

TORBAY COUNCIL

27 MAR 2017

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Punch Taverns Plc

*(insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0445/41001
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
Bolton Hotel New Road Brixham			
Post town	Devon	Postcode	TQ5 8LT
Telephone number at premises (if any)			
Non-domestic rateable value of premises		Band B	

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	Jubilee House Second Avenue Burton on Trent
Post town	Staffordshire
Postcode	DE14 2WF

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
±	±	±	±	±	±	±	±

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

This is an application to extend the recorded music and sale of alcohol hours on the weekend at the premises as follows:

**Licensable activities**

- Recorded music

From 10:00h until 01:30h on a Friday and Saturday (currently permitted from 10:00h until 00:30h)

- Sale of alcohol

From 10:00h until 01:30h on a Friday and Saturday (currently permitted from 10:00h until 01:00h)

**Opening hours**

From 10:00h until 02:00h on a Friday and Saturday (currently permitted from 10:00h until 01:30h)

**Conditions**

As a result of the above, the premises licence conditions have been amended and updated so that they are more appropriate for the intended operation of the business as follows:

- Conditions to be removed

All conditions under:

- Annex 2 – Additional Conditions transferred from the Public Entertainment Licence
- Annex 2 – Restrictions transferred from the On Licence
- Annex 2 – Credit Sales

*Annex 2 – General*

- Condition 1 – There shall be a 30 minute drinking time which will allow appropriate dispersal, use of lavatories etc.
- Condition 2 – The licensee shall reserve the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.
- Condition 3 – There shall be a display of appropriate posters supplied by the Licensing Authority.

*Annex 2 – The Prevention of Crime & Disorder*

- Condition 3 - The Licensee/staff shall monitor customer behaviour especially during busy periods.
- Condition 5 – Drug Prevention measures shall be employed and signs displayed.

10. Condition 7 – When in use door supervisors shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable.

*Annex 2 – Public Safety*

11. Condition 1 – All fire fighting equipment shall be serviced annually by ACE Fire Equipment (UK) Limited.

12. Condition 2 – There shall be current gas and electric certificates in place.

*Annexe 2 – The Prevention of Public Nuisance*

13. Condition 3 – There shall be a managed customer departure at busy times.

*Annex 2 – The Protection of Children from Harm*

14. Condition 1 – AWP's and cigarette machines shall be positioned in sight of the bar counter.

15. Condition 2 – No unaccompanied children shall be allowed on the premises.

16. Condition 3 – No children shall be allowed on the premises after 21.00

17. Condition 4 – There shall be no striptease and no nudity.

*Annex 3 – The Prevention of Crime and Disorder*

18. Condition 1 - On every occasion that the premises sells alcohol after midnight and then closes after 00.30, SIA door staff shall be employed from 10.00pm until closing.

19. Condition 3 – On every operational day when door supervision is required then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty.

*Annex 3 – The Prevention of Public Nuisance*

20. Condition 5 – Amplified live music and entertainment until 00.30 hours shall be limited to Friday and Saturday.

21. Condition 6 – Amplified live music and entertainment until 23.30 hours shall be limited to not more than three evenings per week (Sunday-Thursday).

*Annex 3 – The Protection of Children from Harm*

22. Condition 1 – All cigarette vending machines must be sited to ensure they are under direct supervision of the staff at all times.

23. Condition 2 – All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.

24. Condition 3 – A management system shall be introduced to ensure that staff are aware of the legal requirements relating to underage sales and in particular the prevention of sales from cigarette vending machines to children under sixteen and the prevention from use of AWP machines by those under eighteen.

25. Condition 4 – Age identification shall be sought from any person appearing to be under the age of 18 years.

26. Condition 5 - Staff shall receive training age identification related to the sale of alcohol.

- Conditions to be added:

*The Prevention of Crime & Disorder*

1. 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, the confiscation and storage of any seized items which will be handed to the police at the earliest opportunity. 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. Suitable posters in relation to drug misuse shall be displayed at the premises.

2. On every occasion that the premises remain open for the sale of alcohol after midnight and then

closes after 00:30 hrs, SIA door supervisors shall be employed on the premises from 22:00 hrs until all customers have left the area, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The premises Licence holder/DPS shall also carry out a risk assessment taking the layout of the premises and the proposed activity to be carried out into consideration to determine whether any additional stewards are required.

3. There shall be a display of appropriate posters at the premises and the licensee/DPS shall work closely with the police to promote the licensing objectives.

4. The licensee/staff shall monitor customer behaviour, especially during busy periods and bar staff serving beyond midnight will receive regular training by the DPS in relation to the sale of alcohol.

5. When in use, door supervisors in liaison with the DPS, shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable.

6. When the premise is open beyond midnight a glass collector shall be appointed to clear empty/finished glasses from public areas.

7. Where a Pub Watch scheme exists, the premises shall join and actively participate by providing details of all individuals involved in violence on the premises.

8. On every operational day when door supervision is required, then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty and remain on duty until customers have left the area in a calmly fashion.

#### *Public Safety*

1. The external areas of the premises should be well lit up.

#### *The Prevention of Public Nuisance*

1. A sound limiting device must be installed in the premises.

2. The sound limiter device must be set at a level by a suitably qualified person and in consultation with Torbay Council's Licensing Team.

3. If substantiated noise complaints cannot be resolved by use of the sound limiter, then amplified entertainment must cease until such times as sound insulation is installed at the premises.

4. No adjustments to the noise limiting device or any associated public address equipment shall be made without prior consultation with Torbay Council's Licensing team. A minimum of 7 days notice must be given in writing.

5. No independent sound system or similar shall be brought on to the premises and used for amplified entertainment within the premises.

6. All performers must use the noise limiting device and the premises in house public address system.

7. The noise limiter must not be overridden or interfered with at any time.

8. A sign must be clearly displayed, advising musicians a limiter is in operation at the premises and that they must use it.

9. A written noise management plan must be implemented and kept on site.

10. The noise management plan must be reviewed periodically or when significant changes are made to either the building or entertainment arrangements.

11. Amplified live music until 00.30 hours shall be limited to Friday and Saturday.

12. Amplified live music until 23.30 hours shall be limited to not more than three evenings per week (Sunday-Thursday).

*The Protection of Children from Harm*

1. The premises shall operate the Challenge 25 policy and any individual who appears to be under the age of 25 shall be asked to produce photographic ID in the form of a passport or driving licence.
2. Any person under the age of 18 must be accompanied by a responsible adult at all times.
3. No persons under the age of 18 shall be allowed on the premises after 21:00 hrs.

All other conditions and permissions are to remain unaltered.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

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

**In all cases complete boxes K, L and M**

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4) The provision of amplified and unamplified recorded music.		
Mon					
Tue			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  As per the current premises licence permissions.		
Fri					
	10:00				
Sat		01:30			
	10:00				
Sun		01:30			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
	10:00				
Sat		01:30			
	10:00				
Sun		01:30			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			As per the current premises licence permissions.		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None



L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
	10:00		
Sat		02:00	
	10:00		
Sun		02:00	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)**

As per the current premises licence permissions.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

All conditions under:

1. Annex 2 – Additional Conditions transferred from the Public Entertainment Licence ✓
2. Annex 2 – Restrictions transferred from the On Licence ✓
3. Annex 2 – Credit Sales ✓

*Annex 2 – General*

5. Condition 1 – There shall be a 30 minute drinking time which will allow appropriate dispersal, use of lavatories etc. ✓
6. Condition 2 – The licensee shall reserve the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment. ✓
7. Condition 3 – There shall be a display of appropriate posters supplied by the Licensing Authority. ✓

*Annex 2 – The Prevention of Crime & Disorder*

8. Condition 3 – The Licensee/staff shall monitor customer behaviour especially during busy periods. ✓
9. Condition 5 – Drug Prevention measures shall be employed and signs displayed. ✓

10. Condition 7 – When in use door supervisors shall determine which customers are permitted entry to the premises and refuse entry to those not considered to be suitable ✓

*Annex 2 – Public Safety*

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*Annex 2 – The Prevention of Public Nuisance*

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25. Condition 4 – Age identification shall be sought from any person appearing to be under the age of 18 years. ✓

26. Condition 5 - Staff shall receive training age identification related to the sale of alcohol. ✓

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

As per the current premises licence permissions save for the amendments made in this application.

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

As per the current premises licence permissions save for the amendments below:

1. 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, the confiscation and storage of any seized items which will be handed to the police at the earliest opportunity. 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. Suitable posters in relation to drug misuse shall be displayed at the premises.
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7. Where a Pub Watch scheme exists, the premises shall join and actively participate by providing details of all individuals involved in violence on the premises.
8. On every operational day when door supervision is required, then those SIA door supervisors on front of house duties shall wear high visibility clothing for the entirety of their duty and remain on duty until customers have left the area in a calmly fashion.

**c) Public safety**

As per the current premises licence permissions save for the amendments below:

1. The external areas of the premises should be well lit up.

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

As per the current premises licence permissions save for the amendments below:

1. A sound limiting device must be installed in the premises.
2. The sound limiter device must be set at a level by a suitably qualified person and in consultation with Torbay Council's Licensing Team.
3. If substantiated noise complaints cannot be resolved by use of the sound limiter, then amplified entertainment must cease until such times as sound insulation is installed at the premises.
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11. Amplified live music until 00.30 hours shall be limited to Friday and Saturday.
12. Amplified live music until 23.30 hours shall be limited to not more than three evenings per week (Sunday-Thursday).

#### **e) The protection of children from harm**

As per the current premises licence permissions save for the amendments below:

1. The premises shall operate the Challenge 25 policy and any individual who appears to be under the age of 25 shall be asked to produce photographic ID in the form of a passport or driving licence.
2. Any person under the age of 18 must be accompanied by a responsible adult at all times.
3. No persons under the age of 18 shall be allowed on the premises after 21:00 hrs.