

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218400

19 March 2018

Dear Sir/Madam

Torre Abbey, Kings Drive, Torquay, TQ2 5JE

I refer to an application for the variation of Premises Licence number PL0903 in respect of the above named premises, submitted by Mr Joseph Harvey, on behalf of the applicants, Torbay Council.

This application seeks to add off sales of alcohol to the licence, and to vary the terminal hour for the sale of alcohol from 2330 hrs daily to 0130 hrs daily, with the premises closing at 0200 hrs.

My Police Licensing Officer, Mrs Julie Smart, was contacted by Mr Harvey concerning this proposed variation in August 2018. At that time Torbay Council were seeking to add off sales and vary the sale of alcohol until 0100 hrs daily. Mrs Smart advised Mr Harvey that the police would agree to this variation and she recommended the following:

To add the below conditions to the licence:

1. *All alcohol sold for consumption off the premises, shall be supplied in sealed containers.*
2. *For events where licensable activities will take place both indoors and outdoors, where tickets are sold to the general public, and where the anticipated attendance will be in excess of 500 persons, the following conditions will apply:*
 - a) *An Event Management Plan shall be submitted to the Public Safety Advisory*

- Group (PSAG) at least 4 months in advance of any event, and*
- b) The event shall be run in accordance with the Event Management Plan approved by the PSAG.*
- 3. For all other events where a part, or parts of, the premises are used for licensable activities (other than events which are restricted to the hirer and his/her invited guests, for example weddings), the DPS shall risk assess the need for SIA registered door stewards and employ such number of stewards and at such times as determined by that risk assessment."*

Condition 5, The Prevention of Crime and Disorder:

Remove "All drinking glasses in which drinks are served shall be made of plastic or toughened glass. Drinks, whether in drinking glasses or opened bottles, shall not be removed from the premises" and replace with "All drinking glasses in which drinks are served shall be made of plastic or toughened glass. No drinks shall be removed from the premises, unless they are in sealed containers and sold for consumption off the premises".

Condition 5, Public Safety

The condition on the licence states "At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment". Mrs Smart recommended that this condition be removed or amended dependant on whether the Council ensures that a first aider is present at events such as weddings.

Protection of Children from Harm

Add – "The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined with the Torbay Council's Licensing Statement of Principles".

A copy of Mrs Smart's email to Mr Harvey regarding the above is attached for your information.

In November 2017 Mrs Smart was again contacted by Mr Harvey, who then requested that the premises be allowed to sell alcohol until 0130 hrs daily. Mrs Smart advised Mr Harvey that the police would agree to the further variation of hours and she assumed that her previous recommendations would be taken on board.

Mrs Smart has now had the opportunity to study the submitted application and has identified that whilst conditions 2 and 3 above have been included in the application, the other recommendations she made do not appear to have been considered.

In relation to condition 5 under the heading The Prevention of Crime and Disorder. Mrs Smart suggested that this condition was amended as the second part of this sentence only refers to drinking glasses and open bottles and does not consider the sale of cans, which should also only be supplied in sealed containers for off sales. The police therefore request that the Licensing Authority impose the recommended condition numbered 1 above, and amend the existing licence condition as suggested.

In respect of condition 5 under the heading "Public Safety" concerning a qualified first aider being present on the premises at all times the premises are available for regulated entertainment, the police do not know whether this condition is being complied with at certain events, such as weddings, but we note that the applicant has not sought to remove this condition within the application.

In respect of the above suggested Challenge 25, this has not been included within the application.

In addition, I can advise you that on 12 March 2018 Mrs Smart requested Mr Harvey to forward her a copy of Torbay Council's Child Protection Policy, as referred to in condition 2 on the current licence, to enable her to fully consider this application. Mrs Smart requested that she receive a copy of this document by no later than Monday 19 March 2018, ie the last day of the consultation period.

However, towards the end of the week commencing Monday 12 March 2018, as Mrs Smart had not received any communication from Mr Harvey, she discussed the matter with Mrs Mandy Guy, Senior Licensing Enforcement Officer of Torbay Council. Mrs Guy told Mrs Smart that she had requested a copy of this policy from Mr Phil Black, Events Manager of Torbay Council. Mr Black told Mrs Guy that he had requested this document from Mr Harvey on several occasions but Mr Harvey had not produced it.

At 1733 hrs on Friday 16 March 2018 Mrs Smart received the attached email from Mr Harvey in relation to her request for this document, in which he states "I wanted Phil to advise on an update to the policy, it will be with you shortly. Thank you for your patience".

As this application does not include any additional conditions in relation to the Protection of Children from Harm it appears that the applicants do not consider that selling alcohol from this premises for an additional 2 hours will have any negative impact on the safety of children or young persons under the age of 18. The police therefore request that the following conditions are also imposed on the licence:

1. No under 18's shall be permitted in the premises or within the licensed area after 11.00 pm.
2. All children under the age of 16 shall be accompanied by a responsible adult.

3. The premises shall operate a Challenge 25 Policy and any individual who appears under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

The police request these conditions as the Torbay Council Licensing Statement of Principles 2016-2022 recommends that applicants have a Challenge 25 Policy and that they consider imposing an age limit on attendance. Furthermore the mandatory condition on the licence requires the premises to have an age verification policy.

For your information, all licensed premises within Torbay that sell alcohol after midnight, are prohibited from allowing under 18's into their premises after a specified time, usually around 2200 hrs. The police consider that this sends out a clear message that underage drinking will not be tolerated and by excluding this age group it makes the supervision of licensed premises much easier.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Head of Alliance Prevention Department

Guy, Mandy

From: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Sent: 16 August 2017 14:53
To: Harvey, Joseph
Cc: Black, Phil
Subject: RE: Torre Abbey licence variation

Joseph

I have now had time to consider your proposed variation to the Torre Abbey licence and I would recommend the following:

1. In relation to the provision of OFF sales of alcohol. The police would have no objection to this, within the times indicated below, but we would ask that you include the following condition. *"All alcohol sold for consumption off the premises, shall be supplied in sealed containers"*.
2. In relation to the variation to allow all licensable activities indoors to continue until 1.00 am, the police will support this but we would ask you to include the following conditions:
"1. For events where licensable activities will take place both indoors and outdoors, where tickets are sold to the general public, and where the anticipated attendance will be in excess of 500 persons, the following conditions will apply:
 - a) *An Event Management Plan shall be submitted to the Public Safety Advisory Group (PSAG) at least 4 months in advance of any event, and*
 - b) *The event shall be run in accordance with the Event Management Plan approved by the PSAG.**2. For all other events where a part, or parts of, the premises are used for licensable activities (other than events which are restricted to the hirer and his/her invited guests, for example weddings), the DPS shall risk assess the need for SIA registered door stewards and employ such number of stewards and at such times as determined by that risk assessment."*

The police would ask you to include these conditions to ensure that events that may impact on the licensing objectives are considered by PSAG (ie Grinagog), whilst other events can be managed by the premises following risk assessment by the DPS. We accept that weddings do not generally cause any concern and hence I have tried to word the conditions so that these are not affected by the above conditions. If you are able to come up with a suitable alternative condition that you think is easier to understand or better reflects the way you intend to use the premises in the future, we will of course be happy to give this matter further consideration.

Having read through your licence I would also suggest the following amendments:

The Prevention of Crime and Disorder:

Condition 5 – "All drinking glasses in which drinks are served shall be made of plastic or toughened glass. Drinks, whether in drinking glasses or opened bottles, shall not be removed from the premises". I suggest this is amended to read "All drinking glasses in which drinks are served shall be made of plastic or toughened glass. No drinks shall be removed from the premises, unless they are in sealed containers and sold for consumption off the premises".

Public Safety

Condition 5 – "At least one qualified first aider shall be present on the premises during the whole time the premises are made available for regulated entertainment". Is this being complied with? is there a first aider at all weddings? If not, remove the condition or amend it to reflect when you anticipate having first aiders present.

Protection of Children from Harm

Add – “The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined with the Torbay Council’s Licensing Statement of Principles”.

One thing I did notice whilst reading through the existing licence is that films can only be shown outdoors until 2300 hrs. I note that between 17 and 27 August 2017 you are intending to hold an outdoor cinema showing a number of films and that the start time for all films is 2100 hrs. I would strongly advise you to check the length of the films you are showing as I believe that Sofia Coppola’s La Traviata is between 2 ½ and 3 hrs long depending what website you look on. I think a couple of the other films may also be just over 2 hrs long. I also recommend that you allow an additional period of time in case you experience any technical difficulties. As the first film is being shown tomorrow night, I don’t know how you can get the message out to all prospective customers, but I think you are going to need to start the film well before 2100 hrs in order to comply with the requirements of the licence. I would take this opportunity to remind you that failure to comply with the terms of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, 6 months imprisonment, or to both. Hopefully you will appreciate the seriousness of this matter, and take action to ensure that the films finish just before 2300 hrs.

If you want to discuss any of the above further, please give me a ring, or I am happy to meet with you if you prefer.

Regards

Julie

From: Harvey, Joseph [mailto:Joseph.Harvey@torbay.gov.uk]
Sent: 14 August 2017 13:12
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: RE: Torre Abbey licence variation

Hello Julie,

Thank you for coming back to me and for giving this your time, Karl Martin and Lisa Jennings have both noted the outdated conditions and control measures currently in the licence, I am away for a couple of weeks so there is no rush.

Kind regards,

Joseph Harvey
Operations & Collections manager

Torre Abbey Historic House and Galleries
The Kings Drive,
Torquay,
TQ2 5JE

Joseph.Harvey@Torbay.gov.uk
07825365215
01803293593

TorreAbbeyMuseum

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Face

From Paint to Pixels
Contemporary Artists Su
A select exhibition curated from the



Sustaining and transforming our heritage



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From: SMART Julie 50403 [<mailto:Julie.SMART@devonandcornwall.pnn.police.uk>]
Sent: 11 August 2017 12:03
To: Harvey, Joseph
Subject: RE: Torre Abbey licence variation

Hello Joseph

Sorry I haven't got back to you sooner. I'll have a look at the licence next week and see if there is anything else that could do with changing. I don't think the addition of off sales will be a problem but I'll have to come up with some suitable conditions about when door stewards will be required if you want to extend all the licensable activities until 1.00 am.

I'll get back to you as soon as I can next week.

Regards

Julie

From: Harvey, Joseph [<mailto:Joseph.Harvey@torbay.gov.uk>]
Sent: 08 August 2017 10:29
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Torre Abbey licence variation

Hello Julie,

I would like to seek your advice and guidance prior to submitting a requested full variation to our licence.

Torre Abbey is wishing to submit a licence variation to accommodate 2 changes;
-adding the sale by retail of alcohol to be consumed off the premises, likely to the time frame of 09:00 – 20:00
In line with the practise of similar businesses locally and nationally we wish to offer our visitors an opportunity to purchase high end locally sourced alcoholic beverages as gifts and memento's.
-alter the time to to 01:00 for all 'indoors' licensable activities currently on our premises licence

We continue to have a number of TENS for private functions (weddings mainly) and wish to be able to control this under our licence as we look to manage bars with a regular trusted contractor through a tender or internally. We have identified this as a possibility now Karl Martin has greater confidence in the spaces (particularly the Spanish barn) to not cause public nuisance. Most notable from the number of large weddings last year (30+), and Grinagog, not having noise complaints related to the use of the Spanish barn.

Would you have any concerns or recommendations?

Kind regards,

Joseph Harvey
Operations & Collections manager

Torre Abbey Historic House and Galleries
The Kings Drive,
Torquay,
TQ2 5JE

Joseph.Harvey@Torbay.gov.uk
07825365215
01803293593

The poster features the text 'Torre Abbey Museum' in the top left, 'Face' in large stylized letters in the center, and 'From Point to Pixels Contemporary Artists Su' below it. At the bottom left are social media icons for Facebook, Twitter, and Instagram. At the bottom right is the text 'A select exhibition curated from the'. Logos for 'Heritage Lottery Fund' and 'TORBAY COUNCIL' are at the bottom.

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Guy, Mandy

From: Harvey, Joseph <Joseph.Harvey@torbay.gov.uk>
Sent: 16 March 2018 17:33
To: SMART Julie 50403
Subject: RE: VARIATION TO TORRE ABBEY LICENCE

Hello Julie,
I wanted Phil to advise on an update to the policy, it will be with you shortly. Thank you for your patience.

Kind regards,

Joseph Harvey
Operations & Collections manager
Torre Abbey Historic House and Galleries
The Kings Drive,
Torquay,
TQ2 5JE

Joseph.Harvey@Torbay.gov.uk
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From: SMART Julie 50403 [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]
Sent: 12 March 2018 13:05
To: Harvey, Joseph <Joseph.Harvey@torbay.gov.uk>
Subject: VARIATION TO TORRE ABBEY LICENCE

Good afternoon Joseph

I'm currently looking at the variation application you have submitted for Torre Abbey.

On looking at the existing licence I note that there is a condition which says "The premises shall adhere to Torbay Council's Child Protection Policy". Please can you send me a copy of that policy as soon as possible as I need to respond to your application by no later than 19 March 2018.

Thanks

Julie Smart
Police Licensing Officer – Torbay
01803 218900
07921 933974

How to contact the police – ClickB4UCall

Includes: online crime reporting, 101 email, help from other organisations, community messaging, British Sign Language videos, third party reporting, Police Enquiry Offices

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