



Clerk: Lisa Antrobus  
Telephone: 01803 207013  
E-mail address: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)  
Date: Wednesday, 26 February 2020

Governance Support  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Member

**LICENSING SUB-COMMITTEE - MONDAY, 2 MARCH 2020**

I am now able to enclose, for consideration at the Monday, 2 March 2020 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>	<b>Page</b>
6.	<b>Licensing Act 2003 - Objection to a Temporary Event Notice in respect of Town Hall, Castle Circus, Torquay, TQ1 3DR on 14 March 2020</b>	(Pages 7 - 32)

Yours sincerely

Lisa Antrobus  
Clerk



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – Objection to a Temporary Event Notice in respect of Town Hall, Castle Circus, Torquay TQ1 3DR on 14<sup>th</sup> March 2020.**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**                      On: **2<sup>nd</sup> March 2020**

Contact Officer: **Mandy Guy**  
☎ Telephone: **01803 208124**  
✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. **Key points and Summary**

- 1.1 To consider and determine a Temporary Event Notice, in respect of the Premises detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective, “Public Safety”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written representation if all parties have agreed that a hearing is not necessary. Having regard to the Objection Notices, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives “Public safety”. These are either:-
  - (a) to serve a Counter Notice, or
  - (b) not to serve a Counter Notice, for the event.

A Counter Notice would prohibit the temporary event from taking place.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notice required to be served on the applicant and the Responsible Authority at the determination of the matter.

## **2. Introduction**

- 2.1 The Temporary Event Notice (TEN) has been submitted under Section 100 of the Licensing Act 2003 for the above premises. Details of the Temporary Event Notice are shown in Appendix 1.

Brief descriptions of the proposed events are as follows:

The TEN covers one day starting at 16.00 and finishing at 23.59 on Saturday 14<sup>th</sup> March 2020.

Throughout the above times the licensable activities that are intended to be carried out are the Sale by Retail of Alcohol and the Provision of Regulated Entertainment.

The Applicant has described the event in section 2 of the Temporary event Notice as a "Memorial charity fundraiser and white collar boxing event".

- 2.2 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 100 but is unable to acknowledge the notifications as an Objection Notice has been received from Environmental Health, under section 104(2). The Authority is also satisfied that the Objection Notice has been received within the appropriate time-scale and has not been subsequently withdrawn. See Appendix 2
- 2.3 The Authority is required to conduct a hearing by the provisions of Section 105(2) unless all parties agree that this is not necessary.
- 2.4 Section 106A (2) of the Act states:-  
The relevant licensing authority may impose one or more conditions on the standard temporary event notice if  
(a)the authority considers it appropriate for the promotion of the licensing objectives to do so,  
(b)the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and  
(c)the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.  
A copy of the premises is shown as Appendix 3.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including details of the procedure to be followed at the hearing.
- 2.6 If the decision of the Licensing Sub-Committee is to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(2) of Schedule 5, to the applicant.

- 2.7 If the decision of the Licensing Sub-Committee is not to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(3) of Schedule 5 to the Responsible Authority who issued the Objection Notice.
- 2.8 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
  - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
- and may make such order as to costs as it thinks fit.

**Steve Cox**  
**Environmental Health Manager (Commercial)**

### **Appendices**

- Appendix 1            Temporary Event Notice for 14<sup>th</sup> March 2020
- Appendix 2            Objection Notice from an Environmental Health Officer
- Appendix 3            Copy of Premises Licence PL0144 Town Hall, Torquay

### **Documents available in members' rooms**

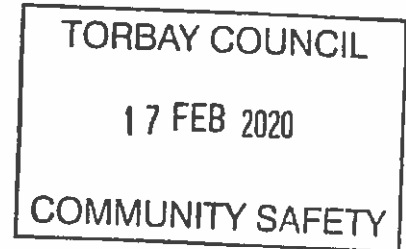
None

### **Background Papers:**

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

Torbay Council Licensing Policy 2016-2021.

FORM (D)



**LICENSING ACT 2003**

**APPLICATION  
FOR A  
TEMPORARY EVENT NOTICE**

**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](http://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](http://www.torbay.gov.uk)**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**



8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
N/A	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Town hall Castle circus Torquay Tq1 3dr	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Alcohol will only be allowed in the designated area, no alcohol will leave the premises. No Alcohol will be brought into the building on the night by members of the public  SIA X 1 will be at the bar at all times	
Please describe the nature of the premises below. (Please read note 4)	
Town hall	
Please describe the nature of the event below. (Please read note 5)	
Memorial Charity Fundraiser & White collar boxing event	

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**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	

**Saturday 14<sup>th</sup> march 2020**

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

**16.00 – 23.59**

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	<b>499</b>
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (please give times in 24 hour clock). (Please read note 12)

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<b>4. Personal licence holders (Please read note 13)</b>			
Do you currently hold a valid personal licence? (Please tick)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	TORBAY COUNCIL		
Licence number	[REDACTED]		
Date of issue	[REDACTED]		
Date of expiry	N/A		
Any further relevant details			

<b>5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)</b>			
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year			
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)</b>		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 15)</b>	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	G L PARKER
Date	16/02/20
Name of Person signing	GEMMA LOUISE PARKER

**For completion by the licensing authority**

<b>10. Acknowledgement (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



**Notice of objection to a Temporary Event Notice**

**Event Date: 14<sup>th</sup> March 2020**

- To: (1) Gemma Parker [REDACTED]
- (2) Steve Cox, Licensing Department, Community Safety, Town Hall, Castle Circus, Torquay,  
TQ1 3DR
- (3) Julie Smart, Dorset, Devon and Cornwall Police Alliance, Middlemore, Exeter, EX2 7HQ

**TAKE NOTICE** that I, Dave Walker Senior EHO, Torbay Council, object to the notice for a Temporary Event at **The Town Hall, Castle Circus Torquay**, on the grounds that allowing the premises to be used in accordance with the permissions of the notice would undermine the Licencing Objection the 'Promotion of Public Safety'

My reasons are as follows:

1. There is no event management plan for the event detailing how the event will be managed and controlled, and roles and responsibilities of those involved with the event.
2. There are no adequate risk assessments for the event, indicating how risks to the safety of attendee's will be managed.
3. There is no evidence of how fire risks will be controlled, or the means attendees will be safely evacuated from the venue
4. There are no details or calculations relating to the provision of first aid/and or ringside medical assistance
5. There are no details of security provision, their duties, and qualification.
6. There are no adequate risk assessments for the event, indicating how risks to the safety of attendee's will be managed.

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This notice is served in accordance with Section 104(2) of the Licensing Act 2003.

*D Walker*

Dave Walker,  
Senior EHO  
Torbay Council

Licensing Act 2003  
**Premises Licence**

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LOCAL AUTHORITY	
	<p><b>Torbay Council</b> Licensing &amp; Public Protection c/o Town Hall Castle Circus Torquay TQ1 3DR</p>

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<p><b>Torquay Town Hall</b> Lymington Road, Torquay, Devon, TQ1 3DR.</p>	<p>Telephone 01803 207932</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- an indoor sporting event</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> </ul>

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Saturday	8:00am	Midnight
E. Performance of live music (Indoors)	Monday to Saturday	8:00am	1:00am
	Sunday	8:00am	10:30pm
	Christmas Day	8:00am	10:30pm
F. Playing of recorded music (Indoors)	Monday to Saturday	8:00am	1:00am
	Sunday	8:00am	10:30pm
	Christmas Day	8:00am	10:30pm
I. Provision of facilities for making music (Indoors)	Monday to Saturday	8:00am	1:00am
	Sunday	8:00am	10:30pm
	Christmas Day	8:00am	10:30pm
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	8:00am	1:00am
	Sunday	8:00am	10:30pm

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Not Applicable:			

Licensing Act 2003  
**Premises Licence**

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

Part 2

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

Stuart Left	3rd Floor Tor Hill House, Union Street, Torquay, Devon, TQ2 5QW. Telephone 01803 208979
Steve Checkley	FM Office, Torquay Town Hall, Torquay, Devon, TQ1 3DR. Telephone 01803 207932

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

*Stephen Cox*

Steve Cox  
Environmental Health Manager  
5 December 2016

**ANNEXES**

**ANNEXE 1**

**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**

**PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION**

**1. GENERAL**

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.
- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

**2. DISPLAY**

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.



**ANNEXES continued ...**

- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-  
**"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"**

**3. SANITARY EQUIPMENT AND CLEANLINESS**

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

**4. STEWARDS, CAPACITY AND CONTROL**

- (a) The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
- (b) The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
- (c) The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded. Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.
- (d) Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided unless the Licence specifies some other number in which case such other number will apply:-

**(i) NON LIQUOR LICENSED PREMISES**

In respect of the whole premises

For every level in use under 100 capacity

For every level in use over 100 capacity

**(ii) LIQUOR LICENSED PREMISES**

One steward shall be provided for each 75 people based on the maximum permitted capacity for the Premises.

(Figures shown indicate the ratio of stewards to persons attending the entertainment assuming the maximum level of permitted capacity)

- (e) This condition shall be operative only where it is stipulated in the licence document that it shall do so. The Licence document may also specify arrangements different from those detailed below in which case such alternative requirements will take precedence. If the premises have the benefit of a Special Hours Certificate issued by the Licensing Justices, all reference to 'premises' within this Condition shall be limited to those



## ANNEXES continued ...

areas covered by such Certificate and only during such times as specified therein. In all other cases, the arrangements shall apply to all areas shown in the Licence document.

Any person employed as a steward shall have been appropriately trained and registered with Torbay Council by having successfully completed a course of instruction under the Torbay Door Stewards Registration and Training Scheme and confirmed to be a fit and proper person to carry out such duties. In addition, any person in the employ of the proprietor or licensee who has applied for entry to the Scheme may be employed on such duties provided that such person has not been advised that participation within the Scheme will be subject to Committee approval and is ONLY prevented from undertaking appropriate training by the unavailability of a course. In these circumstances, any such unregistered person shall not be counted as part of the required number of stewards under the Special Conditions of the Licence or Paragraph 4d. above unless a specific request shall have been made to the Council for a temporary registration to be granted in respect of that person, consent to use such applicant as part of the required number being indicated by the issue of a Temporary Registration Badge. Under no circumstances will the number of temporarily registered staff exceed 50% of the required minimum number of stewards. A list shall be kept of all staff employed in respect of stewarding duties, such record to include the dates on which appropriate training has been provided or the date a Temporary Registration shall have been granted. In addition, a register shall be kept at the premises of all stewards on duty on each day the premises are opened to the public, such register to be entered with the name of the employee, the time that the duty commenced and ended and each entry shall be signed by both the employee and the Licensee. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read. In the event that the full number of required stewards is not available at any time, the premises will be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.

- (f) Any person acting as a steward in any circumstances other than those outlined in Paragraph 4e. above shall have been given appropriate instruction in Fire Safety and First Aid.
- (g) All persons acting as stewards shall wear appropriate distinctive clothing or armbands so that they may be readily identifiable as stewards.

#### **5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES**

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.



**ANNEXES continued ...**

- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.
- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

**6. SEATING AND STANDING**

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.
- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

**7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS**

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each

**ANNEXES continued ...**

occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.

- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained
- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.
- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.
- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.,
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to



**ANNEXES continued ...**

the satisfaction of the Devon Fire and Rescue Service.

**8. FIRE PRECAUTIONS**

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.
- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.
- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.
- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-

**ANNEXES continued ...**

resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.

- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.
- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.
- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

**9. STRUCTURE AND SUITABILITY**

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical requirements.
- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

**10. CONDUCT OF PREMISES AND NOISE NUISANCE**



**ANNEXES continued ...**

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
  - (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
  - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
  - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.

**11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS**

- (a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-
  - Hypnotism (as defined by the Hypnotism Act 1952);
  - Striptease, lap dancing or any similar performance;
  - The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
  - The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

- (b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars.  
(1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.

- (c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:  
harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any

## ANNEXES continued ...

experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.

- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
- 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
- 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
- 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

**12. MISCELLANEOUS**

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This





**ANNEXES continued ...**

requirement is without prejudice to the Statutory Requirements).

- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

*Please note: condition 4e regarding Torbay Door Stewards Registration and Training Scheme has now been superseded by the mandatory condition on door supervision.*

**ADDITIONAL CONDITIONS TRANSFERRED FROM PUBLIC ENTERTAINMENT LICENCE**

1. Music singing and dancing shall be permitted between 8 am and 1 am each Monday to Saturday inclusive and between 8 am and 10.30pm each Sunday.
2. Music only shall be permitted between 8 am and 10.30 pm each Christmas day.
3. Exhibitions of indoor sporting events shall be permitted between 8 am and midnight each Monday to Saturday.
4. Adequate first aid materials shall be maintained on the premises whenever this Licence is in operation together with one member of staff appropriately trained in First Aid.
5. This Licence shall apply only to those parts of the premises named below and the maximum number of persons to be permitted within those areas shall not exceed the figures stated:-
  - Music singing and dancing - The assembly hall - 1000. The balcony - 200
  - Exhibitions of sporting events - The assembly hall - 600. The balcony - 200

(Subject to an overall maximum attendance of 1000)

**ANNEXE 3**

None

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

(A)

GROUND FLOOR

Scale 1-200 Town Hall

F - FIRE EXIT

FE - FIRE EXTINGUISHER ALSO ON

FP - FIRE POINTS ELECTRIC HOUSE PUMP

IP - DISABLED TOILET

