



Wednesday, 28 June 2017

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 6 July 2017**

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 Ellery

Councillor Thomas (J)

Councillor Tolchard

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**A prosperous and healthy Torbay**

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

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

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 3 - 11)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 20 April 2017, 27 April 2017 and 18 May 2017.
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. **Cavern on the Quay, Ground Floor, 22 Victoria Parade, Torquay** (Pages 12 - 35)  
To consider an application for a Variation to a Premises Licence in respect of Cavern on the Quay, Ground Floor, 22 Victoria Parade, Torquay.



## Minutes of the Licensing Sub-Committee

20 April 2017

-: Present :-

Councillors Doggett, Ellery and Thomas (J)

### 37. Election of Chairman/woman

Councillor Thomas (J) was elected as Chairman for the meeting.

### 38. II Pomodoro, Unit 5, Victoria Square, Paignton TQ4 6PE

Members considered a report on an application for a Premises Licence in respect of II Pomodoro, Unit 5, Victoria Square, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the grounds of the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'.	19 March 2017

Additional Information:

The Senior Licensing Officer informed Members that the required notices regarding the hearing had been sent to the Applicant and Objector. However the Objector had not returned their notice, Members therefore confirmed that the hearing should proceed in the absence of the Interested Party.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application for a Premises Licence and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of II Pomodoro, Unit 5, Victoria Square, Paignton be approved as applied for, subject to the following two additional conditions:

- i) That no new patrons shall be permitted on the premises after 10 pm; and

- ii) A4 size notices shall be displayed at exit points of the premises advising its patrons to respect its nearby residents and leave the premises quietly.

Reason for Decision:

Having carefully considered all the oral and written representations, Members resolved to grant the Licence having been satisfied that the application along with the additional conditions would promote the Licensing Objectives.

In coming to their decision, Members noted that the Applicants intention is to run the premises as an eatery and not that of a vertical drinking establishment.

In concluding, Members noted there were no representations in respect of this application from any Responsible Authority.

Chairman/woman

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**Minutes of the Licensing Sub-Committee**

**27 April 2017**

**-: Present :-**

Councillors Thomas (J), Tolchard and Stocks

**39. Election of Chairman/woman**

Councillor Thomas (J) was elected as Chairman for the meeting.

**40. Coco, King Street, Brixham TQ5 9TF**

Members considered a report on an application for a Premises Licence in respect of Coco, King Street, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Representation regarding measures taken to uphold the licensing objective the 'Prevention of Public Nuisance'.	29 March 2017
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the grounds the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated
Member of the Public	Representation objecting to the application on the ground of the 'Prevention of Public Nuisance'.	Undated

Oral Representations received from:

Name	Details
Applicants Representative	The Applicant's Representative outlined the application and responded to Members questions
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.
Member of the Public	A Member of the Public outlined his representation and responded to Members questions.

### Decision

That the application for a Premises Licence in respect of Coco, King Street, Brixham, be approved as applied for, subject to the following amendments and additional conditions:

That recorded music shall be permitted inside the premises only,

That recorded music shall be permitted until midnight on Sunday,

That the supply of alcohol shall be permitted until midnight on Sunday,

After 10pm, the designated smoking area shall permit no more than 8 patrons at any one time,

After 10pm, the designated smoking area shall be monitored at all times by either an SIA door steward or a member of staff to ensure that patrons using the area do not cause a nuisance to nearby residents,

A Noise Limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Public Protection Officer,

Recorded music shall be permitted from 9am to midnight 7 days a week,

Late night refreshment shall be permitted from 11pm to midnight 7 days a week;

Supply of alcohol shall be permitted from 10am to midnight 7 days a week; and

The premises shall be open to the public from 9am to 12.30am 7 days a week.

### Reasons for Decision

Having carefully considered all the oral and written representations, Members resolved to grant the application having been satisfied that the amended and

additional conditions would seek to ensure that the Licensing Objectives would be promoted.

In coming to their decision, Members gave careful consideration to the application and the concerns raised by members of the public, who represented a number of mixed use premises within the locality to which the premises is situated. Members particularly noted that members of the public attending the hearing welcomed the Applicant and his operation to Brixham, despite their concerns that the location of the premises did not lend itself to such a late night licence given its amphitheatre surroundings and the detrimental impact patrons leaving the premises would have on nearby residents after midnight.

Members also had regard to the Applicant's Legal Representative submissions which were supported by Torbay Council's Public Protection Officer, in that the Applicant had a proven track record as a responsible Premises Licence Holder and having held a number of premises licence in residential areas, only one of which resulted in a complaint about noise from patrons which the Applicant had worked with the Torbay Council to resolve.

Whilst there were concerns about noise emanating from the Premises, Members were reassured by the measures taken by the Applicant to address this.

In narrowing the outstanding issue of concern which related to patrons leaving the premises at the end of the operational hours, Members resolved that a midnight licence was appropriate, having fully deliberated what if any conditions could be imposed to mitigate the potential noise outbreak from patrons leaving the premises given its location. In coming to this determination, Members had regard to Section 4, paragraphs 4.3 and 4.4 of its Licensing Statement of Principles 2016-2021.

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Chairman/woman



**Minutes of the Licensing Sub-Committee**

**18 May 2017**

**-: Present :-**

Councillors Doggett, Thomas (J) and Sykes

**41. Election of Chairman/woman**

Councillor Thomas (J) was elected as Chairman for the meeting.

**42. Apologies**

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Sykes instead of Councillor Thomas (D).

**43. Minutes**

The Minutes of the meeting of the Sub-Committee held on 10 March 2017 and 6 April 2017 were confirmed as a correct record and signed by the Chairman.

**44. Belgrave Stores, 92 Belgrave Road, Torquay**

Members considered a report on an application for a Premises Licence in respect of Belgrave Stores, 92 Belgrave Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public on behalf of the Torre and Upton Community Partnership	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	16 April 2017
Member of the Public on behalf of the Friends of the Churchyard in Torre	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	April 2017



Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions
Member of the Public on behalf of the Torre and Upton Community Partnership and the Friends of the Churchyard in Torre	The Member of the Public outlined their representation objecting to the application and responded to Members questions.

Decision:

That the application for a Premises Licence in respect of Belgrave Stores, 92 Belgrave Road, Torquay be approved as applied for.

Reason for Decision:

Having carefully considered all of the written and oral representations Members resolved to grant the Licence as applied for, having been reassured by the Applicant's detailed and thorough oral representation which detailed inter alia his previous experience, the high standards he expects from his employees and his zero tolerance towards anti-social behaviour.

In coming to their decision, Members noted the concerns raised by the Member of the Public on behalf of two organisations she was representing. Whilst Members were sympathetic to the issues raised, they were however mindful that the written and oral representations were largely based upon assumptions rather than being evidence based.

Members further noted that there were no representations in respect of this application from any Responsible Authority.

In concluding, Members noted that should an issue arise as a result of the granting this application then a review of the licence can be sought.

#### **45. Bolton Hotel, New Road, Brixham**

Members considered a report on an application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the Application on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of	19 April 2017

	Public Nuisance’.	
Public Protection	Representation in respect of the Licensing Objection ‘The Prevention of Public Nuisance’.	21 April 2017
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	18 April 2017

Oral Representations received from:

Name	Details
Applicants Solicitor	The Applicants Solicitor outlined the application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Public Protection	The Public Protection Officer outlined their representation and responded to Members questions.
Member of the Public	The Member of the Public outlined their representation and responded to Members questions.

Decision:

That the application for a Variation to a Premises Licence in respect of the Bolton Hotel, New Road, Brixham be approved as applied for subject to the following conditions:

- i) the premises shall have and adhere to a Noise Management Plan. This Plan shall be agreed by Torbay Council’s Public Protection Team and shall have particular regard to regulated entertainment, dispersal of patrons and designated smoking areas; and
- ii) all staff involved in the sale of alcohol after midnight shall hold a BIIAB Level 1 Award in responsible alcohol retailing, within 4 months of commencing employment. Existing staff involved in the sale of alcohol after midnight must also hold such an Award within 4 months from the date of this decision. Namely by the 18<sup>th</sup> September 2017.

Reason for Decision:

Having carefully consider the written and oral representations Members resolved to grant the application as applied for subject to the additional conditions, having been satisfied that such conditions would alleviate the concerns of the Responsible Authorities and uphold the Licensing Objectives.

In particular, Members were reassured by the representation made by the Public Protection Officer that the Applicant had worked with him to formulate extensive and enforceable conditions in order to uphold the Licensing Objective ‘The Prevention of Public Nuisance’. Whilst the Police Representatives also made

reference to the improvements in the management of the premises, they opposed the granting of the application, however Members were satisfied that the conditions imposed would alleviate their concerns.

Members determination to impose the condition regarding the BIIAB Level 1 Award was following consideration of Torbay Council's Licensing Statement of Principles, the concerns of the Police Representatives and being of the view that a reputable well run premises should seek to invest in their staff and provide reassurance to Members that the premises will be well run whilst upholding the Licensing Objectives.

Members determination to impose the condition regarding the Noise Management Plan was following consideration of the Licensing Objectives, the fact that there are residential properties in close proximity to the Premises and the concerns raised by the Responsible Authorities.

Members considered imposing a condition to supervise and limit the number of patrons using the designated smoking areas, however noted that the Licensing Authority had not received any complaints regarding the designated areas and in the absence of representations from residents in the area, Members deemed a specific condition to be unnecessary and that the Noise Management Plan should have regard to these designated areas to ensure that the Variation granted would not result in new complaints.

In concluding, Members noted that should an issue arise as a result of the granting this application then a review of the licence can be sought.

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Chairman/woman



Public Agenda Item: **Yes**

Title: **Cavern on the Quay, Ground Floor, 22 Victoria Parade, Torquay**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee** On: **6 July 2017**

Contact Officer: **Mandy Guy**  
☎ Telephone: **01803 208025**  
✉ 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 Variation to a Premises Licence. The Premise is located 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 own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
  - (a) to modify the conditions of the licence, or
  - (b) reject the application in whole or in part.

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

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

## **2. Introduction**

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

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

To increase the hours for recorded music indoors by 4 hours to enable music to start at 10.00 rather than 14.00. The timings will therefore be 10.00 until 1.00 Monday to Thursday and 10.00 until 2.00 Friday to Sunday.

To increase the hours for the provision of anything of a similar description to Live Music, Recorded Music or Performance of Dance indoors by 4 hours to enable the activity to start at 10.00 rather than 14.00. The timings will therefore be 10.00 until 1.00 Monday to Thursday and 10.00 until 2.00 Friday to Sunday.

To increase the hours for the Sale of Alcohol indoors by 4 hours to enable Alcohol to be sold at 10.00 rather than 14.00. The timings will therefore be 10.00 until 1.00 Monday to Thursday and 10.00 until 2.00 Friday to Sunday.

To add Late Night Refreshment to the licence indoors from 23.00 until 1.00 Monday to Thursday and from 23.00 until 2.00 Friday to Sunday.

To remove 13 conditions from the licence and replace them with 5 updated conditions.

- 2.2 A copy of the current premises licence showing the licensable activities, timings, conditions and the plan of the premise is shown at Appendix 2 of this report.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as a relevant Representation has been received from an Interested Party. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received Representations from a Member of the Public in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
  - (b) Any person who made a relevant representation in relation to the application who desires to contend
    - (i) that any variation made ought not to have been made, or
    - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

**Frances Hughes**  
**Assistant Director (Community and Customer Services)**

### **Appendices**

Appendix 1	Relevant sections of the application form
Appendix 2	Copy of the current Premises Licence and Plan
Appendix 3	Representation from a Member 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 2016-2021.



Torbay  
Application to vary a premises licence  
Licensing Act 2003

TORBAY COUNCIL

15 MAY 2017

<https://forms.torbay.gov.uk/ContactLicenseTrading>

For help contact

Telephone: 01803 208025

COMMUNITY SAFETY

\* required information

## Section 1 of 17

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

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

Scott

\* Family name

Thorogood

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you work

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

Note: completing the Applicant Business section is optional in this form.

Registration number

10573623

Business name

Cavern on the Quay Ltd

If your business is registered, use its registered name.

VAT number

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your 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 17

### APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

#### Premises Contact Details

Telephone number



Continued from previous page...

Non-domestic rateable value of premises (£)

18,500

### Section 3 of 17

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe 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.

Licensed premises on the ground floor of the premises, situated on Torquay harbourside. The licence currently contains conflicting conditions in relation to persons under the age of 18. This variation will allow premises to operate as a family friendly restaurant/bar. Amend the times for all licensable activities and opening hours to commence at 10.00 am daily in order to provide activities during the morning. To remove and add other conditions to improve the operating schedule.

### Section 4 of 17

#### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 17

#### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

**Section 7 of 17****PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

 Yes No**Section 8 of 17****PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

 Yes No**Section 9 of 17****PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

 Yes No**Standard Days And Timings****MONDAY**Start End Start End 

Provide 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

Continued from previous page...

SUNDAY

Start

End

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 select 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 above, 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 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Section 11 of 17**

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Provide 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.

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

Provide a description of the type of entertainment that will be provided.

Will this entertainment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure select 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.

Continued from previous page...

State any seasonal variations for entertainment.

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 entertainment at different times from those listed above, 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 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

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 select 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.

Provision of hot food and drink

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 the premises will be used for the provision of late night refreshment at different times from those listed above, 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 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start 10:00

End 01:00

Start

End

Provide 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 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 01:00

Start

End

FRIDAY

Start 10:00

End 02:00

Start

End

SATURDAY

Start 10:00

End 02:00

Start

End

SUNDAY

Start 10:00

End 02:00

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.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, 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 14 of 17**

**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.

Provide 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.

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**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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



Continued from previous page...

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 above, 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...

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

Annexe 2, The Prevention of Crime and Disorder -

1. Opening hours shall be displayed on front doors with a sign showing over 18 only.
8. The premises will continue with their drugs policy.
9. A drugs box shall be in use in the search area and police drugs bags must be used.
10. A hardbound drug register shall be in place.
13. To prevent the sale of alcohol to under 18's, under 18's must not enter the premises at any time. Door supervision shall regularly check for ID from patrons.

The Prevention of Public Nuisance -

3. No musical instruments must be used on the premises. Staff shall be offered ear plugs if they choose to use them, a notice shall be available to advise staff.

The Protection of Children from Harm

1. Children below the age of 18 shall be excluded from the premises or parts thereof during the time after 7 pm and access to the washroom facilities before 7 pm only. There shall be a sign attached to the front door stating this.
2. All children must be accompanied by a responsible adult and shall be excluded from the premises after 7 pm.
3. Children must not be permitted past the lower bar area unless accompanied by a responsible adults for accessing the toilet.
4. The premises shall display clear signage advising when and where children are welcome on the premises.
5. The premises shall operate "Challenge 25" and any person who appears under 25 shall be asked for ID.

Annexe 3, The Prevention of Crime and Disorder -

3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
5. There must be no entry or re-entry to premises after 1 am.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 16 of 17**

**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.

b) The prevention of crime and disorder

Licensing Act 2003  
**Premises Licence**

**665**

**LOCAL AUTHORITY**



**Torbay Council**  
Licensing & Public Protection  
c/o Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Part 1 - Premises Details

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

**Cavern on the Quay**

Ground Floor, 22 Victoria parade, Torquay, Devon, TQ1 2BB.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Thursday	2:00pm	1:30am
Friday to Saturday	2:00pm	2:30am
Sunday	2:00pm	2:30am

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

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

Part 2

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

Scott James Thorogood

Ground Floor, 22 Victoria Parade, Torquay, Devon, TQ1 2BB.

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

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

Scott James THOROGOOD

Yardley Manor Hotel, Museum Road, Torquay, Devon, TQ1 1DW.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA0992

Issued by East Hampshire



Steve Cox  
Environmental Health Manager (Commercial)  
28 April 2017

**ANNEXES**

**ANNEXE 1**

**MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

## ANNEXES continued ...

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**MANDATORY CONDITION: DOOR SUPERVISION**

1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.

2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.

(b) In respect of premises in relation to-  
(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used



## ANNEXES continued ...

- (ii) exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3) For the purposes of the aforementioned conditions:-

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## ANNEXE 2

## CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

## The Prevention of Crime and Disorder

1. Opening hours shall be displayed on front doors with a sign showing over 18 only.
2. The number of maximum occupancy including staff shall be 150.
3. The door control system shall be in place with use of the number counters and recorded.
4. The licensee shall be responsible for checking the occupancy and not exceeding the maximum occupancy.
5. There shall be a notice on all exits to remind patrons to not cause annoyance to residents or persons passing by.
6. There shall be signs to show patrons to be aware of theft and spiked drinks.
7. Staff register must be in place recording start and finish times of all personnel.
8. The premises shall continue with their drugs policy.
9. A drugs box shall be in use in the search area and police drugs bags must be used.
10. A hardbound drug register shall be in place.
11. All drinking glasses must be toughened on these premises and stamped in accordance with weights and measures. No bottles or glasses must be taken off the premises and a notice to patrons must be in place.
12. As premises with a pavement cafe licence in the designated area, the licensee must ensure that patrons will be sat at tables and no alcohol will be served in glasses other than shatterproof or plastic glasses.
13. To prevent the sale of alcohol to under 18's, under 18's must not enter the premises at any time. Door supervision shall regularly check for ID from patrons.
14. Regular glass collection shall be undertaken throughout the premises.

## Public Safety

1. There must be access for emergency vehicles at the front and side of the building.
2. SIA door supervision must be in place for crowd control on front doors.
3. SIA door supervisors and staff must be trained to make sure that all gangways and exits are clear.
4. No curtains shall be used on the premises.
5. All premises must have emergency lighting, a log and maintenance is kept and tested daily.
6. If lighting fails SIA door supervisors and staff shall evacuate and give a safe escape off the premises, staff training on evacuation shall be given and logged.

**ANNEXES continued ...**

7. A cooling system must be in place and the premises must be well ventilated.

**The Prevention of Public Nuisance**

1. The premises shall continue to use the sound limiter fitted by Torbay Council which is unable to be tampered with.
2. The premises shall continue to use the sound proofing which has also been installed in the walls and ceilings and in the speaker cavities.
3. No musical instruments must be used on the premises. Staff shall be offered ear plugs if they choose to use them, a notice shall be available to advise staff.
4. There must be a notice on all exits to inform patrons and staff to leave the premises quietly in respect of the local residents.
5. Bottles shall not be emptied into the bins outside the premises after 11pm.
6. All food and beer deliveries shall be carried out during the day, not before 9am.
7. Staff that leave the premises at night shall take into consideration of the noise level and not to disturb local residents.
8. Exits must be closed during entertainment.
9. Patrons shall be asked not to stand around outside the premises talking and asked to leave the vicinity quickly and quietly.
10. An announcement shall be made by the DJ to the patrons to leave the premises quickly and quietly.
11. SIA door supervisors shall be positioned at exits, particularly at closing times to ensure patrons leave quietly.
12. The door stewards shall use the lobby.
13. A noise limitation device shall continue to be in use and set by Torbay Council.
14. The volume of music shall continue to be set by Torbay Environmental Protection team.
15. Staff shall check at regular parts of the evening that doors and windows are locked.
16. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises.
17. Cooling systems shall not cause a nuisance by its operation.
18. Regular maintenance shall be carried out on the air cool system.
19. All deliveries shall be between 9am and 6pm.
20. All bottles and rubbish shall be emptied outside the building by 11pm to reduce the noise to local residents.
21. No rubbish shall leave the premises after 11pm.
22. No music shall be amplified by external speakers.
23. CCTV must be on exits and monitor that patrons to do congregate in the area and cause annoyance.
24. The premises shall remain open at least half an hour after alcohol is served during which time patrons shall be dispersed gradually.
25. External neon lighting shall be used on the premises.
26. There shall be no lighting after 9pm in external areas unless approved by Torbay Council.
27. There shall be no take away facilities on food.



ANNEXES continued ...

28. External areas shall be maintained by staff and all rubbish shall be collected and placed in bin provided.

**The Protection of Children from Harm**

1. Children below the age of 18 shall be excluded from the premises or parts thereof during the time after 7pm and access to the washroom facilities before 7pm only. There shall be a sign attached to the front door stating this.
2. All children must be accompanied by a responsible adult and shall be excluded from premises after 7pm.
3. Children must not be permitted past the lower bar area unless accompanied by a responsible adult for accessing the toilet.
4. The premises shall display clear signage advising when and where children are welcome on the premises.
5. The premises shall operate "Challenge 25" and any person who appears under 25 shall be asked for ID.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
5. There must be no entry or re-entry to premises after 1am.

**Public Safety**

1. The ratio of stewards to customers on the premises shall be no less than 1:75.

**The Prevention of Public Nuisance**

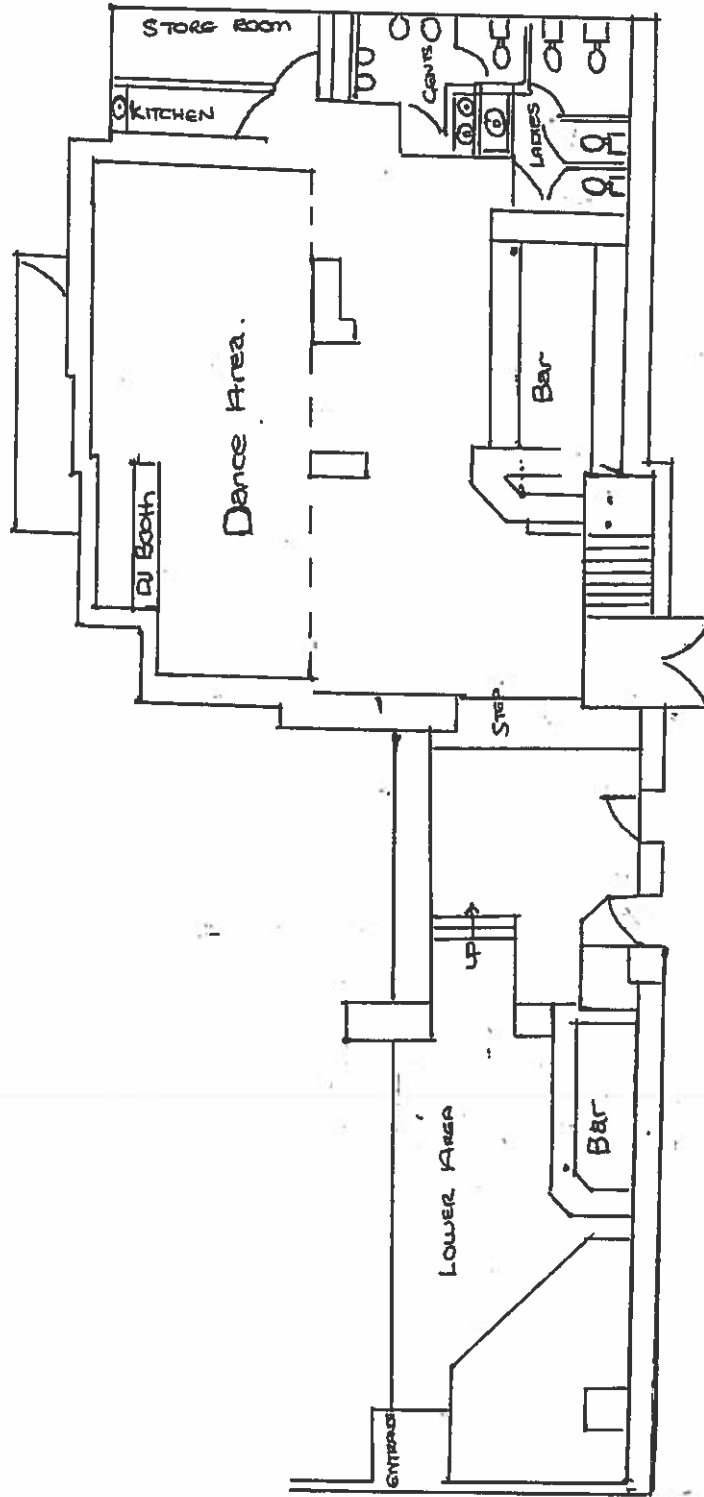
1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

# ANNEXE 4



VICTORIA PARADE

Scale 1:100

TOONE

22 VICTORIA PARADE

TORQUAY

T01 288.

• - Fire Extinguisher

TORBAY COUNCIL
30 MAY 2017
COMMUNITY SAFETY

Dear Sir / Madam,

Re: Change in license to play live music  
at: -

~~2~~  
Cavern on the Quay  
22, Victoria Parade  
TQ1 2BB

Applic. no. 048207

I would like to object to this as the loud music would be a public nuisance to people resident immediately above the premises. Especially loud music until 2.30am in the morning.

I and my son live in the building 22a, Victoria Parade [The above address includes or encompasses the 2 upper floors]. The basement of 22 Victoria Parade forms part of my free-hold to the building, and is directly beneath.

Also, 2 residential flats are being planned ~~at~~ in the same building.

The noise would be too much, and be unreasonable. The Cavern on the Quay is not an isolated building.

Yours