From: **SHOTTON Rachael 57742**

Licensing To:

GIFFORD Olivia 31386 Cc:

RE: Torbay Council new premises licence application - Arena Torquay Subject:

Date: 29 April 2024 16:12:15 image001.png

image004.jpg image006.png image003.png image007.jpg

Re Additional conditions Arena.pdf Arena Conditions - Final v1 (002).docx

Good afternoon,

Attachments:

We wish to make a representation in the above-named matter on the basis that the application omitted conditions relevant to the operation of the business and upholding the four Licensing objectives.

As a responsible authority we are aware that this application is of concern therefore to mitigate any risk of this application being granted without robust conditions we have ensured that the applicant has demonstrated within their operating schedule that there will be no negative impacts on the four Licensing Objectives.

We have been able to reach a mutual agreement with the applicant (see attached email thread).

Should the agreed upon conditions be accepted onto the licence then we will be happy to withdraw our representation.

Kind regards

Rachael SHOTTON (57742)

Police Alcohol Licensing Officer (Torbay) Drug and Alcohol Harm Reduction Prevention Department Torquay Police Station South Street Torquay TQ2 5AH

From: Licensing <Licensing@torbay.gov.uk> **Sent:** Thursday, April 11, 2024 3:53 PM



Dear all

Please find attached an application with supporting information for a new premises licence for:

• Arena Torquay, 39-41 Torwood Street, Torquay, TQ1 1DZ

The date to return any comments by is Thursday 9 May 2024.

Kind regards Laura



Laura Wright | Admin, Finance and Performance Leader | Community Safety Town Hall, Castle Circus, Torquay TQ1 3DR

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From: Hayley Carpenter

To: SHOTTON Rachael 57742

Subject: Re: Additional conditions

Date: 29 April 2024 10:24:23

Attachments: image005.pnq

image007.png image008.png image009.png image010.png image011.png

Good Morning Rachael,

Thank you for your email.

I have just spoken to Steve and although he has no objection to adding that condition we have added in when they are required. As during day time or early evening events door staff may not be on duty. Worded as it is would mean the venue would always have to have a SIA registered door person on duty just to watch any smokers.

I hope that this is okay.

1. Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors when they are required, so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

On Mon, Apr 29, 2024 at 9:53 AM SHOTTON Rachael 57742

> wrote:

Good Morning Hayley,

I am aware that you have negotiated conditions with Olivia, she is now on annual leave and we are looking to forward the revised conditions to Torbay Council by the end of today.

We would like to lastly add a condition to alleviate the concerns around the smoking provision of patrons in order to minimise compromising the objective of Prevention of crime and disorder and public nuisance. If your only smoking area is out the front of the building please can you suggest a condition to add to your operating schedule that demonstrates how you will manage this aspect. For example similar to the management of queues:-

1. Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

Please can you respond asap so as that this can be finalised today.

Kind regards



SHOTTON (57742)

Police Alcohol Licensing Officer (Torbay)

Drug and Alcohol Harm Reduction

Prevention Department

Torquay Police Station

South Street

Torquay

TQ25AH

From: Hayley Carpenter
Sent: Friday, April 26, 2024 12:50 PM
To: GIFFORD Olivia 31386 Subject: Re: Additional conditions

Hi Liv	
I think we have got there, happy to accept that condition.	
Thanks once again for all you help.	
Kind Regards	
Hayley Carpenter	
HJC Licensing Solutions	
On Fri, Apr 26, 2024 at 12:28 PM GIFFORD Olivia 31386	
wrote:	
Hi Hayley,	
14 days is fine by me, though I think you've misunderstood my intentions here.	
 Where there is a planned event that will finish after 0100hrs and will have attendar of 500 or more, responsible authorities will be advised in writing at least 14 days before the event. 	nce
To be clear, this can be via email.	
To give an example:	
D&B Nightclub Club Type Event starts at 2100hrs, finish at 0300hrs with an audience of 501, you'd need to give us the heads up.	f

Wedding/Private Event starts at 1400, finishes at 0100, 200 in attendance, we don't need to know.

DJ Event, Ends at 0200hrs, 300 attendance, we don't need to know.

Hopefully that makes sense. I'm essentially asking that we're informed when there are large scale/riskier events that will impact the late nighttime economy and potentially police resourcing. With that knowledge we can also then provide guidance on any Event Management Plans if that support is required. We also have knife arches and other resources that can be utilised for large scale events,. I'm hoping that this way we can support management of the premise to manage the impact on the licensing objectives.

Many thanks,



Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

From: Hayley Carpenter

Sent: Friday, April 26, 2024 11:45 AM

To: GIFFORD Olivia 31386

Subject: Re: Additional conditions

Hi Olivia

Thank you for your continued support and guidance wit this application.

I have checked the conditions and all are correct.

I have had a discussion with Steve regarding the final condition you would like added.

Would it be possible to change it to 14 days notice? The reason being, sometimes artists become available at very short notice. For example they may be doing a gig in Exeter and then their agent releases more availability to book due to changes in travel arrangements/timings etc. It would be a shame to miss out on some of these last minute opportunities that do happen in this business. because we could not meet the 28 day criteria.

We would also like to amend the time to 1.30 to allow for soft egress of the venue, so if the gig/event ends at 1 am we have until 1.30 for people to leave. Or do you mean that the event is scheduled to end at 1 but 1 is not the time that the venue has to close?

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

On Fri, Apr 26, 2024 at 10:11 AM GIFFORD Olivia 31386

wrote:

Good Morning,

Thanks for your amendments, happy with those.

I did give some options for you to choose from ref late night events, the other option was to inform authorities in advance when a late-night event was planned – this will help to pre-empt Police Resourcing in the CIA. Perhaps this will be less restrictive?

• Where a planned event will run past 01:00hrs with anticipated attendance of 500 or more, responsible authorities will be advised in writing 28 days before the event.

I have attached a final (?) draft with all amendments – could you please double check that everything is present and correct? Let me know if there are any issues. Hopefully we've cracked it!

Many thanks,



Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

From: Hayley Carpenter <

Sent: Wednesday, April 24, 2024 4:31 PM

To: GIFFORD Olivia 31386

Cc: Steve Garratt

SHOTTON Rachael 57742 <

Subject: Re: Additional conditions

Good Afternoon Olivia

I had just finished making amendments to the conditions when your new proposals came through. I have spoken to Steve and agreed that the timings regarding the protection of children from harm will now remain at 23.00 hours.

I have now only got too small changes in wording for the conditions. I have attached them and highlighted them in red. Hopefully you will be happy with the wording of these. Please let me know if you would like it worded differently.

With regard to limiting the number of late nights per annum this would severely impact on the business. It has already been agreed to amend the terminal hour from Sunday to Thursday to 02.00 hours. The original licence for this venue was until 5 am. We have pulled this back to 3.30 am which is 30 minutes earlier than some of the nearby establishments. To restrict the number of times that we can remain open until 3.30 would be prohibitive to the business.

Thank you for the considerable amount of time you have given to these conditions. It is very much appreciated. Hopefully we now have conditions that everyone is happy to move forward with.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

On Wed, Apr 24, 2024 at 3:45 PM GIFFORD Olivia 31386

wrote:

Hi Steve,

Thanks for coming back to me.

I've made some amendments and added some comments. Again, happy to discuss further, though I'm afraid I'll have to be steadfast in the conditions surrounding under 18s.

• The premise will be permitted to run a told of X late night (past Xan) events per calendar year - **Do you mean after 3.30am?** No, I mean late events past an

agreed upon time. For me late night means past 1am, but this could be negotiable.

Many thanks,



Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

From: Steve Garratt

Sent: Wednesday, April 24, 2024 1:00 PM

To: GIFFORD Olivia 31386 <

Hayley Carpenter **Cc:** Dan Sheldon

Subject: RE: Additional conditions

Afternoon Liv,

Thanks for your continued input into this to find a mutual agreement.

I don't think we are two far away but have made a few comments, in orange, on the word document that I hope make sense and we can compromise on. I totally understand someone may come along and operate differently but we have a long lease and don't intend to move on. It may be that a condition to review the license if it did change may satisfy concerns if that's an option?

One question I did have relates to the below point

• The premise will be permitted to run a told of X late night (past Xan) events per calendar year - **Do you mean after 3.30am?**

Although a different business plan, as an example the Apple & Parrot have a flat 10am - 3.30am license 7 days a week, as does the Foundry I believe? I am happy though to change the hours to Thursday/ Friday / Sat 3.30am (3am stop serving, 30 minutes to safely move everyone out) then change Sunday to Wednesday to 2am-serve till 1.30am then 30 mins clear out) if that compromises.

If we needed to open later Sunday – Wednesday, which is unlikely, then we could do a TENS.

In terms of first aid provision, at concert for example, we would have a small dedicated medical team, both current PLH are first aid trained and any door staff have to have EFAW as a minimum.

Hope this all makes sense please let us know of any other concerns or if you'd like to discuss my comments further.

Best Regards

Steve

Kind Regards, Steve.



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From: GIFFORD Olivia 31386

Sent: Wednesday, April 24, 2024 9:49 AM

To: Hayley Carpenter ; Steve Garratt

Dear Steve / Hayley,

Many thanks for sending over the additional conditions.

We've put our heads together and come up with some suggested conditions which cover some of the concerns we had regarding the application for Arena. Specifically, we had concerns around the lack of consideration for how events involving under 18s and mixed events will be managed, as well as first aid provisions, queue/smoking area management, dispersal and a safeguarding and welfare policy. Please see the attached document and let me know your thoughts.

Further, the suggested hours of operation are a concern. While I can appreciate where you're coming from in terms of the flexibility to host late night events such as game/music releases and the occasional D&B night, the concern is that the space could be utilised as a nightclub by yourselves or future leaseholders which contradicts the aims of the Licensing Authority's CIA policy. That being said, I have no desire to make

those business opportunities a no go for you, so I wonder if we could come to a compromise by using one of the following conditions:

- The premise will be permitted to run a told of X late night (past Xam) events per calendar year
- Where a planned event will run past X time, responsible authorities will be advised in writing 28 days before the event

Rachael and I would be more than happy to discuss this with you should you require more guidance and suggest that a meeting via teams would be most efficient.

Kind Regards



Liv Gifford

Licensing Officer (Plymouth) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

From: Hayley Carpenter <

Sent: Sunday, April 14, 2024 8:57 PM

To: Smart, Julie < >; GIFFORD Olivia 31386

Subject: Additional conditions

Good Morning Julie and Olivia

I am on holiday but I want you to know that I have been considering additional conditions. I have outlined a few that need to be included but will also need to amend the condition on times for under 18,s to accommodate private functions such as weddings, as this is to be a multi purpose venue. I appreciate that we wil need to consider more conditions without making the licence onerous. Please find attached my initial additions.

This is to cover the sporting events, under 18 nights, inclusive nights and private functions.

The windows in the smaller area will be limited to 5 and will be shuttered and closed. Live music will be in the larger area that has no windows. Lobbies will be created at the top of the stairs to both entrances to avoid noise leakage, as opposed to the front doors which will make the premises look closed.

Apologies that this is not more comprehensive. We were on a timescale to get the application submitted as all work to the premise is dependent on getting the licence granted.

Again happy to work with all authorities to get the conditions in line.

Kind Regards

Hayley Carpenter

HJC Licensing Solutions

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Revise the opening hours - Sunday to Thursday 2 am with a last sale of alcohol, live music at 1.30. Recorded music until 2 am so that quitter chill down/ ambient music can be played whilst people are leaving.

SECTION 18

General

- 1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than annual intervals.

Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

- 2 The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
- 3. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 4. The DPS or Premises Licence Holder will provide the Responsible Authorities with a copy of an up-to-date Operations Manual for the Premises annually on the anniversary of the opening date (together with a summary or index identifying any updates made).
- 5. Where a planned event will run past 01:00hrs with anticipated attendance of 500 or more, responsible authorities will be advised in writing 28 days before the event.



The prevention of crime and disorder

 A CCTV system of an evidential standard must be installed to the satisfaction of the Police, and the system to be in operation at all times the premises are open to the public. All recordings from that system must be kept for a period of 31 days and the police to have access to recordings at any reasonable time.

The premises shall install, operate and maintain a digital colour CCTV system to the satisfaction of the Police and Local Authority. As a minimum, the system must:

- i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder. (The location of cameras can also be specified on the plan attached to the premises licence).
- ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
- iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
- iv. Have a constant and accurate time and date generation.
- v. Store recordings for a minimum period of 14 days with date and time stamping.
- vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998
- vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
- viii. The CCTV system will capture a minimum of 4 frames per second.
- ix. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).
- 2) Premises must join and maintain membership of the Nitenet Radio Communications Scheme.
- 3) An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any faults in the CCTV system



vii. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

- 4) All drinks must be served in toughened, strengthened, polycarbonate or plastic glasses.
- 5) From 2200hrs no alcohol shall be sold or supplied in glass bottles from which it is intended or likely that a person shall drink.
- 6) The number of SIA registered door supervisors shall be in attendance at the premises in the following numbers, days & times listed below and employed until 30 minutes after closing time each day. Sunday – Thursday when the premise is open past 01.00 hours a minimum of 2 SIA Door

supervisors will be on duty from 21.00 hours. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers

Friday and Saturday – As a standard, a minimum of 2 SIA Door supervisors will be on duty from 21.00 hours until close on Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers.

During any boxing event a minimum of 6 SIA door supervisors will be on duty.

- 7) DPS and/or the premises licence holder will be responsible for conducting written risk assessments for the requirement of additional door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals.
- 8) A Risk Assessment with a full review will be completed every quarter, but immediate action will be taken if there is seen to be evidence to suggest an increase to the volume of SIA trained door staff is required on any particular day.
- 9) A register of door staff will be maintained with the name, date, license number and times that the door staff were on duty. This will be available to any representative of the police or local authority when requested.
- 10) A search policy shall be in place and will include procedures for the confiscation of prohibited articles, such as drugs and weapons.
- 11) A written drugs policy shall be in place and operated at the premises. It must detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.



Public safety

- 12) In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
- 13) The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- 14) The premises must have emergency lighting, tested daily and a log maintained.
- 15) For boxing and wrestling, an appropriately qualified medical practitioner shall be present when entertainment Any event involving wrestling or similar sport the public shall not occupy any seat within 2.5 metres of the ring.
- 16) When a ring is constructed, it shall be of an appropriate nationally recognised standard and any material shall be of a fire resistant nature.
- 17) Any event involving wrestling or similar sport the public shall not occupy any seat within 2.5 metres of the ring.
- 18) The premises licence holder and/or the DPS must ensure that at all times there are adequate first aid arrangements. Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids.
- 19) Any queue to enter the premises which forms outside the premises must be supervised by SIA licensed door supervisors so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.
- 20) The premises licence holder and/or the DPS must take precautions to maintain occupancy levels.
- 21) All SIA licensed door supervisors will be provided with working radios to enable them to contact each other and the duty manager at the premises at all times whilst on duty.



The prevention of public nuisance

- 1) The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 08.00 hours or after 23.00 hours.
- 2) Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 23.00 hours. This shall be assessed from the boundary to the nearest residential properties, on all side of the licensed premises. The criteria that shall be applied are: -
- 1 Before 23.00 hours Noise emanating form the premises shall not be clearly distinguishable above other noise.
- 2 After 23:00 hours Noise emanating from the premises shall not be distinguishable above background level noise.
- 3 The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property. A senior member of staff (Manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure level of noise have not increased.
- 3) No deliveries (in relation to licensable activities) to the premises shall take place between 20.00 hours and 09.00 hours.
- 4) No fumes, smoke, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 5) Ventilation equipment will be regularly cleaned and maintained to control the levels of fumes, smoke, steam or odour generated by the premises.
- 6) All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.
- 7) During the hours of operation of the premises, sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the area outside the premises. This area shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 8) The entrance/exit door(s) shall be fitted with a suitably constructed lobby and doors with automatic door-closers that are maintained in good working order to minimise noise break out from the premises.
- 9) Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
- 10) When issues are identified approaches will be made to patrons, who will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity as quickly and quietly as possible.



- 11) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- 12) Any congregation of patrons for smoking/vaping provision which forms outside the premises must be supervised by SIA licensed door supervisors when they are required, so as to ensure that it is orderly, there is no associated public nuisance, or obstruction to the public highway/footpath.

The protection of children from harm

- The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.
- 2) Under 18 events may take place to which the following conditions shall apply:
 - a) These events shall finish no later than 23:00 hours after which there will be a 30 minute period before the venue opens to over 18s
 - b) The police shall be notified in writing or email at least fourteen days prior to the event.
 - c) During International Student events a minimum of two SIA door stewards must be employed throughout the event. In addition, the PLH/DPS shall carry out a risk assessment based on the type of event being held and taking into account the ratio of students' leaders to students attending, and employ further door stewards, if at all, at such times and in such numbers as determined by that risk assessment.
 - d) All alcohol shall be locked away and/or obscured from view.
 - e) All gaming machines with prizes shall be unplugged and locked.
 - f) All promotional material relating to alcohol shall be removed.
 - g) Any person refusing to be searched shall be refused entry.
 - h) The event shall be promoted to ages 14 years and above.
 - i) International Student events shall be restricted to International Students only.
 - j) Throughout under 18 events, the DPS or personal licence holder must be present.
 - k) Shall be limited to 15 event per calendar year



3) Under 18 and over 18 mixed concerts, comedy or similar events may take place to which the following conditions shall apply:

- a) These events shall finish no later than 23.00 hours. After the event has finished, those who are over 18 years old may re-queue outside the premises for re-entry via a separate entrance allowing for the venue to be thoroughly checked and cleaned.
 - b) The police shall be notified in writing or email at least fourteen days prior to the event.
 - c) A wristband system will be in place to identify customers who are under 18. This will not apply to private functions such as weddings and events aimed at under 14's, i.e. children's entertainment.
 - d) Throughout the event the door stewards will request and check ID of those people consuming alcohol to ensure that no-one under the age of 18 is consuming alcohol. Bar staff will still check ID while serving drinks. Staff will not serve alcohol to anyone they believe may be purchasing alcohol on the behalf of someone else, and in these circumstances, staff will immediately inform a member of management or a member of door staff.
 - e) Any person refusing to be searched shall be refused entry.
 - f) The DPS or personal licence holder must be present throughout the event.

4) Under 18's at private functions (Weddings, Private parties)

The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification as outlined within the Torbay Council's Licensing Statement of Principles.

No persons under the age of 18 years shall be permitted in the premises after 23.00 hours.

All persons under the age of 18 must be accompanied by a responsible adult.

- 5) A written safeguarding and welfare policy shall be in place and operated at the premises. The policy must be made available for inspection and copying upon request by an authorised officer of a responsible authority.
- 6) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:
 - the date and time of refusal
 - the reason for refusal
 - details of the person refusing the sale
 - description of the customer
 - any other relevant observations.



The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.