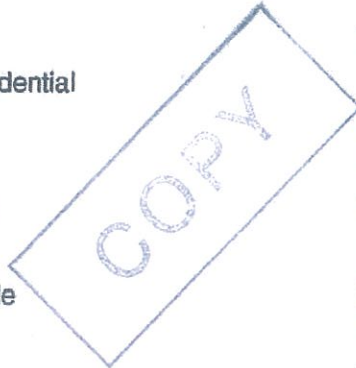




**Please reply to:**  
Mark Maries, Legal Services,  
Town Hall, Castle Circus  
Torquay TQ1 3DR

Private and Confidential

Mr M Javadi  
MGM Torbay Ltd  
T/A Shiraz  
2 Vaughan Parade  
Torquay  
TQ2 5EF



**My ref:** MSM/  
**Your ref:**  
**Telephone:** 01803 207165  
**Fax:** 01803 207153  
**E-mail:** Mark.Maries@torbay.gov.uk  
**DX No:** 59006 TORQUAY 1  
**Website:** www.torbay.gov.uk  
**Date:** 11 June 2015

Dear Sir,

**Re: Breach of Pavement Cafe Licence**

I write further to your Pavement Cafe Licence and to the conditions contained within that Licence to which you are required to comply with, and by signing it you have agreed to comply with them.

The Council has evidence that you have breached some licence conditions and accordingly it is serving on you a Warning Notice together with appendices pursuant to Section 115K of the Highways Act 1980.

Please note that any future failure to comply with this Notice may result in your Licence being revoked pursuant to Condition 22 of your Licence. This letter along with the enclosed Warning Notice will be used as evidence in any future enforcement action should further breaches occur.

Yours faithfully,

A handwritten signature in blue ink that reads "Mark Maries".

**Mark Maries**  
Senior Lawyer (Licensing, Litigation & Insurance)  
Legal Services

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Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.



**TORBAY COUNCIL  
HIGHWAYS MANAGEMENT  
(Highways Act 1980)**

Highways Management  
Network Management  
Lower Ground Floor  
Town Hall  
Torquay  
TQ1 3DR

Tel: 01803 207719

Date 10 June 2015

**Notice of Contravention of S115F Conditions of Pavement  
Café Licence Issued Under S115E Highways Act 1980**

To Mr M Javadi,  
MGM Torbay Ltd T/A Shiraz,  
2 Vaughan Parade,  
Torquay  
TQ12 5EF

It has been noted that you have not complied with the conditions associated with the pavement café licence issued to you in respect of the above premises or known as Shiraz. Namely:-

1. You have tables, chairs and umbrellas outside of the permitted 8 metre area located in Vaughan Parade and your customers are also eating and drinking food and drink purchased from your premises outside of the permitted area contrary to Conditions 5 (a), (b) and (d) of your Licence. Please see Appendix 1 Licence Plan and Appendix 2 Photograph taken on 19 April 2015 both attached.
2. Persons consuming alcohol purchased from your premises and sat at your table and chairs which are outside of the permitted area are committing an offence under The Torbay Council Alcohol Consumption in Designated Public Places 2003 Central Torquay Order (hereinafter referred to as "the Order") contrary to Condition 13 of your Licence. Please see Appendix 3 "the Order" also attached.

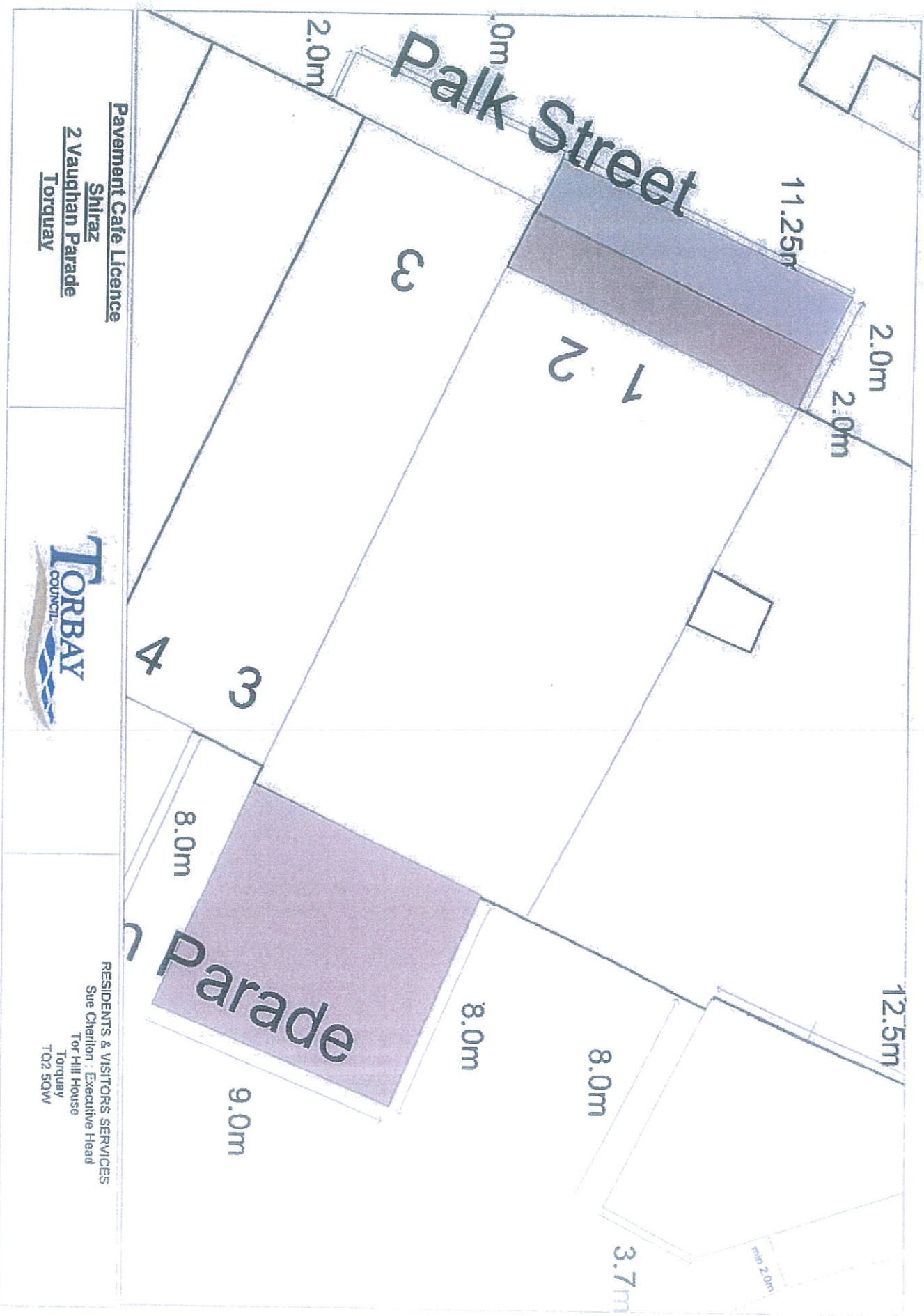
Torbay Council (hereinafter referred to as "The Council") as the Highway Authority in pursuance of the powers conferred by Section 115 of the Highways Act 1980 **HEREBY GIVE YOU NOTICE THAT YOU ARE REQUIRED IMMEDIATELY** to comply with this notice and ensure that no future breaches occur.

Please contact the Principal Engineer (Network Management) if you have any queries pertaining to this matter at Lower Ground Floor, Town Hall, Castle Circus, Torquay, TQ1 3DR, Telephone (01803) 207719.

Signature

Designation

Principal Engineer



Pavement Cafe Licence  
Shiraz  
2 Vaughan Parade  
Torquay



RESIDENTS & VISITORS SERVICES  
Sue Cheriton : Executive Head  
Tor Hill House  
Torquay  
TQ2 5DW

Appendix 2 - Photograph  
taken 19 April 2015



**THE CRIMINAL JUSTICE AND POLICE ACT 2001**

**THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2001**

**THE TORBAY COUNCIL ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES 2003 CENTRAL TOROUAY ORDER**

The Torbay Council (in this Order called "the Council") hereby make the following Order:-

1. The area of land including and bounded by the highways as described in Schedule 1 below and shown edged red on the Map attached to this Order, being land in the area of the Council which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated under Section 13 for the purposes of that Act as a public place where public drinking will be prohibited. In any conflict between Schedule 1 and the Map Schedule 1 shall prevail.

All highways described will include the entire highway, namely the outer perimeter of the highways and pavements. The Schedule 1 definition represents an outside boundary and anything within it is that is a public place within the meaning of the Act will be subject to the ban.

A "public place" under the Act means any place to which the public or any section of the public has access, on payment or otherwise as of right or by virtue of express or implied permission.

However, under the Act a place is not a designated public place or a part of such a place if it is:-

- (a) a licensed premises or registered club;
- (b) a place within the curtilage of any licensed premises or registered club;
- (c) a place where the sale of intoxicating liquor is for the time authorised by an occasional permission or was so authorised within the last 20 minutes;
- (d) a place where the sale of intoxicating liquor is not for the first time being authorised by an occasional licence but was so authorised within the last 20 minutes;
- (e) a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of permission granted under Section 115E of the Highways Act 1980 (highway related uses).

The effect of the Order is that the Police have power under Section 12 of the above Act to require a person in the Central Torquay Designated Area not to drink alcohol in that Area where the Officer reasonably believes that the person is, has or intends to do so and to surrender any alcohol containers (other than sealed containers) in the persons possession. Failure to comply with an Officer's requirements in respect of public drinking or surrender of alcohol there, without reasonable excuse, will be an arrestable offence. Any person committing such an offence will be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale (currently £500).

2. By virtue of Section 15 of the Act the Consumption of Intoxicating Liquor in Designated Places Byelaws which came into operation on the 10th April 1995 in respect of the Streets, Pleasure Grounds and Open Spaces described in Schedule 2 shall cease to have effect upon the operation of this Designation Order.
3. This Order may be cited as the Torbay Council Alcohol Consumption in Designated Places 2003 Central Torquay Order and shall come into force on 25th July 2003.

SCHEDULE 1

Starting from the main entrance at Torquay Police Station on South Street turn right and travel into Belgrave Road to its junction with Torbay Road. Turn left along Torbay Road extending to the South to include Princes Parade, Princess Pier and Vaughan Parade. Turn right along Victoria Parade into Beacon Hill to its junction with Park Hill Road, incorporating South Pier, Beacon Quay and Haldon Pier. Turn left into Park Hill Road, then right into Torwood Gardens Road to its junction with Babbacombe Road, incorporating Torwood Close. Turn left into Babbacombe Road and then right into Museum Road, continue into Montpellier Road and left into Braddons Hill Road West towards the General Post Office Roundabout. Continue into Pimlico turn right into Market Street and then Princes Road to its junction with Victoria Road. Turn left into Victoria Road to its junction with Hatfield Road and left into Ellacombe Road. Travel back down Market Street but incorporating Briary Lane, St Michael's Terrace and Union Square Car Park. Then right into Market Way incorporating the Union Square Shopping Centre to its junction with Union Street. Turn right into Union Street to Castle Circus. Incorporate all of Castle Circus to its junctions with Castle Road and St Marychurch Road. Travel along Lymington Road until one reaches its junction with Chatto Road. Travel back down Lymington Road, turn right into Upton Road crossing over Union Street and back into South Street until one reaches Torquay Police Station.

SCHEDULE 2

STREETS

Cary Parade	Whole Street.
Fleet Walk	Whole Street.
Market Street	Along its length from its junction with Union Street to its junction with Ellacombe Road and Princes Road.
Strand	Whole Street.
Tor Hill Road	From its junction with Abbey Road to Castle Circus.
Torwood Street	From its junction with Strand to its junction with Torwood Gardens Road.
Union Street	From its junction with Trematon Avenue along its length to GPO roundabout.
Vaughan Parade	Whole Street.
Victoria Parade	From its junction with Torwood Street to its junction with Beacon Hill.

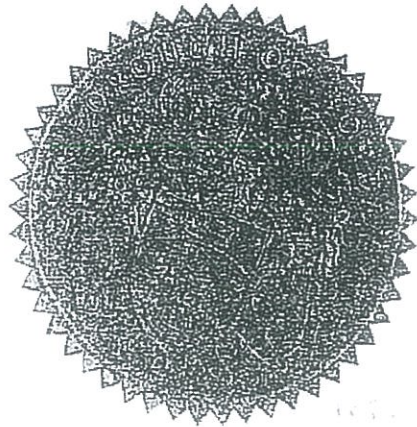
PLEASURE GROUNDS AND OPEN SPACES

Ellacombe Green  
Memorial Gardens (Union Street)  
Torwood Gardens

THE COMMON SEAL OF THE COUNCIL  
OF THE BOROUGH OF TORBAY was  
hereunto affixed in the presence of:

25/6/51

Proper Officer and  
Authorised Signatory



# Designated No Drinking Areas

