

Wednesday, 9 October 2024

STATUTORY LICENSING SUB-COMMITTEE

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

Thursday, 17 October 2024

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Foster

Councillor Barbara Lewis

Councillor Virdee

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

STATUTORY 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 Sub-Committee.
3. **Minutes** (Pages 3 - 10)
To confirm as a correct record the Minutes of the meetings of a Sub-Committee held on 8 and 29 August 2024.
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. **The Mermaid, 2 King Street, Brixham, TQ5 9TF** (Pages 11 - 52)
To consider an application for a Variation to a Premises Licence in respect of The Mermaid, 2 King Street, Brixham, TQ5 9TF

Minutes of the Statutory Licensing Sub-Committee

8 August 2024

:- Present :-

Councillors Brook, Douglas-Dunbar and Barbara Lewis

8. Election of Chairman/woman

Councillor Barbara Lewis was elected as Chairman for the meeting.

9. Minutes

The minutes of the meetings of the Sub-Committee held on 9 and 30 May 2024 were confirmed as a correct record and signed by the Chairman.

10. Breakwater Bistro, Berry Head Road, Brixham, TQ5 9AF

Members considered a report on an application for a Variation to a Premises Licence in respect of Breakwater Bistro, Berry Head Road, Brixham, TQ5 9AF.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Written representation objecting to the Variation to a Premise Licence on the grounds of 'The Prevention of Public Nuisance'.	10 July 2024
Member of the Public	Written representation objecting to the Variation to a Premise Licence on the grounds of 'The Prevention of Public Nuisance'.	17 July 2024

Oral Representations received from:

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

Decision:

That the application for a Variation to a Premises Licence in respect of Breakwater Bistro, Berry Head Road, Brixham be approved as applied for.

Reason for Decision:

Having carefully considered the written and oral Representations, Members unanimously resolved to grant the variation application as applied for, having been satisfied that with the proposed additional conditions all of the Licensing Objectives would be promoted.

Members were reassured by the Applicant's professional and committed approach, as demonstrated in his oral representation and noted that the Manager, who was also present, was very experienced having worked at the premises for 18 years.

In coming to their decision, Members had careful regard to the location of the premises and were helpfully provided with a photograph at the hearing, to show the intended increase in size of the first-floor balcony area, designed to improve the premises and the offering. Members heard that the intention was to increase covers by 30 seated patrons which would also serve to accommodate families who wished to eat outside, where currently they only have space for table seating for two persons per table.

Members noted the concerns raised in the two written Representations received, around anticipated noise nuisance from the intended increase to the size of the first-floor balcony, however no oral Representations were heard in this regard as the objectors chose not to attend the hearing.

Upon questioning of the Applicant in this regard and noting the absence of complaints prior to the Variation Application being submitted, Members were satisfied and reassured that the Applicant would operate these premises in a responsible manner. It was noted that the premises had had 12 bands performing since Christmas 2023 and that the intended music offering would continue no later than 19.00 hours, with the intention to be largely low-level amplified music in the afternoons with the Managers intention to engage with nearby residents, should any issues arise.

Whilst Members noted the objectors concern raised around litter on the beach, there was no evidence before Members that this was attributable to the premises. The Applicant confirmed that they have four large bins next to the restaurant for patron use but that these are also used by members of the public visiting the beach and are emptied twice per week. Additionally, staff members perform beach cleans regularly throughout the day.

Members were reassured to learn that the premises had proactively engaged with the Police Licensing Team and Environmental Health prior to submitting their Variation Application and as such, Members noted the absence of any Representation received from any Responsible Authority and deduced from this, that those Authority's had no concerns with the application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting Representations, where concerns presented.

In concluding, Members considered it to be entirely in order to remove the outdated conditions, and that the additional conditions proposed were both appropriate and proportionate, and determined in all the circumstances, that the Licensing Objectives would not be undermined in granting this application. However, should issues arise as a result of granting this application, a Review of the Premises Licence is available to any Responsible Authority or any other person.

Chairman/woman

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Minutes of the Statutory Licensing Sub-Committee

29 August 2024

-: Present :-

Councillors Amil, Douglas-Dunbar and Foster

11. Election of Chairman/woman

Councillor Foster was elected as Chairwoman for the meeting.

12. Cru Torquay, 31 Ilsham Road, Wellswood, Torquay, TQ1 2JG

Members considered a report on an application for a Premises Licence in respect of Cru Torquay, 31 Ilsham Road, Wellswood, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting the application on the grounds of the Licensing Objectives 'The Prevention of Crime and Disorder', 'Public Safety', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	04 July 2024
Member of the Public	Representation objecting the application on the grounds of the Licensing Objectives 'The Prevention of Crime and Disorder', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	21 July 2024
Member of the Public	Representation objecting the application on the grounds of the Licensing Objectives 'The Prevention of Crime and Disorder', 'Public Safety', 'The Prevention of Public Nuisance' and 'The Protection of Children from Harm'.	22 July 2024

Oral Representations received from:

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

Decision:

That the application for a Premises Licence in respect of Cru Torquay, 31 Ilsham Road, Torquay be approved as applied for.

Reason for Decision:

Having carefully considered all the written and oral Representations Members unanimously resolved to grant the application having been satisfied that with the extensive conditions as set out within the application, together with the Applicant's considerable experience of operating several licensed premises within Torbay, over a 20-year period, the Licensing Objectives would be promoted.

In coming to their decision, Members considered a map showing the location of the premises on Ilsham Road, Torquay helpfully provided by the Licensing Officer which demonstrated the mixed-use commercial premises present, and noted there were other licenced premises including a vertical drinking establishment and licensed convenience stores.

Members heard from the Applicant that there had been extensive refurbishment of the premises including the installation of sound proofing, and noted that there would also be a noise management plan in place, demonstrating the Applicant's intention to uphold the Licensing Objective, 'The Prevention of Public Nuisance', and were satisfied that these measures would address the concerns raised in the Representations received around potential noise nuisance.

Members were disappointed that the objectors to the application did not attend the hearing to give oral Representations and noted that they had no evidence before them to support the concerns raised. In this regard, however, Members were reassured that none of the Responsible Authorities had submitted a Representation, and deduced from this, that they had no concerns with the application. In forming this opinion, Members noted the proactiveness of the Responsible Authorities in submitting Representations, where concerns presented.

In conclusion, Members were satisfied that by granting the application the Licensing Objections would not be undermined and noted that a Review of the Premises Licence can be sought by a Responsible Authority, or any other person should issues arise as a result of the grant of this application.

Chairman/woman

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TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation of the Premises Licence in respect of The Mermaid, 2 King Street, Brixham, TQ5 9TF

Wards Affected: **St Peter's with St Mary's**

To: **Licensing Sub Committee**

17 October 2024

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

1. Key points and Summary

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

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

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

2. Introduction

- 2.1 An application has been made under Section 34 of the Licensing Act 2003 (the Act) for a Variation to a Premises Licence to permit regulated activities at the premises detailed above.

Details of the application are shown in Appendix 1. Only the relevant pages of the

application are shown.

A brief description of the proposed variation is as follows.

The provision of recorded music from 2300 hrs to 0100 hrs on Friday and Saturdays only, and on New Years Eve from 2300 hrs to 0200 hrs the following day. Currently the Premises Licence does not authorise the provision of recorded music. However, the exemptions under the Live Music Act 2012 apply to this premises.

To extend the sale of alcohol from 0000 hrs to 0100 hrs on Fridays and Saturdays only. Currently the Premises Licence authorises the sale of alcohol from 0900 hrs to 0000 hrs Monday to Sunday.

To extend the opening hours of the premises from 0900 hrs to 0130 hrs on Fridays and Saturdays only, and an additional hour to closing times on the morning British Summer Time begins to allow for clocks going forward at 0100 hrs. Currently the premises is open from 0900 hrs to 0030 hrs Monday to Sunday, and on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

7 Representations have been received from Interested Parties in respect of the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance". There are shown at Appendix 3.

No Representations have been received from any Responsible Authority.

The Applicant has provided a written response to the Representations received. This is shown at Appendix 4.

The Applicant has also provided the premises Dispersal Policy, dated May 2023, which is shown at Appendix 5.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.

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

Rachael Hind
Regulatory Services Manager - Commercial

Appendices

Appendix 1	Relevant parts of the application form
Appendix 2	Copy of the Premises Licence
Appendix 3	Representations from Interested Parties
Appendix 4	Applicant's response to Representations
Appendix 5	Dispersal Policy – May 2023

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Statement of Principles 2021 - 2026

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**Application to vary a premises licence
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We The Greenway Group Ltd
(Insert name(s) of applicant)

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

Premises licence number PL1281

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Mermaid 2 King Street			
Post town	Brixham	Postcode	TQ5 9TF
Telephone number at premises (if any)	07868660199		
Non-domestic rateable value of premises	£9,750		

Part 2 – Applicant details

Daytime contact telephone number	01803882811		
E-mail address (optional)	will@thegreenwaygroup.co.uk		
Current postal address if different from premises address	Another Chapter 13 The Quay		
Post town	Brixham	Postcode	TQ5 8AW

Part 3 - Variation

Please tick as appropriate

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

Yes

No

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

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

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

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

The Mermaid is a Cocktail Bar. After trading successfully with no complaints or issues since reopening the property under the ownership and management of our company – we would like to extend our trading hours.

This variation is to provide recorded music from 11pm to 1am on a Friday and Saturday.

Adjustments for music on New Years Eve.

The music will be played at the same volume levels we currently operate, and through a noise Limiter which has shown no issues with volume level or complaints in 18 months of successful trading under new management and ownership.

We would also like to extend the hours for the sale of alcohol on Friday and Saturday by 1 hour. Currently the hours are 9am to midnight Monday to Sunday. We wish to increase that from 9am to 1am on Friday and Saturday only.

We feel we have proven our operation, venue and business over the past 18 months.

Consultation has taken place with the Police and the Council's Noise Officer before submitting this application and their recommended conditions are included in this application.

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

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) On NYE from 23:00 to 02:00 on the following day		
Fri	23:00	01:00			
Sat	23:00	01:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	00:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	00:30	
Tue	09:00	00:30	
Wed	09:00	00:30	
Thur	09:00	00:30	
Fri	09:00	01:30	
<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)			
Sat	09:00	01:30	From the end of permitted hours on New Years Eve to the start of permitted hours on the following day.
Sun	09:00	00:30	An additional hour to closing times on the morning British Summer Time begins to allow for clocks going forward at 01:00hrs

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

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per existing conditions attached to licence

b) The prevention of crime and disorder

As per existing plus the edition of:

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

c) Public safety

As per existing conditions attached to the licence.

d) The prevention of public nuisance

As existing plus the addition of:

A noise limiting device (the specification and design to be agreed with Torbay Council's Environmental Health Service) shall be fitted so that all live and recorded music is channelled through the device(s). The maximum noise levels will be set by agreement with Torbay Council's Environmental Health Service and will be reviewed from time to time as appropriate.

All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.

e) The protection of children from harm

As per existing conditions attached to the licence.

Licensing Act 2003
Premises Licence

1281

LOCAL AUTHORITY



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

Part 1 - Premises Details

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

The Mermaid

2 King Street, Brixham, Devon, TQ5 9TF.

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 ON and OFF the premises	Monday to Sunday New Years Eve - from the end of permitted hours on NYE to the start of permitted hours on New Years Day	9:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday New Years Eve - from the end of permitted hours on NYE to the start of permitted hours on New Years Day	9:00am	12:30am

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

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

Part 2

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

The Greenway Group Ltd
Another Chapter, 13 The Quay, Brixham, Devon, TQ5 8AW.
Telephone 01803 882811

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

The Greenway Group Ltd 10655634



Licensing Act 2003

Premises Licence

1281

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

William FORD

Mullions, 274 Dartmouth Road, Paignton, Devon, TQ4 6LH.

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. PA1740

Issued by Torbay

Rachael Hind
Regulatory Service Manager (Commercial)
25 September 2024



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is

ANNEXES continued ...

available to customers in the following measures:-

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

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

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

Minimum Drinks Pricing

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

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

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

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

Where:-

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

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

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

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

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

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

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

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

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
 - a) Any serious incidents of disorder or of a violent or anti-social nature
 - b) All serious crimes reported to the venue, or by the venue to the police
 - c) All ejections of patrons

ANNEXES continued ...

d) Seizures of drugs

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 6 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

2. All staff engaged in licensable activity at the premises will receive training and information in relation to the following prior to being authorised to sell/supply alcohol at the premises:
 - a) The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - b) The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - c) How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - d) Recognising the signs of drunkenness.
 - e) The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.Training shall be recorded in documentary form. Training records shall be retained on the premises for a period of 12 months and made available to Responsible Authorities on demand.

The prevention of crime and disorder

1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with a recording system. All recordings shall be kept for a minimum of 30 days and copies of recordings shall be supplied to the police as soon as practicable, or at the latest within 7 days.
2. Display of notice to show the PSPO Area - when providing Off Sales.
3. Premises License Holder and/or DPS shall risk assess the requirements for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.
4. The premises shall have a zero tolerance policy to illegal drug use - recording any seizures in the venue incident log.
5. Customers using the outside area shall be monitored for any antisocial behaviour by staff

Public safety

1. Premises License Holder to ensure that a First Aid Box is available in the venue and staff trained how to use it.
2. Staff to ensure regular glass collection takes place inside and outside of the premises.
3. Fire safety Risk Assessment will be carried out and regularly reviewed.
4. The premises fire exits shall be clearly marked with an emergency lighting system in place.
5. Firefighting equipment installed and maintained.

The prevention of public nuisance

1. Clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
2. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
3. When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity as quickly and quietly as possible.
4. Customers choosing to smoke directly outside the premises will be monitored by appropriately trained staff or SIA licensed door supervisors (If on duty) during opening hours.
5. The premises licence holder shall ensure that all discarded smoking litter from patrons is removed and properly disposed.

ANNEXES continued ...

6. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
7. Deliveries of Kegs Bottles and other materials shall be carried out between the hours of 8am and 7pm.
8. Bottle bins will not be emptied after 9.30pm so as not to disturb local residents.

The protection of children from harm

1. 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 within the Torbay Council Licensing Statement of Principles.
2. Challenge 25 posters shall be prominently displayed within the premises.
3. Customers under 18 years old shall not be permitted on the premises after 22.00hrs - unless accompanied by a responsible adult to attend a pre-arranged private function.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

PLANS

Copy attached to Licence.

Licensing representation

Date and Time Submitted	16 September 2024 12:08:29
Name of the premises:	The Mermaid
Support/Object to application	Object
Address of the premises:	2 King Street, Brixham TQ5 9TF

Applicant Details

In what capacity are you applying?	Any other person
First name:	██████████
Last name:	██
Contact number:	██████████
Email address:	██████████████████
Address:	██

Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	The prevention of public nuisance
The reason for your representation:	I object on the basis of noise from people sat outside drinking and leaving the premises late at night and the fact that any noise echos around the harbour (especially in the early hours).
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	No
Would you like to include any documentation in support of your representation	No
Uploaded Files	

Confirmation

TORBAY COUNCIL

17 SEP 2024

COMMUNITY



Dear Sir,

I refer to the application made by THE GREENWAY GROUP LTD regarding an application made to vary a premises licence for THE MERMAID, 2 KING STREET, BRIXHAM, TQ5 9TF.

I have noted the details of the application and would like to object to the application. This is a residential area and we do not need any more late night noise than we already have. I am also worried that if this application is granted, many other places in the area will ~~already~~ apply as well.

My house is just around the corner from the Mermaid.



[REDACTED]

TORBAY COUNCIL

17 SEP 2024

COMMUNITY SAFETY

16 September 2024

Subject: Objection to Extended Hours License for The Mermaid

Dear Sir/Madam,

I am writing to formally express my objection to the application for an extended hours license by The Mermaid, located at 2, King Street Brixham tq59tf. As a resident of the local area, I am deeply concerned about the potential impact this extension would have on the surrounding community, particularly in relation to noise pollution and general disruption.

Currently, the noise levels from The Mermaid are already disruptive, particularly during late evenings and weekends. The extension of operating hours would likely exacerbate these issues, leading to an even greater disturbance to me and other residents. The current noise is affecting our quality of life and sleep, and we fear that an extended license would only make matters worse.

We believe that allowing this venue to extend its hours would negatively impact the peace and well-being of our community, with no clear benefits to local residents. I kindly ask that the council take these concerns into account when reviewing the application, and that serious consideration is given to the impact on local residents' health and well-being.

Thank you for your attention to this matter. I look forward to your response and hope that our concerns will be considered in the final decision.

Please note, it was quite by chance that a neighbour saw this application announcement tucked away in the side window of this venue.

[REDACTED]

16 September 2024



I am writing to formally object to the application made by The Mermaid for extending their opening hours. As a local resident I have serious concerns about the additional negative impact this extension will have on our community.

The issues that worry me the most are:

1. **Noise Pollution:** The current hours already result in a significant amount of noise late at night, particularly from patrons leaving the venue. Extending the hours would exacerbate this issue and disrupt the peace and quiet of the neighbourhood even later into the night.
2. **Public Safety Concerns:** Extending the hours may lead to an increase in anti-social behaviour, including loud disturbances, drunkenness, and even vandalism. This would make the area less safe for residents, especially those who need to walk through the area at night.
3. **Impact on Local Community:** The neighbourhood is primarily residential, and many residents, including families and the elderly, rely on a quiet and peaceful environment. Extending the venue's hours could significantly degrade the quality of life for many local people.
4. **Traffic and Littering:** Extended hours will result in more traffic in the early hours, as well as increased littering, which is already a problem after closing time.

I ask that you take these concerns into account when considering this application. The current operating hours are already pushing the limits of what is reasonable in a residential area, and extending them further would have detrimental effects on both the community and public safety.

Thank you for taking the time to review my concerns. I hope you will seriously consider the negative impacts this decision could have on the wellbeing of local residents.

I would appreciate being kept informed of the outcome of this matter.



Licensing representation

Date and Time Submitted	17 September 2024 19:26:13
Name of the premises:	The Mermaid
Support/Object to application	Object
Address of the premises:	2 King Street, Brixham TQ59TF

Applicant Details

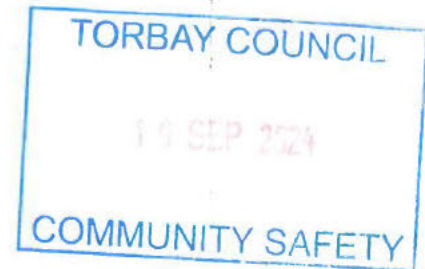
In what capacity are you applying?	A business
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	The prevention of crime and disorder The prevention of public nuisance
The reason for your representation:	The Harbour Bowl in Brixham has a unique characteristic - namely the ability to echo and magnify sound for all the domestic and business premises in the area to hear EVERYTHING! The history of this site must fill many files as it has been the scene of numerous public order offences which has resulted in the License being removed for every pub operator to date I believe. We don't dispute the current operator runs an efficient business - this isn't the point. The main issue, if the new hours are permitted, is the noise pollution and anti social behaviour which will occur when all the drinkers leave and go home for which the operators cannot control. Why should all the houses be adversely affected because of one pub? The current problem is already huge in the harbour area - on a warm evening it can take up to two hours for drinkers to totally disperse and all the local residents have to put up with considerable bad language, laughter and drunken behavior. (we can

	<p>hear every karaoke song from the [REDACTED] [REDACTED] and we live on the opposite side of the harbour). Additionally, there is already a very bad drug problem in Brixham - late night drinking will simply exacerbate the problem as it did before We strongly object to any extension to permitted hours in ANY pub in Brixham Harbour We are writing this on behalf of [REDACTED] in the Harbour Area. We would also like to point out the License notice is very well hidden and in fact many people will not see it.</p>
<p>Is there any reason why you do not want your personal details to be passed on to the premises license holder?</p>	<p>Yes</p>
<p>What is the reason you do not want your personal details to be passed on to the premises license holder?</p>	<p>[REDACTED]</p>
<p>Would you like to include any documentation in support of your representation</p>	<p>No</p>
<p>Uploaded Files</p>	



16 September 2024

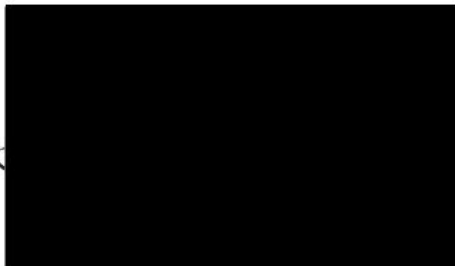
Subject: Objection to Extended Hours License for Mermaid Drinking Venue

Dear Sir/Madam,

I am writing to strongly oppose the application for an extended hours license for The Mermaid Bar at 2, King Street Brixham. As a resident living nearby, I am already affected by the noise and disruption caused by this venue, particularly in the evenings. I have been in dialogue with Licensing about the disruption already.

The extension of operating hours is not only unnecessary but will also result in more noise, disturbance, and inconvenience to local residents. We are already dealing with enough disruption, and any further extension will only worsen the situation.

I urge the council to consider the negative impact this will have on the community, and I hope that our concerns will lead to a rejection of this application. Thank you for considering my objection.



Licensing representation

Date and Time Submitted	19 September 2024 21:30:53
Name of the premises:	The Mermaid
Support/Object to application	Object
Address of the premises:	2 King St, S W Coast Path, Brixham TQ5 9TF

Applicant Details

In what capacity are you applying?	Any other person
First name:	[REDACTED]
Last name:	[REDACTED]
Contact number:	[REDACTED]
Email address:	[REDACTED]
Address:	[REDACTED]

Representation

Which of the following Licensing Objectives is this representation relevant to?

This representation is relevant to the following Licensing Objectives	The prevention of crime and disorder The prevention of public nuisance
The reason for your representation:	The granting of this will encourage other Licensed Premises to apply for extensions, thereby turning Brixham into a late night 'party' venue with associated drunkenness and disorder.
Is there any reason why you do not want your personal details to be passed on to the premises license holder?	Yes
What is the reason you do not want your personal details to be passed on to the premises license holder?	Prefer to remain anonymous.
Would you like to include any documentation in support of your representation	No
Uploaded Files	



Full Variation Application for changes to Premises License
Your Ref: SRU/281724
Re: The Mermaid, 2 King Street, Brixham. TQ5 9TF
Licensing Hearing 17th October 2024

Dear Julie,

Our Representation

Thank you for your email and letter confirming that a Licensing Sub-Committee hearing will now take place in relation to our application for a Full Variation to our Premises License issued by Torbay Council for The Mermaid in Brixham due to Representations from members of the public. Would you be so kind as to add and introduce this letter and document to our file to aid deliberations at the hearing by Councillors, in the hope to address concerns and make the understanding of our request more detailed and respond to some of the objections made from an operation and management side. I will be attending in person as the owner and MD of our company in addition to being the DPS for the venue.

Background to The Mermaid – Brixham

Our company took over what was Hennessey Cocktail Lounge in May 2023. At the time the venue was one which personally we did not want to ever be associated with, and one which was a blight on the licensing landscape of Brixham, fueling antisocial behaviour, drug use, known for serving underage drinkers and basically a nightmare which bought a bad name to professional businesses in the licensing trade – a venue which was totally mismanaged and more like a hobby than a business, fueling issues unnecessarily. The venue undone what many of the local venues had worked so hard to achieve, a safe and enjoyable night out for everyone. The reputation of other Brixham licensed premises were being tarnished by this one venue which seemed to change the demographic of night-trade backwards. We decided to take on the then closed business as we were fed up with the negativity it was bringing to Brixham and have since taken over the restaurant right next door too.

When we took over the venue, we took our time to speak to the Responsible Authorities and sought Pre-Application Advice, we then spoke to local residents whom had suffered from the previous business model – I personally spoke to four or five people whom in the past had objected or made complaints in relation to the venue, its operation and management. To which end, when we applied for a new license with no representations from the Responsible Bodies, we did not receive one objection to our application from members of the public and a new license was granted. Considering previous licenses had been removed by this very committee, or had major conditions attached – not having one objection, clearly showed we were trusted and respected to run the venue properly and considerately. As an extra precaution, I also became the DPS of the venue personally –

something which I wanted to do, to ensure the operation worked in it's infancy and we addressed every area of concern in relation to the prior historic issues.

We immediately gutted the venue, refurbished it at a cost of £200k, but more importantly we decimated the old business model and engaged Platinum Security whom are contracted to our other venue SOHO Bar in Torquay for seven days a week door management, for 6 months, to stop unwanted individuals in the venue and make a stand to ensure that The Mermaid from day one was a premium venue – where we would not tolerate antisocial behavior, drug taking, underage drinking or any nonsense which the venue had been tarnished with in the past. To this day, over a year and a half later – we continue to be trouble free, and to my knowledge have received no complaints in way of noise, antisocial behaviour or such like or indeed any complaint whatsoever. This is a major turnaround for a venue which was such an issue locally.



Our Company Group

Our company is the largest independent hospitality company in Torbay – employing in excess of 120 local people across 10 venues, with the main bulk of our businesses in Brixham. We understand the industry we are in and having owned Tourism and Hospitality businesses in the bay for some 25 years, understand the area as I was born here. I've seen the good and the bad. We have tirelessly through our teams created some of the most premium and respected venues in Brixham and The Bay and are very proud to have never had a major incident or indeed any major licensing issues across our seven locally licensed premises, either on trade or off trade.

In Brixham alone – our licensed companies venues include:

Olive Mediterranean Restaurant and Wine Bar – Brixham
Liberty Cocktail Bar – Brixham
La Petite Maison Restaurant – Brixham
The Prince William Pub – Brixham
The Mermaid Bar – Brixham
Inspirations Kitchen and Homeware Shop and Boutique of Booze – Brixham

In addition to:

Soho Bar – Torquay
Christie Belle - Licensed Passenger Vessel in The River Dart with SHDC.

And two further venues which are not Licensed – Another Chapter and TPW Ice Cream Shop and two premium Holiday Lets.

We therefore have a unique perspective of the trade and a robust management system in place to ensure our venues maintain the Licensing Objectives and adhere to our Premises Licenses. I would hope our operations across the bay somehow support the fact that we are responsible and professional operators.

Our Premises License and Variation

After running the venue without incident or issue since May 2023 – we have also had time to ascertain our customer needs, the venue operation and how to adapt the business to the needs of local residents who are our main customers.

After speaking with the Manager of the Venue and our Management Team, it has become apparent that since COVID19 – drinking habits and how members of the public go out has changed. The middle ground has been lost. We see customers early or very late after dinner. We have also noticed an influx of trade at 11.30pm when our restaurants and the towns restaurants empty, for after meal drinks and those in the hospitality industry whom finish work close to midnight, including our own staff from our other businesses have nowhere to drink, other than one venue which holds a 1am license at the top of town.

The above on top of requests from many residents to stay open later – so Brixham could enjoy a premium venue later into the evening and have more than one option or in some cases stop locals having to travel to Paignton or Torquay added to our clear need to adjust our operation.

‘Hard Stop’ – One other issue in Brixham is the Hard Stop of drinking all at the same time, which can at times exacerbate noise as everyone leaves all licensed premises at the same time in the same area. Having a staggered and filtered approach to last orders would in my opinion help support the Licensing Objectives and help curtail some noise and traffic in Brixham. Seeing many drinkers all run, or go up to the top of town to get in the only venue open until 1am in itself is an issue, where if we contained our customers naturally in a closed environment and they left of their own accord in addition to other customers visiting us from the other local venues – this would stop the long distance of any possible noise traveling through more significant residential areas than where The Mermaid, right at the centre of other hospitality businesses is situated. Natural dispersal would then be more staggered and less problematic.

We therefore ascertained that a 1am license for Friday and Saturday was a reasonable request and perhaps it was time to apply to vary our license to do so.

Due to the fact that we had no objections in the past, have opened New Years Eve until 2am under a Temporary Event Notice, had no complaints of our operation in regard to licensing issues, incidents or like – we assumed we stood in good standing to apply. However, unlike when we applied for our original license, on this occasion we did not know of any residents whom were unhappy or had an issue with The Mermaid, so could not consult with them – I have since seen from the Public Representations that those objecting want to remain anonymous, so this makes things even more difficult. However, as a belt and braces approach, I sought clarification and paid for Pre-Application Advice from Torbay Council to ensure that all Responsible Authorities would be happy and content should we apply and asked for any advice or conditions they would like to request prior to our application – two of which were added to our application prior to processing. I notice that no representations have been made from the Responsible Authorities – which I am very pleased to hear as they are considered experts in their respective fields and been our main source of advice prior to application and seem satisfied that our application met their rigorous promotion of the licensing objectives.

DPS

I would consider myself the most experienced person in our company to oversee The Mermaid, hence I am the DPS and am also the DPS for Soho in Torquay – I remain a hands on DPS with a structured management approach and also have daily contact with all our venues and managers. I have been DPS at Soho for nearly 11 years, without any major incident or licensing issue. I would consider myself a responsible DPS to oversee our venues. Torquay is a vastly different animal to Brixham and I have 11 years experience of nightmares, but no incidents through running a safe and responsible venue.

SIA Security, CCTV and Dispersal

We are the only bar I am aware of in Brixham with regular security – to which end, we actually get asked to help other venues when needs must.

Platinum Security are contracted to our company and have been for many years managing the security aspects of Soho for some 7 years in addition to The Mermaid since we opened the venue. We hand pick our security team whom have a wealth of experience as the provider for Torbay Council Street Marshals in addition to large events and crowd security and disbursement at Torquay United and Exeter Chiefs.

Security is currently provided at The Mermaid from 8pm every Friday and Saturday until the venue is closed. Part of their job role includes upholding the Challenge 25 Policy on the door of the venue, helping prevent crime and disorder – controlling any antisocial behaviour inside and outside our premises and conduct of customers or indeed monitoring and preventing it prior to any breakout. They also maintain general public safety and ensure that crime and disorder in addition to any nuisance to the public when customers vacate the venue is monitored and action taken where necessary. This in addition to the venue displaying signs reminding patrons to be respectful and keep noise to a minimum when leaving our venue all adds to the dispersal management.

The Mermaid and all our venues operate a zero tolerance to drugs which again is upheld by our team and security. Our refusals log does however show we have stopped many individuals entering whom we feel could be under the influence of drugs.

CCTV – The Mermaid has full internal and external CCTV coverage – this in addition to a 360 degree camera situated outside Olive next door. CCTV is available almost immediately when required and available to download within a few hours.

The strict management of the venue has clearly worked since we opened The Mermaid as we have received no complaints or had any incidents in relation to antisocial behaviour or indeed noise complaints. Ensuring that we run the venue with a conscious effort to the area and residents has been a significant part of our operation.

We cannot deny that there will always be an element of noise when all Licensed Premises close at the same time with a 'Hard Stop' – but this cannot be attributed to our venue solely when we actively ensure we disperse professionally from the venue with SIA Security Officers managing this. We are the only venue in Brixham providing this extra level of operational duty. A gradual and filtered period departure, would in my opinion help the matter, not increase it.

Noise and Outside Alfresco Area

Our venue closes all windows and doors before 11pm the latest – we have received no complaints in relation to noise since opening the venue in the past year and a half.

All music is run through a limiter maintained by Future Technical Solutions and checked twice annually. The limiter will not be changing, and any music played will continue to go through this limiter to ensure excessive noise does not emanate outside the premises – we have received no complaints in relation to noise since opening the venue.

Our outside area is vacated by 11.30pm with chairs stacked and locked – with only smoking taking place after this time and limited to 12 people. This area is right opposite and just 2 meters from where our Security Officer is situated, in full view for simplicity of managing the area. The area is also lit by our exterior lighting with CCTV clearly covering this area.

During dispersal – all customers will be in full visual view of staff and security – with the door open and closed behind them to aid noise reduction.

Conditions already placed on our license have been adhered to and I do not feel an extra hour of trade will change our ability to manage the same conditions for an extra one hour on a Friday and Saturday night.

It would appear all procedures and professional experienced management of the venue are in effect doing their job and working. I feel that this must be considered.

Conditions of our Premises License

I think it is worth mentioning that our Premises License is already adhered to with our business and venue upholding the Licensing Objectives – conditions on our license already prevent us from behaving in a manor to which some of the objections refer and there is no

evidence on the contrary that we have not adhered to our license or broken any licensing law or objective – moreover some refer to what could happen, what might happen or what happens at other premises. We cannot be held responsible for how other venues operate, are managed or disperse patrons.

On our Premises License there are a multitude of conditions which include the following – I consider these conditions to still be able to me maintained for an extra hour of service on a Friday and Saturday and cannot see any reason why we would stop managing the venue to the standards we have for the past year and a half.

The prevention of crime and disorder

- 1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with a recording system. All recordings shall be kept for a minimum of 30 days and copies of recordings shall be supplied to the police as soon as practicable, or at the latest within 7 days.*
- 2. Display of notice to show the PSPO Area – when providing Off Sales.*
- 3. Premises License Holder and/or DPS shall risk assess the requirements for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.*
- 4. The premises shall have a zero tolerance policy to illegal drug use – recording any seizures in the venue incident log.*
- 5. Customers using the outside area shall be monitored for any antisocial behaviour by staff*

Public safety

- 1. Premises License Holder to ensure that a First Aid Box is available in the venue and staff trained how to use it.*
- 2. Staff to ensure regular glass collection takes place inside and outside of the premises.*
- 3. Fire safety Risk Assessment will be carried out and regularly reviewed.*
- 4. The premises fire exits shall be clearly marked with an emergency lighting system in place.*
- 6. Firefighting equipment installed and maintained.*

The prevention of public nuisance

- 1. Clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.*

2. *A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.*
3. *When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity as quickly and quietly as possible.*
4. *Customers choosing to smoke directly outside the premises will be monitored by appropriately trained staff or SIA licensed door supervisors (if on duty) during opening hours.*
5. *The premises licence holder shall ensure that all discarded smoking litter from patrons is removed and properly disposed.*
6. *Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.*
7. *Deliveries of Kegs Bottles and other materials shall be carried out between the hours of 8am and 7pm.*
8. *Bottle bins will not be emptied after 9.30pm so as not to disturb local residents.*

The protection of children from harm

1. *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 within the Torbay Council Licensing Statement of Principles.*
2. *Challenge 25 posters shall be prominently displayed within the premises.*
3. *Customers under 18 years old shall not be permitted on the premises after 22.00hrs – unless accompanied by a responsible adult to attend a pre-arranged private function.*

Representations from the Public

I have clearly addressed the representations and objections anonymously made above – by expressing how we run the venue, our operation and conduct as a business with no complaints received to any responsible authority or ourselves.

Objection 1 The granting of our Full Variation will encourage other licensed premises to apply for extensions.

We are unable to speak for other licensed premises whom would need to apply and have their application scrutinised in the same way ours has been, and on their own merits.

Objection 2 Noise magnify sound around the Brixham Harbour area – history of site must fill many files and has been the source of numerous public order offences resulting in the license being removed from every pub operator to date. We

do not dispute that the current operator runs an efficient business (this is not the point). Issue is noise and antisocial behavior with all the drinkers going home. Issue with Karaoke from another venue. Concern that our site notice was not displayed clearly enough.

We agree with the Objection in as much as the history of the site was indeed tarnished by the previous owner and business model – however we cannot be held responsible for past actions as we have an exemplary record. We are very comforted by the fact that the objector confirms our management of the venue to be efficient (we consider this to be a very big point) and we also feel that a staggered approach to dispersal and not all venues having a ‘Hard Stop’ will actually reduce all the drinkers from all venues going home at once. We cannot be held responsible for another venues music policy or Karaoke. We can also confirm with the picture below that our site notice was displayed correctly, and a notice was placed in the Torbay Weekly publication.



Objection 3 I object on the basis that noise from people sat outside drinking and leaving the premises late at night.

Our outside area is vacated by 11.30pm with chairs stacked and locked – with only smoking taking place after this time and limited to 12 people. This area is right opposite and just 2 meters from where our Security Officer is situated, in full view for simplicity of managing the area. The area is also lit by our exterior lighting with CCTV clearly covering this area.

We have received no noise complaints and we believe the same management style will not change by adding one hour to opening on a Friday and Saturday.

Objection 4 Already affected by noise and disruption caused by our venue. Objector has been in dialog with Licensing about disruption already. More noise and more disturbance may be caused.

We have received no complaints whatsoever from any member of the public until now via this representation or our licensing body or licensing officer. More noise and more disturbance when we are unaware of any noise and any disturbance is hard to comment on – however by adhering to our license conditions and licensing objectives how we have been since opening the venue, will all but limit the issue with continued experienced management.

Objection 5 Concerns of negative impact on the community. Noise pollution, Public Safety may lead to antisocial behaviour and vandalism. Impact on community which is residential. Traffic and littering.

We cannot comment on the negative impact on the community only the positive aspect on the community in relation to our patrons and customers requirements and requests.

All music is run through a limiter maintained by Future Technical Solutions and checked twice annually. The limiter will not be changing, and any music played will continue to go through this limiter to ensure excessive noise does not emanate outside the premises – we have received no complaints in relation to noise since opening the venue, so noise pollution coming from the venue is clearly historically minimal.

In relation to public safety and vandalism, we feel that a staggered approach to dispersal and not all venues having a ‘Hard Stop’ will actually reduce all the drinkers from all venues going home at once. We have not been made aware of any vandalism from our patrons.

Our community is commercial and residential and in one of the most commercial areas on the Quayside for Hospitality Venues and also Brixham Harbour itself – the largest commercial business and second largest fish market in the UK which works throughout the night.

Objection 6 Impact on the community and noise pollution and general disruption. Noise levels from The Mermaid are currently already disruptive particularly late evenings and weekends. No benefits to local residents.

(Repetitious of a previous objection) **We cannot comment on the negative impact on the community only the positive aspect on the community in relation to our patrons and customers requirements and requests.**

All music is run through a limiter maintained by Future Technical Solutions and checked twice annually. The limiter will not be changing, and any music played will continue to go through this limiter to ensure excessive noise does not emanate outside the premises – we have received no complaints in relation to noise since opening the venue, so noise pollution coming from the venue is clearly historically minimal.

Objection 7 Residential Area and do not need any more late night noise – worried that many other places in the area will apply as well.

All music is run through a limiter maintained by Future Technical Solutions and checked twice annually. The limiter will not be changing, and any music played will continue to go through this limiter to ensure excessive noise does not emanate outside the premises – we have received no complaints in relation to noise since opening the venue, so noise pollution coming from the venue is clearly historically minimal.

In regards to late night noise, we feel that a staggered approach to dispersal and not all venues having a ‘Hard Stop’ will actually reduce all the drinkers from all venues going home at once.

Our community is commercial and residential and in one of the most commercial areas on the Quayside for Hospitality Venues and also Brixham Harbour itself – the largest commercial business and second largest fish market in the UK which works throughout the night.

Conclusion

I wholeheartedly feel our extension of one hour on Friday and Saturday evening is a reasonable and balanced approach to providing what is needed for necessary growth of our business and provision to residents and customer requests, whilst taking into account the area for which we are situated. I do not feel our professional management of the venue will change or we will start disregarding the Licensing Laws, the conditions of our Premises License or our ability to continue to run a well-maintained business by extending our service period by one hour. I am more than happy to address any concerns should our license be granted and work with any member of the community and offer a drop in session should we have any issues locally or concerns by local residents. We will also continue to uphold the Licensing Objectives as we do in all our venues, all the time.

Clarification was sought for Pre-Application Advice from Torbay Council to ensure that all Responsible Authorities would be happy and content should we apply and asked for any

advice or conditions they would like to request prior to our application – two of which were added to our application prior to processing. No representations have been made from the Responsible Authorities – which I am very pleased to hear as they are considered experts in their respective fields and been our main source of advice prior to application and seem satisfied that our application met their rigorous promotion of the licensing objectives.

In regards to The Mermaid (ex Hennessey Cocktail Bar) – I feel our turnaround of the venue in the past year and a half shows our ability as a business to operate in accordance with our license, listen to issues and harmonise what was a residential nightmare so a business could still operate and adapt, while listening and being understanding – this is the final step in that process.

I hope this representation on behalf of The Mermaid truly helps in the deliberations with Councillors. This is a transparent approach to help make the right decision and meet our responsibilities and Licensing Policy of the Authority.

Yours sincerely ,



W. Ford
Managing Director | Greenway Group Ltd.

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TQ5 8AW

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Inspirations | Another Chapter | La Petite Maison Bistro & Holiday Lets | The Mermaid
Olive Mediterranean Restaurant & Wine Bar

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Dispersal Policy

**The Mermaid
2 King Street
Brixham
TQ5 9TF**

To be implemented in conjunction with
Premises License, Licensing
Conditions – maintaining the Licensing
Objectives

The Greenway Group Ltd. May 2023

People Arriving, Departing & in the Vicinity Dispersal Policy

1. The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
2. The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
3. Despite the Premises' harbourside location, employees are made aware that local residents live close by.
4. This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night – especially on Friday and Saturday.

Entrances and Exits

5. The main entrance/exit of the Premises is located on the Coastal Path on the waters edge of the harbourside. This area will be managed by SIA staff at weekends or overseen by the Duty Manager from inside the Premises during busy periods where deemed necessary.
6. In the event of an emergency, use of the main entrance door, open sliding door and rear exit can be used with access behind the bar.

Dispersal

7. It is anticipated there will be a natural dispersal of patrons throughout the evening. Customers are expected to depart the Premises in a gradual and controlled manner naturally until close – then be monitored more closely after the hours of 11pm.
8. All licensable activities will cease 30 minutes prior to the terminal hour with any customers remaining at that time leaving the Premises in a gradual and controlled manner until close – this should be managed by staff or SIA badged Security.
9. Towards closing time the following measures, where appropriate, are taken to ensure a gradual and quiet closure of the Premises:
 - Raised lighting levels.
 - Politely reminding customers the Premises is about to close.
 - Asking customers if they require a taxi and advising customers to wait inside the Premises.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

11. Where appropriate, customers will be directed to nearby transport and requested to leave quietly.

SIA Requirement or Duty Manager

12. SIA licensed door supervisors or Duty Manager based FOH shall be on duty at the Premises on Friday and Saturday evening from 9pm whilst the venue is open and carrying out licensable activities. SIA staff must correctly display their SIA licences when on duty so as to be visible.

Transport

13. Customers arrive and depart by various modes of transport, including by foot and private car.
14. The Premises are serviced by various Taxi options. All staff will be familiar with local taxi services and bus services (if required).
15. In the event a customer is waiting for a car home, the customer will be requested to wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

Closing Procedure

16. Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure promotes a quick and quiet closure of the Premises.
17. Management controls include:
 1. Ensuring all customers will be off the premises by the authorised closing times. There are no exceptions to this rule whatsoever.
 2. A prompt clean and clear up of the Premises as soon as possible after closure.
 3. Employees must leave the Premises quickly and quietly, at all times following the Dispersal Policy set out above.
 4. Employees are not permitted to loiter outside the Premises after closing.
 5. The area immediately outside the Premises shall be swept and cleared, with litter and sweepings collected stored in accordance with the approved refuse storage arrangements by close of business

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