


Licensing Act 2003  
**Premises Licence**

**665**

LOCAL AUTHORITY	
	<p><b>Torbay Council</b>                      Licensing &amp; 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><b>Cavern on the Quay</b>                      Ground Floor, 22 Victoria parade, Torquay, Devon, TQ1 2BB.</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- any playing of recorded music</li> <li>- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance</li> <li>- the sale by retail of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday	2:00pm	1:00am
	Friday to Saturday	2:00pm	2:00am
	Sunday	2:00pm	2:00am

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Thursday	2:00pm	1:30am	
Friday to Saturday	2:00pm	2:30am	
Sunday	2:00pm	2:30am	

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**

Scott James Thorogood

Ground Floor, 22 Victoria Parade, Torquay, Devon, TQ1 2BB.

**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 AUTHORIZES THE SUPPLY OF ALCOHOL**

Scott James THOROGOOD

Yardley Manor Hotel, Museum Road, Torquay, Devon, TQ1 1DW.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA0992

Issued by East Hampshire



Steve Cox  
Environmental Health Manager (Commercial)  
28 April 2017



**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).
- 4) 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 available to customers in the following measures:-



ANNEXES continued ...

- (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: 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



## ANNEXES continued ...

- (ii) exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or 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

## The Prevention of Crime and Disorder

1. Opening hours shall be displayed on front doors with a sign showing over 18 only.
2. The number of maximum occupancy including staff shall be 150.
3. The door control system shall be in place with use of the number counters and recorded.
4. The licensee shall be responsible for checking the occupancy and not exceeding the maximum occupancy.
5. There shall be a notice on all exits to remind patrons to not cause annoyance to residents or persons passing by.
6. There shall be signs to show patrons to be aware of theft and spiked drinks.
7. Staff register must be in place recording start and finish times of all personnel.
8. The premises shall continue with their drugs policy.
9. A drugs box shall be in use in the search area and police drugs bags must be used.
10. A hardbound drug register shall be in place.
11. All drinking glasses must be toughened on these premises and stamped in accordance with weights and measures. No bottles or glasses must be taken off the premises and a notice to patrons must be in place.
12. As premises with a pavement cafe licence in the designated area, the licensee must ensure that patrons will be sat at tables and no alcohol will be served in glasses other than shatterproof or plastic glasses.
13. To prevent the sale of alcohol to under 18's, under 18's must not enter the premises at any time. Door supervision shall regularly check for ID from patrons.
14. Regular glass collection shall be undertaken throughout the premises.

## Public Safety

1. There must be access for emergency vehicles at the front and side of the building.
2. SIA door supervision must be in place for crowd control on front doors.
3. SIA door supervisors and staff must be trained to make sure that all gangways and exits are clear.
4. No curtains shall be used on the premises.
5. All premises must have emergency lighting, a log and maintenance is kept and tested daily.
6. If lighting fails SIA door supervisors and staff shall evacuate and give a safe escape off the premises, staff training on evacuation shall be given and logged.





**ANNEXES continued ...**

7. A cooling system must be in place and the premises must be well ventilated.

**The Prevention of Public Nuisance**

1. The premises shall continue to use the sound limiter fitted by Torbay Council which is unable to be tampered with.
2. The premises shall continue to use the sound proofing which has also been installed in the walls and ceilings and in the speaker cavities.
3. No musical instruments must be used on the premises. Staff shall be offered ear plugs if they choose to use them, a notice shall be available to advise staff.
4. There must be a notice on all exits to inform patrons and staff to leave the premises quietly in respect of the local residents.
5. Bottles shall not be emptied into the bins outside the premises after 11pm.
6. All food and beer deliveries shall be carried out during the day, not before 9am.
7. Staff that leave the premises at night shall take into consideration of the noise level and not to disturb local residents.
8. Exits must be closed during entertainment.
9. Patrons shall be asked not to stand around outside the premises talking and asked to leave the vicinity quickly and quietly.
10. An announcement shall be made by the DJ to the patrons to leave the premises quickly and quietly.
11. SIA door supervisors shall be positioned at exits, particularly at closing times to ensure patrons leave quietly.
12. The door stewards shall use the lobby.
13. A noise limitation device shall continue to be in use and set by Torbay Council.
14. The volume of music shall continue to be set by Torbay Environmental Protection team.
15. Staff shall check at regular parts of the evening that doors and windows are locked.
16. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises.
17. Cooling systems shall not cause a nuisance by its operation.
18. Regular maintenance shall be carried out on the air cool system.
19. All deliveries shall be between 9am and 6pm.
20. All bottles and rubbish shall be emptied outside the building by 11pm to reduce the noise to local residents.
21. No rubbish shall leave the premises after 11pm.
22. No music shall be amplified by external speakers.
23. CCTV must be on exits and monitor that patrons to do congregate in the area and cause annoyance.
24. The premises shall remain open at least half an hour after alcohol is served during which time patrons shall be dispersed gradually.
25. External neon lighting shall be used on the premises.
26. There shall be no lighting after 9pm in external areas unless approved by Torbay Council.
27. There shall be no take away facilities on food.



**ANNEXES continued ...**

28. External areas shall be maintained by staff and all rubbish shall be collected and placed in bin provided.

**The Protection of Children from Harm**

1. Children below the age of 18 shall be excluded from the premises or parts thereof during the time after 7pm and access to the washroom facilities before 7pm only. There shall be a sign attached to the front door stating this.
2. All children must be accompanied by a responsible adult and shall be excluded from premises after 7pm.
3. Children must not be permitted past the lower bar area unless accompanied by a responsible adult for accessing the toilet.
4. The premises shall display clear signage advising when and where children are welcome on the premises.
5. The premises shall operate "Challenge 25" and any person who appears under 25 shall be asked for ID.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard must be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes at 12.30am, SIA door staff shall be employed from 10.00pm until closing.
3. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
5. There must be no entry or re-entry to premises after 1am.

**Public Safety**

1. The ratio of stewards to customers on the premises shall be no less than 1:75.

**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:-
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

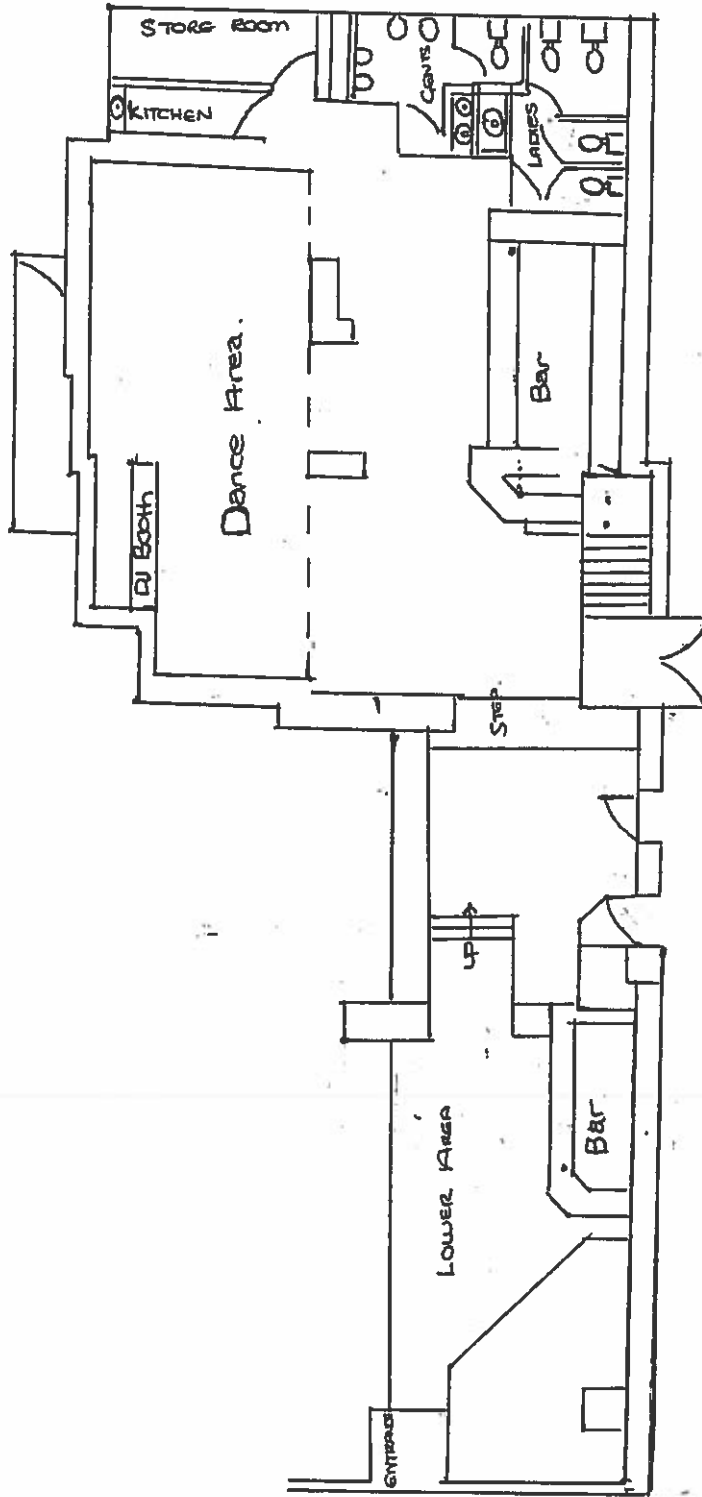
**ANNEXE 4**

**PLANS**

Copy attached to Licence.



# ANNEXE 4



VICTORIA PARADE

Scale 1:100

TOONE

22 VICTORIA PARADE

TORQUAY

T01 288.

• - Fire Extinguisher