



Friday, 23 December 2016

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 5 January 2017**

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 Ellery

Councillor Thomas (J)

Councillor Stublely

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**A prosperous and healthy Torbay**

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

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

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. **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.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
5. **Tiger Lills, 3 Victoria Parade, Torquay**  
To consider an application for a Variation to a Premises Licence in respect of Tiger Lills, 3 Victoria Parade, Torquay.

(Pages 3 - 33)



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Tiger Lills, 3 Victoria Parade, Torquay TQ1 2BB**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**                      On: **5<sup>th</sup> January 2017**

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 Premise detailed above, for a Variation to a Premises Licence. The Premise is located within the Cumulative Impact Area.
- 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” and the “Protection of Children from Harm”.
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
  - (a) to modify the conditions of the licence, or
  - (b) reject the application in whole or in part.

For this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

*forward thinking, people orientated, adaptable - always with integrity.*

## 2. Introduction

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To allow Recorded Music from midday until 01.00 Sunday to Wednesday and from midday until 02.30 on Friday and Saturday.

To extend the hours for the Sale of Alcohol from 10.00 until midnight seven days a week by 2.5 hours each night to allow alcohol to be sold from 10.00 until 02.30 seven days a week.

To extend the hours for Late Night Refreshment from 23.00 until midnight seven days by 3 hours each night to allow Late Night Refreshment from 23.00 until 03.00 seven days a week.

To extend the opening hours from 08.00 until 00.30 seven days a week by 2.75 hours each night to allow the premises to be open from 08.00 until 03.15 seven days a week.

To remove 2 conditions from the licensing objective the Prevention of Public Nuisance.

*1. The DPS shall keep and maintain good order and decent behaviour in the premises during the hours open to the public. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.*

*2. The Licensee shall at all times ensure that persons on or leaving the premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.*

The applicant has 7 additional conditions which are shown on the additional sheet at the end of the application form (Appendix 1).

The applicant has applied to change the plan of the premises regarding the basement level to add a new wall.

- 2.2 A copy of the current premises licence showing the licensable activities, timings, conditions and the plan of the premise is shown at Appendix 2 of this report.
- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from Responsible Authorities. The Licensing Authority is also satisfied that the Representations were 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 of this report.

We have received a Representation from Child Protection in relation to the Licensing Objective “The Protection of Children from Harm”. This is shown as Appendix 4 of this report.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 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.
- 2.7 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-
  - (a) The applicant for the variation of the licence against any decision to modify the conditions
  - (b) Any person who made a relevant representation in relation to the application who desires to contend
    - (i) that any variation made ought not to have been made, or
    - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 2.8 Following such Appeal, the Magistrates’ Court may:-
  - (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,and may make such order as to costs as it thinks fit.

**Frances Hughes**  
**Assistant Director (Community and Customer Services)**

### **Appendices**

Appendix 1	Relevant sections of the application form
Appendix 2	Copy of the current Premises Licence and Plan
Appendix 3	Representation from the Police
Appendix 4	Representation from the Child Protection

### **Documents available in members’ rooms**

None

### **Background Papers:**

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

The current Premises Licence for the above Premise.  
Torbay Council Licensing Policy 2016-2021.

Application to vary a premises licence  
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.

We Glenn Kendall + Antonio Taffolo  
(Insert name(s) of applicant)  
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PL1091
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tiger Lills (formerly Tiger Bills) 3 Victoria Parade			
Post town	Torquay	Postcode	TQ1 2BB
Telephone number at premises (if any)	01303 203703		
Non-domestic rateable value of premises	£ 35,250		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

### Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)  Yes  No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

<sup>2)</sup> change of plan of premises to the basement level - new wall put in.

Addition of recorded music

Extension of hours to late night refreshment + sale of alcohol.

remove some conditions

Addition of new conditions

If your proposed variation would mean that 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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## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick all 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



F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	12.00	01.00			
Tue	12.00	01.00			
Wed	12.00	01.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	12.00	02.30			
Fri	12.00	02.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) On New Years-eve from the end of permitted hours to the start of permitted hours on the following day.		
Sat	12.00	02.30			
Sun	12.00	01.00			

Late night refreshment Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	03.00	<b>Please give further details here</b> (please read guidance note 4) hot food + hot drink		
Tue	23.00	03.00			
Wed	23.00	03.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23.00	03.00			
Fri	23.00	03.00	<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 6) on New Years eve from the end of permitted hours to the start of permitted hours on the following <del>next</del> day.		
Sat	23.00	03.00			
Sun	23.00	03.00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	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 5)		
Mon	10.00	02.30	<p><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 6)</p> <p>On New Years eve from the end of permitted hours to the start of permitted hours on the following day.</p>		
Tue	10.00	02.30			
Wed	10.00	02.30			
Thur	10.00	02.30			
Fri	10.00	02.30			
Sat	10.00	02.30			
Sun	10.00	02.30			

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08.00	03.15	
Tue	08.00	03.15	
Wed	08.00	03.15	
Thur	08.00	03.15	
Fri	08.00	03.15	
Sat	08.00	03.15	
Sun	08.00	03.15	

**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 (please read guidance note 6)**

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Annexe 2 - The prevention of public nuisance - conditions 1+2

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

As existing

b) The prevention of crime and disorder

As existing  
+  
please see attached sheet.

c) Public safety

As existing

d) The prevention of public nuisance

As existing  
+  
please see attached sheet.

e) The protection of children from harm

As existing

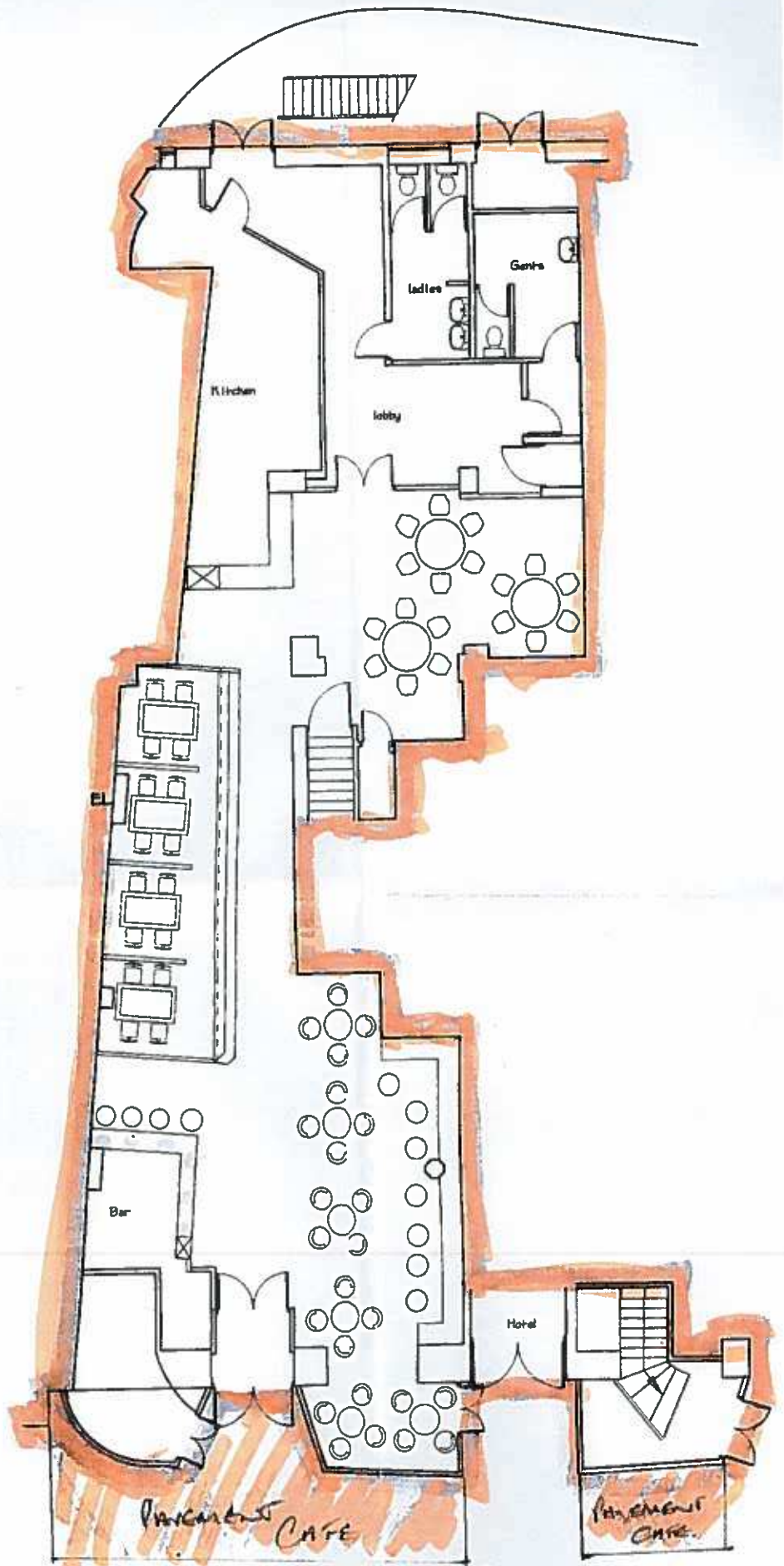
Proposed License conditions to be added to license.

**Crime and disorder**


1. On every occasion that the premises sells alcohol after midnight and then closes after 00.30, SIA door staff will be employed from 22.00 until closing.
2. There shall be no entry or re entry of patrons after 02.00.
3. On every operational day when door stewards are required who are employed for front of house duties must wear high visibility jackets for the entirety of their duty.

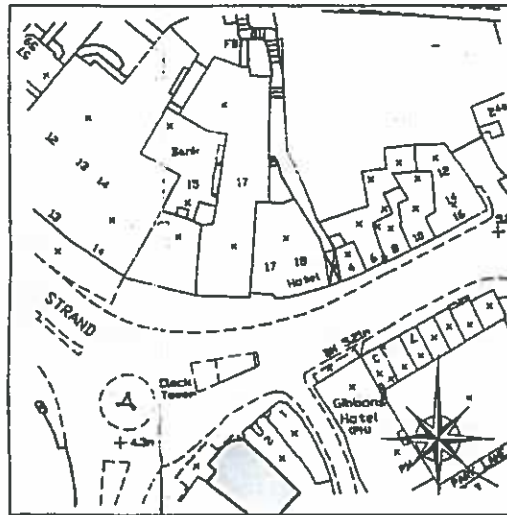
**Prevention Of Public Nuisance**

1. Noise or vibration should not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. All regulated entertainment shall be played through a limiter which is set at a level agreed with the local responsible authority for public nuisance. The limiter shall be made tamper proof and any adjustments to sound levels shall only be made in consultation with the responsible authority for public nuisance.
3. The level of amplified music shall be reduced by 50% of the agreed level set by the noise limiter at 01.30 on Friday and Saturday nights hours until closing.
4. No changes that increase the level of volume to the public address system shall be made without prior consultation of the local Environmental Health Department, this includes moving of speakers, addition or removal of any equipment and the use of guest acts/DJs own equipment.



Ground Floor Plan (existing)

 AREA FOR ALL LICENSED ACTIVITIES



Site Location Plan 1:1250

Alterations to Licensed Premises

3 Victoria Parade  
Torquay  
TQ1 2BB
























for  
Lifestyle Enterprises (UK) Ltd

September 2011  
Scale 1:100 Sheet A1  
Dwng 011-034-1

Martin Cox MBEng  
59 Barcombe Heights  
Paignton  
TQ3 1PU

Tel/Fax 01803 552782

Plans

MCH	Magnetic door holder
	Dry powder extinguisher (100b or 200b)
	Water extinguisher
	CO2 extinguisher
	Foam extinguisher
	Fire blanket
	Hose reel
B	Sand bucket
	Fire alarm call point
	Bell
	Exit sign
	Exit directional sign
X	1/2hr fire resisting self closing door or kept locked shut when not in use
X X	1hr fire resisting self closing door or kept locked shut when not in use
PB	Panic bolt
BB	Barrel bolt
	Area protected by sprinklers
	Sprinkler main valves
	Area covered by heat detectors
	Indicator panel
	Independent emergency lighting point
	Evacuation switch
	Reset switch
	Fireman's ventilation control
	Repeater panel internal
	Repeater panel external
	AFFF Multipurpose extinguisher 5.5 litre BSS423 Electrically non-conductive 13A + 113B rating
	Vision panel
	Area covered by smoke detectors
SC	Self closing device



## General Notes

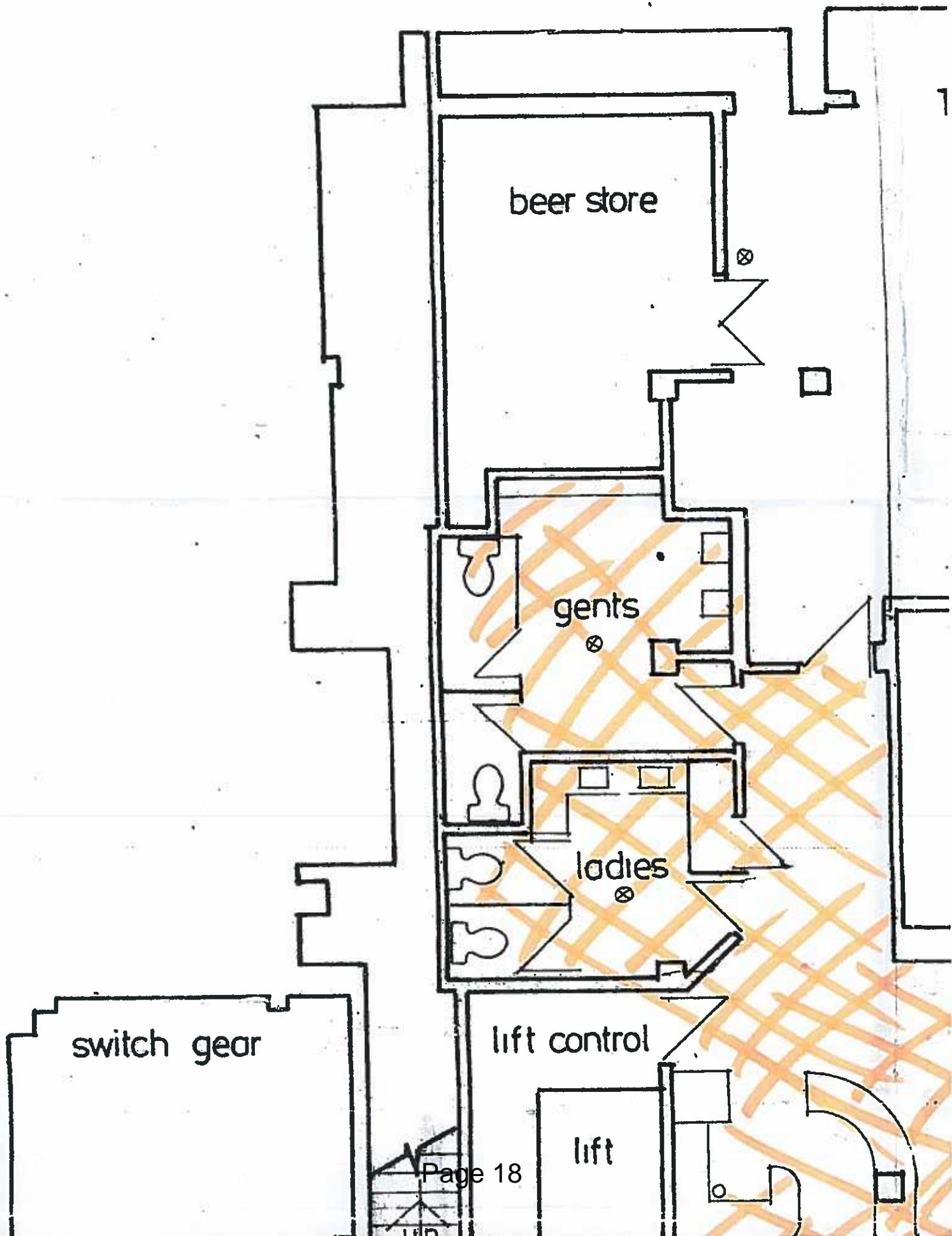
All sizes, levels and dimensions to be checked and verified on site when works commence

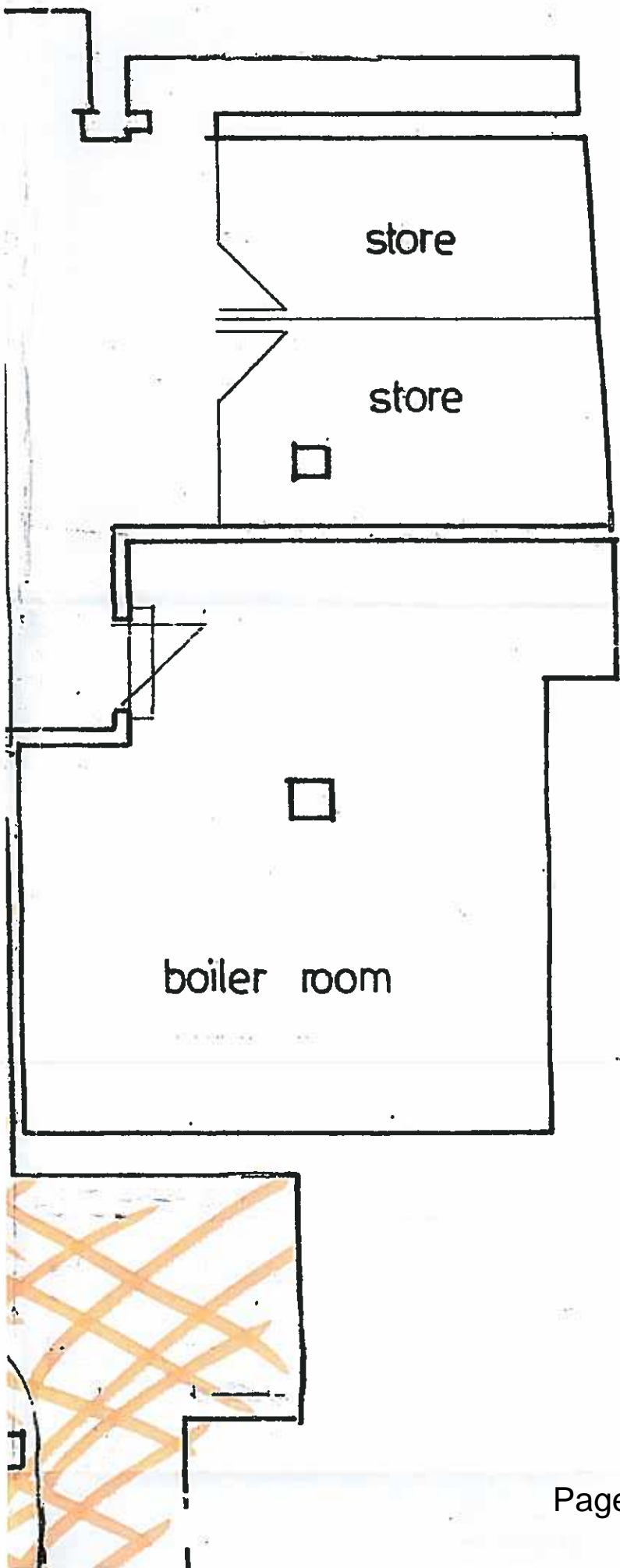
All discrepancies found to be reported back to the Agent immediately

All deviations to the approved plans to be agreed with the Agent prior to implementation.

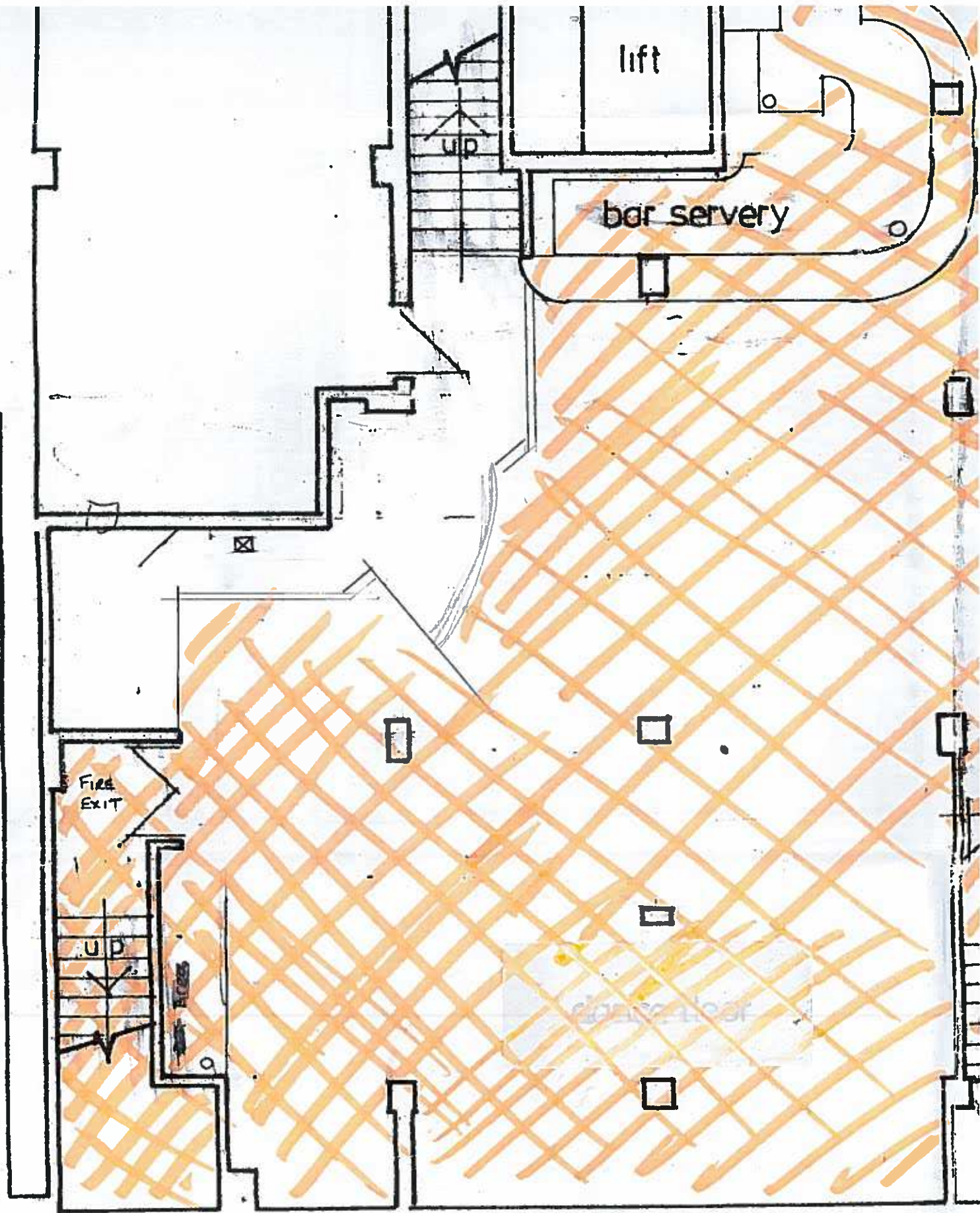
## Fire Precautions

Provide new or upgrade the existing system to BS 5834 type L2 standard with heat detectors and break glass call points located as noted, provide warning bells and or audio warning linked to sound system to be audible throughout the building with all doors closed. FD30s fire doors with vision panels to be provided to separate the lobbies and stairwell off all as noted Emergency lighting to be provided to BS 5266 and all signage to be installed to BS 5266 Alarms and system to be installed and commissioned by a competent person and all certificates to be passed to the Building Inspector upon completion









Licensing Act 2003  
**Premises Licence**

**1091**

LOCAL AUTHORITY



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

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Tiger Bills**

3 Victoria Parade, Torquay, Devon, TQ1 2BB.

Telephone 01803 203703

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours to the start of permitted hours on the following day	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On New Years Eve from the end of permitted hours to the start of permitted hours on the following day	10:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday On New Years Eve from the end of permitted hours to the start of permitted hours on the following day	8:00am	12:30am

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2



Licensing Act 2003  
**Premises Licence**

**1091**

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

Glenn Kendall  
[glenn.kendall73@gmail.com](mailto:glenn.kendall73@gmail.com)

4 Lauriston Close, Torquay, Devon, TQ2 5RX.

Antonio Toffolo

The Penthouse, Queens Quay,, Victoria Parade, Torquay, Devon, TQ1 2BB.

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

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Linda Denise KENDALL

4 Lauriston Close, Torquay, Devon, TQ2 5RX.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA2087

Issued by Torbay



Steve Cox  
Environmental Health Manager  
26 May 2016





**ANNEXES continued ...**

available to customers in the following measures:-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**General**

1. Substantial food in the form of table meals shall be available throughout the times the premises are open to the public.
2. A CCTV system capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, with monitors behind all bars and a recording system. All recordings shall be kept for a minimum of 14 days and copies of recordings shall be supplied to the police within 7 days of any request.

## ANNEXES

## ANNEXE 1

## MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is



## ANNEXES continued ...

3. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police licensing officer or Police licensing team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.

**The Prevention of Crime and Disorder**

1. The premises licence holder and DPS shall carry out a risk assessment to determine whether there is a requirement for door supervisors, if at all, in such numbers (in line with Torbay Council's licensing statement of principles) and at such times determined by that risk assessment.
2. 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 on the premises for a minimum of 12 months.
3. The consumption of alcohol within the pavement cafe permit area (if applicable) shall be restricted to the times indicated within the permit and in compliance with all the terms and conditions specified therein.
4. Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
5. The DPS or a member of the management team shall attend at least two Torquay licensing forum meetings per calendar year, and any other meetings organised by the police in relation to high risk events.
6. On every operational day when door supervision is required then those SIA door supervisors employed in front of house duties shall wear high visibility reflective clothing (jackets/T-shirts) for the entirety of their duty.
7. All drinks must be served in shatterproof glasses and no alcohol shall be served in glass bottles after 11.00pm from which it is intended or likely that a person shall drink.

**Public Safety**

1. The DPS shall take all precautions for the safety of the public, the performers and the employees and shall retain control over all licensed portions of the premises.
2. At least one member of staff must be trained in first aid.
3. A safe capacity of the whole premises and each floor of the premises shall be maintained at all times. Such capacities to be agreed with the Fire Authority.

**The Prevention of Public Nuisance**

1. The DPS shall keep and maintain good order and decent behaviour in the premises during the hours open to the public. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
2. The Licensee shall at all times ensure that persons on or leaving the premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
3. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
4. The handling of beer kegs, bottles and similar items shall not take place in the late evening, at night and during the early morning when the noise generated could cause a nuisance, particularly outside buildings.
5. Bottle skips and bins containing cans or bottles shall not be emptied outside after closing but shall be dealt with the next day during normal office hours.
6. The movement of bins and rubbish outside the premises shall be kept to a minimum after 23.00.
7. All staff shall ensure the customers leave the premises and immediate vicinity to the premises, quietly at the end of the evening.

**ANNEXES continued ...**

**The Protection of Children From Harm**

1. Regular ID checks shall be carried out and only current photo card driving licence and passports shall be accepted as ID.
2. Challenge 25 accredited proof of age initiative must be operated by all staff.

**ANNEXE 3**

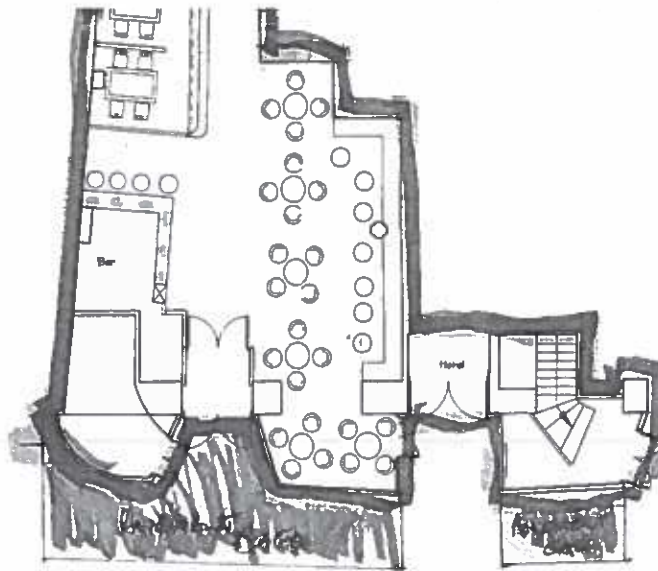
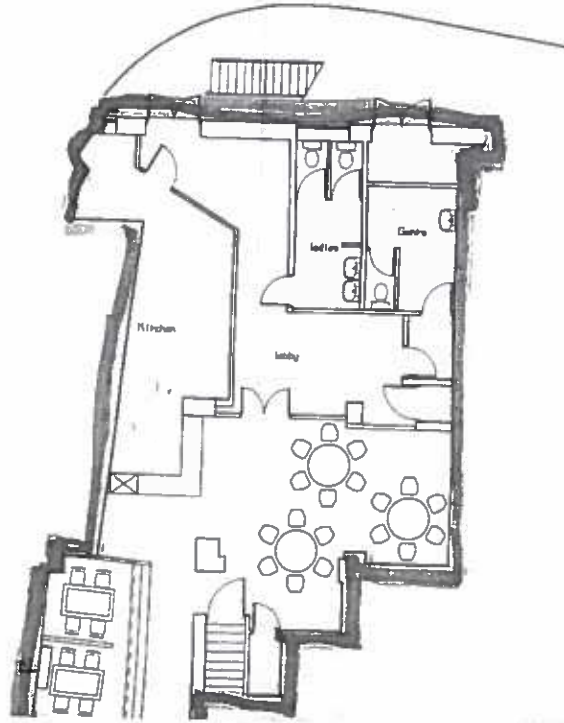
**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

None

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

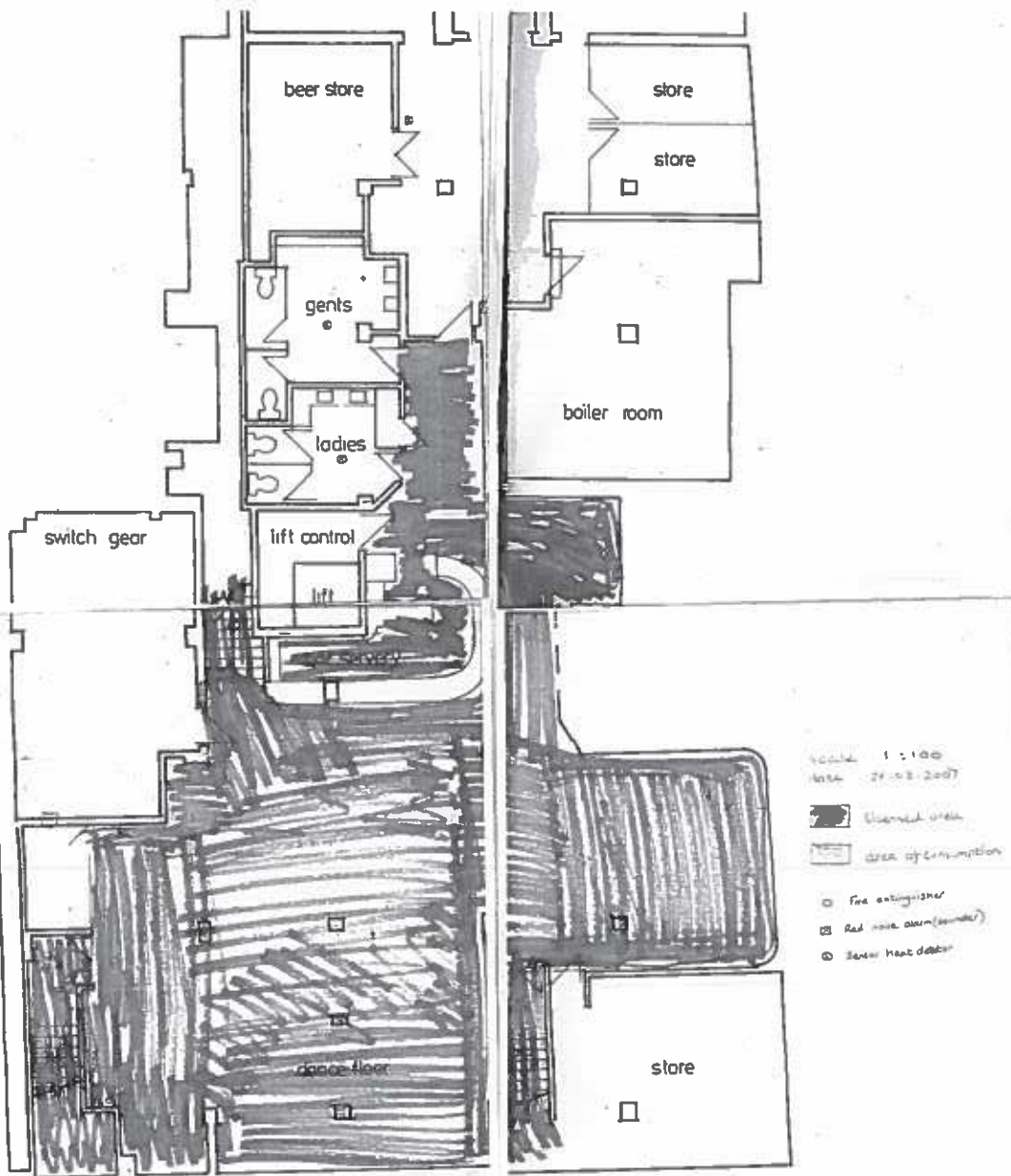


Ground Floor Plan (existing)

	Dry pin
	Water
	EGF val
	Furn c
	Fire st
	Hose re
	Sand bk
	Fire dr
	Exit
	Exit sq
	Exit dr
	12hr 7 or 8hr 7 or 8hr
	PB
	DB
	Area 3
	Sprink
	Area c
	Area 2
	Kitchen
	Elevator
	Lift
	Foyer
	Reception
	Reception
	AFF + Elevator
	Vat
	Area 1
	Self d

Licensed Plans

10m





## Devon & Cornwall Police

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

30 November 2016

Dear Sir/Madam

### **Tiger Lills, 3 Victoria Parade, Torquay, Devon, TQ1 2BB**

I refer to an application for the Variation of a Premises Licence in respect of the above named premises, submitted by the applicants, Mr Glenn Kendall and Mr Antonio Toffolo.

Tiger Lills currently has the benefit of Premises Licence Number PL1091 which was granted by Torbay Council on 24 May 2016.

This premises is situated within the Torbay Council Cumulative Impact Area and No Drinking Zone, and is located within the ground and lower ground floor area of Queens Quay at the junction of Torwood Street, The Strand and Victoria Parade.

The premises currently operates as a bar with alcohol sales taking place between 10.00 am and midnight every day of the week, with the premises closing at 00.30 am each day. The licence contains a condition that substantial food in the form of table meals shall be available throughout the times the premises are open to the public. This condition means that table meals must be available when the premises are open, however you will note that there is no requirement that customers have to consume a table meal in order to be able to consume alcohol.

This variation application seeks to extend the sale of alcohol until 2.30 am with the premises closing at 3.15 am every day of the week, to add recorded music to the licence between midday and 1.00 am on Mondays, Tuesdays, Wednesdays and


### **Contact the police**

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk

101

Follow us  DevonAndCornwallPolice

 DC\_Police

Page 29



The Government Standard  
Stock code: SF615



Sundays, but until 2.30 am on Thursdays, Fridays and Saturdays, and late night refreshment between 11.00 pm and 3.00 am daily.

In relation to the request for Late Night Refreshment to be included on the licence, the police would draw your attention to the fact that the current condition on the licence requires that 'table meals' shall be available throughout the times the premise are open to the public. The police are of the opinion that it is highly unlikely that customers will be consuming table meals within this premises at 3.00 am, but would point out that as the applicants have not sought to remove or vary this condition, the premises must ensure that they are able to comply with this condition at all times. Therefore you may wish to seek an assurance from the applicants that this will be the case.

The police consider that the granting of this variation will substantially change the nature of this bar to a late night drinking and entertainment venue.

As the premises are situated within your Cumulative Impact Area I would take this opportunity to remind you that your Special Saturation Policy states that where relevant representations have been made, an application for a new Premises Licence, or the variation of an existing Premises Licence, would normally be refused, where it is anticipated that the application will add to the problems of crime and disorder or/and public nuisance in the area, unless the Applicant can demonstrate within their Operating Schedule, that there will no negative cumulative impact on one or more of the Licensing Objectives.

Having studied the application form, the police consider that the applicants have not given sufficient consideration to your Licensing Statement of Principles 2016-2021 as the following matters have not been addressed:

### **Paragraph 3.1 The Prevention of Crime and Disorder (Pages 14-17)**

3.1 b) (i) Drugs Policy: The application and Premises Licence do not indicate how the premises will deal with drug related matters or whether a written drugs policy will be in place.

3.1 b) (v) Effective communication system: A Nitenet radio communication scheme operates throughout Torbay and all licensed premises authorised to sell alcohol after midnight are required to join this scheme. The application does not refer to this matter.

3.1 b) (ix) Door Stewards: The Premises Licence contains a condition "The Premises Licence Holder and DPS shall carry out a risk assessment to determine whether there is a requirement for door supervisors, if at all, in such numbers (in line with Torbay Council's Licensing Statement of Principles) and at such times determined by that risk assessment".

If you read this condition carefully you will note that it does not flow due to a mistake being made when Mr Kendall applied for the grant of the Premises Licence in May 2016.

At that time my Police Licensing Officer, Mrs Julie Smart, was contacted by Mr Kendall regarding his proposed application and as the police did not consider that the premises was likely to impact on any of the licensing objections, agreement was reached concerning the wording of conditions. However when the application was formally submitted Mrs Smart noticed that a few words from the proposed door steward condition had been missed out.

The proposed condition was meant to read:

The Premises Licence Holder and DPS shall carry out a risk assessment to determine whether there is a requirement for door supervisors and employ such door supervisors, if at all, in such numbers (in line with Torbay Council's Licensing Statement of Principles) and at such times determined by that risk assessment.

At that time, Mrs Smart considered making a representation in order to request this condition be amended but as it was unlikely that the incorrect wording of this condition would be an issue she decided against this course of action, but noted that this matter may need to be addressed at some point in the future.

Within this application, the applicants have now proposed a further condition in relation to door stewards which reads "On every occasion that the premises sells alcohol after midnight and then closes after 00.30 SIA door staff will be employed from 2200 until closing".

Whilst the police note that a further door steward condition has been proposed, the police do not consider that it is sufficient to satisfy the prevention of crime and order objective. The police consider that as the premises will become a late night premises any door steward condition imposed on the licence should stipulate the ratio of stewards to customers to provide clarity to those requiring to read the licence.

3.1 b) (xiii) Staff training regarding the requirements of both the licence and the Licensing Act: The Premises Licence does not currently contain any conditions in relation to staff training and this matter has not been addressed within this application.

3.1 b) (xiv) BIIAB Level 1 Award in Responsible Alcohol Retailing: Your policy indicates that you REQUIRE all staff in premises selling alcohol after midnight to be trained to this level within 3 months of commencement of employment. This matter does not appear to have been considered by the applicants.



### 3.4 The Protection of Children from Harm (Pages 20-23)

3.4 b) Whilst the Premises Licence does contain a Challenge 25 condition, the applicants do not appear to have not considered points (i) to (ix) of this section. The police consider it inappropriate for under 18's to be in vertical drinking establishments after 9.00 pm, unless they are consuming a table meal in the company of an appropriate adult when they may attend until 10.00 pm. Excluding all under 18's from late night vertical drinking establishments within Torbay sends out a clear message to these youths that underage drinking will not be tolerated and makes supervision of licensed premises easier for door stewards and staff.

3.4 e) Staff training in relation to age related sales: This matter does not appear to have been considered by the applicants as there is no mention of providing such training, maintaining training records or having a written Age Verification Policy either within the application or Premises Licence.

The police object to this application on the grounds that the granting of it will impact on the existing levels of crime and disorder and public nuisance both at the premises and in the area. In addition the applicants have not demonstrated that they have fully considered the implications of selling alcohol for an additional 2 ½ hours each day at their premises, or that they have considered the recommendations contained within your Licensing Statement of Principles. The police therefore respectfully request you to refuse this application in line with your policy.

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

Yours faithfully



Superintendent M Lawler  
Territorial Policing & Partnership Department



# Memorandum

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<b>To:</b> Licensing Team	<b>From</b> :	<b>Safeguarding and Reviewing Service</b>
<b>c.c</b>	<b>Contact</b> :	Lisa Jennings
<b>c.c.</b>	<b>Ext</b> :	207185
<b>c.c</b>	<b>My Ref</b> :	LJ
<b>For the attention of: Licensing</b>	<b>Your Ref</b> :	
	<b>Date</b> :	2/12/2016

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**Subject: Application for Variation to Premises Licence– Licensing Act 2003**

**Premises Name and Address:** Tiger Lills (was Tiger Bills), 3 Victoria Parade, 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 nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

The application has requested to extend the sale of alcohol until 2.30am with the premises closing at 3.15am but lacks suitable conditions to protect children from harm. In order to ensure the safety of children I would like to see the following condition included:

:

- No under 18's shall be permitted on the premises after 2100 hrs, unless they are consuming a table meal in the company of a responsible adult in which case they can remain until 2200 hrs.

Signed:



Date: 2/12/2016