



**Application for a premises licence to be granted  
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** Thomas Frederick Kembery

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Tomo Burger South Quay The Harbour			
<b>Post town</b>	Paignton	<b>Postcode</b>	<b>TQ4 6DT</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£10,000</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                          |                             |
|---|--------------------------|-----------------------------|
| a) an individual or individuals *               | X                        | please complete section (A) |
| b) a person other than an individual *          |                          |                             |
| i. as a limited company                         | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/> | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> Kembery			<b>First names</b> Thomas Frederick		
<b>Date of Birth</b>	██████████	I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes
<b>Nationality</b> British					
Current residential address if different from premises address	██████████ ██████████				
Post town	Paignton			Postcode	██████████
<b>Daytime contact telephone number</b>		██████████			
<b>E-mail address (optional)</b>	██████████				

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Previously licensed as The Crab and Hammer. The premise closed down and I am the new leaseholder. I wish to provide a restaurant focusing on gourmet burgers and providing local beers and spirits.

The premises consists of a split level ground floor with seating and a bar. Kitchen to the rear. WC's are upstairs.

There is outside seating for 6 people directly outside the premises on the decking. Further outdoor seating is adjacent to the premises with space for 3 tables for up to 12 people.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment** (please read guidance note 2)

Please tick any 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)

**Supply of alcohol** (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	X
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	12:00	22:00			
Tue	12:00	22:00			
Wed	12:00	22:00			
Thur	12:00	22:00			
Fri	12:00	22:00			
Sat	12:00	22:00			
Sun	12:00	22:00			
			<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 6)		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Thomas Kembery	
Date of Birth ██████████	
██████████ ████████████████████ ██████████████ ██████████	
Postcode	██████████
Personal licence number (if known) PA4076	
Issuing licensing authority (if known) Torbay Council	

**K**

**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 9).**

None

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>State any seasonal variations</u></b> (please read guidance note 5)</p>
Day	Start	Finish	
Mon	07:30	22:30	<p><b><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></b> (please read guidance note 6)</p>
Tue	07:30	22:30	
Wed	07:30	22:30	
Thur	07:30	22:30	
Fri	07:30	22:30	
Sat	07:30	22:30	
Sun	07:30	22:30	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
  - The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
  - The hours and activities permitted by the premises issued under the Licensing Act 2003 and conditions attached to the licence.
  - How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
  - Recognising the signs of drunkenness.
  - The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
  - Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

**b) The prevention of crime and disorder**

1. An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
  - Any incidents of disorder or of a violent or anti-social nature
  - All crimes reported to the venue, or by the venue to the police
  - All ejections of patrons
  - Any complaints received
  - Seizures of drugs or offensive weapons
  - Any faults in the CCTV system
  - Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

2. The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and local authority:
  - i) All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.
  - ii) The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
  - iii) The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
  - iv) All equipment must have a constant and accurate time and date generation.
  - v) All recordings will be stored for a minimum period of 30 days with date and time stamping.

vi) Viewable copies of recordings will be provided on request to the Police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation) OR a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 1998 (or any replacement legislation).

vii) The CCTV system will be capable of downloading images to a recognisable viewable format.

viii) There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

3. Alcohol is to be served ancillary to food.

4. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

### **c) Public safety**

1. A Fire risk assessment will be carried out and regularly reviewed.

### **d) The prevention of public nuisance**

1. Prominent, clear and legible notices must be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

2. Regular maintenance must be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

3. The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night or in the early morning, when the noise generated could cause a nuisance particularly outside buildings.

4. All rubbish produced by the premises must be stored securely in a designated area or in a bin with a tight fitting lid.

### **e) 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 i.e.

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

2. The premises shall display prominent signage indicating in all areas where alcohol is located that a Challenge 25 scheme is in operation.

3. An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- the date and time of refusal
- the reason for refusal
- details of the person refusing the sale
- description of the customer
- any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal.

#### Checklist:

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO**

**EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<i>Thomas Kembery</i>
Date	6 <sup>th</sup> June 2025
Capacity	Owner

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			