



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
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