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Date: Tuesday, 16 May 2017

Governance Support  
Town Hall  
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TQ1 3DR

Dear Member

**LICENSING SUB-COMMITTEE - THURSDAY, 18 MAY 2017**

I am now able to enclose, for consideration at the Thursday, 18 May 2017 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
7.	<b>Bolton Hotel, New Road, Brixham</b>	(Pages 106 - 109)

Yours sincerely

Lisa Antrobus  
Clerk

## Antrobus, Lisa

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**Subject:** FW: Bolton Hotel - New Road - Brixham - TQ5 8LT - Draft Variation Application [TLT-TLT.FID4617542]

**Importance:** High

**From:** Matthew Phipps [mailto:matthew.phipps@TLTsolicitors.com]

**Sent:** 03 May 2017 13:19

**To:** Guy, Mandy <mandy.guy@torbay.gcsx.gov.uk>

**Cc:** Rachel Kelly <Rachel.Kelly@TLTsolicitors.com>

**Subject:** Bolton Hotel - New Road - Brixham - TQ5 8LT - Draft Variation Application [TLT-TLT.FID4617542]

To be included in the papers before the committee please

Matthew

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**From:** Rachel Kelly

**Sent:** 22 March 2017 10:19

**To:** 'licensing@torbay.gov.uk'; 'licensingeast@devonandcornwall.pnn.police.uk'; 'environmental.protection@torbay.gov.uk'

**Subject:** Bolton Hotel - New Road - Brixham - TQ5 8LT - Draft Variation Application

Dear Sirs,

I am emailing with respect to the above premises. We have been instructed by our client Punch, to make an application to vary the premises licence at the above, following the Notice of Determination sent through to us last year.

I understand discussions have already taken place with our client with regard to the conditions and the extension to hours accepted. However, we have made some minor changes, in order for the conditions to meet the intended operation of the premises. We anticipate submitting a variation application within the next few days (by the end of the week at the latest), but thought that it would be prudent to send you a copy of the draft application prior to submission. In light of this, please see below the draft application and draft operating schedule for you to consider:

### Licensable activities

- Recorded music

From 10:00h until 01:30h on a Friday and Saturday (currently permitted from 10:00h until 00:30h)

- Sale of alcohol

From 10:00h until 01:30h on a Friday and Saturday (currently permitted from 10:00h until 01:00h)

### Opening hours

From 10:00h until 02:00h on a Friday and Saturday (currently permitted from 10:00h until 01:30h)

### Conditions

The application also seeks to make some changes to the premises licence conditions as follows:

- Conditions to be removed

All conditions under:

1. Annex 2 – Additional Conditions transferred from the Public Entertainment Licence

2. Annex 2 – Restrictions transferred from the On Licence
3. Annex 2 – Credit Sales

#### *Annex 2 – General*

5. Condition 1 – There shall be a 30 minute drinking time which will allow appropriate dispersal, use of lavatories etc.
6. Condition 2 – The licensee shall reserve the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.
7. Condition 3 – There shall be a display of appropriate posters supplied by the Licensing Authority.

#### *Annex 2 – The Prevention of Crime & Disorder*

8. Condition 3 - The Licensee/staff shall monitor customer behaviour especially during busy periods.
9. Condition 5 – Drug Prevention measures shall be employed and signs displayed.
10. Condition 7 – When in use door supervisors shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable.

#### *Annex 2 – Public Safety*

11. Condition 1 – All fire fighting equipment shall be serviced annually by ACE Fire Equipment (UK) Limited.
12. Condition 2 – There shall be current gas and electric certificates in place.

#### *Annex 2 – The Prevention of Public Nuisance*

13. Condition 3 – There shall be a managed customer departure at busy times.

#### *Annex 2 – The Protection of Children from Harm*

14. Condition 1 – AWP's and cigarette machines shall be positioned in sight of the bar counter.
15. Condition 2 – No unaccompanied children shall be allowed on the premises.
16. Condition 3 – No children shall be allowed on the premises after 21.00
17. Condition 4 – There shall be no striptease and no nudity.

#### *Annex 3 – The Prevention of Crime and Disorder*

18. Condition 1 - On every occasion that the premises sells alcohol after midnight and then closes after 00.30, SIA door staff shall be employed from 10.00pm until closing.
19. Condition 3 – On every operational day when door supervision is required then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty.

#### *Annex 3 – The Prevention of Public Nuisance*

20. Condition 5 – Amplified live music and entertainment until 00.30 hours shall be limited to Friday and Saturday.
21. Condition 6 – Amplified live music and entertainment until 23.30 hours shall be limited to not more than three evenings per week (Sunday-Thursday).

#### *Annex 3 – The Protection of Children from Harm*

22. Condition 1 – All cigarette vending machines must be sited to ensure they are under direct supervision of the staff at all times.
23. Condition 2 – All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
24. Condition 3 – A management system shall be introduced to ensure that staff are aware of the legal requirements relating to underage sales and in particular the prevention of sales from cigarette vending machines to children under sixteen and the prevention from use of AWP machines by those under eighteen.
25. Condition 4 – Age identification shall be sought from any person appearing to be under the age of 18 years.
26. Condition 5 - Staff shall receive training age identification related to the sale of alcohol.

- Conditions to be added:

#### *The Prevention of Crime & Disorder*

1. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs, the confiscation and storage of any seized items

which will be handed to the police at the earliest opportunity. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand. Suitable posters in relation to drug misuse shall be displayed at the premises.

2. On every occasion that the premises remain open for the sale of alcohol after midnight and then closes after 00:30 hrs, SIA door supervisors shall be employed on the premises from 22:00 hrs until all customers have left the area, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The premises Licence holder/DPS shall also carry out a risk assessment taking the layout of the premises and the proposed activity to be carried out into consideration to determine whether any additional stewards are required.

3. There shall be a display of appropriate posters at the premises and the licensee/DPS shall work closely with the police to promote the licensing objectives.

4. The licensee/staff shall monitor customer behaviour, especially during busy periods and bar staff serving beyond midnight will receive regular training by the DPS in relation to the sale of alcohol.

5. When in use, door supervisors in liaison with the DPS, shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable.

6. When the premise is open beyond midnight a glass collector shall be appointed to clear empty/finished glasses from public areas.

7. Where a Pub Watch scheme exists, the premises shall join and actively participate by providing details of all individuals involved in violence on the premises.

8. On every operational day when door supervision is required, then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty and remain on duty until customers have left the area in a calm fashion.

#### *Public Safety*

1. The external areas of the premises should be well lit up.

#### *The Prevention of Public Nuisance*

1. A sound limiting device must be installed in the premises.

2. The sound limiter device must be set at a level by a suitably qualified person and in consultation with Torbay Council's Licensing Team.

3. If substantiated noise complaints cannot be resolved by use of the sound limiter, then amplified entertainment must cease until such times as sound insulation is installed at the premises.

4. No adjustments to the noise limiting device or any associated public address equipment shall be made without prior consultation with Torbay Council's Licensing team. A minimum of 7 days notice must be given in writing.

5. No independent sound system or similar shall be brought on to the premises and used for amplified entertainment within the premises.

6. All performers must use the noise limiting device and the premises in house public address system.

7. The noise limiter must not be overridden or interfered with at any time.

8. A sign must be clearly displayed, advising musicians a limiter is in operation at the premises and that they must use it.

9. A written noise management plan must be implemented and kept on site.

10. The noise management plan must be reviewed periodically or when significant changes are made to either the building or entertainment arrangements.

11. Amplified live music until 00.30 hours shall be limited to Friday and Saturday.

12. Amplified live music until 23.30 hours shall be limited to not more than three evenings per week (Sunday-Thursday).

*The Protection of Children from Harm*

1. The premises shall operate the Challenge 25 policy and any individual who appears to be under the age of 25 shall be asked to produce photographic ID in the form of a passport or driving licence.

2. Any person under the age of 18 must be accompanied by a responsible adult at all times.

3. No persons under the age of 18 shall be allowed on the premises after 21:00 hrs.

All other conditions and permissions are to remain unaltered.

If you feel it is necessary, there would be any opportunity for you to meet with our client and the operators of the business again during the course of the consultation period.

I hope that is helpful and if you would like to discuss the proposal further, or if you have any questions, then please do not hesitate to contact me.

Kind regards,

Rachel

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