



Wednesday, 16 January 2013

## LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 24 January 2013**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Addis

Councillor Parrott

Councillor Bent

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**Working for a healthy, prosperous and happy Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)



# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 4)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 20 December 2012.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton TQ4 5DS** (Pages 5 - 25)  
To consider an application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton.

**7. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Tapas Bar, 11 -13 Abbey Road, Torquay TQ2 5HE**

(Pages 26 - 44)

To consider an application for a Variation to a Premises Licence in respect of Tapas Bar, 11-13 Abbey Road, Torquay.



## Minutes of the Licensing Sub-Committee

20 December 2012

-: Present :-

Councillors Addis, Parrott and Pentney

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### 25. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 26. Minutes

The Minutes of the meeting of the Sub-Committee held on 8 November 2012 were confirmed as a correct record and signed by the Chairman.

### 27. Licensing Act 2003 – An application for a Premises Licence – Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG

Members considered a report on an application for a Premises Licence in respect of Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG.

The Premise is in the Cumulative Impact Area.

#### Written Representations received from:

Name	Details	Date of Representation
The Police	One Representation in respect of the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.'	21 November 2012

#### Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined their application, as set out in the submitted documents and responded to the Representation from the Police and Members questions.

The Police	The Police representative outlined their Representation, as set out in submitted document and responded to Members questions.
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The Application was introduced by the Licensing Officer who advised that there were no additional Representations received from any other Responsible Authority or any Interested Party.

**Applicant's response to Representations:**

The Applicant advised Members that Savers was a national company with 238 stores, 145 of which, since 2010 sell alcohol, and 7 of those being in Cumulative Impact Areas. All of which successfully adhere to the Licensing Objectives and work closely with the Police.

12 of the 13 conditions proposed by the Police were acceptable by Savers.

**Additional Information:**

Prior to the Committee hearing, Members were advised that the Applicant had agreed to a change in the wording of proposed condition 13, as put forward by the Police.

This condition shall now read as follows:

Every item of alcohol shall have a bright yellow security sticker attached to it before it is placed onto the shelf for sale.

**Decision:**

That the application for a Premises Licence in respect of Savers, Unit 18 Union Shopping Centre, Torquay TQ1 3DG be granted as applied for subject to the additional conditions put forward by the Police as agreed by the Applicant.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the Licence having been satisfied by the oral Representation put forward by the Police representative that the conditions proposed by them would seek to ensure that the Licensing Objectives, namely, the Prevention of Crime and Disorder would be promoted and that these conditions would be monitored by them to ensure that they are complied with.

**28. Licensing Act 2003 – An application for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ**

Members considered a report on an application for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ.

**Written Representations received from:**

Name	Details	Date of Representation
The Police	One Representation in respect of the Licensing Objectives 'The Prevention of Crime and Disorder.'	3 December 2012

**Oral Representations received from:**

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to the Representation from the Police and Members questions.
The Police	The Respondent outlined the Representation, as set out in submitted document and responded to Members questions.

The Application was presented by the Senior Licensing Officer who advised that there were no additional Representations received from any other Responsible Authority or any Interested Party.

The Sub-Committee noted that notices to speak had been sent to the Conservative Club, but had been advised by the Club Secretary that the notice had not been received therefore not returned. The Secretary and Chairman of Brixham Conservative Club were given permission by the Chairman to speak.

**Applicant's response to Representations:**

The Applicant advised Members that the Brixham Conservative Club had been in existence for the past 120 years and currently had 450 members, restricting admittance of members and their guests.

The current Club Premises Certificate is restrictive and complicated and the Variation to the Club Premises Certificate was to standardise the opening hours and allow the development of function trade, parties and weddings.

**Decision:**

That the application for a for a Variation to a Club Premises Certificate in respect of Brixham Conservative Club, 1 New Road, Brixham TQ5 8LZ.

Be granted as applied for.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the Licence as applied for having been satisfied that nothing put forward by the Police in their oral Representation would lead them to believe that the club would undermine the Licensing Objectives. In reaching this decision, Members had regard for the type of premises, its policy on admittance and its clientele. Members noted that there was no evidence of actual concern in respect of this premise and were further satisfied that should any issues of concern arise, this would be managed by the Club immediately.

Members noted that no Representations had been received from any other Responsible Authority or Interested Party.

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Chairman

# Agenda Item 6



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Winstons, Station Square, Paignton TQ4 5DS**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub- Committee** On: **24 January 2013**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

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## 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”, “Public Safety” and “The Protection of Children from Harm”.

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 amend condition 9, Annexe 2, The Prevention of Crime and Disorder from:-  
'There shall be no entry or re-entry after 2am except for those customers who have left to use the designated smoking area and no drinks shall be permitted in that area at any time' to read instead as follows:-

'There shall be no entry or re-entry after 2.00am except for those customers who have left to use the designated smoking area.'

The application form shows two additional conditions proposed by the applicant, to go on the licence. These are shown in section M (b) of the application form, which is shown as Appendix 1 of this report.

A new plan has been provided to enable the smoking area to be included within the licensed area. This is shown at the end of Appendix 1.

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 relevant Representations have been received from Responsible Authorities. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives "The Prevention of Crime and Disorder" and "Public Safety". This is shown as Appendix 3.

We have received a Representation from Torbay Safeguarding Children Board in relation to the Licensing Objective "The Protection of Children from Harm". This is shown as Appendix 4.

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

We have received an additional letter from the Applicant's Solicitor with regard to slight amendments to the operating schedule they have submitted in their application. This has been submitted after their discussions with the Police. This is shown as Appendix 5.

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	Representation from the Police
Appendix 4	Representation from Torbay safeguarding Children Board
Appendix 5	Additional letter from Applicant's solicitor.

### **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.

**Application to Vary a Premises Licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) Delete as applicable.  
 (2) Insert name(s) of applicant.

(1) ~~[Type]~~ (2) Hossam El-Din Fahmy Gabriel Kasbar

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0357

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
Winstons Station Square Paignton Devon TQ4 5DS			
Post town	Paignton	Postcode	TQ4 5DS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ £24,750.00	

**Part 2 - Applicant Details**

Daytime contact telephone number	07793 401667
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode

**Part 3 - Variation**

Please tick as appropriate

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

If not, from what date do you want the variation to take effect? DD MM YYYY

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

1. To amend the wording of Crime and Disorder Condition 9 as follows:-

- (i) To clarify the restriction on alcohol in the designated smoking area
- (ii) To specify the hours during which the restriction shall apply
- (iii) To restrict the maximum number of persons permitted in the designated smoking area at any one time

2. To include the designated smoking area within the licensed area.

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

#### Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

(a) plays (if ticking yes, fill in box A)

(b) films (if ticking yes, fill in box B)

(c) indoor sporting events (if ticking yes, fill in box C)

(d) boxing or wrestling entertainment (if ticking yes, fill in box D)

(e) live music (if ticking yes, fill in box E)

(f) recorded music (if ticking yes, fill in box F)

(g) performances of dance (if ticking yes, fill in box G)

(h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

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

**Crime and Disorder Condition**

9. There shall be no entry or re-entry after 2.00 am except for those customers who have left to use the designated smoking area and no drink shall be permitted in this area at any time.

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence, or part of it, below

Reasons why I have not enclosed the premises licence or relevant part of premises licence

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

(a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

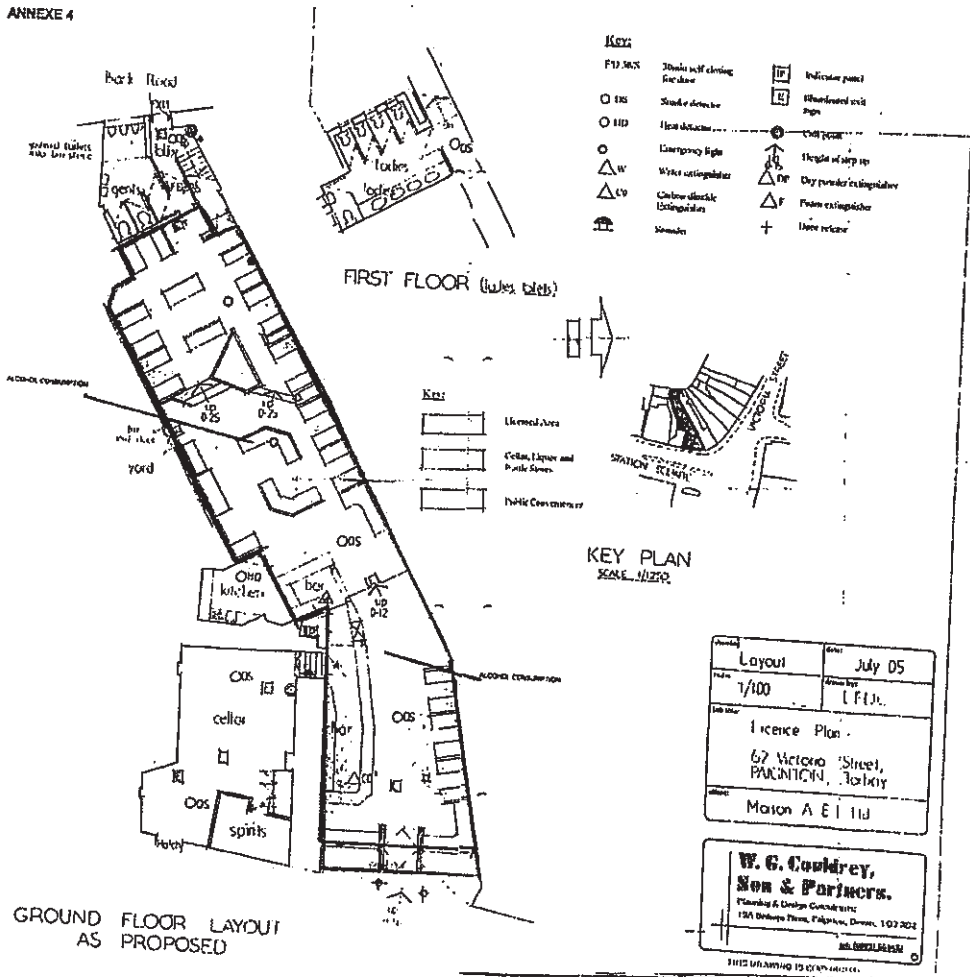
(b) The prevention of crime and disorder

9. There shall be no entry or re-entry after 2.00 am except for those customers who have left to use the designated smoking area.

11. No alcohol shall be permitted in the designated smoking area after 8.00 pm.

12. No more than 16 customers shall be permitted in the designated smoking area at any time.

ANNEXE 4



Drawn	Layout	Date	July 05
Scale	1/100	Drawn by	L.F.L.
Job No.	Licence Plan - 67 Victoria Street, PACIFICON, Jersey		
Client	Maison A E I Ltd		
Architect	<b>W. G. Coadrey, Son &amp; Partners.</b> Planning & Design Consultants 150 D'Oroville Road, Falmouth, Devon, TQ7 2DZ		
MR. BUCKLEMAN			

Licensing Act 2003  
**Premises Licence**

**357**

LOCAL AUTHORITY



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

Part 1 - Premises Details

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

**Winstons**

Station Square, Paignton, Devon, TQ4 5DS.

Telephone 01803 663908

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
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- 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 On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	3:00am
E. Performance of live music (Indoors)	Monday to Sunday On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	3:00am
F. Playing of recorded music (Indoors)	Monday to Sunday On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	4:00am
G. Performance of dance (Indoors)	Monday to Sunday On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	3:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday On New Year's Eve from the end of permitted hours on New Year's Eve to the start of	10:00am	3:00am

Licensing Act 2003  
**Premises Licence**

**357**

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

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors) continued ...	permitted hours on New Year's Day.		
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	10:00am	3:00am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	4:00am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	3:00am
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	8:00am	4:30am
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

**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**

Hossam El-Din Fahmy Gabriel Kasbar	Hilldean, 54 Barton Road, Torquay, Devon, TQ1 4DW. Telephone 01803
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**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

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

John Bernard MUDGE	76 Main Avenue, Torquay, Devon, TQ1 4JQ. Telephone 01803 311523
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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. PA2175	Issued by Torbay
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*Stephen Cox*

Steve Cox  
Environmental Health Manager (Commercial)  
29 November 2012

**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.

**ANNEXES continued ...**

- 7). The responsible person shall 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 -
- (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; 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**

**General**

See Annexe 1.

**The Prevention of Crime and Disorder**

1. There shall be no entry to anyone who is intoxicated.
2. Persons on 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 is possible
3. 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 14 days and the police to have access to recordings at any reasonable time.
4. On any night when the premises are closing after midnight door supervisor/stewards must be provided on the premises

**ANNEXES continued ...**

from 10pm at a ratio of 1:100 based on occupancy.

5. From 10pm all drinks must be served in shatterproof glasses and no alcohol is to be served in glass bottles from which it is intended or likely that a person shall drink.
6. Regular glass and bottle collection must be undertaken throughout the premises.
7. On every operational day when door supervision is required from 10pm then those door stewards employed on front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
8. The premises shall become a member of the Torquay Night Time Economy Forum and a representative shall attend at least 2 meetings a year.
9. There shall be no entry or re-entry after 2am except for those customers who have left to use the designated smoking area and no drinks shall be permitted in this area at any time.
10. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.

**Public Safety**

1. A digital CCTV system shall be installed for the purposes of public safety and crime prevention. Notices shall be displayed in prominent positions to make the public aware of this.
2. Adequate access must be provided for emergency vehicles.
3. A range of reasonably priced non alcoholic soft drinks must be available. Cold drinking water must be available at the bar and a notice of the availability must be prominently displayed.
4. Facilities and equipment suitable for the number of patrons and the type of event undertaken shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
5. All doors and fastenings shall at all times be kept in proper working order. Gangways, exit routes and steps shall be maintained in good order with non-slippery and even surfaces.
6. The seating must at all times ensure free unobstructed access to all exit doors.
7. The air management system within the premises must be used during entertainment. The system must be regularly maintained.

**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 noiseand  
The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semis and terraced properties) to make further assessments from within the residential property.
2. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
3. Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
4. A senior member of staff must 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.
5. The volume of amplified sound used in connection with the entertainment provided shall be at all times be under the control of the Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.

**ANNEXES continued ...**

6. After 02.00 hours, recorded music shall be reduced down to a background level.
7. For any amplified live music beyond the hour of 01.00 hours, a noise limitation device must be installed to control the system to which all amplification equipment is fitted. This device shall be regularly maintained to ensure that the noise produced within the premises shall not be audible within any residential premises within the vicinity.
8. The management shall 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.
9. The bottle bins shall not be emptied after 23.00 hours.
10. Door staff shall be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimised.
11. The mechanical ventilation must not allow noise breakout from the premises or cause a nuisance by its operation.
12. Flashing or particularly bright lights on or outside the premises shall be positioned and screened in such a way so as to not cause a disturbance to nearby properties.
13. Cooking, noxious or persistent smells from the premises must not cause a nuisance to nearby properties and the premises must be properly vented.

**The Protection of Children from Harm**

1. Children below the age of 18 shall be excluded from the premises after 10pm.
2. Young people who appear to be under the age of 21 shall be asked for age identification before they are served alcoholic drinks.
3. Proof of age shall normally be required by reference to one of the following:-
  - i. Passport
  - ii. EU photo card driving licence.
  - iii. Proof of Age Standards Scheme (PASS) card
  - iv. A Citizen Card, supported by the Home Office
  - v. An official identity card issued by HM Forces or by a European Union country bearing a photograph and the date of birth of the bearer.
4. Staff shall be trained in these procedures.
5. The admission of children to an exhibition of films shall be restricted in accordance by the following sub-sections.
  - i. Where the film classification body is specified in the licence, unless sub-paragraph ii(a) applied, admission of children must be restricted in accordance with any recommendation made by that body.
  - ii. Where:-
    - a. the film classification body is not specified in the licence or
    - b. the relevant licensing authority has notified the holder of the licence that this sub-section applies to the film in question admission of children must be restricted in accordance with any recommendation made by that licensing authority.
  - iii. In this condition
    - a. "Children" means persons aged under 18 and
    - b. "Film classification body" means the person or person designated as the authority under s.4 of the Video Recordings Act 1984 (c.39) (Authority to Determine Suitability of Video Works for Classification).

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None.

**ANNEXE 4**

**PLANS**

Licensing Act 2003

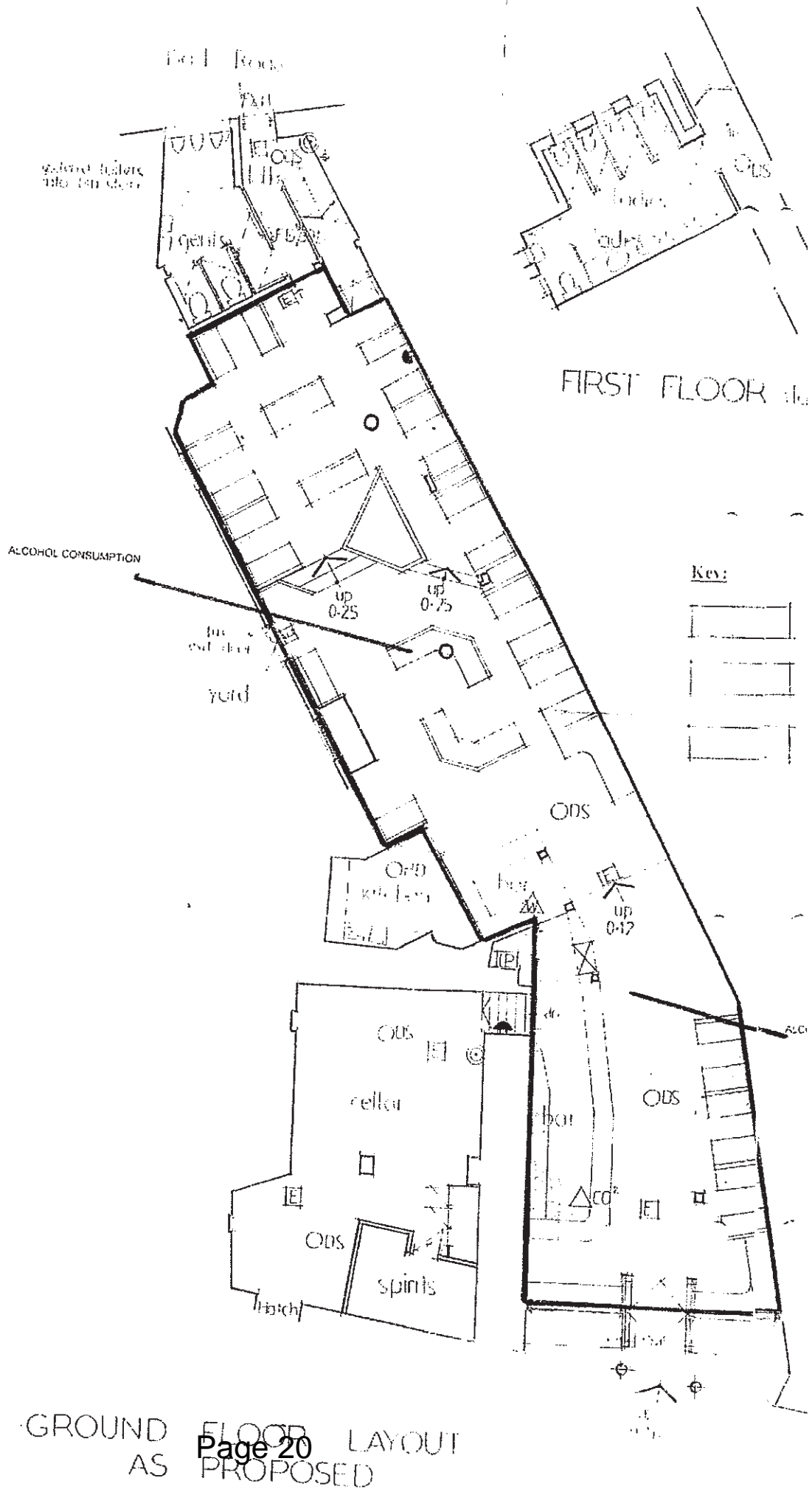
# Premises Licence

# 357

ANNEXES continued ...

Copy attached to Licence.

ANNEXE 4



GROUND FLOOR LAYOUT  
AS PROPOSED



**Key:**

- FD 30/8      30min self closing fire door
- DS      Smoke detector
- HD      Heat detector
- Emergency light
- △ W      Water extinguisher
- △ CO      Carbon dioxide Extinguisher
- 🔊      Sounder
- IP      Indicator panel
- E      Illuminated exit sign
- ⊙      Call point
- ↑      Height of step up
- △ DP      Dry powder extinguisher
- △ F      Foam extinguisher
- +

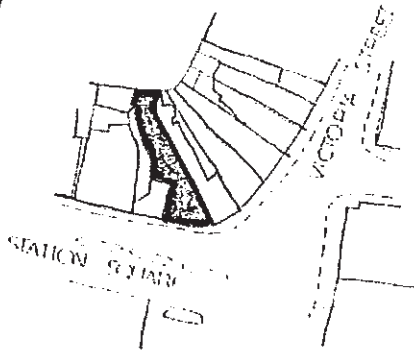
Calculation



Proposed Area

Dr. Liquor and  
Ice Stoves

Public Conveniences



**KEY PLAN**  
SCALE: 1/1250

ASSUMPTION

drawing: Layout	date: July 05
scale: 1/100	drawn by: J L L
job title: Licence Plan	
67 Victoria Street, PAUNTON, Torbay	
client: Maison A E U Ltd	

**W. G. Condlarey,  
Son & Partners.**  
Planning & Design Consultants  
19A Bishops Place, Paignton, Devon, TQ3 3DZ

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Page 21



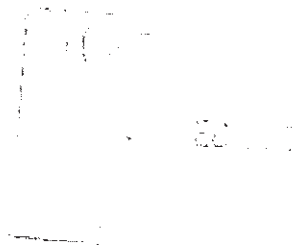


DEVON & CORNWALL  
CONSTABULARY

FAO; Mandy Guy  
Licensing Department,  
C/O Town Hall,  
Torbay Council,  
Castle Circus,  
Torquay,  
TQ1 3DR

Licensing Officer  
Torquay Police Station  
South Street  
Torquay,  
Devon TQ2 5AH

19 December 2012



Dear Mandy Guy,

RE: WINSTONS, The Square, Paignton

I refer to the application made by Winstons for the variation of premises certificate issued by Torbay Council under Section 34 of the Licensing Act 2003. Premises Certificate PL0357.

The police have discussed the application with Mr Newman, Kitsons Solicitors representative for Winstons and as a result of the discussion the police consider that the application is not acceptable under the prevention of crime and disorder and public safety objective under the Licensing Act 2003.

If this variation is granted it would allow the consumption of alcohol up to 20.00 (8.00pm) Mon to Sun within the designated smoking area at the front of the premises, and therefore the police raise an objection to these times under the prevention of crime and disorder and public safety objectives. The police would therefore wish to consider a reduction of consumption times and persons being seated at tables within this area. This would allow the premises to have the benefits of a cafe style licence premises but at the same time give full consideration to promoting the license objectives.

This has the potential to increase the level of crime impact in this busy location of the town, as it is the direct walkway and main thoroughfare of adults/children entering and exiting the town shopping area. Additional, there is a relatively narrow pavement directly outside the premises and with persons being allowed to drink and smoke in this designated area could be somewhat potentially intimidating to pedestrians using this route. The reduced times and persons seated within this area would provide a more pleasant environment within this area.



Therefore the police have amicably agreed a reasonable solution, in consultation with Mr Newman as follows:-

1. There shall be no entry or re-entry after 02:00 (2.00am) except for those customers who have left to use the designated smoking area.
2. No consumption of drinks within the designated smoking area of the premises beyond 18:00 (6.00pm)
3. All tables to be removed from the designated smoking area at 18:00 (6.00pm)
4. No more than 16 customers shall be permitted in the designated smoking area at any time after 18:00 (6.00pm)

The police would then be satisfied in relation to the prevention of crime and disorder objective under the Licensing Act 2003.

The Police submit this for the Local Authority Licensing Committee for their consideration and appropriate amendments to the licence, and should you require further information please do not hesitate to contact me.

Yours faithfully,



55186 Pete COSBY  
Alcohol Related Crime Reduction Officer  
Devon BCU  
Devon and Cornwall Constabulary  
**Ext.41464 (External01803841464)**  
**email: [peter.Cosby@devonandcornwall.pnn.police.uk](mailto:peter.Cosby@devonandcornwall.pnn.police.uk)**

## Memorandum

---

<b>To:</b> Licensing Team	<b>From</b> :	<b>Torbay Safeguarding Children Board</b>
<b>c.c</b>	<b>Contact</b> :	Lisa Jennings
<b>c.c.</b>	<b>Ext</b> :	208583
<b>c.c</b>	<b>My Ref</b> :	
<b>For the attention of: Licensing</b>	<b>Your Ref</b> :	
	<b>Date</b> :	21 December 2012

---

**Subject: Application for New Premises Licence– Licensing Act 2003**

**Premises Name and Address: Winstons. Station Square,  
Paignton, TQ4 5DS**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

The application lacks suitable conditions to protect children from harm. In order to ensure the safety of children I would like to see the following conditions included:

- No children under the age of 18 shall be allowed on the premises after 19.00 unless they are eating in the family dining area
- All children under 18 eating in the family dining area must be accompanied by an adult
- A proof of age policy for any customer purchasing alcohol who looks under 25 years of age

Signed:



Date: 21.12.2012

# Agenda Item 6

## Appendix 5



FAO: Mandy Guy  
Licensing Officer  
Community Safety  
c/o Town Hall  
Castle Circus  
Torquay  
Devon TQ1 3DR

Our Ref: RDN/JD/GOB002/0026

Your Ref: SRU/184199

Date: 20 December 2012

**By e-mail only: Licensing@torbay.gov.uk**

Dear Sirs

**Re: Licence Variation Application  
Winstons, 62 Victoria Street, Paignton, Devon, TQ4 5DS**

We have had further discussions with Mr Cosby of the Police Licensing Department (to whom we are sending a copy of this letter) with regard to our client's application.

As a result of those discussions, we have agreed to amend slightly the proposed crime and disorder conditions as set out at part M(b) of the application.

The wording of condition 11 will read as follows:-

11. No drinks of any description shall be consumed in the designated smoking area after 6.00 pm.

In addition we have agreed that one further condition will be attached in the same category, to be worded as follows:-

13. Tables will be removed from the designated smoking area after 6.00 pm.

Please confirm whether, subject to agreement from the police being confirmed by them, that you would agree that a hearing will not be required.

Yours faithfully

**Kitsons LLP**  
rob.newman@kitsons-solicitors.co.uk

cc: peter.cosby@devonandcornwall.pnn.police.uk

Minerva House Orchard Way Edginswell Park Torquay Devon TQ2 7FA  
T +44(0)1803 202020 E advice@kitsons-solicitors.co.uk  
F +44(0)1803 299831 W www.kitsons-solicitors.co.uk DX 744650 Torquay 8

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Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Tapas Bar, 11 -13 Abbey Road, Torquay TQ2 5HE**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee** On: **24 January 2013**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: [Licensing@torbay.gov.uk](mailto: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 Objective “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 amend the licensed hours for the Sale by Retail of Alcohol from midday until 23.30 from Monday to Saturday. The existing Premises Licence allows for this activity from 10.00 until 23.00 Monday to Saturday and from midday until 22.30 on Sunday. Therefore the Applicant is asking for additional 30 minutes for the Sale of Retail of Alcohol at the end of the evening Monday to Saturday but reducing the hours in the morning by starting 2 hours later. On Sunday there are no changes to the times.

To extend the Opening Times from 08.00 until midnight Monday to Saturday and from 08.00 until 23.00 on Sunday. The Opening Times on the existing Premises Licence are from 10.00 until 23.20 Monday to Saturday and from midday to 22.50 on Sunday. The Applicant is requesting an additional 2 hours and 40 minutes from Monday to Saturday and an additional 4 hours and 10 minutes on Sunday.

To change the plan of the premises to show the new location of the bar.

To remove some out of date and unenforceable conditions from the Licence.

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 relevant Representation has been received from a Responsible Authority. 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 a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

There have been no other Representations received from any other Responsible Authorities or any 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	Representation from Public Protection

### **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.

FORM L



Application to vary a Premises Licence under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ALFREDO AGUADO  
*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL0611
-------------------------	--------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
TAPAS BAR (FORMERLY ZANZIBAR)			
11/13 ABBEY ROAD			
Post town	TORQUAY	Post code	TQ2 5NF
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£ 9,400		

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	



**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

- Change of premises plan to show new location of bar area.
- Removal of out of date conditions that are not enforceable.
- Change of premises open times
- Change of Sale of alcohol times

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

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick yes

- |  |                          |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

### Provision of entertainment facilities:

- |  |                          |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I)  | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	12:00	23:30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	12:00	23:30			
Wed	12:00	23:30			
Thur	12:00	23:30	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	12:00	23:30			
Sat	12:00	23:30			
Sun	12:00	22:30			

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)

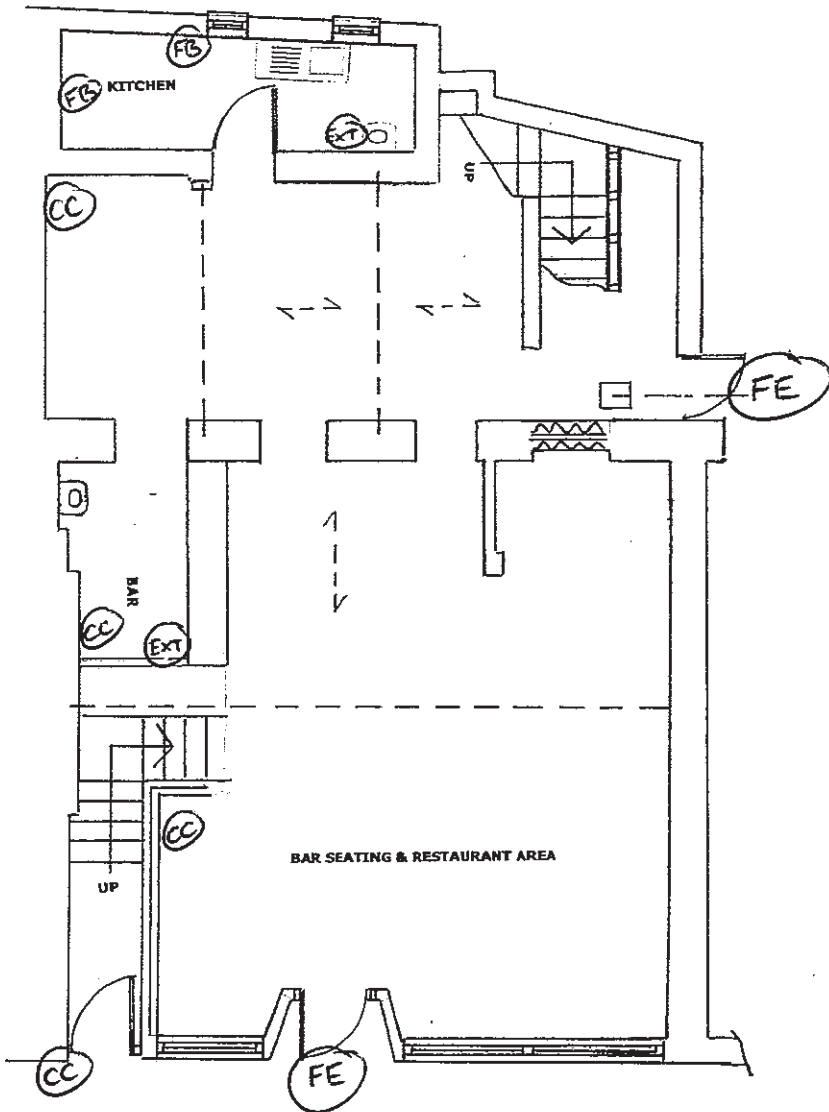
0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	23:00	

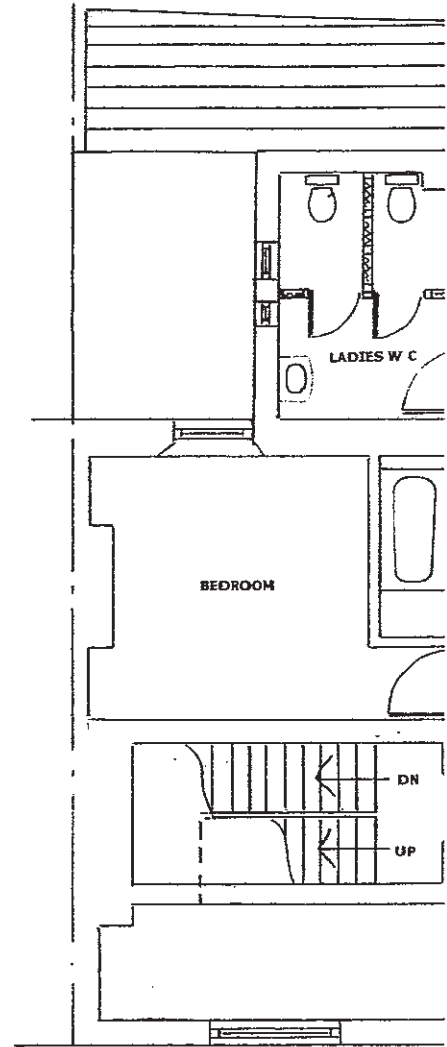
Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Annexe 2  
 Additional Conditions Transferred from the licence  
 No.1 - Licensing hours to be as per the district save as is provided by a Special order of exemption of a supper hours certificate.  
 No.3 - Whenever the rear dance areas is in use, a member of staff to be on duty in that area.  
 All of - -Restriction transferred from the on licence  
 - Credit Sales

Annexe 3  
 General - No.1 in relation to Mr Stevens & Ms Richards.

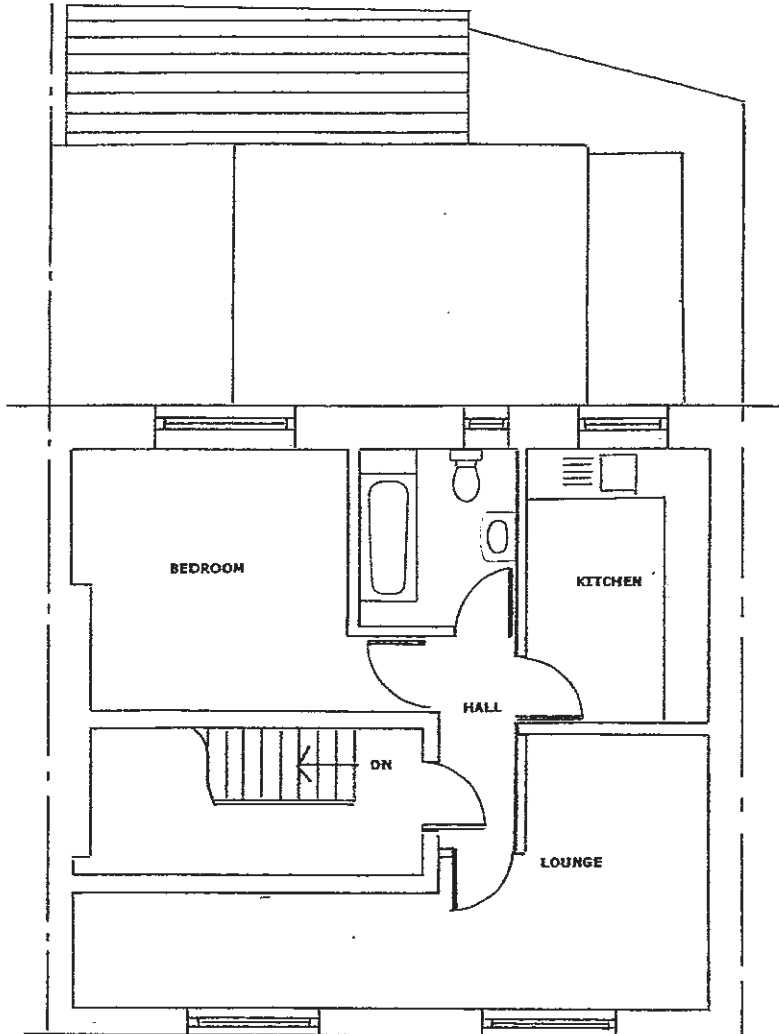
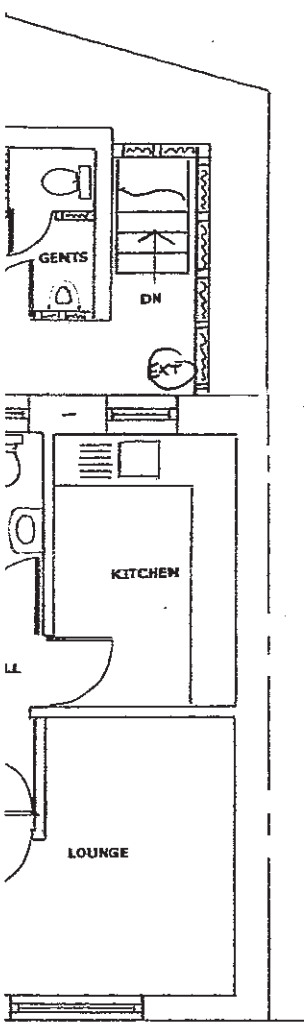


**GROUND FLOOR PLAN**



**FIRST FLOOR**

- (FE) Fire Exit.
- (EXT) Fire Extinguisher
- (FB) Fire Blanket
- (CC) CCTV



AN

**SECOND FLOOR PLAN**

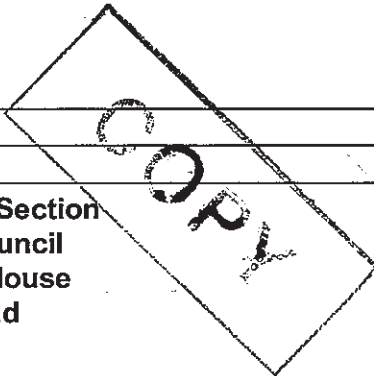
**11-13 ABBEY ROAD  
TORQUAY  
TQ2 5NF**

SCALE: 1-100 @ A3      DATE: **OCTOBER, 2012**

**G.F. SIMMONS** (ARCHITECTURAL SERVICES)  
 ——— COPYRIGHT ———  
 TEL: (01803) 325881      E-MAIL: [gws@merrimead.eclipse.co.uk](mailto:gws@merrimead.eclipse.co.uk)

Licensing Act 2003  
**Premises Licence**

**611**



LOCAL AUTHORITY



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

Part 1 - Premises Details

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

**Zanzibar**

11/13 Abbey Road, Torquay, Devon, TQ2 5NF.

Telephone 01803 293336

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve	10:00am	11:00pm
	New Year's Eve	Noon	10:30pm
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
			Except on a Sunday
			Sunday

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	11:20pm
Sunday	Noon	10:50pm
Good Friday	Noon	10:50pm
Christmas Day	Noon	3:20pm
	7:00pm	10:50pm
New Year's Eve	10:00am	11:20pm
	Noon	10:50pm
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	
		Except on a Sunday
		Sunday

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

Licensing Act 2003  
**Premises Licence**

**611**

Part 2

<b>NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE</b>	
Leslie Bernard Sellick	"Broadlands", Durleigh, Bridgwater, Somerset, TA5 2AR. Telephone 01278 423755
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>	
<b>NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL</b>	
Kathleen Donna ADAMS	8 Abbey Road, Torquay, Devon, TQ2 5NA.
<b>PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL</b>	
Licence No. PA1581	Issued by Torbay



Steve Cox  
Environmental Health Manager (Commercial)  
10 November 2010



**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.

ANNEXES continued ...

- 7). The responsible person shall 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 -
- (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.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Additional Conditions Transferred from the Licence**

1. Licensing hours to be as per the District save as is provided by a Special Order of Exemption of a Supper Hours Certificate.
2. CCTV to be installed in the premises and to be maintained and used throughout licensing hours. CCTV to have full recording facilities with a monitor for use by staff. All recordings to be kept for a minimum of 31 days, during which time the police shall have access at any reasonable time.
3. Whenever the rear dance areas is in use, a member of staff to be on duty in that area.

**Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

**ANNEXES continued ...**

- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

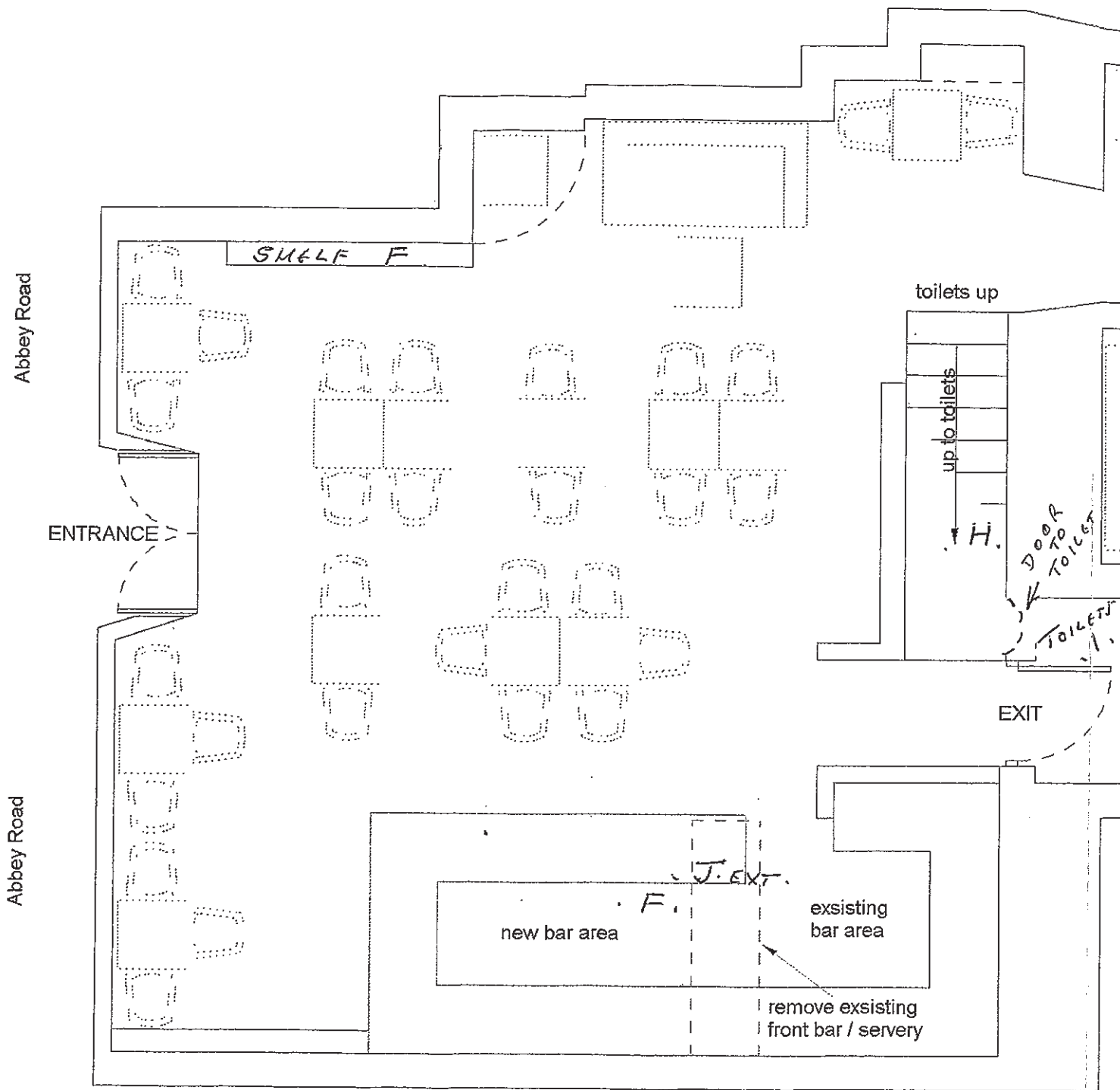
**General**

1. Mr. Stevens and Ms Richards shall undertake training on the Licensing Act 2003; in line with the requirements as when applying for a Personal Licence under the same legislation. This shall be undertaken by 23rd April 2006.
2. The premises shall join the Nite Net Radio Scheme.
3. The management shall adopt a proactive approach to issues relating to drugs at the premises.
4. Drinks promotions shall be managed in a responsible manner.

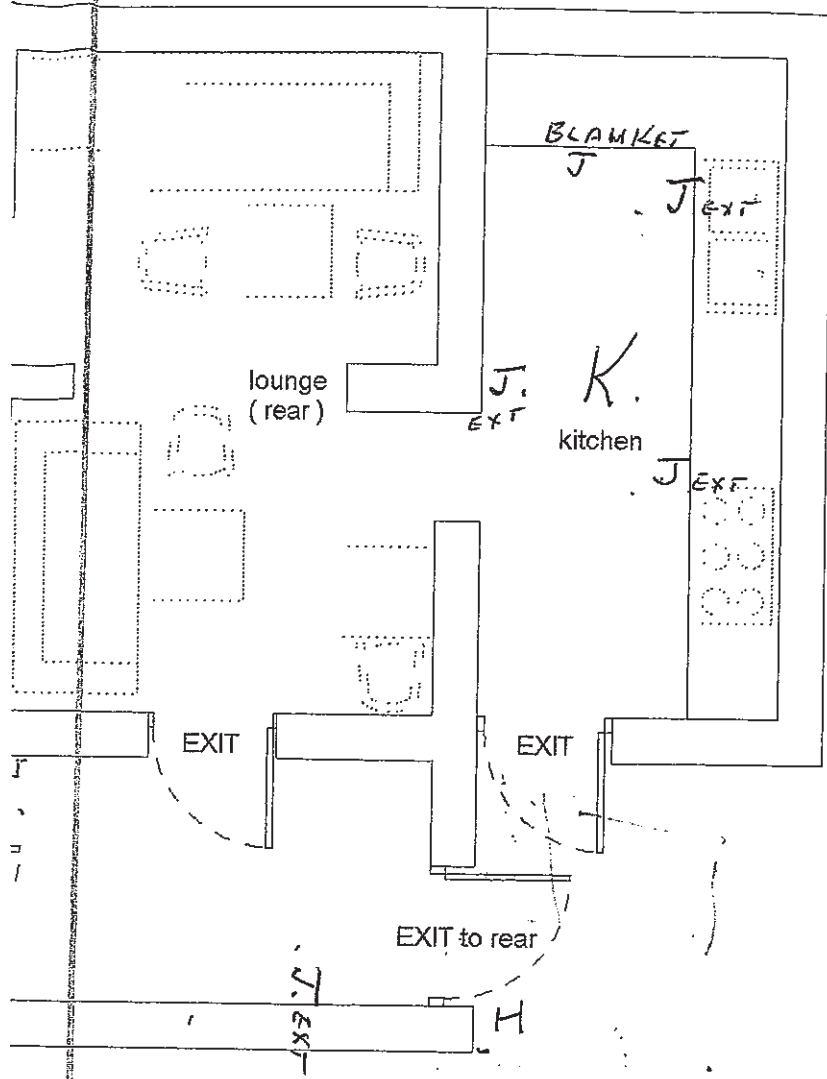
**ANNEXE 4**

**PLANS**

Copy attached to Licence.



Ground Floor



- A OK
- B OK
- C OK
- D OK
- E OK
- F SEE MARKED P SHELF E.I
- G N/A
- H STAIRS TO TOILET AND FIRE ESCAPE
- I TOILETS
- J FIRE EXTINGUISHERS AND BLANKET
- K KITCHEN

Refurbishment of Jamaica Inn

Changes from existing:

- 1) to extend bar / servery towards front windows on street
- 2) to improve kitchen and cooking facilities
- 3) to remove bar in back room ( lounge )
- 4) toilets to remain as existing
- 5) all exits to remain as existing
- 6) licenced area to remain as existing

**PLAN APPROVED**

*L. C. Roger*

CHAIRMAN

ON BEHALF OF THE LICENSING JUSTICES

Date: 6<sup>th</sup> June 2003

**Dan Carr Design-Construction**  
 Chichester Lodge  
 Babbacombe Rd, Torquay, TQ1 1HH  
 tel: 01803 200535 mobile: 07970 699357  
 e-mail: dan.carr@lineone.net

Project  
**'Jamaica Inn'**  
 Abbey Road, Torquay  
 NOW KNOWN AS ZANZIBAR

Title  
 licensing drawing

Date	Scale	Drawing Number
13.4.03	1:50	<b>001</b>

# Memorandum

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<b>To:</b> licensing	<b>From</b> :	<b>Community Safety</b>
<b>c.c</b>	<b>Contact</b> :	Mr Gareth Fudge
<b>c.c.</b>	<b>Ext</b> :	01803 208025
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 184339/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref</b> :	
	<b>Date</b> :	5 December 2012

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**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Zanzibar, , 11-13 Abbey Road,**  
**Torquay, Devon, TQ2 5NF**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

This application is for a bar on Abbey Road in Torquay, it is situated in the cumulative impact area. The premises wishes to operate until midnight. Previously, the premises held a licence which operated until 23:00.

Opposite the premises is a sheltered housing complex for elderly people. Many of the flats have living accommodation overlooking Abbey Road. Furthermore the premises has residential accommodation on either side and above it.

In the past complaints have been received about noise from patrons outside Zanzibar from residents in the sheltered accommodation opposite. The complaints relate to noise from patrons entering and leaving the premises and smoking outside.

I am concerned that given the vicinity of the residential accommodation and the operating hours of this premises that residents will suffer unreasonable disturbance arising from the activities above.

Furthermore, I am also concerned that patrons outside the premises may cause passersby out into the road leading them to being at risk.

I remind the committee that there is a rebuttable presumption against any new licences in the cumulative impact area unless the applicant can demonstrate that the licensing objectives of Prevention of Crime and Disorder and the prevention of Public Music.

The applicant has not addressed any of these issues in his application and I am concerned that noise from both entering and leaving the bar and from smokers smoking and talking outside will lead to public nuisance.

In order to ensure that residents do not suffer public nuisance I would recommend that the following conditions are attached to the licence.

Staff shall ask patrons to respect their neighbours and leave quietly after 22:00

A member of staff shall supervise the external area after 23:00 ensuring that :-

patrons do not use their mobile phones outside the premises

No more than three patrons are to be allowed outside at any given time.

Smokers must not be allowed to linger outside the premises.

Customers exhibiting noisy behaviour will be either asked to return inside or leave the area

**Mr Gareth Fudge**  
Senior Environmental Health Officer