

C2_PL0119_2

(Variation/transfer ref no. LI18_001827)

Licensing Act 2003 – Premises Licence

The Licensing Authority
 Cornwall Council
 Chy Trewail
 Beacon Technology Park
 Bodmin
 Cornwall
 PL31 2FR
 Tel: 0300 1234 212
 www.cornwall.gov.uk



**PUBLIC
 PROTECTION**
 a service of Cornwall Council

Premises licence number**C2_PL0119_2**

(Variation/transfer ref no. LI18_001827)

Postal address of premises, or if none, ordnance survey map reference, or description

**Rick Stein Fistral
 Fistral Beach
 Headland Road
 Newquay
 Cornwall
 TR7 1HY**

Premises tel. no. 01637 303103

Where the licence is time limited the dates

Not applicable

Description of premises

Beach Café.

Licensable activities authorised by the licence

Live Music (E)
 Recorded Music (F)
 Anything of a similar description to that falling within (E), (F) or (G)
 Late Night Refreshment (I)
 Supply of Alcohol (J)

The times the licence authorises the carrying out of licensable activities**Live Music (E)** (indoors only)

Monday - Sunday 10:00 - 01:00

Recorded Music (F) (indoors only)

Monday - Sunday 10:00 - 01:00

Anything of a similar description to that falling within (E), (F) or (G) (indoors only)

Monday - Sunday 10:00 - 01:00

Late Night Refreshment (I) (indoors only)

Monday - Sunday 23:00 - 01:00

Supply of Alcohol (J) (for consumption on the premises)

Monday - Sunday 10:30 - 23:00

Non Standard Timings

Bona fide pre-booked functions only 10:30 - 01:00.

The opening hours of the premises

Monday – Sunday 09:00 - 23:30

Non Standard Timings

Bona fide pre-booked functions only 09:00 - 01:30

Where the licence authorises supplies of alcohol

Alcohol is supplied for consumption on the premises

Name and postal address (or registered address if a company) and telephone number of holder of premises licence

Seafood Trading Limited
Riverside
Padstow
Cornwall
PL28 8BY

Registered number of holder, for example company/charity number (if applicable)

Company Registration Number 0301916

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises authorises the supply of alcoholPersonal licence number: **952**Issuing licensing authority: **Herefordshire Council****State whether access to the premises by children is restricted or prohibited**

Restricted only by the Licensing Act 2003

Signed	Granted on
 Allan Hampshire Service Director Neighbourhoods and Public Protection	13 April 2018

Annex 1 – Mandatory conditions**Alcohol**

1. No supply of alcohol may be made under this premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under

18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

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

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

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

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

8. For the purposes of the condition set out in paragraph 7 -

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

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

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

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

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

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

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

9. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 8 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of

alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

But nothing in condition 1 above requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act).

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

General – all four licensing objectives

1. The following licensable activities will only be provided on occasions when the premises are used for bona fide functions: -
 - a. Live music
 - b. Recorded music
 - c. Anything similar to above
 - d. Late Night Refreshment
2. The maximum occupancy figures for the specific areas of the premises are as follows:

i. Café	-	340
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3. Door supervisors will record entrance and exit of patrons to ensure capacity limits are not breached

4. The premises will be a member of the Pubwatch and a representative will attend Pubwatch meetings and participate in all initiatives
5. A Personal Licence holder will be on the premises at all times when alcohol is being served or regulated entertainment provided
6. Substantial and reasonably priced food shall be available at all time when the premises are open
7. Free drinking water will be made available at all times when the premises are open to the public
8. Seats will be available to accommodate one third of the maximum capacity of the premises
9. Staff training will include explanations of social responsibilities associated with the sale of alcohol. We will provide a full range of non-alcoholic and low alcohol beverages and explain to customers by appropriate signage the importance of responsible drinking and the need to be aware of the units of alcohol consumed at any given time
10. All staff members will be trained in the premises evacuation policy
11. A detailed "customer code of conduct" poster will be displayed warning customers that if they act in an inappropriate manner, they could be barred from all licensed premises in the vicinity

Prevention of crime and disorder

1. Security staff shall be employed for large functions only. When employed, security staff shall: -
 - a. Display the correct name badge
 - b. Wear clothing that can be easily identifiable on CCTV including a reflective number between 1 and 99 (at least 100mm high) in a prominent position on the upper part of the body
 - c. Be employed at a ratio of 1:75, and be in attendance at the entrance of the premises for the duration of the function
 - d. A female supervisor will be available if searches are to be conducted on female customers
 - e. Will be on duty from 21.00 until the main exit doors to the premises are closed, and at any time when patrons may be queuing for access
2. CCTV shall be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Local Authority
3. Recordings shall be maintained for an appropriate period of time (generally one month unless otherwise agreed with the Police and Local Authority), and in any event in accordance with the Data Protection Act
4. If the CCTV equipment is inoperative, the Police and Local Authority shall be informed as soon as possible and immediate steps shall be taken to put the equipment back into action
5. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation
6. Alcoholic and soft drinks shall be served in plastic or toughened glasses
7. If glass bottles are used, the contents will be decanted into plastic or toughened glass

8. Customers carrying open or sealed bottles or glasses shall not be admitted to the premises at any time
9. No customers shall be permitted to take open containers of alcoholic or soft drinks from the premises
10. All bottles and glasses shall be removed from public areas as soon as they are finished with or empty
11. An anti drug policy agreed by the Police and local authority will be in force.
12. A secure facility will be provided to store controlled drugs
13. All inclusive nights or other irresponsible drinks promotions will not be permitted
14. A policy shall be in force for the management of large groups (i.e. hen and stag parties). The group will be required to nominate a responsible person to liaise with staff
15. No nudity or entertainment involving any sexual content will be permitted or promoted

Public safety

1. A 'no smoking at the bar' rule will be enforced
2. When disabled people are present, adequate arrangements will exist to enable their safe evacuation in the event of an emergency
3. Disabled people on the premises will be made aware of these arrangements
4. Adequate and appropriate supply of first aid equipment and materials will be available on the premises
5. At least one suitable trained first aider will be on duty when the public are present
6. Notices detailing the actions to be taken in the event of fire or other emergency will be prominently displayed and maintained in good condition
7. The following special effects will only be used with the prior permission of the Licensing and Fire Authorities: -
 - a. Dry ice machines and cryogenic fog
 - b. Smoke machines and fog generators
 - c. Pyrotechnics, including fireworks
 - d. Real flame
 - e. Firearms
 - f. Motor vehicles
 - g. Strobe lighting
 - h. Lasers
 - i. Explosives and highly flammable substances
8. All exit doors will be easily openable without the use of a key, card, code or similar means and will be available for egress while the public are on the premises
9. Means of escape will be maintained unobstructed, immediately available and clearly identifiable
10. Exit doors will be regularly checked to ensure they function satisfactorily. Records of these checks will be kept and produced on request

11. Any removable security fastenings will be removed whenever the premises are open to the public or staff
12. All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices
13. Fire resisting doors to service shafts, ducts and cupboards will be kept locked shut
14. All gangways, exit ways and treads of steps or stairways will be maintained with non-slippery and even surfaces
15. All floor coverings will be secured and maintained so that they will not ruck. Mats will be fitted into matwells so as to be flush with the floor surface
16. Hangings, curtains and temporary decorations will be maintained in a flame retardant condition
17. Upholstered seating will be fire retardant and compliant with current fire safety regulations
18. Curtains, hangings and temporary decorations will not obstruct exits, fire safety signs or fire-fighting equipment
19. Access will be provided for emergency vehicles and this access will be kept clear and free from obstruction
20. Fire drill and emergency lighting tests will be conducted monthly, with a drill every 6 months. Records of these tests will be made available to the Licensing Authority upon request
21. All fire exits and means of escape will be signed in accordance with BS5499
22. An evacuation policy will be in place that is to the satisfaction of the Fire Authority.
23. The fire brigade will be called to any outbreak of fire, however slight
24. Wall and ceiling finishes will be fire resistant
25. Exit doors will open outwards (or will be secured in the open position);
26. Fire safety signs will be adequately illuminated
27. Emergency lighting will not be altered
28. Emergency lighting batteries will be fully charged before the admission of the public
29. In the event of failure of normal lighting, the premises will be evacuated within 20 minutes
30. The applicant will provide a satisfactory NICEIC or ECA periodic electrical installation report. The inspection will be carried out annually and a new report will be provided each year
31. The applicant will provide an annual CORGI certificate of inspection in respect of any gas boiler, calorifier or appliance.
32. The applicant will provide a certificate by a suitably qualified professional in respect of any suspended ceilings at the premises. This will be provided every 5 years.
33. The applicant will provide confirmation of public liability insurance in the minimum sum of

£2 million. A new certificate will be provided each year

34. A certificate of inspection for any fire detection alarm at the premises shall be carried out annually and a new certificate will be provided.
35. A variation of the premises licence will be sought for any alteration of the premises which would make it impossible to comply with an existing licence conditions. Alternative steps will be taken in relation to public safety objective if this is considered necessary
36. The use of special effects or mechanical installation will be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff

Prevention of public Nuisance

1. The placing of bottles into receptacles outside the premises will take place at times that will minimise disturbance to nearby properties
2. For the final hour the premises are open music will be discernibly quieter
3. A 'hot line' to a local taxi firm will be available. A policy will be in place for escorting all patrons from the premises to a licensed taxi or private hire vehicle
4. No leaflets or posters promoting the venue will be distributed or posted so as to cause a litter or environmental nuisance
5. Noise or vibration will not be audible at the façade of any noise sensitive premises
6. Except for access and egress doors will be kept closed at all times when music is being played. Windows shall be kept closed at all times whilst music is being played
7. Noise limiters on amplification equipment will be used
8. For the final hour of opening the music will be discernibly quieter
9. The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas will be restricted
10. Noxious smells from the premises will not cause a nuisance to nearby properties
11. Premises will be adequately vented to prevent nuisance from noxious smells
12. Flashing or bright lights on or outside licensed premises will not cause a nuisance to nearby properties
13. A sufficient number of suitable receptacles for refuse storage will be provided. These will have properly fitted covers and will be maintained in a clean condition
14. Any queues inside or outside the premises will be monitored by a member of staff to ensure compliance with the licensing objectives
15. Prominent, clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly
16. A sufficient number of suitable receptacles for refuse storage will be provided, and will have properly fitted covers. They shall be maintained in a clean condition
17. Nearby streets will be monitored after 23.00 to ensure patrons are not littering the streets and / or residents property, or causing a nuisance to residents

Protection of children from harm

1. If a young person, who appears to be 21 or under, asks for alcohol, they will be required to prove their age before they are served, unless the staff are certain (from personal knowledge or because they have seen proof of age on a previous occasion) that the person is 18 or over
2. The forms of proof of age that will be accepted are a passport, a photo driving licence, or a proof of age card that has the PASS accreditation hologram on it
3. Photocopies will not be accepted.
4. All staff will be trained in this policy and reminded about it frequently
5. Records of this training will be kept
6. A notice advising customers that they may be required to prove their age before they can buy alcohol will be displayed
7. Children will be admitted to the following parts of the premises at the times indicated:-

Prior to 22.00	-	at all times when under adult supervision
After 22.00	-	not admitted
8. Children will be monitored by suitable trained staff and the delegated responsible person
9. If children are allowed on the premises, a 'no smoking' area of such a size and design that it genuinely provides a suitable, comfortable area for children and families wishing to be separated from smoking areas will be available
10. During any performances for children an attendant will be stationed in the area(s) occupied by them, and in the vicinity of each exit. The minimum number of attendants will be one attendant per 50 children (of part thereof)

Adult Entertainment

1. In accordance with information provided on the application for this premises licence, there must be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans**See attached Licensing Approved Plan.**