

Friday, 14 July 2023

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 20 July 2023

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Barbara Lewis

Councillor Joyce

Councillor Douglas-Dunbar

Together Torbay will thrive

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Sub-Committee.
3. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Narvo's, 26-27 Victoria Parade, Torquay, TQ1 1BD**
To consider an application for a new Premises Licence in respect of Narvo's, 26-27 Victoria Parade, Torquay, TQ1 1BD.

(Pages 3 - 45)

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Narvo's, 26-27 Victoria Parade, Torquay, TQ1 1BD

Wards Affected: **Tormohun, Torquay**

To: **Licensing Sub Committee**

13 July 2023

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

1. Key points and Summary

1.1 To consider and determine an application for a new Premises Licence, in respect of the Premise detailed above.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives the "Prevention of Public Nuisance".

1.4 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written Representation. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

forward thinking, people orientated, adaptable - always with integrity.

1.5 Reasons for the decision must be given for inclusion in the appropriate Notices

required to be served on the Applicant, Responsible Authorities and all Interested Parties, following the determination of the matter.

2. Application

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, is as follows:-

The provision of live music indoors and outdoors Monday to Sunday from 0800 to 0100 hrs

The playing of recorded music indoors and outdoors Monday to Sunday from 0800 to 0100 hrs

The provision of late night refreshments indoors and outdoors Monday to Sunday from 2300 to 0100 hrs

The sale of alcohol for consumption on and off the premises Monday to Sunday from 0800 hrs to 0100 hrs

The opening hours of the premises Monday to Sunday from 0800 to 0130 hrs.

In respect of all the above, the Applicant has also requested on New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The Applicant has given the following description of the premises: -

“3 storey building with a balcony and access to a roof garden on the 2nd floor.

Ground floor – licensed cocktail bar with facility for regulated entertainment, live & recorded music. Pavement licence to the front of the premises for consumption only.

1st floor – licensed for alcohol and regulated entertainment. Axe throwing and pool.

2nd floor – licensed for the sale of alcohol and regulated entertainment. An open games area to include pool, electronic darts, sitting football, shuffle board, basketball, table tennis, and a suspended DJ box. Seated area and bar.

Balcony – indoor street gold, 9 holes. Access stairs to be one way only.

2nd floor – access to the rooftop garden. This is to be partially covered for year-round use and the provision made for outdoor ice cream/bar and regulated entertainment.

Retail sale of alcohol, regulated entertainment to include recorded and live music”

The plan accompanying the application is shown in Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence,

as relevant Representations have been received. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale and have not been subsequently withdrawn.

Due to concerns regarding the use of the outside area, agreement has been reached between Mrs Rachael Hind (on behalf of the Licensing Authority) and the Applicant that the application be amended as follows:

Performance of live music (indoors) Monday to Sunday 0800 to 0100 hrs
Performance of live music (outdoors) Monday to Sunday 0800 to 2300 hrs
Playing of recorded music (indoors) Monday to Sunday 0800 to 0100 hrs
Playing of recorded music (outdoors) Monday to Sunday 0800 to 2300 hrs
Late night refreshment (indoors) Monday to Sunday 2300 to 0100 hrs
The sale by retail of alcohol for consumption on and off the premises Monday to Sunday 0800 to 0100 hrs

This is shown at Appendix 3.

We have received 2 Representations from Interested Parties. The second of these Representations has been submitted on behalf of 4 parties. These are shown at Appendix 4.

No Representations have been received from any Responsible Authority.

The Applicant has provided further information in respect of work undertaken in the outside area and this is shown at Appendix 5.

- 2.3 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
 - (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
 - (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or
 - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

2.7 Following such Appeal, the Magistrates' Court may:-

- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager (Commercial)

Appendices

- Appendix 1 Relevant sections of the application form
- Appendix 2 Plan of the Premises
- Appendix 3 Agreement between the Licensing Authority and Applicant
- Appendix 4 Representations from Interested Parties
- Appendix 5 Information in respect of work undertaken in the outside area

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2021-26



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

- System reference This is the unique reference for this application generated by the system.
- Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
- Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
- Yes No

Applicant Details

- * First name
- * Family name
- * E-mail
- Main telephone number Include country code.
- Other telephone number
- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual
- A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

- Is the applicant's business registered in the UK with Companies House? Yes No
- Registration number
- Business name If the applicant's business is registered, use its registered name.
- VAT number Put "none" if the applicant is not registered for VAT.
- Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Continued from previous page...

the front of the premises for consumption only.

1st Floor - Licensed for alcohol & regulated entertainment. Axe throwing and pool

2nd Floor - Licensed for sale of alcohol & regulated entertainment. An open games area to include pool, electronic darts, sitting football, shuffle board, basket ball, table tennis, and a suspended DJ box. Seated area and bar.

Balcony - Indoor Street Golf, 9 holes. Access stairs to be one way only.

2nd Floor - Access to the rooftop garden. This is to be partially covered for year-round use and the provision made for an outdoor icecream/bar and regulated entertainment.

Retail Sale of alcohol, Regulated Entertainment to include recorded and live music.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Page 13

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve - From the close of business on New years Eve until the opening of business on New Years Day

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve - From the close of business on New years Eve until the opening of business on New Years Day

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve - From the close of business on New years Eve until the opening of business on New Years Day

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve - From the close of business on New years Eve until the opening of business on New Years Day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text" value="19/00542/LPER"/>
Issuing licensing authority (if known)	<input type="text" value="Teignbridge District Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

Page 19
End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve - From the close of business on New years Eve until the opening of business on New Years Day

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.

The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

There shall be no access to the roof garden except through the premises.

The Premises Licence Holder/DPS shall be available/contactable at all times and be responsible for cooperating and liaising with any responsible authority.

b) The prevention of crime and disorder

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.

The premises shall install, operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder. (The location of cameras can also be specified on the plan attached to the premises licence).

ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

iv. Have a constant and accurate time and date generation.

v. Store recordings for a minimum period of 14 days with date and time stamping.

vi. Viewable copies of recordings will be provided on request to the police and local

authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998

vii. The CCTV system will be capable of downloading images to a recognisable viewable format.

viii. The CCTV system will capture a minimum of 4 frames per second.

ix. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).

Premises must join and maintain membership of the Nitenet Radio Communications Scheme.

The roof garden will be cleared of all drinks no later than 23:00 hours. Prominent signage shall be displayed advising customers that no drinks are permitted in the smoking area past 23:00hrs.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.

ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.

iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).

iv. Recognising the signs of drunkenness.

v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.

vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than annual intervals.

Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

Continued from previous page...

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system
- vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

As a standard, all drinks served shall be served in toughened or strengthened glasses. Where customers are participating in activities provided by the venue such as indoor golf, pool, darts etc, their drinks will be dispensed into strengthened paper vessels

Door Staff

The number of SIA registered door supervisors shall be in attendance at the premises in the following numbers, days & times listed below and employed until 30 minutes after closing time each day.

Monday, Tuesday, Wednesday, Thursday and Sunday - No SIA door supervisors unless the Risk Assessment by management requires it.

Friday and Saturday – As a standard, a minimum of 2 SIA Door supervisors will be on duty from 21.00 hours until close on Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers. During peak times a minimum of 4 SIA door supervisors will be on duty from 2100hrs until close. For the purposes of this premises licence “peak times” is defined by school holidays and tourist season which runs from June – August.

DPS and/or the premises licence holder will be responsible for conducting risk assessments for the requirement of additional door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals. One member of door staff to be situated in the smoking area at all times past 22:30hrs.

A Risk Assessment with a full review will be completed every quarter, but immediate action will be taken if there is seen to be evidence to suggest an increase to the volume of SIA trained door staff is required on any particular day.

A register of door staff will be maintained with the name, date, license number and times that the door staff were on duty. This will be available to any representative of the police or local authority when requested.

A search policy shall be in place and will include procedures for the confiscation of prohibited articles, such as drugs and weapons.

There will be the facility to search patrons on their exit from the premises to prevent articles such as axes, darts or similar being removed from the premises.

A communication system such as internal radio network must always be in operation, allowing all staff including door supervisors to communicate as necessary throughout the premises.

On those occasions when SIA registered door supervisors are employed at the premises, the supervisors and/or the DPS will ensure that an adequate system for measuring the number of patrons in the premises is used, such as clicker devices. Numbers of patrons on the premises will be recorded hourly in the door supervisor logbook.

Continued from previous page...

c) Public safety

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

All premises must have emergency lighting, tested daily and a log maintained.

There will be a one-way system to access and exit the mezzanine level of the premises. Customers will be directed by clear signage, which will be enforced by the relevant staff.

Activities

Activities deemed to be 'High Risk' such as Axe Throwing will be confined to a separate area of the premises as per the premises Plan. High risk gaming materials (axes etc.) will be removed from the area and locked in a secure storeroom when such activities are not being conducted.

No persons under the age of 18 will participate in activities deemed to be 'High Risk' such as such as Axe Throwing.

Participation in activities deemed to be 'High Risk' such as Axe Throwing will cease not later at 22:00 hrs daily.

The High Risk Gaming Area of the premises, where activities such as Axe Throwing are conducted will be an 'alcohol free' zone, which will be advertised with adequate signage.

Customers participating in High Risk Activities shall not be served alcohol prior to or during the activity taking place. Customers will be required to wear their wristband until they have concluded their participation in the activity. Customers wearing a wristband will not be served alcohol by bar staff.

The suitability of participants in these high-risk activities will be assessed by a dedicated member of staff, who if deems it necessary will utilise a Police approved hand held breathalyser device as part of such an assessment. Any such assessment will be conducted prior to any participation in a High-Risk activity.

A member of suitably trained staff will be present at all times in the area of the premises designated as 'The High Risk Gaming Area'

There will be a dedicated First Aid Station containing a trauma pack as well as a suitable first aid kit for the premises – the kit should be replenished at regular intervals. Notices shall be displayed advising patrons of the location of the First Aid Station. Staff holding a suitable up to date medical First Aid qualification shall be on duty at the premises whenever activities deemed to be 'High Risk' are conducted.

Any additional games to form part of the entertainment must be agreed in writing with the Police and the Local Authority.

d) The prevention of public nuisance

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 08.00 hours or after 23.00 hours.

Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 23.00 hours. This shall be assessed from the boundary to the nearest residential properties, on all side of the licensed premises. The criteria that shall be applied are: -

- 1 - Before 23.00 hours – Noise emanating from the premises shall not be clearly distinguishable above other noise.
- 2 - After 23:00 hours – Noise emanating from the premises shall not be distinguishable above background level noise.
- 3 - 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.

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 level of noise have not increased.

Continued from previous page...

No deliveries (in relation to licensable activities) to the premises shall take place between 20.00 hours and 09.00 hours.

No fumes, smoke, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Ventilation equipment will be regularly cleaned and maintained to control the levels of fumes, smoke, steam or odour generated by the premises.

All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area outside the premises. This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity as quickly and quietly as possible.

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

e) The protection of children from harm

The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 6 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months

No person under the age of 18 years shall be permitted in the premises after 20.00 hours, unless they are consuming a meal in the company of a responsible adult, in which case they must not be in the premises after 22.00 hours.

All persons under the age of 18 must be accompanied by a responsible adult.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act, 1998. The information that you provide on this form will only be used in the processing of the application form, and will only be disclosed where necessary under any applicable legislation and certain circumstances should the application be successful such as publication of business details on a public register, it may also be shared for the purposes of enforcement

* You have the right to access your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 207467. Further information can be found on the Information Governance pages on Torbay Council's internet pages at www.torbay.gov.uk

* Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise

* I have gained permission from all licence holders in making this application

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

* The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Hayley Carpenter"/>
* Capacity	<input type="text" value="Agent"/>
* Date	<input type="text" value="23"/> / <input type="text" value="05"/> / <input type="text" value="2023"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/torbay/apply-1> to upload this file and continue with your application.

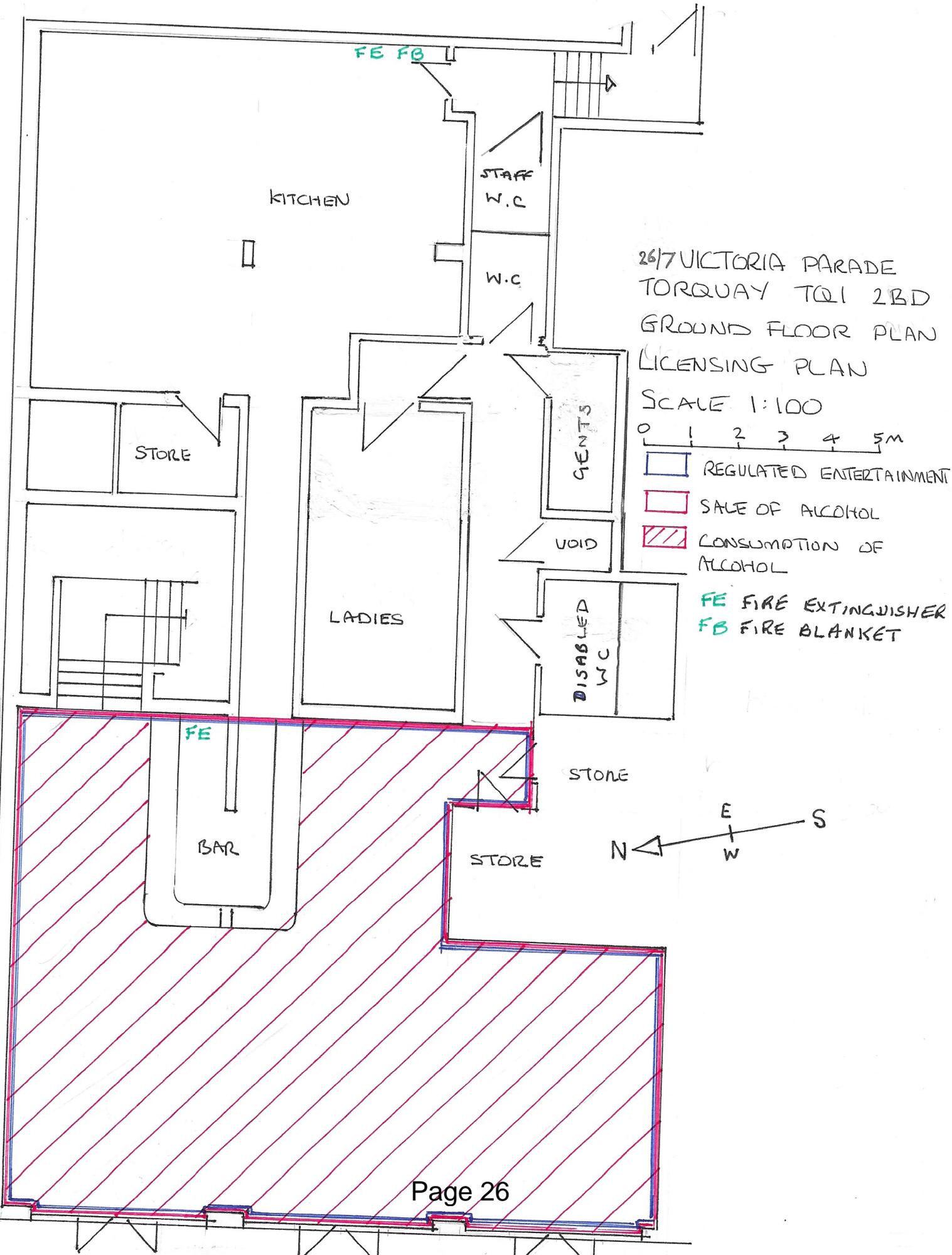
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

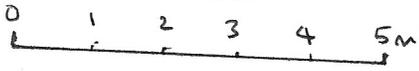
Agenda Item 5 Appendix 2

FIRE
EXIT

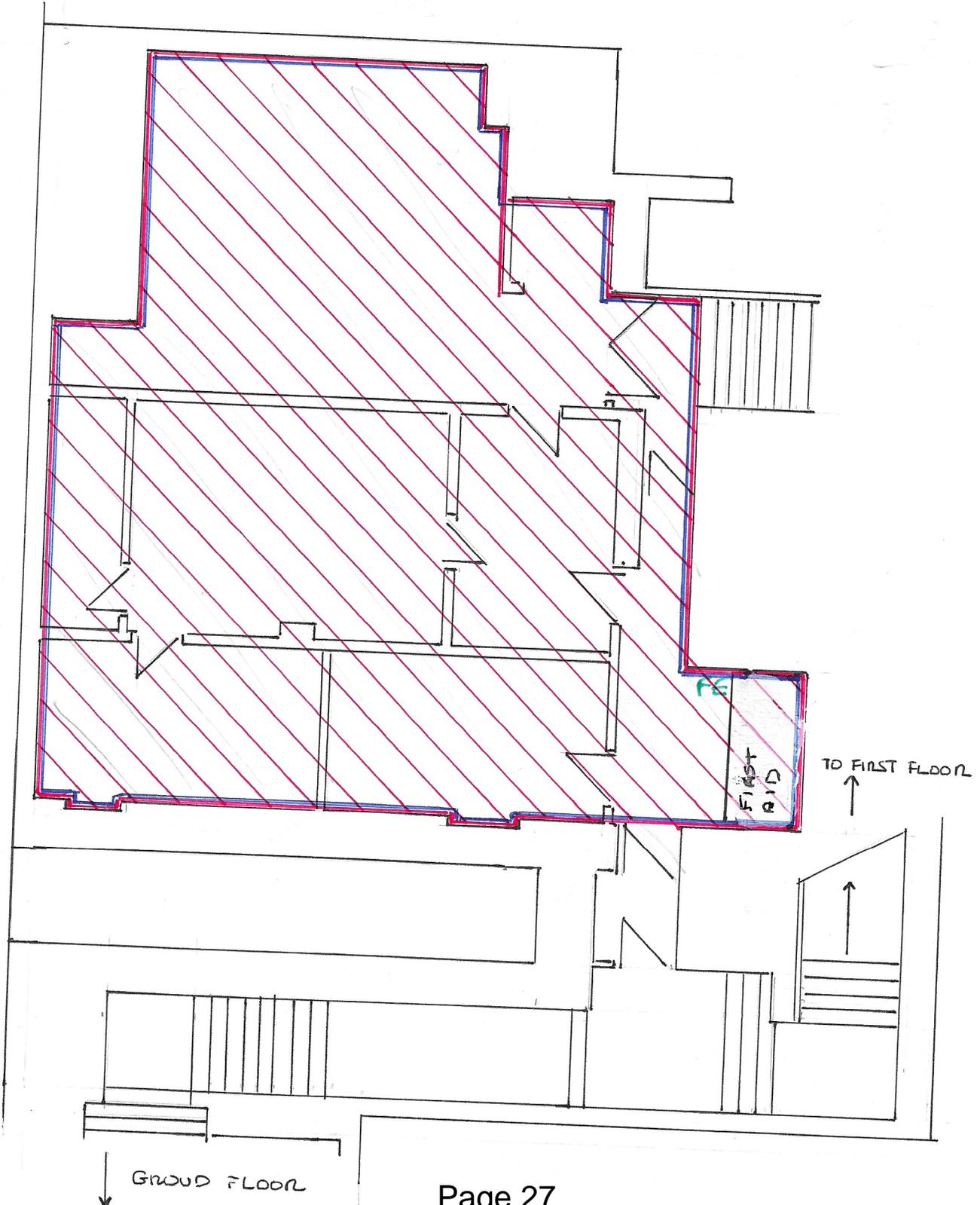


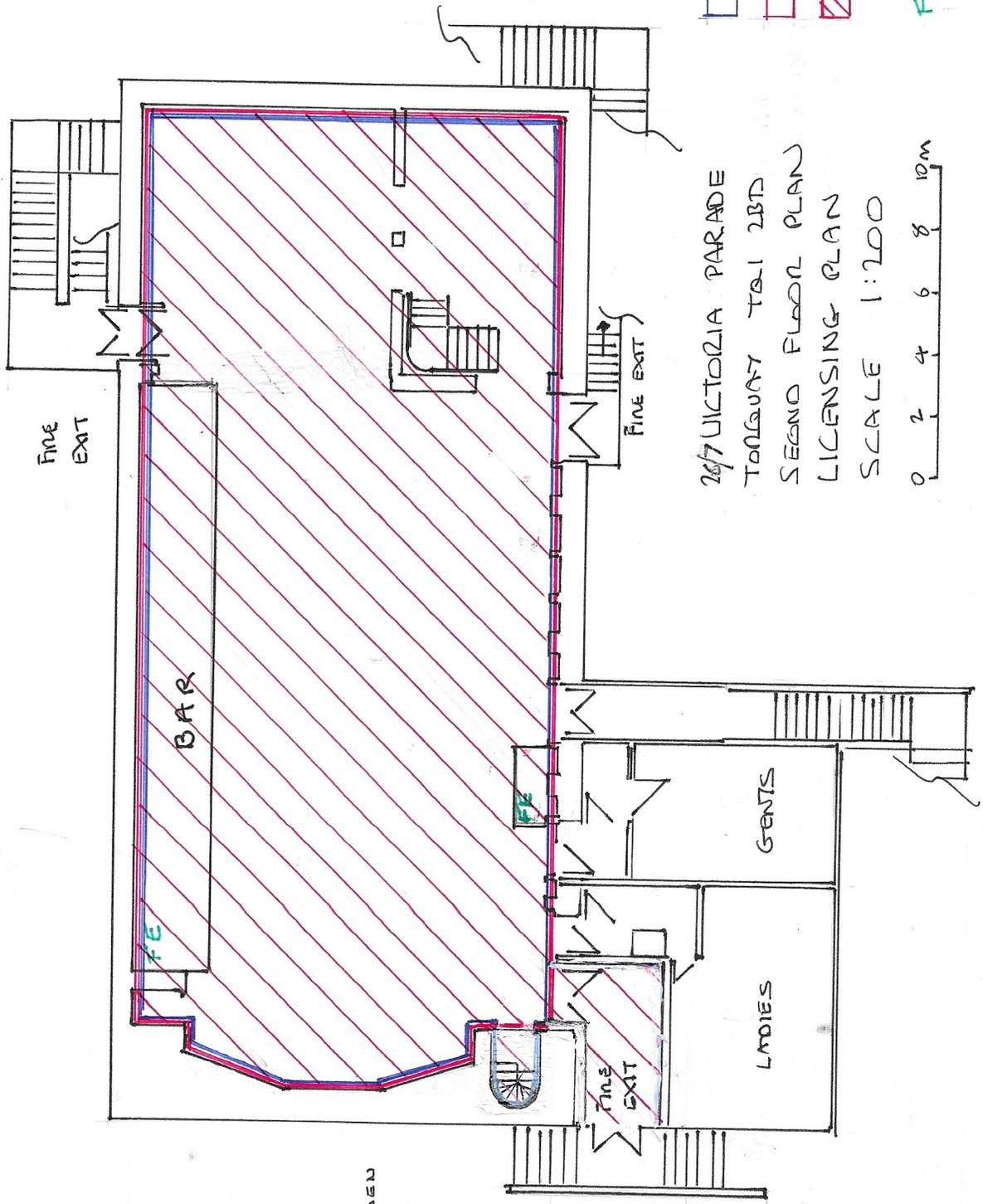
26/7 VICTORIA PARADE
TORQUAY TQ2 1 2BD
FIRST FLOOR PLAN
LICENSING PLAN

SCALE 1:100



-  REGULATED ENTERTAINMENT
-  SALE OF ALCOHOL
-  CONSUMPTION OF ALCOHOL
-  FIRE EXTINGUISHER



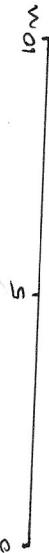


- REGULATED ENTERTAINMENT
- SALE OF ALCOHOL
- CONSUMPTION OF ALCOHOL
- FE FIRE EXTINGUISHERS

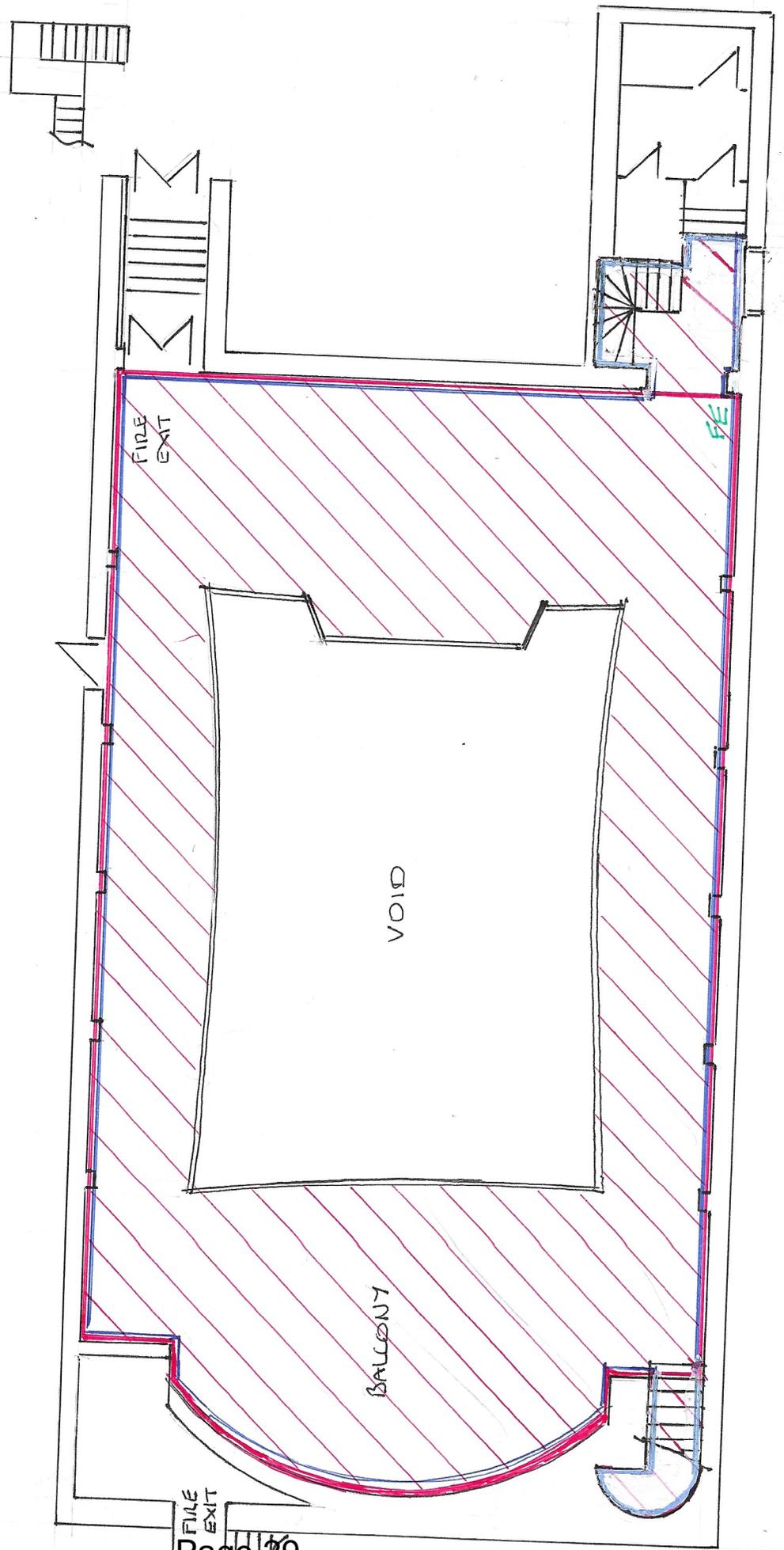
26/7 VICTORIA PARADE
 TONGWAY TEL 2BD
 SECOND FLOOR PLAN
 LICENSING PLAN
 SCALE 1:200

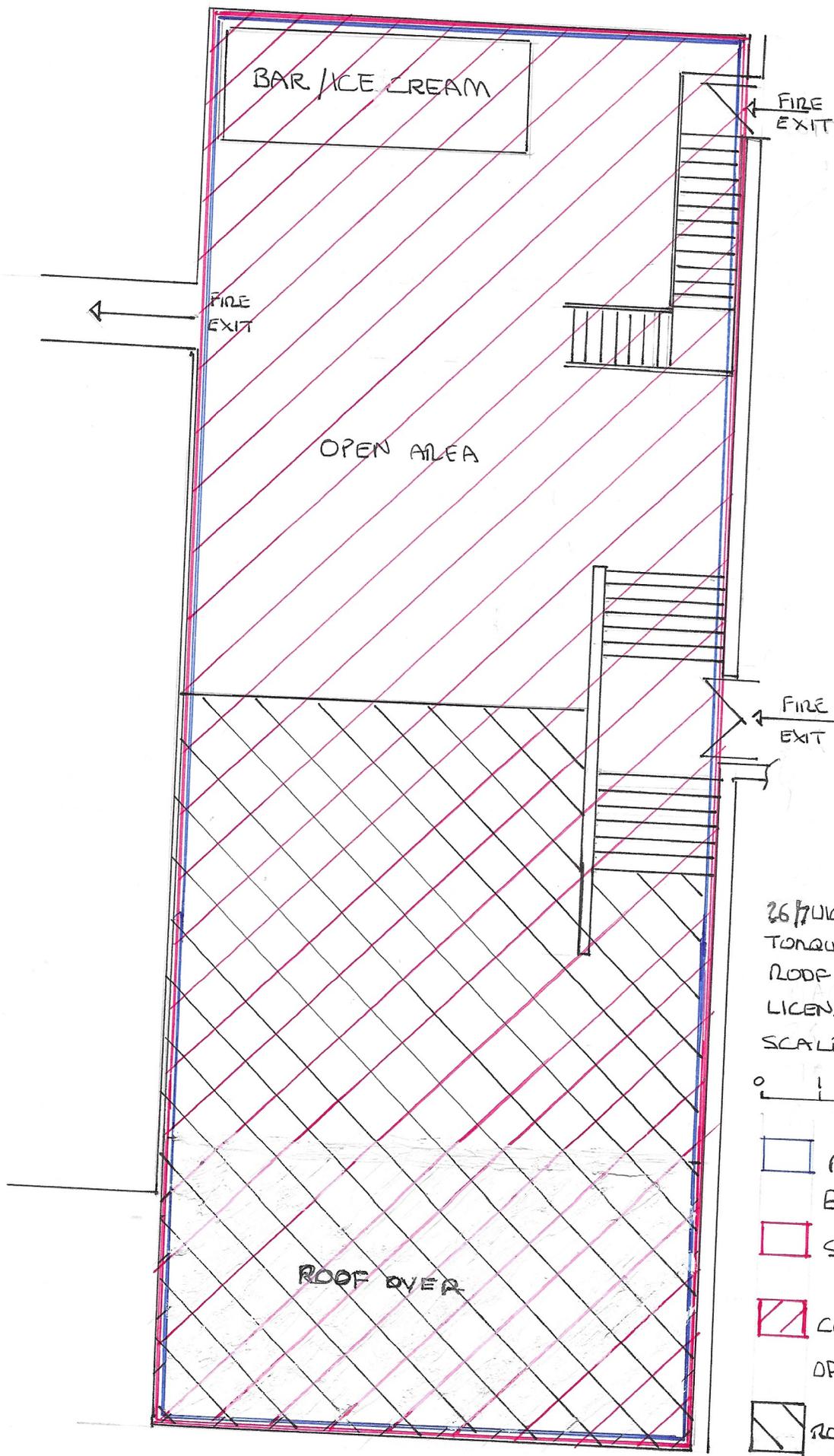


26/ VICTORIA PARADE
 TORQUAY TQ1 2BD
 BALCONY PLAN
 LICENSING PLAN
 SCALE 1:150

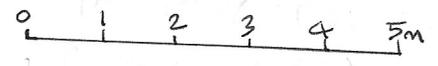


-  REGULATED ENTERTAINMENT
-  SALE OF ALCOHOL
-  CONSUMPTION OF ALCOHOL
-  FIRE EXTINGUISHER





267 VICTORIA PARADE
 TONQUAY TQ1 2RD
 ROOF GARDEN
 LICENSING PLAN
 SCALE 1:100



- REGULATED ENTERTAINMENT
- SALE OF ALCOHOL
- CONSUMPTION OF ALCOHOL
- ROOF OVER

From: [Hind, Rachael](#)
To: [Smart, Julie](#)
Subject: FW: Narvo's, 26-27 Victoria Parade, Torquay
Date: 20 June 2023 16:21:58
Attachments: [image001.png](#)

Hi Julie

Please see confirmation below re timings.

Many thanks Rachael



Rachael Hind | Regulatory Service Manager
(Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR
[REDACTED]

www.torbay.gov.uk

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From: Hayley Carpenter [REDACTED]
Sent: Tuesday, June 20, 2023 4:15 PM
To: Hind, Rachael [REDACTED]
Subject: Re: Narvo's, 26-27 Victoria Parade, Torquay

Hi Rachael

Steve is happy to accept the amendment. Thank you for sorting it out so quickly

Kind regards

Hayley

On Mon, 19 Jun 2023 at 10:10, Hind, Rachael [REDACTED] wrote:

Dear Hayley

As per our conversation last week, I am concerned about the use of the outside area after 23:00hours as it is very close to a residential property. You advised that the area will not be used after 23:00 hours and a number of conditions are included within the operating schedule and that you would be happy to alter the application to reflect this.

I have discussed this with our legal team. They have advised that if you/your client are happy to alter the application then we can do this as this reinforces the intention outlined in your operating schedule and will promote the licensing objectives as it restricts the activities after 23:00 hours in the outside areas.

Please can you reply to this email to confirm that you are happy for the permitted times to be altered to the following:

Performance of live music (Indoors) Monday to Sunday 08:00 - 01:00

Performance of live music (Outdoors) Monday to Sunday 08:00 – 23:00

Playing of recorded music (Indoors) Monday to Sunday 08:00 - 01:00

Playing of recorded music (Outdoors) Monday to Sunday 08:00 – 23:00

Late night refreshment (Indoors) Monday to Sunday 23:00 - 01:00

The sale by retail of alcohol for consumption ON and OFF the premises: Monday to Sunday, 08:00 - 01:00

Many thanks Rachael



Rachael Hind | Regulatory Service
Manager (Commercial)
Community Safety
Town Hall, Torquay TQ1 3DR



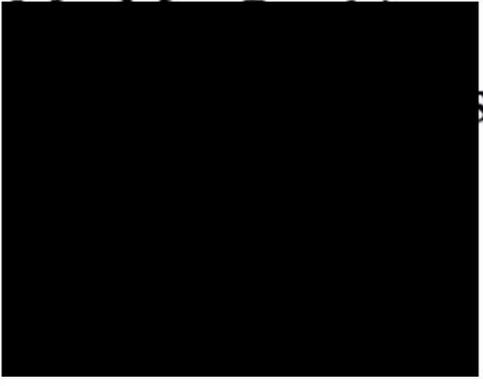
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Reference: Application of premises license 26/27 Victoria
parade TQ1 2BD (Narvo's) 064506

19/6/2023

Dear Sir/Madam

We are writing as owners of the above address to appeal
against the below application:

Late night refreshments indoor and outdoor Monday – Sunday
23.00 – 01.00.

Playing of recorded music indoors and outdoors to be played
Monday – Sunday 08.00 – 01.00.

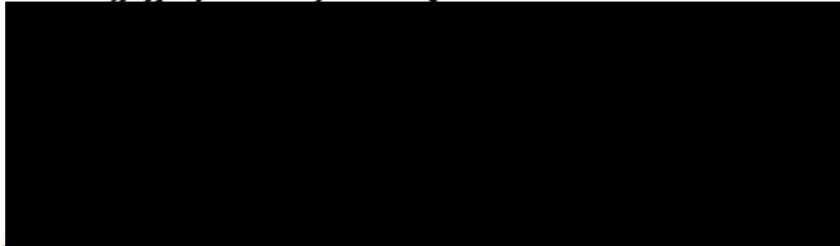
Performance of live Music indoors and outdoors Monday –
Sunday 08.00-01.00.

If this license is granted it will gravely impact on our business
as we are practically next door to this properties garden area.

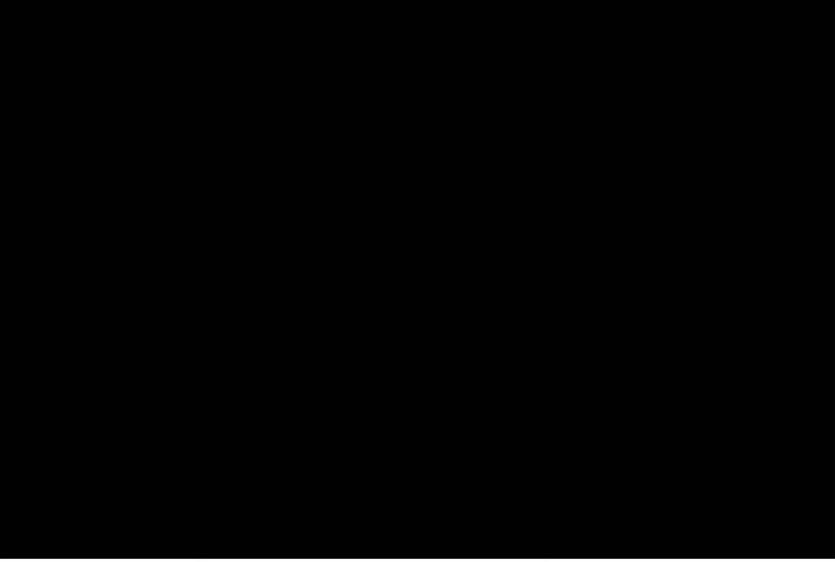
We run a holiday let business from this address which would
be gravely affected by the late loud noise levels, our
bedrooms, lounge, kitchen and garden area all overlook & are
next to the rear garden areas they have proposed as a Roof
terrace for the sale of Alcohol and entertainment.

I would also like to remind you of the precedence set by
granting a licence only until 12am for The venue, Twenty1, 21
Victoria parade due to the noise this would have caused the
residential arears nearby including our property.

Yours sincerely







Date: 20/6/2023.

Reference: Application (064506)

Dear Julie,

We are writing as owner of the above address to appeal against this application for any public use of the garden area to the rear of the property described as roof terrace.

Any Public use to this area even if it is used as a smoking area will create excessive noise levels to our property as the application is potentially open until 1-30am.

This week we have had noise issues with builders working in the rear areas talking/swearing we could clearly hear them word for word in our bedroom and lounge.

Yours Sincerely



[Inline image](#)



Dear Torbay district Council licensing department,



We would strongly like to object to this licensing application.

Being the closest neighbours to this application, we feel that we must protect our interests along with the well-being of our family orientated clients and future all other clients staying in a five-star holiday lets.

Both of our properties are immediately adjacent to where the applicant proposes to use the outdoor rear patio for the playing of music / live music,

smoking area, possibly axe throwing and socialising drinking area. Along with additional lighting and sound transferral when the proposed clients enter and leave this patio!

The setting of this new proposed outdoor patio area will act like an amphitheatre.

With its surrounding high walls and cliff face and being set lower than our elevated properties any noise created will be amplified dramatically.

We feel all factors being considered, noise pollution, and smoking pollution along with drunken partying / foul language / antisocial behaviour it will render our family orientated holiday lets obsolete from the bad feedback that we will be obtaining from this proposed application.

We have no objection to the use of the existing building if there is no sound transferral effecting our properties. We also have no objections for the use of any such fire escapes if they are used for their intended purpose only ! (ie ,not using them for additional venting for the property or a smoking area).

At present, the alleyway to our properties, which is between Harborlights café and the bar 21 has already been used as a public convenience. We are also concerned that their clients queueing for this new venue will take it upon themselves to also relieve themselves in this alleyway!

I hope you would please take into consideration all our concerns that this proposed patio / outdoor function area will devastate our businesses, along with another holiday Let business above us The Boathouse above us.

We feel that however this proposed application if approved it will have a devastating impact to our properties and businesses.

Please could you respond to this email so we know you ve received it.

Kind regards

A large black rectangular redaction box covering the signature area.

From: [Hayley Carpenter](#)
To: [Smart, Julie](#)
Cc: [Steve Narvidge](#)
Subject: Re: Narvo's
Date: 29 June 2023 11:53:20

Good Morning Julie

Thank you for your prompt response.

Last week there were extensive works being carried out on the roof terrace. An unsafe fire exit had to be removed along an outside bar full of various junk.

Construction of fences and walls outside has started and I have attached the photos.

Photo 1 - New fence to the side of the terrace to give privacy and noise breakout prevention to the nearest dwelling.

Photo 2 - Entrance to fire escape - to be fitted with a fire door.

Photo 3 - Rear wall which is approx 10 meters topped by heavy foliage

Photo 4 - Newly constructed wall to the front of the terrace

Photo 5 - Terrace taken from the new wall. Piece of wood leaning against the fire exit is where the new roof is going to come.

Photo 6 - Existing fire exit taken from the side to show how far out the roof is going to come

From the steep wall at the rear of the terrace to the piece of wood halfway across the existing fire exit is going to be roofed. A high fence is being constructed to the open side of the terrace.

The premise already has a sound monitor that can be put outside. This works on a traffic light system and will alert a member of staff if the noise level in this area increases so it can be addressed immediately.

Any bands will be sited in the corner of the covered area.

More work may have taken place by the time we get to the hearing. Please can we bring any additional photos with us to show to the committee.

Kind Regards

Hayley Carpenter

[REDACTED]

On Thu, Jun 29, 2023 at 10:09 AM Smart, Julie [REDACTED] wrote:

Good morning Hayley

Thank you for returning the hearing notice so promptly.



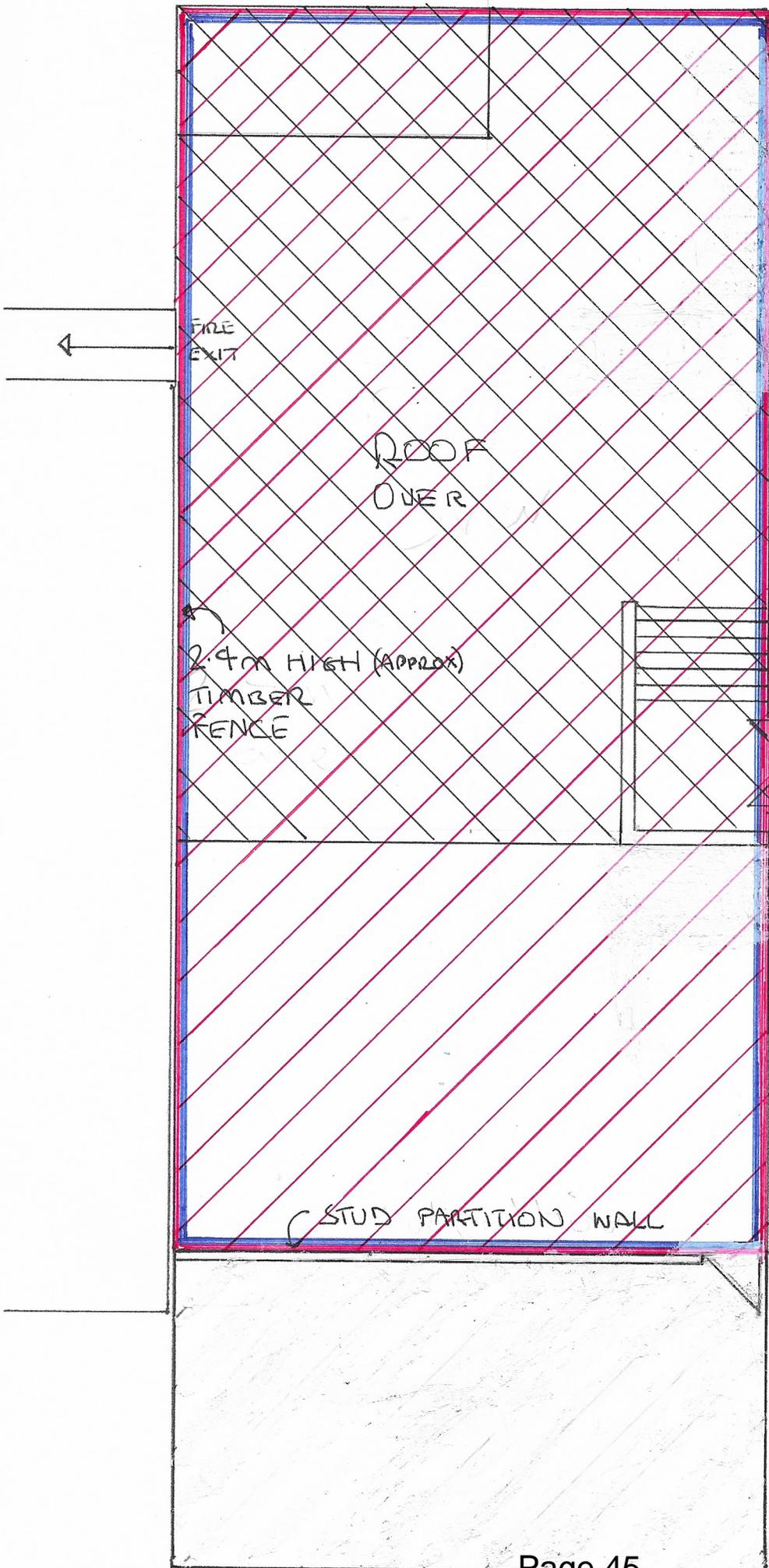




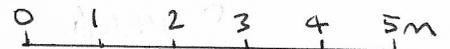








26/7 VICTORIA PARADE
TORQUAY TQ1 2BD
ROOF GARDEN
LICENSING PLAN
SCALE 1:100



-  REGULATED ENTERTAINMENT
-  SALE OF ALCOHOL
-  CONSUMPTION OF ALCOHOL
-  ROOF OVER