



Wednesday, 1 February 2012

LICENSING SUB-COMMITTEE

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

Thursday, 9 February 2012

commencing at **9.30 am**

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

Members of the Committee

Councillor Addis

Councillor Ellery

Councillor Faulkner (A)

Our vision is working for a healthy, prosperous and happy Bay

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

Teresa Buckley, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207013

Email: democratic.services@torbay.gov.uk



LICENSING SUB-COMMITTEE AGENDA

1. Election of Chairman/woman

To elect a Chairman/woman for the meeting.

2. Apologies

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. Declarations of interests

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial 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 Democratic Services or Legal Services prior to the meeting.)

4. Urgent items

To consider any other items that the Chairman decides are urgent.

5. Vaughans Café Bar, 3-4 Vaughan Parade, Torquay TQ2 5EG

To consider a report on an application for a Variation to a Premises Licence in Respect of Vaughan's Café Bar, 3-4 Vaughan Parade, Torquay.

(Pages 1 - 24)



Public Agenda Item: **Yes**

Title: **Vaughans Café Bar, 3-4 Vaughan Parade, Torquay TQ2 5EG**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee** On: **9 February 2012**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence. The Premise is situated within the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”.
- 1.5 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
 - (a) to modify the conditions of the licence, or
 - (b) reject the application in whole or in part.

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

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

2. Introduction

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

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

To extend the terminal hour for the sale of alcohol on Friday, Saturday and Sundays and on Bank Holiday Mondays from May to August from midnight to 01.30.

To extend the terminal hour for late night refreshment on Friday, Saturday and Sunday and on Bank Holiday Mondays from May to August from 00.30 to 01.30.

To extend opening hours on Friday, Saturday and Sunday and on Bank Holiday Mondays from May to August from 01.00 to 02.00.

To make related changes to the Licence Conditions. These changes are referred to in sections O and P of the application shown as Appendix 1.

- 2.2 There is a current Premises Licence in place which is shown as Appendix 2.

- 2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the amended Premises Licence, as a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that Representation was 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 Objectives "The Prevention of Crime and Disorder". This is shown as Appendix 3.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.

- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

- 2.6 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.

- 2.7 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 4(2) of Schedule 5 to :-

(a) The applicant for the variation of the licence against any decision to modify the conditions

(b) Any person who made a relevant representation in relation to the application who desires to contend

(i) that any variation made ought not to have been made, or

(ii) that, when varying the licence, the Licensing Authority ought to have

modified the conditions of the licence or ought to have modified them in a different way.

- 2.8 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Relevant sections of the application form
Appendix 2	Copy of the current Premises Licence
Appendix 3	Copy of the Representation from the Police

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in members' rooms

None

Background Papers:

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

The current Premises Licence for the above Premise.
Torbay Council Licensing Policy 2011.

This page is intentionally left blank



Application to vary a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Mr Terry O'Neill
(Insert name(s) of applicant)
 being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0421
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Vaughans Wine Bar 3 Vaughan Parade			
Post town	Torquay	Post code	TQ2 5EG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£28250

Part 2 – Applicant details

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

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month			Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. To extend the terminal hour for the sale of alcohol on Friday, Saturday and Sunday and on Bank Holiday Mondays from May to August from 12.00 midnight until 01.30 hrs..
2. To extend the terminal hour for late night refreshment on Friday, Saturday and Sunday and on Bank Holiday Mondays from May to August from 00.30 hrs to 01.30 hrs
3. To extend opening hours on Friday, Saturday and Sunday and on Bank Holiday Mondays from May to August from 01.00 hrs to 02.00 hrs.
4. To make related changes to the Licence Conditions.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	00.30			
Tue	23.00	00.30			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00	00.30			
Thur	23.00	00.30			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23.00	01.30			
			On 31 st December from 23.00 hrs to 03.00 hrs on 1 st January		
Sat	23.00	01.30			
			On Bank Holiday Mondays in May, June, July and August from 23.00 hrs to 01.30 hrs the following morning.		
Sun	23.00	01.30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>On 31st December from 23.00 hrs to 03.00 hrs on 1st January.</p> <p>Bank Holiday Mondays in May, June, July and August from 09.00 hrs to 01.30 hrs the following morning.</p>		
Mon	09.00	24.00			
Tue	09.00	24.00			
Wed	09.00	24.00			
Thur	09.00	24.00			
Fri	09.00	01.30			
Sat	09.00	01.30			
Sun	09.00	01.30			

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	01.00	
Tue	08.00	01.00	
Wed	08.00	01.00	
Thur	08.00	01.00	
Fri	08.00	02.00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) On 31 st December from 23.00 hrs to 04.00 hrs on 1 st January. Bank Holiday Mondays in May, June, July and August from 23.00 hrs to 02.00 hrs the following morning.
Sat	08.00	02.00	
Sun	08.00	02.00	

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

- The Prevention of Crime and Disorder
 - 2. & 3. CCTV requirements. (To be replaced by amended wording).
 - 4. Use of SIA door staff. (To be replaced by amended wording).
 - 12. & 14. Age identification. (Requirement now covered by mandatory condition).
 - 15. Drinks Promotions. (Requirement now covered by mandatory condition).
 - 16. Provisions relating to cigarette machines. (No longer appropriate following introduction from 01.10.11 of the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010).
 - 17. Sale of cigarettes to persons under the age of 16. (No longer relevant following change of statutory provisions).
- Public Safety
 - 8. Provision of free drinking water. (Requirement now covered by mandatory condition).

- Prevention of Public Nuisance
- 4. Amplified sound. (To be replaced by amended wording).
- 5. Noise levels in premises. (To be replaced by amended wording).
- 9. Doors and windows to be kept shut. (To be replaced by amended wording).

- Annexe 3 The Prevention of Crime and Disorder
- 1. CCTV systems. (To be replaced by amended wording).
- 3. Licensed door staff. (To be replaced by amended wording).

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. On every occasion during the period September to June on which the premises sells alcohol after midnight and remains open after 00.30 hrs, an SIA qualified Door Steward shall be employed at the premises from 21.00 hrs until closing.
2. On every occasion in July and August on which the premises sells alcohol after midnight and remains open after 00.30 hrs, two SIA qualified Door Stewards shall be employed at the premises from 21.00 hrs until closing.
3. Any SIA door steward employed on front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
4. A CCTV system of an evidential standard is to be installed to the satisfaction of the police and the system is to be kept in operation at all times the premises are open to the public. All recordings from the system are to be kept for a period of 28 days and the police shall have access to recordings at any reasonable time.

c) Public safety

d) The prevention of public nuisance

1. All music played at the premises shall be played through a noise limiting device approved by the local Responsible Authority for Public Nuisance.
2. The limiter shall be set at a level approved by the Responsible Authority and shall be maintained in that state.
3. The noise limiter and associated hardware shall be kept in a locked tamper proof box.
4. No changes shall be made to the public address system without prior approval of the

Responsible Authority.

5. Doors and windows shall be kept shut at all times and regulated entertainment is played except for access and egress.

6. Staff members will take responsible steps to ensure that doors and windows are kept shut during entertainment.

e) The protection of children from harm

--

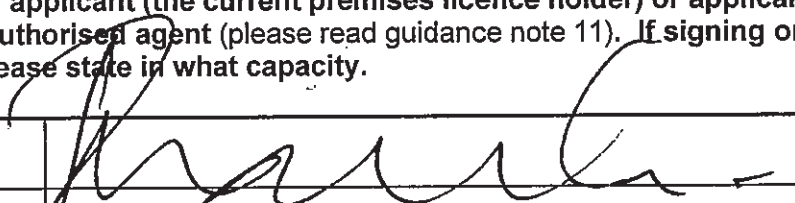
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	20.12.11
Capacity	R.D. Newman, Solicitor for Applicant, Kitsons LLP

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
-----------	--

This page is intentionally left blank

Licensing Act 2003

Premises Licence

421

LOCAL AUTHORITY



Licensing Section
 Torbay Council
 Roebuck House
 Abbey Road
 TORQUAY
 DEVON
 TQ2 5EJ

Part 1 - Premises Details

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

Vaughans Wine Bar

3 Vaughan Parade, Torquay, Devon, TQ2 5EG.

WHERE THE LICENCE IS TIME LIMITED, THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday The playing of recorded amplified music to be extended on New Years Eve until 0300 on New Years Day. To extend the playing of amplified music until 0100 on the following: all bank holidays and the Friday, Saturday and Sunday immediately preceeding each Bank Holiday that falls on a Monday, Easter Saturday, Christmas Eve and Boxing Day. No admission to be allowed after midnight.	11:00am	12:30am
L. Late night refreshment (Indoors)	Monday to Sunday The provision of light snacks and coffees to be extended on New Years Eve until 0300 on New Years Day.	11:00pm	12:30am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday Supply of alcohol to be extended on New Years Eve until 0300 on New Years Day. To extend the supply of alcohol until 0100 on the following: all bank holidays and the Friday, Saturday and Sunday immediately preceeding each Bank Holiday that falls on a Monday, Easter Saturday, Christmas Eve and Boxing Day. No admission to be allowed after midnight.	9:00am	Midnight

Licensing Act 2003
Premises Licence

421

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	1:00am

Opening hours to be extended on New Years Eve until 0400 on New Years Day. To extend the opening hours until 0200 on the following: all bank holidays and the Friday, Saturday and Sunday immediately preceding each Bank Holiday that falls on a Monday, Easter Saturday, Christmas Eve and Boxing Day.
No admission to be allowed after midnight.

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

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

Part 2

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

Terry O'Neil

51 Braddons Hill Road East, Torquay, Devon, TQ1 1HB.
Telephone 01803 402128

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

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

Nathan Mark WILLIAMS

51 Braddons Hill Road East, Torquay, Devon, TQ1 1HB.
Telephone 01803 402128

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

Licence No. PA0160

Issued by Torbay

Frances Hughes
Assistant Director of Environmental Health and Consumer Protection
3 April 2006

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence , or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Conditions Transferred from the On Licence

1. Substantial food to be available during all licensing hours.
2. The consumption of intoxicating liquor shall be confined to the premises and the area adjacent thereto, designated under the terms of the Pavement Cafe Permit issued by the local authority, whilst such authority is for the time being in force, providing such persons are seated at tables and the service of all intoxicating liquor is by way of waiter/waitress service.

General

None

The prevention of crime and disorder

1. A clear and legible notice must be erected outside of the premise to indicate;
 - (a) Normal operating hours and regulated entertainment hours and which licensing activities are permitted.
 - (b) Restrictions on admission of children
2. CCTV must be provided internally and externally and maintained in good working order.
3. CCTV tapes must be retained for a minimum of 14 days and made available to the police when requested.
4. SIA door stewards must be used when risk assessments indicates events will require stewards, and during;
 - (a) July -August: 2 Stewarts on Friday and Saturday between 21:00hrs until close.
 - (b) September - June: 1 Stewart on Friday and Saturday between 21:00hrs until close.
5. Employees who are employed to provide security provisions must hold SIA accreditation.
6. SIA Stewards when on duty must display appropriate uniforms or similar.
7. A register of all employees on duty must be kept on the premises.
8. The premises must operate and maintain membership of Nitenet.
9. All drinking glasses must be made from plastic or toughed glass.

ANNEXES continued

10. Drink glasses or bottles must not be removed from the premises.
11. Patrons served outside must be seated and served drinks in toughened or plastic receptacles.
12. Age identification must be sought from any persons appearing to be under the age of 18 years.
13. Bar staff must have sufficient training in respect of underage sales.
14. Appropriate signage of 'any persons appearing to be under the age of 21' must be displayed.
15. Drinks promotions are prohibited.
16. Cigarette machines must be under the supervision of management
17. No sale of cigarettes to persons under the age of 16.

Public Safety

1. A log book must be kept on site for the purpose of recording statutory duties in respect of the Licensing Act 2003.
2. Access must be provided for emergency vehicles at all times.
3. All fixed and portable temporary or permit fixtures and equipment must be maintained in good working order.
4. All fire fighting and detection equipment must be maintained in good working order and written fire risk assessment review as required.
5. Electrical installations must be inspected annually.
6. Electrical appliances must be inspected in accordance with a risk inspection programme.
7. Door and fastenings, gangways, exits and floors must be kept well maintained.
8. Free drinking water must be provided at all times.

The prevention of public nuisance

1. Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
2. Noise from the premises will not be audible within any noise sensitive premises with windows open for normal ventilation after 23:00hrs.
3. The DPS or agent of the DPS must assess noise against the following criteria from the boundary to the nearest residential properties, on all sides of the premises:
 - (a) Before 23:00hrs - Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hrs - Noise emanating from the premises must not be distinguishable above background levels of noise.
4. Amplified sound must be at all times under the control of the DPS.
5. Noise levels in the premises from musical instruments or amplified equipment must be regulated to protect the hearing of employees and patrons in accordance with appropriate statutory requirements.
6. The placing of refuse, such as bottles into receptacles outside the premises or other similar activities must take place at times that will prevent disturbance to nearby properties.
7. The handling of beer kegs, bottles, and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside of the building. The movement of bins must be minimised after 23:00hrs.

ANNEXES continued

8. The DPS must ensure all employees arriving early or leaving avoid causing a disturbance to nearby properties.
9. All doors and windows will be kept shut during entertainment to reduce noise breakout. A management scheme will be in place to ensure this situation remains.
10. Patrons must not stand around talking outside and asked to leave quickly and quietly. This must be announced shortly before closing.
11. Door staff must be positioned at exits to enforce condition 9.
12. Regular maintenance must be undertaken of all plant and mechanical equipment to minimise noise disturbances.
13. No music or speech shall be relayed by external amplified speakers
14. Patrons must be dispersed gradually during a 30 minute period after alcohol sales has ceased.
15. All rubbish must be secured sufficiently in designated areas and provided appropriate means of collecting rubbish generated by patrons.

The protection of children from harm

1. Between 8:00hrs and 20:00 persons below the age of 18 must only be permitted in the upper food area.
2. Persons under the age of 18 when accompanied by an adult can use the Pavement Café areas from 8:00 - 23:00hrs.

ANNEXE 3

The prevention of crime and disorder

1. CCTV systems to be in operation which is of a satisfactory standard and approved as such by the police and a record of that system to be kept for a period not less than 31 days, with the police to have access to that record at any time.
2. All staff employed to serve alcohol to be over the age of 18
3. On nights where the sale of alcohol is to exceed midnight then licensed door staff to be employed as from 21:00 on a nightly basis.

The prevention of public nuisance

1. No amplified recorded music to be performed prior to 11:00hrs inclusive
2. To allow live music and amplified music inside beyond 23:00hrs doors and windows shall be kept shut during entertainment beyond this time. To reduce noise break out. A Management scheme will be in place to ensure this situation remains.
3. To allow live and amplified music to continue inside beyond 00:00hrs double glazing shall be installed to reduce noise breakout.

ANNEXE 4

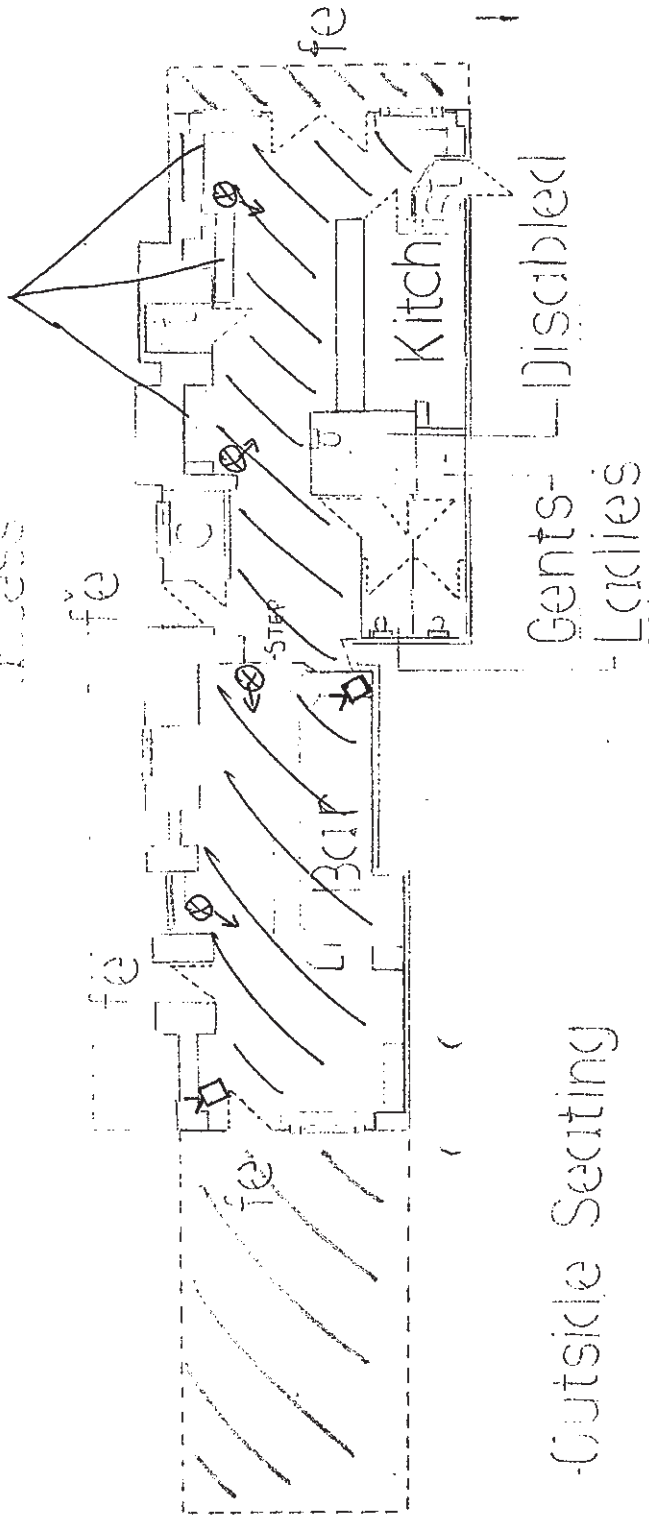
PLANS

Copy attached to Licence.

VAUGHANS

Fixed Seating

Emergency Access



Outside Seating

/// CONSUMPTION & SALE OF ALCOHOL

/// CONSUMPTION ONLY

⊗ CAMERA

⊠ CCTV MONITORS

st = store
fe = fire exit
C = CELKIP

Scale 1:100



Our ref: Lic/East/Tor/jks

Your ref:

170322

Licensing Department
Torbay Council
Roebuck House
Abbey Road
TORQUAY
TQ2 5EJ

**DEVON & CORNWALL
CONSTABULARY**



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

16 January 2011

Telephone: 01392 452225

Dear Sir/Madam

Vaughans Wine Bar, 3 Vaughan Parade, Torquay, TQ2 5EG

I refer to the above premises and an application for the Variation of the Premises Licence, issued by Torbay Council, number PL0421 refers.

My Licensing Officer, Julie Smart, has discussed this application with the applicant's solicitor, Mr Rob Newman and as a result of these discussions the police consider that the following conditions should be imposed on the licence in order to ensure that the Licensing Objectives are met:

1. The premises shall join and maintain membership of the Torquay Night-time Economy Forum and the DPS or a member of the Management Team shall attend at least 2 meetings per calendar year.
2. The premises shall join, maintain membership of, and actively participate in Torquay Pubwatch.
3. On days when the premises sells alcohol after midnight, and remains open after 0030 hrs, no drinks shall be served after 2200 hrs in glass bottles from which it is intended or likely that a person shall drink.
4. The area covered by the Torbay Council Café Pavement Permit must not be used after 12 midnight and all tables and chairs must be removed from this area at this time.

The police also request that the below two conditions be included on the licence instead of conditions 1, 2 and 4 as outlined on page 19 of the application.

5. A CCTV system to be installed at the premises to the satisfaction of the police, and must operate at all times the premises are open to the public. All recordings must be kept for a minimum of 14 days, during which time the police shall have access

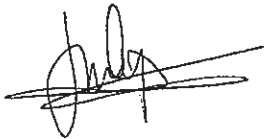


- and be provided with downloaded images at any reasonable time.
6. On every occasion when the premises sells alcohol after 12 midnight and remains open after 0030 hrs, SIA door stewards shall be employed on the premises from 2200 hrs until closing, at a ratio of 1:100 customers.

The police do not consider that there are other ways in which this application can be made acceptable, and for your information Mr Newman has confirmed to my Licensing Officer that these conditions are satisfactory to his client, the applicant, Mr Terry O'Neill (please see copy letter attached).

Should you require any further information, please do not hesitate to contact my Licensing Officer, Julie Smart, on the above telephone number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Nye', with a long horizontal stroke extending to the right.

Superintendent J Nye
Geographic Superintendent – Torbay

Julie Smart
Torbay Police Licensing Officer
Licensing Department (East)
Devon & Cornwall Police HQ
Middlemoor
Exeter EX2 7HQ

Our Ref: RDN/JD/ONE011/0006

Your Ref:

Date: 13 January 2012

E-MAIL ONLY

Dear Julie

**Re: Vaughans Wine Bar, Torquay
Premises Licence Variation**

Thank you for your e-mail dated 12th January with attachment showing:-

- 4 proposed additional conditions and
- 2 replacement conditions representing a rewording of conditions 1, 2 and 4 at Part (b) in our application (Prevention of Crime and Disorder)

We have discussed your proposals with our client and he confirms that all of your suggestions are acceptable to him.

We have not written to the Licensing Officer at Torbay Council though we note that you will be doing so and we confirm that we are happy for you to forward a copy of this e-mail to him.

Yours sincerely



Rob Newman
For and on behalf of Kitsons LLP
rob.newman@kitsons-solicitors.co.uk

Minerva House Orchard Way Edginswell Park Torquay Devon TQ2 7FA
T +44(0)1803 202020 E advice@kitsons-solicitors.co.uk
F +44(0)1803 299831 W www.kitsons-solicitors.co.uk DX 744650 Torquay 8

Kitsons LLP is a limited liability partnership registered in England and Wales, with registered no. OC346631. Its Registered Office (and principal place of business) is Minerva House, Orchard Way, Edginswell Park, Torquay TQ2 7FA. Persons referred to as partners in the LLP are members of it. A list of the members is available for inspection at the registered office.

We do not accept service of court documents by email. Kitsons LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 517529) and is bound by the solicitors code of conduct. Full details can be found on www.sra.org.uk/solicitors/code-of-conduct.page



plain-speaking

This page is intentionally left blank