

Licensing Act 2003
Premises Licence

422

LOCAL AUTHORITY



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

COPY

Part 1 - Premises Details

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

Seamus O'Donnells

28 Victoria Parade, Torquay, Devon, TQ1 2BD.

Telephone 01803 294608

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or 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 An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
C. Indoor sporting event	Monday to Sunday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
E. Performance of live music (Indoors)	Monday to Sunday An additional hour to the standard and non-standard times on the day when British	10:00am	3:00am



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

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	continued ... Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.		
F. Playing of recorded music (Indoors)	Monday to Sunday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
G. Performance of dance (Indoors)	Monday to Saturday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	11:00am	3:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
J. Provision of facilities for dancing (Indoors)	Monday to Saturday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Saturday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	10:00am	3:00am
L. Late night refreshment (Indoors)	Monday to Sunday An additional hour to the standard and non-standard times on the day when British Summertime commences. From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.	11:00pm	3:00am



Licensing Act 2003
Premises Licence

422

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

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 Sunday	10:00am	3:00am
	An additional hour to the standard and non-standard times on the day when British Summertime commences.		
	From the start of standard timing on New Years Eve to the start of standard timing on New Years Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	3:00am
An additional hour to the standard and non-standard times on the day when British Summertime commences.		
From the start of standard timing on New Years Eve to the start of standard timing on New Years 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

Part 2

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

Stephen Graham Paul Butchers info@energyreportsdevon.co.uk	68 Upper Manor Road, Paignton, Devon, TQ3 2TJ. Telephone 07872 303930
Lesley Ann Butchers lesley@energyreportsdevon.co.uk	68 Upper Manor Road, Paignton, Devon, TQ3 2TJ. Telephone 01803 666550

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

Lesley Ann BUTCHERS	68 Upper Manor Road, Paignton, Devon, TQ3 2TJ. Telephone 01803 666550
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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. PA1475	Issued by Torbay
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Steve Cox
 Environmental Health Manager (Commercial)
 15 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

1. Staff shall be trained on the requirements of the Licensing Act 2003.
2. Staff shall be trained in drugs awareness.

The Prevention of Crime and Disorder

1. The premises shall remain open for 30 minutes after the end of the sale of alcohol, with access to amenities and the provision of soft drinks.
2. The Designated Premises Supervisor must maintain membership to the Torbay Licensed Traders Association 'Pubwatch'.
3. Persons who are an identifiable threat to public order shall be refused service.



ANNEXES continued ...

4. The premises shall ensure that all staff understand the social responsibilities associated with the sale and supply of alcohol.
5. Customers who are or appear to be drink shall be refused further alcohol sales.

Public Safety

1. Health and safety risk assessments must be carried out and regularly reviewed.
2. Fire safety measures provided shall be maintained and regularly reviewed to be in good working order, in accordance with Fire Precautions (Workplace) Regulations.
3. An appropriate, safe occupancy level must be maintained at all times.
4. A risk assessment must be undertaken where there is a sufficient risk of overcrowding and remedial steps must be taken.
5. Where there is a sufficient risk of overcrowding the DPS shall agree the most effective means of control with the Police.
6. Function bookings must be restricted to 100 persons per separate bar room.
7. There shall be securement of empty bottles, prompt clearance of glasses throughout opening hours.
8. The premises must ensure that all windows and doors are kept closed when regulated entertainment takes place apart from for entrance and exit.

The Prevention of Public Nuisance

1. The volume of recorded music must be reduced to background level during the wind down period.
2. All windows must be kept closed after 23:45hr.
3. Suitable signage must be prominently displayed requesting customers to leave quietly.
4. Persons on or leaving the premises shall be reminded to conduct themselves in an orderly manner so as not to cause annoyance to residents and persons passing by.
5. Kitchen extraction filters must be cleaned at least once a week.
6. A zero tolerance drugs policy must be in place.
7. Drugs and incident books must be used to record incidents.

The Protection of Children from Harm

1. Any person who appears to be under the age of 21 shall be asked for identification if attempting to purchase alcoholic drinks.
2. Identification that shall be accepted are: A valid passport, photographic driving licence or approved identification card carrying PASS logo.
3. Amusement machines with Prizes must be sited where supervision is available to prevent minors playing them.
4. A Challenge 21 scheme shall be in place.

PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION**1. GENERAL**

ANNEXES continued ...

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.
- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

2. DISPLAY

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-
"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"

3. SANITARY EQUIPMENT AND CLEANLINESS

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.



ANNEXES continued ...

- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.
- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

6. SEATING AND STANDING

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.
- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council).



ANNEXES continued ...

Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.

- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained
- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.
- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.
- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or



ANNEXES continued ...

dimmed while the public are on the Premises.

- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.,
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.

8. FIRE PRECAUTIONS

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.
- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.
- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.



ANNEXES continued ...

- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.
- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.
- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

9. STRUCTURE AND SUITABILITY

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical requirements.
- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when



ANNEXES continued ...

required by the Council.

- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

10. CONDUCT OF PREMISES AND NOISE NUISANCE

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
- (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
 - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
 - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.

11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS

- (a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-
- Hypnotism (as defined by the Hypnotism Act 1952);
 - Striptease, lap dancing or any similar performance;
 - The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
 - The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

- (b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.



ANNEXES continued ...

(c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:
harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
- 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

12. MISCELLANEOUS

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence,



ANNEXES continued ...

shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.

- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

ANNEXE 3**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****General**

None

The Prevention of Crime and Disorder

1. The premises shall join and maintain membership of the Torquay Night-time Economy Forum and the DPS or a member of the Management Team shall attend at least 2 meetings per calendar year.
2. The premises shall join, maintain membership of, and actively participate in Torquay Pubwatch.
3. The premises shall join, maintain membership of and actively participate in the Nitenet Radio Communications Scheme.
4. A CCTV system to be installed at the premises to the satisfaction of the police, and must operate at all times the premises are open to the public. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images at any reasonable time.
5. On Sundays, Mondays, Tuesdays, Wednesdays and Thursdays, if the premises sells alcohol after 12 midnight and remains open after 0030 hrs, the DPS shall undertake a risk assessment as to the need for SIA door stewards. The DPS should consider the nature of the event, the number of persons expected to attend and recommendations from the Devon and Cornwall Constabulary. If SIA door stewards are deemed necessary, a minimum of two stewards shall be employed on the premises from 2200 hrs until closing.
6. On Fridays and Saturdays, New Years Eve, Christmas Eve, Boxing Day, Valentine's Day and Halloween (whenever they do not fall on a Friday or Saturday), and on Sundays and Mondays of Bank Holiday Weekends, when the premises sells alcohol after midnight and remains open after 0030 hrs, a minimum of two SIA stewards shall be employed on the premises from 2200 hrs until closing.
7. On every operational day when door supervision is required, SIA door stewards employed in front of house duties shall wear high visibility jackets or tabards for the entirety of their duty.
8. Written records of all SIA door stewards, including full name and full SIA badge number, shall be kept on the premises for at least 12 months and be available for inspection at any reasonable time by a member of the Responsible Authorities.
9. All drinks must be served in toughened or strengthened, polycarbonate or plastic glasses.
10. On days when the premises sells alcohol after midnight, and remains open after 0030 hrs, no drinks shall be served after 2200 hrs in glass bottles from which it is intended or likely that a person shall drink.
11. There shall be a cooling down period of 30 minutes after the last sales of alcohol when music will be turned down.



ANNEXES continued ...

12. All drinks promotions shall be managed in a responsible manner.
13. On all days the premises sells alcohol after midnight, and remains open after 0030 hrs, from 2200 hrs onwards the DPS or a Personal Licence Holder shall be on duty on the premises.
14. Any person employed at the premises in the sale and supply of alcohol after 2200 hrs shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment or for existing staff within 2 months of the licence being granted.
15. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept on the premises and be available for inspection at any reasonable time by a member of the Responsible Authorities. Such record to be kept for at least 12 months.
16. No under 18 year olds to be allowed on the first floor of the premises after 2200 hours, unless they are attending a private pre-booked function.
17. At each exit used by customers, suitable signage shall be displayed informing customers that they are entering a "No Drinking Zone" and that no open drinking vessels are to be taken beyond such point.
18. At each exit used by customers, suitable signage shall be displayed requesting customers to leave in a quiet and orderly manner.
19. Door stewards, the DPS and Personal Licence Holders shall monitor the immediate vicinity of the premises and take all reasonable steps to ensure patrons leaving the premises do so in an orderly manner and quietly so as not to disturb residents.
20. There shall be no entry/re-entry to the premises after 0200 hrs.

Public Safety

None

The Prevention of Public Nuisance

1. Noise and vibration will 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 23:00hr. The criteria applied, from the boundary to the nearest residential property are;
 - (a) Before 23:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise.
 - (c) The local authority will 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. 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.
3. Windows will be kept shut during amplified entertainment to reduce noise break out.
4. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.
5. Regulated entertainment from amplified equipment shall not be permitted on the 1st floor after midnight until such time that the levels of said equipment shall be set and agreed between the premises licence holder or a nominated person by them and the Environmental Health Department so as not to unreasonably disturb nearby residents.
6. These levels shall be set and agreed by 31.01.12.
7. The levels set and agreed between the premises licence holder or nominated person by them and the Environmental Health Department in respect of regulated entertainment by amplified equipment on the 1st floor after midnight shall me



ANNEXES continued ...

monitored and kept under the supervision of the management of the premises at all times.

8. All doors and windows shall be shut during all regulated entertainment.
9. A written management plan to be in place to ensure that this doors and windows are kept closed during any regulated entertainment.
10. Noise from licensable entertainment shall not be distinguishable from the ambient noise on the street 10 meters or more from the premises. This shall be assessed from the street. However, should a complaint from a resident in the area be made steps shall be taken to ensure that noise breakout is reduced to a level agreed with the Local Authority and the residents.
11. There shall be no exterior sited speakers or speakers in doorways and lobbies.
12. The management of the premises will undertake monitoring of noise breakout from the premises and a written record needs to be kept of this monitoring. This shall be undertaken at least once per day.
13. The volume of any regulated entertainment will be under the control of the management at all times. Should monitoring indicate that the volume should be reduced, management shall take steps to ensure that levels are reduced to those agreed in condition 5.
14. No changes to the Public Address system shall be made without the express permission of the local Environmental Health Department; this includes moving of speakers or the addition or removal of any equipment.
15. Patrons of the premises shall be reminded by door staff to leave in a quiet respectful manner and the door stall shall take all reasonable steps to ensure that their patrons leave in a quiet manner.
16. Door Staff will monitor the area outside their premises and take reasonable steps to ensure that patrons do not congregate outside the premises.
17. Announcements shall be made on the Public Address system prior to closing reminding patrons to leave in a quiet respectful manner.
18. Door staff operating the nite-net radio system outside the premises shall do so with the use of an earpiece to minimise disturbance caused by the radio.

The Protection of Children from Harm

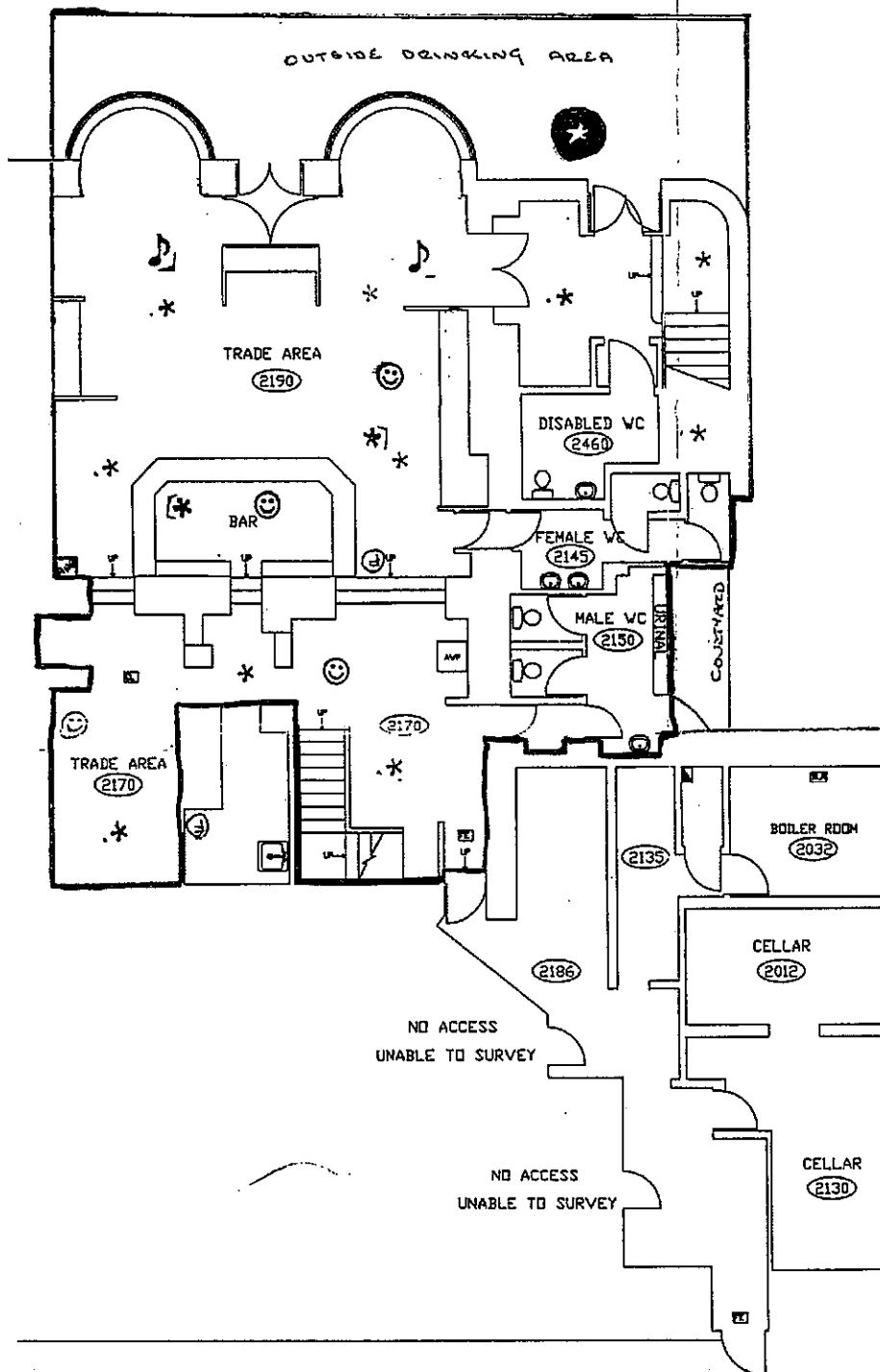
None

ANNEXE 4**PLANS**

Copy attached to Licence.

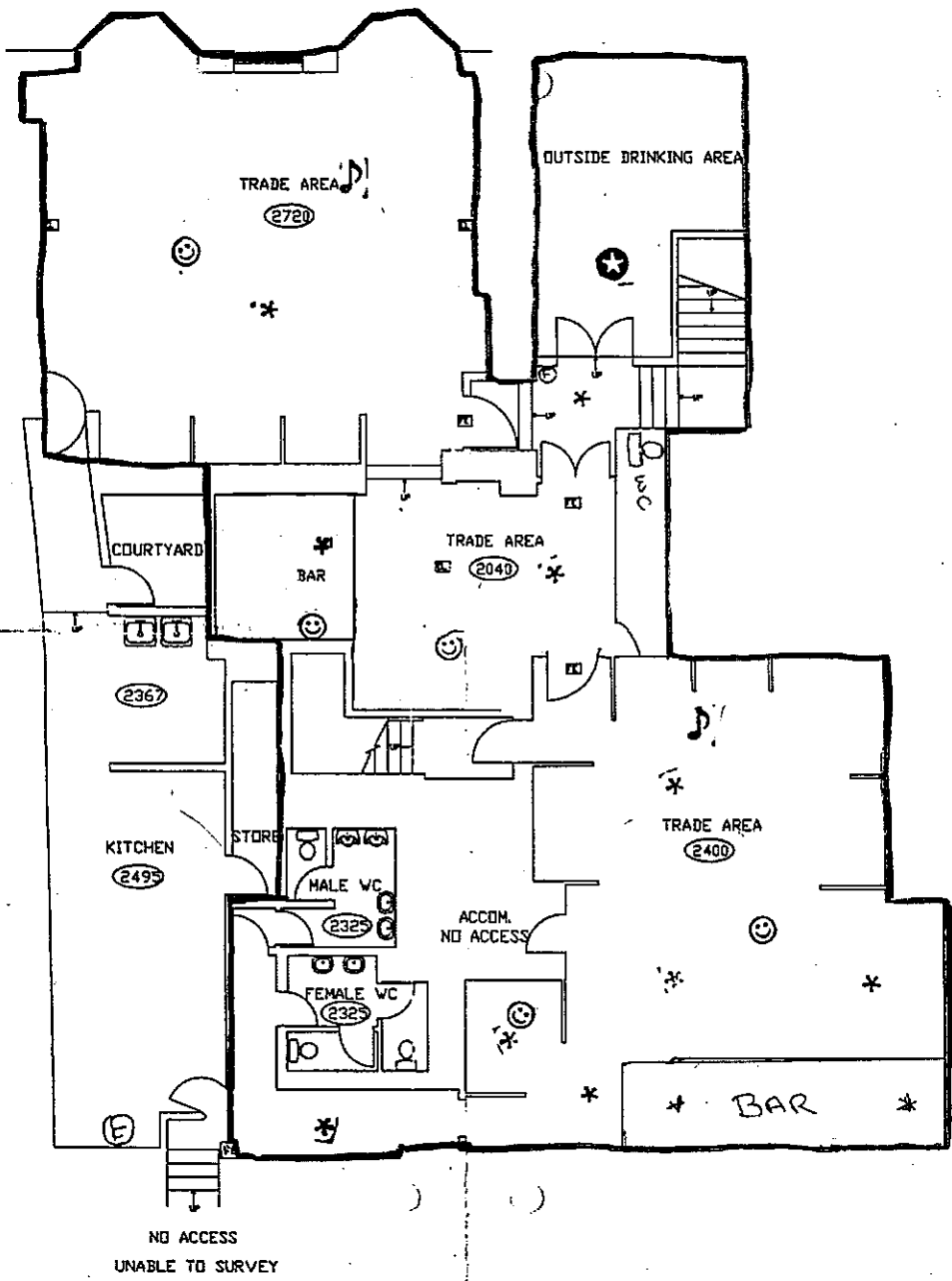


ANNEXE 4

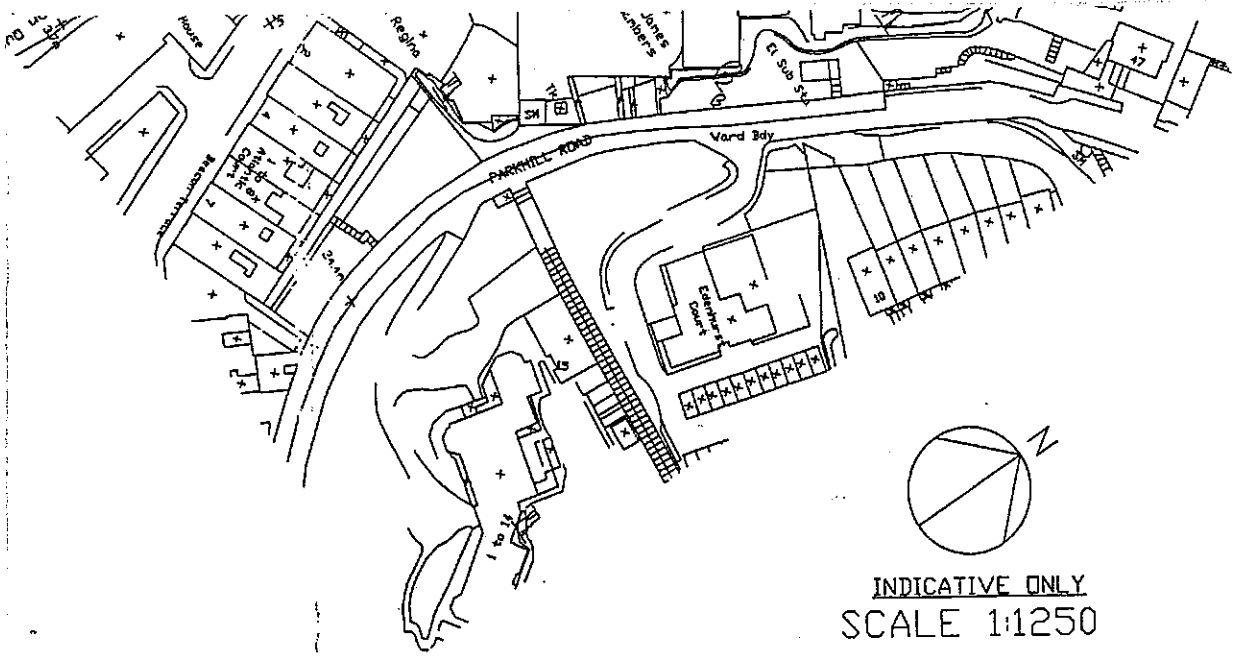


BUILDING SURVEYED AREA = 569.7 SQ. M

SCALE 1:100
GROUND FLOOR



SCALE 1:100
FIRST FLOOR



INDICATIVE ONLY
SCALE 1:1250

KEY TO LICENSED AREAS



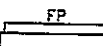








- * Sale, Supply and Consumption of Alcohol – on and off sales
- J Regulated entertainment
- Hot food after 23.00
- ⊙ Areas made available for consumption outside the premises

Allen	Property Name	SEAMUS O'DONNELLS	LICENSING SURVEY PLAN	
Property ID 02/02/227/10200	Address	28 VICTORIA PARADE TORQUAY DEVON TQ1 2BD	Date of Survey 19 & 21/ 07/04	Drg. Scale AS SHOWN

SCHEDULE OF ADDITIONAL ACCOMMODATION:

- 1. Number of storeys of building. 4
- 2. Staff accommodation. 3

LEGEND

-  CEILING HEIGHT
-  WINDOW
-  FIRE PLACE
-  DOOR
-  TOILET
-  URINAL
-  WASH HAND BASIN
-  BOILER
-  FIRE EXIT
-  EMERGENCY LIGHT
-  DISTRIBUTION BOARD
-  STEPS
-  SINK UNIT
-  AMUSEMENT WITH PRIZES
-  BAR FLAP
-  FIRE FIGHTING EQUIPMENT

