


Licensing Act 2003
Premises Licence

1104

| LOCAL AUTHORITY | |
|---|---|
|  | <p>Torbay Council Licensing & Public Protection c/o 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 |
|--|
| <p>The Bierkeller 7 Braddons Hill Road West, Torquay, Devon, TQ1 1 BG.</p> |

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

| LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE |
|---|
| <ul style="list-style-type: none"> - an exhibition of a film - a performance of live music - any playing of recorded music - entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance - 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 | 9:00am | 12:30am |
| E. Performance of live music (Indoors) | Monday to Saturday Sunday | 10:00am Noon | Midnight Midnight |
| Music will be amplified. Performances shall only be on the stage at the rear of the premises and at a volume which does not disturb outside of the premises. | | | |
| F. Playing of recorded music (Indoors) | Monday to Sunday | 9:00am | 12:30am |
| Recorded music shall be played through an amplified sound system. Music shall be at a volume which does not disturb outside of the premises. | | | |
| H. Entertainment of a similar description to that falling within E, F, or G (Indoors) | Monday to Saturday Sunday | 10:00am Noon | Midnight Midnight |
| Any amplification will be at a level which will not disturb those outside the premises. | | | |
| L. Late night refreshment (Indoors) | Monday to Sunday | 11:00pm | Midnight |
| M. The sale by retail of alcohol for consumption ON and OFF the premises | Monday to Sunday | 9:00am | Midnight |



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THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|------------------|-----------|---------|
| Monday to Sunday | 9:00am | 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

| | |
|--|---|
| The Bierkeller (Torquay) Limited ashley@purpleangelmusic.co.uk | 7 Braddons Hill Road West, Torquay, Devon, TQ1 1BG. Telephone 01803 212223 |
|--|---|

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

| | |
|----------------------------------|----------|
| The Bierkeller (Torquay) Limited | 10288155 |
|----------------------------------|----------|

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

| | |
|-----------------|--|
| Michael SHEEHAN | 180 Union Street, Torquay, Devon, TQ2 5QP. |
|-----------------|--|

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. PA10550532 | Issued by Derby |
|------------------------|-----------------|

Stephen Cox

Steve Cox
Environmental Health Manager
31 August 2016



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).
 - (2) 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



ANNEXES continued ...

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: EXHIBITION OF FILMS

1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

2) Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,



ANNEXES continued ...

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

- 1) The Regulatory Reform (Fire Safety) Order shall be adhered to at all times.

The prevention of crime and disorder

- 1) On the ground floor of the premises alcohol will only be consumed by persons sat at tables and having a table meal at the premises. The upper floor of the premises will be used for the consumption of alcohol by persons who are seated, provided that those persons have just consumed a table meal within the premises.
- 2) A CCTV system capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors behind all bars and a recording system. All recordings shall be kept for a minimum of 14 days and copies of recordings shall be supplied to the police within 7 days of any request.
- 3) Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.
- 4) The Premises Licence holder or DPS shall carry out a risk assessment to determine whether any door stewards are required, and if so required employ them at such times and in such numbers as determined by that risk assessment.
- 5) The premises shall join the Nitenet Radio System and actively participate in this initiative.
- 6) Any persons employed at the premises in the sale and supply of alcohol shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment.
- 7) The DPS must hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises.
- 8) A record of all staff training, including copies of all relevant BIIAB certificates, shall be kept at the premises for a minimum period of 12 months and be available to the police or Local Authority Licensing Officers for inspection on demand.
- 9) A Personal Licence holder shall be on duty at all times the premises sell or supply alcohol.
- 10) Notices regarding the refusal of sale of alcohol to persons who appear drunk shall be prominently displayed at all points of sale on each floor of the premises and at the entrance to the premises, for the attention of all customers.
- 11) 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.
- 12) The premises shall maintain a refusals log and record all reasons for refusing entry, and where practical, record details of all persons refused entry. This record 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.
- 13) The Premises Licence holder will ensure that the DPS or other nominated person shall attend at least two meetings of the Torquay Licensing Forum per calendar year, together with any other meetings arranged by the police in respect of high risk events.
- 14) All drinks shall be served in shatterproof glasses or plastic/polycarbonate vessels and no alcohol shall be served in



ANNEXES continued ...

glass bottles after 23:00 hrs from which it is intended or likely that a person shall drink.

- 15) 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. 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.
- 16) The consumption of alcohol in the Pavement Cafe Permit area (if applicable) shall be restricted to the times indicated within the Permit and in compliance with all the terms and conditions specified therein.
- 17) The premises shall display clear signage which states when persons under 18 years are permitted on the premises.

Public safety

- 1) Free drinking water shall be available at all times.
- 2) When disabled people are present, adequate arrangements shall exist to enable their safe evacuation in the event of an emergency. Review and assessment of accessibility in line with the Disability Discrimination Act shall be complete and kept on the premises.
- 3) The licensees shall ensure that at all times there are adequate first aid arrangements. The arrangements for first aid provision include a first aid box, an adequate and appropriate supply of first aid equipment and materials to be used by patrons. Suitable protective equipment shall be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures shall be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable diseases.
- 4) Means of addressing patrons during operating hours which must be heard about entertainment, or as a means of interrupting the entertainment and making important safety announcements, shall be available.
- 5) CCTV must be in operation in areas not visible from the bar.
- 6) A safe capacity of the whole premises and each floor of the premises shall be maintained at all times. Such capacities to be agreed with the Fire Authority.

The prevention of public nuisance

- 1) 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.
- 2) All regulated music should be played through a noise limiter which is to be set at a reasonable level as agreed with the local responsible authority for public nuisance; this is to be independently calibrated and copies of reports must be kept on site and available on request by an authorised officer. It shall be sealed in a tamper proof box and adjustments shall only be made with the written permission of the responsible authority for public nuisance.
- 3) Performances of live music must be staged at the rear of the building.
- 4) All doors and windows must be kept closed after 23:00 hrs. A written management scheme shall be in place to ensure this situation remains.
- 5) No changes that increase the level of volume to the Public Address system shall be made without prior consultation with the local Environmental Health Department; this includes moving of speakers, addition or removal of any equipment and the use of guest acts or DJ's own equipment.
- 6) Entrances must be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
- 7) Lobbies shall be constructed and operated in such a way to ensure that if regulated entertainment is being played inside the premises, only one door shall be opened at any one time to prevent noise breakout. These doors shall be fitted with automatic closers.
- 8) Where any proposed structural changes are made to the premises, agreement must be reached with Environmental Health Department that these works will not increase noise breakout before the works are commenced.



ANNEXES continued ...

- 9) Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.
- 10) There shall be no exterior sited speakers or speakers in doorways and lobbies.
- 11) Suitable signage at exits requesting that patrons make as little noise as possible when leaving the premises shall be displayed.
- 12) Patrons shall be asked not to stand around in the street outside the premises and shall be asked to leave quickly and quietly.
- 13) Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
- 14) Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
- 15) Deliveries of goods shall be restricted to hours between 08:00 and 17:00 hrs.
- 16) The handling of beer kegs, bottles and similar items shall not take place in the late evening or during the early morning when the noise generated could cause a nuisance particularly outside buildings.
- 17) Skips and bins containing cans or bottles shall not be emptied after the premises close but shall be dealt with the next day during office hours.
- 18) The movement of bins and rubbish outside the premises shall be kept to a minimum after 17:00 hrs.
- 19) All rubbish produced by the premises shall be stored securely in the designated area or in a bin with tight-fitting lid to prevent litter being blown around.

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 on the premises after 21:00 hrs unless they are consuming a table meal in the company of a responsible adult in which case they can remain until 22:00 hrs.
- 3) An exception to under 18s being permitted on the premises after 22:00 hrs shall be to attend a pre-arranged private function in the company of a responsible adult where the premises are closed to the public.
- 4) The premises shall display clear signage which states when persons under 18 years are permitted on the premises.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

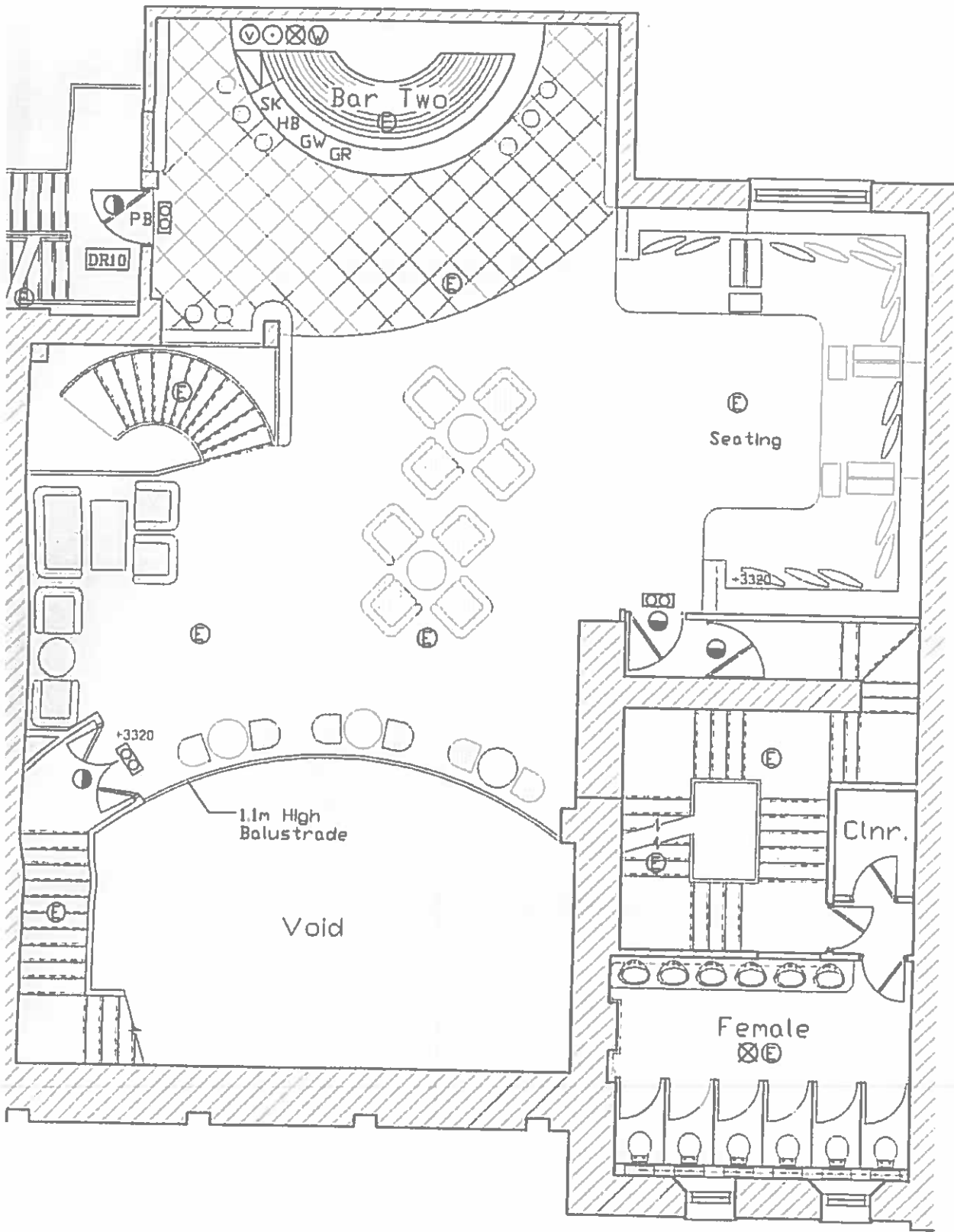
None

ANNEXE 4

PLANS

Copy attached to Licence.





FIRST FLOOR

REGULATIONS TO BE COMPLIED WITH:-
 Part A:- Fire Prevention
 Part B: Structure