


Licensing Act 2003  
**Premises Licence**

**COPY 422**

<b>LOCAL AUTHORITY</b>	
	<b>Licensing Section                  Torbay Council                  Roebuck House                  Abbey Road                  TORQUAY                  DEVON                  TQ2 5EJ</b>

Part 1 - Premises Details

<b>POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION</b>	
<b>Seamus O'Donnells</b> 28 Victoria Parade, Torquay, Devon, TQ1 2BD.	Telephone 01803 211855

<b>WHERE THE LICENCE IS TIME LIMITED THE DATES</b>
Not applicable

<b>LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE</b>
<ul style="list-style-type: none"> <li>- an exhibition of a film</li> <li>- an indoor sporting event</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- a performance of dance</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>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> <li>- provision of late night refreshment</li> <li>- the sale by retail of alcohol</li> </ul>

<b>THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES</b>			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	7:00am	Midnight
C. Indoor sporting event	Monday to Sunday	10:00am	Midnight
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	11:45pm
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	12:30am
G. Performance of dance (Indoors)	Monday to Saturday	10:00am	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	Midnight
I. Provision of facilities for making music (Indoors)	Monday to Sunday	10:00am	Midnight



Licensing Act 2003  
**Premises Licence**

**422**

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued...**

Activity (and Area if applicable)	Description	Time From	Time To
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	10:00am	Midnight
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	12:30am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	Midnight

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	7:00am	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**

Admiral Taverns (780) Limited

150 Aldersgate Street, London, EC1A 4EJ.  
 Telephone 01244 321171

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

Admiral Taverns (780) Limited

05847941

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

Lesley Ann BUTCHERS

~~150 Aldersgate Street, London, EC1A 4EJ.  
 Telephone 01244 321171~~

**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. PA1475

Issued by Torbay

*F. L. Hughes*

Fran Hughes  
 Executive Head of Community Safety  
 27 May 2009



**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.

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

**General**

1. Staff shall be trained on the requirements of the Licensing Act 2003.
2. Staff shall be trained in drugs awareness.

**The Prevention of Crime and Disorder**

1. The premises shall remain open for 30 minutes after the end of the sale of alcohol, with access to amenities and the provision of soft drinks.



**ANNEXES continued ...**

2. A personal licence holder must be on the premises whenever trading after 20:00hr.
3. The Designated Premises Supervisor must maintain membership to the Torbay Licensed Traders Association 'Pubwatch'.
4. Persons who are an identifiable threat to public order shall be refused service.

**Public Safety**

1. Health and safety risk assessments must be carried out and regularly reviewed.
2. Fire safety measures provided shall be maintained and regularly reviewed to be in good working order, in accordance with Fire Precautions (Workplace) Regulations.
3. An appropriate, safe occupancy level must be maintained at all times.
4. A risk assessment must be undertaken where there is a sufficient risk of overcrowding and remedial steps must be taken.
5. Where there is a sufficient risk of overcrowding the DPS shall agree the most effective means of control with the Police.
6. Function bookings must be restricted to 100 persons per separate bar room.

**The Prevention of Public Nuisance**

1. Live music must terminate at 23:45hr, except on New Years Eve and New Years Day.
2. The volume of recorded music must be reduced to background level during the wind down period.
3. All windows must be kept closed after 23:45hr.
4. Suitable signage must be prominently displayed requesting customers to leave quietly.
5. Persons on or leaving the premises shall be reminded to conduct themselves in an orderly manner so as not to cause annoyance to residents and persons passing by.
6. Kitchen extraction filters must be cleaned at least once a week.

**The Protection of Children from Harm**

1. Any person who appears to be under the age of 21 shall be asked for identification if attempting to purchase alcoholic drinks.
2. Identification that shall be accepted are: A valid passport, photographic driving licence or approved identification card carrying PASS logo.
3. Children shall be permitted in all the public areas.
4. Amusement machines with Prizes must be sited where supervision is available to prevent minors playing them.

**PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION**

**1. GENERAL**

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.



ANNEXES continued ...

- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

**2. DISPLAY**

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-  
**"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"**

**3. SANITARY EQUIPMENT AND CLEANLINESS**

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

**4. STEWARDS, CAPACITY AND CONTROL**

- (a) The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
- (b) The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
- (c) The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded. Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other



ANNEXES continued ...

free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.

- (d) Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided unless the Licence specifies some other number in which case such other number will apply:-

**(i) NON LIQUOR LICENSED PREMISES**

In respect of the whole premises

For every level in use under 100 capacity

For every level in use over 100 capacity

**(ii) LIQUOR LICENSED PREMISES**

One steward shall be provided for each 75 people based on the maximum permitted capacity for the Premises.

(Figures shown indicate the ratio of stewards to persons attending the entertainment assuming the maximum level of permitted capacity)

- (e) **This condition shall be operative only where it is stipulated in the licence document that it shall do so. The Licence document may also specify arrangements different from those detailed below in which case such alternative requirements will take precedence. If the premises have the benefit of a Special Hours Certificate issued by the Licensing Justices, all reference to 'premises' within this Condition shall be limited to those areas covered by such Certificate and only during such times as specified therein. In all other cases, the arrangements shall apply to all areas shown in the Licence document.**

Any person employed as a steward shall have been appropriately trained and registered with Torbay Council by having successfully completed a course of instruction under the Torbay Door Stewards Registration and Training Scheme and confirmed to be a fit and proper person to carry out such duties. In addition, any person in the employ of the proprietor or licensee who has applied for entry to the Scheme may be employed on such duties provided that such person has not been advised that participation within the Scheme will be subject to Committee approval and is ONLY prevented from undertaking appropriate training by the unavailability of a course. In these circumstances, any such unregistered person shall not be counted as part of the required number of stewards under the Special Conditions of the Licence or Paragraph 4d. above unless a specific request shall have been made to the Council for a temporary registration to be granted in respect of that person, consent to use such applicant as part of the required number being indicated by the issue of a Temporary Registration Badge. Under no circumstances will the number of temporarily registered staff exceed 50% of the required minimum number of stewards. A list shall be kept of all staff employed in respect of stewarding duties, such record to include the dates on which appropriate training has been provided or the date a Temporary Registration shall have been granted. In addition, a register shall be kept at the premises of all stewards on duty on each day the premises are opened to the public, such register to be entered with the name of the employee, the time that the duty commenced and ended and each entry shall be signed by both the employee and the Licensee. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read. In the event that the full number of required stewards is not available at any time, the premises will be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.

- (f) Any person acting as a steward in any circumstances other than those outlined in Paragraph 4e. above shall have been given appropriate instruction in Fire Safety and First Aid.
- (g) All persons acting as stewards shall wear appropriate distinctive clothing or armbands so that they may be readily identifiable as stewards.

**5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES**



ANNEXES continued ...

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.
- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

**6. SEATING AND STANDING**

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.



ANNEXES continued ...

- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

**7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS**

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained
- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.
- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.





ANNEXES continued ...

- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.

**8. FIRE PRECAUTIONS**

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.
- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.



ANNEXES continued ...

- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.
- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.
- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

**9. STRUCTURE AND SUITABILITY**

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical



ANNEXES continued ...

requirements.

- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

**10. CONDUCT OF PREMISES AND NOISE NUISANCE**

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
  - (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
  - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
  - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.



ANNEXES continued ...

**11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS**

(a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-

- Hypnotism (as defined by the Hypnotism Act 1952);
- Striptease, lap dancing or any similar performance;
- The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
- The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

(b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.

(c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:  
harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
- 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the



ANNEXES continued ...

hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

**12. MISCELLANEOUS**

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

*Please note: condition 4e regarding Torbay Door Stewards Registration and Training Scheme has now been superseded by the mandatory condition on door supervision.*

**ANNEXE 3**

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

**General**

None

**The Prevention of Crime and Disorder**

None

**Public Safety**



ANNEXES continued ...

None

**The Prevention of Public Nuisance**

1. Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hr. The criteria applied, from the boundary to the nearest residential property are;
  - (a) Before 23:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise.
  - (b) After 23:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise.
  - (c) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/ Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. Windows will be kept shut during amplified entertainment to reduce noise break out.
4. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties.

**The Protection of Children from Harm**

None

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

