



Devon & Cornwall Police

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Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

18 December 2014

Dear Sir/Madam

Las Iguanas, Unit 4, Abbey Sands, Torquay

I refer to an application submitted by Las Iguanas Limited for the grant of a new Premises Licence in respect of the above named premises.

For your information this premise is situated in a new development of properties in a prime location overlooking Torquay seafront, a short distance far from Torre Abbey Sands. This area is not within the Torbay Council Cumulative Impact Area and the area around this premise consists of a large number of hotels and residential properties.

Prior to this development being built this stretch of road consisted of the Palm Court Hotel, Mojo Cafe Bar and a small number of beach shops and cafes. In respect of Mojo's Cafe Bar this premises had the benefit of Premises Licence PL0745 and in the last year or so that it was open it caused numerous concerns for the police and your Environmental Protection Department, as a result of which the police applied for an Expedited Review of the licence in September 2010 and the licence was subsequently surrendered by the Premises Licence Holders on 7 September 2010 to avoid the Review process.

Since 2010 this area has been extremely quiet in terms of the number of people in the area during the evening and early hours of the morning, and subsequently the level of crime and disorder has been very low. However, since the beginning of summer of this year several licensed premises have now opened.

licensingeast@devonandcornwall.pnn.police.uk



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The Government Standard

Le Bistrot Pierre (Premises Licence PL1038)

This premise is licensed to sell alcohol until midnight Monday to Sundays, but until 0100 hrs for persons taking a table meal or attending a bona fide private function, and closes at 0100 hrs. The licence has the condition: "The consumption of alcohol within the restaurant area shall be restricted to persons taking a table meal. However, alcohol may be consumed within the bar area (hatched blue on the plan) by persons not taking a table meal." In effect this means that for the majority of the premises alcohol can only be consumed by persons having a table meal.

Visto (Premises Licence PL1044)

This premise is licensed to sell alcohol until midnight on Thursdays, Fridays and Saturdays and 2300 hrs on Mondays, Tuesdays and Wednesdays. The premises have a 30 minute drinking up period before they must close. This premise is not licensed for any forms of regulated entertainment.

On the Rock (Premises Licence PL0382)

This premise was formerly known as Chillins and has been open throughout the development of the area but the police are aware that trade was poor. In April 2014 new tenants took over the premise, which have been refurbished to a high standard and it has now become a very popular restaurant. This premise is licensed for the sale of alcohol until midnight each day of the week, closing 30 minutes thereafter. This premise has a condition: "Customers taking drinks only and not sat at tables shall be restricted to the area shown cross hatched black on the application plan", thus indicating that the majority of customers must be seated and therefore limiting the number of persons within.

On 2 December 2014 my Police Licensing Officer, Mrs Julie Smart, contacted Mr Paul Uren of TLT Solicitors, who are representing the applicant, Las Iguanas Limited, and discussed the application with him. At that time Mrs Smart asked if Mr Uren if knew the capacity of the premises and he advised her that a fire risk assessment has not yet been completed. I am sure you appreciate that without knowing roughly how many persons may be present in a premise at any one time it is difficult to consider an application, particularly when the premise is currently an 'empty shell'.

I would now refer you to three proposed conditions within the Operating Schedule:

1. The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
2. Waiter/waitress service will always be available and at any given time no less than 80% of the internal public trading area will be given over to tables and chairs.

3. The premises shall predominantly be run as a licensed restaurant.

As you will see from the above, there is no indication as to what time the service of food will cease and it is the view of the police that it is unlikely that customers will still be consuming food within the premises at 1.00 am on Saturday and Sunday mornings.

The condition in relation to waiter/waitress service indicates that they will always be available but not that persons will be seated at tables and served by staff. Whilst the police can enforce that no less than 80% of the internal public trading area will be given over to tables and chairs this does not prevent customers from standing whilst consuming alcohol or limit the number of persons within by the number of seats available.

The police do not consider that condition 3 above can be enforced. What does predominantly actually mean?

In light of the above the police consider that the granting of this licence will allow the premises to operate as a bar, similar to that of a Wetherspoons and various other licensed premises within Torbay, and hence the police request that the following conditions are imposed on the licence:

1. On any Friday and Saturday night that the premises remain open for the sale of alcohol after midnight and then closes after 0030 hrs, SIA door supervisors shall be employed on the premises from 2200 hrs until close, at a ratio of 1 supervisor per 100 customers. This condition shall also apply on New Years Eve and Bank Holiday Sundays.
2. All door supervisors deployed at the entrance of the premises or externally shall wear yellow high visibility jackets or waistcoats for the entirety of their duty.
3. The premises shall join and actively participate in the Nitenet Radio Communications Scheme.
4. The DPS or a member of the management team shall attend at least two Torquay Forum Meetings per calendar year, and any other meetings organised by the police in relation to high risk events.
5. All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses. On any Friday and Saturday night when the premises remain open for the sale of alcohol after midnight, no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after midnight. This condition shall also apply on New Years Eve and Bank Holiday Sundays.
6. No under 18's shall be permitted on the premises after 2200 hrs.
7. The premises shall operate a Challenge 25 Policy where by all individuals who appear to be under the age of 25 shall be requested to provide an approved form of photographic identification.

The police consider that the likelihood of crime and disorder increases where a premise is authorised to sell alcohol after midnight. This is borne out by the fact that many bars in Torbay where the sale of alcohol ceases before midnight do not cause concern for the police, but those premises where the sale of alcohol is permitted after midnight regularly come to police attention and they impact on crime and disorder to some degree. Conditions 1 to 5 above are standard conditions that the police seek in relation to all bars and nightclubs within Torbay where the sale of alcohol is authorised after midnight and the Licensing Authority have been supportive of these conditions in the past.

With regards to condition 7, the police do not consider that it is appropriate for under 18's to be present in bar type premises after 2200 hrs, and in relation to condition 8, a Challenge 25 policy is recommended in your policy and is now the national standard in relation to age verification policies.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right from the end of the signature.

Superintendent G Mayhew
LPA Commander