

Wednesday, 30 July 2025

STATUTORY LICENSING SUB-COMMITTEE

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

Thursday, 7 August 2025

commencing at **9.30 am**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Douglas-Dunbar

Councillor Foster

Councillor Chris Lewis

A Healthy, Happy and Prosperous Torbay

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

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

STATUTORY 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. To consider an application for a Review of a Premises Licence in respect of Zakopane, 16 Market Street, Torquay

(Pages 3 - 42)

To consider an application for a Review of a Premises Licence in respect of Zakopane, 16 Market Street, Torquay.

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Review of a Premises Licence in respect of Zakopane, 16 Market Street, Torquay, TQ1 3AQ

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

On: **7 August 2025**

Contact Officer: **Julie Smart**
Email: Licensing@torbay.gov.uk

1. Key points and Summary

- 1.1 An application has been received from a Responsible Authority seeking a Review of the Premises Licence in respect of Zakopane, 16 Market Street, Torquay. A copy of the application can be found in Appendix 1 to this report.
- 1.2 Members are asked to consider and determine this application. The matters raised relate to the Licensing Objectives: The Prevention of Crime and Disorder and the Protection of Children from Harm.
- 1.3 Under the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) before determining the application, must hold a hearing to consider the application and any relevant representations.

In making its decision, the Committee is obliged to have regard to the application and any relevant representations and take one or more of the steps as detailed in the report, as it considers appropriate for the promotion of the four Licensing Objectives.

2. Introduction and application

- 2.1 On 13 May 2025, the Licensing Department received an application from Trading Standards Lead Officer for Age Restricted Products, Ms Melanie Walker, under Section 51 of the Act for a Review of the Premises Licence in respect of Zakopane, 16 Market Street, Torquay.

The grounds for the Review relate to:

- 1. The premises has been used for the storage of illegal tobacco and vaping products in contravention of S144 of the Licensing Act 2003 which has continued despite a warning being issued and advice given in 2023.

2. Alcohol was sold to a child during an underage sales test purchasing operation on 22 January 2025, in contravention of S146 of the Licensing Act 2003.

Full details of the application are shown in Appendix 1. Additional supporting information has been provided by the applicant. This is shown in Appendix 2.

A copy of the Premises Licence showing the activities, timings, and conditions is attached at Appendix 3.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the applicant is a person as defined under the Act, as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

3. Consultation

- 3.1 A notice stating a Review application had been made was issued by Torbay's Councils Licensing Department and delivered by the Council's Licensing Officer, on 19 June 2025. Details of the Review have been advertised on the Council's website. The notice advised of the grounds for the Review and requested that Representations should be made no later than 16 July 2025 to Torbay Council in writing. All Statutory consultees were served with a copy of the Review application.
- 3.2 We have received one Representation from a Responsible Authority in support of the application. This has been received from Ms Gita Patel, of Childrens Services for Torbay Council. This is shown at Appendix 4 and relates to the Licensing Objectives: The Prevention of Crime and Disorder and the Protection of Children from Harm.
- 3.3 No other Representations have been received from any other Responsible Authority or any other Interested Parties other than those stated above.

4. Legal and Policy Considerations

- 4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act and to do so in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 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.
- 4.3 In making its decision, the Committee are required to have regard to:
 - the Representations (including supporting information) presented by all the parties; and
 - the Revised Guidance issued under section 182 of the Licensing Act 2003 (revised February 2025), with the following paragraphs relevant to this application:

- 2.28, 2.29, 2.35, 2.38

- 3.7
- 10.46 to 10.50
- 11.10, 11.27 and 11.28.

- 4.4 In making a determination, the Licensing Sub-Committee will consider each application on its merits.
- 4.5 Having had regard to the application and any relevant Representations, the Licensing-Sub Committee must take such of the following steps, as it considers appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain Mandatory Conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 4.6 If consideration is being given to attaching new or amended conditions to the premises licence, Members should consider, are the proposed conditions:
- Appropriate
 - Relevant
 - Relevant to the activity/premises/venue
 - Enforceable
 - Precise
 - Reasonable and
 - Achievable
- 4.7 The Licensing Authority's determination of the licence Review should be evidence-based. Any decision must be justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 4.7 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.
- 4.8 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to:-
- (a) the applicant for the Review,
 - (b) the holder of the Premises Licence, or

(c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

4.9 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 an order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager

Appendices

Appendix 1 Application for Review

Appendix 2 Additional supporting information provided by the applicant

Appendix 3 Copy of the current Premises Licence

Appendix 4 Representation from a Responsible Authority in support of the application

Documents available in members' rooms

None

Background Papers:

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

[Home Office Guidance to Licensing Authorities under s.182 of the Licensing Act 2003](#)



LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

NOTIFICATION

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 for this application form and will only be disclosed where necessary under any applicable legislation.

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.

You have a right of access to 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 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I MELANIE WALKER, Trading Standards Officer – Lead Officer for Age Restricted Products

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Zakopane
16 Market Street

Post town Torquay

Post code (if known) TQ1 3AQ

Name of premises licence holder or club holding club premises certificate (if known)

Zakopane Turkish Ltd

Sole director - Mr Ari SALAH, [REDACTED]

Number of premises licence or club premises certificate (if known)

PL1225

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below)

☐

2) a responsible authority (please complete [C] below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Melanie Walker
Heart of the South West Trading Standards
County Hall
Topsham Road
Exeter
EX2 4QD

Telephone number (if any)

[REDACTED]

E-mail address (optional)

[REDACTED]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☒
☐
☐
☒

Please state the ground(s) for review (please read guidance note 2)

1. The premises has been used for the storage of illegal tobacco and vaping products which continued despite being warned and advised, in contravention of S144 of the Licensing Act 2003
2. Alcohol was sold to a child during an underage sales test purchasing operation on 22/01/25, in contravention of S146 of the Licensing Act 2003

Please provide as much information as possible to support the application (please read guidance note 3)

Ari SALAH, DOB: [REDACTED] is the sole director of Zakopane Turkish Ltd the company was incorporated on 31/03/2021 with SALAH as director. [REDACTED] also became a director on 27/05/2021 until his resignation on 18/07/2022.

When the premises licence application was made on 08/07/2021 [REDACTED] was put forward as the Designated Premises Supervisor, this changed on 06/07/2022 to SALAH.

Various intelligence has been received since 2022 regarding the sale of illegal tobacco and vapes from the premises and also underage sales.

On 09/08/2023 an enforcement visit was conducted by Trading Standards in relation to tobacco and vaping products. During the visit a quantity of illegal tobacco was seized from the office area on the first floor and a quantity of illegal vapes were seized from behind the sales counter.

In total 1120 cigarettes were seized (56 packets) this included counterfeit products, non-duty paid and non-regular brands manufactured for black market sale. 929 illegal vapes were also seized, none of the seized products meet the requirements of the Tobacco and Related Product Regulations 2016 and therefore are not legal for sale on the UK market.

On 17/10/23 Trading Standards officers returned to Zakopane to deliver a business advice letter following the recent seizure containing and to request voluntary surrender of the seized Vapes (which SALAH agreed to). SALAH was present in the shop and an inspection of the Vapes on sale resulted in a further 170 illegal products being seized. APP 1

On 23/10/23 an email was sent to SALAH requesting voluntary surrender of the additional seized products, SALAH agreed to do this. APP 2

On 18/12/23 a Service Warning Letter was issued to Ari SALAH and further advice and guidance provided around the sale and supply of tobacco and nicotine products. APP 3

On 15/01/24 SALAH was sent a further letter containing Trading Standards advice on the sale and supply of age restricted products. APP 4

Further intelligence reports were received about the supply of illegal tobacco, one report in particular suggested that the staff in Zakopane would repeat the order (for illegal tobacco) over a radio or mobile phone and the required product / brand would be brought down from upstairs a short while later.

On 22/01/25 an underage sales test purchase operation was conducted by PC Neil POWERS of Devon and Cornwall Police. A child volunteer was able to make a purchase of alcohol from Zakopane without being challenged. PC POWERS returned to the premises and issued a letter of warning to SALAH and his employee, [REDACTED] and also offered verbal advice on underage sales. APP 5

A test purchase (initiated by Trading Standards) was conducted in early 2025 which was positive for illegal tobacco products (unable to provide exact date due and details to the risk of identifying test purchaser)

On 13/03/2025, as a result of the positive test purchase, a Trading Standards enforcement visit was carried out at Zakopane with Police and Detection Dog assistance. SALAH and a number of other males were present in the premises and integral residential accommodation. SALAH is the Landlord of the flat contained within the premises but denied this when initially questioned, the person named as tenant, [REDACTED] was actually an employee of SALAH's and working in Zakopane at the time of the visit. APP 6

During a search of the premises a substantial quantity of illegal tobacco products were discovered upstairs in the residential accommodation – in a purpose built wall concealment behind a mirror and concealed under a bed. APP 7

4860 illegal cigarettes (243 packets) and 11.4 kg (228 pouches) of illegal tobacco including counterfeit products, non-duty paid and non-regular brands manufactured for black market sale. 5 illegal (oversized Vapes were also discovered and seized. None of the seized products meet the requirements of the Tobacco and Related Product Regulations 2016 and therefore are not legal for sale on the UK market.

Ari SALAH holds a Barnsley Metropolitan Borough Council Personal Licence number 080476 APP 8

APP 1 – 17/10/23 Zakopane Letter
APP 2 – Disclaimer
APP 3 – Email to SALAH 23/10/23
APP 4 - 15/01/24 Zakopane Letter
APP 5 – Email re UAS TP 22/01/25
APP 6 – Tenancy agreement x 2 pages
APP 7 – Photographs 13/03/25
APP 8 – SALAH Barnsley Personal Licence

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

☒☒

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date **18/06/2025**

Capacity **Applicant**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Heart of the South West Trading Standards Service



Mr Ari Salah
Zakopane Supermarket
16 Market Street
Torquay
Devon
TQ1 3AQ

County Hall
Topsham Road
Exeter
EX2 4QD

Fax: 01392 382159

Please ask for: Melanie Walker

Date: 17 October 2023

Dear Ari,

Ref: 002246

The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015, The Tobacco and Related Products Regulations 2016 & The Children and Families Act 2004

Every year the Heart of the South West Trading standards Service provide advice and guidance to a variety of businesses throughout Devon and Somerset. This advice can be given during a trading standard's visit or because of a consumer complaint or trade enquiry. **In this instance this service has conducted a visit and discovered the sale of illegal Vapes taking place from your premises.**

During a visit on 9th August 2023 the following illegal vape products were seized:

BRAND	Nic	Quantity
R&M Tornado 7000	2%	92
ELUX 3500	2%	49
ELUX 2500	2%	5
Boss 7000	2%	21
VCAN	2%	4
R&M Tornado 7000	2%	48
ELF Box 5000	2%	91
EYONE 6000 puffs	2%	2
R&M Tornado 7000	2%	8
ELF Box 5000	2%	90
EYONE 3500	2%	131
R&M Tornado 7000	2%	34

Commissioned by Devon, Plymouth, Somerset and Torbay Councils
www.devonsomersettradingstandards.gov.uk

For consumer advice, call 0808 223 1133
For business advice, call 01392 381381 from Devon, 01752 304147 from Plymouth,
0300 123 2224 from Somerset or 01803 208025 from Torbay
Privacy notice: devonsomersettradingstandards.gov.uk/privacy

EYONE 3500	2%	90
R&M Tornado 7000	2%	114
ELF Box 5000	2%	30
R&M Tornado 7000	2%	110
ELF Box 5000	2%	10

I would like to take this opportunity to advise you of your obligations under the abovementioned legislation to prevent the sale of Nicotine Inhaling Products (e-cigarettes, Vapes etc) to anyone under the age of 18 because local authorities are responsible for the enforcement of legislation relating to the sale of age-restricted products including alcohol and tobacco.

Businesses that sell age restricted products should adopt an age-verification policy details of which can be found here:

<https://www.gov.uk/government/publications/age-verification-policy-example>

The standard age-verification policy is for businesses to adopt either a “Challenge 21” or “Challenge 25” policy which means youngsters who appear to be under the age of 21 or 25 are asked to produce proof-of-age identification bearing their photograph, date of birth and/or a PASS holographic mark. The Heart of the South West Trading Standards Service strongly recommend a “**Challenge 25**” policy.

Please note that despite the actual seller being responsible for any sales the owner of the business also has a responsibility to make sure that anyone selling any age-restricted products on their behalf complies with the law. The owner can be liable for any sales that take place – whether they were present or not.

Any person, whether they are the owners of the business or the person selling age-restricted products, may be found guilty in the Magistrates courts of an offence which could result in a fine dependent on the age-restricted product sold.

There are defences against prosecution if it can be demonstrated that all due diligence has been exercised to prevent underage sales. In terms of such a system of due diligence, this service strongly recommends the following steps:

Where the person’s age is not KNOWN then proof-of-age identification should be asked for and if none is forthcoming the sale should be refused.

Another reasonable step that can be taken is to ensure that anyone selling age restricted products is able to carry out this instruction, bearing in mind their age and confidence. For best effect training should be put in writing and signed for so that you have a record of it. Training should be regularly refreshed. Setting up and regular monitoring of a refusal log will demonstrate whether everyone is confident in asking for proof-of-age. It is hoped that you will review your procedures and ensure that they are effectively implemented to avoid any illegal sales. Further information about refusals registers and training can be found at:

<http://www.devonsomersettradingstandards.gov.uk/businesses/understanding-your-rights-responsibilities/age-restricted-products/>

The following link also has helpful information with regards to preventing underage sales such as payment methods and using disclaimers:

[Tobacco and nicotine inhaling products | Business Companion](#)

We also strongly recommend the use of the **No Proof of Age No Sale (NPOANS)** Toolkit prepared by Trading Standards South West (TSSW), a partnership of local authority trading standards services working together to ensure regional best practice in underage sales work. Currently you can subscribe to this toolkit free of charge and it can be found at:

<http://www.tssw.org.uk/>

As already stated, the Service recommend a “**Challenge 25**” policy and information and posters appertaining to this policy can be found in the above toolkit as well as information on how to prevent sales on-line.

Product requirements (The Tobacco and Related Products Regulations 2016)

36.—(1) No person may produce or supply an electronic cigarette or refill container unless it complies with paragraphs (2) to (8), so far as relevant to the product concerned.

(2) Nicotine-containing liquid which is presented for retail sale must be in—

(a) a dedicated refill container in a volume not exceeding 10 millilitres; or

(b) a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres.

(3) The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres.

(4) Nicotine-containing liquid which is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 milligrams per millilitre.


For the purposes of the regulations, the term ‘e-cigarettes’ includes Vapes and disposable Vapes (also known as Puff Bars, Elf Bars, Geek Bars etc.).

Disposable Vapes are restricted to a tank size of 2ml as the regulations state. A good indicator of whether the tank size is compliant can be the number of puffs they claim to produce. A tank size of 2ml will give around 600 puffs so anything in excess of this would be an indication that the tank size is too large and they cannot be legally sold in UK.

Please note that this information is intended for guidance only and only the courts can give an authoritative interpretation of the law.

I hope this information was helpful but, in the meantime, please do not hesitate to contact me should you require any further information.

Yours sincerely



Melanie Walker
Trading Standards Officer
Intelligence and Investigation Team

Melanie Walker

From: Melanie Walker
Sent: 23 October 2023 12:10
To: [REDACTED]
Subject: Surrender of Illegal / non-compliant Vapes
Attachments: Zakopane form 2-sxg-EV3-goods disclaimer.pdf

Categories: Egress Switch: Unprotected
Switch-Draft: classification="public";

Good morning Ari,

Following our visit last week (17/10/23) please see attached surrender form for the Vapes we removed – as explained we request that you voluntarily sign these over for destruction as they are products which cannot be legally sold in the UK.

Please sign the attached form and return to me asap – a photograph of the signed form via email will suffice

In addition to the letter I handed to you please see the following links which contain further guidance on the sale of Vapes and Tobacco products.

- [ACS Advice - Vaping August 2023.pdf](#)
- [Tobacco, vapes, etc: packaging, labelling, advertising and tracking | Business Companion](#)

Please do not hesitate to contact me if you have any questions

Kind regards

Mel

Mel Walker

Trading Standards Officer
Lead Officer – Age Restricted Products
Tel: [REDACTED]

Heart of the South West Trading Standards Service

A joint service commissioned by Devon, Plymouth, Somerset and Torbay councils



01392 383000

Trading Standards, County Hall, Topsham Road, Exeter EX2 4QD

www.devonsomersettradingstandards.gov.uk

For clear practical consumer advice call the [Citizens Advice Consumer Service](#) on 0808 223 1133

County Hall
Topsham Road
Exeter
EX2 4QD

Mr Ari Salah
Zakopane Supermarket
16 Market Street
Torquay
TQ1 3AQ

Email: tradingstandards@devon.gov.uk
Fax: 01392 382159

Please ask for: Melanie Walker

Date: 18/12/23

Dear Mr Salah,

The Tobacco and Related Products Regulations 2016

An investigation report regarding you has been passed to me as the nominated deputy for our Head of Service for enforcement action to be considered. I have reviewed the circumstances of the alleged offences.

On 9th August 2023 an enforcement visit was conducted at your business premises, Zakopane Supermarket, 16 Market Street, Torquay, TQ1 3AQ. During the visit trading standards officers discovered and seized 929 e-cigarettes (disposable Vapes) that did not comply with the requirements of the Tobacco and Related Products Regulations 2016. A further visit was conducted on 17th October 2023 where officers again discovered 170 disposable Vapes that did not comply with the requirements of the Tobacco and Related Products Regulations 2016. On both occasions you were present and have stated that you are the person responsible for the business.

The following offences are alleged:

1 - On 9th August 2023, at Zakopane supermarket, 16 Market Street, Torquay, TQ1 3AQ, you were in possession for supply of a quantity disposable electronic cigarettes in breach of Regulation 37 of the Tobacco and Related Products Regulations 2016

contrary to Regulation 48(d) of the Tobacco & Related Products Regulations 2016, as amended.

2 - On 17th October 2023 at Zakopane supermarket, 16 Market Street, Torquay, TQ1 3AQ, you were in possession for supply of a quantity disposable electronic cigarettes in breach of Regulation 37 of the Tobacco and Related Products Regulations 2016

contrary to Regulation 48(d) of the Tobacco & Related Products Regulations 2016, as amended.

Commissioned by Devon, Plymouth, Somerset and Torbay Councils
www.devonsomersettradingstandards.gov.uk

For consumer advice, call 0808 223 1133
For business advice, call 01392 381381 from Devon, 01752 304147 from Plymouth,
0300 123 2224 from Somerset or 01803 208025 from Torbay
Privacy Notice: devonsomersettradingstandards.gov.uk/privacy
Head of Trading Standards - Fakir Mohamed Osman

The maximum penalty for a breach of the Tobacco and Related Products Regulations 2016 is an Unlimited Fine and /or imprisonment for a term not exceeding 6 months.

From the information as reported I have reasonable cause to believe that an offence may have been committed. On this occasion it has been decided that no formal enforcement action will be taken. I trust though, that there will be no reoccurrence of this incident as I must warn you that any further contraventions of a similar nature may result in the Service deciding to take formal action.

Should you wish any clarification on the matter, please contact Melanie Walker, Trading Standards Officer on [REDACTED]

Yours Faithfully,



Alex Fry

Operations Manager (Intelligence and Investigations)

Mr Ari Salah
Zakopane Supermarket
16 Market Street
Torquay
Devon
TQ1 3AQ

County Hall
Topsham Road
Exeter
EX2 4QD

Tel: [REDACTED]

Fax: 01392 382159

Please ask for: Melanie Walker

Date: 15 January 2024

Dear Ari,

Ref: 002246

The Nicotine Inhaling Products (Age of Sale & Proxy Purchasing) Regulations 2015, The Tobacco and Related Products Regulations 2016 & The Children and Families Act 2004 Tobacco and Related Products Regulations 2016

Following my previous visits to your premises I would like to ensure that you have all the information to enable you to trade within the regulations in future with regards to Age Restricted Products (nicotine inhaling products, tobacco products etc).

I would like to take this opportunity to advise you of your obligations under the abovementioned legislation to prevent the sale of Nicotine Inhaling Products (e-cigarettes, Vapes etc) to anyone under the age of 18 because local authorities are responsible for the enforcement of legislation relating to the sale of age-restricted products including alcohol and tobacco.

Businesses that sell age restricted products should adopt an age-verification policy details of which can be found here:

<https://www.gov.uk/government/publications/age-verification-policy-example>

The standard age-verification policy is for businesses to adopt either a "Challenge 21" or "Challenge 25" policy which means youngsters who appear to be under the age of 21 or 25 are asked to produce proof-of-age identification bearing their photograph, date of birth and/or a PASS holographic mark. The Heart of the South West Trading Standards Service strongly recommend a **"Challenge 25"** policy.

Commissioned by Devon, Plymouth, Somerset and Torbay Councils
www.devonsomersettradingstandards.gov.uk

For consumer advice, call 0808 223 1133
For business advice, call 01392 381381 from Devon, 01752 304147 from Plymouth,
0300 123 2224 from Somerset or 01803 208025 from Torbay
Privacy notice: devonsomersettradingstandards.gov.uk/privacy

Please note that despite the actual seller being responsible for any sales the owner of the business also has a responsibility to make sure that anyone selling any age-restricted products on their behalf complies with the law. The owner can be liable for any sales that take place – whether they were present or not.

Any person, whether they are the owners of the business or the person selling age-restricted products, may be found guilty in the Magistrates courts of an offence which could result in a fine dependent on the age-restricted product sold.

There are defences against prosecution if it can be demonstrated that all due diligence has been exercised to prevent underage sales. In terms of such a system of due diligence, this service strongly recommends the following steps:

Where the person's age is not KNOWN then proof-of-age identification should be asked for and if none is forthcoming the sale should be refused.

Another reasonable step that can be taken is to ensure that anyone selling age restricted products is able to carry out this instruction, bearing in mind their age and confidence. For best effect training should be put in writing and signed for so that you have a record of it. Training should be regularly refreshed. Setting up and regular monitoring of a refusal log will demonstrate whether everyone is confident in asking for proof-of-age. It is hoped that you will review your procedures and ensure that they are effectively implemented to avoid any illegal sales. Further information about refusals registers and training can be found at:

<http://www.devonsomersettradingstandards.gov.uk/businesses/understanding-your-rights-responsibilities/age-restricted-products/>

Vape product requirements (The Tobacco and Related Products Regulations 2016)

36.—(1) No person may produce or supply an electronic cigarette or refill container unless it complies with paragraphs (2) to (8), so far as relevant to the product concerned.

- Nicotine-containing liquid which is presented for retail sale must be in—

(a) a dedicated refill container in a volume not exceeding 10 millilitres; or

(b) a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres.

(3) The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres.

(4) Nicotine-containing liquid which is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 milligrams per millilitre (2% nicotine).

For the purposes of the regulations, the term 'e-cigarettes' includes Vapes and disposable Vapes (also known as Puff Bars, Elf Bars, Geek Bars etc.).

Disposable Vapes are restricted to a tank size of 2ml as the regulations state. A good indicator of whether the tank size is compliant can be the number of puffs they claim to produce. A tank size of

2ml will give around 600 puffs so anything in excess of this would be an indication that the tank size is too large and they cannot be legally sold in UK.

I would also like to take this opportunity to warn you that selling illegal tobacco products (cigarettes and hand rolling tobacco) is an offence under the Tobacco and Related Products Regulations 2016. There are also offences under the Customs and Excise Management Act 1979 (fraudulent evasion of duty etc.) the Tobacco Products Duty Act 1979 (possession and sale of unmarked tobacco), the Standardised Packaging of Tobacco Regulations 2015 and, should any contraband prove to be counterfeited, the Trade Marks Act 1994.

Offences under the abovementioned legislation carry a maximum sentence of up to 10 years imprisonment and/or an unlimited fine and monies being recovered by the courts to cover the cost of any tax evasion.

If any illegal tobacco products allegedly being sold from your premises prove to be counterfeit, then offences under the Trade Marks Act 1994 would apply. These are classified as “lifestyle offences” under the Proceeds of Crime Act 2002, and the Heart of the South West Trading Standards Service may also conduct a financial investigation which could result in the confiscation of **any assets** which have been gained as a result of this criminal activity.

I would also like to take this opportunity to warn you of the money laundering provisions of the Proceeds of Crime Act 2002, this means that landlords of any rented premises can be contacted to explain that any rent they receive from premises selling any type of illegal tobacco could be considered to be “criminal property” and they may be subjected to criminal prosecution.

Heart of the South West Trading Standards Service have the lawful right to pursue action against you to prevent, detect and disrupt this type of criminal activity and we will work closely with Devon and Cornwall Police and HM Revenue & Customs to achieve this .

The following link also has helpful information with regards to preventing underage sales such as payment methods and using disclaimers:

[Tobacco and nicotine inhaling products | Business Companion](#)

[Tobacco and vapes | Business Companion](#)

We also strongly recommend the use of the **No Proof of Age No Sale (NPOANS)** Toolkit prepared by Trading Standards South West (TSSW), a partnership of local authority trading standards services working together to ensure regional best practice in underage sales work. Currently you can subscribe to this toolkit free of charge and it can be found at:

<http://www.tssw.org.uk/>

As already stated, the Service recommend a “**Challenge 25**” policy and information and posters appertaining to this policy can be found in the above toolkit as well as information on how to prevent sales on-line.

Please note that this information is intended for guidance only and only the courts can give an authoritative interpretation of the law.

I hope this information was helpful but, in the meantime, please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in dark ink is visible above a large, solid black rectangular redaction box. The signature appears to be 'M. Walker'.

Melanie Walker
Trading Standards Officer
Intelligence and Investigation Team

Melanie Walker

From: POWERS Neil 18492 [REDACTED]
Sent: 02 June 2025 11:15
To: Melanie Walker
Subject: RE: Zakopane UAS TP

Hi Mel,

Apologies for the late reply.

I can confirm that we carried out a Test Purchase Op at the location on 22nd January 2025.

2 of our Cadets entered the premises and selected alcohol from the display. At the point of sale, their ages were not challenged and the staff on duty were issued with warning letters for this.

The staff on duty that evening were –

Seller – Salah, contact number [REDACTED]

Manger – [REDACTED]

Kind Regards

Neil.



Neil POWERS

Police Sergeant 18492

Landline: [REDACTED]

Community policing delivered with competence, compassion and a common sense approach

Torquay Town Centre, Wellswood, Torre and Upton Neighbourhood Team Leader – South Devon

Torquay Police Station, South Street, Torquay, Devon TQ2 5AH

Need to contact the police? [Click B4UCall](#)

Partner Agency Information Sharing Form - [Click Here](#)

In an emergency always call 999

From: Melanie Walker [REDACTED]
Sent: 27 May 2025 21:42
To: POWERS Neil 18492 [REDACTED]
Subject: Zakopane UAS TP

Hi Neil,

I cannot find the original email but recall that you conducted an UAS TP at Zakopane for alcohol in Jan which was positive. Following our most recent illegal tobacco visit I am submitting an alcohol licence review so was wondering if you could send me over the details of the TP please so that I can include it.

I believe it was on Wed 22 Jan.

Many thanks

Mel Walker

Trading Standards Officer
Lead Officer – Age Restricted Products
Tel: [REDACTED]

Heart of the South West Trading Standards Service
A joint service commissioned by Devon, Plymouth, Somerset and Torbay councils

[REDACTED]
Trading Standards, County Hall, Topsham Road, Exeter EX2 4QD

www.devonsomersettradingstandards.gov.uk

For clear practical consumer advice call the [Citizens Advice Consumer Service](#) on 0808 223 1133

For business advice call 01392 381381 from Devon, 01752 304147 from Plymouth, 0300 123 2224 from Somerset or 01803 208025 from Torbay

To find approved local traders, to recommend a business for the scheme, or to apply to join Buy With Confidence visit www.buywithconfidence.gov.uk.

[Privacy notice](#)

[Email disclaimer](#)

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For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk

BETWEEN:

Zakopane Turkish LTD
(the "Landlord")

OF THE FIRST PART

AND


(the "Tenant")

OF THE SECOND PART

(individually the "Party" and collectively the "Parties")

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the Parties agree as follows:

BACKGROUND:

1. This is an agreement to create an Assured Shorthold Tenancy as defined in Section 19A of the Housing Act 1988 or any successor legislation as supplemented or amended from time to time and any other applicable and relevant laws and regulations.
2. The Landlord is the owner of residential property available for rent and is legally entitled to grant this tenancy.

AGREEMENT:

LET PROPERTY

1. The Landlord agrees to let to the Tenant, and the Tenant agrees to take a tenancy of the flat, known as and forming First Floor Flat, 16 Market St, Torquay TQ1 3AQ, UK (the "Property"), for use as residential premises only.
2. No pets or animals are allowed to be kept in or about the Property.
3. The Tenant and members of the Tenant's household will not smoke anywhere on the Property nor permit any guests or visitors to smoke on the Property.

TERM

IN WITNESS WHEREOF Mr Hewa Ahmedy has duly signed and Zakopane Turkish LTD has duly
affixed its signature by a duly authorised officer under seal on this 01 day of
06, 24.

Signed for and on behalf of
Zakopane Turkish LTD by Mr Ari
Salah.

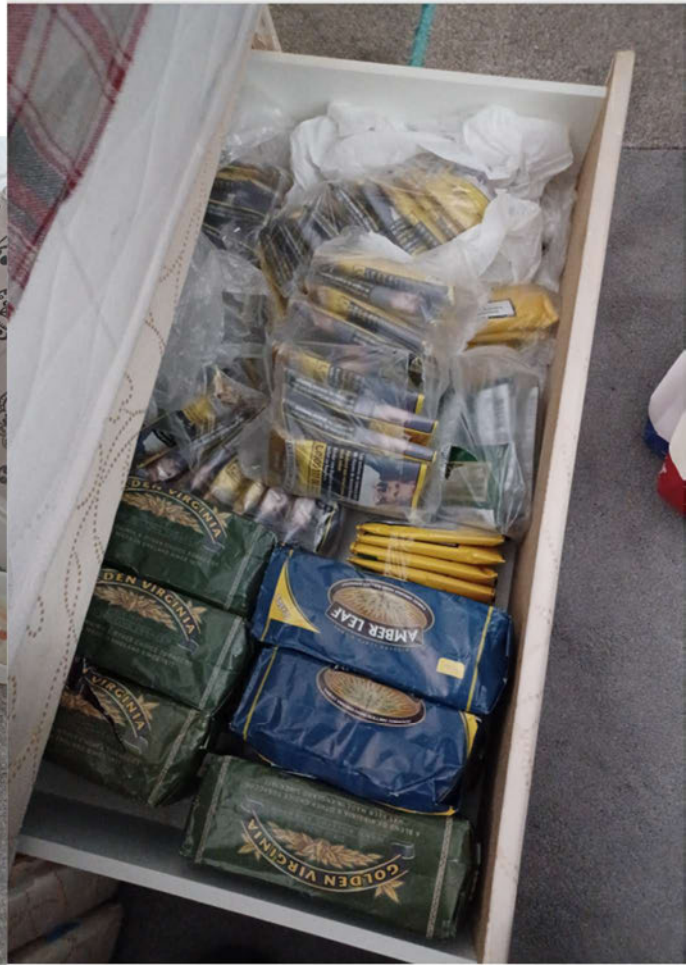
Address

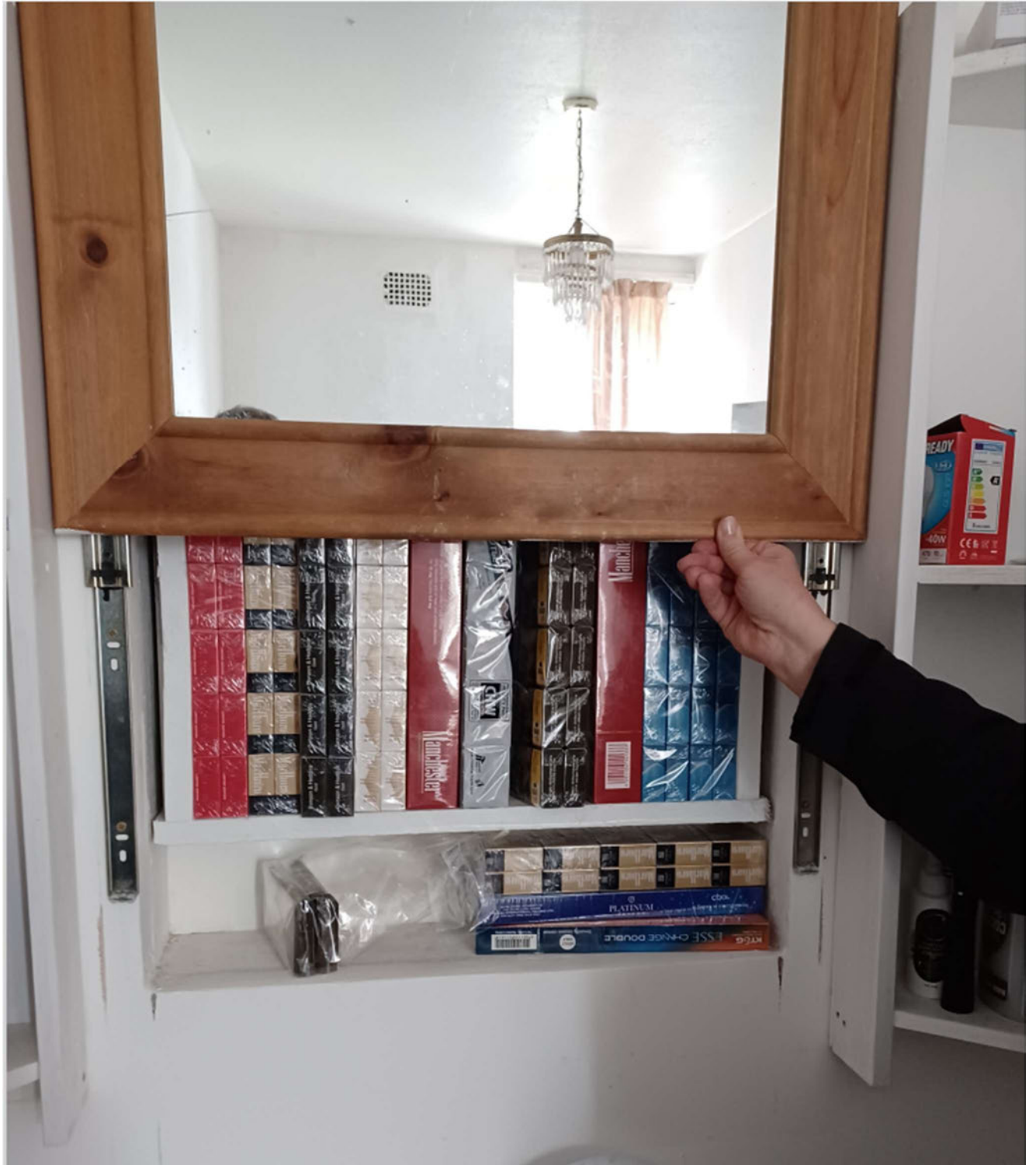
The Tenant acknowledges receiving a duplicate copy of this Agreement signed by the Tenant and
the Landlord on the 01 day of 06, 2024.

APP 7 – Photographs of seized tobacco products during enforcement visit 13/03/2025

Drawers in bedroom 1









BARNLSLEY

Metropolitan Borough Council

PERSONAL LICENCE HO



Name: Ari Salah

Number: 080476

Expiry:

INDEFINITE

Licensing Act 2003
Premises Licence

1225

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Zakopane

16 Market Street, Torquay, Devon, TQ1 3AQ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only			
	Sunday to Thursday	8:00am	10:00pm
	Friday to Saturday	8:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	10:00pm
Friday to Saturday	8:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Zakopane Turkish Ltd

16 Market Street, Torquay, Devon, TQ1 3AQ.

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

Zakopane Turkish Ltd

13306198

Licensing Act 2003
Premises Licence

1225

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

Ari SALEH

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. 080476

Issued by Barnsley

Rachael Hind
Regulatory Service Manager (Commercial)
21 July 2025

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Minimum Drinks Pricing

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4)
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day")

ANNEXES continued ...

would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The premise shall operate an effective CCTV system that will be maintained in good working order to the satisfaction of the Devon and Cornwall Constabulary. The CCTV system shall cover all areas of the store including the entrance, point of sale and main alcohol displays. Signage warning customers of the CCTV system shall be prominently displayed on the premises. The system will record whenever the premises is open for licensable activities.
2. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering the premises and at the point of sale.
3. The location of cameras, will be recorded on the plan attached to the licence. If any additional cameras are requested/advised by the police, they will be fitted within a reasonable time.
4. The recording medium (e.g. discs / tapes / hard drive etc.) and associated images are to be retained and securely stored for a minimum period of 31 days and are to be made available to the Police Constable / Authorised Officer of the Licensing Authority upon request within a reasonable time.
5. The Premises Licence Holder or Designated Premises Supervisor will provide the Police with the contact details of at least one other member of staff who will be trained with the operation of the CCTV equipment so that they are able to provide copies of recorded data upon request and within a reasonable time, following a request from the Police Constable or an authorised officer from the Licensing Authority.
6. A full internal weekly check of the CCTV system will be made on a log book to ensure that the CCTV system is in good working order, all cameras are working and recording with an accurate time stamped.
7. The Premises Licence holder / Designated Premises Supervisor must ensure that steps are taken to rectify any fault in the CCTV system immediately and a log of these steps will be entered into the Incident log book which will be available for inspection to a Police Constable or an authorised officer from the Licensing Authority.
8. When the DPS is not on duty, there will be another authorised person who will be contactable at all times and be able to attend the premises within one hour while the supply and sale of alcohol is being undertaken (whose identity will be known to all other staff engaged in the supply or sale of alcohol) except in cases of emergency.

The prevention of crime and disorder

1. Roller shutters have been installed at the front of the premises on the inside of all windows.
2. Security doors have been fitted to the external rear and side security/ fire exit doors.
3. All spirits will be 'stored and sold' from behind the counter inaccessible to the customers.
4. No single cans of beer, lager or cider will be sold from the premise. Signage notifying customers of this will be displayed at the entrance to the premises.
5. The premises will not store or sell any psychoactive substances known as 'legal highs', store or sell fireworks and knives of any size or description.
6. The names and contact details of all persons who have been authorised to sell alcohol whether paid or unpaid shall be maintained and kept on the premises. This document will be found at the front of the Training manual and shall be produced to a Police Constable or an Officer of the Local Authority upon demand.
7. The Designated Premises Supervisor and all members of staff when on duty shall ensure that all lawful instructions and /or directions given by the Police are complied with.

ANNEXES continued ...

8. Signage to inform customers will be in place near the point of sale and exits warning customers of the Public Space Protection Order.
9. No credit will be given for the sale of alcohol.
10. The premises shall maintain an incident book to record details of the following:-
 - Any violence or anti-social behavior on or immediately outside the premises,
 - Any other crime or criminal activity on the premises,
 - Any call for police/ambulance assistance to the premises.
11. The log records shall be made immediately available on request to a Police Constable or an Officer authorized by the Licensing Authority. All records shall be retained on the premises for 12 months from the date of the incident.
12. A written record will be kept of all training carried out. These records will be stored on the premises and made available for inspection to a Police Constable or an Officer authorized by the Licensing Authority within a reasonable time.

Public safety

1. An adequate and appropriate supply of first aid equipment and materials shall be kept on site and available for use at any time the premises is open to the public.

The prevention of public nuisance

1. Prominent, clear and legible signage shall be displayed at the exits to the premises requesting the public to respect the needs of local residents, businesses and to leave the premises and the area quickly and quietly.
2. The Premises Licence holder / Designated Premises Supervisor will ensure that litter arising from people using the premises is cleared away on a regular basis.
3. The Premises Licence Holder will fix a waste bin outside the premises and empty this daily.
4. The Premises Licence Holder will ensure that no lighting or air conditioning units will cause any nuisance to another neighbouring property.
5. All trade waste will be stored in a commercial lidded waste container at the side of the premises and removed under contract by a registered waste collector.
6. The staff will observe the external frontage of the premises using the CCTV monitor and use their best endeavours to disperse any customers that appear to be loitering outside the premises.

The protection of children from harm

1. The premises will operate a "Challenge 25" proof of age policy which will require any person who appears to be under the age of 25 to produce identification to prove they are 18 or over.
2. Only a passport, photo-card driving licence, European Union ID, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram, a photograph of the individual and date of birth shall be accepted as proof of age.
3. Prominent, clear and legible Challenge 25 signage shall also be displayed at the entrance to the premises, and the point of sale advertising the scheme operated.
4. The premises is to maintain a refusals log book to record the details of all refusals of the sale of alcohol to persons suspected of being under the age of 18, appear to be drunk or suspected proxy sales.
5. The Premises Licence holder / Designated Premises Supervisor or nominated representative shall regularly monitor the entries in the log, sign and date when checked. The book must be made available to a Police Constable or an Officer authorised by the Licensing Authority upon request.
6. Any person who is authorised to sell alcohol at the premises will be provided with training. Training will include information on how to prevent underage sales, acceptable forms of ID, basic conflict management and Age Restricted Products.

ANNEXES continued ...

7. A written record will be kept of all training provided and this record will be kept on the premises for inspection by a Police Constable or an Officer authorised by the Licensing Authority upon request.
8. No person under the age of 18 will be employed to work at the premises.
9. Alcohol refusals policies will be displayed at the entrance of the premises, the point of display and the point of sale.
10. Proxy notices will be prominently displayed at all places where alcohol is displayed and sold from and at the point of sale.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The prevention of crime and disorder

1. No beer/cider/lager with an abv of more than 6.0% shall be sold from the premises.

ANNEXE 4

PLANS

Copy attached to Licence.

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Zakopane

16 Market Street, Torquay, Devon, TQ1 3AQ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only			
	Sunday to Thursday	8:00am	10:00pm
	Friday to Saturday	8:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	10:00pm
Friday to Saturday	8:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Zakopane Turkish Ltd

16 Market Street, Torquay, Devon, TQ1 3AQ.

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

Zakopane Turkish Ltd

13306198

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Ari SALEH

Licensing Act 2003

Premises Licence Summary

1225

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003

Rachael Hind
Regulatory Service Manager (Commercial)
21 July 2025

From: [Patel, Gita](#)
To: [Smart, Julie](#)
Subject: Torbay Council premises licence REVIEW application - Zakopane, Torquay
Date: 23 June 2025 10:55:21
Attachments: [image002.png](#)

Dear Julie, I have looked at the application concerning the above application Zakopane and I have a number of concerns in relation to safeguarding children and young people.

My concerns relate refer to the positive test purchase, that they have committed an offence of the sale alcohol to a child under S146 of the Licensing Act 2003, and refer to their lack of compliance with the conditions on the licence in respect of Challenge 25, which is an offence under Section 136 of the Licensing Act.

The conditions on the licence which have been breached are as follows:

- 1. The premises will operate a "Challenge 25" proof of age policy which will require any person who appears to be under the age of 25 to produce identification to prove they are 18 or over.*
- 2. Only a passport, photo-card driving licence, European Union ID, Armed Forces ID cards or a proof of age card bearing the official "PASS" accreditation hologram, a photograph of the individual and date of birth shall be accepted as proof of age.*

By selling alcohol, vapes and tobacco to underage children is not only illegal but could potentially cause serious harm to the child/young person's health.

I can confirm that I agree with Trading standards findings.

Thanks

Gita Patel Lead Auditor
Children services



Gita Patel | Lead Auditor | Learning Academy
Room GF204, Town Hall, Torquay TQ1 3DR

www.torbay.gov.uk
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

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