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Date: Tuesday, 05 August 2025

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

STATUTORY LICENSING SUB-COMMITTEE - THURSDAY, 7 AUGUST 2025

I am now able to enclose, for consideration at the Thursday, 7 August 2025 meeting of the Statutory Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
5.	To consider an application for a Review of a Premises Licence in respect of Zakopane, 16 Market Street, Torquay	(Pages 3 - 16)

Yours sincerely

Governance Support
Clerk

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STATEMENT of TRUTH

I am [REDACTED] the director of Secure Licences Ltd, where I act as a licensing consultant/agent in England and Wales.

11th July 2025

Mr. Ari Saleh phoned to ask if he could sell strong beers, ciders and lagers at Zakopane, 16 Market Street, Torquay, TQ1 3AQ (Premises Licence No 1225) because he couldn't see any conditions related to this and he asked me to check. At the time I couldn't locate the premises licence copy in the application file, so I checked on the public register copy I had available, (attached to this email- Zakopane licence from public register) and, having gone through the conditions, it didn't appear that there were any conditions relating to this restriction. I believed I was making the correct decision and providing true information to Mr. Saleh at the time.

23rd July 2025

Mr Saleh phoned saying that someone from the police/council was in the shop informing him of a breach of conditions because of the strong lagers etc. which I thought strange having remembered the previous phone call, so I asked to speak to the person he was referring to so I could try to establish what the issue was. I now believe this person to be called PC Julie Smart.

PC Julie Smart introduced herself and informed me that there was a breach of licence conditions, specifically regarding the restriction of sales of beers, ciders and lagers over 6.0% and whilst we were talking, I checked back through my files and found the copy of the licence that I had previously looked at, and pointed out there must be a mistake as there was no condition relating to this restriction and thought there must be a misunderstanding on the police part.

She then asked me to look at Annex 3, (conditions attached after a hearing by the licensing authority) and I immediately saw the condition which I hadn't seen up to that point and realised I'd made a mistake.

I immediately apologised on his behalf and asked that she would take this information into account when dealing with the matter as he was not negligent.

I confirm the facts stated in this witness statement are true.

Signed

[REDACTED]

Printed:

[REDACTED] Licensing Consultant, Secure Licences Ltd

Dated:

01st August 2025

Licensing Act 2003 - Premises Licence Register as at 11:49 on 28 July 2021

Zakopane

16 Market Street, Torquay, Devon, TQ1 3AQ

Premises Licence PL1225 from from 08/07/2021 to indefinite

Licence holder(s)

Full Name	Zakopane Turkish Ltd
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Designated Premises Supervisor

Full Name	
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Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Granted

	Time From	Time To
Sunday to Thursday	08:00	22:00
Friday to Saturday	08:00	23:00

Activities - Times Granted

	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only		
Sunday to Thursday	08:00	22:00
Friday to Saturday	08:00	23:00

Additional Conditions

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ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

1)
No supply of alcohol may be made under the premises licence:-

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at a time where there is no designated premises supervisor in respect of the premises licence, or

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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 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.

4)

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.

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ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1.

The premise shall operate an effective CCTV system that will be maintained in good working order to the satisfaction of the Devon and Cornwall Constabulary. The CCTV system shall cover all areas of the store including the entrance, point of sale and main alcohol displays. Signage warning customers of the CCTV system shall be prominently displayed on the premises. The system will record whenever the premises is open for licensable activities.

2.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering the premises and at the point of sale.

3.

The location of cameras, will be recorded on the plan attached to the licence. If any additional cameras are requested/advised by the police, they will be fitted within a reasonable time.

4.

The recording medium (e.g. discs / tapes / hard drive etc.) and associated images are to be retained and securely stored for a minimum period of 31 days and are to be made available to the Police Constable / Authorised Officer of the Licensing Authority upon request within a reasonable time.

5.

The Premises Licence Holder or Designated Premises Supervisor will provide the Police with the contact details of at least one other member of staff who will be trained with the operation of the CCTV equipment so that they are able to provide copies of recorded data upon request and within a reasonable time, following a request from the Police Constable or an authorised officer from the Licensing Authority.

6.

A full internal weekly check of the CCTV system will be made on a log book to ensure that the CCTV system is in good working order, all cameras are working and recording with an accurate time stamped.

7.

The Premises Licence holder / Designated Premises Supervisor must ensure that steps are taken to rectify any fault in the CCTV system immediately and a log of these steps will be entered into the Incident log book which will be available for inspection to a Police Constable or an authorised officer from the Licensing Authority.

8.
When the DPS is not on duty, there will be another authorised person who will be contactable at all times and be able to attend the premises within one hour while the supply and sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in cases of emergency.

The prevention of crime and disorder

1.
Roller shutters have been installed at the front of the premises on the inside of all windows.
2.
Security doors have been fitted to the external rear and side security/ fire exit doors.
3.
All spirits will be 'stored and sold' from behind the counter inaccessible to the customers.
4.
No single cans of beer, lager or cider will be sold from the premise. Signage notifying customers of this will be displayed at the entrance to the premises.
5.
The premises will not store or sell any psychoactive substances known as 'legal highs', store or sell fireworks and knives of any size or description.
6.
The names and contact details of all persons who have been authorised to sell alcohol whether paid or unpaid shall be maintained and kept on the premises. This document will be found at the front of the Training manual and shall be produced to a Police Constable or an Officer of the Local Authority upon demand.
7.
The Designated Premises Supervisor and all members of staff when on duty shall ensure that all lawful instructions and /or directions given by the Police are complied with.
8.
Signage to inform customers will be in place near the point of sale and exits warning customers of the Public Space Protection Order.
9.
No credit will be given for the sale of alcohol.
10.
The premises shall maintain an incident book to record details of the following:-
 - ✦ Any violence or anti-social behavior on or immediately outside the premises,
 - ✦ Any other crime or criminal activity on the premises,
 - ✦ Any call for police/ambulance assistance to the premises.
11.
The log records shall be made immediately available on request to a Police Constable or an Officer authorized by the Licensing Authority. All records shall be retained on the premises for 12 months from the date of the incident.
12.
A written record will be kept of all training carried out. These records will be stored on the premises and made available for inspection to a Police Constable or an Officer authorized by the Licensing Authority within a reasonable time.

1.
An adequate and appropriate supply of first aid equipment and materials shall be kept on site and available for use at any time the premises is open to the public.

The prevention of public nuisance

1.
Prominent, clear and legible signage shall be displayed at the exits to the premises requesting the public to respect the needs of local residents, businesses and to leave the premises and the area quickly and quietly.
2.
The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away on a regular basis.
3.
The Premises Licence Holder will fix a waste bin outside the premises and empty this daily.
4.
The Premises Licence Holder will ensure that no lighting or air conditioning units will cause any nuisance to another neighbouring property.
5.
All trade waste will be stored in a commercial lidded waste container at the side of the premises and removed under contract by a registered waste collector.
6.
The staff will observe the external frontage of the premises using the CCTV monitor and use their best endeavours to disperse any customers that appear to be loitering outside the premises.

The protection of children from harm

1.
The premises will operate a "Challenge 25" proof of age policy which will require any person who appears to be under the age of 25 to produce identification to prove they are 18 or over.
2.
Only a passport, photo-card driving licence, European Union ID, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram, a photograph of the individual and date of birth shall be accepted as proof of age.
3.
Prominent, clear and legible Challenge 25 signage shall also be displayed at the entrance to the premises, and the point of sale advertising the scheme operated.
4.
The premises is to maintain a refusals log book to record the details of all refusals of the sale of alcohol to persons suspected of being under the age of 18, appear to be drunk or suspected proxy sales.
5.
The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the entries in the log, sign and date when checked. The book must be made available to a Police Constable or an Officer authorised by the Licensing Authority upon request.

6.
Any person who is authorised to sell alcohol at the premises will be provided with training. Training will include information on how to prevent underage sales, acceptable forms of ID, basic conflict management and Age Restricted Products.

7.
A written record will be kept of all training provided and this record will be kept on the premises for inspection by a Police Constable or an Officer authorised by the Licensing Authority upon request.

8.
No person under the age of 18 will be employed to work at the premises.

9.
Alcohol refusals policies will be displayed at the entrance of the premises, the point of display and the point of sale.

10.
Proxy notices will be prominently displayed at all places where alcohol is displayed and sold from and at the point of sale.

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ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The prevention of crime and disorder

1.
No beer/cider/lager with an abv of more than 6.0% shall be sold from the premises.

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ANNEXE 4

PLANS

Copy attached to Licence.

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