



Tuesday, 22 May 2018

LICENSING SUB-COMMITTEE

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

Thursday, 31 May 2018

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 Pentney

Councillor Sykes

Councillor Thomas (J)

A prosperous and healthy Torbay

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

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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 4 - 18)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 1 March 2018, 22 March 2018, 5 April 2018 and 12 April 2018.
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. **Application to Renew a Dual Hackney Carriage and Private Hire Drivers' Licence** (Pages 19 - 31)
To consider an application to renew a Torbay Council issued dual Hackney Carriage and Private Hire drivers Licence.
7. **Exclusion of the Press and Public**
To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part

1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

- 8. Review of a Torbay Council Drivers' Licence** (Pages 32 - 58)
To consider a report that seeks a review of a dual Hackney Carriage and Private Hire drivers licence.
- 9. Adjournment**
To consider adjourning the meeting until 1.30 p.m. on Thursday, 31 May 2018 to deal with the remainder of the business on the agenda.
- 10. Off Licence TQ Ltd, 15 Lucius Street, Torquay** (Pages 59 - 81)
To consider an application for a Review of a Premises Licence in respect of Off Licence TQ Ltd, 15 Lucius Street, Torquay



Minutes of the Licensing Sub-Committee

1 March 2018

-: Present :-

Councillors Doggett, Thomas (J) and Stocks

81. Election of Chairman/woman

Councillor Thomas was elected as Chairman for the meeting.

82. Apologies

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

83. Minutes

The Minutes of the meetings of the Sub-Committee held on 23 November 2017, 21 December 2017 and 25 January 2018 were confirmed as a correct record and signed by the Chairman.

84. Urgent items

The Committee considered the items in Minute 85 and not included on the agenda, the Chairman being of the opinion that they were urgent by reason of special circumstances i.e. the matter having arisen since the agenda was prepared and it was unreasonable to delay a decision until the next meeting.

85. Torbay Court Hotel, Steartfield Road, Paignton

The Senior Solicitor and Deputy Monitoring Officer informed Members that at a Review Hearing held on 9 November 2018, Torbay Court Hotel Premises Licence was amended to include additional conditions in relation to the Prevention of Public Nuisance. An appeal of that decision was subsequently made to the Magistrate's Court by the Premises Licence Holder; however following negotiations between all parties, the Premise Licence Holder withdrew their appeal and before Members today is a Consent Order for approval.

Resolved:

On hearing the facts, Members resolved to agree the Consent Order but wanted it noted that whilst the conditions set out in the Consent Order were approved, it is only by compliance of those conditions by the Premises Licence Holder that the Licensing Objectives will be promoted.

Should issues arise as a result of this approval, Members would welcome a further Review of the Premises Licence.

86. Review of a Torbay Council Drivers' Licence

Members considered a report that sought a review a Torbay Council Drivers' Licence. The Principal Licensing Officer advised Members that the review follows receipt of a number penalty points received by Mr Ryan and a failure by Mr Ryan to report the latest endorsement to the Licensing Authority, as required by Torbay Council's current Hackney Carriage (Taxi) & Private Hire Policy.

At the Hearing, Mr Ryan set out the circumstances to the conviction and explained that whilst he was aware of his conviction, he was unaware that he had received the penalty points.

Decision

That Mr Ryan's Torbay Council Driver's Licence be revoked in accordance with Section 61(1)(b) of the Local Government (Miscellaneous) Provisions Act 1976 and that this revocation shall have immediate effect, in accordance with Section 61(2B) of the Local Government Miscellaneous Provisions Act 1976.

Reason for Decision

Having carefully considered all the written and oral Representations, Members resolved to revoke Mr Ryan's driver's licence having unanimously voted that in their opinion, he did not 'remain a fit and proper person' to hold a Torbay Council Driver's Licence.

In coming to that decision, Members applied the test set out in Appendix A, Section 1.2 at page 26 of Torbay Council's current Hackney Carriage and Private Hire Licensing Policy.

In addition, Members noted with great concern that the further incident and failure to notify the Licensing Authority of the additional conviction and associated penalty points had occurred despite Mr Ryan's driver's licence being previously suspended with specific requirements for him undertake The Royal Society for the Prevention of Accidents (RoSPA) Advance Driving Test and to read and familiarise himself with the Licensing Authority's current Hackney Carriage and Private Hire Licensing Policy.

Whilst Members considered the recent incident on its merits, it was reasonably expected by them that Mr Ryan's should have been aware of his requirements to notify the Licensing Authority of any convictions and were very disappointed that he had again failed to do so.

In cementing their decision, Members could not be satisfied that a driver who currently had 11 penalty points on their licence, with the most recent points being added for what in their opinion was a further failure by Mr Ryan to pay due care

and attention to road signs, which by his own admission that he did not see, ultimately resulting in the speeding conviction. A conviction which Mr Ryan received only 10 months after completing the RoSPA Advanced Driving Test, causing Members to question Mr Ryan's safety and competency as a professional Licensed Driver.

Members noted Mr Ryan's submission in respect of the financial consequences he would suffer if he lost his Drivers' Licence, but were very clear that such a consideration was not a material fact; but instead their primary consideration was one of public safety.

Members further concluded that Mr Ryan's Drivers' Licence should be revoked with immediate effect on the basis that Mr Ryan was a professional driver, who currently has 11 penalty points on his driver's licence and had on a second occasion, been convicted for failing to pay due care and attention to road signs. This coupled with his failure to notify the Licensing Authority of the further conviction, in their opinion, placed Mr Ryan as a high risk to members of the public and other road users.

Chairman/woman



Minutes of the Licensing Sub-Committee

22 March 2018

-: Present :-

Councillors Stocks, Thomas (D) and Ellery

87. Election of Chairman/woman

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

88. Apologies

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

89. Minutes

This item was withdrawn.

90. Calypso Coffee Company, 45 Winter Garden, Fleet Walk, Torquay, TQ2 5DW

Members considered a report on an application for a Premises Licence in respect of Calypso Coffee Company, 45 Fleet Walk, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation proposing conditions should the application be granted.	15 February 2018

Additional Information:

Members were advised that the application did not include the outside seating area, this area was not covered by the plan of the premises and therefore had not been consulted upon. Members confirmed and informed the Applicant that they would consider the application as submitted.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions.

Police	The Police outlined their representation and responded to Members questions.
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Decision

That the application for Premises Licence in respect of Calypso Coffee Company, 45 Fleet Street, Torquay be granted as applied for subject to the inclusion of the following two conditions, as proposed by the Police and agreed by the Applicant:

- i) Food shall be available throughout the times the Premises is open to the public; and
- ii) Customers consuming alcoholic beverages shall be seated at all times.

Reason for the Decision

Having carefully considered all the oral and written Representations, Members resolved to grant the application, having been encouraged by the quality of the application which Members noted had been submitted after consultation with the Responsible Authorities.

Notwithstanding that the Premises was located in the Licensing Authority's Cumulative Impact Area, Members were satisfied that the Premises would not add to crime and disorder and/or public nuisance and therefore saw no reason not to depart from its Policy.

In concluding, Members noted that with the inclusion of the two additional conditions the Police did not object to this application and that there were no Representations from any other Responsible Authority or any members of the public.

91. **Peaky Blinders, 107 Winner Street, Paignton, TQ3 3BP**

Members considered a report on an application for a review of a Premises Licence in respect of Peaky Blinders, 107 Winner Street, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Public Protection	Application for a review of the Premises Licence in respect of Peaky Blinders.	1 February 2018
Police	Representation in support of the application for review of the Premises Licence in respect of Peaky Blinders.	16 February 2018
Community Protection	Representation in support of the application for review of the Premises Licence in respect of Peaky Blinders.	28 February 2018

Member of the Public	Representation in support of the application for review of the Premises Licence in respect of Peaky Blinders.	Undated.
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Oral Representations received from:

Name	Details
Public Protection	The Public Protection Officer outlined his application, played a selection of noise clips and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.
Community Protection	The Environmental Health Investigation Officer outlined their representation and responded to Members questions.
Respondent	The Respondent outlined his response to the application and submitted representations and responded to Members questions.

Decision

That the Premises Licence in respect of Peaky Blinders, 107 Winner Street, Paignton shall be modified as follows:

- 1) The exemptions under the Live Music Act 2012 shall be repealed in respect of these premises;
- 2) All amplified live and recorded music shall be played through a noise limiter;
- 3) The noise limiter shall be set in consultation and at a level agreed by the Licensing Authority, an independent Noise Consultant and Premises Licence Holder;
- 4) The noise limiter shall be kept in a tamper proof container in a location where there is no public access;
- 5) No changes that increase the level of volume to the public address system shall be made without prior agreement in writing from the Licensing Authority's Environmental Health Department;
- 6) The premises shall have an in-house PA system to ensure that the agreed level set on the noise limiter is maintained;
- 7) All entertainers and performers using amplified equipment must use the premises in-house PA System to ensure that the agreed levels set on the noise limiter are maintained;

- 8) Suitable and sufficient size signage agreed by the Licensing Authority shall be displayed in prominent positions within the Premises and its outside areas to remind guests to respect neighbours and keep noise to a minimum;
- 9) The premises shall keep a complaints log and make it available to an authorised officer of the Licensing Authority or the Police on request. The log shall include the nature of the complaint, time received, and action taken and by whom;
- 10) After 9.00 pm the designated smoking area shall permit no more than 8 patrons at any one time;
- 11) After 9.00 pm 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;
- 12) Live music shall not be permitted at this premises until such time that the Premises Licence Holder has put in place sufficient measures which address noise outbreak from this premises, in consultation with and as agreed by the Licensing Authority's Public Protection Officer; and
- 13) All glass bottles emanating from the premises shall be placed in lockable bins at all times.

Reasons for Decision

Having carefully considered all the written and oral Representations, Members resolved to modify the Premises Licence having heard from the Responsible Authorities in respect of their concerns in the reactionary manner to which this premises was being operated.

In coming to their decision, it was of great concern to Members to learn that in respect of these premises, the Premises Licence Holder had been served with three Statutory Notices by the Licensing Authority in what was the first five months of its operation. Two of which were Abatement Notices served under the Environmental Protection Act 1990 following visits by Officers of the Licensing Authority's Public Protection Team to nearby residents home and witnessed therein, amplified music and patron noise emanating from the premises which was deemed by the Officer to be excessive enough to amount to a statutory nuisance.

It was noted by Members that within five days of opening, the Licensing Authority received its first complaint in respect of these premises and up until the date the report was written by the Licensing Authority's Public Protection Officer who submitted the Review application, had received in total 54 separate noise recordings during the time in which the premises had advertised performances of live and recorded music totalling 130 occasions and that complaints had been received from four different households.

Whilst it was noted that the Premises Licence Holder had installed Rockwool into the ceiling of the premises, it was on hearing from the Public Protection Officer that such insulation was of little use when preventing noise outbreak given the location and fabric of the building, Members were further concerned that the Premises Licence Holder was relying upon the installation of a noise limiter and in-house PA System with further mitigation only being proposed when the premises extended into a neighbouring property and therefore not addressing the noise issue that were being experienced at present.

In addition to noise outbreak, Members were also concerned to learn that the Police had served a s.19 Closure Notice had been served on the Premises Licence Holder within three months of being open for two reasons, one of which was for not having a Designated Premises Supervisor in day to day control and management of the premises and that the Fire Service had also raised concerns in relation to the premises change of layout, means of escape and their assumed capacity.

Notwithstanding that the Premises Licence Holder has taken steps to address some of the concerns raised by the Responsible Authorities, it was in Members opinion, that these issues arising fell well below the standard reasonably expected by them of a responsible Premises Licence Holder.

In concluding, the oral submissions by Premises Licence Holders at the hearing did not provide reassurance to Members that they were fully aware of their responsibilities in upholding the Licensing Objectives and given the inactions and reactionary measures to date, Members were unable to say with any real confidence or conviction that the Premises Licence Holders would take the steps required to address the issues of public nuisance without the condition pertaining to amplified music not being permitted at these premises until such time that the Premises Licence Holder had taken sufficient measures to address the noise outbreak. As such, Members resolved that it was appropriate to impose this condition to ensure that the Prevention of Public Nuisance Licensing Objective was promoted.

Chairman/woman



Minutes of the Licensing Sub-Committee

5 April 2018

-: Present :-

Councillors Stocks, Stubley and Thomas (J)

3. Election of Chairman/woman

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

4. Beverley Park, Goodrington Road, Paignton TQ4 7JE

Members considered a report on an application for a Premises Licence respect of Beverley Park, Goodrington Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	13 February 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	20 February 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	12 February 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	20 February 2018
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 Applicants Representative outlined the application and responded to Members questions.

Decision

That the application for a Premise Licence in respect of Beverley Park, Goodrington Road, Paignton be approved, as applied for.

Reason for Decision

Having carefully considered all the written and oral representations, Members resolved to grant the application having been reassured that the new application mirrored the existing Premises Licence provisions, except for the additional one hour opening time.

In coming to this decision, Members noted that the only licensable activity applied for during this additional hour, was the provision of late night refreshment which in their opinion, would not increase any risk of crime and disorder, public safety and/or public nuisance.

Members were further reassured by the oral confirmation at the Hearing from the Licensing Authority's Public Protection Officer, in that they had not received any complaints in respect of these premises over the last 10 years and that should issues of concern arise, the Officer had every confidence that the premises management would engage with the Authority to resolve this.

In concluding, Members noted the absence of Representations from any of the Responsible Authorities and that should issues of concern arise as a result of granting this application, a Review of the Premises Licence could be called.

Chairman/woman



Minutes of the Licensing Sub-Committee

12 April 2018

-: Present :-

Councillors Doggett, Sykes and Stocks

5. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

6. Apologies

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

7. Twenty 1 Ltd, 21 Victoria Parade, Torquay

Members considered a report on an application for a Premises Licence in respect of Twenty 1, 21 Victoria Parade, Torquay. The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.	19 March 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	20 March 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance', 'Public Safety', 'The Protection of Children from Harm' and 'The Prevention of Crime and Disorder'.	15 March 2018

Additional Information:

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 15 minutes to make their representation.

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined his application and responded to Members questions.
Member of the Public	A Member of the Public read out a statement on behalf of a fellow resident.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.
Member of the Public	A Member of the Public outlined their objection to the application and responded to Members questions.

Decision

That the application for a Premises Licence in respect of Twenty1, 21 Victoria Parade, Torquay be granted as applied for; subject to the following additional conditions:

1. No patrons shall be permitted on the first floor balcony area between 11pm - 8am;
2. No more than 10 patrons shall be permitted on the first floor balcony area at any one time.
3. All patrons using the first floor balcony area shall be seated at all times;
4. The first floor balcony area shall be supervised by members of staff to ensure that neighbouring residential premises are not unreasonably disturbed;
5. A CCTV camera shall be installed on the first floor balcony area, which allows staff to monitor this area from behind the bar;
6. There shall be no amplified music on the first floor balcony between 8 pm – 8am;
7. Any patron behaving in a disorderly or rowdy manner in the premises outside areas shall be asked to either return inside the premises or to leave the premises;
8. There shall be no amplified music on the lower ground floor outside area between 12 midnight - 8am;
9. The premises shall have a noise limiter which must be kept in a tamper proof box and located in a place where members of the public do not have access;

10. The noise limiter shall be set at levels in consultation with and agreed by the Licensing Authorities Public Protection Officer to ensure that neighboring residential premises are not unreasonably disturbed;
11. All amplified music on the premises outside areas shall be set at levels in consultation with and agreed by the Licensing Authorities Public Protection Officer to ensure that neighboring residential premises are not unreasonably disturbed;
12. During amplified live music all windows and doors shall be kept closed after 10 pm and that this shall be monitored by a member of staff to ensure it is complied with; and
13. The premises shall have in place a Noise Plan as agreed by the Licensing Authorities Public Protection Officer.

Reason for Decision

Having carefully considered all the oral and written Representations, Members resolved to grant the application having been satisfied that the operating schedule, along with additional thirteen conditions would seek to ensure that the Licensing Objectives would be promoted.

In coming to that decision, Members had careful regard to the concerns raised by members of the public who owned and one of which resided in neighbouring residential premises and noted that the Applicant had taken steps to consult with these owners, their tenants and residents and had modified his intended operations, by taking in to account the concerns raised by them. This in Members opinion demonstrated the actions of a responsible licensee and reassured them that the Applicant would operate these Premises in continued consideration of his neighbours. To ensure this further and promote the Licensing Objectives, Members tailored the additional thirteen conditions to address the specific concerns raised, where they felt that the operating schedule did not go far enough.

Members were further reassured by the Applicant's well prepared and pre-consulted application which in their opinion and experience, had resulted in there being no objection from any of the Responsible Authorities, despite the premises being situated in the Licensing Authority's Cumulative Impact Area.

In concluding, Members had regard to the Licensing Authority's Licensing Statement of Principles 2016-2021, in particular the rebuttable presumption of refusal where a Premises located in its Cumulative Impact Area and were satisfied that as a result of the extensive noise mitigation implemented at the Premises by the Applicant, his twenty years experience as a licensee of which he has operated a number of Premises within the Licensing Authority's Cumulative Impact Area and nighttime economy and continues to do so; and the additional thirteen conditions, these Premises would not add to issues of Public Nuisance.

Should issues arise as a result of this grant, Members noted that a Review of the Premises Licence was available to any Responsible Authority or Interested Party.

8. Torre Abbey, The Kings Drive, Torquay

Members considered a report on an application for a Variation to a Premises Licence in respect of Torre Abbey, The Kings Drive, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation proposing conditions should the application be approved.	19 March 2018
Safeguarding and Reviewing Service	Representation proposing conditions should the application be approved.	22 February 2018

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined their application and responded to Members questions.
Police	The Police outlined their representation and responded to Members questions.

Decision

That the application for a Variation to a Premises Licence in respect of Torre Abbey, The Kings Drive, Torquay be granted as applied for subject to the following conditions proposed by the Police and Children's Safeguarding and agreed by the Applicant:

- 1) All alcohol sold for consumption off the premises, shall be supplied in sealed containers.
- 2) For events where licensable activities take place both indoors and outdoors, where tickets are sold to the general public, and where the anticipated attendance will be in excess of 500 persons, the following conditions will apply:
 - a. An Event Management Plan shall be submitted to the Public Safety Advisory Group (PSAG) at least 4 months in advance of any event, and
 - b. The event shall be run in accordance with the Event Management Plan and approved by the PSAG.
- 3) For all other events where a part, or parts of, the premises are used for licensable activities (other than events which are restricted to the hirer and his/her invited guests, for example weddings), the DPS shall risk assess the

need for SIA registered door stewards and employ such number of stewards and at such times as determined by that risk assessment.

- 4) All drinking glasses in which drinks are served shall be made of plastic or toughened glass. No drinks shall be removed from the premises, unless they are in sealed containers and sold for consumption off the premises.
- 5) The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification, as outlined with the Torbay Council's Licensing Statement of Principles.
- 6) Where licensable activities take place at the premises, no under 18's shall be permitted in the premises or within the licensed area after 11.00 pm.
- 7) All children under the age of 16 shall be accompanied by a responsible adult. (This should always apply where events are being held, which involve the sale of alcohol); and

The additional condition:

- 8) That all regulated entertainment in the premises outside area shall cease by 11pm; and

That the following condition be removed:

- 9) At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment.

Reason for Decision

Having carefully considered all the written and oral representations, Members resolved to grant the Variation to the Premises Licence having noted that with the inclusion of the additional conditions the Police, Children's Safeguarding and Public Protection did not object to this application and that there were no objections from members of the public.

In concluding, Members were satisfied that the application before them would not undermine the Licensing Objectives.

Chairman/woman



Public Agenda Item: **Yes**

Title: **Consideration of an Application to Renew a Dual Hackney Carriage and Private Hire Drivers' Licence**

Wards Affected: **All**

To: **Licensing Sub-Committee** On: **31st May 2018**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Gary O'Shea**
Telephone: **01803 207631**
E.mail: gary.oshea@torbay.gov.uk

1. What we are trying to achieve

- 1.1 This report asks Members to consider an application to renew a Torbay Council issued dual Hackney Carriage and Private Hire drivers licence, where the applicant has not met with the requirements set out in the current Hackney Carriage and Private Hire Licensing Policy 2016, by virtue of holding a current unspent conviction without informing Torbay Council. So therefore to determine on the facts laid before them, whether or not the Applicant remains a 'fit and proper person' to hold such a licence.

2. Recommendation(s) for decision

- 2.1 This matter must be determined on its individual merits and any supporting facts or testimony. Therefore, there is no recommendation. The options available to Members however, are highlighted in paragraph A3.1 of Annex 1 to this report.

3. Key points and reasons for recommendations

- 3.1 Under provision of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 Sections 51 and 59 of the 1976 Act in conjunction with section 46 of the Town Police Clauses Act 1847 make provision for the licensing of drivers and state that a district council shall not grant a licence to drive a Private Hire or Hackney Carriage vehicle unless they are satisfied that the driver is a 'fit and proper' person to hold a driver's licence.

- 3.3 There is no prescribed test for 'fit and proper' laid down in legislation and it is therefore left to the individual Licensing Authorities to assess drivers and applicants under their own criteria. However, there is a wide scope for such assessment and certain processes have evolved over time which have stood up to scrutiny in the Courts and are therefore commonly accepted practices amongst the majority of Licensing Authorities.
- 3.4 Torbay has adopted a number of common practices for testing the 'fit and proper' status of drivers and applicants. One of these is an enhanced Disclosure and Barring Service Disclosure (DBS), which is relevant in this case.
- 3.5 This report follows receipt of a renewal application from Mr James Uglow, which was made on 28th April 2018. In his application, Mr Uglow has declared that he holds a current conviction where in the relevant section he has entered:

Yes: £300 fine.

No other details were given. The Licensing Authority had not been made aware of the conviction at the time it was received, as required under the terms of the Hackney Carriage and Private Hire Licensing Policy.

- 3.6 The renewal application submitted on 28th April 2018, had not included a DBS, which is a requirement for this application, though this was submitted separately on 4th May 2018, as it had only been applied for on 20th March 2018.
- 3.7 The DBS corroborated the declaration made on the application as to the conviction and expanded to provide details of the offence, as follows:

Date of Conviction:	8th October 2015
Offence:	Destroy or Damage Property (value of damage £5000 or less – Offence against Criminal Damage Act 1971)
Court:	South and West Devon Magistrates
Disposal:	Conditional Discharge 12 Months
	Costs £85
	Victim Surcharge £15
	Criminal Courts Charge £150

- 3.8 Mr Uglow claims to have submitted a notification in October 2015, though the Council has no record of this and a copy cannot be supplied. This is covered in emails from Mr Uglow in **Appendices 2 and 4**.
- 3.9 The Convictions section of The Councils Hackney Carriage and Private Hire Licensing Policy 2016 says:

Violence

3.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction is less than 5 years old prior to the date of application:

- *Assault occasioning actual bodily harm*
- *Common assault*

- *Affray*
- *Criminal damage*
- *Harassment*
- *Or any similar offences...*

3.7 *In the case of a licensed driver being convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from the date of conviction has elapsed.*

3.10 The Councils Hackney Carriage and Private Hire Licensing Policy 2016, section 7.6 goes says:

In relation to previous convictions, the Licensing Authority will have regard to the following:

- *The nature of the offence/s;*
- *The age of the offence/s;*
- *The apparent seriousness, as gauged by the penalty applied.*

3.11 It is therefore for the Sub-Committee to consider as to whether Mr Uglow remains a 'fit and proper person' to hold a Torbay Council issued Dual Hackney Carriage and Private Hire Drivers' licence.

3.12 There is a right of Appeal to the Magistrates' Court as provided under section 61 (3) of the 1976 Act against the Licensing Sub-Committee decision. Such an appeal must be lodged within 21 days from the date of a Notice following the decision.

For more detailed information on this proposal please refer to the Supporting Information.

**Steve Cox
Environmental Health Manager (Commercial)**

Annex 1 - Supporting information

A1. Introduction and history

A1.1 Under provision of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act), Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

A1.2 Sections 51 (in respect of Private Hire drivers) and 59 (in respect of Hackney Carriage drivers) of the Act state that a district council shall not grant a licence to drive a Private Hire vehicle or Hackney Carriage unless they are satisfied that the driver is a 'fit and proper person to hold a driver's licence'.

A1.3 There is no prescribed test for 'fit and proper' laid down in legislation and it is therefore left to the individual Licensing Authorities to assess drivers and applicants under their own criteria. However, there is a wide scope for such assessment and certain processes have evolved over time which have stood up to scrutiny in the Courts and are therefore commonly accepted practices amongst the majority of Licensing Authorities.

A1.4 Torbay has adopted a number of common practices for testing the 'fit and proper' status of drivers and applicants. These include, a group 2 standard of medical fitness, an enhanced Criminal Records Disclosure (DBS), a driving standards test (DSA), scrutiny of DVLA penalty points and a test of the knowledge of both the area and conditions pertaining specifically to Torbay and local licensing Policy.

A1.5 Section 51 of the 1976 Act (with regard to Private Hire drivers) states:

(1) Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

- a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or
- b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.

A1.6 This report follows receipt of a renewal application from Mr James Uglow, which was made on 28th April 2018. In his application, Mr Uglow has declared that he holds a current conviction where in the relevant section he has entered:

Yes: £300 fine

No other details were given. It was also noted that the Licensing Authority had not been made aware of the conviction at the time it was received, as required under the terms of the Hackney Carriage and Private Hire Licensing Policy.

A1.7 All applicants due to renew their Dual Hackney Carriage and Private Hire Drivers' licence before the end of April this year, were notified on 3rd January 2018 that a Disclosure and Barring Service Disclosure (DBS) would be required and that it should be applied for as soon as possible. In addition, drivers were reminded that failure to submit an acceptable DBS in good time, could delay any application as they would not be permitted to work until satisfactory receipt of the disclosure.

A1.8 The renewal application submitted on 28th April 2018, did not include a DBS, although this was submitted separately on 4th May 2018. It had only been applied for on 20th March 2018.

A1.9 The DBS corroborated the declaration made on the application as to the conviction and expanded to provide details of the offence, as follows:

Date of Conviction:	8 th October 2015
Offence:	Destroy or Damage Property (value of damage £5000 or less – Offence against Criminal Damage Act 1971)
Court:	South and West Devon Magistrates
Disposal:	Conditional Discharge 12 Months Costs £85 Victim Surcharge £15 Criminal Courts Charge £150

A1.10 The Councils Hackney Carriage and Private Hire Licensing Policy at paragraph 7.3 states:

Upon receipt of the enhanced DBS check, the Licensing Authority will assess whether any or all of the convictions and/or cautions are capable of having real relevance to the issue of whether or not the applicant or licensed driver is a fit and proper person to hold a licence. The Licensing Authority will also take into account any fixed penalty notices and other information, but only insofar as they are relevant to an application for a licence or impact on the continuance of an existing driver licence. In certain cases, the matter may be referred to the Council's Licensing Committee for determination.

A1.11 On 8th May 2018, Mr Uglow was advised that his renewal application could not be processed due to the conviction received and the fact that this had not been reported to the Licensing Authority in accordance with the Hackney Carriage and Private Hire Licensing Policy. It was outlined in the email that the application would be determined by Licensing Sub-Committee and Mr Uglow was given opportunity to make submissions and to provide any supporting evidence as to the circumstances surrounding the conviction and why this was not reported to the Licensing Authority at the time. A copy of the email is attached at **Appendix 1**.

A1.12 Mr Uglow, responded on the same day (8th May 2018), stating that he had informed the Licensing Authority of the Offence, by email, in October 2015 and provided some brief outline of the events that lead to the conviction. A copy of this email is attached at **Appendix 2**.

A1.13 A further email, which is attached at **Appendix 3**, was sent to Mr Uglow, again on 8th May 2018, which sought further explanation and clarification. Most notably, it sought a copy of the email advising the Licensing Authority of the conviction as such information would be recorded on the driver file and no such record is held.

It was evident therefore, that no such notification was received within the Licensing office.

A1.14 On 10th May 2018, Mr Uglow responded to advise that he could not find a copy of the notification of conviction to the Licensing Authority and provided a few additional details relating to the offence. This email is attached at **Appendix 4**.

A1.15 At 7.6 the Council's Policy says:

In relation to previous convictions, the Licensing Authority will have regard to the following:

- *The nature of the offence/s;*
- *The age of the offence/s;*
- *The apparent seriousness, as gauged by the penalty applied.*

A1.16 Torbay Council's Hackney Carriage & Private Hire Licensing Policy goes on to state;

In setting out its Policy, the Licensing Authority seeks to promote the following objectives:

- *The safety and health of drivers and the public;*
- *Vehicle safety, comfort and access;*
- *To prevent crime and disorder and to protect the public;*
- *To encourage environmental sustainability.*

Public safety is paramount, and this Licensing Authority seeks to ensure through its licensing regime that all taxi and private hire vehicles are fit for purpose and that their drivers and/or operators are fit and proper persons.

A1.17 General Policy

1.1 *Each case will be decided on its own merits.*

1.2 *The Licensing Authority has a duty to ensure, so far as possible, that applicants are 'fit and proper' persons to hold licences and in the absence of a judicially approved definition of "fit and proper", the Licensing Authority use the test of:*

"Would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone"

The wording of this test originates from Button, J. T. H. (1999), Taxis – Licensing Law and Practice, Butterworths, London.

1.3 *The overriding consideration is the safety of the public. The Licensing Authority has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit. An aspect of this is the extent to which previous convictions, including but not limited to*

convictions of dishonesty, sexual offences, traffic offences, violence and drugs, indicate that a person is not a 'fit and proper' person and would not take advantage of passengers or abuse or assault them.

A1.18 Convictions Policy

Violence

3.6 *A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s), which replace the offences below and the conviction is less than 5 years old prior to the date of application:*

- *Assault occasioning actual bodily harm*
- *Common assault*
- *Affray*
- *Criminal damage*
- *Harassment*
- *Or any similar offences...*

3.7 *In the case of a licensed driver being convicted of any of the above offences, the Licensing Authority may suspend or revoke the licence. If a licence is revoked, no further application will be considered until a period of at least 5 years free from the date of conviction has elapsed.*

A1.19 In this case it is 3.7 above that needs to be considered, as to whether Mr Uglow remains a 'fit and proper person' to hold a Torbay Council issued Dual Hackney Carriage and Private Hire Drivers' licence.

A1.20 There is a right of Appeal to the Magistrates' Court against the Licensing Sub-Committee decision. Such an appeal must be lodged within 21 days from the date of a Notice following the decision.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1.1 There are two risks. The first risk to be consider is whether Mr Uglow presents a risk to the general public should his renewal application for a Dual Hackney Carriage and Private Hire Drivers' licence be granted.

A2.1.2 The second risk relates to the potential for an appeal should his renewal application for a Dual Hackney Carriage and Private Hire Drivers' licence be refused.

A3. Options

A3.1 The options are:

- (i) to grant a three year renewal of Mr Uglow's licence on the basis that Members **are** satisfied that he is a fit and proper person to hold such licence
- (ii) to refuse to grant the application for renewal of Mr Uglow's licence

on the basis that Members **are not** satisfied that he is a fit and proper person to hold such licence

A4. Summary of resource implications

A4.1 There are some resource implications if there is an Appeal to the Magistrates' Court.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no environmental sustainability issues. Any crime and disorder impact is best assessed by the Licensing Sub-Committee having determined the facts. If any potential for future crime and/or disorder on the balance of probability is deemed likely or possible, or if the merits of this individual case are such that Members do not feel it appropriate to grant at this time, then this may lead Members to consider whether Mr Uglow meets the 'fit and proper' criteria.

A6. Consultation and Customer Focus

A6.1 There has been no public consultation on this matter and there is no requirement for the Licensing Sub-Committee to consult the public in this matter.

A7. Are there any implications for other Business Units?

A7.1 There are no implications for other business units.

Documents available in members' rooms

None

Appendices

Appendix 1 Email dated 8th May 2018 to Mr Uglow

Appendix 2 Email dated 8th May 2018 from Mr Uglow

Appendix 3 Email dated 8th May 2018 to Mr Uglow

Appendix 4 Email dated 10th May 2018 from Mr Uglow

Background Papers:

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

Torbay Council's Hackney Carriage & Private Hire Licensing Policy 2016

From: Rackley, Shaun <Shaun.Rackley@torbay.gcsx.gov.uk>
Sent: 08 May 2018 10:01:11
To: 'James Uglow'
Cc: O'Shea, Gary
Subject: Licensed Driver Renewal application

Hi James,

Thank you for the copy of your DBS that you recently sent me via email on Friday the 4th May at 11:55 hrs.

As per our telephone conversation this morning at 09:40 hrs, I am unable to process your renewal application as upon looking at your DBS you have received a conviction on the 8th October 2015. This conviction has not been notified to the Licensing Authority in line with our Taxi & Private Hire Policy. The Licensed Driver renewal application will now have to be heard by Torbay Council's Licensing Committee to be determined if it can be granted.

As advised during our telephone conversation, if you wish to add a submission or any supporting evidence as to why you failed to notify us of this conviction, or if you feel that you have and can support this with evidence, please include this information. Please give as much detail about the conviction and the circumstances as possible as this will aid the Councillors that will hear your application. Any submission should be made either to myself or to Gary O'shea (Principle Officer – Licensing & Public Protection) by **no later than 13:00 hrs on the 22nd May 2018.**

Upon receiving your submission a committee date will be set to hear your renewal application and a report written, you will be sent a copy of this for your reference and formally invited to be present.

Until this Committee hearing has taken place you are NOT permitted to drive any Torbay Council Licensed vehicle or carry out any work as a Licensed Driver, to do so will mean you are committing an offence.

I hope this clarifies the matter and I look forward to receiving your submission.

Regards

Shaun

Shaun Rackley
Licensing Officer
Torbay Council,
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel:-01803 208025
Fax:-01803 208854

From: James Uglow
Sent: 08 May 2018 14:10
To: Rackley, Shaun <Shaun.Rackley@torbay.gcsx.gov.uk>
Subject: Re: Licensed Driver Renewal application

Dear Licencing Department

In reply to your e-mail that I received today I would like to point out that I did e-mail you in October 2015 informing you of this offence. Also, I would have thought that the authorities would have automatically informed you as well. I feel that making me wait 5 – 6 weeks to explain this minor offence in front of the Licencing Committee is totally unfair. This incident was nothing more than a domestic argument between myself and my partner where a window on my own property got broken. I have already lost over a weeks work during one of the bays busiest weekends, how am I supposed to survive for a couple of months with no money coming in. I would appreciate it if you would re-consider issuing my Taxi Licence as soon as possible.

Many thanks

James Uglow

From: Rackley, Shaun <Shaun.Rackley@torbay.gcsx.gov.uk>
Sent: 08 May 2018 15:05:21
To: 'James Uglow'
Cc: O'Shea, Gary
Subject: Licensed Driver Renewal application

Dear Mr Uglow,

Thank you for your email. Can I just confirm that this is your final submission for the Committee report?

I will answer a couple of your questions/concerns from your email, this may help you to decide if the email is your final submission, or, if you would like to add any further information.

I would like to point out that I did e-mail you in October 2015 informing you of this offence

[Please can you forward a copy of this email that you claim to have sent to the Licensing Authority or staff members in October 2015.](#)

Also, I would have thought that the authorities would have automatically informed you as well

[As a Torbay Licensed driver, under the Hackney Carriage \(Taxi\) & Private Hire Policy, Page 13, Section 6.4, it is the Licence holders duty to inform the Licensing Authority.](#)

I feel that making me wait 5 – 6 weeks to explain this minor offence in front of the Licencing Committee is totally unfair

[Unfortunately, a Committee hearing date has to be set and a report written, hence why you have been given 14 days to submit any further evidence, or, clarity to the conviction hence why it could take up to 5-6 weeks. This application can only be heard by the Committee due to the Licensing Authority finding out about a conviction, this is not an Officer decision.](#)

This incident was nothing more than a domestic argument between myself and my partner where a window on my own property got broken

[Please refer yourself to the Hackney Carriage \(Taxi\) & Private Hire Policy, Page 28, Section 3.6. The conviction that you have is listed here. It is for the Licensing Committee to decide if you are a 'fit & proper' person to be granted the renewal of the Licensed Drivers badge.](#)

I have already lost over a week's work during one of the bays busiest weekends, how am I supposed to survive for a couple of months with no money coming in

[A DBS reminder letter was sent to you on the 3rd January 2018 and you have received an additional 9x emails between January and April informing you that your DBS was due. I have today spoken to Devon County Council who carried out the DBS and they have informed me that you did not submit this check until the 20th March 2018. We advise every driver that the later you leave this check, the more of a risk that the check will not be back and you will be unable to work.](#)

I would appreciate it if you would re-consider issuing my Taxi Licence as soon as possible

This decision will not be reconsidered. Please let me know if the previous email is your final submission, or alternatively, please respond as advised by 13:00 hrs on the 22nd May 2018.

I look forward to hearing from you in due course.

Regards

Shaun

Shaun Rackley
Licensing Officer
Torbay Council,
C/O Town Hall
Castle Circus
Torquay
TQ1 3DR
Tel:-01803 208025
Fax:-01803 208854

From: James Uglow
Sent: 10 May 2018 13:07
To: Rackley, Shaun <Shaun.Rackley@torbay.gcsx.gov.uk>
Subject: Re: Licensed Driver Renewal application

I do not seem to have a copy of the original email dated October 15 due to the time lapsed which I stress is 2 1/2 years . Also again i did think you where part of a multi agency due to the nature of my work ,working with vulnerable children and adults. The domestic incident was a verbal argument between myself and my partner i left house to defuse the argument kick a bucket in garden out of frustration which freakly smashed a window the police were called, I sat and waited for the police and admitted to breaking the window there for got a charge of criminal damage. This is my final submission

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: Public Agenda Item: **Yes**

Title: **Off Licence TQ Ltd, 15 Lucius Street, Torquay TQ2 5UW**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **31 May2018**

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

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of 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 “The Protection of Children from Harm”.
- 1.4 Under regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

forward thinking, people orientated, adaptable - always with integrity.

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 1.6 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 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above.

A brief description of the Review is as follows:

The application has been submitted by the Police and concerns matters relating to the Licensing Objectives “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “The Protection of Children from Harm”.

Details of the application are shown in Appendix 1.

A copy of the current licence, including the plan of the premises is attached as Appendix 2.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

We have also received a Representation from the Safeguarding and Reviewing service in relation to the Licensing Objective “The Protection of Children from Harm”. This is shown as Appendix 3.

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

- 2.3 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.
- 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 Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 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 an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- | | |
|------------|--|
| Appendix 1 | Application for Review |
| Appendix 2 | A copy of the Premise Licence |
| Appendix 3 | Representation from the Safeguarding and Reviewing Service |

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016.



LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

Environmental Health Manager (Commercial)

Torbay Council

Community Safety

C/O Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

**Application for the review of a premises licence or club premises certificate
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 Superintendent Matthew LAWLER, Head of Prevention Department, Devon and Cornwall Police
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Off Licence TQ Ltd 15 Lucius Street	
Post town Torquay	Post code (if known) TQ2 5UW

Name of premises licence holder or club holding club premises certificate (if known) Off Licence TQ Ltd

Number of premises licence or club premises certificate (if known) PL0969

Part 2 - Applicant details

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below)
- 2) a responsible authority (please complete [C] below)
- 3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Devon and Cornwall Police Police Headquarters Middlemoor EXETER Devon EX2 7HQ
Telephone number (if any) 01803 218900
E-mail address (optional) Julie.smart@devonandcornwall.pnn.police.uk

This application to review relates to the following licensing objective(s)

- | | Please tick one or more boxes ✓ |
|---|---------------------------------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

- 1) The premises sells cans of lager/beer/cider with an abv of 7.5% and 9%, and 3 litre bottles of strong ciders, such as Omega cider at 7.5% abv and Frosty Jacks cider also at 7.5% abv. In respect of cans, customers are able to purchase single cans of these high strength products. Within Torquay there is a problem with 'street drinkers' purchasing these types of products and consuming them within public areas. This premises is situated in Lucius Street, about 100 metres from the Church of St Andrew, which is located at the junction of Lucius Street and Tor Church Road. Residents who live near this church have experienced anti-social behaviour and nuisance caused by 'street drinkers', who use the church yard to consume alcohol. There is evidence to suggest that these street drinkers are obtaining their alcohol from Off Licence TQ Ltd.
- 2) The police have received intelligence that this premises is receiving stolen goods. The level of intelligence was such that the Magistrates granted a Search Warrant under Section 28 of the Theft Act, and this warrant was executed on 4 January 2018. During this warrant the below items were seized from the premises:
Various items of childrens clothing - believed to be stolen.
A canister of what appeared to be CS gas.
50 bottles of spirits that did not have a UK Duty Paid stamp.
- 3) Whilst the search was taking place officers noticed a cut off pool or snooker cue, with silver tape thereon, positioned behind the counter.
- 4) The premises failed a test purchase operation in June 2015. In July 2016 a member of Torbay Council Licensing Team carried out an inspection and found that a licence condition in relation to the maintenance of a refusals record was not being complied with. This condition was again not being complied with at the time of a visit to the premises by Mrs Smart and Mrs Guy on 5 July 2017. On 25 July 2017 officers from Torbay Council Trading Standards Team carried out a "mystery shopping exercise" at the premises, whereby a 21 year old female was requested to

purchase alcohol to determine whether staff would request ID. The staff sold alcohol without asking for ID.

- 5) Tobacco that could not be sold legally in the UK was discovered in the premises in October 2015.

Please provide as much information as possible to support the application (please read guidance note 3)

In September 2014 the Premises Licence for this premises was transferred to Off Licence TQ Ltd and Miss Iwona Elzbieta Mankowska was nominated as the Designated Premises Supervisor. A search of Companies House shows that Off Licence TQ Ltd was incorporated on 10 September 2014 with Miss Iwona Elzbieta Mankowska being both the sole director and secretary.

On 12 June 2015 this premises was visited by two underage volunteers, acting on behalf of Torbay Council Trading Standards, who were able to purchase two bottles of cider without being asked for any identification. On 25 June 2015 Mr Keith Totham, Torbay Council Trading Standards Officer, wrote to Miss Mankowska requesting her attendance at the offices of Torbay Council in order that a PACE interview could take place. A copy of this letter is attached.

In July 2015 Mrs Smart was advised by one of Torbay Council's Street Wardens that the street drinkers had been seen with Polish cans of beer/lager/cider with an abv of 9%.

On 24 July 2015 Special Constables Rowe and Munford visited Off Licence TQ Ltd to carry out a licensing inspection. Whilst at the premises they noted two brands of Polish beer were available for sale and both of these had an abv of 7.5%. They did not see any beer/cider/lager with an abv of 9%. My Police Licensing Officer, Mrs Julie Smart, subsequently sent an email to Mrs Mandy Guy of Torbay Council Licensing Team, requesting that she advise the Street Wardens of the types of alcohol found at this premises.

On 25 August 2015 Miss Mankowska was written to by Mr Totham regarding the test purchase operation that had taken place on 12 June 2015. On this occasion he outlined that he wished for Miss Mankowska, on behalf of Off Licence TQ Ltd, to apply for a minor variation to add two conditions to the Premises Licence concerning the company engaging the services of a test purchase company to carry out 3 test purchases within a 12 month period. A copy of this letter is attached.

On 22 October 2015 Miss Mankowska, on behalf of Off Licence TQ Ltd, applied for the minor variation outlined above, which was granted at the end of the representation period.

On 18 November 2015 Mr Totham again wrote to Miss Mankowska of Off Licence TQ Ltd. This letter related to a visit to the premises on 20 October 2015, following the receipt of information that the premises were selling illegal tobacco. On this occasion a sniffer dog was utilised, and this dog located nine 50g packs of Golden Virginia hand-rolling tobacco and 6 packs of 20 L&M cigarettes. As the statutory health warnings were not in English these items could not be legally sold or supplied in the UK. Mr Totham again requested that Miss Mankowska attend Torbay Council for a PACE interview on Wednesday 3 December 2015. A copy of this letter is also attached. As a result of this interview, Mrs Smart has been advised that no further action was taken in relation to this matter.

On 20 May 2016 Mrs Smart was contacted by Mr Shaun Rackley of the Torbay Council Licensing Team. He advised her that Off Licence TQ Ltd wished to apply for a variation to allow the sale of alcohol from 8.00 am daily, instead of 10.00 am daily, and he forwarded her a copy of a draft application form. Mr Rackley requested that Mrs Smart advise him of any conditions that the police would seek prior to the following Tuesday, 24 May 2016, so that he could relay these to Miss Mankowska when he met with her.

On Tuesday 24 May 2016 Mr Rackley attended Off Licence TQ Ltd. At that time he discussed the current Premises Licence conditions with Miss Mankowska and identified that all the conditions were being adhered to except one, which was pointed out to her. This condition was within Annexe 2, The Protection of Children from Harm and stated "A register shall be kept up to date, to identify any persons refused alcohol or tobacco". During this visit Mr Rackley also identified that Miss Mankowska had not undertaken a fire risk assessment.

As a result of Mr Rackley's visit, he wrote to Miss Mankowska on 25 May 2016 advising her of the

breach of condition and offering her advice. A copy of this letter is attached for your information.

Following this visit, Mr Rackley contacted Mrs Smart and advised her that whilst he was at the premises a couple of people who looked like street drinkers, and who were obviously under the influence of alcohol, came in and purchased alcohol whilst he was talking to Miss Mankowska. After these persons left the shop he advised Miss Mankowska that these males should not have been served. After leaving the premises he saw these individuals drinking alcohol on a bench at the end of the road.

Mr Rackley also advised Mrs Smart that he had had discussions with PCSO Bradley Williams, a former employee of the Torbay Council Licensing Team, in relation to this premises. PCSO Williams informed Mr Rackley that he frequently had to deal with street drinkers who were causing issues in a churchyard at the end of Lucius Street.

As a result of that information, Mrs Smart discussed the matter with PCSO Williams and he subsequently provided her with a statement outlining complaints he had received and issues he was experiencing with street drinkers in the churchyard of The Greek Orthodox Church of St Andrews. A copy of this statement is attached.

During the afternoon of Thursday 26 May 2016 Mrs Smart and Mr Rackley attended St Efrides Church (Bampfylde Road, Torquay), St Andrews Church (just off Lucius Street, Torquay) and other licensed premises in the area to identify the types of beer/cider/lager being sold at these premises and to see if there were any discarded bottles or cans in either of the church grounds. Details of the types of alcohol sold at these off licences were recorded by Mrs Smart and logged on the Licensing computer system. It was noted that none of the other licensed premises in the area stocked any Polish beer/cider/lager.

In respect of St Efrides Church they found empty cans of 5% Lech, Czar vodka bottles and Skopian.

In respect of St Andrews Church they did not see any discarded cans but a male groundsman was in attendance cutting the grass so he may have already picked up any rubbish.

Following the above visits Mrs Smart and Mr Rackley attended Off Licence TQ Ltd. Mrs Smart advised Miss Mankowska that the police would object to any variation of hours at her premises and should she submit an application Mrs Smart indicated that the police would seek conditions prohibiting the sale of beer/cider/lager with an abv of more than 6% and no single cans. Miss Mankowska was not happy with this, but said that she would not continue with her application.

Whilst at the premises Mrs Smart noted the below items of stock:

Debowe 7.0%
Warka 5.5%
Perla 7.6%
Tatra 7.0%
Okocin 5.5% and 7.0%
Zubr 6.0%
Tyskia 5.5%
Karpackie 9.0%
Strong Dwuselodowy 6.5%
K 8.4%
Special Brew 9.0%
Omega 7.5% at 89p per can
Barnstormer 7.5%

On 31 July 2016 Mrs Smart received a report from PCSO Graham who was investigating an incident involving the use of a stolen credit card by 2 individuals at Off Licence TQ Ltd. As the CCTV system at the premises did not use disks, PCSO Graham had provided the premises with a memory stick to download the relevant footage. PCSO Graham visited the premises on 27 July, 28 July, and 29 July to try to collect the CCTV but on each occasion she was told that it had not been downloaded. On 29 July PCSO Graham told the staff that the footage needed to be ready for collection on 31 July and that she would be in to collect it on that date. However on that day she was again told that the manager had still

not burnt it off and the manager was not working on that day. PCSO Graham was conscious that the footage would automatically delete on 2 August 2016 and was concerned that the evidence needed for her investigation would be lost. PCSO Graham felt that the premises were delaying her request and thus she would not be able to pursue the crime complaint.

Mrs Smart spoke to Miss Mankowska regarding this matter and requested that she provide the CCTV immediately. Miss Mankowska subsequently downloaded the CCTV and PCSO Graham was able to collect it. As a result of this issue, a letter was sent to Off Licence TQ Ltd and Miss Mankowska, advising them of the need to ensure that CCTV is downloaded at the earliest opportunity. A copy of this letter is attached.

On 2 June 2017 Mrs Smart received a report from PCSO Graham/PC Moore who indicated that they had received information from a member of the public that P & K, Lucius Street, Torquay were selling alcohol imported from Poland without paying the UK duty tax. They had also received complaints from residents that P & K were selling single cans to customers, including street drinkers, which was causing problems in the community. The officers indicated that they had stopped checked local known persons drinking in the nearby churchyard who confirmed that they had purchased their can of Desperado from P & K.

On receiving this report, Mrs Smart formed the opinion that this information was in relation to Off Licence TQ Ltd. A search of the Torbay Council Licensing Public Register showed that prior to September 2014 this premises had been called P & K.

On 14 June 2017 Mrs Smart received an email from Mrs Mandy Guy in which she raised concerns that a local resident was experiencing anti-social behaviour in St Andrews Churchyard.

On 3 July 2017 Mrs Smart carried out some research on our Storm computer system and this showed a large number of logs in relation to drunkenness/ASB/scuffles in St Andrews Churchyard and it was apparent that the residents were getting very stressed with the situation. A document giving details of all logs recorded by the police for St Andrews Church in 2017 is attached for your information.

On 11.30 am 5 July 2017 Mrs Smart and Mrs Guy attended Off Licence TQ Ltd. On arrival a female called Trish (later discovered to be Miss Mankowska's daughter) was the only member of staff on duty. She rang Miss Mankowska who subsequently attended the premises, together with her partner Pete. Whilst inside the premises Mrs Smart noticed large quantities of beers/ciders/lager stacked up on the floor and within 3 different fridges. Mrs Smart also noted that whilst they were in the shop at least 5 men came in, all separately, and each of them purchased individual cans in quantities of 1, 2 or 3's, with only one male purchasing a multi-pack. These persons did not buy any other items.

Mrs Guy ran through the conditions of the licence and the premises compliance with these was checked. It was established that the premises were breaching a number of these conditions in relation to the name of the DPS not being displayed on the window, no refusals book and all deliveries not taking place during the day time (Miss Mankowska admitted that some deliveries take place at 10.00 pm at the latest). It was also noted that most cans of drink are sold in single cans or multiples and the strongest types at that time were 7.0% or 7.6%. At this time Trish, Miss Mankowska and Pete were adamant that they do not sell to drunks or to the street drinkers and there were lengthy discussions re this matter.

Whilst in the premises Mrs Smart took numerous photographs showing the different brands of beer/cider/lager available in the shop.

Whilst in the shop a male wearing a cap and blue T shirt with white writing on it, purchased a single can of alcohol (brand not known). Mrs Smart heard Pete say to this male "Hi Kev, you are not going to drink that on the bench are you?" This male said "No I don't drink there now, I have my own special place I go to".

After leaving the premises Mrs Smart and Mrs Guy went to St Andrews Churchyard where they noticed 4 people sat chatting, but they could not see any alcohol. On looking in the bins they saw a number of

cans which were all called Perla Mocna. Mrs Smart took a photograph of one of these cans. They also noticed 2 empty cans of Fosters next to a grave.

Whilst Mrs Smart and Mrs Guy were stood chatting in the graveyard a male's head popped up from behind a gravestone. Mrs Smart and Mrs Guy watched as this male got up and Mrs Smart noticed that it was the same male, wearing a blue T shirt, who had purchased a single can from Off Licence TQ Ltd. He picked up a can, which he scrunched in his hand and he then left the area.

Mrs Smart noted that the cans of Perla Mocna seen in the bin are sold in Off Licence TQ Ltd. This beer has an abv of 7.6%.

On Monday 10 July 2017 Mrs Smart received a phone call from Miss Mankowska who indicated that when she attended her premises that morning in order to open there were already people sat drinking alcohol on the bench at the end of the road. Mrs Smart advised her that it is likely that these individuals are also obtaining alcohol from other licensed premises in the area and informed her that she will take positive action wherever there is a link to a specific premises. Miss Mankowska was informed of Mrs Smart's observations regarding the male in the blue T shirt who had consumed his can of drink in the churchyard and the fact that Perla Mocna cans were seen in the bin, with her premises being the only off licence in that area selling that particular product.

On 21 July 2017 a letter was sent to Off Licence TQ Ltd in relation to Mrs Smart and Mrs Guy's visit to the premises on 5 July 2017. Within this letter I requested that the premises cease the sale of single cans immediately. A copy of this letter is attached for your information.

On 25 July 2017 officers from Devon, Somerset and Torbay Trading Standards carried out a mystery shopping exercise at this premises using a 21 year old female. This female was sold alcohol without staff asking any questions, despite there being several conditions on the Premises Licence in respect of Challenge 21 and the need to request approved forms of identification. As a result of this exercise the premises received a written warning.

On 26 July 2017 Mrs Smart was in Lucius Street when she bumped into Miss Mankowska. She therefore went to Off Licence TQ Ltd with Miss Mankowska where she was shown a refusals book with entries therein. Miss Mankowska also explained that she had ceased the sale of single cans and Mrs Smart noted that there were several signs around the premises to that effect.

At 10.00 am on the morning of 18 October 2017 Mrs Smart attended Off Licence TQ Ltd at the request of Miss Mankowska. At that time Miss Mankowska advised Mrs Smart that she and her partner, Pete, wanted to start reselling single cans due to the impact that this had had on their business. They were both very vocal with Mrs Smart and annoyed that other premises in the area were still selling single cans. Mrs Smart explained that she could not make other premises stop selling single cans but she would seek their voluntary agreement. She was also informed that in respect of other off licence premises Mrs Smart did not have any evidence that they were selling alcohol to the street drinkers.

Miss Mankowska informed Mrs Smart that she had received a letter from Torbay Council advising her that her staff had not checked the ID of a person who Trading Standards took into the premises. This was probably the letter she would have received after the 25 July 2017 "mystery shopping exercise". She also indicated that she had had a visit from HMRC. Miss Mankowska felt that she and her premises were being discriminated against, but Mrs Smart assured her that that was not the case and it was just a coincidence that other agencies had recently visited.

Mrs Smart advised Miss Mankowska and Pete that ultimately they can sell singles cans if they so wish but should evidence come to her attention that they are selling to known street drinkers who then cause issues in the cemetery the police would have to consider taking further action. Mrs Smart suggested that perhaps they should not sell single cans of anything over 6% but they did not seem willing to consider this.

After leaving Off Licence TQ Ltd on 18 October 2017, Mrs Smart went to St Andrews Churchyard and looked in the bins, which contained cans with Polish writing "Zywiec". This product is stocked in Off

Licence TQ Ltd. Mrs Smart could not see any cans with English writing thereon. According to Google, the abv of Zywiec is 5.6%.

On 31 October 2017 Mrs Smart spoke to PCSO Laurence Gaywood concerning the off licence premises in the Belgrave Road and Lucius Street area. PCSO Gaywood indicated that he is of the opinion that stopping the sale of single cans does have a positive effect on reducing alcohol supply to the street drinkers. Mrs Smart and PCSO Gaywood also discussed intelligence around shoplifters taking their stolen goods to Off Licence TQ Ltd and action that may be taken in the future in relation to this.

As a result of lengthy discussions with Miss Mankowska and her partner, and her discussions with PCSO Gaywood, Mrs Smart decided to send letters to all other off licence premises in the area seeking their cooperation by agreeing not to sell single cans. Letters regarding this were subsequently sent out on 9 November 2017.

On 4 January 2018 Mrs Smart attended the premises in the company of PC Mike Haworth and other officers of the Neighbourhood Team, when a search warrant, issued under Section 28 of the Theft Act 1968, was executed at the premises. The DPS, Miss Iwona Mankowska was present throughout. What appeared to be a CS gas canister was located behind the counter and, when shown this by a police officer, Miss Mankowska stated that this item was hers. All alcohol on display in the shop was checked for UK Duty Paid stamps and all appeared to be correctly labelled, however numerous bottles without the stamp were located in a storage area at the rear of the premises. All this alcohol and the CS gas canister were seized. Miss Mankowska stated that the storage area belonged to residents of the upstairs or neighbouring flat, however the key to this area was located within the storeroom of her premises. The police also seized a large quantity of clothing items, which they believed to be stolen. Located behind the counter it was noted that there was a cut down or broken pool/snooker cue with silver tape around the end. Whilst this item could be classed as an offensive weapon, it was located behind the counter which is not deemed a public place in the eyes of the law, and therefore was not seized by police. However, if it were to be taken to the public side of the counter an offence of possession of an offensive weapon in a public place would be committed.

At the conclusion of the search, Miss Mankowska was escorted to Torquay Police Station where she admitted that the CS gas canister was hers, however she denied any knowledge of the alcohol seized.

On inspection of the bottles of alcohol seized, these were as follows:

5 x 700ml bottles of Zoladkowa 40% abv
34 x 500ml bottles of Soplca (flavoured vodka) 30% abv
10 x 500ml bottles of Zubrowka Bison Grass 37.5% abv
1 x 700 ml bottle of Zubrowka Biala 40% abv
1 x 700ml bottle of Krupnick 40% abv

On 11 January 2018 Mrs Smart again attended Off Licence TQ Ltd, this time in the company of PC's Haworth and Owen, together with 5 officers from HMRC. Whilst the HMRC Officers conducted a search of the premises, a male customer came in and selected a packet of kitchen rolls and 1 can of Lomez beer. Miss Mankowska let this male take the products without paying and contrary to the notice displayed on the door that stated that single cans of alcohol would not be sold. Lomez has an abv of 7.5%. Again it was noted by officers that the broken snooker/pool cue with silver tape thereon was located behind the counter.

Whilst officers continued their enquiries in the premises, Mrs Smart attended St Andrews Churchyard where she saw several empty cans of Perla Mocna within the bins.

The HMRC Officers now have possession of the 50 bottles of spirits identified above, and they will consider what action they wish to take in respect of this matter. However I would take this opportunity to advise you that the evasion of duty is a relevant offence under Section 170 (disregarding subsection 1(a)(fraudulent evasion of duty etc) and Section 170B (taking preparatory steps for evasion of duty) under the Customs and Excise Management Act 1979.

In relation to the CS gas canister this has been examined and tested by a firearms officer. As a result Miss Mankowska was charged that on Thursday 4 January 2018 at Torquay in the County of Devon, without the authority of the Secretary of State, had in her possession a weapon designed or adapted for the discharge of a gas, namely O-chlorobenzylidene malonontrite contrary to Section 5(1)(b) of and Schedule 6 to the Firearms Act 1968. She was summoned to the South and West Devon Magistrates Court on 7 March 2018 and when she appeared on that day she was convicted of the offence. She was fined £200, with £85 costs and £30 victim surcharge. Our computer records do not show whether any action was taken in respect of her Personal Licence, or whether she produced her Personal Licence to the magistrates as she is so required by Section 128 of the Licensing Act 2003. A check with the Torbay Council Licensing Team has established that Miss Mankowska has not informed the Licensing Authority of her conviction, as she is required to do under Section 132 of the Licensing Act 2003.

Any offence under the Firearms Act is a relevant offence and the rehabilitation period for this conviction is one year.

Please tick ✓ yes

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day Month Year

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

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten signature]

Date

28.03.2018.

Capacity

*Superintendent, Head of Prevention, Devon & Cornwall
Police*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Julie Smart
Police Licensing Officer
Torquay Police Station
South Street

Post town
Torquay

Post Code
TQ2 5AH

Telephone number (if any) 01803 218900

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) julie.smart@devonandcornwall.pnn.police.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

PROFESSOR [Name]

LECTURE 1

1. Introduction

2. Thermodynamics

3. Kinetics

4. Equilibrium

5. Electrochemistry

6. Surface Chemistry

7. Colloid Chemistry

8. Polymer Chemistry

9. Biomolecular Chemistry

10. Environmental Chemistry

Licensing Act 2003

Premises Licence

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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

Off Licence TQ Ltd

15 Lucius Street, Torquay, Devon, TQ2 5UW.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Saturday	10:00am	11:00pm
	Sunday	10:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	11:00pm

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

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

Part 2

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

Off Licence TQ Ltd
15 Lucius Street, Torquay, Devon, TQ2 5UW.

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

Off Licence TQ Ltd
09212177



Licensing Act 2003

Premises Licence

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

Iwona Elzbieta MANKOWSKA

Flat 6, 31 Croft Road, Torquay, Devon, TQ2 5UD.

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

Licence No. PA2500

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
20 November 2015



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 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.
- 4) 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.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

- 1) A sign stating DPS shall be displayed on the window.
- 2) Opening hours shall be displayed on the window
- 3) A sign must be displayed to say who is allowed to buy alcohol and cigarettes.

The Prevention of Crime and Disorder

- 1) CCTV shall be fitted for sale of alcohol; records will be kept for 14 days with free access for police.
- 2) Spirits must be displayed behind counter and will be sold by staff over the counter.
- 3) All staff must be trained and made aware of their responsibilities.
- 4) Premises shall be fitted with an alarm system.

Public Safety

- 1) Premises will be equipped with adequate Fire protection.
- 2) First Aid Box must be on the premises.
- 3) All Exits must be kept unobstructed.

ANNEXES continued ...

- 4) All Health and Safety rules must be kept to.
- 5) Staff training shall include having good cooperation with local police and other businesses.

The Prevention of Public Nuisance

- 1) All deliveries and disposal shall be carried out in the daytime hours.
- 2) Customers and staff must leave the premises in a quite and calm manner.

The Protection of children from harm

- 1) The shop shall adopt the 'Challenge 21 scheme'
- 2) If any doubt of customers age then no alcohol or tobacco shall be sold.
- 3) ID must be asked for when in doubt, a passport, driving licence or any home office approved scheme will be accepted.
- 4) A register shall be kept up to date, to identify and persons refused alcohol or tobacco.
- 5) A company approved by Torbay Council's Trading Standards Department shall be engaged by the Premises Licence Holder to carry out a test purchase of alcohol at Off Licence TQ Ltd on 3 occasions over a period of 12 months. If the Premises fails a test purchase within that 12 month period, the Premises Licence holder shall engage the services of that company for an additional 12 months to carry out 3 further test purchases. If all 3 test purchases are successful within the first 12 months period, this condition shall cease thereafter.
- 6) The Premises Licence Holder shall notify Torbay Council's Trading Standards Department of the result of each test purchase within 5 working days of the test purchase taking place.

ANNEXE 3

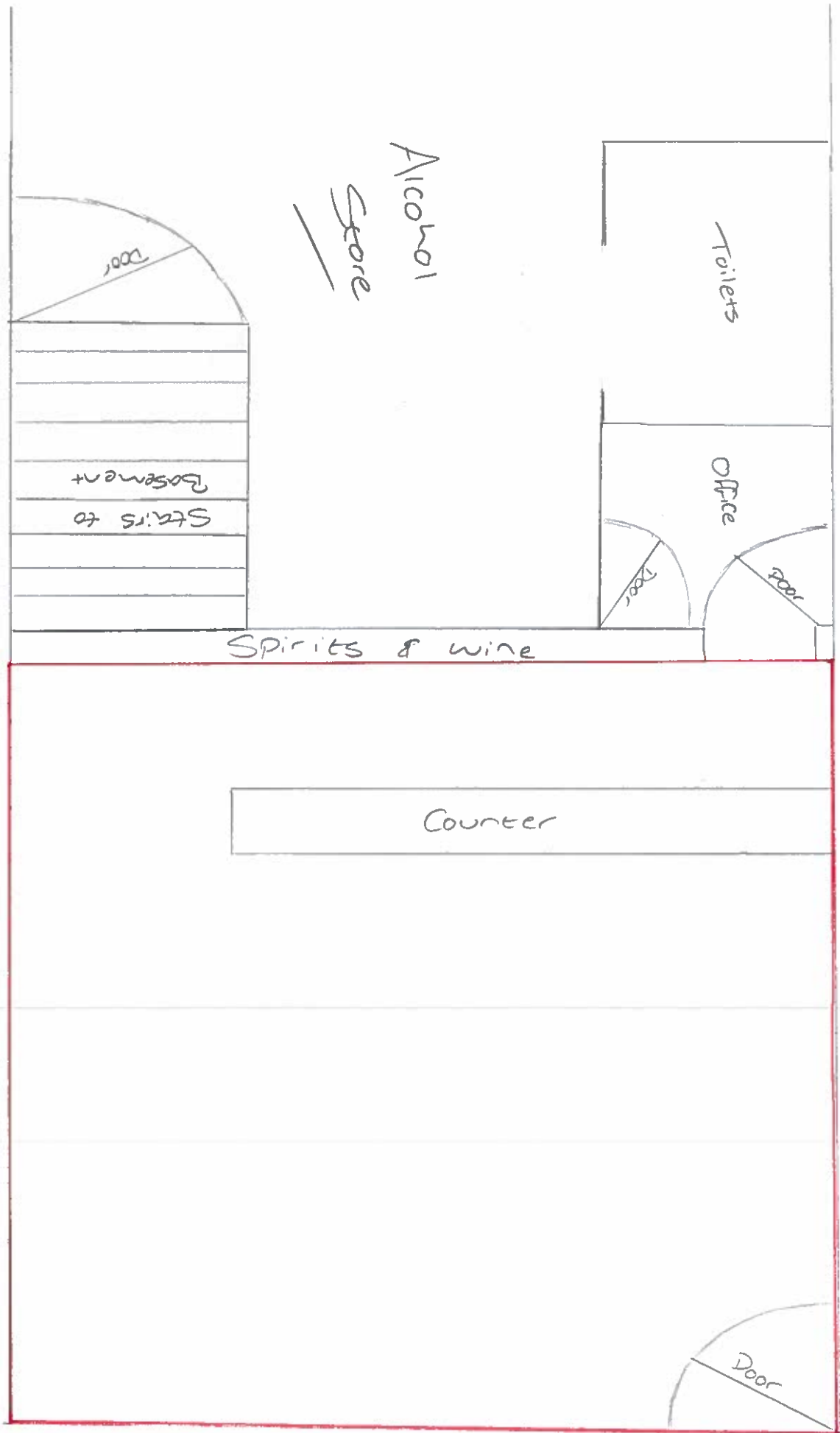
CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

PLANS

Copy attached to Licence.



/// - Supply of alcohol.

Memorandum

To: Licensing Team	From	: Safeguarding and Reviewing Service
c.c	Contact	: Faye McNiven
c.c.	Ext	: 208432
c.c	My Ref	: FM
For the attention of: Licensing	Your Ref	:
	Date	: 09.04.2018

Subject: Review

Premises Name: OFF LICENCE TQ LTD
Address: 15 LUCIUS STREET

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

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

We would like to see the introduction of a Challenge 25 policy to replace the Challenge 21 policy.

FH McNiven

Signed:

Date: 09/04/2018