



Devon & Cornwall Police

Licensing Team
Torbay Council
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Castle Circus
TORQUAY
TQ1 3DR

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

Telephone: 01803 218900

30 November 2016

Dear Sir/Madam

Tiger Lills, 3 Victoria Parade, Torquay, Devon, TQ1 2BB

I refer to an application for the Variation of a Premises Licence in respect of the above named premises, submitted by the applicants, Mr Glenn Kendall and Mr Antonio Toffolo.

Tiger Lills currently has the benefit of Premises Licence Number PL1091 which was granted by Torbay Council on 24 May 2016.

This premises is situated within the Torbay Council Cumulative Impact Area and No Drinking Zone, and is located within the ground and lower ground floor area of Queens Quay at the junction of Torwood Street, The Strand and Victoria Parade.

The premises currently operates as a bar with alcohol sales taking place between 10.00 am and midnight every day of the week, with the premises closing at 00.30 am each day. The licence contains a condition that substantial food in the form of table meals shall be available throughout the times the premises are open to the public. This condition means that table meals must be available when the premises are open, however you will note that there is no requirement that customers have to consume a table meal in order to be able to consume alcohol.

This variation application seeks to extend the sale of alcohol until 2.30 am with the premises closing at 3.15 am every day of the week, to add recorded music to the licence between midday and 1.00 am on Mondays, Tuesdays, Wednesdays and

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Sundays, but until 2.30 am on Thursdays, Fridays and Saturdays, and late night refreshment between 11.00 pm and 3.00 am daily.

In relation to the request for Late Night Refreshment to be included on the licence, the police would draw your attention to the fact that the current condition on the licence requires that 'table meals' shall be available throughout the times the premise are open to the public. The police are of the opinion that it is highly unlikely that customers will be consuming table meals within this premises at 3.00 am, but would point out that as the applicants have not sought to remove or vary this condition, the premises must ensure that they are able to comply with this condition at all times. Therefore you may wish to seek an assurance from the applicants that this will be the case.

The police consider that the granting of this variation will substantially change the nature of this bar to a late night drinking and entertainment venue.

As the premises are situated within your Cumulative Impact Area I would take this opportunity to remind you that your Special Saturation Policy states that where relevant representations have been made, an application for a new Premises Licence, or the variation of an existing Premises Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the Applicant can demonstrate within their Operating Schedule, that there will no negative cumulative impact on one or more of the Licensing Objectives.

Having studied the application form, the police consider that the applicants have not given sufficient consideration to your Licensing Statement of Principles 2016-2021 as the following matters have not been addressed:

Paragraph 3.1 The Prevention of Crime and Disorder (Pages 14-17)

3.1 b) (i) Drugs Policy: The application and Premises Licence do not indicate how the premises will deal with drug related matters or whether a written drugs policy will be in place.

3.1 b) (v) Effective communication system: A Nitenet radio communication scheme operates throughout Torbay and all licensed premises authorised to sell alcohol after midnight are required to join this scheme. The application does not refer to this matter.

3.1 b) (ix) Door Stewards: The Premises Licence contains a condition "The Premises Licence Holder and DPS shall carry out a risk assessment to determine whether there is a requirement for door supervisors, if at all, in such numbers (in line with Torbay Council's Licensing Statement of Principles) and at such times determined by that risk assessment".

If you read this condition carefully you will note that it does not flow due to a mistake being made when Mr Kendall applied for the grant of the Premises Licence in May 2016.

At that time my Police Licensing Officer, Mrs Julie Smart, was contacted by Mr Kendall regarding his proposed application and as the police did not consider that the premises was likely to impact on any of the licensing objections, agreement was reached concerning the wording of conditions. However when the application was formally submitted Mrs Smart noticed that a few words from the proposed door steward condition had been missed out.

The proposed condition was meant to read:

The Premises Licence Holder and DPS shall carry out a risk assessment to determine whether there is a requirement for door supervisors and employ such door supervisors, if at all, in such numbers (in line with Torbay Council's Licensing Statement of Principles) and at such times determined by that risk assessment.

At that time, Mrs Smart considered making a representation in order to request this condition be amended but as it was unlikely that the incorrect wording of this condition would be an issue she decided against this course of action, but noted that this matter may need to be addressed at some point in the future.

Within this application, the applicants have now proposed a further condition in relation to door stewards which reads "On every occasion that the premises sells alcohol after midnight and then closes after 00.30 SIA door staff will be employed from 2200 until closing".

Whilst the police note that a further door steward condition has been proposed, the police do not consider that it is sufficient to satisfy the prevention of crime and order objective. The police consider that as the premises will become a late night premises any door steward condition imposed on the licence should stipulate the ratio of stewards to customers to provide clarity to those requiring to read the licence.

3.1 b) (xiii) Staff training regarding the requirements of both the licence and the Licensing Act: The Premises Licence does not currently contain any conditions in relation to staff training and this matter has not been addressed within this application.

3.1 b) (xiv) BIIAB Level 1 Award in Responsible Alcohol Retailing: Your policy indicates that you REQUIRE all staff in premises selling alcohol after midnight to be trained to this level within 3 months of commencement of employment. This matter does not appear to be have been considered by the applicants.

3.4 The Protection of Children from Harm (Pages 20-23)

3.4 b) Whilst the Premises Licence does contain a Challenge 25 condition, the applicants do not appear to have not considered points (i) to (ix) of this section. The police consider it inappropriate for under 18's to be in vertical drinking establishments after 9.00 pm, unless they are consuming a table meal in the company of an appropriate adult when they may attend until 10.00 pm. Excluding all under 18's from late night vertical drinking establishments within Torbay sends out a clear message to these youths that underage drinking will not be tolerated and makes supervision of licensed premises easier for door stewards and staff.

3.4 e) Staff training in relation to age related sales: This matter does not appear to have been considered by the applicants as there is no mention of providing such training, maintaining training records or having a written Age Verification Policy either within the application or Premises Licence.

The police object to this application on the grounds that the granting of it will impact on the existing levels of crime and disorder and public nuisance both at the premises and in the area. In addition the applicants have not demonstrated that they have fully considered the implications of selling alcohol for an additional 2 ½ hours each day at their premises, or that they have considered the recommendations contained within your Licensing Statement of Principles. The police therefore respectfully request you to refuse this application in line with your policy.

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

Yours faithfully



Superintendent M Lawler
Territorial Policing & Partnership Department