


| LOCAL AUTHORITY | |
|---|---|
|  | <p>Torbay Council Licensing & Public Protection Town Hall Castle Circus Torquay TQ1 3DR</p> |

Part 1 - Premises Details

| POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION |
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| <p>Birdcage New Road, Brixham, TQ5 8LT.</p> |

| WHERE THE LICENCE IS TIME LIMITED THE DATES |
|---|
| Not applicable |

| LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE |
|---|
| <ul style="list-style-type: none"> - a performance of live music - any playing of recorded music - a performance of dance - 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 |
| E. Performance of live music (Indoors) | Monday to Sunday An additional hour on New Year's Eve | 8:00am | Midnight |
| F. Playing of recorded music (Indoors) | Monday to Sunday An additional hour on New Year's Eve | 8:00am | Midnight |
| G. Performance of dance (Indoors) | Monday to Thursday Friday to Saturday Sunday A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing Day. On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. | 10:00am 10:00am 11:00am | 11:30pm 12:30am 11:30pm |
| M. The sale by retail of alcohol for consumption ON and OFF the premises | Monday to Sunday An additional hour on New Year's Eve | 8:00am | Midnight |



THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|--|-----------|---------|
| Monday to Sunday An additional hour on New Year's Eve | 8:00am | 12:30am |

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

Punch Taverns Limited Jubilee House, Second Avenue, Burton-on-Trent, Staffordshire, DE14 2WF.
[REDACTED]

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

Punch Taverns Limited 03752645

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

Adam David RICHARDSON [REDACTED]

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. [REDACTED] [REDACTED] [REDACTED]

R.A Hind

Rachael Hind
Regulatory Service Manager (Commercial)
3 August 2023



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



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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;

(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.

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-



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- (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**

None

The Prevention of Crime and Disorder

1. All alcohol and soft drinks shall be decanted and served in toughened glass.
2. There shall be a burglar alarm system in place.
3. Crime prevention posters shall be displayed on the premises.
4. A banning policy shall be in place.
5. No drunkenness or anti-social behaviour shall be tolerated on the premises.
6. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs, the confiscation and storage of any seized items which will be handed to the police at the earliest opportunity. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand. Suitable posters in relation to drug misuse shall be displayed at the premises.
7. Where a Pub Watch scheme exists, the premises shall join and actively participate by providing details of all individuals involved in violence on the premises.
8. On every operational day when door supervision is required, then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty and remain on duty until customers have left the area in a calm fashion.

Public Safety

1. The pub shall promote a licensed taxi service to facilitate its customers making onward journeys.
2. The external areas of the premises should be well lit up.

The Prevention of Public Nuisance

1. There shall be lockable/closed windows.
2. The fabric of the building shall retain sound.
3. A sound limiting device must be installed in the premises.
4. The sound limiter device must be set at a level by a suitably qualified person and in consultation with Torbay Council's Licensing team.



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5. If substantiated noise complaints cannot be resolved by use of the sound limiter, then amplified music must cease until such times as sound insulation is installed at the premises.
6. No adjustments to the noise limiting device or any associated public address equipment shall be made without prior consultation with Torbay Council's Licensing team. A minimum of 7 days notice must be given in writing.
7. No independent sound system or similar shall be brought on to the premises and used for amplified entertainment within the premises.
8. All performers must use the noise limiting device and the premises in-house public address system.
9. The noise limiter must not be overridden or interfered with at any time.
10. A sign must be clearly displayed, advising musicians a limiter is in operation at the premises and that they must use it.
11. A written noise management plan must be implemented and kept on site.
12. The noise management plan must be reviewed periodically or when significant changes are made to either the building or entertainment arrangements.
13. Amplified live music until 00:30hrs shall be limited to Friday and Saturday.
14. Amplified live music until 23:30hrs shall be limited to not more than three evenings per week (Sunday - Thursday).

The Protection of Children from Harm

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

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

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. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11pm. The criteria applied, from boundary to nearest residential property 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 (i.e. semi's and terraced properties) to make further assessments from within the residential property.
2. Doors and windows shall be kept shut during regulated entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
3. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the licensee/management.
4. During amplified music and entertainment the door lobbies shall be effectively used throughout the time of entertainment to prevent noise breakout.
5. The premises shall have and adhere to a Noise Management Plan. This Plan shall be agreed by Torbay Council's Public Protection Team and shall have particular regard to regulated entertainment, dispersal of patrons and designated smoking areas.

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. A CCTV system capable of providing images of an evidential standard, in all lighting conditions, and particularly in relation to facial recognition, shall be installed to the satisfaction of the police. The system will cover all areas of the



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premises not visible from the bar, including entrances and exits, and external smoking area. The system shall be in operation at all times the premises are open to the public. All recordings shall be retained for a minimum of 14 days. Recordings shall be provided to the police or other responsible authorities within 7 days of any request. The premises will supply all recording media and ensure that supplies are kept on the premises. The DPS or duty manager must be able to operate the system. Should the system be inoperable this will be recorded in the incident book and the system will be repaired as soon as reasonably practicable.

2. Substantial food in the form of table meals shall be available throughout the Premises from the time of opening until 9pm 7 days a week.
3. The DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis. This record shall include the full names of all persons involved, if possible or practical to do so. The incident Book shall be made available for inspection by a police officer, a police licensing officer or Officers of the local authority on demand, and such records shall be kept at the premises for a minimum of 12 months.
4. The DPS or other nominated person shall attend at least two meetings of the Torbay Licensing Forum per calendar year, together with any other meetings arranged by the police in respect of high risk events.
5. The Premises Licence Holder and/or DPS shall ensure that all staff receive training as to their responsibilities under the Licensing Act 2003, at the commencement of employment, with refresher training taking place on at least an annual basis. A record of all training will be kept and be available for inspection by representatives of responsible authorities on request. These records will be kept on the premises for at least 12 months.
6. The Premises Licence Holder/DPS shall risk assess the requirement for door supervisors, taking the layout of the premises and any proposed activities to take within the premises, into account and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment. Risk assessments will be recorded, retained on the premises for at least 12 months and produced to representatives from responsible authorities on request.

The Protection of Children from Harm

1. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.
2. No persons under the age of 18 years shall be permitted in the premises after 2200 hrs. Any under 18's allowed entry to the premises before this time must be accompanied by a responsible adult and shall be required to vacate the premises at 2200hrs.

ANNEXE 4

PLANS

Copy attached to Licence.

