

**VINO VINO LSC THURSDAY 14 JULY 2022**

**ADDITIONAL INFORMATION**

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## **Vino Vino – Additional Information**

Pre-application consultation with Police:

**From:** Paul Kendall <Paul.Kendall@avonandsomerset.police.uk>

**Sent:** 20 May 2022 11:39

**To:** Terrill Wolyn <info@twlicensing.co.uk>

**Subject:** RE: Vino Vino - Draft application for approval

Hi Terrill

Reference variation there is no police objection.

Regards

**Paul Kendall**

Licensing Officer BANES

Neighbourhood and partnership directorate. Avon and Somerset Police  
Bath Police Centre, Redbridge House, Bath BA2 3EW

**Tel** 01278645524 | Ext 45524 | 07889656081

Email Paul.Kendall@avonandsomerset.police.uk

**Email** [www.avonandsomerset.police.uk](http://www.avonandsomerset.police.uk) | Follow us on [Twitter](#) and [Facebook](#)

**Avon and Somerset Police**

**SERVE. PROTECT. RESPECT.**

**From:** Terrill Wolyn <info@twlicensing.co.uk>

**Sent:** 20 May 2022 00:12

**To:** Paul Kendall <Paul.Kendall@avonandsomerset.police.uk>

**Subject:** Fw: Vino Vino - Draft application for approval

Dear Paul

**Re: Vino Vino - Variation of Premises Licence**

As promised please find attached the draft application for Vino Vino.

I would be grateful if you could please advise if you are happy with the application from a police perspective.

Kind regards

Terrill

**T. Wolyn Licensing**

Email: [info@twlicensing.co.uk](mailto:info@twlicensing.co.uk)

Tel: 07747 481 673

## **Vino Vino – Additional Information**

No complaints Received:

**From:** Geoff Cannon <[Geoff\\_Cannon@BATHNES.GOV.UK](mailto:Geoff_Cannon@BATHNES.GOV.UK)>

**Sent:** 21 June 2022 14:28

**To:** Terrill Wolyn <[info@twlicensing.co.uk](mailto:info@twlicensing.co.uk)>

**Subject:** RE: Vino Vino LSC - Confirmation of Attendees (Applicant)

Good afternoon Terrill.

Thank you for confirming attendees for the LSC hearing.

With regards enforcement letters, having checked the records, I can only find one email from myself to Kambiz regarding mine and an EHO Officer's observations of music playing from the outside speakers at a volume above conversation level at 00:05 on 23.11.21 asking him to remind the manager and staff of their responsibilities.

No formal warning letter was sent as it was not deemed necessary.

There have been no complaints regarding Vino Vino received by Licensing in the last three years that I am aware of.

Regards,

Geoff Cannon  
Public Protection Officer - Licensing  
Public Protection and Health Improvement Service  
Bath & North East Somerset Council  
Mob: 07977228120  
Email: [geoff\\_cannon@bathnes.gov.uk](mailto:geoff_cannon@bathnes.gov.uk)  
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[www.twitter.com/bathnes](https://www.twitter.com/bathnes)

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## **Vino Vino – Additional information**

### Excerpts from B&NES Council's Statement of Licensing Policy

#### Cumulative Impact

15.2

The effect of the Cumulative Impact Assessment is to create a **rebuttable presumption** that applications for new premises licences, club premises certificates or variations relating to “on trade” premises situated within the Cumulative Impact Assessment area, will be refused if relevant representations are received.

In order to rebut this presumption, applicants must demonstrate that the operation of the premises will not add to the cumulative impact **already being experienced**.

15.6

The Licensing Authority will consider the individual merits of any application, together with the **relevant** representation made.

15.11

The measures the Licensing Authority would wish to be included on a premises licence application within the cumulative impact assessment area will depend on **the nature and type of the premises**. The measures would need to be **individual to that premises**. Examples are:

#### 1. CCTV at the premises to be properly maintained

The premises licence is already subject to the following condition offered on first application:

CCTV cameras shall be installed to the satisfaction of the Police and ICO guidelines. They will be maintained in full working order, when the premises are open to the public. Recorded images shall be of evidential quality. Recordings shall be kept for 31 days and made available to the Police and Licensing Authority (in accordance with Data Protection legislation). Signs will be displayed that CCTV is recording.

#### 2. Security Industry Authority (SIA) door staff

There is no condition attached to the licence requiring door-staff as the nature of the premises is a licensed restaurant/wine bar with table service. No vertical drinking is permitted at the bar; there is no dance floor.

#### 3. Toughened or plastic glass, no bottles

#### 4. Free calls to taxi firms for departing customers at the end of the night

## **Vino Vino – Additional information**

5. Outside areas to be cleared at a reasonable time (time to be stated)

The SOLP states one must consider the nature and type of the premises – the nature of this premises is a restaurant/wine/cocktail bar with an outdoor terrace providing tables and chairs, the latter of which is integral to the customer offering.

6. Signs to be displayed at each exit to encourage patrons to minimise noise and not to congregate in the street at close

7. To be a member of the local Nightwatch (or any other similar scheme)

A condition attached to a premises licence binding a person to membership is no longer considered appropriate.

8. No open containers of alcohol to leave the premises

The premises licence is already subject to a condition requiring all alcohol sold for consumption off the premises must be supplied in sealed containers.

9. To supervise entry and exit of the customers from the premises at busy times

Customers wishing to enter the premises must wait to be seated by a member of staff who then escorts them to a table.

10. Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises.

11. A limit on the number of customers permitted on the premises at one time.

Capacity limits used to be detailed on the old Public Entertainment Licences (PELs). Today capacities will be included within the business's Fire Risk Assessment and does not need to be duplicated on the licence.

12. A requirement that the public spaces in the premises should be predominately seated.

Customer areas are predominantly seated. Customers must wait to be seated by a member of staff.

The SOLP continues to advise:

This list is not exhaustive and is only intended to provide a brief description and guide to applicants.

In consideration of this it is important to note that to further promote the licensing objectives the current premises licence is also subject to the following conditions that were originally offered by the applicant:

### **Vino Vino – Additional information**

- All staff to receive training in relation to the Licensing Act sale of alcohol. A record of such training shall be kept at the premises and produced at the request of an authorised officer.
- An Incident and Refusal Log shall be maintained and kept at the premises and produced at the request of an authorised officer.
- There will be no collection of alcohol waste before 09:00 hours on any day.
- External tables and chairs shall be secured outside of office use.

The applicant is also proposing the following additional measures within the variation application to further promote the licensing objectives:

- Waiter/waitress service shall be available at the premises
- Regulated Entertainment by way of the performance of live music or the playing of recorded music shall not be provided outdoors beyond midnight.
- The premises shall operate a Challenge 21 age verification policy. A notice advising that such a policy is in operation shall be prominently displayed at the premises.

### **Vino Vino – Additional information**

Notices on display at the entrance to Vino Vino advising:

1. Customers “please wait to be seated;” and
2. No under 18’s permitted after 18:00 hours, to further promote the Protection of Children from Harm licensing objective.

**Para 2.23 of the Secretary of State’s Guidance issued under s.182 Licensing Act states:**

“The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered.”





## Vino Vino – additional Information

Decision in Daniel Thwaites following an application for judicial review of a licensing decision:

**Daniel Thwaites plc v**

**Wirral Borough Magistrates' Court**

**The Saughall Massie Conservation Society (First Interested Party)**

**Wirral Metropolitan Borough Council (Second Interested Party)**

**QUEEN'S BENCH DIVISION**

**6 MAY 2008**

**The Hon Mrs Justice Black**

**MY OVERALL CONCLUSIONS**

[63] It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not articulate that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by **a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case.**

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