	2300		
Sun	1100	2300		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) <p style="text-align: center;">NO VARIATIONS.</p>	

State the name of the designated premises

sh to specify on the licence as

Name	
Address	
Postcode	
Personal licence	
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

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2330	NONE
Tue	0800	2330	
Wed	0800	2330	
Thur	0800	2330	
Fri	0800	2330	
Sat	0800	2330	
Sun	0800	2330	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
			NONE .

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)

WE WILL PROVIDE STRONG MANAGEMENT CONTROL AND TRAIN STAFF TO BE FULLY AWARE OF THE PREMISES LAW AND 4 LICENSING OBJECTIVES. ATTENTION WILL BE PAID TO NO SELLING OF ALCOHOL TO UNDERAGE PEOPLE, NO VIOLENT OR ANTI-SOCIAL BEHAVIOUR NOR DRUNK AND DISORDERLY BEHAVIOUR ON THE PREMISES. PREVENTION OF THE SALE OR USE OF ILLEGAL DRUGS WITHIN AND AROUND THE PREMISES. NO HARM TO CHILDREN. RECORDING CCTV IS INSTALLED. "CHALLENGE 25" CLEARLY DISPLAYED AND ADHERED TO. CLEAR EFFECTIVE TRAINING TO ALL STAFF ON LICENSING LAWS. A PROMISE TO ALWAYS SUPPORT OBJECTIVES.

b) The prevention of crime and disorder

CLEAR AND LEGIBLE NOTICES WILL DISPLAYED OUTSIDE THE PREMISES STATING THE NORMAL HOURS UNDER THE TERMS OF THE PREMISES LICENCE DURING WHICH LICENSABLE ACTIVITIES ARE PERMITTED. CLEAR NOTICES WARNING OF POTENTIAL CRIMINAL ACTIVITY TARGETED TOWARDS CUSTOMERS. CCTV COVERING ALL ENTRANCES AND SURROUNDING AREAS. NO ALCOHOL WILL BE SERVED TO DRUNK OR INTOXICATED CUSTOMERS. STAFF WILL BE TRAINED TO ASK CUSTOMERS IN AN ORDERLY RESPECTFUL MANNER. PREVENTION AND VIGILANCE IN ILLEGAL DRUG USE IN AND AROUND PREMISES.

c) Public safety

TRAINING AND IMPLEMENTATION OF UNDERAGE ID CHECKS. TRAINING TO ADHERE TO ENVIRONMENTAL HEALTH REQUIREMENTS. ALL INTERNAL AND EXTERNAL LIGHTING POSITIONED TO PROMOTE THE PUBLIC SAFETY OBJECTIVE. ALL FIXTURES AND FITTINGS WITHIN AND SURROUNDING THE PREMISES TO INCLUDE LIGHTING, HEATING, ELECTRICALS, AIR CONDITIONING, DOOR FASTENINGS, NOTICES, SANITARY ACCOMMODATIONS AND OTHER INSTALLATIONS TO BE MAINTAINED TO A GOOD AND SAFE CONDITION. LOG BOOK TO BE KEPT AND UPDATED WITH INSPECTIONS AND TO BE AVAILABLE FOR INSPECTIONS MADE BY PERSONS ACTING ON BEHALF OF LICENSING ACT 2003 OR ASSOCIATED LEGISLATION. SAFETY CONDITIONS COMPLIED TO, TO BE NOTED.

d) The prevention of public nuisance

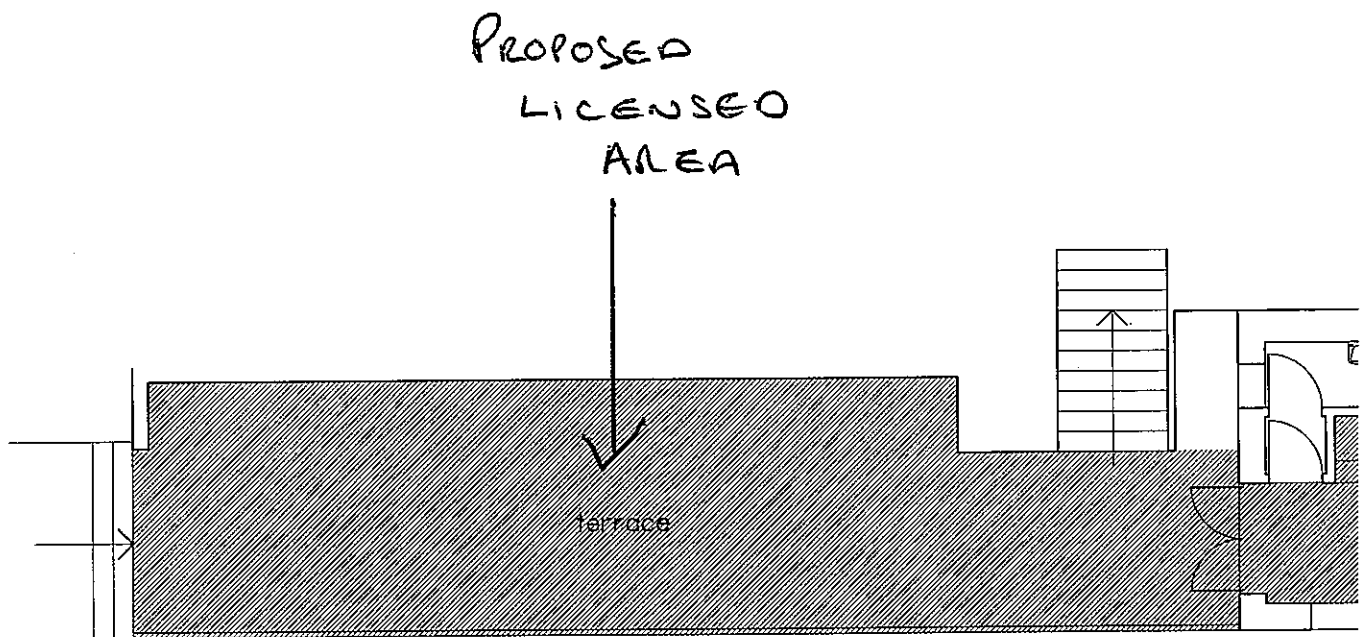
CLEAR, PROMINENT NOTICES WILL BE DISPLAYED AT EXITS REQUESTING THAT CUSTOMERS RESPECT NEARBY RESIDENTS AND LEAVE QUIETLY. DELIVERIES TO BE CARRIED OUT IN A MANNER TO RESPECT NEARBY RESIDENTS. CUSTOMERS WILL BE ASKED NOT TO TALK LOUDLY OUTSIDE THE PREMISES. CUSTOMERS WILL NOT BE ADMITTED TO THE PREMISES ABOVE OPENING HOURS. ADEQUATE WASTE BINS TO BE PROVIDED FOR CUSTOMERS. THE MOVEMENT OF FURNITURE, RUBBISH, REMOVAL WILL BE KEPT TO A MINIMUM AFTER 2300 HOURS. STAFF WILL BE ASKED TO RESPECT RESIDENTS BY KEEPING NOISE LEVELS TO A MINIMUM WHEN LEAVING WORK.

e) The protection of children from harm

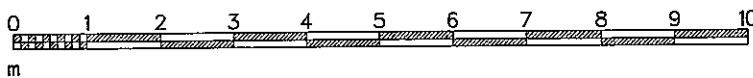
STAFF WILL BE FULLY TRAINED IN THE REQUIREMENT TO CHECK IDENTIFICATION, AGE ETC. "CHALLENGE 25" SIGN WILL BE DISPLAYED ENCOURAGING ANYONE OVER "18" THAT LOOKS UNDER 25 TO CARRY ACCEPTABLE IDENTIFICATION e.g. PASSPORT, PHOTOGRAPHIC DRIVING LICENSE, PASS HOLOGRAM IF THEY WISH TO BUY ALCOHOL. ALL DETAILS TO BE KEPT IN THE TRAINING BOOK, KEPT UPDATED AND BE AVAILABLE ON PREMISES.

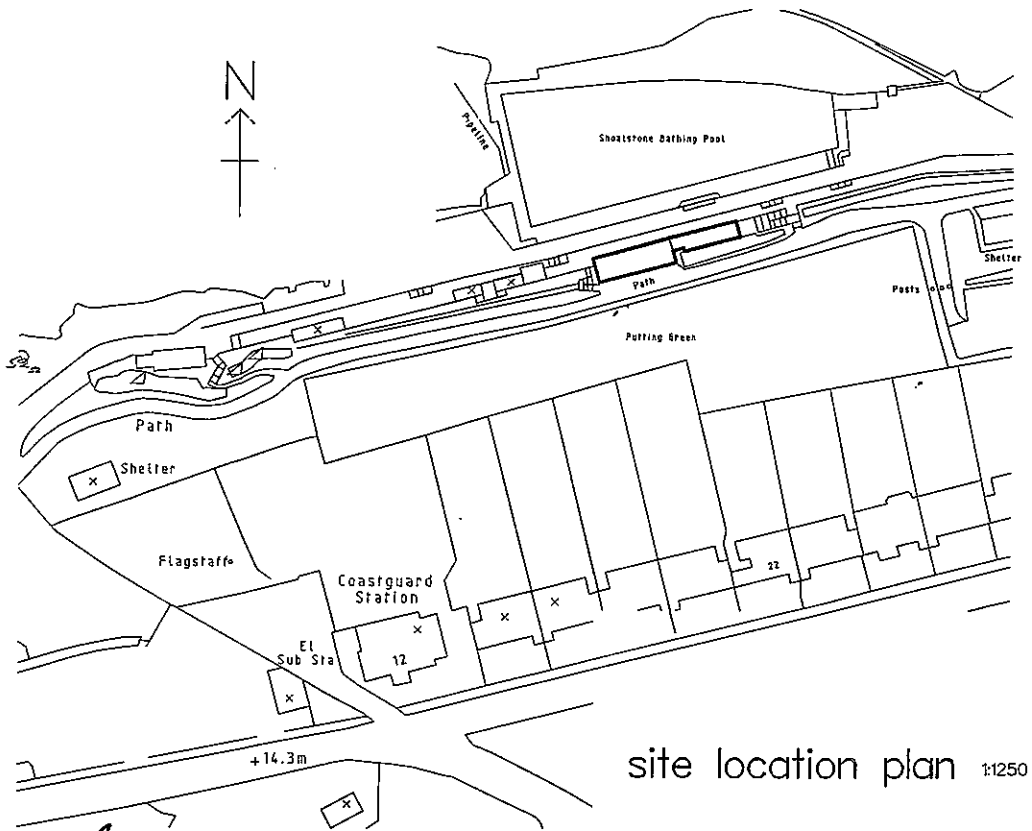
Agenda Item 5

Appendix 2

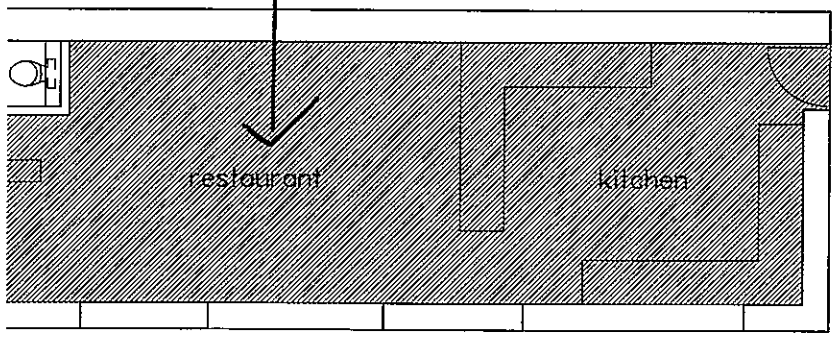


ground floor plan 1:100





PROPOSED
LICENSED
AREA



[REDACTED]	TORBAY COUNCIL	[REDACTED]
	26 AUG 2015	
	COMMUNITY SAFETY	

26/8/15.

Our concerns over the Drinker licence application at The Shoals cafe Shoalstone Pool Brixham.

This is a popular area for families + holidaymakers especially in hot weather.

It has for many years been a Drink Free Zone for that reason.

Over the years there has been 2 big accidents with people nearly drowning in the pool

through drink one person end up in a wheelchair for the rest of his life and Torbay Council paying out a large compensation claim. The other man members of the public pulled him out and saved him.

The issue of late night noise for residents living in nearby houses + old people flats.

Car Park lefted opened especially in the dark nights where people can fall + drive down embankments and not found until day light

Drinking + Driving is a issue even now

I witness a gentleman with 5 empty bottles on the table did he drive home?

Since the cafe has been serving alcohol other people has been drinking on pool side, Picnic area and by the beach huts.

I did speak to the Party and he replied the cafe up there is serving drink what the differents

Glass bottles are then left or smashed into the pool. It has to be closed to the public and cleaned.

I own the WaterEdge cafe for boys near the pool and I have to sweep up broken bottles + glasses from outside my premises in the mornings when I arrive. This is worse in the hot weather.

Lack of car parking area, also the roads are very narrow approaching the car park.

CCTV cameras can't cover all the surrounding areas.

Also what about people who don't drink who come to the area for the beauty and quietness it's popular place for dog walkers, older people, people just coming + sitting taking in fresh air and scenery is it fair that they have to be confronted with people drinking, drunks, and being intimidating.

There are other places like The Barry Head Hotel, The Breakwater Bristo, The Prince William Pub all very close by if people want to drink.

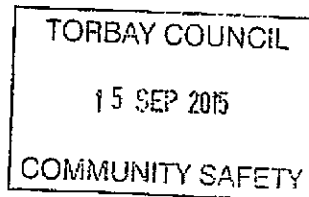
When deciding this application please remember this has always been a safe place for children to meet and do their socialising.

Please keep it that way and refuse this alcohol licence.

I have myself been coming here for the last 60 yrs do we really have to change somewhere so beautiful and special.

Many Thanks

Licensing & Public Protection
Torbay Council
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR



14th September 2015

Dear Sir or Madam

Re: Licence application for Shoals at Shoalstone Pool, Brixham

I am writing in response to the application for an alcohol licence at Shoals, Shoalstone Pool. I would like to lodge my dislike of this application and ask that you reconsider the viability of it.

I am a frequent user of the outdoor Lido and have noticed some very disturbing occurrences over the past six months. They are as follows:-

- Excessive drinking in the picnic area by people of all ages who are buying alcohol from Shoals and taking it back to the picnic area.
- Increased usage of personal alcohol from others.
- Shoalstone was previously an alcohol free zone like the town centre; don't understand why this has changed.
- Discarded empty bottles around the pool area and on the grass in the picnic area, shelters and rocks. This is a health and safety hazard to all users of the pool and surrounding area." An accident waiting to happen"
- Unsecure council bins with bottles overflowing from the restaurant usage
- Rowdy behaviour within the picnic area and also around the pool (Lifeguards seem to have no control or interest) caused by alcohol consumption
- Excessive noise from the terrace area of shoals at all times of day and evening. You also feel that you are being constantly watched when in the pool area
- Underage drinking within the picnic and surrounding areas. (I believe that the alcohol has been brought with them. But if young people see adults drinking in this area they will believe that is okay to do this.
- Most patrons of the restaurant drive to the venue. I do believe that they are driving away under the influence due to location.

Overall what was once an unspoilt and pleasant place for the people and visitors to Torbay to use has now become another place to drink, cause noise and set bad examples to other young people.

I question if an alcohol licence is really necessary for an outside Lido and picnic area. There are many other choices for people to attend either the Berry Head Hotel or the next cove along to eat fine food and drink alcohol. Shoalstone was always a nice place that families could go without the risk of watching young people and adults' alike displaying unsociable behaviour caused by alcohol.

Therefore these are my objections for Shoals to be granted another licence.

Regards



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton TQ4 7PE

Wards Affected: **Blatchcombe**

To: **Licensing Sub-Committee**

On: **8th October 2015**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208025**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

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

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

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

2. Introduction

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

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

To increase the hours of Late Night Refreshment from midnight until 05.00 seven days a week. The premises is presently licensed for Late Night Refreshment from 23.00 until midnight seven days a week.

To allow the premises to be open to the public 24 hours a day seven days a week. The premises is currently open from 05.00 until midnight. 7 days a week.

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

We have received 2 Representations from the Members of the Public in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance" and "Public Safety". These are shown as Appendix 3.

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

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

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

2.8 Following such Appeal, the Magistrates' Court may:-

(a) dismiss the appeal,

(b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or

(c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,

and may make such order as to costs as it thinks fit.

Frances Hughes

Executive Head Community Safety

Appendices

Appendix 1

Relevant sections of the application form.

Appendix 2

Copy of the current Premises Licence.

Appendix 3

2 Representations from Members of the Public.

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.

Torbay Council Licensing Policy 2011.

Agenda Item 6

Appendix 1



FORM L

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Grensue Ltd

(Insert name(s) of applicant)

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

Premises licence number PL1007/29362

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
McDonalds Restaurant			
Yalberton Road			
Post town	Paignton	Postcode	TQ4 7PE
Telephone number at premises (if any)	01803 558672		
Non-domestic rateable value of premises	£68500		

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Torquay
	12 7DD

Part 3 - Variation

Please tick as appropriate

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

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

--	--	--	--	--	--	--	--

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

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

The restaurant currently trades 5am to 12am Monday to Sunday

The proposed variation is:

To increase the hours for Late Night Refreshment from Midnight to 5am – Monday to Sunday

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

M

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

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

To include all Existing Provisions and Conditions:

Please Note:

- o No McDonald's restaurant within the United Kingdom serves alcohol
- o None of our drinks or food will be served to customers in glass receptacles

b) The prevention of crime and disorder

To include all Existing Provisions and Conditions plus:

- A log of incidents of crime and disorder will be kept in the premises and incidents will be reported to the Police where appropriate
 - o Managers are instructed to report any apparently intoxicated drivers using the premises to the police
- A CCTV system shall be operated and maintained having regard to advice received from the Police Licensing Officer. The minimum requirement shall be that:
 - o A staff member shall be available to operate the system within a reasonable time at the request of an authorised officer of the Police or Licensing Authority
 - o Images shall be retained for a minimum of 28 days and stored, copied and supplied in accordance with the requirements of the Data Protection Act or other relevant primary legislation
 - o If the CCTV system is inoperative, all reasonable measures shall be taken to render it fully operational as soon as practicable
 - o The CCTV shall operate at all times that the public are on the premises and licensable activities are taking place

c) Public safety

To include all Existing Provisions and Conditions plus:

- Safe access to and egress from the premises will be maintained through appropriate outdoor lighting along with appropriate security lighting within the premises

d) The prevention of public nuisance

To include all Existing Provisions and Conditions plus:

- Any ambient music played within the premises will be at such a level as to be inaudible to the surrounding area.
- Signage shall be installed on site encouraging customers to keep noise to a minimum and to dispose of litter appropriately

e) The protection of children from harm

To include all Existing Provisions and Conditions:

Agenda Item 6

Appendix 2

Licensing Act 2003

Premises Licence

1007

LOCAL AUTHORITY



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

Part 1 - Premises Details

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

McDonalds Restaurant

Yalberton Road, Paignton, Devon, TQ4 7PE.

Telephone 01803 558672

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	5:00am	Midnight

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

Part 2

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

Grensue Limited

Aldreth, Pearcroft Road, Stonehouse, Gloucestershire, GL10 2JY.
 Telephone 01803 617246

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

Grensue Limited

04596235



Licensing Act 2003

Premises Licence

1007

Stephen Cox

Steve Cox
Environmental Health Manager (Commercial)
23 August 2012



ANNEXES

ANNEXE 1

MANDATORY CONDITIONS

None

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The restaurant has a duty to the local community and shall continue to protect the staff and customers from danger and harm.
2. The restaurant shall work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives.

The Prevention of Crime and Disorder

1. The restaurant shall work in partnership with the local police to prevent crime and disorder.
2. Updated digital CCTV must be installed on the premises. Additional cameras have been installed to the exterior of the building as per police recommendations. The restaurant is monitored on a 24 hour basis by a national alarm company.
3. At this restaurant all shift running managers must have safety and security training. At least one manager shall be scheduled during this period. Cash skimming processes must be in place and cash handling procedures are monitored and audited. This restaurant houses a high grade security safe with restricted access.

Public Safety

1. This restaurant must have safety systems in place to protect the safety of customers and staff at all times. These systems are regularly reviewed and updated where appropriate. In line with current legislation all the restaurants are routinely inspected by the local Environmental Health Officer and work with them and the local Fire Service to ensure compliance, as far as reasonably practicable, with relevant Health and Safety Legislation. This restaurant is subject to inspections from their own safety and security teams to ensure the systems are being maintained.
2. This restaurant shall work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.
3. There will be at least one member of the management team scheduled at all times who will hold a current HSE certified first aid qualification. Wet floor signs shall be used where appropriate and non slip flooring is in place. Fire logs, accident book and reports along with a First Aid box is maintained on the premises for the safety of both employees and customers. Security lighting is installed within the restaurant and emergency exits are kept clear at all times.

The Prevention of Public Nuisance

1. Litter patrols shall collect McDonald's packaging and other litter within a certain radius of the restaurant. They are happy to act on recommendations from the Environmental Health Officer should they feel that they should extend the patrol to a nearby area, as far as this is reasonably practicable.
2. There must also be measures in place to limit noise. The doors are self closing and shall try to encourage customers to be considerate to the neighbours and limit noise both when ordering their food and on leaving the local area.

ANNEXES continued ...

3. A minimum of six external litter bins must be in situ and new signage shall be installed to request that customers respect the needs of local residents and leave the area quietly. There shall be at least one fully trained qualified shift running manager scheduled to work at all times.
4. The companies own environmental audit shall monitor litter control, noise control etc. A scheduled litter pick shall be undertaken at 5am each morning both to the car park and surrounding area to ensure there is no inconvenience to the public. Deliveries of stock shall not be undertaken between the hours of 21:00 and 06:00.

The Protection of Children from Harm

1. McDonalds take children's safety extremely seriously and shall continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.
2. All the restaurant staff must attend comprehensive safety training.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

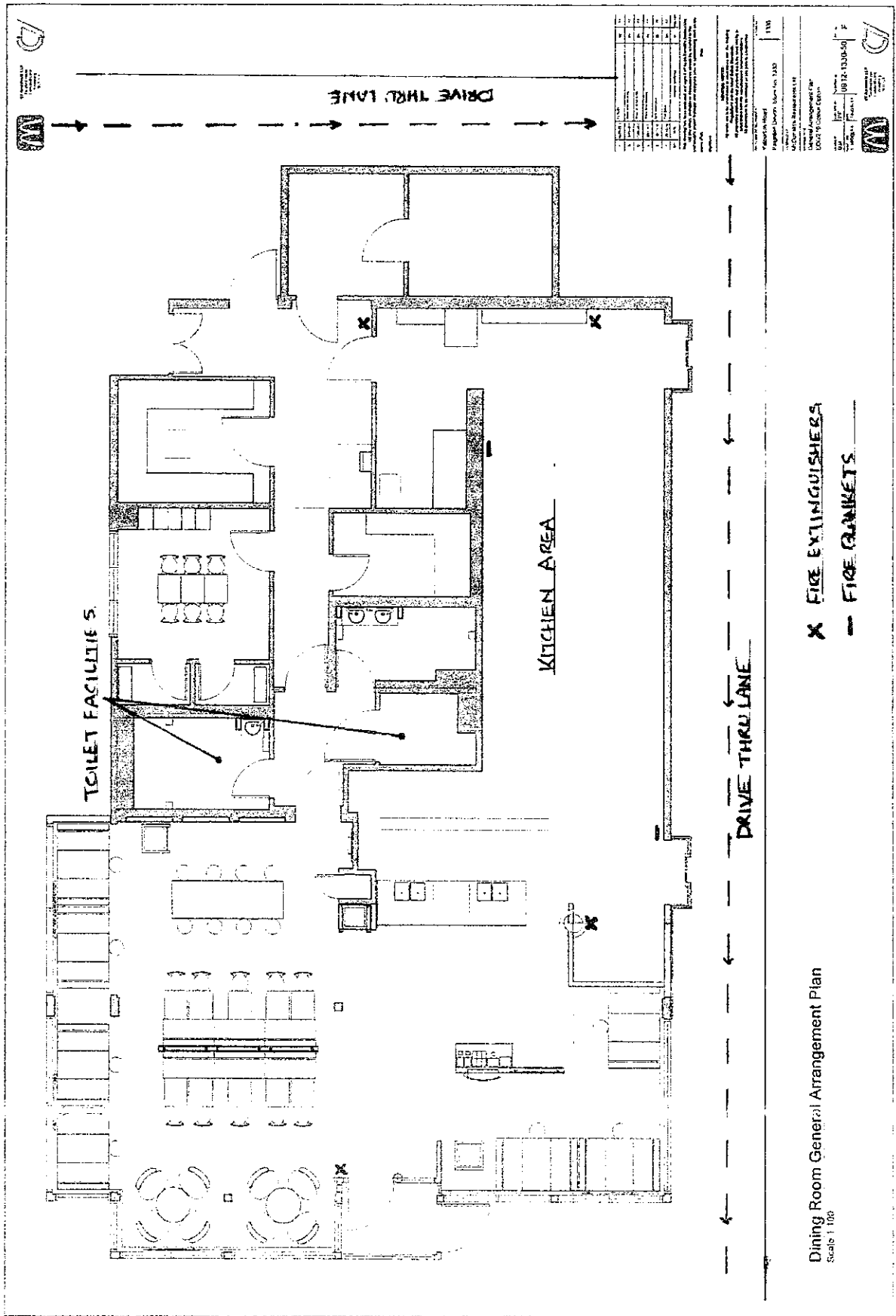
None

ANNEXE 4

PLANS

Copy attached to Licence.







NOTES:

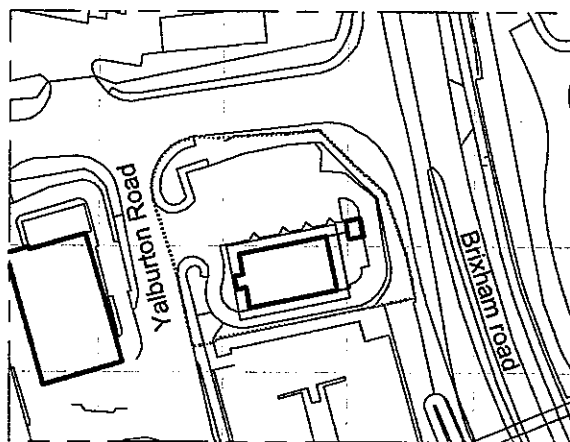
All drawings to be read in conjunction with all other drawings as noted on issue sheet.

———— Extent of ownership indicated thus:

———— Adjoining land in clients ownership indicated thus (where applicable):



CF Architects LLP
The Studio, Room of
27 The High Street
Cockermouth, Cumbria
CUP 1AU

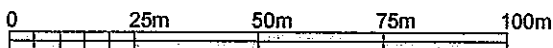


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Location Plan

Scale 1:1250



A	25.10.18	Final Issue	EM	PF
REV	DATE	DESCRIPTION	BY	CHECKED

This drawing has been reviewed and signed off by McDonald's Restaurants Ltd. Any errors, changes or discrepancies should be reported to the McDonald's project manager and designers prior to commencing work on site.
Name (PM): _____ Date: _____
Signature: _____

GENERAL NOTES:
All works are to be undertaken in accordance with the Building Regulations and the latest British Standards.
All proprietary materials and products are to be used solely in accordance with the manufacturers recommendations.
All dimensions to be checked on site prior to construction.

PROPOSED DEVELOPMENT AT	SCALE NO.
Yalburton Road, Paignton Devon - Store No. 1330	1330

OWNER OF -
McDonald's Restaurants Ltd

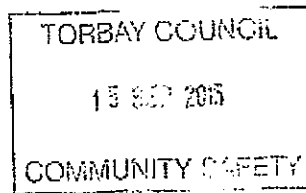
DRAWING TITLE -
Location Plan

DESIGNED BY BM	DRAWN BY PE	EXAMINED BY 0912-1330-01	REVISED BY A
SCALE AND DATE 1:1250 20-10-18			



CF Architects LLP
The Studio, Room of
27 The High Street
Cockermouth, Cumbria
CUP 1AU





Licensing & Public Protection
C/O Town Hall,
Castle Circus
Torquay
TQ1 3DR

12 September 2015

Dear Sirs

I write to you regarding a Variation of License application:-

PL01007
McDonalds
Yalberton Road
Paignton
Extension of opening hours Monday to Sunday

Closing date for representations to be made: 17 September 2015

I write to object strongly to this planning application as a resident living directly opposite at [REDACTED], on the grounds of:-

- The Prevention of Public Nuisance
- The Prevention of Crime and Disorder
- Public Safety

My objections relate to:-

- Considerably increased noise pollution during night time hours
- Increased noise from restaurant activity (airconditioning units, refrigerated lorries etc)
- Noise from increased traffic levels
- Noise caused by antisocial behaviour e.g. 'boy racers' which is more prevalent at night time. McDonalds is a magnet for this kind of behaviour
- Increased light pollution
- Raised air pollution levels over an extended period
- Smell (there are occasions when there is a discernible smell coming from ventilation outlets)
- Increased littering which is already a persistent problem in the vicinity of the McDonalds Restaurant

I have lived at this address for about 47 years. When my husband and I first moved here, when the house was built, the area was very undeveloped and tranquil, with a completely rural outlook. Over the years there has been considerable development which has transformed the area in good and bad ways. Noise, light pollution, litter, increased air pollution have been the negative changes.

When my husband was alive he complained about some of these problems e.g he would walk over to speak to the manager of McDonalds when there were particular problems with

1 of 2

noise, smells, and littering. On one occasion he collected large bagful of McDonalds litter and took this to the restaurant for them to dispose of. He also on occasions complained to the police about the noise from 'boy racers' revving their car engines and deliberately backfiring their exhausts. This is still a problem which the police are unable to control effectively.

I have over the years tolerated and accepted these developments, but this current application is a final straw and I wish to voice my objection.

The problems highlighted above affect me now. If the proposed extension to opening hours is permitted partially or fully it would have a serious impact on my quality of life which I find unacceptable.

I trust you will give this objection your fullest consideration

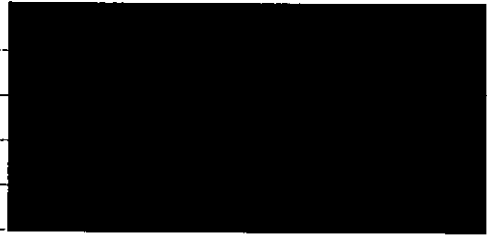
Yours sincerely

A large black rectangular redaction box covering the signature area.

2 of 2


12/09/15

TORBAY COUNCIL
15 SEP 2015
COMMUNITY SAFETY



RE: VARIATION OF PREMISES LICENCE McDONALD'S PAIGNTON
SITE

I wish to appose the above due to the following facts.

- 1) I live  away from McDonalds Restaurant and since its been there the noise and traffic has increased up to midnight and beyond, due to its early morning delivery between 4:00am & 6:00am, noise from tail lift of lorries and cages being delivered.
- 2) Other retail and business, i.e. Sainsburys and Dainton Storage do not operate over night allowing residents to sleep at night.
- 3) I have lived here for over 45 years and before McDonalds, the Wine Shop and Mexboro Concrete works never caused a problem at night. We now have moved to the back of our residence making our two front bedrooms redundant due to the excessive noise.

If this extention is given the go ahead the noise from cars and voices will create a massive problem for ~~the~~ residence in Haberton Close.

Yours Sincerely

