

Memorandum

To: Licensing and Public Protection	From : Mr Karl Martin
c.c	Contact :
c.c.	Ext : TORBAY COUNCIL 01803 208025
c.c	My Ref : 1ZV SRU No: 18 JUN 2015
For the attention of: Mandy Guy, Licensing Officer	Your Ref : COMMUNITY SAFETY
	Date :

Subject: Review of Shiraz, 2 Vaughan Parade, PL0415

Please find enclosed additional supporting documents I wish to submit as part of the review application for Shiraz bar, 2 Vaughan Parade. For convenience please find below a table of contents:-

Supplementary information

- Appendix 1 - Proposed additional conditions
- Appendix 2 - Aerial and street view of Shiraz bar
- Appendix 3 - Premise Licence PL0415
- Appendix 4 - Overview of the Live music Act and recorded music de-regulation
- Appendix 5 - Correspondence between Torbay Council and Mr Javadi since 2011
- Appendix 6 - Correspondence from local residents regarding noise complaints
- Appendix 7 - Witness statements from Torbay Council Officers.
- Appendix 8 - Cafe permit particulars.
- Appendix 9 - DVD Footage

Karl Martin
Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council



Appendix 1

Proposed additional conditions for Premises licence PL0416. As of 17th June proposed conditions agreed with Mr Javadi:-

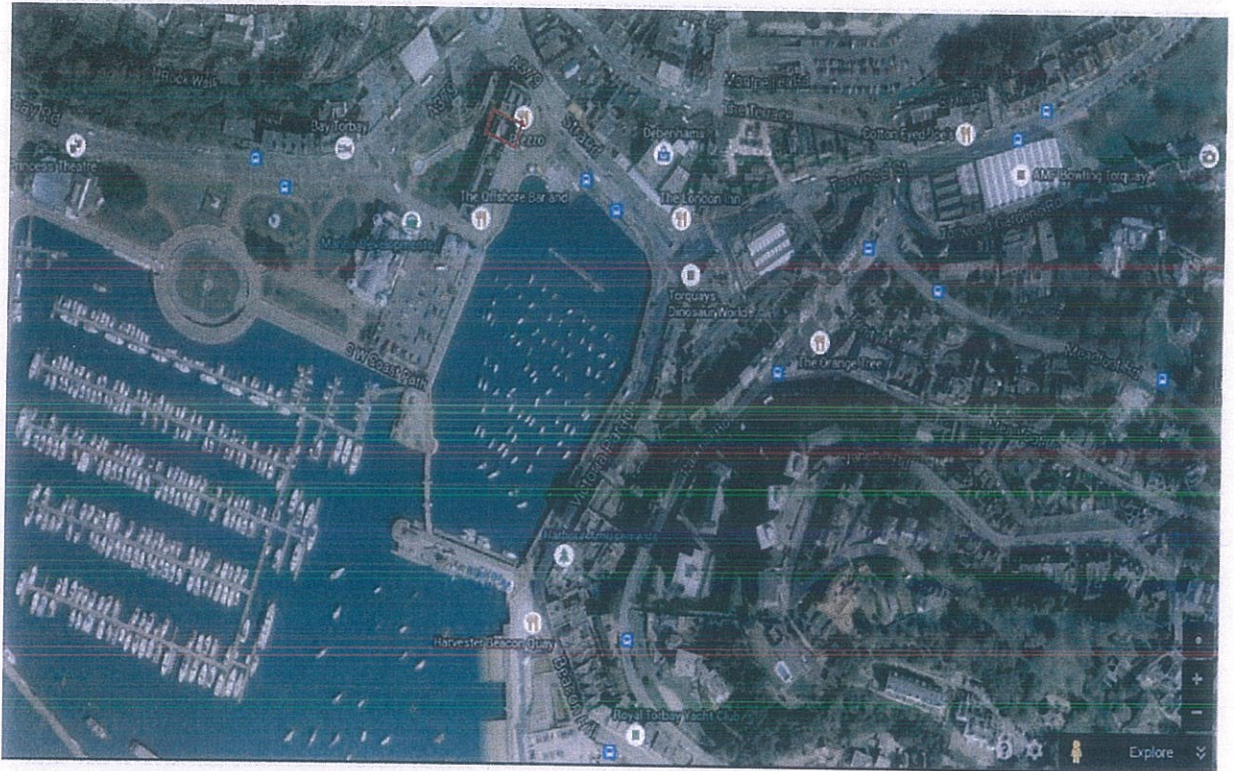
The Prevention of Public Nuisance

Conditions 1, 2, 3, 4 & 6 attached to premises licence PL0415 are in pursuant with s177A(4) of the Licensing Act 2003. s117A(1)&(2) of the Licensing Act 2003 does not apply to the aforementioned conditions:-

1. Live amplified music is prohibited in the premises outside area, as shown on the premises plan at all the times the premises are authorised for the sale of alcohol.
2. Recorded amplified music is prohibited in the premises outside licensed area, as shown on the premises plan at all the times the premises are authorised for the sale of alcohol.
3. There shall be no exterior sited speakers on the premises or speakers in the premises doorways and lobbies.
4. Performance of live and recorded music in the internal licensed area must at all times be played through a noise limiter which is to be set and maintained at a level agreed with Torbay Council's Licensing and Public Protection Team.
5. The noise limiter must be installed and the levels agreed within 4 weeks of the review hearing.
6. No changes shall be made to the public address system or the noise limiter without prior written permission of Torbay Council's Licensing and Public Protection Team.
7. The premises boundary of the outside licensed area must be demarcated with a suitable and sustainable barrier when in use. The style and format of the barrier to be agreed with Devon and Cornwall Police Constabulary, Torbay Councils Highways department and Torbay Council's Licensing and Public Protection Team. Barriers to be installed within 6 weeks of the review hearing.

Appendix 2

Aerial view of Shiraz – premise indicated by red boundary



Street view of Shiraz -



Licensing Act 2003

NO

Premises Licence**415**

LOCAL AUTHORITY



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

Part 1 - Premises Details

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

Shiraz

2 Vaughan Parade, Torquay, Devon, TQ2 5EG.

Telephone 01803 200201

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- 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
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	2:00am
	New Year's Eve	11:00pm	3:00am
M. the sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	2:00am
	New Year's Eve	10:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	2:30am
New Year's Eve	9:00am	3:30am

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

Mohammed Javadi

2a Vaughan Parade, Torquay, Devon, TQ2 5EG.
Telephone 01803 200201 or 01803 200002

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



Licensing Act 2003

Premises Licence

415

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

Mohammed JAVADI

2a Vaughan Parade, Torquay, Devon, TQ2 5EG.
Telephone 01803 200201 or 01803 200002

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. PA0941

Issued by Torbay



Frances Hughes

Assistant Director of Environmental Health and Consumer Protection

21 December 2005



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.

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
 - (b) In respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

None

The Prevention of Crime and Disorder

1. Persons leaving the premises and using adjacent car parks and highways shall be reminded to conduct themselves in an orderly manner and not to cause annoyance to residents.
2. Custom must not be sought by means of personal solicitation outside or in the vicinity of the premises.
3. Where appropriate, sufficient numbers of suitably trained door staff/ stewards must be provided on the premises.
4. Door staff must be licensed with the Security Industry Authority (SIA).
5. Membership in the Nitenet Radio link must be maintained.



6. CCTV must be provided and maintained in good working order.
7. Staff must be trained appropriately in the prevention of the sale of alcohol to persons under the age of 18 years.
8. Regular glass and bottle collection must be undertaken throughout the premises.
9. Cigarette machines must be under the supervision of the management.
10. Cigarettes must not be sold to any person under the age of 16 and signage to this effect must be displayed.

Public Safety

1. Adequate access must be provided for emergency vehicles.
2. All parts of the premises and all fixtures, fittings and apparatus therein must be maintained in safe and good working order at all times.
3. Suitable and sufficient lighting to the toilets shall be provided.
4. Where the premises are made available for regulated entertainment at least one first aider must be present.
5. A member of staff shall be designated to manage any first aid emergency which may arise.
6. Emergency exits must remain free from obstruction at all times.
7. The hanging of clothing and storage of any article shall be prohibited in corridors, passageways, gangways or exits.
8. Seating must not obstruct access to any exit doors at any time.
9. All electrical installations must be inspected by a competent electrician every three years. The Certificate of Fitness obtained shall be produced to any authorised officer on demand.
10. Emergency lighting must be provided and maintained in good working order.
11. Fire equipment provided to the premises shall be managed by a competent, trained individual while the public are on the premises. This individual must be immediately available at all times.

The Prevention of Public Nuisance

1. Noise or vibration which may cause persons in the neighbourhood to be unreasonably disturbed must not emanate from the premises.
2. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
3. Bottle skips and bins containing cans or bottles must not be emptied outside after closing but will be dealt with the next day during normal office hours.
4. The movement of bins and rubbish outside the premises must be kept to a minimum after 23:00hr.

The Protection of Children from Harm

1. Bar staff must be suitably trained to prevent the sale of alcohol to persons under the age of 18 years.

Conditions Transferred from Full On Licence

1. Full CCTV system to be maintained and used at all times the premises are open to the public and to include full recording facilities and a monitor behind the bar server for viewing by staff. All recordings to be kept for a minimum of 31 days during which period the police shall have access at any reasonable time.
2. The consumption of intoxicating liquor shall be confined to the premises and the areas adjacent thereto designated under the terms of a Pavement Cafe Permit issued by the Local Authority whilst such permit is in force providing persons are seated at tables within the areas designated by such Permit.



Restrictions transferred from the On Licence

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

General

None

The Prevention of Crime and Disorder

1. A CCTV system of an evidential standard to be installed to the satisfaction of the Police, and the system to be in operation at all times the premises are open to the public. All recordings from that system to be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes after 00:30hr, SIA door staff to be employed from 21:00hr until closing.
3. All drinks to be served in shatterproof glasses and no alcohol to be served in glass bottles from which bit is intended or likely



LOCAL AUTHORITY



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

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

Shiraz

2 Vaughan Parade, Torquay, Devon, TQ2 5EG.

Telephone 01803 200201

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- 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
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	2:00am
	New Year's Eve	11:00pm	3:00am
M. the sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	2:00am
	New Year's Eve	10:00am	3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	2:30am
New Year's Eve	9:00am	3:30am

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mohammed Javadi

2a Vaughan Parade, Torquay, Devon, TQ2 5EG.

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



Entertainment Legislative Reform Order Approved

Published Date: 28/Jul/2014

The Legislative Reform (Entertainment Licensing) Order 2014 together with an Explanatory Document that was laid before parliament on 8 July 2014 by the Department for Culture Media and Sport has now been approved by the Delegated Powers and Regulatory Reform Committee

This means that the entertainment deregulatory measures set out in the Legislative Reform Order will now certainly become law when the order comes into force on the 6th of April 2015.

The LRO will amend Schedule 1 and section 177A of the Licensing Act 2003 to deregulate certain types of regulated entertainment in defined circumstances, as summarised below.

Live music in relevant alcohol licensed premises and workplaces

The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.

Recorded music in relevant alcohol licensed premises

Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.

Live and recorded music exemptions

Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.

Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.