

Licensing Act 2003
Premises Licence

433

LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 c/o 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 Terrace Bar

12/14 The Terrace, Torquay, TQ1 1BN.

Telephone 01803 390180

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
B. Exhibition of films (Indoors)	Monday to Sunday	10:00am	2:00am
E. Performance of live music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	Noon	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	1:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	Noon	Midnight
L. Late night refreshment (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00pm	2:00am



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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

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 On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	2:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	3:00am

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
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Part 2

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

Terrace Restaurant Torquay Limited	37 Shiphay Lane, Torquay, TQ2 7DU.
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Terrace Restaurant Torquay Limited	10464455
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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jamie John LAWRENCE	18 Market Street, Torquay, Devon, TQ1 2AQ. Telephone 01803 201501
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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. PA2870	Issued by Torbay
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Stephen Cox

Steve Cox
 Environmental Health Manager
 21 April 2017



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 available to customers in the following measures:-



ANNEXES continued ...

- (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.

MANDATORY CONDITION: EXHIBITION OF FILMS

Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

Where -

the film classification body is not specified in the licence, or

the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.



ANNEXES continued ...

In the case of the aforementioned conditions
“children” means persons aged under 18; and
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.

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)

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.

In respect of premises in relation to-
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
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:-

“security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and

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

1. The licensees shall continue to work closely with the police in all matters that shall arise.

The Prevention of Crime and Disorder

1. There must be a member of staff allocated to clear used glasses regularly and a system must be in place to deal with spillages.
2. As far as is practical, that persons on or leaving the Premises and using adjacent car parks and highways must be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by. This shall be done with the use of signage and staff asking them politely to be as quiet as possible.
3. Clear and conspicuous notices warning of potential criminal activity (example drink spiking) within the premises that may target patrons of the premises shall be displayed.
4. Bar staff must be suitably trained to prevent the sale of alcohol to under 18's.
5. Regular glass and bottle collection must be undertaken throughout the premises.
6. Patrons shall not be permitted to leave the premises with any glass or bottles which belong to the premises.
7. Premises shall have a clear drugs policy.
8. There shall be a policy to work closely with the police to prevent the consumption and supply of illegal drugs with the use of the Ion track itemiser, Drug Detection Machine and Passive Drugs Dog when available from the police and also the alertness and training of staff.
9. A CCTV system of an evidential standard shall be installed to the satisfaction of the police, and recordings shall be kept for a period of 14 days and the police to have access to recordings at any reasonable time.



ANNEXES continued ...

10. On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then closed after 00.30, SIA door supervisors shall be employed on the premises from 22.00 until close at a ratio of 1 supervisor per 100 customers. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Thursday, Friday, Saturday or Sunday.) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.
11. All drinks shall be served in toughened, strengthened, polycarbonate or plastic glasses. No alcohol shall be served in glass bottles, from which it is intended or likely that a person shall drink, after 11.00pm.
12. The premises shall operate a Challenge 25 identification policy and will display appropriate signage at the entrance of the premises to this effect.
13. Free drinking water shall be available to customers at all times.
14. On every operational day when door supervision is required then those SIA door stewards employed in front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
15. Representatives of Premises Management shall attend at least 2 meetings per calendar year of the Torquay Night-time Economy Forum.
16. Bottles must not be taken outside.
17. Patrons must be seated in the outside area.
18. Notices must be displayed on exit doors reminding patrons they are entering a No Drink Zone.

Public Safety

1. First Aid facilities shall be provided on the premises.

The Prevention of Public Nuisance

1. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
2. A limiter shall be installed within the sound system and cannot be over ridden.
3. The Licensee must ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
4. Patrons shall be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly. An announcement shall be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. Door staff shall be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimised.
6. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
7. The premises shall remain open for at least one hour after alcohol is served (while patrons are on the premises) during which time patrons shall be dispersed gradually. Music shall be toned down for at least one hour before close of the premises.
8. A senior member of staff (manager) shall assess the impact of any noise activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
9. A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to



ANNEXES continued ...

bypass or override the limiter.

10. Doors and windows shall be kept closed during all performances of live music and karaoke.
11. Doors and windows shall be kept closed after 23.00hrs when playing recorded music.
12. Any live or recorded music at the premises shall be played through the noise limiter.

The Protection of Children From Harm

1. In the interests of protecting children from harm, children below the age of 18 shall be excluded from the premises after 9pm.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.
2. There shall be no entry or re-entry to premises after 1.00am.
3. No persons shall be employed on the premises after 9.00pm who are under 18 years of age.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. Bottle skips and bins containing cans or bottles shall not be emptied outside after 11.00pm but shall be dealt with the next day during normal office hours.

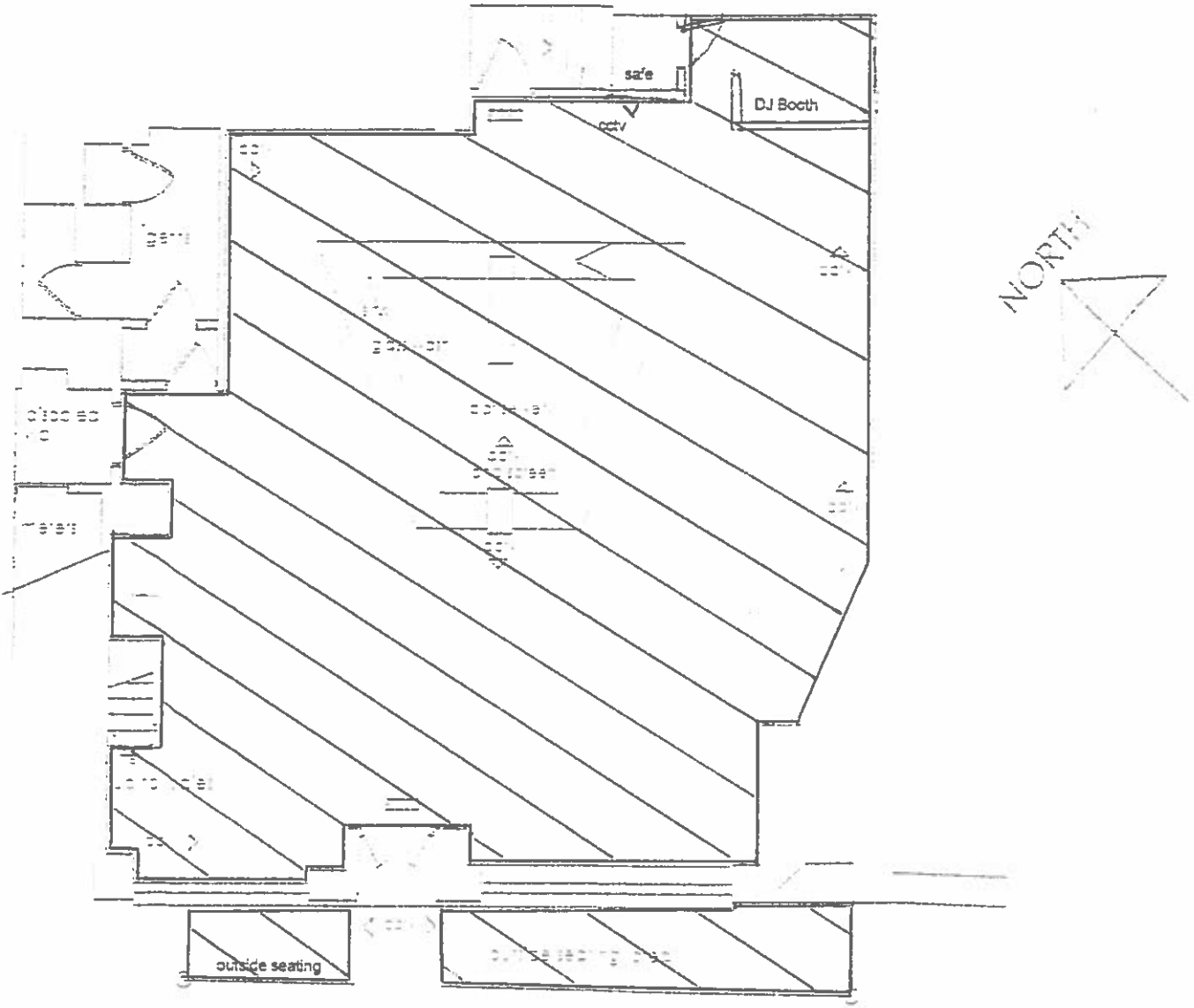
ANNEXE 4

PLANS

Copy attached to Licence.



ANNEXE 4



The Terrace



Ground Floor Plan No. 12 The Terrace



LICENSED
AREA