



Wednesday, 11 January 2017

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 19 January 2017**

commencing at the rising of the Licensing Committee **11.00 am**

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

### **Members of the Committee**

Councillor Brooks

Councillor Thomas (J)

Councillor Stocks

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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. **Minutes** (Pages 3 - 4)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 3 November 2016.
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. **An application for Premises Licence in respect of The Waddling Duck, 35 Ilsham Road, Torquay TQ1 2JG** (Pages 5 - 23)  
To consider an application for a Premises Licence in respect of The Waddling Duck, 35 Ilsham Road, Torquay.
7. **An application for a Premises Licence in respect of Revolution, Winter Garden, Fleet Walk, Torquay TQ2 5DZ** (Pages 24 - 52)  
To consider an application for a Premises Licence in respect of Revolution, Winter Garden, Fleet Walk, Torquay.



## Minutes of the Licensing Sub-Committee

3 November 2016

-: Present :-

Councillors Stocks, Sykes and Thomas (J)

**11. Election of Chairman/woman**

Councillor Thomas (J) was elected as Chairman for the meeting.

**12. Minutes**

The Minutes of the meeting of the Sub-Committee held on 9 June 2016 and 7 July 2016 were confirmed as a correct record and signed by the Chairman.

**13. Licensing Act 2003 - An application for a Variation to a Premises Licence in respect of The Bierkeller, 7 Braddons Hill Road West, Torquay**

Members considered an application for a Variation to a Premises Licence in respect of The Bierkeller, 7 Braddons Hill Road West, Torquay. The applicant presented his application and responded to Members questions.

Following an adjournment the applicant, Mr Sims, advised the Committee that he wished to withdraw the application.

**14. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Murphy’s Roadhouse, 18 Esplanade Road, Paignton**

Members considered a report on an application for a Variation to a Premises Licence in respect of Murphy’s Roadhouse, 18 Esplanade Road, Paignton.

Written Representations received from:

Name	Details	Date of Representation
Police	Representation objecting to the application on the grounds of ‘The Prevention of Crime and Disorder’ and ‘The Prevention of Public Nuisance’.	11 October 2016

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Police Representative	The Police Representative outlined their objection to the application and called upon the Council's Public Protection Officer to provide a view and respond to Members questions regarding the application.

Decision:

That the application for a Premises Licence in respect of Murphy's Roadhouse, 18 Esplanade Road, Paignton be granted as applied for and subject to the following conditions:

- i) When the outside smoking area is used after midnight a SIA door steward shall be located in that area to ensure that patrons using the area do not behave in a manner which causes a nuisance to nearby residences; and
- ii) A member of staff shall be designated to monitor the outside smoking area after midnight to ensure that any empty drinking vessels are cleared away promptly.

Reason for Decision:

Having carefully considered all the oral and written representations, Members resolved to grant the application having been satisfied that the Applicant's presented as responsible Premises Licence Holders, who had demonstrated a prompt willingness to work with the Responsible Authorities to successfully resolve any issues that have arisen in the past.

Whilst Members noted that consumption of alcohol was not a licensable activity, they were mindful of their responsibility to ensure that the licensing objective 'The Prevention of Public Nuisance' was promoted where there was a potential causal link of nuisance to that activity. With that in mind and in carefully considering the representation of the Police, Members were satisfied that the two additional conditions would seek to alleviate the potential cause of such a nuisance.

Members were reassured that whilst they did not have sight of premises Noise Management Plan referred to, that one did exist and was suitable to these premises, as confirmed by the Public Protection Officer.

In concluding, Members noted that there were no representations of objections in respect of this application from any residents or any other Responsible Authority other than the Police.

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Chairman/woman



Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for Premises Licence in respect of The Waddling Duck, 35 Ilsham Road, Torquay TQ1 2JG

Wards Affected: **Wellswood**

To: **Licensing Sub Committee** **19 January 2017**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ 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 new Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objective “The Prevention of Crime and Disorder”.

1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-

(a) to grant the licence subject to

(i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and

(ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the Premises Supervisor;

(d) to reject the application.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

## 2. Introduction

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

A brief description of the application, as follows:

The provision of Recorded Music from 09.00 until 23.30 seven days a week.

The provision of Performances of Dance from 10.00 until 03.00 seven days a week.

The Supply of Alcohol from 12.00 until 23.00 seven days a week.

To be open to the public from 09:00 until 23.30 7 days a week.

- 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 Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the licensing objective "The Prevention of Crime and Disorder". The Applicant has indicated in an email attached to the Police representation that they agree to the amendments proposed by the Police. This is shown as Appendix 2.

There have been no additional Representations received from any other Responsible Authority or any 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 Representation from the Police.

### **Documents available in Members' rooms**

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2016.



<b>Torbay</b> <b>Application for a premises licence</b> <b>Licensing Act 2003</b>	<b>TORBAY COUNCIL</b>  29 NOV 2013	For help contact <a href="https://forms.torbay.gov.uk/ContactLicenseTrading">https://forms.torbay.gov.uk/ContactLicenseTrading</a> Telephone: 01803 208025
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**COMMUNITY SAFETY** \* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes     
  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Lydia Anne
* Family name	Wolfenden
* E-mail	<del>lydia.wolfenden@torbay.gov.uk</del>
Main telephone number	<del>01803 208025</del>
Other telephone number	<del>01803 208025</del>

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?       Yes       No

Is your business registered outside the UK?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Business name	The Waddling Duck
VAT number	- None
Legal status	Please select...

If your business is registered, use its registered name.  
Put "none" if you are not registered for VAT.



Continued from previous page...

### Contact Details

E-mail

Telephone number

Other telephone number

### Section 5 of 19

#### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant seating between 35 - 40 diners. It has an open floor plan and all tables can be seen from the bar area. Alcohol will be sold to diners with food only.  
Hours which alcohol will be sold will be between 12:00 and 23:00. Alcohol will be sold for consumption on the premises only take away sales are not allowed . Possible expansion to garden area at rear of property for summer months only.  
Garden is an enclosed space and customers will be monitored throughout.

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

### Section 6 of 19

#### PROVISION OF PLAYS

Will you be providing plays?

Yes  No

### Section 7 of 19

#### PROVISION OF FILMS

Will you be providing films?

Yes  No

### Section 8 of 19

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will be played during opening hours through a music system monitored by the manager, played through 5 speakers situated around the restaurant. Music will be played from c'ds only.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve we will play music until midnight 00:00

### Section 12 of 19

#### PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes       No

### Section 13 of 19

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes       No

### Section 14 of 19

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes       No

### Section 15 of 19

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises               Off the premises               Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve we will serve alcohol until midnight 00:00

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

### Section 17 of 19

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve we will be open until 00:30 (half past midnight)

## Section 18 of 19

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- We will be open to the public from 09.00 until 23.30 to serve food and beverages including alcohol from 12.00 until 23.00
- The alcohol will be for consumption upon the premises only with no exceptions.
- The staff will all be trained to appropriately check the age of all consuming alcohol in line with the law (accepting suitable forms of identification, passport, driving license, citizen card and using the challenge 25 scheme) and monitor patrons for a cut-off point in necessary.
- The restaurant and all fittings and machinery will be maintained and in a safe conditions at all times including seating, heating, electrical, lighting, ventilation, toilets, all equipment used in preparation and cooking of food and all washing facilities.

b) The prevention of crime and disorder

- We will have a CCTV system in operation in the restaurant. CCTV will be retained at the premises for a minimum of 28 days, and be made available to the police, where the police demand it to be of evidential value
- We will display a clear and legible notice outside the premises indicating the normal opening hours under the terms of the premises license during which licensable activities are permitted.
- Customers will be instructed to be quiet and respectful when leaving the premises and not to loiter in the street upon leaving.
- We will stop serving alcohol at 23.00, after last orders we will remain open for half an hour so patrons may leave gradually. Bookings will be staggered meaning no large groups will be leaving the premises at any time. Taxi information will be displayed for those who would like.
- The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy of 50 including staff. This will be regulated by the manager through reservations not exceeding maximum occupancy levels.

c) Public safety

- A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of such information. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- Adequate access is provided for emergency vehicles.

*Continued from previous page...*

- Building entrances and exits will be well maintained, clear of obstruction and well illuminated. No highly flammable materials will be used in the premises.
- Full fire risk assessment has been carried out.
- Smoking in the premises is prohibited.

d) The prevention of public nuisance

- The music played in the restaurant will be at a low level monitored by the manager and kept away from public interference.
- If noise is deemed too loud by the manager customers will be advised to reduce noise levels.
- Notice will be in place advising public to reduce noise levels when exiting the premises.
- Waste disposal such as refuse and bottles will be carried out during the day, never after 9pm so to reduce noise levels. Bins will be with secured lids to reduce litter and pest control.
- Staff will be instructed to be respectful of noise levels when entering and exiting premises, especially in the case of early starts and late finishes.
- Deliveries for the restaurant will be kept between the hours of 09.00 and 17.00 to reduce noise levels during unsociable hours.
- Bright lights on or outside the premises will be screened in a way so as not to cause a disturbance to nearby residents.

e) The protection of children from harm

- Children will be allowed on the premises any time during opening hours provided they are accompanied by a responsible parent or guardian.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time



PLAN DONE  
ON A  
1:100  
SCALE

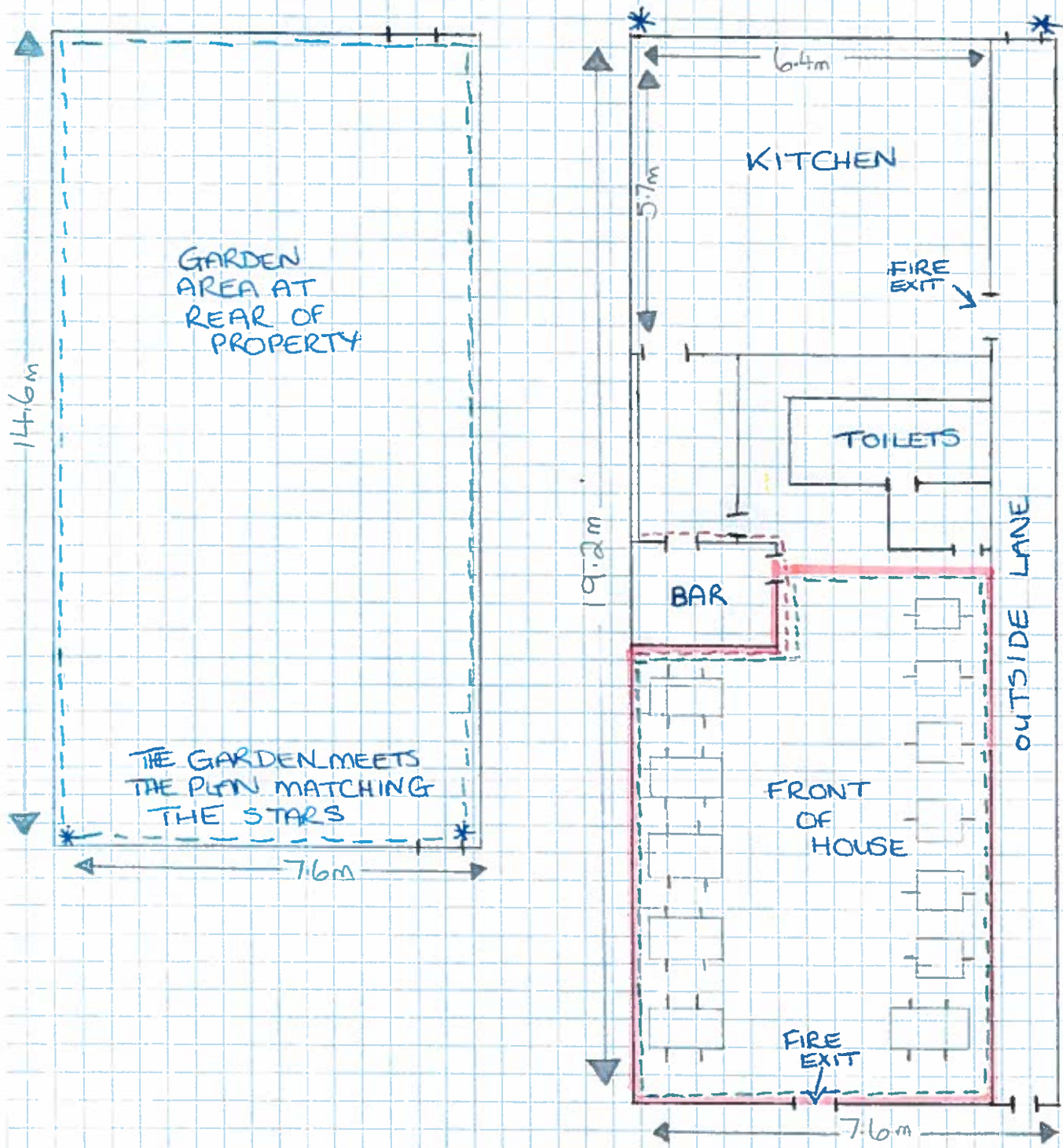
KEY

— DOORWAY / WALKTHROUGH

--- PROPOSED AREA SERVING ALCOHOL

--- PROPOSE AREAS WHERE CONSUMPTION  
OF ALCOHOL WILL TAKE PLACE

— PROPOSED AREA FOR RECORDED MUSIC





Devon & Cornwall Police

Licensing Department  
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

19 December 2016

Dear Sir/Madam

**The Waddling Duck, 35 Ilsham Road, Wellswood, Torquay, Devon, TQ1 2JG**

I refer to the above premises and an application for the Grant of a Premises Licence, submitted by the applicants, Ms Lydia Wolfenden and Mr Russell Goodman.

On Friday 16 December 2016 my Police Licensing Officer, Mrs Julie Smart, attended the premises and discussed the application with Ms Wolfenden and Mr Goodman. As a result of those discussions, the police do not object to the grant of this application but would request that the following amendments are made to the application:

- 1) The CCTV condition outlined in the application is replaced with:

A CCTV system, capable of providing images of an evidential standard, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, to include a camera within the garden area (once this area is in use by the public), a monitor behind the counter for viewing by staff and a recording system. All recordings shall be kept for a minimum of 28 days and copies of recordings shall be supplied to the police within 7 days of any request.

- 2) The below condition to be added to the licence:

Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his/her meal. Alcohol shall only be consumed by persons seated within the premises.

**Contact the police**

Emergency 999

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

Julie.Smart@devonandcornwall.pnn.police.uk

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice

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The Government Standard  
Stock code: SF615

3) The below condition to be added to the licence:

In the garden area, the service of all food and drinks will be by way of waiter/waitress service to ensure that the area is regularly supervised.

Should condition 2 above not be imposed on the Premises Licence, the premises could operate as a pub/bar and these types of premises generally carry a higher risk of crime/disorder, anti-social behaviour and public nuisance issues, compared to restaurant premises where the likelihood of such issues is very low. Ms Wolfenden has indicated that the garden area will not be ready for use by customers when the licence is granted and it may be some time before this takes place. Conditions 1 and 3 proposed by the police will ensure that the garden area is supervised to a satisfactory level once it is ready for public use. The police therefore consider that the above conditions are appropriate and will ensure that the premises does not have an adverse impact on any of the Licensing Objectives.

Furthermore, Mrs Smart has corresponded with the applicant, Ms Wolfenden, who has confirmed that she agrees to the above amendments to her application, copies of the email are attached for your information. Therefore, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) the police do not consider that a hearing is necessary in relation to this application, unless contested representations are received from other responsible authorities.

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

Yours faithfully



Superintendent M Lawler  
Head of Prevention Directorate

## SMART Julie 50403

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**From:** Lydia Wolfenden <lydiawolfenden@icloud.com>  
**Sent:** 16 December 2016 16:20  
**To:** SMART Julie 50403  
**Subject:** Re: WADDLING DUCK PREMISES LICENCE APPLICATION

Hi Julie

Thanks for your email, I am in agreement with these changes.

Regards Lydia Wolfenden

On Dec 16, 2016, at 08:17 AM, Julie.SMART@devonandcornwall.pnn.police.uk wrote:

Lydia

Thank you for meeting with me today.

As discussed, please could you confirm whether you have happy for the below amendments/additions to your application for a Premises Licence.

- 1) The CCTV condition outlined in the application to be replaced with:

A CCTV system, capable of providing images of an evidential standard, particularly with regard to facial recognition, shall operate throughout the times the premises are open to the public, to include a camera within the garden area (once this area is in use by the public), a monitor behind the counter for viewing by staff and a recording system. All recordings shall be kept for a minimum of 28 days and copies of recordings shall be supplied to the police within 7 days of any request.

- 2) The below condition to be added to the licence:

Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as ancillary to his/her meal. Alcohol shall only be consumed by persons seated within the premises.

- 3) The below condition to be added to the licence:

In the garden area, the service of all food and drinks will be by way of waiter/waitress service to ensure that the area is regularly supervised.

If you are in agreement with the above, I would be grateful if you could email me back to that effect.

For your information, I have now received a copy of your Temporary Event Notice for 24<sup>th</sup> to 30<sup>th</sup> December 2016 and the police have no objections to this.

Kind regards

Julie Smart

Police Licensing Officer

01803 218900

07921 933974

\*\*\*\*\*  
Contact Devon & Cornwall Police on [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)  
Textphone 18001 101 for the deaf, hard of hearing or speech impaired  
Always call 999 in an emergency  
\*\*\*\*\*

Devon and Cornwall Police aims to serve the communities of Devon and Cornwall and help inspire greater confidence in the Police. For more information please visit our website at [www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)

\*\*\*\*\*  
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Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of Revolution, Winter Garden, Fleet Walk, Torquay TQ2 5DZ**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **19 January 2017**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208293**

✉ 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 new Premises Licence. The Premise is situated 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 Objective “The Prevention of Crime and Disorder”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
  - (a) to grant the licence subject to
    - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the Premises Supervisor;
  - (d) to reject the application.



- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

## **2. Introduction**

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

A brief description of the application, as follows:

The provision of Live Music from 11.00 until midnight Sunday to Wednesday and from 11.00 until 02.00 Thursday to Saturday.

The provision of Recorded Music from 11.00 until midnight Sunday to Wednesday and from 11.00 until 02.00 Thursday to Saturday.

The provision of Performances of Dance from 11.00 until midnight Sunday to Wednesday and from 11.00 until 02.00 Thursday to Saturday.

The provision of anything of a similar description to Live Music, Recorded Music or Performances of Dance from 11.00 until midnight Sunday to Wednesday and from 11.00 until 02.00 Thursday to Saturday.

Late Night Refreshment from 23.00 until 00.30 Sunday to Wednesday and from 23.00 until 02.30 Thursday to Saturday.

The Supply of Alcohol from 11.00 until midnight Sunday to Wednesday and from 11.00 until 02.00 Thursday to Saturday.

To be open to the public from 11.00 until 00.30 Sunday to Wednesday and from 11.00 until 02.30 Thursday to Saturday.

There is a request for an additional hour on all the above activities on the day that British Summertime commences. There is also a request for the above activities to run from the start time on New Year's Eve to the terminal hour for New Year's Day.

- 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 Representation has been received. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the licensing objective "The Prevention of Crime and Disorder". The Applicant has indicated in an email attached to the Police representation that they agree to the imposition of the condition proposed by the Police. This is shown as Appendix 2.

There have been no additional Representations received from any other Responsible Authority or any 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 Representation from the Police.

### **Documents available in Members' rooms**

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2016.



<b>Torbay</b> <b>Application for a premises licence</b> <b>Licensing Act 2003</b>	<b>TORBAY COUNCIL</b>  <span style="font-size: 1.2em;">24 NOV 2016</span>	For help contact <a href="https://forms.torbay.gov.uk/ContactLicenseTrading">https://forms.torbay.gov.uk/ContactLicenseTrading</a> Telephone: 01803 208025
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<b>COMMUNITY SAFETY</b>	* required information
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**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	REV99/93	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes
  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	Revolution Bars Limited
* Family name	n/a
* E-mail	<del>XXXXXXXXXX@XXXXXX.com</del>
Main telephone number	<del>XXXXXXXXXX</del>
Other telephone number	

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number	08838980
Business name	Revolution Bars Limited
VAT number	GB n/a
Legal status	Private Limited Company

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Private limited company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Revolution bar

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

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes

No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 02:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

End 00:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not  
exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Page 31

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

## Section 12 of 19

### PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes  No

#### Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 02:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

End 00:00

Start

End



Continued from previous page...

Will the performance of dance take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

### Section 13 of 19

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the day:  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start 11:00 End 02:00

Start End

FRIDAY

Start 11:00 End 02:00

Start End

SATURDAY

Start 11:00 End 02:00

Start End

SUNDAY

Start 11:00 End 00:00

Start End

Give a description of the type of entertainment that will be provided

Empty text box for entertainment description.

Will this entertainment take place indoors or outdoors or both?

- Indoors (checked), Outdoors, Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Empty text box for activity details.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Empty text box for seasonal variations.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes  No

Standard Days And Timings

MONDAY

Start 23:00

End 00:30

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start 23:00

End 00:30

Start

End

WEDNESDAY

Start 23:00

End 00:30

Start

End

THURSDAY

Start 23:00

End 02:30

Start

End

FRIDAY

Start 23:00

End 02:30

Start

End

SATURDAY

Start 23:00

End 02:30

Start

End

SUNDAY

Start 23:00

End 00:30

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors  Outdoors  Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes
- No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 02:00

Start

End

Continued from previous page...

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

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

**Name**

First name

Family name

Continued from previous page...

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PA0394

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

n/a

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="02:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the start time on New Year's Eve to the terminal hour for New Year's Day.

On the day that British Summer Time commences, one additional hour to disapply its effect.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

*Continued from previous page...*

List here steps you will take to promote all four licensing objectives together.

Please see attached operating schedule and policies.

b) The prevention of crime and disorder

Please see attached operating schedule and policies.

c) Public safety

Please see attached operating schedule and policies.

d) The prevention of public nuisance

Please see attached operating schedule and policies.

e) The protection of children from harm

Please see attached operating schedule and policies.

## Section 19 of 19

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00



## **REVOLUTION, TORQUAY**

### **OPERATING SCHEDULE**

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

#### **A) The Prevention of Crime and Disorder**

1. A High Definition CCTV system shall be maintained and operated at the premises, to the satisfaction of the Police, with cameras positioned both internally and externally. The cameras positioned at the entrance to the premises shall be of sufficient quality as to allow for facial recognition of all customers entering.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. On any day the premises trades beyond midnight, a minimum of 4 SIA registered door supervisors shall be employed from 10pm. At all other times, SIA registered door staff shall be employed at the premises in such numbers and at such times as determined by way of a risk assessment, to be carried out by the DPS in conjunction with Devon Police. When employed externally, door staff will wear clearly identifiable yellow reflective over garments. When employed internally, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area under the control of the premises licence holder.
8. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
10. Any person who is intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises. Any person who is intoxicated or is behaving in a disorderly manner shall be given care and consideration when being asked to leave the premises.
11. The premises licence holder is to adopt a zero tolerance policy towards illegal drugs within the premises.

12. The premises licence holder, designated premises supervisor or 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.
13. There shall be no entry / re-entry to the premises after 1.30am, save for those customers who have temporarily left the premises to smoke.
14. A full food menu shall be available to customers until 10pm daily.
15. Toughened glassware shall be used wherever possible.
16. Adequate glass and bottle collections shall be undertaken throughout the premises.

### **B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Fire Safety Measures for which the premises are provided, must be maintained in good working order and their adequacy will be determined on a regular basis by carrying out a fire risk assessment, as required by and in accordance with the Fire Precautions (Work Place) regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

### **C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. A noise limiting device shall be installed at the premises and set in conjunction with the Environmental Health Department.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. A Dispersal Policy will be implemented and adhered to (see attached).
6. An AI Fresco Smoking & Dining Policy shall be implemented and adhered to (see attached.)
7. Only background music shall be permitted in any external area.
8. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am. There shall be sufficient internal refuse storage to ensure no obstruction is caused to the highway.

#### **D) The Protection of Children From Harm**

1. No customers under the age of 18 shall be allowed to enter or remain on the premises after 8pm.
2. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
3. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
4. Notices advising what forms of ID are acceptable must be displayed.
5. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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**REVOLUTION, TORQUAY**  
**SMOKING & AL FRESCO DINING POLICY**

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1. The external areas shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The area shall be monitored by staff or door staff (when employed) when it is in use.
3. The areas will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.

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## **REVOLUTION, TORQUAY**

### **DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of consumption in any delineated external drinking area, or those customers taking sealed containers of alcohol home).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.





## Devon & Cornwall Police

Licensing Department  
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

19 December 2016

Dear Sir/Madam

**Revolution, Winter Gardens, Fleet Walk, Torquay, Devon, TQ2 5DZ**

I refer to the above premises and an application for the Grant of a Premises Licence, submitted by Kuit Steinart Levy LLP on behalf of the applicant, Revolution Bars Limited.

In relation to this application I can advise you that my Police Licensing Officer, Mrs Julie Smart, and Sgt Mike Norsworthy (Licensing Sergeant for Devon) met with Mr Godfrey Russell, Director of Property, for Revolution Bars Group plc, together with Mr Anthony Lyons, Legal Representative, on 19 October 2016 to discuss their proposed application.

Despite this premises being within your Cumulative Impact Area, I am pleased to advise you that as a result of those discussions, and enquiries carried out by Mrs Smart, the police are satisfied that the granting of this application will not impact on the licensing objectives, providing the below additional condition is imposed on the licence:

*"All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses after midnight. On any occasion that 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."*

For your information, Torbay Council introduced a bottle ban within Torbay in 1993 as part of the Public Entertainment Licence conditions. Since the introduction of the Licensing Act 2003 the police have sought this condition on every licence that authorises the sale of alcohol after midnight and Mrs Smart advises me that the

### Contact the police

Emergency 999

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

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

[101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)

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Licensing Committee has imposed this condition whenever it has been sought.

As you will see from the attached email, Mrs Smart has corresponded with Mr Lyons who has confirmed that his client agrees to the imposition of this condition. Therefore, in accordance with Section 9.2 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (March 2015) the police do not consider that a hearing is necessary in relation to this application.

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

Yours faithfully



Superintendent M Lawler  
Head of Prevention Directorate



## SMART Julie 50403

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**From:** Samantha Lawson <SamanthaLawson@kuits.com> on behalf of Anthony Lyons <anthonylyons@kuits.com>  
**Sent:** 16 December 2016 12:33  
**To:** SMART Julie 50403  
**Subject:** RE: REVOLUTION TORQUAY

Hi Julie,

Thank you for your email below.

Having now taken our clients instructions, I confirm that he will agree to the imposition of the condition which reads:

*"All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses after midnight. On any occasion that 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."*

On the basis of this, it would be helpful if you could confirm to the Licensing Authority that the Police are content that their representation is agreed and that from your point of view attendance at a hearing is not necessary.

It would be helpful if you could copy in ourselves with that correspondence.

Thank you for your assistance.

Kind regards

Anthony

**From:** Julie.SMART@devonandcornwall.pnn.police.uk [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]  
**Sent:** 08 December 2016 15:42  
**To:** Anthony Lyons; Samantha Lawson  
**Subject:** REVOLUTION TORQUAY

Good afternoon Anthony

Unfortunately I was on annual leave when you forwarded your draft application, but I've now had the chance to examine your formal application and would advise you that the police request that the following condition is added to the licence:

*All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses after midnight. On any occasion that 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.*

For your information, Torbay Council introduced a bottle ban within Torbay back in 1993 and it applies to all licensed premises selling alcohol after midnight. In fact I am not aware of any licence within Torbay that authorises the sale of alcohol after midnight that does not contain this condition.

I would be grateful if you could discuss this matter with your client and let me know your thoughts.

Unfortunately Torbay Council will not agree to amend an application once it has been submitted, so I will have to make a representation and they will hold a hearing to decide the matter. However, should your client agree to the inclusion of this condition, I would be grateful if you could email to that effect and I will then forward our agreement to Torbay Council in the hope that our attendance at the hearing is not necessary.

I look forward to hearing from you in due course.

Kind regards

Julie Smart  
Police Licensing Officer  
01803 218900  
07921 933974

\*\*\*\*\*  
Contact Devon & Cornwall Police on [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)  
Textphone 18001 101 for the deaf, hard of hearing or speech impaired  
Always call 999 in an emergency  
\*\*\*\*\*

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\*\*\*\*\*

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