



Wednesday, 28 January 2015

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 5 February 2015**

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 Bent

Councillor Ellery

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

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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)

[www.torbay.gov.uk](http://www.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** (Pages 1 - 3)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 8 January 2015.
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 Governance Support 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 New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB** (Pages 4 - 29)  
To consider an application for a New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB.



## Minutes of the Licensing Sub-Committee

8 January 2015

-: Present :-

Councillors Addis, Brooksbank and Doggett

**31. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**32. Minutes**

The Minutes of the meeting of the Sub-Committee held on 18 December 2014 were confirmed as a correct record and signed by the Chairman.

**33. Licensing Act 2003 – An application for a New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ**

Members considered an application for a New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ.

The Premises do fall within the Cumulative Impact Area.

Written Representations received from:

Name	Details	Date of Representation
The Police	Representation in relation to the Licensing Objective 'The Prevention of Crime and Disorder'	3 December 2014
Public Protection	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	4 December 2014
Interested Party	Representation in relation to the Licensing Objective 'The Prevention of Public Nuisance.'	4 December 2014

Members noted there had been no additional Representations received from any other Responsible Authority or any other Interested Party.

A page from the Police Representation had been omitted as part of the submitted report at page 19 and was circulated to Members prior to the meeting for their consideration.

Oral Representations received from:

Name	Details
The Applicant	The Applicant outlined the application, as set out in the submitted documents and responded to Members questions.
Public Protection	The Public Protection Officer outlined their Representation, as set out in the submitted documents and responded to Members questions.

Members noted that notices to attend the Sub-Committee had been sent out and the Interested Party was unable to attend. The Public Protection Officer advised that he had had a conversation with the Interested Party who was aware that the Committee hearing was taking place and was content with the hearing taking place. Members agreed that the Committee should proceed in their absence.

Additional Information:

The Police Representative informed Members that the conditions they had proposed had been agreed with the Applicant and had been omitted from the original application by an oversight.

The Public Protection Officer advised Members that the conditions proposed were acceptable.

Decision:

That the application for a New Premises Licence in respect of Meat 59, 59 Abbey Road, Torquay TQ2 5NQ be granted as applied for, subject to the conditions proposed by the Police and Public Protection with the following amendments:

Condition 3 proposed by the Police shall now read as:

A CCTV system capable of producing images of an evidential standard shall be installed inside and outside the premises and will be in operation at all times the premises are open to the public. This system shall be maintained to the satisfaction of the police and all recordings from the system shall be retained for a minimum period of 14 days, during which time the police shall have access to at any reasonable time.

Condition 4 proposed by the Police shall now read as:

Smokers will be directed to use the designated smoking area to the side of the premises.

On the Applicants Operating Schedule under the heading 'The Prevention of Public Nuisance' condition 7 shall now read as:

An outside designated smoking area shall be located away from the windows of the building to prevent smell and noise to nearby residents.

Additional conditions are:

The sale of alcohol for consumption off the premises shall only occur with the sale of a takeaway meal; and

A self-closing mechanism shall be fitted to the premises front door entrance.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Licence having been satisfied on the evidence before them that the Licensing Objectives would not be undermined and that the grant of this Premises Licence will not add to public nuisance and/or crime and disorder in the area.

Members in reaching this decision had regard to the proposed, amended and additional conditions being placed on the Premises Licence which should, in their opinion, alleviate any concerns raised in respect of these premises.

Chairman/woman

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# Agenda Item 6



Briefing Report  
No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a New Premises Licence in respect of Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

**5<sup>th</sup> February 2015**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208025**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

1.1 To consider and determine an application, in respect of the Premises 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 Objectives “The Prevention of Crime and Disorder”, “Prevention of Public Nuisance” and “The Protection of Children from Harm”.

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 Premises detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application is as follows:

The Provision of Live Music indoors from 23.00 until 01.00 on the morning following New Years Eve and every Bank Holiday Sunday. (Live music is not licensable between 08.00 and 23.00 at a premise which is licensed for on-sales and has less than 200 people attending.)

The Provision of Recorded Music indoors from 14.00 until 22.00 Sunday; 19.00 until 22.00 Monday to Thursday; 19.00 until midnight Friday and Saturday. To extend the finish time until 01.00 on the morning following New Years Eve and Every Bank Holiday Sunday.

The Sale of Alcohol on and off the premises from 09.00 until midnight Sunday to Thursday and from 09.00 until 01.00 on Friday and Saturday. To extend the finish time until 01.00 on the morning following New Years Eve and Every Bank Holiday Sunday.

The Provision of Late Night Refreshment indoors from 23.00 until 00.30 Sunday to Thursday and from 23.00 until 01.30 on Friday and Saturday. To extend the finish time until 01.30 on the morning following New Years Eve and Every Bank Holiday Sunday.

To be open to the public from 09.00 until 00.30 Sunday to Thursday and from 09.00 until 01.30 Friday and Saturday. To extend the finish time until 01.30 on the morning following New Years Eve and Every Bank Holiday Sunday.

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 a relevant Representations have been received from Responsible Authorities and an Interested Party. The Licensing Authority is also satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Protection of Children from Harm”. This is shown as Appendix 3.

We have received a Representation from Public Protection in relation to the

Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 4

We have received a Representation from an Interested Party in support of the application. This is shown as Appendix 5.

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

- 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 Representation from the Police.
- Appendix 4 Representation from Public Protection
- Appendix 5 Representation from an Interested Party.



**Documents available in Members' rooms**

None

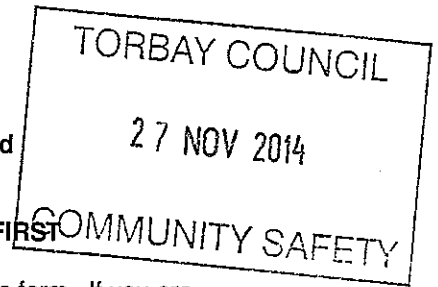
**Background Papers:**

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

Torbay Council Licensing Policy 2011.

# Agenda Item 6

## Appendix 1



**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Las Iguanas Limited

*(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**

Postal address of premises or, if none, Ordnance Survey map reference or description Las Iguanas Unit 4 Abbey Sands			
<b>Post town</b>	Torquay	<b>Postcode</b>	TW2 5FB

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£ Not Rated

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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)

**Part 3 Operating Schedule**

When do you want the premises licence to start? . .

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)  
 Bar and restaurant with facilities for regulated entertainment, sale of alcohol and late night refreshment.

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

n/a
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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 any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5) Extend the finish time until 01:00h the morning following New Years Eve and every Bank Holiday Sunday.		
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</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>Please give further details here</b> (please read guidance note 3) Amplified music and occasional DJ music.		
Mon	19:00	22:00			
Tue	19:00	22:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Wed	19:00	22:00			
Thur	19:00	22:00	<b>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</b> (please read guidance note 5) Extend the finish time until 01:00h the morning following New Years Eve and every Bank Holiday Sunday.		
Fri	19:00	00:00			
Sat	19:00	00:00			
Sun	14:00	22:00			

I

<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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) To permit the sale of hot food and beverages until the premises closes to the public. Late Night Refreshment permitted for consumption on the premises only.		
Mon		00:30			
	23:00				
Tue		00:30			
	23:00		<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed		00:30			
	23:00				
Thur		00:30			
	23:00		<b>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</b> (please read guidance note 5) Extend the finish time until 01:30h the morning after New Years Eve and every Bank Holiday Sunday.		
Fri		00:30			
	23:00				
Sat		01:30			
	23:00				
Sun		01:30			
	23:00				

J

<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</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) Please note that other than in any areas designated for drinking, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorisation to remove alcohol from the premises in an open container.		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	00:00			
Fri	09:00				
Sat		01:00			
	09:00				
Sun		01:00			
	09:00	00:00			
			<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) Extend the finish time until 01:00h the morning after New Years Eve and every Bank Holiday Sunday.		

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

Name Mohsen Shamel	
Address 12 Whitchurch Lane Dickens Heath Solihull	
Postcode	B90 1PB
Personal licence number (if known) SOL/PE/262/2005	
Issuing licensing authority (if known) Solihull Council	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon		00:30	<p><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)            Extend the finish time until 01:30h the morning after New Years Eve and every Bank Holiday Sunday.</p>
	09:00		
Tue		00:30	
	09:00		
Wed		00:30	
	09:00		
Thur		00:30	
	09:00		
Fri		00:30	
	09:00		
Sat		01:30	
	09:00		
Sun		01:30	
	09:00		

## Las Iguanas, Unit 4, Abbey Sands, Torquay TQ2 5FB

### Proposed Conditions

#### **General – all four licensing objectives**

The Premises Licence will have no effect until the premises are constructed/alterd only in accordance with the appropriate provisions of the local licensing authority and this condition has been removed from the premises licence.

The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).

Waiter/waitress service will always be available and at any given time no less than 80% of the internal public trading area will be given over to tables and chairs.

The premises shall predominantly be run as a licensed restaurant.

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

All staff shall be suitably trained for their job function for the premises the training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

#### **Prevention of crime and disorder**

The Premises will have an approved, effective and well managed CCTV system, installed/maintained by an NSI - Nacoss Gold Standard/SSAIB registered installer. The System installed shall be subject to a regular maintenance contract to ensure it is always fully operational, as stipulated/recommended by the installer.

The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain on the premises). It must be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept on a secure database and be capable of being downloaded onto removable media. A member of staff must be present at all times who can both operate the system and supply copies of these images on request to either a Police, Council or other authorised Officer. The recordings shall be kept for a minimum of 31 days.

The premises shall have no fewer than two SIA Registered Door Supervisors, only when regulated entertainment takes place, on a Friday, Saturday and Bank Holiday Sunday, as well as any other evening when regulated entertainment takes place after midnight.

Their shift will begin no later than 20:00 hours, finishing no earlier than the closing time of the venue. All door staff must sign a register when performing duties at the premises. This register is to contain the full names, SIA badge numbers and contact details of that person. Those records are to be made available on request to any Relevant Authority for the purposes of investigating or preventing crime or apprehending or prosecuting an offender.

† Other than in the areas designated for drinking and indicated in this application, no persons shall be permitted by the designated premises supervisor or persons acting under his/hers authorization to remove alcohol from the premises in an open container. Off sales are to be taken off the area marked on the licensed plan in sealed containers only.

To be a member of Pubwatch or related scheme.

Crime prevention posters/material aimed at preventing theft/loss of personal possessions will be affixed/displayed in prominent positions (agreed by Both Police and Management) within the premises.

A dispersal policy document is to be drawn up in consultation with Police and Council officers. Once agreed it is to be implemented in full. To include, but not *limited to*; (the monitoring of customers by (door) staff, the pre booking of mini cabs/taxis, orderly dispersal of patrons). This policy shall be reviewed on an annual basis to ensure it is still effective and shall be updated if necessary.

A log for all incidents is to be kept and maintained. This log must be available to Police or Council Officers on request. Relevant offences will be reported to Police in good time.

**Public Safety**

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

**Prevention of Public Nuisance**

A refuse store of sufficient size shall be provided

Late night refreshment is restricted to consumption on the premises.

A designated, de-lined and bordered smoking area will be allocated outside the premises. Suitable receptacles will be provided within this area for cigarette litter. The Premises Licence Holder or nominated person shall ensure that the smoking area is regularly cleaned to ensure that all discarded smoking litter is removed and properly disposed.

The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.

No regulated entertainment to take place outside.

**Protection of children from harm**

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.

All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.

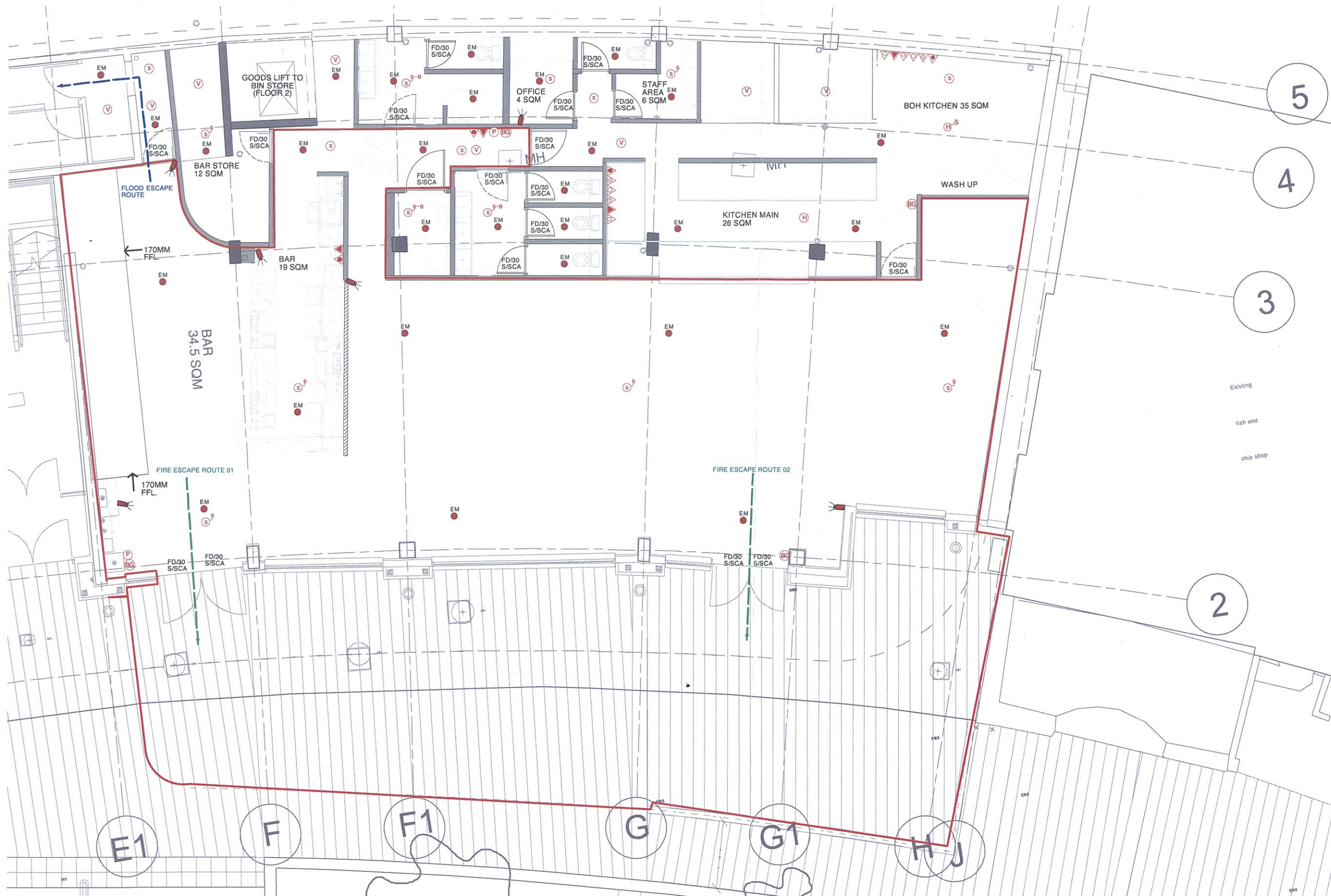
Persons under the age of 18 shall only be admitted onto the premises in the company of an adult.

A challenge 21 policy is employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.

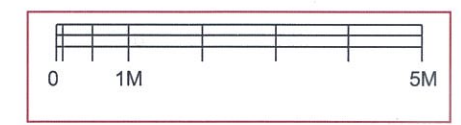
The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.

Staff will be trained in this policy and records will be kept.

There shall be no adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.



KEY	
(H)	HEAT DETECTOR
(H) <sup>S</sup>	HEAT DETECTOR & SOUNDER
(V)	VOID DETECTOR
(P)	PANEL
(S)	SMOKE DETECTOR
(S) <sup>S</sup>	SMOKE DETECTOR & SOUNDER
(S) <sup>S-B</sup>	SMOKE DETECTOR & SOUNDER & BEACON
(BG)	BREAK GLASS
△	FIRE EXTINGUISHER: E.G. 13A OR 34B. NUMBER INDICATES THE EXTINGUISHING CAPABILITY AND THE LETTER INDICATES THE CLASS OF FIRE THAT THE EXTINGUISHER IS SUITABLE FOR. FOR FURTHER INFORMATION SEE OUR GUIDANCE NOTE FSGN 8.
△	AQUEOUS FILM FORMING FOAM EXTINGUISHER.
△	CLASS F TYPE EXTINGUISHER.
△	FIRE BLANKET EXTINGUISHER.
△	CARBON DIOXIDE FIRE EXTINGUISHER.
△	DRY POWDER EXTINGUISHER.
△	FOAM FIRE EXTINGUISHER.
📺	CCTV
EM	MAINTAINED EMERGENCY LIGHT FITTING.
□	AREA FOR LICENSABLE ACTIVITIES
NOTES:	
SYSTEM DESIGNED TO BS 5839 PART 1: 2002.	
CATEGORY OF SYSTEM: L2	
SYSTEM DETAILS: CONVENTIONAL FIRE PANEL	
INSTALLATION METHOD: FP200G INSTALLED ON CABLE TRAY FIXED TO STRUCTURE.	
ALL FIRE FIGHTING EQUIPMENT SHOULD BE SO PLACED AS TO BE READILY AVAILABLE FOR USE. THEY SHOULD BE MOUNTED ON BRACKETS OR SUITABLE SHELVES IN CONSPICUOUS POSITIONS SO THAT THE CARRYING HANDLES OF THE LARGER HEAVIER EXTINGUISHERS ARE APPROXIMATELY 1.1M FROM THE FLOOR, AND THE HANDLES OF THE SMALLER FIRE EXTINGUISHERS ARE APPROXIMATELY 1.5M FROM THE FLOOR.	
ALL WALLS AND PARTITIONS TO BE MINIMUM HALF HOUR FIRE RESISTANT.	
EMERGENCY LIGHTING TO COMPLY WITH BS 5266 PART 1	
FIRE SAFETY RELATED SIGNS AND NOTICES TO COMPLY WITH BS 5499	
FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5306.	
WALL AND CEILING LININGS ARE TO BE CLASS 1 SPREAD OF FLAME (AS DEFINED BY BS 476 PART 7) IN PUBLIC AREAS AND CLASS 0 IN ESCAPE ROUTES.	
UPHOLSTERED SEATING FURNITURE TO COMPLY WITH THE FOLLOWING: -IGNITION SOURCE (CIGARETTE TEST) AS SPECIFIED IN BS 5852 PART 2 FIRE TEST FOR FURNITURE. METHODS FOR TEST IGNITABILITY BY SMOKERS. -BS 5852 PART 2 FIRE TEST FOR FURNITURE METHODS OF TEST FOR THE IGNITABILITY OF UPHOLSTERED COMPOSITES FOR TESTING BY FLAME SOURCE. MINIMUM TEST TO BE CRIB IGNITION SOURCE 5.	
FABRICS THAT HAVE HAD A FLAME RETARDANT TREATMENT TO PASS THE WATER SOAK TEST AS DETAILED IN BS 5651. TEST CERTIFICATES TO BE SUBMITTED TO THE FIRE AUTHORITY.	
CURTAINS AND DRAPES TO SATISFY TYPE 8 PERFORMANCE REQUIREMENTS TO BE BS 5867 PART 2.	
ARTIFICIAL FOLIAGE AND DECORATIVE EFFECTS TO BE FIRE RETARDANT TO THE SATISFACTION OF THE AUTHORITY.	
<b>PREMISES ADDRESS:</b> Unit 4 Abbey Sands Torquay Devon	
THIS DRAWING IS UNDER COPYRIGHT AND NO PORTION SHOULD BE USED WITHOUT PRIOR CONSENT. USE FIGURED DIMENSIONS ONLY. ALL UNFIGURED DIMENSIONS SHOWN ARE TAKEN FROM FINISHED SURFACES. ALL DIMENSIONS AND LEVELS MUST BE CHECKED ON SITE, AND ANY INCONSISTENCIES REPORTED IMMEDIATELY TO BS PRIOR TO PUTTING WORKS IN HAND.	
REVISIONS:	
CODE:	DATE: DESCRIPTION:
<b>B3 DESIGN JERS</b> B3 Designers Ltd Studio 302, Metropolitan Wharf 70 Wharfedale Street London, E1W 3SS Tel: +44 (0)20 7729 8111 Fax: +44 (0)20 7729 8124	
PROJECT NO: 923	CLIENT/PROJECT: LAS IGUANAS TORQUAY
SITE ADDRESS: UNIT 4 ABBAY CRESCENT TORQUAY TQ2 5HB	
DATE: 26/11/14	DRAWN: OP
CHECKED: KJM	SCALE: 1:50 @ A1 1:100 @ A3
TITLE: <b>LICENSING PLAN</b>	
STATUS: <b>FOR TENDER</b>	
DWG. NO: <b>923-109-LIC</b>	REV: <b>Rev</b>





**Devon & Cornwall Police**  
Building safer communities together

Licensing Team  
Torbay Council  
C/O Torquay Town Hall  
Castle Circus  
TORQUAY  
TQ1 3DR

Licensing Department East  
Devon and Cornwall Constabulary  
Force Headquarters  
EXETER  
EX2 7HQ

Telephone: 01803 218900

18 December 2014

Dear Sir/Madam

**Las Iguanas, Unit 4, Abbey Sands, Torquay**

I refer to an application submitted by Las Iguanas Limited for the grant of a new Premises Licence in respect of the above named premises.

For your information this premise is situated in a new development of properties in a prime location overlooking Torquay seafront, a short distance far from Torre Abbey Sands. This area is not within the Torbay Council Cumulative Impact Area and the area around this premise consists of a large number of hotels and residential properties.

Prior to this development being built this stretch of road consisted of the Palm Court Hotel, Mojo Cafe Bar and a small number of beach shops and cafes. In respect of Mojo's Cafe Bar this premises had the benefit of Premises Licence PL0745 and in the last year or so that it was open it caused numerous concerns for the police and your Environmental Protection Department, as a result of which the police applied for an Expedited Review of the licence in September 2010 and the licence was subsequently surrendered by the Premises Licence Holders on 7 September 2010 to avoid the Review process.

Since 2010 this area has been extremely quiet in terms of the number of people in the area during the evening and early hours of the morning, and subsequently the level of crime and disorder has been very low. However, since the beginning of summer of this year several licensed premises have now opened.

[licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)



**Le Bistrot Pierre (Premises Licence PL1038)**

This premise is licensed to sell alcohol until midnight Monday to Sundays, but until 0100 hrs for persons taking a table meal or attending a bona fide private function, and closes at 0100 hrs. The licence has the condition: "The consumption of alcohol within the restaurant area shall be restricted to persons taking a table meal. However, alcohol may be consumed within the bar area (hatched blue on the plan) by persons not taking a table meal." In effect this means that for the majority of the premises alcohol can only be consumed by persons having a table meal.

**Visto (Premises Licence PL1044)**

This premise is licensed to sell alcohol until midnight on Thursdays, Fridays and Saturdays and 2300 hrs on Mondays, Tuesdays and Wednesdays. The premises have a 30 minute drinking up period before they must close. This premise is not licensed for any forms of regulated entertainment.

**On the Rock (Premises Licence PL0382)**

This premise was formerly known as Chillins and has been open throughout the development of the area but the police are aware that trade was poor. In April 2014 new tenants took over the premise, which have been refurbished to a high standard and it has now become a very popular restaurant. This premise is licensed for the sale of alcohol until midnight each day of the week, closing 30 minutes thereafter. This premise has a condition: "Customers taking drinks only and not sat at tables shall be restricted to the area shown cross hatched black on the application plan", thus indicating that the majority of customers must be seated and therefore limiting the number of persons within.

On 2 December 2014 my Police Licensing Officer, Mrs Julie Smart, contacted Mr Paul Uren of TLT Solicitors, who are representing the applicant, Las Iguanas Limited, and discussed the application with him. At that time Mrs Smart asked if Mr Uren if knew the capacity of the premises and he advised her that a fire risk assessment has not yet been completed. I am sure you appreciate that without knowing roughly how many persons may be present in a premise at any one time it is difficult to consider an application, particularly when the premise is currently an 'empty shell'.

I would now refer you to three proposed conditions within the Operating Schedule:

1. The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).
2. Waiter/waitress service will always be available and at any given time no less than 80% of the internal public trading area will be given over to tables and chairs.

3. The premises shall predominantly be run as a licensed restaurant.

As you will see from the above, there is no indication as to what time the service of food will cease and it is the view of the police that it is unlikely that customers will still be consuming food within the premises at 1.00 am on Saturday and Sunday mornings.

The condition in relation to waiter/waitress service indicates that they will always be available but not that persons will be seated at tables and served by staff. Whilst the police can enforce that no less than 80% of the internal public trading area will be given over to tables and chairs this does not prevent customers from standing whilst consuming alcohol or limit the number of persons within by the number of seats available.

The police do not consider that condition 3 above can be enforced. What does predominantly actually mean?

In light of the above the police consider that the granting of this licence will allow the premises to operate as a bar, similar to that of a Wetherspoons and various other licensed premises within Torbay, and hence the police request that the following conditions are imposed on the licence:

1. On any Friday and Saturday night that the premises remain open for the sale of alcohol after midnight and then closes after 0030 hrs, SIA door supervisors shall be employed on the premises from 2200 hrs until close, at a ratio of 1 supervisor per 100 customers. This condition shall also apply on New Years Eve and Bank Holiday Sundays.
2. All door supervisors deployed at the entrance of the premises or externally shall wear yellow high visibility jackets or waistcoats for the entirety of their duty.
3. The premises shall join and actively participate in the Nitenet Radio Communications Scheme.
4. The DPS or a member of the management team shall attend at least two Torquay Forum Meetings per calendar year, and any other meetings organised by the police in relation to high risk events.
5. All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses. On any Friday and Saturday night when the premises remain open for the sale of alcohol after midnight, no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after midnight. This condition shall also apply on New Years Eve and Bank Holiday Sundays.
6. No under 18's shall be permitted on the premises after 2200 hrs.
7. The premises shall operate a Challenge 25 Policy where by all individuals who appear to be under the age of 25 shall be requested to provide an approved form of photographic identification.

The police consider that the likelihood of crime and disorder increases where a premise is authorised to sell alcohol after midnight. This is borne out by the fact that many bars in Torbay where the sale of alcohol ceases before midnight do not cause concern for the police, but those premises where the sale of alcohol is permitted after midnight regularly come to police attention and they impact on crime and disorder to some degree. Conditions 1 to 5 above are standard conditions that the police seek in relation to all bars and nightclubs within Torbay where the sale of alcohol is authorised after midnight and the Licensing Authority have been supportive of these conditions in the past.

With regards to condition 7, the police do not consider that it is appropriate for under 18's to be present in bar type premises after 2200 hrs, and in relation to condition 8, a Challenge 25 policy is recommended in your policy and is now the national standard in relation to age verification policies.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G Mayhew', with a horizontal line extending to the right from the end of the signature.

Superintendent G Mayhew  
LPA Commander



# Memorandum

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To:	<b>TORBAY COUNCIL</b>	From :	<b>Community Safety</b>
c.c	<b>24 DEC 2014</b>	Contact :	Mr Karl Martin
c.c.		Ext :	01803 208025
c.c	<b>COMMUNITY SAFETY</b>	My Ref :	1ZV SRU No:
For the attention of:	<b>Mandy Guy</b>	Your Ref :	
		Date :	24 <sup>th</sup> December 2014

---

**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: Las Iguanas, Abbey Crescent, Torquay**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance
1. I wish to object to the above named application as I do not believe the application promotes the licensing objective 'Prevention of Public Nuisance'.
2. Las Iguanas according to the company website is a restaurant providing a confusion of native Latin American Indian, Spanish, Portuguese and African influences.
3. The restaurant will open in a unit on the new Abbey sands complex. This area is colloquially being referred to as Torbays newest restaurant quarter.
4. The abbey sands complex consist of 27 residential apartments spread over five floors with the lower floor being given over to 4 commercial units.
5. The applicant was advised to consult with all responsible authorities. The applicant solicitors submitted a draft application for consultation but only 24hrs later submitted the complete application. Allowing such a small window of opportunity I suggest the applicant has failed to consult as recommended:-

*'In order to reduce the risk of relevant representations and the cost and delay of a contested hearing, applicants are strongly recommended to consult with the relevant Responsible Authority...'*

Licensing Statement of Principles, Torbay Council, 2011, s3 p15

6. The applicant intends to offer recorded music until 22:00 pm Sunday to Thursday and until midnight on Friday and Saturday which I no objection to, but the applicant has not indicated by way of conditions of how music breakout will be prevented. Will doors and windows be required to be kept closed during regulated entertainment? Will a lobby be provided? Will there be suitable ventilation to enable windows and doors to be kept closed? Is there suitable noise insulation in the ceiling? The application doesn't mitigate these concerns by offering to install a limiter either. For this reasons I do object to live music at this premises after 11:00pm. Live music is not a licensable activity prior to 11:00pm.
7. The applicant Under The Prevention of Crime and disorder suggested conditions has offered the following condition:-

*'The premises shall have no fewer than two SIA Registered Door Supervisors, only when regulated entertainment takes place, on a Friday, Saturday and Bank Holiday Sunday, as well as any other evening when regulated entertainment takes place after midnight'*

Is this premises to be a restaurant or a premises that offers food during the day and evening and becomes later at night a late night drinking/entertainment venue?

If the applicant wishes the premises to be a late night venue then Torbays Councils policy must be considered, namely that Torbay Councils Licensing Policy leans towards refusing an application beyond 11pm in a residential area unless remedial measures can be demonstrated:-

*'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'*

**Licensing Statement of Principles, Torbay Council, 2011, p37-38**

Contained within this confused application is no attempt by the applicant to demonstrate what noise mitigation measures they intend to take and I suggest have not complied with the Licensing Statement of Principles. No details are offered in the schedule and suggested conditions barely acknowledged potential noise breakout from regulated entertainment.

8. An area outside the premises has been indicated on the plan for the provision of a smoking area. The applicant has not clearly demonstrated how the smoking area will be used or managed. I assume customers will be expected to eat in this area, but until 1:30 am in the morning at the weekends? Will the area be cleared at a given time and only allowed to be used as a smoking area? People using this area will they be allowed to sit only if consuming food or is it an outside beer garden? The application does not mention waiter service. The applicant has offered the following conditions in relation to the smoking area.

*'A designated, de-lineated and bordered smoking area will be allocated outside the premises'*

This area isn't marked on the plan submitted with the application. Where will the smoking area be? Is it the whole outside area or is the intention to have a smaller area for smoking only? Will the outside close at 11:00pm for eating and the designated smoking area can only be used after 11:00pm? The application does not offer any clarification.

*'Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.'*

How? The applicant has not indicated this area is a waiter service only location and has offered no detail in the application of how staff will actually monitor the area. Will there be written plans and procedures in place for staff to follow? Will staff be trained in what behavior is acceptable and that what is not potentially giving rise to nuisance? CCTV is mentioned but is there cameras outside and who will be monitoring cameras?

*'Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly'*

As mentioned above how will staff actually comply with this condition? Are staff or SIA door stewards expected to police the street. No suggestion of any policy or procedures backing this condition.

9. The applicant wishes for a maximum closing time of 01:30 am. The premises is in a predominately residential area. As highlighted in point 9 the applicant has not satisfactorily complied with Torbay Council Licensing Statement of Principles. Will the outside areas be open until this time? Again ensuring customers leave quietly has not satisfactorily been conveyed in the application.

10. The Licensing Authority expects applicants to submit an operating schedule that properly addresses the impact their application may have on their neighbours or their surrounding communities, to ensure that each of the relevant licensing objectives are promoted. Notable s2.3(ii)(iii) guides applicant where the following applies:-

- (ii) Noise from patrons and regulated entertainment where premises are in close proximity to residential properties and have a later opening time;*
- (iii) Public Safety matters for higher risk activities and one-off events.*

Licensing Statement of Principles, Torbay Council, 2011, p13

## **Conclusion**

11. The las Iguanas brand appears to be one of a predominately restaurant led business. Yet this application suggests a different service will be offered at the weekends and public holidays that will offer regulated entertainment and live music in addition to food. Experience shows it is the former style of operating that can give rise to public nuisance in residential areas. Though I have no objection to live music and regulated entertainment at the times requested in the application, I do object when the application has failed to consider appropriate and reasonable mitigation measures to ensure the operation of the business will not undermine the licensing objective the 'Prevention of Public Nuisance'

## **Recommendations**

12. I respectfully request the Licensing Sub-Committee give their due consideration to the following recommendations:

- a. Prohibit any regulated entertainment after 11:00pm Monday-Sunday including public holidays on the grounds the application does not promote the licensing objective 'Prevention of Public Nuisance'.*

- b. Consider the outside area can only be used by Customers who are consuming food provided by a waited service until 11:00pm Monday- Sunday. After 11:00pm the outside area can only be used as a smoking area and no alcohol can be consumed in this area. The smoking area should also be clearly marked on the plan.*

Appendices

13. Appendix 1.0 – Street view and Plan of the locality of the proposed premises.

**Mr Karl Martin**  
Public Protection Officer

Appendix 1.0

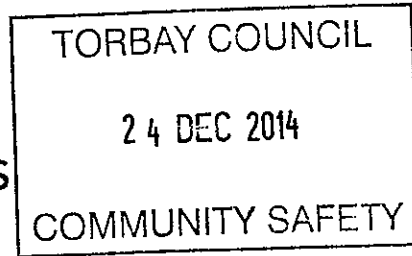
Artist impression of Abbey crescent development



Aerial map, red – approximate location of abbey crescent development. Yellow approximate position of Las Iguanas.







23 December 2014

Torbay Council  
Licensing & Public Protection  
C/o Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Dear Sirs

**Application for a premises license to be granted under the Licensing Act 2003  
Las Iguanas, Unit 4, Abbey Sands, Torbay Road, Torquay, TQ2 5FB**

We write as owner of the Abbey Sands Development in Torquay to outline our support for the above application.

Havard Estates is an award winning property developer, most recently given the five star award in the International Property Awards 2014 for delivering the best mixed-use development in the UK in respect of the development at Abbey Sands.

Abbey Sands is a multi-million pound development which has breathed new life into this part of Torquay and has been extremely well received by the local authority and community of Torbay.

As landlord, we carefully select and approve high quality operators to take occupation of our developments and the occupiers in the Torbay Scheme are no different. The Abbey Sands Development has been designed to provide high quality, luxury apartments which have attracted purchasers who are willing to pay values commensurate with apartments of this extremely high standard, buying into the whole ethos of the Scheme and the lifestyle choice that it offers.

Las Iguanas are a high-quality national branded restaurant operator who run sites throughout the country. Prior to granting their lease, we visited a number of their restaurants to understand how their operation fits in with residents and to understand their methods of operation. It was important to us that this tenant complemented the existing offering in what has become Torquay's new Eating Quarter, whilst having no negative impact on our residents.

Las Iguanas is a restaurant which has an ancillary bar area and our research has showed that in other areas, their operation has not led to further crime or public nuisance and will in fact support and promote the licensing objectives of Torbay.

Yours faithfully