

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

Hyde Dendy

18 Esplanade Road, Paignton, Devon, TQ4 6BD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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 Sunday	10:00am	1:00am
C. Indoor sporting event	Monday to Sunday	10:00am	1:00am
E. Performance of live music (Indoors & Outdoors)	Monday to Sunday Live music outside on the Terrace to cease by 10.00pm	10:00am	1:00am
F. Playing of recorded music (Indoors & Outdoors)	Monday to Sunday	10:00am	1:00am
G. Performance of dance (Indoors)	Monday to Sunday	10:00am	1:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	10:00am	1:00am
L. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	1:00am



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



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available to customers in the following measures:-

- (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.

MANDATORY CONDITION: EXHIBITION OF FILMS

1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

2) Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,



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admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
 - a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
 - b) In respect of premises in relation to:
 - i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:
 - a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

1. The use of the smoking area and the re-entry of customers who have used it shall be supervised at all relevant times by a door steward who shall be positioned immediately outside the main entrance door.
2. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
3. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
4. Training records will be retained for at least 12 months and made available for inspection by officers of both the Licensing Authority and the Police.

The Prevention of Crime and Disorder

1. The premises shall liaise and co-operate with the responsible authorities.
2. A zero tolerance towards illegal drugs shall operate at all times.
3. Customers shall be encouraged to leave the premises in a quiet and orderly manner.
4. Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
5. The external areas of the premises shall continue to be well lit.
6. Glasses will be regularly collected throughout the premises whilst trading.



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7. All full-time staff in premises selling alcohol after midnight shall be trained and hold, within three months of the commencement of their employment, BIIAB Level 1 Award in Responsible Alcohol Retailing or similar qualification.
8. When the premises are open for the sale of alcohol after midnight, in the absence of the DPS a suitably trained personal licence holder will be on duty.
9. Written authorisations of the DPS to all staff will be kept on their training records.
10. All staff will be made aware of the Ask for Angela/Clive Campaign or similar initiative. Posters will be displayed on the premises for customer awareness.
11. All patrons entering the ground floor premise (No 18) after 8pm must check any bag over 40 cm by 30 cm into the cloakroom.
12. SIA Licences will be checked using the SIA Company Licence Checker facility.
13. The premises maintains a Door supervisors policy. A copy of this policy shall be available for inspection on demand by a police officer, a police licensing officer or officers of the local authority.
14. The premises has a dispersal policy which will be reviewed regularly. A copy of this policy shall be available for inspection on demand by a police officer, a police licensing officer or officers of the local authority.
15. Premises will join and meet the standards of the Best Bar None scheme.
16. No alcohol shall be served in glass bottles after 23.00 hours from which it is intended or likely that a person shall drink.
17. From midnight there shall be a maximum of 60 people allowed in the designated outside area.

Public Safety

1. The necessary fire safety precautions shall be installed and maintained.

The Prevention of Public Nuisance

1. Any noise from the licensable activities provided shall be monitored in order to prevent nuisance.
2. The current noise limitation device installed within the premises must be used for all amplified live music and entertainment including karaoke. This device shall be regularly maintained to ensure the noise produced with the premises shall not be audible within any residential premises in the vicinity.
3. There shall be a written noise management plan regarding use of the beer garden after midnight and this shall be kept under review.
4. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall 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, to make further assessments from within the residential property.
5. The volume of the 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.
6. 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.
7. All doors and windows at the premises shall be kept closed during regulated entertainment to prevent noise breakout, except for access, egress and in cases of emergency.
8. Entrances with lobbies shall be fitted with automatic door-closers. The lobbies shall be in use throughout the time of



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entertainment.

9. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
10. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
11. When the outside smoking area is used after midnight a SIA door steward shall be located in that area to ensure that patrons using the area do not behave in a manner which causes a nuisance to nearby residences.
12. A member of staff shall be designated to monitor the outside smoking area after midnight to ensure that any empty drinking vessels are cleared away promptly.

The Protection of Children from Harm

1. Non-alcoholic drinks shall be available.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

General

1. All staff involved in the sale of alcohol after midnight at the premises shall be trained and hold, within three months of the commencement of their employment, the BIIAB Level 1 Award in Responsible Alcohol Retailing, or similar qualification.

The Prevention of Crime and Disorder

1. A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors behind all bars and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images within 7 days of any request.
2. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.
3. On any Friday and Saturday nights that the premises remain open for the sale of alcohol after midnight and then close after 0030 hrs, SIA door supervisors shall be employed on the premises from 2200 hrs until 30 minutes after the premises close, at a ratio of 2 stewards for the first 100 persons and one additional steward for each 100 persons thereafter. The Premises Licence Holder shall also carry out a risk assessment taking the layout of the premises and the proposed activity to be carried out into consideration to determine whether any additional stewards are required. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Friday or Saturday). On all other occasions the Premises Licence Holder shall risk assess the requirement for door supervisors and employ such numbers, if at all, in such numbers and at such times determined by that risk assessment.
4. On every operational day that SIA door supervisors are required, then those stewards who are employed for front of house duties must wear yellow high visibility jackets for the entirety of their duty.
5. Written records of all SIA door stewards, including full name and full SIA badge number, shall be kept on the premises for at least 12 months and be available for inspection on demand by a police officer, a police licensing officer or officers of the local authority.
6. The DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis. This record shall include the full names of all persons involved, if possible or practical to do so. 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.
7. The DPS must hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises.
8. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept at the premises for a



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minimum period of 12 months and be available to the police or local authority licensing officers on demand.

9. A Personal Licence Holder shall be on duty at all times the premises sell or supply alcohol after midnight.
10. The Premises Licence Holder will ensure that the DPS or other nominated person shall attend at least two meetings of the Torbay Licensing Forum per calendar year, together with any other meetings arranged by the police in respect of high risk events.
11. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand.
12. The police shall be entitled to discuss any concerns regarding the management of the premises with the freeholders.
13. All drinks shall be served in toughened or strengthened glasses, or plastic/polycarbonate vessels, and no alcohol shall be served in glass bottles after 11 pm from which it is intended or likely that a person shall drink.
14. Where the new licensed area is open for the sale of alcohol after midnight and closes after 00.30 hours there shall be a minimum of 7 SIA door supervisors employed on the premises from 22.00 hours until 30 minutes after the premises closes. At all other times, the ratio of door stewards shall be as identified in condition 3 of Annex 3 of the current premises licence.

Public safety

1. A clicker system shall be in operation at the premises to ensure number capacity of the new licensed area to that of the current licensed area is maintained.
2. A queuing area shall be identified in the new licensed area and the current licensed area to ensure that those wishing to use the toilets do not cause an obstruction in the connecting corridor.
3. When the new licensed area is open, the maximum capacity in that area shall not exceed 150 patrons.

The Prevention of Public Nuisance

1. The Premises shall have a written noise management plan, in consultation with and agreed by, the Licensing Authority's Public Protection Officer.
2. The Premises noise management plan must be kept at the Premises and reviewed when appropriate to do so.
3. The Premises noise management plan must detail management policies and practices to control all aspects of public nuisance emanating from this premise and its patrons.
4. The placing of refuse, such as bottles, in receptacles outside the premises must not take place between 10 pm and 9 am to prevent disturbance to nearby properties.
5. That there shall be a written Noise Management Plan in place, in accordance with the findings of an up-to-date Noise Consultant report, and as agreed by the Licensing Authorities Public Protection Officer.
6. That the current gate leading from the premises, exiting on to Kernou Road shall be of a more solid structure and shall be converted to the height of the pillars currently in situ.

The Protection of Children from Harm

1. The premises shall operate a Challenge 25 Policy and any person who appears 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. That there shall be no under 18's permitted on the premises after 10 pm except for staff and those staff shall be permitted up until 11 pm only.

ANNEXE 4

ANNEXES continued ...

PLANS

Copy attached to Licence.

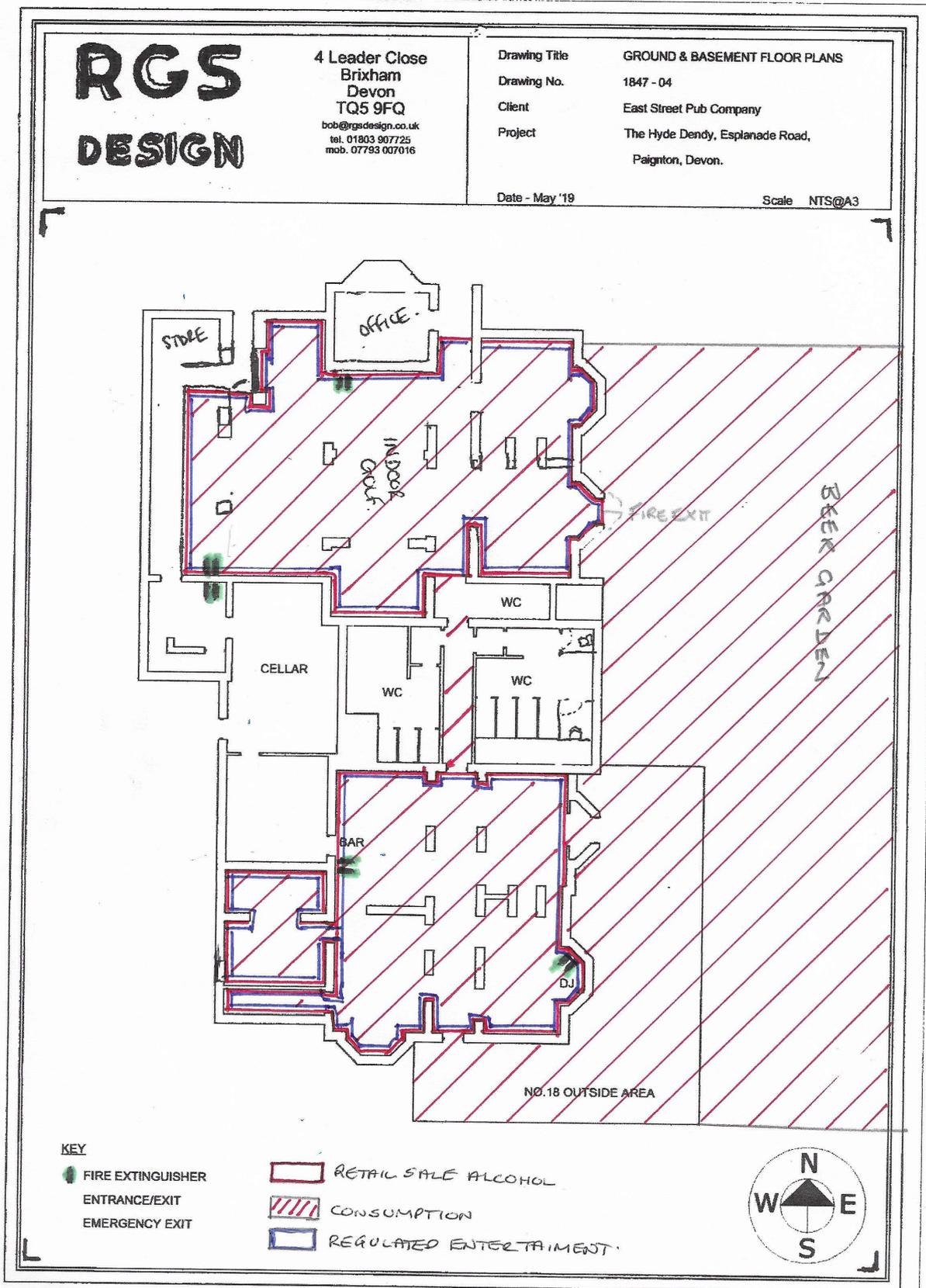


Historical Plan of Premises details for Hyde Dendy

Details entered: 25 March 2022 at 11:13 by Laura Wright
 Date requested:
 Date Received: **23/03/2022**
 Appointment date:
 Result:
 Name:
 Date commences:

Reason: **variation**
 Appointment time:
 Result Date:
 Number:
 Date expires:

Notes: Plan from SRU 268924 uploaded 05/04/24



FEB 2022

