



Wednesday, 23 May 2012

LICENSING SUB-COMMITTEE

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

Thursday, 31 May 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 Doggett

Our vision is for a cleaner, safer, prosperous Bay

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

Kay Heywood, 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. **Minutes** (Pages 1 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 3 May 2012 and 10 May 2012.
4. **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.)
5. **Urgent Items**
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Rhythm and Blues, 12-14 The Terrace, Torquay** (Pages 6 - 21)
To consider an application for a Variation to a Premises Licence to

Specify an Individual Supervisor of Rhythm and Blues, 12-14 The Terrace, Torquay.



Minutes of the Licensing Sub-Committee

3 May 2012

-: Present :-

Councillors Addis, Parrott and Brooksbank

662. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

663. Minutes

The Minutes of the meeting of the Sub-Committee held on 19 April 2012 were confirmed as a correct record and signed by the Chairman.

664. Exclusion of the Press and Public

Prior to consideration of the item in Minute 644 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

665. Renewal of Torbay Council Issued Driver's Licence

Having considered all the written and oral Representations the Licensing Sub-Committee considered all the options and resolved to warn the Respondent about his past and future conduct, that he be made aware that should future offences be committed or complaint(s) be received of a similar nature where there is evidence of such conduct, that he can anticipate being suspended immediately with a subsequent hearing in front of the Licensing Sub-Committee.

In arriving at this decision, the Licensing Sub-Committee have regard to the following that:

1. The Offense did not involve dishonesty.
2. There was significant mitigation surrounding the circumstances of the Offence.
3. The sentence of the Court did not involve any punishment.
4. The twelve month Conditional Discharge should be a deterrent to any future offending.

666. Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Your Local Co-Op, 18 Fore Street, St Marychurch, Torquay, TQ1 4LY

Members considered a report on an application for a Variation to a Premises Licence in respect of Your Local Co-op, 18 Fore Street, St Marychurch, Torquay, TQ1 4LY.

Written Representations received from:

| Name | Details | Date of Representation |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Members of the public | Three letters of Representation from 5 Interested Parties in relation of Licensing Objectives 'The Prevention of Public Nuisance,' 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm.' | 8 April 2012 |

The Sub-Committee noted that the members of the public, who had submitted written Representation, had been advised the meeting was taking place and had not returned their notices to say they were attending but had asked for an additional written Representation to be circulated at the meeting with the approval of the Chair. A further document was circulated by the Licensing Officer with information about alcohol times at other convenience stores in the area.

Oral Representation was received from:

| Name | Details |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Applicant and Barrister | The Applicant's Barrister outlined the Application, as set out in the submitted report and responded to the Representations from members of the public and Members questions. |

The Application was introduced by the Licensing Officer who advised that there were no Representations from the Police or Public Protection.

Applicant's response to Representations:

The Application for a Variation to Premises Licence was a national rolling scheme to standardise opening hours across the Chain and address objections on a store by store basis taking into consideration local issues and tailor the Application at the Licensing Committee stage where Representations had been made.

The Applicant's Barrister advised Members that an amendment would be made to the Variation to Premises Licence and that the proposed opening time of 06.00 be changed to 07.00 as a result of Representations.

The Co-op has a Corporate Social Responsibility Charter which is a robust training programme for all staff with 6 monthly refresher courses covering ID for over 25 Scheme, and Proxy Sale Policy.

Decision:

That the application for a Variation to a premises Licence in respect of Your Local Co-op, 18 Fore Street, St Marychurch, Torquay be granted as amended and includes the conditions set out in the Operating Schedule.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the Variation to the Premises Licence having particular regard to Representations made by Interested Parties and that no Representations were received from the Police.

The Licensing Sub-Committee determined that by granting this Application they would not be undermining the Licensing Objectives.

The Licensing Sub-Committee treated the Representations from Members of the Public seriously; however, they found there was insufficient evidence to determine that alcohol related problems would be added to if the Application was granted.

The Sub-Committee also had regard to the rigorous training scheme in the Co-op- the Social Responsibility Charter and noted that the Co-op had amended and reduced the opening hours applied for as a direct response to Representations made.

Chairman

Minutes of the Licensing Sub-Committee

10 May 2012

-: Present :-

Councillors Pentney, Butt and Doggett

667. Election of Chairman/woman

Councillor Butt was elected as Chairman for the meeting.

668. Minutes

The Minutes of the meeting of the Sub-Committee held on 15 March 2012 were confirmed as a correct record and signed by the Chairman subject to the inclusion of '*representation*' under Additional Information.

669. Licensing Act 2003 – An application for a Premises Licence – MV Western Lady VII Passenger Vessel, operating out of Torquay

Members considered a report on an application for a Premises Licence in respect of MV Western Lady VII Passenger Vessel, operating out of Torbay.

Written Representations received from:

| Name | Details | Date of Representation |
|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Torbay Safeguarding Children Board | Representation objecting to the application on the ground of 'The Protection of Children from Harm', the Representation suggests conditions that should be inserted on to the Premises Licence should the application be granted, as set out in Appendix 3 to the submitted report. | 12 April 2012 |

Oral Representations received from:

| Name | Details |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant | The Applicant outlined the application and agreed to the additional conditions put forward by Torbay Safeguarding Children Board should the Premises Licence be granted. |
| Torbay Children | A representative from the Torbay Safeguarding Children Board outlined their proposed conditions, as set out in |

| | |
|--------------------|-------------------------------------|
| Safeguarding Board | Appendix 3 to the submitted report. |
|--------------------|-------------------------------------|

Decision:

That the application for a Premises Licence in respect of MV Western Lady VII Passenger Vessel, operating out of Torbay be granted as applied for subject to the conditions proposed by Torbay Safeguarding Children Board and as agreed by the Applicant.

Reason for Decision:

Having carefully considered all the written and oral Representations, Members resolved to grant the licence, having been satisfied that the concerns raised by Torbay Safeguarding Children Board have been alleviated by the imposition of the agreed conditions on the Premises Licence.

Chairman



Briefing Report No: Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor of Rhythm and Blues, 12-14 The Terrace, Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub - Committee** On: **31st May 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 Premises detailed above. The application relates to a Variation to a Premises Licence to Specify an Individual as the Premises Supervisor in respect of which a notice has been received from the Chief Officer of Police, stating that the Crime Prevention Objective would be undermined if the application is granted. The Premise is situated in the Cumulative Impact Area.
- 1.2 The Sub Committee must consider the effects of the application against 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. Therefore the role of the Officer is limited to summarising the application.
- 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 either:-
 - (a) to grant the application or,
 - (b) having regard to the notice, reject the application if it is considered that it is necessary for the promotion of the crime prevention objective to do so.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant, the proposed Premises Supervisor and the Police on determination of the matter.

- 1.6 Where a Premises Licence has been issued under the Act to permit regulated activities to be provided at any Premises, one of which is the supply of alcohol, it is necessary for the holder of the Licence to also designate a Premises Supervisor. This can be the holder of the Licence or another person. In the latter case, the individual concerned must consent to the application being made.
- 1.7 This application includes a request that the variation applied for should take immediate effect.

2. Introduction

- 2.1 An application has been made under Section 37 of the Act for a Variation to a Premises Licence to Specify an individual as the Premises Supervisor at the Premises detailed above. Details of the application are shown in Appendix 1.
- 2.2 The Council as Licensing Authority, is satisfied that the Applicant has met the administrative requirements of Section 37(4) but is unable to grant the application as a Notice has been received from the Chief Officer of Police stating that there are exceptional circumstances to indicate that such an issue would undermine the Crime Prevention Objective. The Authority is also satisfied that such Notice has been received within the appropriate timescale and has not been subsequently withdrawn. Details of the Notice are shown in Appendix 2.
- 2.3 The Authority is required to conduct a hearing by the provisions of Section 39(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, 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 5(2) of Schedule 5 to The Chief Officer of Police who had given an appropriate notice which was not withdrawn.
- 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,
 - (d) and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 A copy of the Application form.

Appendix 2 Details of the notice received 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:

Torbay Council Licensing Policy 2011.



Application to vary a premises licence to specify an individual as designated premises supervisor 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 IAN ANTHONY SWIFT PAUL ANDREW SWIFT
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

433

Part 1 – Premises details

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

RHYTHM AND BLUES
12-14 THE TERRACE

Post town

TORQUAY

Post code (if known)

TQ1 1BN

Telephone number (if any)

Description of premises (please read guidance note 1)

PUBLIC HOUSE

Part 2

Full name of proposed designated premises supervisor

KAROL LAPA

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

1972

Full name of existing designated premises supervisor (if any)

LINDA DENNISE KENDALL

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

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

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
 (See guidance note 2) *J. L.* **on behalf of the applicant please state in what capacity.**

Signature

.....

.....

Date

.....

.....

Capacity

.....

JER

.....

For joint applicants or authorised agent of applicant please state in what capacity.

Signature of applicant's solicitor or other duly authorised agent on behalf of the applicant.

Signature

.....

.....

Date

.....

12

.....

Capacity

.....

H. Howell

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

*RHYTHM AND BLUES
 12-14 THE TERRACE*

Post town *TORQUAY* **Post Code** *TQ1 1BN*

Telephone number *01323 310000*

If you would prefer to be contacted by e-mail (optional) *yes* **Your e-mail address** *.....@......uk*

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.





**DEVON & CORNWALL
CONSTABULARY**

Our ref:

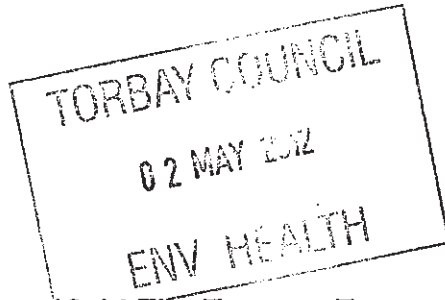
Your ref:

Torbay Council Licensing Department
First Floor
Roebuck House
Abbey Road
TORQUAY
TQ2 53J

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

Telephone: 01392 452225

1 May 2012



Dear Sir/Madam

Re: Rhythm and Blues, 12-14 The Terrace, Torquay

I refer to an application made by Mr Ian Swift and Mr Paul Swift, the Premises Licence Holders of the above named premises, to Vary the Designated Premises Supervisor into the name of Mr Karol Lapa.

For your information, Rhythm and Blues (R&B's) is situated within your Cumulative Impact Area and currently has a Premises Licence (No PL0433) which allows the sale of alcohol between 10.00 am and 2.00 am Mondays to Sundays, with the premises closing at 3.00 am each day.

The nominated DPS, Mr Lapa, is currently the Designated Premises Supervisor of Pub Alibi, 113 St Marychurch Road, Torquay, a position he has held since 19 October 2010 and the Lansdowne Inn, 24 South Street, Torquay, where he has held this position since 7 July 2011.

Additionally, Mr LAPA also runs premises known as P & K Market, 15 Lucius Street, Torquay and between 25 February 2011 and 3 November 2011 he was the Designated Premises Supervisor at this premises. During this period Mr Lapa applied to become the DPS at the Lansdowne Inn however the police felt that Mr Lapa should not be DPS on three licensed premises within Torbay and subsequently agreed not to object to his application to become DPS at the Lansdowne Inn provided he gave us a written assurance that he would Vary the DPS in respect of P & K Market within a period of 2 months, ie before 22 August 2011. Unfortunately, Mr Lapa failed to do this, the police had to remind him to progress this matter and he eventually relinquished the position of DPS at P & K Market on 3 November 2011. (Copy of assurance letter and notes of conversation with Mr Lapa from police file are attached).



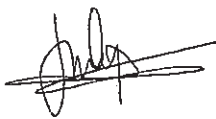
With regards to Rhythm and Blues, police officers attended the premises at 2340 hours on 21 April 2012 as they had been informed by a male that the premises was open and that the licence indicated that there was no nominated DPS. Unfortunately, after obtaining brief details of the staff member present, my officers were called away to deal with an operational matter. However, my Licensing Officer, Julie Smart, has established that although the premises were legally entitled to operate as an application to Vary the DPS with immediate effect had been made, a number of licence conditions had been breached. She subsequently advised staff that the premises should not be carrying out any licensable activities until all the conditions stipulated on the licence could be complied with and verbally warned the staff at the premises of the offences committed. Written warning letters have been forwarded to both the Premises Licence Holders and Mr Karol Lapa, the nominated DPS (copies attached).

The police consider that licensed premises within the Cumulative Impact Area need a consistent level of firm management in order to ensure that the licensing objectives are met. In this instance, I do not believe that Mr Lapa can adequately supervise and manage three licensed premises on a day to day basis, particularly one within the CIA, and this is apparent as offences under the Licensing Act 2003 have already been committed.

Based on these facts, the police object to the application to Vary the DPS under Section 37(5) of the Licensing Act 2003.

Should you require any further information, please contact Julie Smart of my Licensing Department.

Yours faithfully



Superintendent J Nye
Geographic Superintendent - Torbay



Mr K Lapa
14 Waterloo Road
TORQUAY
Devon
TQ1 3AY

Licensing Department
Devon and Cornwall Constabulary
PO Box 1
PAIGNTON
Devon
TQ3 2YF

22 June 2011

Dear Sir/Madam

Re: The Lansdowne Inn, South Street, Torquay, Devon, TQ2 5AA

Following discussions with Neil Stanlake and Julie Smart of the Police Licensing Department at Pub Alibi on Wednesday 22 June 2011, I understand that the police will not object to myself being appointed as DPS of the The Lansdowne Inn, Torquay providing that I make arrangements for an alternative DPS to be nominated in respect of my premises known as P & K Market Ltd, 15 Lucius Street, Torquay.

I hereby confirm that within a period of 2 months from the date of this letter, ie before 22 August 2011, I will ensure that my wife, Anna LAPA, obtains a Personal Licence and is appointed as Designated Premises Supervisor at P & K Market Ltd, 15 Lucius Street, Torquay.

Yours faithfully

K Lapa
[Handwritten Signature]
22/06/2011

- 9 -

12/9/11. Spoke to DPS Karol LAPA re assurance given as per his letter in file @ minute 8 da 22/6/11 re DPS position @ PK Market Off Licence in Lucins St, TDY. Mr LAPA apologised and stated the delay in this matter was due to problems & delays with his wife's CRB check & completion of her Personal Licence course. He assured me that an application would be forthcoming within 2 weeks, & a Review of the Premises Licences at all 3 of his premises (Pub Abbi, Lansdowne Inn & PK Market) could well follow.

[Signature] 58311
12/9/11.

| | | |
|-----------|---------------|-------------|
| File No.: | Computer URN: | Minute No.: |
|-----------|---------------|-------------|

To be completed for any incident or for information on any licensed premises. This form to be submitted to the Licensing Unit as soon as possible. **Nominal and / or intelligence MUST be submitted via Source and Covert Intelligence System (CIS).**

- Licensing objective:**
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Name of premises: R and B's | |
| Address: THE TERRACE TORQUAY | |
| Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other | Date: 21/04/12 Time: 2340HRS |
| <input type="radio"/> CIS Ref.: N/A | Crime No.: N/A |
| Brief summary / action taken (if not recorded elsewhere): | |
| ON SATURDAY 21 ST APRIL 2012 WHILST ON PATROL APPROACHED BY A MALE WHO STATED THAT R AND B'S WAS OPEN AND ON THE COUNCIL LICENSING WEBSITE IT IS SHOWN AS HAVING NO DPS. ATTENDED PREMISES SPOKE WITH OWNER DAVE JEFFERIES WHO STATED THAT THE DPS WAS THE FEMALE WHO RUNS ALIBI IN PLAINMOOR. NO FURTHER INFORMATION GAINED AS HAD TO LEAVE QUICKLY DUE TO OTHER OPERATIONAL MATTERS | |
| Submitted by: Name: NICK HEALEY | Force No.: 11164 |
| Signed: N.HEALEY | Date: 22/04/12 Time: 1750HRS |
| Action taken by Licensing Unit: | |
| Licensing officer: | |
| Forwarded to Daily Tasking: | |

Licensed Premises Visit Checklist

Any information from these checks to be included in 'Brief summary' overleaf.

Officers present at inspection:

Administration:

1. Designated Premises Supervisor (DPS) on the premises? Yes No
Name of DPS (or person in charge if no DPS):
 Helpful Unhelpful Obstructive Other:
2. Premises Licence (summary displayed)? Yes No
(It should be displayed in the public area)
3. Premises Licence (complete) produced to officers? Yes No
(A constable can request to see full licence)

Crime and Disorder:

1. Any violence inside / outside premises? Yes No
2. Any public order inside / outside premises? Yes No
3. Any evidence of drugs found inside / outside premises? Yes No
4. Any drinks promotions in operation at time of visit? Yes No
5. Any evidence of excessive drunkenness? Yes No

Public Safety:

1. CCTV on premises? Yes No Working at time of visit? Yes No
Incident captured? Yes No Staff able to download? Yes No
Image quality? Good Poor Other:
2. Door staff on duty? Yes No If Yes, number:
SIA licensed? Yes No Licence displayed? Yes No
3. Do the premises look overcrowded? Yes No
- Method of checking the customer numbers:
5. Radio system in use? Yes No
6. Tables / glasses kept tidy? Yes No
7. Any smoking inside premises? Yes No

Public Nuisance:

1. Any noise or nuisance outside of premises? Yes No
2. Any smokers standing outside of premises? Yes No
3. Any excessive litter / debris outside of premises? Yes No

Protection of Children:

1. Any underage offences detected on the premises? Yes No
2. What proof of age policy is operated in the premises?
3. How is this publicised?
4. Do staff appear trained in proof of age? Yes No

Our ref:

Your ref:



**DEVON & CORNWALL
CONSTABULARY**

Mr Ian Anthony Swift

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

26 April 2012

Telephone: 01392 452225

Dear Sir

Re: Rhythm & Blues, 12/14 The Terrace, Torquay

I write to you in your capacity as Premises Licence Holder of the above named premises.

Following a visit to the above premises by my Licensing Officer, Julie Smart, on Tuesday 24 April 2012 and various discussions between herself, Mr Dave Jefferies and MRS Communications, it is apparent that Rhythm and Blues has been open to public when certain conditions on the Premises Licence were not being complied with. I now enclose a copy of a warning letter that I have today forwarded to Mr Lapa, DPS, which I hope will be self-explanatory.

If you wish to discuss this matter, please do not hesitate to contact Julie Smart on the above telephone number.

A copy of this letter has been forwarded to Torbay Council Licensing Department for their information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Nye', with a horizontal line drawn through it.

Superintendent J Nye
Geographic Superintendent - Torbay



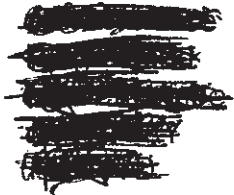


**DEVON & CORNWALL
CONSTABULARY**

Our ref:

Your ref:

Mr Paul Andrew Swift



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

26 April 2012

Telephone: 01392 452225

Dear Sir

Re: Rhythm & Blues, 12/14 The Terrace, Torquay

I write to you in your capacity as Premises Licence Holder of the above named premises.

Following a visit to the above premises by my Licensing Officer, Julie Smart, on Tuesday 24 April 2012 and various discussions between herself, Mr Dave Jefferies and MRS Communications, it is apparent that Rhythm and Blues has been open to public when certain conditions on the Premises Licence were not being complied with. I now enclose a copy of a warning letter that I have today forwarded to Mr Lapa, DPS, which I hope will be self-explanatory.

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A copy of this letter has been forwarded to Torbay Council Licensing Department for their information.

Yours faithfully

Superintendent J Nye
Geographic Superintendent - Torbay





Our ref: Lic/Tor/jks

Your ref:

Mr K Lapa
Rhythm & Blues
12/14 The Terrace
TORQUAY
TQ1 1BN

**DEVON & CORNWALL
CONSTABULARY**

Licensing Department (East)
Devon and Cornwall Police HQ
Middlemoor
Exeter, Devon EX2 7HQ

26 April 2012

Telephone: 01392 452225

Dear Sir

Rhythm & Blues, 12/14 The Terrace, Torquay

I write to you in your capacity as Designated Premises Supervisor, of the above named premises, following a police visit to your premises on Saturday 21 April 2012 at approximately 2340 hrs.

At this time the officers attending were under the impression that there was no Designated Premises Supervisor (DPS) specified on the licence, as the premises had been closed for a period of time. However, I can confirm that Torbay Council accepted a copy of your Vary DPS application on Friday 20 April 2012 and that as you had ticked the 'immediate effect' box, you are legally deemed to be the DPS.

However, following a visit to the premises by my Licensing Officer, Julie Smart, at approximately 1500 hrs on Tuesday 24 April 2012, discussions with your business partner, Mr Dave Jefferies, and her subsequent telephone contact with MRS Communications, it has been established that certain conditions contained within the Premises Licence (number 433, issued by Torbay Council on 30 August 2011), have not been complied with, namely:

1. The premise shall operate a Challenge 25 identification policy and will display appropriate signage at the entrance of the premises to this effect.
2. A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.
3. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.

I must warn you that failure to comply with the conditions of the Premises Licence constitutes an offence under Section 136(1) of the Licensing Act 2003 as follows:

- 1) *A person commits an offence if –*
 - a. *He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
 - b. *He knowingly allows a licensable activity to be so carried on.*



Subsection 4 of Section 136 of the Licensing Act 2003, also states:

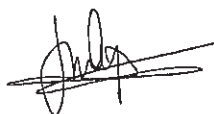
"A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both."

As Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

I must advise you that my officers will monitor your premises and if further offences are evident, I will not hesitate in applying for a Review of your Premises Licence and/or seeking a prosecution for any offences committed. I do hope that you will address the concerns raised and that this course of action will not be necessary. However, should it be necessary to apply for a Review, this letter will be used as part of our evidence.

A copy of this letter has been sent to, the Premises Licence Holders, Mr Ian Swift and Mr Paul Swift, and to the Torbay Council Licensing Department for their information.

Yours faithfully



Superintendent J Nye
Geographic Superintendent - Torbay