



**APPLICATION
FOR THE GRANT OF A
PREMISES LICENCE**

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 a premises licence to be granted
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/ Anthony Peter Ralph
We

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Hennessey Cocktail Lounge 2 King Street			
Post town	Brixham	Postcode	TQ5 9TF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 11,750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- | | | |
|----|---|-----------------------------|
| a) | an individual or individuals * | ✓ |
| b) | a person other than an individual * | |
| | i. as a limited company | please complete section (B) |
| | ii. as a partnership | please complete section (B) |
| | iii. as an unincorporated association or | please complete section (B) |
| | iv. other (for example a statutory corporation) | please complete section (B) |
| c) | a recognised club | please complete section (B) |

- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ✓

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Other Title (for example, Rev)	
Surname Ralph	First names Anthony Peter	
Date of Birth over	I am 18 years old or	yes
Nationality	British	
Current residential address if different from premises address	[REDACTED]	
Post town	[REDACTED]	Postcode
Daytime contact telephone number	[REDACTED]	
E-mail address (optional)	[REDACTED]	

Part 3 Operating Schedule

21 04 2022

When do you want the premises licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note 1)
Bar

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Y

Y

Provision of late night refreshment (if ticking yes, fill in box I)

Y

Supply of alcohol (if ticking yes, fill in box J)**In all cases complete boxes K, L and M****A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	
Mon	09:00	00:00		<u>Please give further details here</u> (please read guidance note 4)	Both
Tue	09:00	00:00			
Wed	09:00	00:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	09:00	00:00			
Fri	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	09:00	00:00			
Sun	09:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	
Mon	09:00	00:30		<u>Please give further details here</u> (please read guidance note 4)	Both
Tue	09:00	00:30			
Wed	09:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	09:00	00:30			
Fri	09:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) 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		
Sat	09:00	00:30			
Sun	09:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	
				Off the premises	
				Both	Y
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	00:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
			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		

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

Name Anthony Peter Ralph	
Date of Birth	07/09/1955
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) SOUTH GLOUCESTERSHIRE COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon	09:00	00:30	
Tue	09:00	00:30	
Wed	09:00	00:30	
Thur	09:00	00:30	
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	00:30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>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</p>

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

1.
All drinks will be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after 23:00hrs.

2.
CCTV must be installed on the premises to include a recording monitor behind the servery. Such CCTV system must be maintained and used throughout the licensing hours. Recordings will be kept for a minimum of 28 days during which time they will be available to the Police at any reasonable time.

3.
On every operational day when door supervision is required, SIA door supervisors will be employed in front of house duties. They will wear yellow high visibility reflective clothing for the entirety of their duty.

4.
On any Friday and Saturday night that the premises remains open for the sale of alcohol and then closes after 00:30hrs, SIA door supervisors shall be employed on the premises from 22:00hrs until close at a ratio of 1 supervisor per 100 customers (this condition shall also apply on Christmas Eve and New Year's Eve when they do not fall on a Friday or Saturday). On all other occasions the Premises Licence holder shall risk assess the requirements for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.

5) Mr Ross Hennessey, the previous Premises Licence Holder and Designated Premises Supervisor, be prohibited from entering the premises during operational hours.

6) Mr Ross Hennessey, the previous Premises Licence Holder and Designated Premises Supervisor, shall not be involved in or influence the operation of these premises.

7) The premises shall install, operate, and maintain comprehensive digital colour CCTV. 16

8) All public areas of the licensed premises including entry and exit points will be covered by CCTV, including any outside areas under the control of the premises licence holder.

9) The CCTV system must record clear images permitting the identification of individuals, enable facial recognition images (a clear head and shoulder image) of every person entering and leaving, in any light condition.

10) The CCTV system will continually record whilst the premises are open for licensable activities, at all times when customers remain on the premises and for 30 minutes after closing.

11) All CCTV equipment must have a constant and accurate time and date generation.

12) All CCTV recordings will be stored for a minimum period of 28 days with date and time stamping.

13) Viewable copies of CCTV recordings will be provided on request to the Police or Local Authority Officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation).

14) A staff member who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open; and this staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum delay when requested, in accordance with the Data Protection Act 2018 (or any replacement legislation).

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

16) Security measures shall be in place to ensure the integrity of the CCTV system, to prevent the tampering with or deletion of images.

17) Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical.

18) The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects in the CCTV system, the action required to rectify the situation and the time frame for such action, within 24 hours of the defect being identified.

19) After the premises close, staff and door stewards shall ensure that customers leave the area in a quiet and orderly manner.

20) All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year.

21) Records of all training shall be maintained and kept at the premises for a minimum period of 12 months.

22) Training records shall be made available to the Police or Local Authority Licensing Officers for inspection on demand.

23) Challenge 25 posters shall be prominently displayed within the premises.

24) Litter left outside the premises by customers, such as cigarette ends, shall be cleared by staff on a regular basis, at least once daily.

25) Recorded music shall be permitted inside the premises only.

26) All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year. Records of all training, including BIIA Certificates, shall be maintained and kept at the premises for a minimum period of 12 months. These records shall be made available to the police or Local Authority Licensing Officers for inspection on demand.

27) The Premises Licence Holder/DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis and as soon as practicable after the incident has occurred. This record shall include the full names of all person(s) involved, if possible or practical to do so. If the person(s) details are not available or known, then the time, date and CCTV camera number which captures the person(s) images are to be recorded in the incident book instead. The incident Book shall be made available for inspection by a police officer, a police licensing officer or Officers of the local authority on demand, and such records shall be kept at the premises for a minimum of 12 months.

28) The premises shall sign up to a licensing support scheme such as Best Bar None and ensure that they meet the standards required by that scheme at all times.

29) The Premises Licence Holder shall ensure that the Regulatory Reform (Fire Safety) Order 2005 is complied with and an up to date fire risk assessment shall be kept on the premises for viewing by responsible authorities at all times. This fire risk assessment shall be amended whenever any changes are made to the premises which may affect emergency evacuation.

30) The Premises Licence Holder shall ensure that at all times there are adequate First Aid arrangements. The arrangements for First Aid provision include a First Aid Box, an adequate and appropriate supply of First Aid equipment and materials to be used by customers. Suitable protective

equipment shall be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures shall be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable diseases.

31) Staff will ensure that regular glass collection takes place within the premises.

c) Public safety

Adequate emergency and fire exit lighting will be installed to British standard specification.

d) The prevention of public nuisance

1.

The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the management.

2. Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises shall not be audible within any noise sensitive premises (eg dwelling) with windows open for normal ventilation especially after 23:00hrs. 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:-

Adequate emergency and fire exit lighting will be installed to British standard specification.

i) before 23:00hrs - noise emanating from the premises will not be clearly distinguished above other noise.

ii) after 23:00hrs - noise emanating from the premises will not be distinguishable above background levels of noise.

iii) the local authority will reserve the right in cases of tonal noise and where premises are attached to others (ie semis and terraced properties) to make further assessments from within the residential property.

3.

Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

4.

The placing of refuse such as bottles into receptacles outside the premises must take place at times that will prevent disturbance to nearby properties.

5.

Deliveries of kegs, bottles, food and other materials necessary for the operation of the business must be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

6.

Doors and windows must be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.

7. Patrons shall be asked not to stand around talking in the street outside the premises or any car park and shall be asked to leave the vicinity quickly and quietly.
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 noise 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. On calling last orders and at the end of Regulated Entertainment an announcement shall be made requesting patrons to leave the area as quickly and quietly as possible.
11. Recorded music shall be permitted inside the premises only.
12. Recorded music shall be permitted until midnight on Sunday; recorded music shall be permitted from 9.00am to midnight 7 days a week.
13. The supply of alcohol shall be permitted until midnight on Sunday; supply of alcohol shall be permitted from 09.00am to midnight 7 days a week.
- 19
14. Late night refreshment shall be permitted from 11.00pm to 00:30 7 days a week.
15. The premises shall be open to the public from 9.00am to 12.30am 7 days a week.
16. After 10.00pm the designated smoking area shall permit no more than 8 patrons at any one time.
17. After 10.00pm the designated smoking area shall be monitored at all times by either an SIA door steward or a member of staff to ensure that patrons using the area do not cause a nuisance to nearby residents.
18. A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Public Protection Officer.
- 26) The Premises Licence Holder shall maintain a written noise management plan which must include procedures for but not limited to: -
 - a. Noise Management Policy
 - b. Arrangements and procedures to ensure the noise limited is used and maintain.
 - c. List of PA equipment used.
 - d. Records of complaints from residents or business.
 - e. Relevant staff/SIA noise monitoring log sheets.
 - f. Procedures for ensuring windows and doors are closed during regulated entertainment.
 - g. Employee/SIA staff training records and procedures in relation to noise management.
 - h. Procedures for monitoring and controlling noise from customers using the outside designated smoking area.
 - i. Dispersal policy.
- 27) A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Licensing Team.

- 28) The noise limiter shall be made tamper proof and any adjustments to sound levels, shall only be made in consultation with the Responsible Authority for public nuisance.
- 29) There shall be no alterations or modifications to the existing PA system.
- 30) Any structural changes to the premises must not take place without written approval from Torbay Council's Licensing Team.
- 31) The written Noise Management Plan must contain procedures to ensure the lobby is used effectively, to reduce noise outbreak emanating from the premises.
- 32) Windows shall be kept closed during regulated entertainment.
- 33) When off-sales are purchased from the premises, staff shall advise customers that the alcohol should not be consumed within the Public Space Protection Order area and refer them to the Public Space Protection Order map.
- 34) A map of the Public Space Protection Order area shall be displayed in a prominent position close to the point of sale and the premises exits.
- 35) Prominent, clear, and legible notices shall be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area, quietly.
- 36) The placing of refuse such as bottles into receptacles outside the premises, must not take place before 8pm Mon-Sat and 9pm Sun and not later 10pm on any day.
- 37) Patrons shall be asked not to stand around talking in the street outside the premises and shall be asked to leave the vicinity quickly and quietly.
- 38) On calling last orders and at the end of regulated entertainment, an announcement shall be made requesting patrons to leave the area as quickly and quietly as possible.
- 39) The Premises Licence Holder shall ensure that staff leaving the premises after the premises has closed, will conduct themselves in a manner as not to disturb nearby residents.
- 40) An internal lobby shall be installed within 2 months of the licence being granted. Specifications shall be confirmed with the local authority, but shall be built to be as noise proof as possible.

e) The protection of children from harm

- 1) The premises shall adopt a Challenge 25 policy whereby any person who looks under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
2.
No under 18s will be permitted on the premises after 22:00hrs.
3.
All staff shall be trained regarding the Challenge 25 policy, including acceptable forms of ID.

Checklist:

Please tick to indicate agreement

I have made or enclosed payment of the fee.

I have enclosed the plan of the premises.

I have sent copies of this application and the plan to responsible authorities and others where applicable.

I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

I understand that I must now advertise my application.

I understand that if I do not comply with the above requirements my application will be rejected.

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [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)
Signature	A P Ralph
Date	18/03/2022
Capacity	General Manager

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**