



Clerk: Kay Heywood
Telephone: 01803 207026
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Date: Wednesday, 23 October 2013

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 31 OCTOBER 2013

I am now able to enclose, for consideration at the Thursday, 31 October 2013 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
9.	Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of TQ One, 22 Victoria Parade, Torquay TQ1 2BB	(Pages 1 - 33)

Yours sincerely

Kay Heywood
Clerk

Agenda Item 9



Briefing Report
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of TQ One, 22 Victoria Parade, Torquay TQ1 2BB

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

On: **31st October 2013**

Contact Officer: **Karen Ellicott**

☎ Telephone: **01803 208021**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To increase the hours for “The Provision of Recorded Music”, “The Provision of Anything Similar to Live or Recorded Music or Dance” and the “Sale of alcohol by retail on and off the premises” from Monday to Thursday 19:00–01:00 to 14:00–01:00 from 1st October to 31st March.

To increase the Opening Hours on Monday to Thursday from 19:00-01:30 to 14:00-01:30

This application is to enable the Premises to open earlier to bring the winter operating hours in line with their existing summer hours.

- 2.2 The current Premises Licence is shown as Appendix 2.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as a relevant Representation has been received from an Interested Party. The Licensing Authority is also satisfied that the Representation was received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received 1 Representation from an Interested Party in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. This is shown as Appendix 3.

There have been no other Representations received from any Responsible Authority or any other Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
- (a) The applicant for the variation of the licence against any decision to modify the conditions
 - (b) Any person who made a relevant representation in relation to the application who desires to contend
 - (i) that any variation made ought not to have been made, or

(ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.

- 2.8 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the current Premises Licence.
Appendix 3	Representations from Interested Parties.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.



Torbay
Application to vary a premises licence
Licensing Act 2003

For help contact
connections@torbay.gov.uk
 Telephone: 01803 208025

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

18,250

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

to change the winter opening times from 7pm to 2pm monday to thursday

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PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

recorded music amplified but limited by sound limiter as set by council - only background music before 7pm

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

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PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Provide a description of the type of entertainment that will be provided.

Will this entertainment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for entertainment.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Continued from previous page...

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

on

b) The prevention of crime and disorder

1. Opening hours shall be displayed on front doors with a sign showing over 18 only.
2. The number of maximum occupancy including staff shall be 150.
3. The door control system shall be in place with use of the number counters and recorded.
4. The licensee shall be responsible for checking the occupancy and not exceeding the maximum occupancy.
5. There shall be a notice on all exits to remind patrons to not cause annoyance to residents or persons passing by.

Continued from previous page...

6. There shall be signs to show patrons to be aware of theft and spiked drinks.
 7. Staff register must be in place recording start and finish times of all personnel.
 8. The premises shall continue with their drugs policy.
 9. A drugs box shall be in use in the search area and police drugs bags must be used.
 10. A hardbound drug register shall be in place.
 11. All drinking glasses must be toughened on these premises and stamped in accordance with weights and measures. No bottles or glasses must be taken off the premises and a notice to patrons must be in place.
 12. As premises with a pavement cafe licence in the designated area, the licensee must ensure that patrons will be sat at tables and no alcohol will be served in glasses other than shatterproof or plastic glasses.
 13. To prevent the sale of alcohol to under 18's, under 18's must not enter the premises at any time. Door supervision shall regularly check for ID from patrons.
 14. Regular glass collection shall be undertaken throughout the premises.
- +
1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
 2. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
 3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
 4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
 5. There must be no entry or re-entry to premises after 1am.

c) Public safety

1. There must be access for emergency vehicles at the front and side of the building.
 2. SIA door supervision must be in place for crowd control on front doors.
 3. SIA door supervisors and staff must be trained to make sure that all gangways and exits are clear.
 4. No curtains shall be used on the premises.
 5. All premises must have emergency lighting, a log and maintenance is kept and tested daily.
 6. If lighting fails SIA door supervisors and staff shall evacuate and give a safe escape off the premises, staff training on evacuation shall be given and logged.
 7. A cooling system must be in place and the premises must be well ventilated.
- +
1. The ratio of stewards to customers on the premises shall be no less than 1:75.

Continued from previous page...

d) The prevention of public nuisance

1. The premises shall continue to use the sound limiter fitted by Torbay Council which is unable to be tampered with.
2. The premises shall continue to use the sound proofing which has also been installed in the walls and ceilings and in the speaker cavities.
3. No musical instruments must be used on the premises. Staff shall be offered ear plugs if they choose to use them, a notice shall be available to advise staff.
4. There must be a notice on all exits to inform patrons and staff to leave the premises quietly in respect of the local residents.
5. Bottles shall not be emptied into the bins outside the premises after 11pm.
6. All food and beer deliveries shall be carried out during the day, not before 9am.
7. Staff that leave the premises at night shall take into consideration of the noise level and not to disturb local residents.
8. Exits must be closed during entertainment.
9. Patrons shall be asked not to stand around outside the premises talking and asked to leave the vicinity quickly and quietly.
10. An announcement shall be made by the DJ to the patrons to leave the premises quickly and quietly.
11. SIA door supervisors shall be positioned at exits, particularly at closing times to ensure patrons leave quietly.
12. The door stewards shall use the lobby.
13. A noise limitation device shall continue to be in use and set by Torbay Council.
14. The volume of music shall continue to be set by Torbay Environmental Protection team.
15. Staff shall check at regular parts of the evening that doors and windows are locked.
16. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises.
17. Cooling systems shall not cause a nuisance by its operation.
18. Regular maintenance shall be carried out on the air cool system.
19. All deliveries shall be between 9am and 6pm.
20. All bottles and rubbish shall be emptied outside the building by 11pm to reduce the noise to local residents.
21. No rubbish shall leave the premises after 11pm.
22. No music shall be amplified by external speakers.
23. CCTV must be on exits and monitor that patrons to do congregate in the area and cause annoyance.
24. The premises shall remain open at least half an hour after alcohol is served during which time patrons shall be dispersed gradually.
25. External neon lighting shall be used on the premises.

Continued from previous page...

26. There shall be no lighting after 9pm in external areas unless approved by Torbay Council.

27. There shall be no take away facilities on food.

28. External areas shall be maintained by staff and all rubbish shall be collected and placed in bin provided.

+

1. Noise from the premises shall not be audible within any 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, to make further assessments from within the residential property.

2. A senior member of staff (manager) shall assess the impact of any noisy 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.

e) The protection of children from harm

1. Children below the age of 18 shall be excluded from the premises or parts thereof during the time after 7pm and access to the washroom facilities before 7pm only. There shall be a sign attached to the front door stating this.

2. All children must be accompanied by a responsible adult and shall be excluded from premises after 7pm.

3. Children must not be permitted past the lower bar area unless accompanied by a responsible adult for accessing the toilet.

4. The premises shall display clear signage advising when and where children are welcome on the premises.

5. The premises shall operate "Challenge 25" and any person who appears under 25 shall be asked for ID.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act, 1998. The information that you provide on this form will only be used in the processing of the application form, and will only be

* disclosed where necessary under any applicable legislation and certain circumstances should the application be successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement

You have the right to access your personal information. If you wish to access your personal information or exercise any of
* your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 207467. Further information can be found on the Information Governance pages on Torbay Council's internet pages at www.torbay.gov.uk

* Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise

* I have gained permission from all licence holders in making this application

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Continued from previous page...

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/torbay/change-1> to upload this file and continue with your application


Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Licensing Act 2003

Premises Licence

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LOCAL AUTHORITY	
	<p>Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION
<p>TQ One Ground Floor, 22 Victoria Parade, Torquay, Devon, TQ1 2BB.</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> - 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 - entertainment facilities for dancing - 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	
F. Playing of recorded music (Indoors)	Monday to Thursday	2:00pm	1:00am	1st April - 30th September
	Monday to Thursday	7:00pm	1:00am	1st October - 31st March
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	7:00pm	1:00am	
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	
J. Provision of facilities for dancing (Indoors)	Monday to Thursday	7:00pm	1:00am	
	Friday to Saturday	2:00pm	2:00am	1st April - 30th September
	Friday to Saturday	8:00pm	2:00am	1st October - 31st March
	Sunday	2:00pm	2:00am	1st April - 30th September
	Sunday	8:00pm	2:00am	1st October - 31st March
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	2:00pm	1:00am	1st April - 30th September
	Monday to Thursday	7:00pm	1:00am	1st October - 31st March
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	

Licensing Act 2003
Premises Licence

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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To	
Monday to Thursday	2:00pm	1:30am	1st April - 30th September
	7:00pm	1:30am	1st October - 31st March
Friday to Saturday	2:00pm	2:30am	
Sunday	2:00pm	2:30am	

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

Part 2

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

Jez Cort
jeztorquay@hotmail.com
Flat 2 Ainsley House, 58-60 Torwood Street, Torquay, Devon, TQ1 1DT.
Jason Cook
52 Higher Street, Brixham, Devon, TQ5 8HW.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jez CORT
Flat 2 Ainsley House, 58-60 Torwood Street, Torquay, Devon, TQ1 1DT.

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. PA1380
Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
28 February 2013



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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6) (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.
- 7). The responsible person shall ensure that -

ANNEXES continued ...

(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 -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) 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)
 - (a) 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.
 - (b) In respect of premises in relation to-
 - (i) 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
 - (ii) 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:-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) 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****The Prevention of Crime and Disorder**

1. Opening hours shall be displayed on front doors with a sign showing over 18 only.
2. The number of maximum occupancy including staff shall be 150.
3. The door control system shall be in place with use of the number counters and recorded.
4. The licensee shall be responsible for checking the occupancy and not exceeding the maximum occupancy.
5. There shall be a notice on all exits to remind patrons to not cause annoyance to residents or persons passing by.
6. There shall be signs to show patrons to be aware of theft and spiked drinks.
7. Staff register must be in place recording start and finish times of all personnel.
8. The premises shall continue with their drugs policy.
9. A drugs box shall be in use in the search area and police drugs bags must be used.

ANNEXES continued ...

10. A hardbound drug register shall be in place.
11. All drinking glasses must be toughened on these premises and stamped in accordance with weights and measures. No bottles or glasses must be taken off the premises and a notice to patrons must be in place.
12. As premises with a pavement cafe licence in the designated area, the licensee must ensure that patrons will be sat at tables and no alcohol will be served in glasses other than shatterproof or plastic glasses.
13. To prevent the sale of alcohol to under 18's, under 18's must not enter the premises at any time. Door supervision shall regularly check for ID from patrons.
14. Regular glass collection shall be undertaken throughout the premises.

Public Safety

1. There must be access for emergency vehicles at the front and side of the building.
2. SIA door supervision must be in place for crowd control on front doors.
3. SIA door supervisors and staff must be trained to make sure that all gangways and exits are clear.
4. No curtains shall be used on the premises.
5. All premises must have emergency lighting, a log and maintenance is kept and tested daily.
6. If lighting fails SIA door supervisors and staff shall evacuate and give a safe escape off the premises, staff training on evacuation shall be given and logged.
7. A cooling system must be in place and the premises must be well ventilated.

The Prevention of Public Nuisance

1. The premises shall continue to use the sound limiter fitted by Torbay Council which is unable to be tampered with.
2. The premises shall continue to use the sound proofing which has also been installed in the walls and ceilings and in the speaker cavities.
3. No musical instruments must be used on the premises. Staff shall be offered ear plugs if they choose to use them, a notice shall be available to advise staff.
4. There must be a notice on all exits to inform patrons and staff to leave the premises quietly in respect of the local residents.
5. Bottles shall not be emptied into the bins outside the premises after 11pm.
6. All food and beer deliveries shall be carried out during the day, not before 9am.
7. Staff that leave the premises at night shall take into consideration of the noise level and not to disturb local residents.
8. Exits must be closed during entertainment.
9. Patrons shall be asked not to stand around outside the premises talking and asked to leave the vicinity quickly and quietly.
10. An announcement shall be made by the DJ to the patrons to leave the premises quickly and quietly.
11. SIA door supervisors shall be positioned at exits, particularly at closing times to ensure patrons leave quietly.
12. The door stewards shall use the lobby.
13. A noise limitation device shall continue to be in use and set by Torbay Council.

ANNEXES continued ...

14. The volume of music shall continue to be set by Torbay Environmental Protection team.
15. Staff shall check at regular parts of the evening that doors and windows are locked.
16. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises.
17. Cooling systems shall not cause a nuisance by its operation.
18. Regular maintenance shall be carried out on the air cool system.
19. All deliveries shall be between 9am and 6pm.
20. All bottles and rubbish shall be emptied outside the building by 11pm to reduce the noise to local residents.
21. No rubbish shall leave the premises after 11pm.
22. No music shall be amplified by external speakers.
23. CCTV must be on exits and monitor that patrons do not congregate in the area and cause annoyance.
24. The premises shall remain open at least half an hour after alcohol is served during which time patrons shall be dispersed gradually.
25. External neon lighting shall be used on the premises.
26. There shall be no lighting after 9pm in external areas unless approved by Torbay Council.
27. There shall be no take away facilities on food.
28. External areas shall be maintained by staff and all rubbish shall be collected and placed in bin provided.

The Protection of Children from Harm

1. Children below the age of 18 shall be excluded from the premises or parts thereof during the time after 7pm and access to the washroom facilities before 7pm only. There shall be a sign attached to the front door stating this.
2. All children must be accompanied by a responsible adult and shall be excluded from premises after 7pm.
3. Children must not be permitted past the lower bar area unless accompanied by a responsible adult for accessing the toilet.
4. The premises shall display clear signage advising when and where children are welcome on the premises.
5. The premises shall operate "Challenge 25" and any person who appears under 25 shall be asked for ID.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is

ANNEXES continued ...

intended or likely that a person shall drink.

4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
5. There must be no entry or re-entry to premises after 1am.

Public Safety

1. The ratio of stewards to customers on the premises shall be no less than 1:75.

The Prevention of Public Nuisance

1. Noise from the premises shall not be audible within any 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, to make further assessments from within the residential property.
2. A senior member of staff (manager) shall assess the impact of any noisy 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.

ANNEXE 4

PLANS

Copy attached to Licence.

LOCAL AUTHORITY



Licensing Section
 Torbay Council
 Roebuck House
 Abbey Road
 TORQUAY
 DEVON
 TQ2 5EJ

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

TQ One

Ground Floor, 22 Victoria Parade, Torquay, Devon, TQ1 2BB.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
- entertainment facilities for dancing
- 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	
F. Playing of recorded music (Indoors)	Monday to Thursday	2:00pm	1:00am	1st April - 30th September
	Monday to Thursday	7:00pm	1:00am	1st October - 31st March
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	7:00pm	1:00am	
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	
J. Provision of facilities for dancing (Indoors)	Monday to Thursday	7:00pm	1:00am	
	Friday to Saturday	2:00pm	2:00am	1st April - 30th September
	Friday to Saturday	8:00pm	2:00am	1st October - 31st March
	Sunday	2:00pm	2:00am	1st April - 30th September
	Sunday	8:00pm	2:00am	1st October - 31st March
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	2:00pm	1:00am	1st April - 30th September
	Monday to Thursday	7:00pm	1:00am	1st October - 31st March
	Friday to Saturday	2:00pm	2:00am	
	Sunday	2:00pm	2:00am	

Premises Licence Summary**665****THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To	
Monday to Thursday	2:00pm	1:30am	1st April - 30th September
	7:00pm	1:30am	1st October - 31st March
Friday to Saturday	2:00pm	2:30am	
Sunday	2:00pm	2:30am	

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jez Cort Flat 2 Ainsley House, 58-60 Torwood Street, Torquay, Devon, TQ1 1DT.
 Jason Cook 52 Higher Street, Brixham, Devon, TQ5 8HW.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jez CORT

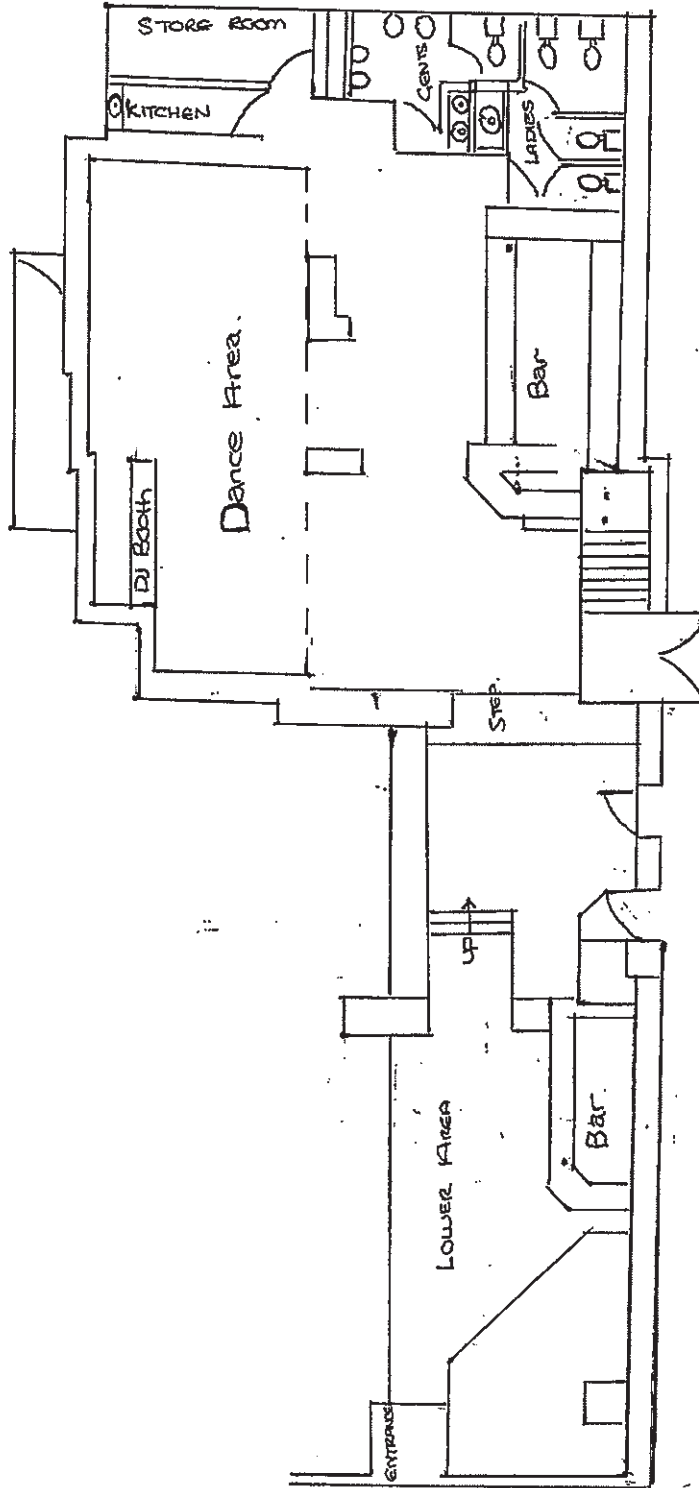
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox
 Environmental Health Manager (Commercial)
 28 February 2013

ANNEXE 4



VICTORIA PARADE

Scale 1:100
TOONE
22 VICTORIA PARADE
TORQUAY
TQ1 2BB.
* - Fire EXTINGUISHER



28th September 2013

Licensing Dept

RE: Variation of premises licence TQ1 22 Victoria Parade Torquay

To whom it may concern,

I would like to express my serious concerns for the proposed daytime extended opening hours for the above.

This summer we have seen all the associated problems that go with the cheap alcohol promotions (£2 a pint) mainly between the hours of 3-9pm daily.

Our restaurant is set to the side of the TQ1 bar and the pavement chairs are constantly blocking our entrance. We have experienced drunkenness, drug use and dealing and threats made to our staff.

We can no longer use our licensed 1st floor balcony because of constant foul language and for the month of August could not open our windows.

We had been promised on numerous occasions from the licensee that barriers would be erected "within hours" of complaints but nothing has been forthcoming.

We ask the committee to make barriers a licence condition before approving this application and I attach a copy of Torbay councils 2010 guidelines.

VICTORIA PARADE STREET CAFÉ DESIGN GUIDE

LAYOUT

- The street café should be located immediately outside the front of the applicants building so that staff and customers do not have to cross the flow of pedestrians

MEANS OF ENCLOSURE

- Portable means of enclosure such as barriers must be provided
- These should be stable and sturdy e.g. non-reflective fabric separators on metal uprights with tapping rail
- Advertising on the fabric barriers will be restricted to the name of the establishment and should display a co-ordinated colour scheme with the café fascia, umbrellas and blinds
- Product branding will not be permitted

FURNITURE

- all street cafe furniture must be of a high quality in keeping with the Riviera chic personality of Victoria Parade public realm design proposals
- typical acceptable materials for furniture will include high quality timber, metal alloys and stainless steel
- diversity in the appearance of street furniture along the street will be encouraged with different furniture helping create distinctiveness for different cafe identities
- all furniture must robust, corrosion resistant and suited to the seafront environment
- all proposals for furniture must be submitted to Torbay Council for agreement before any furniture acquisition
- plastic moulded furniture will not be permitted
- refer to Torbay Street Cafe Guidance for all general guidance on cafe street furniture
- all street cafe furniture must be arranged within the zone identified and agreed by the Council

UMBRELLAS

- Umbrellas must not overhang the edge of the enclosure
- Umbrellas must be non-reflective fabric type with small logos displaying the name of the establishment and should display a co-ordinated colour scheme with fascia, blinds and means of enclosure
- Product branding will not be permitted

BLINDS

- Blinds which are to be attached to the building may require advertisement consent or planning permission please contact the LPA for advice
- Fabric retractable flat roller blinds are appropriate in Victoria Parade (see Torbay Council THI Shop Front Design Guide for further advice)
- Fixed 'Dutch' fan blinds in weather coated plastic will not be permitted
- Advertising on the fabric blinds will be restricted to the name of the establishment and should display a co-ordinated colour scheme with the café fascia, umbrellas and means of enclosure

PRE LICENCE

- Pre licence advice can be obtained from Keith More (Torbay Council, Design Officer) 01803 207791