

LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 Town Hall
 Castle Circus
 Torquay
 TQ1 3DR

Part 1 - Premises Details

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

Hennessey Cocktails

2 King Street, Brixham, TQ5 9TF.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- 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
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 the following day	9:00am	Midnight
L. Late night refreshment (Indoors & Outdoors)	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 the following day	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday For consumption ON the premises only Monday to Sunday For off-sales New Year's Eve On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day	9:00am 9:00am	Midnight 8:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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 the following day	9:00am	12:30am



Licensing Act 2003
Premises Licence

1116

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

Hennessey Cocktails Ltd

79 Goodrington Road, Paignton, TQ4 7HZ.

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

Ross HENNESSEY

79 Goodrington Road, Paignton, Devon, TQ4 7HZ.
Telephone 07950665274

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. L118-006903

Issued by Cornwall

Stephen Cox

Steve Cox
Environmental Health Manager (Commercial)
31 July 2020



ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-



ANNEXES continued ...

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None

The prevention of crime and disorder

1. All drinks will 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 after 23:00hrs.



ANNEXES continued...

2. CCTV must be installed on the premises to include a recording monitor behind the servery. Such CCTV system must be maintained and used throughout the licensing hours. Recordings will be kept for a minimum of 14 days during which time they will be available to the Police at any reasonable time.
3. On every operational day when door supervision is required, SIA door supervisors will be employed in front of house duties. They will wear yellow high visibility reflective clothing for the entirety of their duty.
4. On any Friday and Saturday night that the premises remains open for the sale of alcohol and then closes after 00:30hrs, SIA door supervisors shall be employed on the premises from 22:00hrs until close at a ratio of 1 supervisor per 100 customers (this condition shall also apply on Christmas Eve and New Year's Eve when they do not fall on a Friday or Saturday). On all other occasions the Premises Licence holder shall risk assess the requirements for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.
5. Adequate glass and bottle collection shall be undertaken throughout the premises. There must be a zero tolerance with drugs and have a drugs policy in force on the premises with the objective of securing, as far as reasonably practical, the safety of others attending the premises.

Public safety

1. Adequate emergency and fire exit lighting will be installed to British standard specification.
2. Where crowd management measures are needed, all reasonable steps shall be taken to ensure that such persons do not obstruct exits, passageways and stairways.
3. The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by carrying out a fire risk assessment, as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005. I understand that the safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertake to maintain a safe occupancy level.

The prevention of public nuisance

1. Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises shall not be audible within any noise sensitive premises (eg dwelling) with windows open for normal ventilation especially after 23:00hrs. This will be assessed from the boundary to the nearest residential properties on all sides of the licensed premises. The criteria that will be applied are:-
 - i) before 23:00hrs - noise emanating from the premises will not be clearly distinguished above other noise.
 - ii) after 23:00hrs - noise emanating from the premises will not be distinguishable above background levels of noise.
 - iii) the local authority will reserve the right in cases of tonal noise and where premises are attached to others (ie semis and terraced properties) to make further assessments from within the residential property.
2. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
3. The placing of refuse such as bottles into receptacles outside the premises must take place at times that will prevent disturbance to nearby properties.
4. Deliveries of kegs, bottles, food and other materials necessary for the operation of the business must be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
5. Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
6. Patrons shall be asked not to stand around talking in the street outside the premises or any car park and shall be asked to leave the vicinity quickly and quietly.
7. Staff shall check prior to entertainment and periodically during the entertainment that all windows and doors are shut.
8. A senior member of staff (manager) shall assess the impact of any noise activities on neighbouring residential premises at the start of the activity / entertainment and periodically throughout the activity / entertainment to ensure



ANNEXES continued ...

levels of noise have not increased.

9. On calling last orders and at the end of Regulated Entertainment an announcement shall be made requesting patrons to leave the area as quickly and quietly as possible.
10. A management scheme shall be put in place to prevent excessive queuing into the street.
11. Patrons that behave in a noisy or disorderly manner in the smoking area shall be removed from that area, and where appropriate asked to leave the premises. Details of this noisy conduct shall be recorded in a log book and where appropriate, details of the patron(s) causing the noise or disorderly conduct shall be recorded in that log book too.
12. If Torbay Council receives a complaint of noise nuisance emanating from the premises and an Environmental Health Officer of Torbay Council deems noise nuisance to exist and then upholds the complaint, the premises Licence Holder shall on receiving written confirmation of that complaint co-operate with Torbay Council's Environmental Health Officers and implement remedial measures to the satisfaction of the Environmental Health Officers immediately or as reasonably practicable to do so, as determined by the Environmental Health Officer.
13. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
14. All regulated entertainment shall be played through a noise limiter which is set at a level as agreed with the local responsible authority for public nuisance. The noise limiter shall be made tamper proof and any adjustments to sound levels shall only be made in consultation with the responsible authority for public nuisance.
15. The level of amplified music shall be reduced automatically by 1/3 of the agreed level set by the noise limiter at 0300 hours until closing.
16. Where any proposed structural changes are made to the premises, agreement must be reached with the Environmental Health Department that these works will not increase noise breakout before the works are commenced.
17. SIA door stewards positioned at the exits shall take all reasonable steps to ensure that patrons leave the premises in a quiet respectful manner and do not congregate outside the premises.
18. The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.

The protection of children from harm

1. The premises shall adopt a Challenge 25 policy whereby any person who looks under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
2. No under 18s will be permitted on the premises after 22:00hrs.
3. All staff shall be trained regarding the Challenge 25 policy, including acceptable forms of ID.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The prevention of public nuisance

1. Recorded music shall be permitted inside the premises only.
2. Recorded music shall be permitted from 9.00am to midnight 7 days a week.
3. The supply of alcohol shall be permitted from 10.00am to midnight 7 days a week.
4. Late night refreshment shall be permitted from 11.00pm to midnight 7 days a week.
5. The premises shall be open to the public from 9.00am to 12.30am 7 days a week.
6. After 10.00pm the designated smoking area shall permit no more than 8 patrons at any one time.



ANNEXES continued ...

7. After 10.00pm the designated smoking area shall be monitored at all times by either an SIA door steward or a member of staff to ensure that patrons using the area do not cause a nuisance to nearby residents.
8. A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Public Protection Officer.
9. When off-sales are purchased from the premises, staff shall advise customers that the alcohol should not be consumed within the Public Space Protection Order area and refer them to the Public Space Protection Order map.
10. A map of the Public Space Protection Order area will be displayed in a prominent position close to the point of sale and the premises exits.

ANNEXE 4

PLANS

Copy attached to Licence.



LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 Town Hall
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 TQ1 3DR

Premises Details

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

Hennessey Cocktails

2 King Street, Brixham, TQ5 9TF.

WHERE THE LICENCE IS TIME LIMITED THE DATES

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- provision of late night refreshment
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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

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Description	Time From	Time To
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Premises Licence Summary

1116

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

Hennessey Cocktails Ltd

79 Goodrington Road, Paignton, TQ4 7HZ.

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

Ross HENNESSEY

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

Not applicable



Steve Cox
Environmental Health Manager (Commercial)
31 July 2020



