

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**Rock Garden**

40-44 Swan Street, Torquay, Devon, TQ2 5ES.

Telephone 01803 200558

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- 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
B. Exhibition of films (Indoors)	Monday to Wednesday	11:00am	11:30pm
	Thursday to Saturday	11:00am	2:30am
	Sunday	Noon	11:00pm
	Christmas Eve	11:00am	2:30am
	Boxing Day	11:00am	2:30am
	New Year's Day	11:00am	2:30am
	To extend on Sunday until 02.30 on and until 00.30 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday.		
E. Performance of live music (Indoors)	Monday to Wednesday	11:00am	11:30pm
	Thursday to Saturday	11:00am	2:30am
	Sunday	Noon	11:00pm
	Christmas Eve	11:00am	2:30am
	Boxing Day	11:00am	2:30am
	New Year's Day	11:00am	2:30am
	To extend on Sunday until 02.30 on and until 00.30 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday.		
F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	11:30pm
	Thursday to Saturday	11:00am	2:30am
	Sunday	Noon	11:00pm
	Christmas Eve	11:00am	2:30am



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

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors) continued ...	Boxing Day	11:00am	2:30am
	New Year's Day	11:00am	2:30am
	To extend on Sunday until 02.30 on and until 00.30 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday.		
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
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L. Late night refreshment (Indoors)	Thursday to Saturday	11:00pm	2:30am
	Christmas Eve	11:00am	2:30am
	Boxing Day	11:00am	2:30am
	New Year's Day	11:00am	2:30am
	To extend on Friday, Saturday and Sunday until 02.30 on and until 00.30 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	11:00pm
	Thursday to Saturday	11:00am	2:00am
	Sunday	Noon	10:30pm
	Christmas Eve	11:00am	2:00am
	Boxing Day	11:00am	2:00am
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	To extend on Sunday until 02.00 on and until 00.00 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	11:00am	11:30pm
Thursday to Saturday	11:00am	2:30am
Sunday	Noon	11:00pm
Christmas Eve	11:00am	2:30am
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To extend on Sunday until 02.30 on and until 00.30 Monday on Easter Bank Holiday, both May Bank Holidays and August Bank Holiday. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises
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Part 2

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

Rock Garden Ltd	40-44 Swan Street, Torquay, Devon, TQ2 5ES. Telephone 01803 200558
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Rock Garden Ltd	12246833
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Licensing Act 2003

Premises Licence

576

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

David Edward WALSH

78 Westhill Road, Torquay, Devon, TQ1 4PD.

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

Licence No. PA2682

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
2 November 2020



ANNEXES**ANNEXE 1****MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-



ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

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

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The Prevention of Crime and Disorder

1. Staff shall receive training in respect of all aspect of management of the bar and licensing law and the Barsafe policy identifies staff training as fundamental to the good conduct of premises. Training will be ongoing.
2. The manager shall be an active member of the Local Pubwatch scheme.
3. There shall be no irresponsible drink promotions and under the Barsafe policy the company operates its own minimum pricing scheme and will always adhere to any local pricing policy.



ANNEXES continued ...

4. On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then closes after 00.30, SIA Door Supervisors shall be employed on the premises from 22.00 until close, at a ratio of one Supervisor per one hundred customers (this condition shall also apply on Christmas Eve and New Year's Eve when they do not fall on a Thursday, Friday, Saturday or Sunday). On all other occasions, the Premises Licence holder shall risk assess the requirement for Door Supervisors and employ such Door Supervisors, if at all, in such numbers and at such times determined by that risk assessment.
5. All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses. No alcohol shall be served in glass bottles from which it is intended or likely that customers shall drink, from 23:00 onwards.

The Prevention of Public Nuisance

1. Customers shall be advised by staff and doorstaff to leave the premises quietly and respect the neighbours.
2. Doorstaff shall ensure doors and windows remain closed from 9pm.
3. Music shall not be played at a level which would be intrusive for neighbours and any advice from the Environmental Health Officer shall be followed.
4. The premises shall remain open 30 minutes after the sale of alcohol has ceased and more sedate music shall be played at a much lower level to provide a wind down period before closing.
5. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business must be carried out between 8am and 9pm and in such a manner as to prevent nuisance and disturbance to nearby residents.
6. The handling of beer kegs, bottles and other similar items must not take place between 9pm and 8am outside the building or in the beer garden.
7. The fabric of the lobby at the entrance to the premise and the entrance to the beer garden must be of an acoustic material to reduce noise outbreak from the premises. The acoustic material must not be changed or removed without the approval by officers of the Council's Public Protection Team.
8. The premises beer garden shall cease to be used by all persons by 11pm.
9. A management scheme shall be in place to ensure that the beer garden is emptied of all persons and glasses by 11pm.
10. After 11pm the designated smoking area shall be at the front of the premises. This area should be clearly defined as the designated area and the numbers of people using this area should be limited to 10 people.
11. A management scheme shall be in place to ensure that the maximum number of 10 people using the designated smoking area after 11pm shall be maintained at all times.
12. The placing of refuse, such as bottles, into receptacles outside the premises must take place between 8am and 9pm to prevent disturbance to nearby properties.

The Protection of Children from Harm

1. The premises shall operate a Challenge 25 policy. Any individual who appears to be under 25 will be required to produce an approved form of photographic id as outlined within Torbay Council's Statement of Principles.
2. Challenge 25 posters will be on display within the premises.
3. No under 18's shall be permitted on the premises after 21:00hrs, unless they are consuming a table meal in the company of a responsible adult in which case they can remain until 22:00hrs.
4. An exception to under 18's being permitted on the premises after 22:00hrs shall be to attend a pre-arranged private function in the company of a responsible adult and where the premises are closed to the public.
5. Only photographic identification shall be accepted being a passport or driving licence.

Additional Conditions Transferred from the Licence

ANNEXES continued ...

1. Substantial food to be available at all times the premises are open.
2. Full CCTV be installed at the premises, to include a recording monitor behind the bar server. Recordings to be retained for a minimum of 14 days, during which time they will be available to a police officer on demand at any reasonable time. Such system to be installed in liaison with the Police Licensing Department.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Prevention of Crime and Disorder

1. The premises shall join and maintain their membership to the "Nitenet" system currently in operation within Torbay.
2. All persons employed to serve alcohol to members of the public must be over the age of 18.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are;
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. A noise limitation device must be installed to control the system to which all amplification equipment is fitted. This device shall be regularly maintained to ensure that the noise produced within the premises will not be audible within any residential properties in the vicinity.
3. The volume at amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
4. Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment shall be regulated so as to protect the hearing of any employee therein in accordance with current standards.
5. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect of the needs of local residents and to leave the premises and the area quietly.
6. Patrons shall be asked not to stand around talking in the street outside the premises or any car park, and asked to leave the vicinity quickly and quietly.
7. An announcement shall be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible.
8. Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
9. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
10. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
11. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
12. Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.



ANNEXES continued ...

13. When food for consumption off the premises is sold, adequate waste receptacles for use by patrons shall be provided in the local vicinity. All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.
14. Facilities for depositing litter and the collection of litter generated by patrons shall be available and maintained, where outside areas are provided for the use of patrons.

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY

1. There should be a minimum of 5 prominent, clear and legible notices displayed within the beer garden stating that patrons are required to respect neighbours by keeping noise to a minimum and that any noisy or disorderly patrons will be asked to leave the beer garden.
2. A Management Scheme shall be in place to ensure compliance of that stated within the notices in the beer garden.
3. A Management Scheme must be in place to ensure that both sets of the lobby doors are not open at the same time after 9pm.
4. To reduce noise breakout, doors and windows must be kept shut during the playing of amplified music. A Management Scheme shall be in place to ensure this situation remains.

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**Rock Garden**

40-44 Swan Street, Torquay, Devon, TQ2 5ES.

Telephone 01803 200558

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- 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
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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
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	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
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THE OPENING HOURS OF THE PREMISES

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Rock Garden Ltd

40-44 Swan Street, Torquay, Devon, TQ2 5ES.

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

Rock Garden Ltd

12246833



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

David Edward WALSH

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

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



Steve Cox
Environmental Health Manager (Commercial)
2 November 2020

