



Wednesday, 8 August 2012

## LICENSING SUB-COMMITTEE

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

**Thursday, 16 August 2012**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Addis

Councillor Parrott

Councillor Brooksbank

---

**Working for a healthy, prosperous and happy Bay**

---

For information relating to this meeting or to request a copy in another format or language please contact:

**Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)



# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes**  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 22 June 2012. (Pages 1 - 14)
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Premises Licence – McDonalds Restaurant, Yalberton Road, Paignton**  
To consider an application for a Premises Licence in respect of McDonalds Restaurant, Yalberton Road, Paignton. (Pages 15 - 49)
7. **Gambling Act 2005 – Two applications for the variation of a Licensed Premises Gaming Machine Permits**  
To consider an application for a variation of a Licensed Premises Gaming Machine Permit in respect of two premises which are The Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, Torquay and The London Inn, 15-16 The Strand, Torquay. (Pages 50 - 74)



## Minutes of the Licensing Sub-Committee

22 June 2012

-: Present :-

Councillors Addis, Ellery and Doggett

### 8. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 9. Minutes

The Minutes of the meeting of the Sub-Committee held on 31 May 2012 and 7 June 2012 were confirmed as a correct record and signed by the Chairman.

### 10. Licensing Act 2003 - Review of a Premises Licence following the serving of a Review Notice, as in accordance with section 53A of the Licensing Act 2003 in respect of Mambo/The Beach Hut, 7 The Strand, Torquay

Review of a Premises Licence following the serving of a Review Notice, as in accordance with section 53A of the Licensing Act 2003 in respect of Mambo/The Beach Hut, 7 The Strand, Torquay TQ1 2AA.

The Premises do fall within the Cumulative Impact Area.

#### Written Representations received from:

Name	Details	Date of Representation
The Police	Further Supporting Information in relation to the Licensing Objectives 'The Prevention of Crime and Disorder', 'Public Safety', The Prevention of Public Nuisance' and 'The Protection of Children from Harm', including covering letter advising of on-going Police investigation, Statements from Police Officers, Correspondence with Lifestyle Enterprises (UK) Ltd,	15 June 2012

**Licensing Sub-Committee**

**Friday, 22 June 2012**

	Devon Fire and Rescue Service, e-mail correspondence with Crime Prevention Officer and report from 4Front Security SW Ltd.	
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance' including a 'Noise Log,' Proposed Conditions, e-mail correspondence, Copies of Correspondence with Lifestyle Enterprises (UK) Ltd and Licensed Premises Report from the Police.	13 June 2012
Torbay Safeguarding Children Board	Representation in relation to the Licensing Objective 'The Prevention of Protection of Children from Harm' and 3 Proposed Conditions.	14 June 2012
Member of the Public	Representation in relation to the Licensing Objectives 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'. Additional information was received by email to support the initial representation as the person was unable to attend the committee hearing in person.	15 June 2012  19 June 2012
Member of the Public	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	15 June 2012
Mambo/The Beach Hut	Representation in response to Review, including correspondence between Lifestyle Enterprises (UK) Ltd, the Police, Future Technical Solutions (CCTV), Express Fire Report and Invoice for polycarbonate glass purchases.	15 June 2012

**Licensing Sub-Committee**

**Friday, 22 June 2012**

**Request to extend the time for Oral Representations:**

The Chairman agreed to the request from the Applicant and the Respondent's Legal Advisors to allow 45 minutes for Oral Representations.

The Committee were advised by the Respondent's Legal Advisor that the Designated Premise Supervisor was not in attendance as expected, due to an ongoing Police investigation.

**Oral Representations received from:**

The Applicant's Legal Representative	The Applicant's Legal Representative outlined their case, as set out in their submitted documents and responded to Members questions.
Public Protection	The Senior Environmental Health Officer outlined his Representation, made reference to proposed conditions and responded to Members questions.
Torbay Safeguarding Children Board	The Professional Advisor/Business Manager outlined her Representation and proposed conditions and responded to Members questions.
The Respondent's Legal Representative	The Respondent's Legal Representative outlined their case, responded to the submissions made by each Party and responded to Members questions.

The Licensing Sub-Committee noted that one of the Interested Parties who had been advised that the Meeting was taking place and had not returned the Notice to say they were attending. Members agreed it was in the public interest to continue with the Meeting.

**Respondent's response to Representation:**

The Respondent's Legal Advisor advised Members that Lifestyle Enterprises (UK) Limited had considered the concerns raised at the Expedited Review Hearing on 31 May 2012 and had taken steps to address these.

Advised that that the existing DPS will be removed and an experienced DPS currently working for Lifestyle Enterprises (UK) Limited will replace him, proposing that Members and the PLH could have no confidence in him, as a result of issues raised at the Expedited Review hearing .

## Licensing Sub-Committee

Friday, 22 June 2012

The Respondent's Legal Advisor's stated that the report submitted on behalf of the Applicant by 4 Front Security was tainted and had a number of inaccuracies and unsubstantiated allegations within it. He also highlighted the timing of the report and resignation letter within it and advised that the Company had not had their contract renewed prior to the date of the Report and another Company had been awarded the Contract. This was confirmed by the proposed new DPS.

Lifestyle Enterprises (UK) Limited provided Members (Agenda Item 6) with an updated Code of Conduct for Responsible Retailing, dated June 2012, which in their view addressed the concerns of the Applicant and the Committee at the hearing on the 31 May 2012.

Members were advised that the new CCTV System had been installed and was operational and had been signed off by the Police and observed by the Police Licensing Officer. Guidelines for the operation and retention of CCTV footage is included in the Code of Conduct (Page 187).

Toughened/strengthened glasses and plastic/polycarbonate vessels have been purchased and delivered and the invoices shown (Pages 223 and 224 Agenda Item 6).

Lifestyle Enterprises (UK) Limited have been working closely with the Crime Prevention Officer to address thefts from Mambos and Public Protection over noise breakout.

The Respondent's Legal Advisor confirmed that he had met with the Senior Environmental Health Officer prior to the hearing and had agreed a number of conditions, should Members be mindful to deal with this matter by way of imposing further conditions on the Premises Licence.

### **Additional information:**

The Committee resolved at 12.20pm to undertake a site visit to Mambo/The Beach Hut and were accompanied by the following people:

Director, Lifestyle Enterprises (UK) Limited – Premise Licence Holder  
Proposed new DPS  
Legal Representatives for Respondent and Applicant;  
Council's Senior Legal Advisor;  
Senior Licensing Officer;  
Senior Environmental Health Officer;  
Professional Adviser and Business Manager, Torbay Safeguarding Children Board;  
Company Director, Future Technical Solutions (CCTV);  
Clerk

Meeting reconvened at 13.30.

## **Licensing Sub-Committee**

**Friday, 22 June 2012**

Members of the Licensing Sub-Committee asked further questions of the Premises Licence Holder and their Legal Representative, as a result of their findings during the site visit.

Concerns were raised by Members over how small the Premises were and its proposed capacity, along with issues relating to pinch points and overcrowding particularly in respect to the first floor bar area. In addition Members sought clarification as to the structure, management and supervision of the proposed sound-proofing measures in respect of the first floor balcony area.

### **Additional Conditions:**

The Committee received 30 additional conditions from the Applicant's Legal Representative which were circulated to Members and the Respondent's Legal Representative prior to summing up.

7 additional conditions were also received from Torbay Safeguarding Board and Public Protection following the site visit.

The Committee retired at 14.00 to deliberate and to take the opportunity to read the additional submissions.

The Committee reconvened at 16.20.

### **Decision:**

After careful deliberation of the number of late conditions put forward by Torbay Safeguarding Children Board and the Police, Members resolved that it was necessary to allow the Respondent an opportunity to make further submissions in respect of these conditions prior to them making a determination

### **Additional discussion:**

The Respondent's Legal Representative advised Members that he had had an opportunity to go through the conditions with the Premises Licence Holder and concluded that they would accept 26 of them. Members were then taken through each of the proposed conditions.

On hearing the further submissions, Members resolved that they were not in a position to make an immediate determination, as it was necessary to give further consideration and debate to the additional submissions and to assess these against the options available to them in reaching a determination that sought to ensure the Licensing Objectives are promoted.

Parties were advised that Members would reconvene on Monday 25<sup>th</sup> June 2012 with an aim to reach a determination by close of business on Wednesday 27<sup>th</sup> June 2012. This date was proposed, taking into account Members prearranged commitments. Members resolved that prior to their determination of this matter that the interim step shall remain in force.

## Licensing Sub-Committee

Friday, 22 June 2012

### Decision:

Members resolved after careful consideration of all the written and oral representations before them, to lift the interim steps and modify the licence with the following conditions:

1. CCTV capable of providing pictures of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate within the premises throughout the times the premises are open to the public. All recordings from the system shall be kept for a minimum of 14 days and copies of recordings to be supplied to the police within 7 days of the request.
2. A member of staff who is trained in the operation of the CCTV system shall be available at all times the premises is open.
3. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practicable. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, action required to rectify the situation and time frame for such action within 24 hours of a defect being identified.
4. In relation to the ground, first and second floors, all drinks must be served in toughened or strengthened glasses before 10.00 pm daily, and from thereafter until closing time all drinks must be served in plastic or polycarbonate vessels. In addition, from 11.00 pm daily no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
5. On the 3<sup>rd</sup> floor from 11.00 pm no alcohol shall be served in glass bottles from which it is intended or likely a person shall drink.
6. Regular glass collections shall be in operation throughout the premises, to ensure the premises are cleared of glasses and bottles as quickly as possible.
7. All glass collectors shall wear readily identifiable uniforms.
8. The DPS and all Personal Licence Holders shall be trained in first aid.



## Licensing Sub-Committee

Friday, 22 June 2012

9. On Wednesday, Thursday, Friday, Saturday and Sunday nights when the premises remain open for the sale of alcohol after midnight and then close after 0030 hours, a minimum of 8 SIA door supervisors (including one female) shall be employed on the premises. This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Wednesday, Thursday, Friday, Saturday or Sunday, and all Bank Holiday Mondays. On all other occasions, the Premises Licence Holder shall risk assess the requirement for door stewards and employ such door stewards, if at all, in such numbers and at such times determined by that risk assessment.
10. SIA door stewards shall be in the following positions at all times:
  - 1 at the front door entrance from 7pm and to be joined by a second, from 9pm until the premises is closed.
  - 1 at the entrance to the first floor bar from 10.00 pm between the AWP Machines and the DJ Box to control the capacity of 150 persons.
  - 1 at the balcony door on the first floor from 10.00 pm.
  - 1 at the entrance to the second floor club to control the capacity of 110 persons (when this floor is open to Patrons)
  - 1 at the entrance to the third floor from 10.00 pm to control the capacity of 60 persons
  - 2 further floating door stewards throughout the premise.
11. The SIA door stewards in control of the capacity on each floor inside the premises will communicate fully to the front door/the head SIA door steward to ensure that when a floor has reached capacity this will allow the door staff on the front door entrance to direct Patrons to a floor with space.
12. A clicker system shall be used by SIA door stewards to count the number of persons entering and leaving the premises, or parts of the premises where appropriate, to ensure that the maximum specified occupancy is not exceeded at any one time. The counting system shall be sufficiently accurate to inform an authorised person, on request, of the number of Patrons in the premises or part of the premises, as appropriate.
13. The premises will have a management scheme in place to ensure that all areas of the premises do not become overcrowded, even if the capacity for that area has NOT been reached.

## Licensing Sub-Committee

Friday, 22 June 2012

14. The premises will ensure that the below capacities are not exceeded at any time:
  - Ground Floor Café – 60 persons, including up to 17 persons outside
  - First Floor – 150 persons, including those persons seated on the balcony
  - Second Floor – 110 persons
  - Third Floor – 60 persons, including persons on the balcony
  - TOTAL – 380 persons
15. Where customers wait in a queue for admission to the front door entrance or parts of the premises where appropriate, all reasonable steps will be taken to ensure that such persons do not obstruct exits, passageways and stairways.
16. Any persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol retailing within 2 months of commencing employment, or for existing staff within 2 months of the date of this hearing.
17. The DPS must hold or complete the BIIAB National Certificate for Designated Premises Supervisors within 2 months of commencing employment at the premises or for the current DPS, within 2 months of the date of this hearing.
18. A record of all staff training, including copies of all relevant BIIAB Certificates, shall be kept at the Head Office for a minimum period of 12 months and be available to the police or Local Authority Licensing Officers for inspection on demand.
19. A Personal Licence Holder shall be on duty at all times when the premises sell or supply alcohol.
20. Notices regarding the refusal of sale of alcohol to persons, who appear drunk, shall be prominently displayed at all points of sale and supply of alcohol, for the attention of persons so employed.
21. Notices regarding the refusal of sale of alcohol to persons, who appear drunk, shall be prominently displayed at all points of sale on each floor of the premises and at the entrance to the premises, for the attention of all customers.

## Licensing Sub-Committee

Friday, 22 June 2012

22. Every incident of serious crime and disorder on the premises shall be immediately reported to the emergency services and the DPS or the Duty Manager. Any other incident of crime and disorder shall be reported to the police within 12 hours.
23. An accurate record of all serious crime and disorder incidents must be written in the Incident Book, along with the names and addresses of the individuals, if possible, and passed onto the appropriate authority. In the absence of this, should an individual refuse to wait for the attendance of the emergency services, then the timings should be logged along with the accurate record of the incident so as to allow the CCTV system to assist in the identification of individuals.
24. The DPS or the Duty Manager must notify the Premises Licence Holder within 24 hours of all incidents of serious crime and disorder.
25. 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.
26. The premises shall maintain a Refusals Log and record all reasons for refusing entry, and where practical, record details of all persons refused entry. This record 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.
27. Where a Pubwatch Scheme exists, the premises shall join and actively participate by providing details of all individuals involved in violence on the premises.
28. The premises shall operate a Challenge 25 policy and all staff shall be trained in respect of this, to ensure that it is complied with at all times.
29. No member of staff shall be permitted to sell alcohol until they have completed the Challenge 25 training.

## Licensing Sub-Committee

Friday, 22 June 2012

30. A record of the Challenge 25 training shall be kept 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, and such records shall be kept at the premises for a minimum of 12 months.
31. Staff training on a Challenge 25 policy shall include the risks to young people in respect of the consumption of alcohol.
32. No person under the age of 18 years shall be permitted on the premises after 19.00
33. No person under the age of 18 years shall be permitted on the premises before 19.00 unless accompanied by a responsible adult.
34. The premises shall display clear signage which states when and where persons under 18 years are permitted on the premises.
35. The premises shall provide cloakroom facilities and display posters to this effect on each floor of the premises.
36. Notices warning of potential thefts of mobile phones, handbags and wallets will be prominently displayed on each floor of the premises.
37. A designated room will be used to search entrants and detain suspects until police arrival. This area will be covered by CCTV.
38. The premises will remove the 'U' shaped bar on the first floor of the premises and replace with a bar alongside a wall on this level by 1 October 2012.
39. The first floor bar shall have a clearly defined dance floor area, which will be easily identifiable.
40. There shall be no 2 for 1 drink promotions after midnight.
41. After 10pm patrons using the first floor balcony area shall be seated at all times.
42. Access to the first floor balcony area from 12 midnight to 02.00 am shall be as a designated smoking area only.

## Licensing Sub-Committee

Friday, 22 June 2012

43. No drinks shall be permitted on the first floor balcony area after 12 midnight.
44. At all times the first floor balcony area is open after 10.00 pm, the area shall be directly supervised by a SIA door steward who shall ensure as part of their duties that excessive noise is not generated by balcony patrons so as to unreasonably disturb nearby residents.
45. Patrons who behave in a noisy or disorderly manner on the first floor balcony area shall be removed from the balcony area and asked to leave the premises.
46. The door to the first floor balcony area shall be the only point for access and egress to this area and opened for those purposes only.
47. The door to the first floor balcony area shall have an acoustic lobby constructed to the satisfaction of the responsible authority for public nuisance and planning (should planning permission be necessary) by the 1 October 2012. It shall be constructed and operated to ensure that if regulated entertainment is being played, only one door shall be opened at any time to prevent noise breakout. These doors shall be fitted with automatic closers.
48. All regulated music should be played through a noise limiter which is to be set at a reasonable level as agreed with the local responsible authority for public nuisance; this is to be independently calibrated and copies of reports forwarded to the responsible authority for public nuisance within 21 days of any recalibration. It shall be sealed in a tamper proof box and adjustments shall only be made with the written permission of the responsible authority for public nuisance.
49. No changes shall be made to the public address system without prior written permission of the Responsible authority for public nuisance.
50. A monthly meeting for a period of 6 months from 25<sup>th</sup> June 2012 shall take place to ensure that any issues of concern are identified with the Premises Licence Holder and dealt with immediately. These meeting shall be attended by the Premise Licence Holder, the premises DPS and representatives from the Police, Officers of the local authority's public nuisance, licensing department and safe guarding children board. An accurate record shall be kept of the concerning issues and what actions are required to resolve these.

## Licensing Sub-Committee

Friday, 22 June 2012

### **Reason for the Decision:**

In reaching this decision Members had regard to each parties Representation and supporting evidence, along with the proposed conditions and measures put forward by them. During their lengthy deliberation, Members gave careful consideration to whether the imposition of conditions, if complied with, would seek to uphold the Licensing Objectives or whether a revocation of the Premises Licence was appropriate, due to the serious incidents that had taken place on the Premises and the apparent failings of the Premises Licence Holder to operate and manage the Premises in a responsible manner.

Members noted the evidence of the Police which clearly demonstrated that their concerns in respect of the high levels of crime linked to the Premises, underage drinking, heavily intoxicated patrons, overcrowding and pinch points had been raised with the Premises Licence Holder in person and in writing, yet no effective measures to address these concerns were taken by the Premises Licence Holder until the service of the Expedited Review Notice. Members concluded that had measures been taken previously to address these concerns, the serious incidents of glassing which involved individuals under the age of 18years of age may have been avoided.

Members gave careful consideration to a report submitted by the Police, as prepared by 4Front Security South West Limited who were the providers of SIA Door Stewards to the Premises for the past five and a half years. Noting its contents and the oral submissions put forward in respect of the timings and circumstances around its preparation and the fact that the Director of the company had not formally raised these concerns with the Premises Licence Holder previously, Members resolved to accept its content with some reservations. However despite these reservations, Members were satisfied that the majority of the issues raised within the report had, on a number of occasions, been raised by the Responsible Authorities with the Premises Licence Holder directly and that it was the primary responsibility of the Premises Licence Holder to take decisive action to address these concerns.

In considering the written and oral submission put forward by the Professional Adviser and Business Manager from Torbay Safeguarding Children Board, following evidence that individuals as young as 16 and 17 years of age had been able to gain entry to these Premises, Members noted the likely impact of alcohol on those who are 18 years of age and younger. In particular, that these individuals are not equipped to deal with alcohol, that they can become extremely vulnerable and are far more likely to be exploited and the victims of crime.

In considering the oral and written representation put forward by the Senior Environmental Health Officer of Torbay Council, Members noted that concerns in respect of noise from these Premises had been received by the department over the last 12 months and although the Premises Licence Holder has engaged on a regular basis with the Local Authority to resolve these issues on a trial and error basis, at times it has taken a while for the Premises Licence Holder to respond.

## Licensing Sub-Committee

Friday, 22 June 2012

Members also had regard to the written Representations from the Interested Parties who reside in close proximity to the Premises and the impact these Premises are having on them in respect of disturbance by regulated entertainment and noise from Patrons on the first floor balcony area. This coupled with evidence that Police Officers whilst on duty at 11pm and as late as 2.30am could hear amplified music and noise emanating from approximately 20-30 Patrons on the first floor balcony area from the street and some 90 meters away which was distinguishable above other noise and reports that Patrons had climbed over the balcony on to neighbouring premises and lowered themselves on to the public footpath below with no intervention by staff caused Members real concern. Members resolved that not only was such an emanation of noise in breach of the Premises Licence but serious and appropriate measures need to be implemented to restrict the use of this area to ensure that the Licensing Objectives relating to The Prevention of Public Nuisance, The Prevention of Crime and Disorder and Public Safety are upheld

Members noted the measures taken by the Premises Licence Holder since the service of the Expedited Review Notice in that they had taken steps to remove and replace the Designated Premises Supervisor, installed CCTV, taken delivery of plastic glasses which they proposed to use from 11pm onwards, changed the company employed to provide SIA Door Stewards, enhanced and implemented a code of practice (as a result of criticism by the Police, observations by Members of the Licensing Sub-Committee at the Expedited Review Hearing on the 31<sup>st</sup> May 2012 and a review commissioned independently by the Premises Licence Holder. This code outlines disciplinary and sanctions for non-compliance as well as detailing training, procedures, ethos for all staff and sub-contractors), reconfigured its tills to have a further check of age at point of sale, cordoned off an area which is deemed to have added to the significant number of thefts at the Premises and established a cloakroom facility and altered the stairs to create a better thoroughfare and access and egress to the first floor bar area.

Following a site visit to the Premises, Members were surprised just how small the Premises were. On the first floor bar area Members could clearly identify pinch points and were concerned that there was no identifiable dance floor to separate those stood at the bar and those who wished to dance. On being told by the Premises Licence Holder that the whole of the Premises was licensed for dancing, Members resolved that due to the limited space on this floor, the proposed capacity and construction of a new lobby within this existing area to control noise breakout when Patrons access and egress the balcony, that in their view this raised a potential risk for further serious crime and disorder and as such, the bar area should be moved to allow more space for Patrons.

## **Licensing Sub-Committee**

**Friday, 22 June 2012**

In concluding, Members resolved that the actions taken by the Premises Licence Holder since the 31<sup>st</sup> May 2012, their agreement to a number of conditions proposed by the Responsible Authorities and a verbal commitment at the hearing to work with those Authorities, demonstrated that they had taken on board the concerns raised and that there was clearly a new willingness to operate and manage their Premises in a responsible manner.

In light of this, Members resolved that it was not appropriate or proportionate to revoke the Premises Licence but instead unanimously voted to modify the Premises Licence with comprehensive conditions assembled by them, having regard to all the evidence before them with the sole intention to address and prevent a reoccurrence of such incidents which led to the Expedited Review and to remedy the concerns raised by the Responsible Authorities and Interested Parties.

In the event that these measures do not succeed, a further Review of the Premises Licence would be expected.





Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence –  
McDonalds Restaurant, Yalberton Road, Paignton

Wards Affected: **Blatchcombe**

To: **Licensing Sub Committee** **16 August 2012**

Contact Officer: **Karen Ellicott**  
Telephone: **01803 208029**  
E.mail: **Licensing@torbay.gov.uk**

---

## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.
- 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. A decision must be made, having considered the Representations, either:-
  - (a) to grant the licence subject to
    - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the Premises Supervisor;
  - (d) to reject the application.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

## 2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:

To provide Late Night Refreshment from 23:00 until 00:00 seven days a week

To be open to the public from 05:00 until 00:00 seven days a week.

A copy of the plan of the Premises is shown as Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as relevant Representations have been received from Interested Parties. The Licensing Authority is also satisfied that the Representations has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received 2 Representation from members of the public relating to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

There have been no Representations received from any other Interested Party or any Responsible Authority.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
    - (i) to impose conditions on the licence, or
    - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
  - (b) Any person who made a relevant Representation who desires to contend
    - (i) that the licence ought not to have been granted, or
    - (ii) that, on granting the licence, the Licensing Authority ought to have

imposed different or additional conditions, or taken any step to exclude a licensable activity or refuse to specify person as Premises Supervisor.

- 2.7 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.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representations from 2 members of the public.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton or Brixham and Torquay, Paignton, Churston or Brixham Libraries. Copies can also be obtained from the Democratic Services Office, 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 2011.



LICENSING ACT 2003 TORBAY COUNCIL

APPLICATION  
FOR THE GRANT OF AN ENV HEALTH  
PREMISES LICENCE

14 JUN 2012

ENV HEALTH

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:**

**Principal Safety & Licensing Officer  
Torbay Council  
Environmental Health and Community Safety  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ**

**Contact Details:**

**Tel: 01803 20 8126**

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

**Fax: 01803 20 8854**

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





**Application for a Premises Licence to be granted  
under the Licensing Act 2003**

**FORM B**

**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/We Grensue Ltd

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>			
McDonalds Restaurant			
Yalberton Road			
<b>Post town</b>	Paignton	<b>Post code</b>	TQ4 7PE
<b>Telephone number at premises (if any)</b>		01803 558672	
<b>Non-domestic rateable value of premises</b>		£68500.00	

**Part 2 - Applicant Details**

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

- a) an individual or individuals \*  please complete section (A)
- 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  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 <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

<b>Current postal address if different from premises address</b>			
<b>Post Town</b>		<b>Postcode</b>	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

<b>Name</b> Grensue Ltd
<b>Address</b> Aldreth Pearcroft rd Stonehouse Glos. GL10 2JY.
<b>Registered number (where applicable)</b> 4596235
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Ltd Company
<b>Telephone number (if any)</b> 07515571272
<b>E-mail address (optional)</b> gregg@sadfox.fsnet.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year	
1	2	0	7	2	0
1	2				

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

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)

The premises "McDonalds Drive-Thru" is situated on The junction of Yalberton Road and the A3022 Brixham Road. It is positioned on a small industrial estate adjacent to Sainsburys Supermarket.

We believe that given the restaurants main road location and proximity to the White Rock development the addition of one hour in the evening and one hour in the morning will offer a welcome facility to tourists and commuters without creating any additional traffic or affecting any of the licencing objectives.

Initial discussions regarding the application have been undertaken with Gareth Hunt (EHO), Julie Smart (Police licensing) and McDonalds security & environmental dept for guidance in relation to achieving the four licensing objectives.

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 tick yes**

- 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)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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



**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

**A**

Plays Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)				
Wed			<b><u>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</u></b> (please read guidance note 5)				
Thur							
Fri							
Sat							
Sun							

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri					
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)	
Day	Start	Finish		
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)	
Tue				
Wed				
Thur				<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri				
Sat				
Sun				

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Tue					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed					
Thur			<b><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></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					



**H**

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)</p>			<p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Thur				
Fri				
Sat				
Sun				

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	0:00			
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed	23:00	00:00			
Thur	23:00	00:00			
			<b><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></b> (please read guidance note 5)		
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	00:00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>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</b> (please read guidance note 5)		
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								

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

<b>Name</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal Licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**N**

**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 8)**

None

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	05:00	00:00	<b>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</b> (please read guidance note 5)
Tue	05:00	00:00	
Wed	05:00	00:00	
Thur	05:00	00:00	
Fri	05:00	00:00	
Sat	05:00	00:00	
Sun	05:00	00:00	

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

**a) General – all four licensing objectives (b,c,d,e)** (please read guidance note 9)

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives.

**b) The prevention of crime and disorder**

This restaurant is keen to work in partnership with the local police force to prevent crime and disorder.

Updated digital CCTV has been installed on the premises. Additional cameras have been installed to the exterior of the building as per police recommendations. The restaurant is monitored on a 24 hour basis by a national alarm company.

At this restaurant all shift running managers have safety & security training. At least one manager will be scheduled during this period. Cash skimming process's are in place and cash handling procedures are monitored and audited. This restaurant houses a high grade security safe with restricted access.

**c) Public safety**

This restaurant has safety systems in place to protect the safety of customers and staff at all times. These systems are regularly reviewed and updated where appropriate. In line with current legislation all our restaurants are routinely inspected by the local Environmental Health Officer and we work with them and the local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is subject to inspections from our own safety and security teams to ensure our systems are being maintained.

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

There will be at least one member of the management team scheduled at all times who will hold a current HSE certified first aid qualification. Wet floor signs are used where appropriate and non slip flooring is in place. Fire logs, accident book and reports along with a First aid box is maintained on the premises for the safety of both employees and customers. Security lighting is installed within the restaurant and emergency exits are kept clear at all times.

**d) The prevention of public nuisance**

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. These patrols collect McDonald's packaging and other litter within a certain radius of the restaurant. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable. Our pioneering stance on litter patrols has meant working on a project with DEFRA, in which we piloted 'reducing litter caused by food on the go', a voluntary code of practice for local partnerships. A copy of which can be found at – [www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf](http://www.defra.gov.uk/environment/localenv/litter/pdf/fastfoodcop.pdf)

We also have measures in place to limit noise. Our doors are self closing and we try to encourage our customers to be considerate to our neighbours and limit noise both when ordering their food and on leaving the local area.



A minimum of six external litter bins are in situ and new signage will be installed to request that customers respect the needs of local residents and leave the area quietly. There will be at least one fully trained and qualified shift running manager scheduled to work at all times. We will utilise the companies own environmental audit (see attached) to monitor litter control, noise control etc. A scheduled litter pick will be undertaken at 5am each morning both to the car park & surrounding area to ensure there is no inconvenience to the public. Deliveries of stock will not be undertaken between the hours of 21:00 and 06:00

**e) The protection of children from harm**

McDonald's do not anticipate that children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

All of our restaurant staff are required to attend comprehensive safety training .


**Please tick yes**

- 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 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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	08/06/2012
Capacity	Owner / Operator

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)</b> Swallow House, Cuckoo Pit Farm Shiphay Lane			
<b>Post town</b>	Torquay	<b>Post code</b>	TQ2 7DD
<b>Telephone number (if any)</b>	01803 615784		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> gregg@sadfox.fsnet.co.uk			

### Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.

11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



**ENVIRONMENT EVALUATION 2012**

Restaurant Name	
Restaurant Number	
Evaluator's Name	
Evaluator's Title	
Shift Manager's Name	
Date	

Sections	Max	Actual
1 - General	130	
2 - Litter Control	240	
3 - Odour Control	220	
4 - Waste Control & External Cleanliness	220	
5 - Noise Control	40	
6 - Extended Hours	40	
7 - Local Authority Relations	40	
8 - Utilities	70	
<b>TOTAL</b>	<b>1000</b>	
<b>EVALUATION %</b>		
<b>GRADE</b>		

**DOCUMENTS YOU NEED**  
 Environment File - containing 'Protecting your Local Environment' (PYLE) manual.

**Grades**  
**A = 90.00 - 100%**  
**B = 80.00 - 89.99%**  
**C = 70 - 79.99%**  
**F = Below 69.99%**

**Previous Evaluation**

Score	Date

*All areas requiring action should be detailed in the action plan or done immediately and Initialled.*

**ACTION PLAN**

Action required	When	Who	Signed as completed

assess their environmental performance and assist in the identification of opportunities to reduce environmental impacts.  
**Frequency of completion:** The whole Evaluation should be completed by either the McDonald's Operations / Field Consultant or the restaurant management team bi-annually. The document can be used more frequently to measure progress if required, it can also be used as a training tool.  
**Marking:** Each check is to be given either full marks or no mark unless otherwise stated. If the check is not applicable, then full marks should be awarded. If a zero score is awarded this should be accompanied by an entry in the Comment column and/or the Action Plan.

1. GENERAL	What to check for	Marks	Yes	No	Comments
	Shift manager can locate the Environment File and PYLE manual.	40			
	Environmental Coordinator has been appointed and is named in the Environment File.	10			
	Environment policy poster is displayed in staff room.	10			
	A previous Environmental Evaluation has been completed within the six months.	30			
	Evidence of actions completed from previous Environmental Evaluation.	40			
<b>Maximum Section Score</b>		<b>130</b>			<b>Actual Section Score</b>

PYLE - Protecting Your Local Environment Manual. Manual is found in the Environment File.  
Environment Files and Policy Posters can be ordered from First2Office as part of your stationery order. An Environment File costs £14.00.

2. LITTER CONTROL	In this section, if 5 or more pieces of McDonald's branded litter are found within the following areas deduct the amount of marks indicated in brackets from the total litter score. The restaurant site (60), within 10 metres of restaurant boundary (50), and within 100 metres of restaurant boundary (30). Remember to look for litter both in open areas and contained within landscaping.				
	What to check for	Marks	Yes	No	Comments
	Shift manager can relay the company standard for minimum frequency of litter patrols.	30			
	A copy of p11 of PYLE has been completed within last six months.	20			
	Simple map, e.g. p12 of PYLE, completed within last six months and displayed in the staff room.	30			
	A dedicated patroller is listed on floor plan to cover all patrols as listed in the plan.	40			
	Identified litter patroller on the floor plan can describe his/her path, as verified by the map.	40			
	High visibility jacket and vest are available and in good condition.	25			
	Heavy duty gloves and pickers are available and in good condition.	25			
	Anti-littering signage is displayed both in and outside the restaurant.	30			
	<b>Maximum Section Score</b>		<b>240</b>		

Litter Patrol information is contained in Section 2, p4-14 of your PYLE manual.  
Order Anti-littering signage through First2Office. A four sticker pack costs £3.00.  
Order number for Litter Pickers from Keystone - 901086  
Order number for Heavy Duty Gloves from Baird Corporatewear - 8654968  
Order number for High Visibility Jacket from Baird Corporatewear - 8775063  
Order number for High Visibility Vest from uniform people from Baird Corporatewear - 8722007

3. ODOUR CONTROL	What to check for	Marks	Yes	No	Comments
	No cooking odours or excessive smell of Eliminator present on approach to restaurant.	50			
	Smog hogs cells/Labyrinth/Hi-Katch filter cleaning is complete for previous 7 days (recorded in DPSC for smog hog and labyrinth).	40			
	Smog hogs are fully operational (if red light is on deduct 10 points) OR Hi-Katch filter is fitted correctly.	30			
	The most recent kitchen extract duct clean worksheet is in the Environment File, service occurs at a minimum of every six months.	20			
	Shift manager can briefly describe restaurant's particular odour control system and stages of odour elimination.	30			
	Shift manager can locate ON100 unit.	10			
	ON100 unit is on, indicated by red power light.	20			
	ON100 fluid levels are within guidelines.	20			
<b>Maximum Section Score</b>		<b>220</b>			<b>Actual Section Score</b>

Eliminator oil is the odour neutraliser fluid contained within the O.N.100 unit. A number of different Eliminator fragrances are available for use.  
Operation and maintenance information for odour control equipment is contained in Appendix 4a of your PYLE manual.

4. WASTE CONTROL AND EXTERNAL CLEANLINESS	What to check for	Marks	Yes	No	Comments
	Contact details for ALL restaurant's waste collectors are listed in the Environment File - e.g. general waste, cardboard, used oil and grease trap/petrol and oil interceptor maintenance.	15			
	<b>Duty of Care:</b> Controlled Waste Transfer Notes for all waste collections are stored in the Environment File.	30			
	<b>Duty of Care:</b> If waste is placed on public street for collection, authorisation has been granted in writing from the local authority for this use of a public street and stored in the Environment File.	30			
	<b>Duty of Care:</b> All waste stored or placed for collection is securely contained within tied bin bags or closed bins, with cardboard flattened and neatly stacked.	20			
	Current greasetrap worksheet is in back of Equipment Service History File and serviced a minimum of every 6 months OR Mini-Guzzler power light is on OR Big Dipper unit light is on.	20			
	Grease trap is being regularly dosed with McFree either manually or automatically OR Mini-Guzzler dosage mechanism has been tested within the last month.	20			
	Shift manager knows disposal procedure for liquid wastes (eg shake mix, butter, grease from grill troughs).	20			
	Restaurant recycles cardboard, or returns French Fry boxes to Golden West under Sadler scheme.	20			
	The external waste areas are clean, tidy and odour free. Bins have lids on and plugs in.	15			
Compactor is well maintained and free of excessive odour and spillage.	15				
Shift manager can locate, and knows appropriate use of both foul water and stormwater drains, ie substances allowed to enter each drainage system.	15				
<b>Maximum Section Score</b>	<b>220</b>			<b>Actual Section Score</b>	

**Foul drain** - connected to the sewer system, ensuring that water is treated before release into natural watercourses.  
**Surface water drain** - water from drain flows directly into natural watercourses without treatment or removal of pollutants.  
**Petrol and oil Interceptor** - device used to intercept and retain silt, sand, oil, grease, sludge etc. from entering the waste water stream - either through the foul or surface water system. Interceptors are found below ground outside the restaurant.  
**Grease trap** - a device used to effect the separation of grease and oils in waste water effluent. A grease trap is normally smaller in size than an interceptor and can be located inside a restaurant.  
**Solid waste management information** is contained in Section 3, p15-17 of your PYLE manual.  
 Operation and maintenance information for **liquid grease control** equipment is in Appendix 3b of your PYLE manual.  
 For more information about **Waste Transfer Notes** - refer to the Environmental Affairs Intranet site.  
 The 'Disposal of Solid and Liquid Wastes procedure' is contained on the McDonald's intranet site under Manuals O&T.  
 Information on the **Sadlers scheme** for reuse of Fry boxes is contained on the Environmental Affairs intranet site.

5. NOISE CONTROL	What to check for	Marks	Yes	No	Comments
	The Shift Manager can list three ways to control noise from the restaurant and displays evidence of these in practice.	20			
	No excessive plant noise from restaurant or roof area.	20			
<b>Maximum Section Score</b>	<b>40</b>			<b>Actual Section Score</b>	

Information on Noise Control is found in Section 5 p29-31 of your PYLE manual.

6. EXTENDED HOURS	What to check for	Marks	Yes	No	Comments
	Extended hours licence is on display in the restaurant - Shift Manager can locate licence.	20			
	Shift Manager is aware of the licence conditions and displays evidence of these in practice.	20			
<b>Maximum Section Score</b>	<b>40</b>			<b>Actual Section Score</b>	

7. LOCAL AUTHORITY RELATIONS	What to check for	Marks	Yes	No	Comments
	A new page has been inserted into the Environment File which lists:				
	The Council responsible for the area in which your restaurant is located.	20			
	The name of the Ward.	10			
The Councillors which represent the Ward.	10				
<b>Maximum Section Score</b>	<b>40</b>			<b>Actual Section Score</b>	

A Ward is a district within a county for administrative and representative purposes.

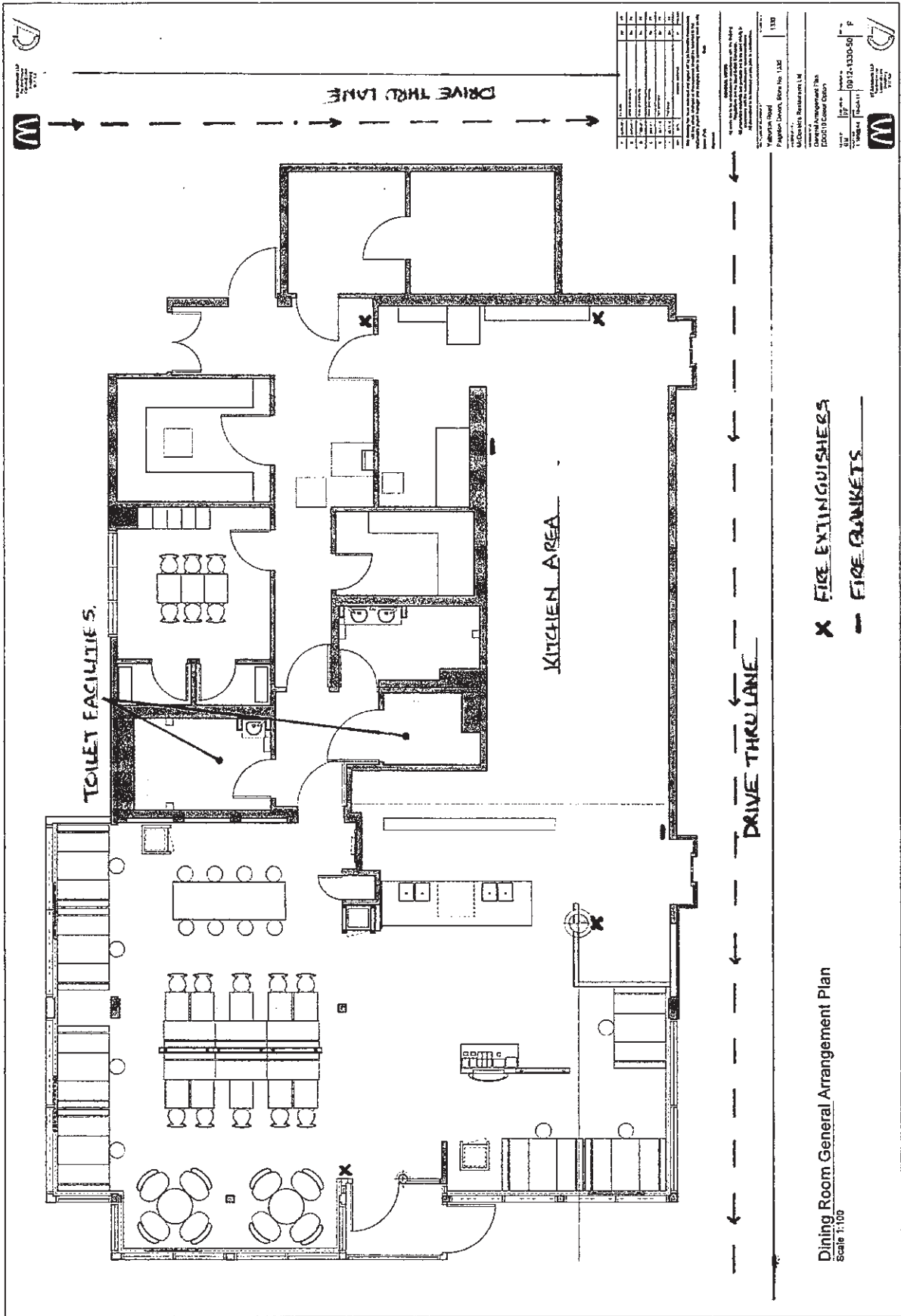
ES	What to check for	Marks	Yes	No	Comments
----	-------------------	-------	-----	----	----------

<b>B. UTILITIES</b>	A Utilities Audit has been completed within the last six months and is included in the Environment File.	30			
	Evidence of actions implemented from Utilities Audit	40			
	<b>Maximum Section Score</b>	<b>70</b>			<b>Actual Section Score</b>

Utilities refers to energy, water and telephone services.  
A Utilities Audit can be printed from the Equipment Department intranet site.

# Agenda Item 6

## Appendix 2





1 2 3 4



CT Architects LLP  
The Studio, Road of  
27 The High Street  
Gosport, Surrey  
GU14 1AU



**NOTES:**

All drawings to be read in conjunction with all other drawings as noted on issue sheet.

— Extent of ownership indicated thus:

— Adjoining land in clients ownership indicated thus (where applicable):



A

A

B

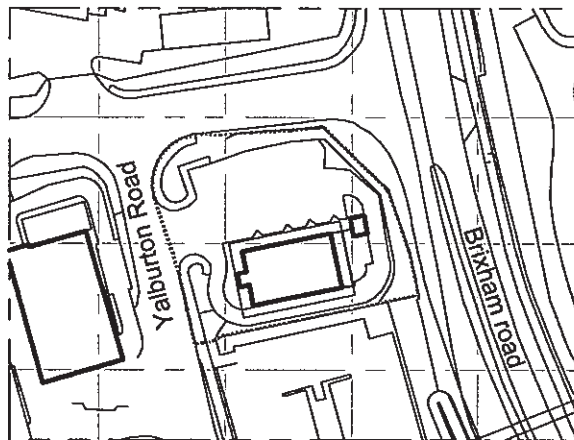
B

C

C

D

D



Ordnance Survey (c) Crown Copyright 2010. All rights reserved. Licence number 100020449

© Crown Copyright 2010. All rights reserved. Licence number 100020449

# Location Plan

Scale 1:1250



A	26-10-10	Final Issue	BM	PF
REV	DATE	DESCRIPTION	BY	APP'D

This drawing has been delivered and signed off by McDonald's Restaurants Ltd any errors, changes or discrepancies should be reported to the McDonald's project manager and designers prior to commencing work on site.  
Name (PF): Date: Signature:

**GENERAL NOTES:**  
All work is to be undertaken in accordance with the Building Regulations and the latest British Standards.  
All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.  
All dimensions to be checked on site prior to construction.

PROPOSED DEVELOPMENT AT	STORE NO.
Yalburton Road, Paignton Devon - Store No. 1330	1330

OWNER OF -  
McDonald's Restaurants Ltd  
DRAWING TITLE -  
Location Plan

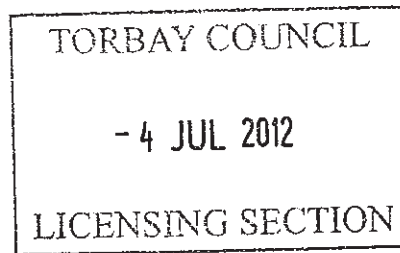
OWNER	RECEIVED BY	ISSUE NO.	DATE
BM	PF	0912-1330-01	26-10-10
SCALE 1:1250			



CT Architects LLP  
The Studio, Road of  
27 The High Street  
Gosport, Surrey  
GU14 1AU



1 2 3 4



3rd. July 2012

01803555591

Dear Sir,

Licensing Act 2003,  
McDonalds Restaurant, Yalberton Road, Paignton.  
Licence Application. (Extension)

We write to register our strong objection to any extension to the opening hours of the above premises. For years now McDonalds has been a pain in our sides and increasing the hours their premises licence can operate can only be a backward step, in case the Authority is unaware of the main problems I would like to point out the main areas of concern

- (a) Noise, the venue forms a hub for youngsters to let off steam with their 'ghetto' blasters,
- (b) the tuning of their 'high powered' super cars.
- (c) litter pollution, McDonalds (the main source of the problem) do little or nothing to keep situation under control.

These problems seem to persist around all fast food outlets and extending the hours of any of their operations will greatly increase the discomfort of residents including my family, on the Roselands side of the Brixham Road, we therefore request most strongly that this application is not granted.

Yours faithfully,

The Executive Head of Community Safety,  
Torbay Council,  
Roebuck House,  
Abbey Road,  
Torquay.  
TQ25EG

EXECUTIVE HEAD OF COMMUNITY SAFETY

Torbay Council

Roe buck House  
Abbey Road  
Torbay  
TQ2 5EG

TORBAY COUNCIL  
10 JUL 2012  
LICENSING SECTION

6TH JULY 2012

Dear Sir,

Re: Licensing Act 2003. McDonald's Restaurant  
Yalberton Road Paignton Licence Extension.

We wish to object to any extension of opening hours to the above premises.

At the moment they stay open till 11pm. but numerous vehicles use their car park to eat their food, play music and generally make a load of noise, even playing football in the car park this activity goes on till past midnight.

If an extension were granted it would be 1 AM. before we could get to sleep and then their deliveries start at 6 A.M. making another persistent daily noise.

Since these premises has been here the Rubbish, Smell and Noise has made our lives unbearable.

Yours faithfully

# Agenda Item 7



**Public Agenda Item:** Yes

**Title:** Gambling Act 2005 – Two applications for the variation of a Licensed Premises Gaming Machine Permits

**Wards Affected:** Tormohun

**To:** Licensing Sub-Committee 16<sup>th</sup> August 2012

**Contact Officer:** Karl Martin

**Telephone:** 01803 208093

**E.mail:** Karl.martin@torbay.gov.uk

---

## 1. Key points and Summary

- 1.1 To consider and determine an application for a variation of a Licensed Premises Gaming Machine Permit for two premises which are the Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, Torquay, TQ2 5DZ and The London Inn, 15-16 The Strand, Torquay, TQ1 2AA.
- 1.2 The applications relate to all the Corporate Priorities within the Community Plan.
- 1.3 Torbay Council's Gambling Policy 2010 scheme of delegation requires that decisions for more than 4 gaming machines, in a premise with a Premises Licence issued under the Licensing Act 2003, must be determined by a Licensing Committee. See Appendix 1.
- 1.4 The Licensing Committee when considering the application shall have regard to the Licensing Objectives, any relevant guidance issued by the Gambling Commission under section 25 and any such matters they consider relevant to the application.
- 1.5 The Licensing Objectives are
  - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime,
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.6 There are no requirements under the Act for any statutory consultation, so therefore there are no representations from any Responsible Authority or Interested Party, however the Act allows representations to be sought and on this occasion the application has been forwarded to The Business Manager of the Torbay Safeguarding Children Board.
- 1.7 Upon making a decision either the permit shall be issued as soon as reasonably practicable or the applicant shall be notified of the reasons for the refusal.

## 2. Introduction

- 2.1 An application has been made under Schedule 13 of the Act to vary its existing Alcohol Licensed Premises Gaming Machine Permits for Category C and D gaming machines.

A copy of the application for The Green Ginger is shown in Appendix 2 and a copy of The London Inn is shown under Appendix 3.

A brief description of the application, as follows:

### The Green Ginger

To increase the maximum number of category C and D gaming machines from 6 to 7.

### The London Inn

To increase the maximum number of Category C and D gaming machines from 5 to 6.

- 2.2 The Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Schedule 13.

- 2.3 The '*Gambling Commission's Guidance to Local Authority's May 2009*' issued under section 25 Gambling Act 2005 it states that:

- 26.9 In determining an application, the authority must have regard to the licensing objectives and to this Guidance. They may also take account of any other matters that are considered relevant to the application.

- 2.4 The Licensing Authority felt it was relevant to consult and seek views from Torbays Safeguarding Children Board (TSCB). A representation has been submitted by the TSCB Professional Adviser and Business Manger. This is shown as Appendix 4.

- 2.5 The Licensing Authority felt it was relevant to visit both premises and meet the managers to consider matters such as the size of the premises, the confidence in the management of those premises, and any policies or procedures they have with regard to meeting the licensing objectives, but most notably "Protecting Children and other Vulnerable Persons from being harmed or exploited by gambling".

- 2.6 The Licensing Committee may wish to consider the size of the premises and whether the granting of additional gaming machines would alter the character of the premises. The size of the two premises is as follows:

The Green Ginger – 6,500 ft<sup>2</sup> approx

The London Inn – 5000 ft<sup>2</sup> approx

- 2.7 Attached is JD Wetherspoon's Policy and Procedure Overview of Alcohol Licensed Gaming Machine Permits where they operate a Challenge 21 policy regarding gaming machines. See Appendices 5 and 6. The authority has a high confidence in management for both premises.

2.8 The 'Gambling Commission's Guidance to Local Authority's May 2009' issued under Section 25 Gambling Act 2005 it states that:

- 26.6 Holders of alcohol-licensed premises gaming machine permits are required to comply with a code of practice, which has been drawn up by the Commission on the location and operation of machines.

2.9 The key requirement of the Gambling Commission Code of Practice is:

*All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.*

The Licensing Authority is able to confirm compliance with the Code of Practice. See Appendix 7 for the Gambling Commission Code of Practice.

2.10 The Authority is required to conduct a hearing giving the applicant the opportunity to make oral or written representations. This has been done by writing to the applicant. No time scales are laid down in the legislation as to when a hearing must be held. The licence holder has confirmed they will be attending the hearing and have submitted a written representation. See Appendices 5 and 6.

2.11 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written representation from the applicant. A decision must be made, having considered the representation, either:-

(a) to grant the application;

(c) to refuse the application; or

(d) to grant it in respect to –

(i) a smaller number of machines than that specified in the application,

(ii) a different category of machines from that specified in the applications, or

(iii) both.

There is no ability to add conditions.

2.12 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Schedule 13 of the Act to the applicant. The applicant has 21 days from the date of the notification of the decision, to initiate such an appeal.

**Frances Hughes**  
**Executive Head Community Safety**

## **Appendices**

Appendix 1	Gambling Policy 2010 Scheme of delegation (may not need in future applications)
Appendix 2	Copy of application for Green Ginger
Appendix 3	Copy of application for London Inn
Appendix 4	TCSB representation
Appendix 5	Written representation from applicant
Appendix 6	Plan with written representation from applicant
Appendix 7	Gambling Commission Code of Practice (March 2012)

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

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

None

## **Background Papers:**

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

Torbay Council Gambling Policy 2010

Gambling Act 2005 Schedule 13

Gambling Commission Guidance 3<sup>rd</sup> Ed (May 2009)

Gambling Commission Gaming Machine Permits - Code of Practice (March 2012)

# Agenda Item 7

## Appendix 1

<b>Appendix 1 ~ Torbay Council Delegation Protocols</b>			
<b><u>Matter to be dealt with</u></b>	<b><u>Full Council</u></b>	<b><u>Licensing Committee or Licensing Sub-Committee</u></b>	<b><u>Officers</u></b>
Three year licensing policy	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Application for the transfer of a licence		Where representations have been received from the Gambling Commission.	Where no representations received from the Gambling Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn.
Review of a premises licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn.
Cancellation of club gaming / club machine permits		X	
Applications for other permits except below			X
Applications for gaming machine permits		For more than 4 machines or where representations have been received.	For up to 4 machines where no representations received / representations have been withdrawn.
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	





J D Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: 01923 477777 | Fax: 01923 219810  
www.jdetherspoon.co.uk

**Direct Line: 01923 477902**  
**Direct Fax: 01923 219815**

Our Ref: JO/6011

26<sup>th</sup> June 2012

Torbay Council  
Licensing & Public Protection  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Dear Sirs

**The Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, Torquay,  
Devon, TQ2 5DZ**  
**Application for the Variation of a Licensed Premises Gaming Machine  
Permit**

Please find enclosed our application for the Variation a Licensed Premises Gaming Machine Permit for our public house, The Green Ginger, Torquay. We also enclose a cheque in the sum of £100.00 in respect of the fee payable.

Please process this application and provide confirmation of receipt by return.

Yours faithfully

**Jennie Odell**  
**Licensing Administrator**  
**JD Wetherspoon Plc**



**APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION  
ON THE PREMISES)**

*Please refer to guidance notes at the back of this form before completing*

To:  
Torbay Council  
Licensing & Public Protection  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

**Section A – Applicant Details**

1. Name of Applicant

**JD Wetherspoon Plc**

2. Date of Birth or Company registration No. as applicable

**1709784**

3. Address / registered office of applicant

**Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL**

4. Telephone number (daytime) of applicant

**01923477902**

5. E-mail address of applicant

**jodell@jdwetherspoon.co.uk**

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

**SECTION B – Premises Details**

1. Name of premises

The Green Ginger ...

2. Address of premises

Winter Gardens, Fleet Walk Shopping Centre, Torquay, Devon, TQ2 5DZ ...

3. Telephone number of premises

4. E-mail address of premises (where available)?

5. Licensing Act 2003 Premises Licence Number

563.....

**SECTION C – What do you want to do?**

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

**SECTION D – Grant and variation requests**

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...6...	7
D	.....	.....
Total	.....	...7...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....  
 .....

**Section E – Transfer request**

1. Name of person requesting the transfer

JD Wetherspoon plc

.....

2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

Granted

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....  
.....  
.....

**Section F – Fee and Signature(s)**

**1. I enclose**

*In all cases*

- the relevant fee



**2. I confirm that**

- the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).



- I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.



- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct



**Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.**

Dated 27/6/12

Signed by or on behalf of the applicant

Jodell

Name (please print)

For AND ON BEHALF OF JD WETHERSPOON PLC

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100  
To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT**  
**(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £25
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

**Official Use Only**

**Date of receipt:** .....

**Signature and name of staff who received:** .....

**Date of receipt of fee:** .....

**Signature and name of staff who received fee:** .....

**Application accepted / returned (please delete as appropriate)**

**Date of premises licence (Licensing Act 2003) transfer (if applicable):** .....

DETAILS OF LICENSED PREMISES GAMING MACHINE PERMIT

This licensed premises gaming machine permit authorises

**JD Wetherspoon Plc**

to make gaming machines, of the category and number specified below, available for use on the following premises:

**The Green Ginger**

**Winter Gardens, Fleet Walk Shopping Centre, Torquay, Devon, TQ2 5DZ.**

Number of Category C gaming machines authorised by this permit: **6**

Number of Category D gaming machines authorised by this permit: \_\_\_\_\_

Date on which this permit takes effect

**14/06/2010**

THIS PERMIT IS ISSUED BY



Torbay Council  
Licensing & Public Protection  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

web: [www.torbay.gov.uk](http://www.torbay.gov.uk)  
tel: 01803 208126





J D Wetherspoon plc, PO Box 616, Watford, WD24 4QU | Telephone: 01923 477777 | Fax: 01923 219810  
www.jdwetherspoon.co.uk

**Direct Line: 01923 477902**  
**Direct Fax: 01923 219815**

Our Ref: JO/0374

26<sup>th</sup> June 2012

Torbay Council  
Safety and Licensing  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Dear Sirs

**London Inn, 15-16 The Strand, Torquay, TQ1 2AA**  
**Application for the Variation of a Licensed Premises Gaming Machine Permit**

Please find enclosed our application for the Variation of a Licensed Premises Gaming Machine Permit for our public house, London Inn, Torquay. We also enclose a cheque in the sum of £100.00 in respect of the fee payable.

Please process this application and provide confirmation of receipt by return.

Yours faithfully

**Jennie Odell**  
**Licensing Administrator**  
**JD Wetherspoon Plc**



**APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION  
ON THE PREMISES)**

*Please refer to guidance notes at the back of this form before completing*

To:  
Torbay Council  
Safety and Licensing  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

**Section A – Applicant Details**

1. Name of Applicant

**JD Wetherspoon Plc**

2. Date of Birth or Company registration No. as applicable

**1709784**

3. Address / registered office of applicant

**Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL**

4. Telephone number (daytime) of applicant

**01923477902**

5. E-mail address of applicant

**jodell@jdwetherspoon.co.uk**

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

**SECTION B – Premises Details**

1. Name of premises

London Inn,

2. Address of premises

15-16 The Strand, Torquay, Devon, TQ1 2AA ...

3. Telephone number of premises

4. E-mail address of premises (where available)?

5. Licensing Act 2003 Premises Licence Number

858.....



**SECTION C – What do you want to do?**

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

**SECTION D – Grant and variation requests**

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...5...	6
D	.....	.....
Total	.....	...6...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....  
 .....

**Section E – Transfer request**

1. Name of person requesting the transfer

JD Wetherspoon plc

.....

2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

Granted

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

Reasons why existing permit cannot be provided

.....  
.....  
.....

**Section F – Fee and Signature(s)**

1. I enclose

*In all cases*

- the relevant fee

2. I confirm that

- the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).

- I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.

- All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated 27/6/12 .....

Signed by or on behalf of the applicant J. O'Callaghan .....

Name (please print) BOB AND ANNE ON BEHALF OF JD WETHERSPOON PLC .....

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100  
To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /  
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT  
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £25
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

**Official Use Only**

**Date of receipt:** .....

**Signature and name of staff who received:** .....

**Date of receipt of fee:** .....

**Signature and name of staff who received fee:** .....

**Application accepted / returned (please delete as appropriate)**

**Date of premises licence (Licensing Act 2003) transfer (if applicable):** .....

DETAILS OF LICENSED PREMISES GAMING MACHINE PERMIT

This licensed premises gaming machine permit authorises

**JD Wetherspoon Plc**

to make gaming machines, of the category and number specified below, available for use on the following premises:

**London Inn**

**15-16 The Strand, Torquay, Devon, TQ1 2AA.**

Number of Category C gaming machines authorised by this permit: **5**

Number of Category D gaming machines authorised by this permit: **0**

Date on which this permit takes effect

**02/06/2009**

THIS PERMIT IS ISSUED BY



Torbay Council  
Safety and Licensing  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

web: [www.torbay.gov.uk](http://www.torbay.gov.uk)  
tel: 01803 208126



Mandy Guy  
Licensing Department  
Torbay Council  
Roebuck House  
Abbey House  
Torquay  
TQ2 5EJ

**Please reply to:** Torbay Safeguarding Children Board  
TSCB Business Unit, 2<sup>nd</sup> Floor, Pearl Assurance House  
c/o Town Hall, Castle Circus, Torquay, TQ1 3DR

**My ref:**

**Your ref:**

**Telephone:** 01803 207176

**E-mail:** [tscb@torbay.gov.uk](mailto:tscb@torbay.gov.uk)

**Secure E-mail:** [tscb@torbay.gcsx.gov.uk](mailto:tscb@torbay.gcsx.gov.uk)

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

**Date:** 7 August 2012

Dear Ms Guy

**Re:** Variation of a Licensed Premises Gaming Machine Permit for two premises: Green Ginger, Winter Gardens, Fleet Walk Shopping Centre, TQ2 5DZ and The London Inn, 15-16 The Strand, Torquay, TQ1 2AA.

I write in my capacity as the designated officer authorised to execute the statutory duties of the Torbay Local Safeguarding Children Board under the Licensing Act 2003 and Gambling Act 2005 in respect of the protection of children from harm.

I understand that the above named premises both welcome and cater for families and I would be concerned that any increase in gaming machines may detract from this.

Children should not be exposed to information or advertisements encouraging them to gamble. Ideally machines should be situated in restricted areas which children cannot access and premises should be encouraged to operate the following systems:

- Designate family-friendly areas using physical barriers/cordons to segregate these from restricted areas
- Points of access/egress to be located for easy supervision by staff and regularly monitored
- Signage displayed to indicate access rules
- Signage to remind parents/carers of their responsibilities
- Use of challenge 21 scheme

As a minimum the TSCB would want to see that all machines located in clear sight of staff e.g. opposite bar areas so they can be monitored.

**If you require this in another format please contact me**

Yours sincerely

**Lisa Jennings**  
**Professional Adviser and Business Manager**  
**Torbay Safeguarding Children Board**

**If you require this in another format please contact me**

**Licensed Premises Gaming Machines**  
**JD Wetherspoon Policy and Procedure Overview**

We understand when considering this application that the Licensing Authority will consider the 3 objectives of the Gambling Act 2005 and therefore have set out below the policies and procedures JD Wetherspoon undertakes in its pubs to promote this objectives. In addition the Gambling Commission's "Gaming Machine Permits Code of Practice is complied with.

**1. Protecting children and other vulnerable people from being harmed or exploited by gambling;**

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

J D Wetherspoon has adopted the industry standards and the recommendations of the Gambling Commission and recognises only the following forms of identification as valid forms of proof of age:

- National passport
- Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.

In certain circumstances, other forms of ID are accepted at the discretion of the manager on duty such as international ID cards or military ID cards.

We apply this policy to all age restricted activities on our premises.

All employees receive induction training on our Challenge 21 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. All training records are retained on personnel files and these files are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21 policy is tested by a number of means:

1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21 policy.

Our Challenge 21 policy is also actively promoted within the premises using self-adhesive signs at every entrance, staff wearing 'It's my job to ask' badges and posters throughout the premises.

All front of house staff are aware of their responsibility for preventing underage gambling.

All machines are situated in a place where their use can be supervised.

**2. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime; and**

The power to all gaming machines is turned off after the pub has closed to ensure potential thieves are not attracted by the lights in the pub.

JD Wetherspoon pubs also have two types of alarm systems, the panic alarm and intruder alarm, which cover the majority of the pub including the customer area where gaming machines are located.

The monitored intruder alarm covers the main entry points when the pub is closed. It is mainly activated by a forced entry into the pub triggering the door contacts or motion detectors. This pub is internally described as having a 'level 1 response' to its alarm system, meaning police response. This is an automated system which feeds through to Secom central station, our alarm consultants, who notify the police and the registered key holders of the pub.

JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of 780 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

**3. Ensuring that gambling is conducted in a fair and open way.**

All of our AWP machines are located in well supervised areas fully open to the public at large and are provided by reputable companies.

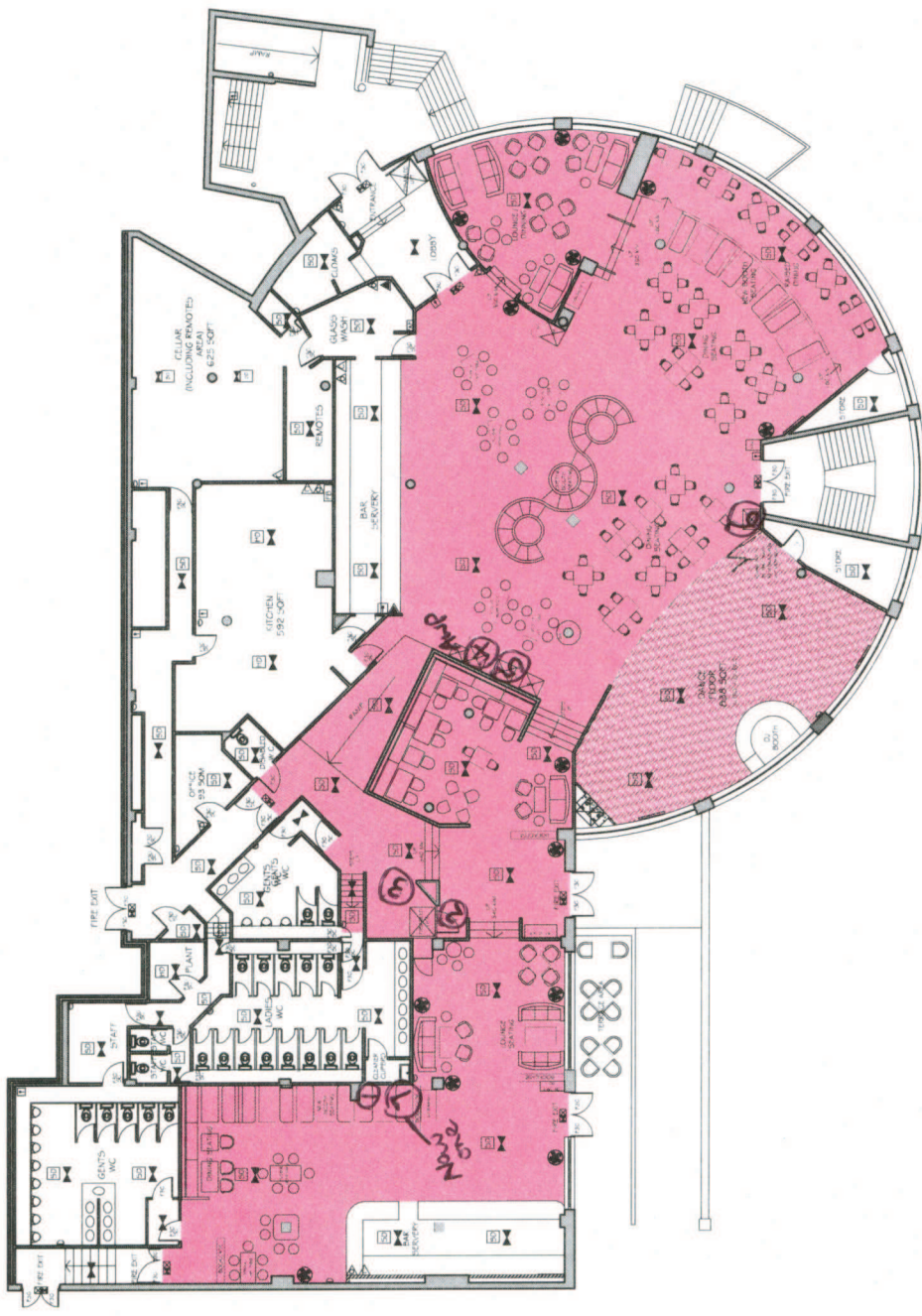
**JD Wetherspoon PLC  
September 2010**



NOTE: Responses to be not accepted for drawing. All construction information should be taken from original drawings only.



LEGEND  
 GROSS FLOOR AREAS:  
 GROUND FLOOR 11 332.50 FT / 1032.50M  
 KITCHEN 592.50FT / 55.50M  
 CELLAR 625.50FT / 58.50M  
 CUSTOMER AREA 5578.50FT / 519.50M  
 DANCE FLOOR 638.50FT / 77.50M



- F20 TWENTY WING FIRE RESISTANT AND INTUMESCENT STRIP
- F30 HALF HOUR FIRE RESISTANT AND INTUMESCENT STRIP
- T60 ONE HOUR FIRE RESISTANT AND INTUMESCENT STRIP
- VP VISION PANEL
- PP PAINC PAD
- PB PAINC BAR
- SC SELF CLOSING
- SCA SELF CLOSING AUTOMATIC RELEASE
- DS DOOR SELECTOR
- NON MARKED EMERGENCY FITTING WITH RUNNING PERSON SYMBOL + ARROW
- NON MARKED EMERGENCY FLOOD LIGHTING LOW BATTERY PACK
- F13 FIRE DOOR KEEP SHUT 10min LETTERS TO BOTH SIDES OF DOOR LEAF
- F14 FIRE DOOR KEEP LOCKED 10min LETTERS TO BOTH SIDES OF DOOR LEAF
- S20 TO BOTH SIDES OF DOOR LEAF LETTERS TO BOTH SIDES OF DOOR LEAF
- S22 RUNNING PERSON SYMBOL + ARROW
- S23 PUSH BAR TO OPEN 20min LETTERS
- S24 DIRECTIONAL ARROW (GREEN)
- FRG FIRE RESISTING GLAZING ELEMENT
- FLA AREA COVERED BY ESCAPE LIGHTING TO BS 5466 PART 1
- SD AREA COVERED BY SMOKE DETECTOR
- HD AREA COVERED BY HEAT DETECTOR
- F FIRE ALARM CONTROL PANEL
- FB FIRE BLANKET
- 9 LITRE WATER FIRE EXTINGUISHER
- DRY POWDER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- WET CHEMICAL FIRE EXTINGUISHER
- ALL WALLS AND PARTITIONS TO BE MINIMUM HALF HOUR FIRE RESISTANCE
- EMERGENCY LIGHTING TO COMPLY WITH BS 5466 PART 1
- FIRE SAFETY RELATED SIGNS AND NOTICES TO COMPLY WITH THE HEALTH AND SAFETY (SAFETY SIGN AND SIGNAL) REGULATIONS 1996
- FIRE ALARM AND DETECTION SYSTEM TO BE INSTALLED TO BS 5838 PART 1: 1986
- FIRE FIGHTING EQUIPMENT TO SATISFY WITH BS 5466 WALL AND CEILING UNITS ARE TO BE CLASS 1 SURFACE SPREAD OF FLAME AS AND CLASS 1 IN ESCAPE ROUTES
- UPOLSTERED SEAT FURNITURE TO SATISFY THE FOLLOWING:
  - \* IGNITION SOURCE (CIGARETTE TEST) AS SPECIFIED IN BS 5852 PART 1 FIRE TEST FOR FURNITURE
  - \* METHODS OF TEST FOR THE IGNITABILITY OF UPOLSTERED COMPOSITES FOR TESTING BY IGNITION SOURCE 3
  - \* BS 5852 PART 2 FIRE TEST FOR FURNITURE
  - \* METHODS OF TEST FOR THE IGNITABILITY OF UPOLSTERED COMPOSITES FOR TESTING BY IGNITION SOURCE 3
  - \* FABRICS THAT HAVE A CLASSIFICATION TREATMENT TO PASS THE WATER SOAK TEST AS DEFINED BY BS 5451 TEST CERTIFICATE TO BE SUBMITTED TO FIRE AUTHORITY.
  - \* CURTAINS AND DRAPES TO SATISFY BS 5852 PART 2
  - \* PERFORMANCE REQUIREMENTS TO BS 5467 ARTIFICIAL TO AGES AND DECORATIVE EFFECTS TO BE FIRE RETARDANT TO THE SATISFACTION OF THE FIRE AUTHORITY.

AREA FOR REGULATED INFORMATION  
 HALF HOUR FIRE RESISTANCE  
 PROVISION OF LATEST NIGHT REFRESHMENT

# Agenda Item 7 Appendix 6

REV A. AMPLIFICATION ALTERED 22/01/2009

**K J Paine & Associates Ltd**  
 Architectural & construction cost  
 project managers  
 interior design  
 Also Business Consultants, Health & Safety  
 # 412 017173 01718 & 44 017173 01722  
 www.kjpaine.co.uk

20 WETHERSPON VIC  
 THE WILLIAM ATSON  
 TORQUAY

PROPOSED GROUND FLOOR  
 JERONGHAP HALL

Scale: 1:50  
 Date: 22/01/2009  
 Drawing: 1.04  
 Author: A

## Code of practice for gaming machines in clubs and premises with an alcohol licence

- For club gaming permits, club machine permits and alcohol licensed premises

March 2012

---

### 1 General provisions

- 1.1 This is the Gambling Commission's Code of Practice issued under section 24 of the Gambling Act 2005 (the Act) relating to provision of facilities for gaming machine gambling in accordance with club gaming, club machine and alcohol licensed premises permits. This includes:
- Registrations under Parts II and III of the Gaming Act 1968 which, under transitional provisions, are treated as club gaming and club machine permits respectively
  - Club gaming and club machine permits issued under the Club Gaming and Club Machine Permits (Scotland) Regulations 2007
  - Premises which have a licence issued by a Licensing Board under section 26(1) or 47(2) of the Licensing (Scotland) Act 2005 authorising the sale of alcohol on the premises.
- 1.2 Compliance with the code of practice should be the responsibility of a designated person:
- in pubs in England and Wales: the designated premises supervisor (which the Licensing Act 2003 requires as a condition of any alcohol premises licence)
  - in premises which are licensed to serve alcohol for consumption on the premises under the relevant Scottish licence: the premises manager (which the Licensing (Scotland) Act 2005 requires as a condition of the premises licence), or, where an occasional licence is held, a responsible person designated by the holder of the licence
  - in clubs in England and Wales:
    - if an alcohol licence is held, the designated premises supervisor
    - if no alcohol licence is held, a responsible individual to be nominated by the club management or other governing body elected by the members
  - in clubs in Scotland:
    - for a qualifying club under the Licensing (Clubs) (Scotland) Regulations 2007 (SI No 76 of 2007) a person nominated by the club management committee, or other governing body elected by the members, and who is trained in accordance with the Licensing (Training of Staff) (Scotland) Regulations 2007
    - for a qualifying club operating under an occasional licence a responsible person to be nominated by the club management committee or other governing body elected by the members
    - the name and contact details of the nominated person should be made available to the clerk of the relevant licensing board.
- 1.3 Those items marked in bold and shaded are the provisions which are a condition of the permit and must be complied with.

## 2 Location and operation of machines

### All permit holders

**Compliance with these provisions is a condition of your permit, and failure to do so could result in revocation of the permit.<sup>1</sup>**

**2.1** All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

Permit holders must have in place arrangements for such supervision.

**2.2** All gaming machines situated on the premises shall be located in a place that requires a customer who wishes to use any ATM made available on the premises to cease gambling at the gaming machine in order to do so. 'ATM' means a machine located on the premises, which enables a person using it to obtain cash by use of a credit or debit card.

## 3 Access to gambling by children and young persons

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Gambling Commission considers it should be implemented by permit holders.**

**3.1** Permit holders should put into effect procedures intended to prevent underage gambling. This should include procedures for:

- checking the age of those who appear underage;
- refusing entry to anyone unable to produce an acceptable form of identification.

**3.2** Permit holders should take all reasonable steps to ensure that all relevant employees understand their responsibilities for preventing underage gambling.

**3.3** Permit holders should only accept identification which:

- contains a photograph from which the individual can be identified
- states the individual's date of birth
- is valid
- is legible and has no visible signs of tampering or reproduction.

**3.4** The Commission considers acceptable forms of identification to include: any identification carrying the PASS logo (for example Citizencard or Validate); a driving licence (including provisional licence) with photocard; or a passport.

**3.5** Procedures should be in place for dealing with cases where a child or young person repeatedly attempts to gamble on category B or C machines, including oral warnings, reporting the offence to the Gambling Commission and the police, and making available information on problem gambling.

---

<sup>1</sup> Compliance with these provisions is a condition of the relevant permit as a result of the Gambling Act 2005: section 271 for Club Gaming Permits, section 273 for Club Machine Permits, section 282 for alcohol licensed premises using their automatic machine permissions and section 283 for licensed premises Gaming Machine Permits and alcohol licensed premises Gaming Machine Permits.

## 4 Complaints and disputes

**Compliance with this section is not a condition of your permit. However it sets out good practice in this area and the Gambling Commission considers it should be implemented by permit holders.**

- 4.1** Permit holders should put into effect a written procedure for handling customer complaints and disputes regarding the use of gaming machines on their premises.
- 4.2** A 'complaint' means a complaint about any aspect of the permit holder's conduct of their permissible activities, and a 'dispute' is any complaint which:
- a) is not resolved at the first stage of the complaints procedure, and
  - b) relates to the outcome of the complainant's gambling transaction.
- 4.3** Permit holders should ensure that:
- customers are told the name and status of the person to contact about their complaint
  - customers are given a copy of the complaints procedure on request or on making a complaint
  - all complaints are handled in accordance with the procedure.

Gambling Commission March 2012

---

Keeping gambling fair and safe for all

For further information or to register your interest in the Commission please visit our website at:  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Copies of this document are available in alternative formats on request.

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham B2 4BP

T 0121 230 6666  
F 0121 230 6720  
E [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)