



Devon & Cornwall Police

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

19 November 2018

Dear Sir/Madam

Miguel's, Beach Approach, Brixham, Devon, TQ5 8JL

I refer to an application for the Grant of a Premises Licence in respect of the above named premises submitted by Mr Dean Hannaby and Mr Robert Butler.

On Tuesday 12 November 2019 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council, attended the premises and discussed the application with both Mr Hannaby and Mr Butler. Mrs Smart advised them that their application in its current format is unacceptable to the police as there is no drinking up period and it indicates that the premises are to operate as a café style premises but this is not reflected within the application, which suggests that the premises will operate as a bar, with later opening hours on a Friday and Saturday, and this could lead to an increased risk of crime and disorder.

As a result of discussions, and email correspondence, the police propose that the below conditions should be added to the licence:

1. 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 a monitor behind the bar 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.

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Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@dc.police.uk 101

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The Government Standard
Stock code SF615

2. Substantial food in the form of tapas style meals shall be available until 2100 hrs daily.
3. Customers will not be permitted to leave the premises with any glasses or bottles belonging to the premises.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, on commencement of their employment, with refresher training being provided at least every 6 months. Records will be kept in relation to this training, which shall be retained on the premises and produced to a representative from any responsible authority on demand. Records will be kept for a minimum period of 12 months.
5. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
6. Children under the age of 16 will be accompanied by a responsible adult at all times.
7. Challenge 25 Posters will be prominently displayed within the premises.

In addition the police request that the closing time of the premises is amended to 2330 hrs from Sundays to Thursdays, and 0030 hrs on Fridays and Saturdays. This will allow customers 30 minutes to consume their drinks in the period between the last permitted sale of alcohol and the closing time of the premises.

The police consider that these conditions are appropriate to ensure that this premises does not have an adverse impact on any of the Licensing Objectives as they will ensure that the premises is food led, that staff are appropriately trained, that the CCTV is of an acceptable standard and that a suitable age verification policy is in place. For your information, the applicants have indicated that they are happy for these conditions to be added to the licence and an email indicating their agreement is attached to this letter.

As an agreed position has been reached in this matter, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (6 April 2018) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities or members of the public.

Should you require any further information concerning this matter, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script that reads "Julie Smart".

Julie Smart
Police Licensing Officer

SMART Julie 50403

From: ~~Julie SMART~~
Sent: 18 November 2019 15:02
To: SMART Julie 50403
Subject: RE: Miguels, Beach Approach, Brixham

Perfect. Thank you. No I don't think we need to add the late night refreshments. We don't intend on being a late night venue at all in fairness.

Thanks again for your help and time.

We will await with baited breath for a hearing date, thank you.

Many thanks

Dean

PS CCTV is up and recording. Had been since the 16th.

On 18 Nov 2019 14:55, SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Hi Dean

Yes, sorry that's my mistake. Did you want to add late night refreshment too?

Next I have to write to the licensing authority outlining the agreement we have reached, and then you will be notified of the date of the hearing.

Kind regards

Julie

From: ~~Julie SMART~~
Sent: 18 November 2019 14:48
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Re: Miguels, Beach Approach, Brixham

Hi Julie.

Many thanks for the email.

We are happy to agree to all of these terms.

Sunday to thursday closing time should be 2330 rather than the 2300 hours as discussed last week? Just wanted to clarify as it states 2300 on your email.

Many thanks

Dean

On 18 Nov 2019 14:42, SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Good afternoon Dean/Robert

It was nice meeting with you last week to discuss your application for a premises licence.

As a result of our discussions please find below a list of proposed conditions that the police would like included within your licence:

1. 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 a monitor behind the bar 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.
2. Substantial food in the form of tapas style meals shall be available until 2100 hrs daily.
3. Customers will not be permitted to leave the premises with any glasses or bottles belonging to the premises, other than 'off sales'.
4. All staff shall receive training in relation to their responsibilities under the Licensing Act 2003, on commencement of their employment, with refresher training being provided at least every 6 months. Records will be kept in relation to this training, which shall be retained on the premises and produced to a representative from any responsible authority on demand. Records will be kept for a minimum period of 12 months.
5. The premises shall operate a Challenge 25 Policy whereby any individual who appears to be under the age of 25 shall be required to provide an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.

6. Children under the age of 16 will be accompanied by a responsible adult at all times.
7. Challenge 25 Posters will be prominently displayed within the premises.

As you have stated that you intend to operate as a restaurant style premises I would recommend that you consider adding late night refreshment to your application, in order that you can supply hot food and drinks (tea/coffee) after 2300 hrs. Without this added to your application, if a customer asks for a cup of coffee after 2300 hrs you cannot legally supply it.

Unfortunately your application does not include a drinking up period, and therefore I shall be requesting that the closing times for your premises are 2300 hrs on Sundays to Thursdays, and 0030 hrs on Friday and Saturdays.

Please can you let me know if the above is acceptable to you.

Kind regards

Julie Smart

Alcohol Licensing – Torbay

Julie.smart@devonandcornwall.pnn.police.uk

01803 218900

07921 933974

Internal: 304900

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