

## LICENSING SUB-COMMITTEE

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

**Thursday, 19 May 2011**

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 Mills

Councillor Stocks

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**Our vision is for a cleaner, safer, prosperous Bay**

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

**Lisa Warrillow, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207064**

Email: [democratic.services@torbay.gov.uk](mailto: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. **Tor Abbey Inn, 80 Belgrave Road, Torquay**

To consider Report 97/2011 on an application for Review in respect of Tor Abbey Inn, 80 Belgrave Road, Torquay.

(Pages 1 -  
138)

6. **Old Brewery, 17 Lower Ellacombe Church Road, Torquay**

To consider Report 98/2011 on an application for a Review of a Premises Licence in respect of Old Brewery, 17 Lower Ellacombe Church Road, Torquay.

(Pages 139 -  
218)

- 7. Hooks Bar & Grill, 43 Torwood Street, Torquay.** (Pages 219 - 250)  
To consider Report 99/2011 on an application for a variation to a Premises Licence in respect of Hooks Bar & Grill, 43 Torwood Street, Torquay.
- 8. Coyote Café Bar, 3-5 Union Street, Torquay** (Pages 251 - 280)  
To consider Report 100/2011 on an application for a variation to a Premises Licence in respect of Coyote Café Bar, 3-5 Union Street, Torquay.
- 9. Mambo, 7 The Strand, Torquay** (Pages 281 - 328)  
To consider Report 101/2011 on an application for a variation to a Premises Licence in respect of Mambo, 7 The Strand, Torquay

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Briefing Report No: **97/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for Tor Abbey Inn, 80 Belgrave Road, Torquay**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee**

On: **19 May 2011**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 1. Key points and Summary

- 1.1 To consider and determine the above application for Review of a Premises Licence.
- 1.2 The matter may affect the Corporate Priorities of Community Prosperity and Economic Prosperity.
- 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”, “Public Safety” and “The Prevention of Public Nuisance”.
- 1.5 The Authority must hold a hearing to consider the application and any relevant Representations.

The Authority must, having regard to the application and any relevant Representations, take such of the steps as detailed below, if any, as it considers necessary for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

## **2. Introduction**

- 2.1 An application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows.

The Police have sought a Review of the Premises Licence on grounds relating to the Licensing Objectives, The Prevention of Crime and Disorder, Public Safety and The Prevention of Public Nuisance.

The Police have supplied supporting information relating to the Review, as shown in Appendices 2 to 5.

A copy of the current Premises Licence is shown in Appendix 6.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the application has been properly made, that the Applicant is a Responsible Authority, and that the administrative requirements of Section 51(3)(a) and (b) have been met and that the Representation has not been subsequently withdrawn and is not vexatious, frivolous or repetitious.

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

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 52(2).
- 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 Representations and the procedure to be followed at the hearing.

- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have effect until the Appeal is either determined or withdrawn.

- 2.6 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 an order as to costs as it thinks fit.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

Appendix 1            Details of the application for Review.  
Appendices 2 to 5    Details of supporting information from the Police.  
Appendix 6            A copy of the Premises Licence.

### **Documents available in members' rooms**

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2011.

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SKO 160199  
COUNCIL  
09 MAR 2011  
E.H. & C.P.  
BUSINESS UNIT

Application for the review of a premises licence or club premises certificate 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 Superintendent James NYE

(insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Tor Abbey Inn 80 Belgrave Road	
Post town Torquay	Post code (if known) TQ2 5HZ

Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns Plc
---

Number of premises licence or club premises certificate (if known) Premises Licence No 420
---

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Devon and Cornwall Constabulary PO Box 1 PAIGNTON Devon TQ3 2YF
Telephone number (if any) 01803 841327
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

**Please state the ground(s) for review (please read guidance note 1)**

The grounds for the review are:

Since 2001 the current DPS, Rodger HARPER, and his partner have run these premises.

Numerous incidents of crime and disorder and drunkenness of customers linked to the premises, together with police concerns re the suitability of the DPS to manage premises in a responsible manner and co-operate fully with police during the course of their enquiries.

Local residents regularly complaining regarding the conduct of the premises and noise.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

24/05/09 - Large scale fight at the premises, resulting in serious head injuries to a male and involved numerous drunken persons, who were clearly seen on CCTV footage outside the premises drinking from bottles and glasses during the fracas. The offender was convicted at Exeter Crown Court in February 2010 and was sentenced to 5 years imprisonment.

Following this incident, the Police Superintendent instructed close monitoring of these premises by way of a Problem Solving Plan (FT/09/4170). Local residents were spoken to by the Neighbourhood Beat Officer, but no one was willing to assist due to fear of reprisals.

03/09/09 - Police called to a very drunk male lying in Belgrave Road near to the premises. The male had to be taken to Torbay Hospital and it was confirmed that he had been drinking within The Tor Abbey.

Following this incident, the premises were made subject of further close monitoring by way of an Op Grennall Log (149 04/09/09).

15/10/09 - Officers attended the premises following a hoax '999' call. Whilst at the premises they noticed two males sitting at the bar, who appeared drunk. These males were seen approximately an hour later leaving the premises, they were spoken to by the same officers. They denied having been in the Tor Abbey, but were clearly heavily under the influence of alcohol.

28/11/09 - Following a serious assault on a male who had been drinking at the premises, intel was received indicating the use of cocaine on the premises by customers and the DPS.

16/01/10 - Local residents reported a fight in Belgrave Road, Torquay, near to the premises at 0040 hours. Police enquiries did not reveal any evidence of any licensing breaches and it could not be established if the fight was related to The Tor Abbey.

03/06/10 - Complaints from local residents about the conduct of the premises, in particular noise and persons drinking on the street. DPS advised and matter passed to Torbay Council Environmental Health Department.

01/01/11 - Serious outbreak of disorder within the premises, involving the DPS and staff, during which the DPS is seriously assaulted by three males. Police called and numerous concerns raised, including drunkenness, unauthorised licensable activities taking place and smoking within the premises. Enquiries into this matter are still ongoing and the offenders have not been located.

20/02/11 - Report of a disturbance in Belgrave Road near to the Tor Abbey Inn. Officers attended and two groups of very intoxicated females were involved in a confrontation. The landlord of the premises was spoken to by police officers and stated that the persons involved had not come from his premises. Local residents were spoken to by the Police Licensing Officers and they stated that those involved had come from within the premises, which was later confirmed by the DPS.

07/03/11 - Police called to the premises at 2342 hours following a report of a disturbance. On arrival a male was located covered in blood from an injury sustained within. Injured person refused to pursue the matter and some minor damage to an internal window was dealt with by way of civil redress at the request of the DPS.

For information, local residents have, for some time, been complaining about the conduct of the Tor Abbey Inn, but in all cases these residents have been reluctant to assist the police or council in a positive manner. The local Neighbourhood Beat Officer has engaged with them and obtained at least one community impact hearsay witness statement outlining their concerns.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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**

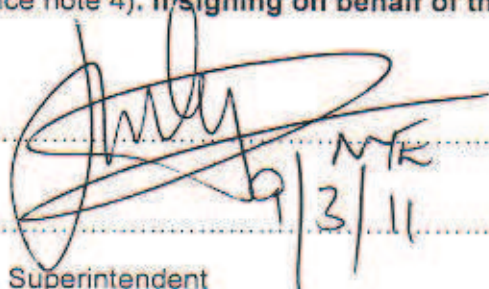
**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

  
9/3/11  
MR

Superintendent

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

Neil Stanlake  
Police Licensing Officer  
Licensing Department  
Devon and Cornwall Constabulary  
PO Box 1

**Post town**

Paignton

**Post Code**

TQ3 2YR

**Telephone number (if any)** 01803 841327

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
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5. This is the address which we shall use to correspond with you about this application.

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**DEVON & CORNWALL**  
**CONSTABULARY**

# **REVIEW OF PREMISES** **LICENCE**

**Tor Abbey**  
**80 Belgrave Road**  
**TORQUAY**  
**Devon**

## INDEX TO REVIEW BUNDLE –

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-1-

**Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003**

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Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

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Name and address

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-4-

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**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

*[Handwritten Signature]*  
*[Handwritten Date: 9/3/11]*  
*[Handwritten Initials: MTK]*

Superintendent

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

Neil Stanlake  
Police Licensing Officer  
Licensing Department  
Devon and Cornwall Constabulary  
PO Box 1

**Post town**  
Paignton

**Post Code**  
TQ3 2YR

**Telephone number (if any)** 01803 841327

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

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5. This is the address which we shall use to correspond with you about this application.

Form No.: L10 - Rev. 01/2007  
27 MAY 2009  
WCL61  
LICENSING UNIT

# Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: TOR ABBEY BELGRAVE ROAD Beat code: FT 2J  
 Address: ..... Town: TORQUAY

Report Type: Routine visit  Incident  Intelligence

Details:  
Large fight - one male GSH injured Hit with  
Axe. OIS Ref.: log 1259 Crime No.: FT09/4001  
 Date: 24/05/09 Time: 2323 hrs Exact location (e.g. on premises, outside etc.): 24/05/09 INSIDE + OUTSIDE  
 Disorder  Drunkenness  Criminal damage  Assault  Drugs  Underage  Other (specify): .....

Brief Summary of Incident / Intelligence:  
Report of fight, on attendance male (redacted)  
has received substantial head injuries from a male reported  
to have an axe. Large number of the people in the  
pub were extremely intoxicated and refusing to give details  
Many appeared to know possible offence or further details but  
would not help police. Once police cleared pub many patrons  
extremely drunk fighting amongst themselves.  
 Officer completing (name): Chapman Rank: PC No.: 6920  
 Signed: [Signature] Date: 25/05/09

<b>CCTV:</b>		<b>Doorstaff:</b>	
CCTV on the premises?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Were doorstaff on duty?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Was it working at time of visit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	If yes, number on duty? .....	
Was the image quality?	Good <input type="checkbox"/> Poor <input checked="" type="checkbox"/>	Were all staff SIA badged?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Any comments: .....		If no, record details overleaf.	
.....		Number of customers present (from doorstaff): .....	
.....		Door staff employed by (i.e. name of company): .....	

Was the premises licence displayed? Yes  No  Not known   
 Was the designated premises supervisor (DPS) on the premises? Yes  No  Not known   
 Name of premises supervisor on duty (or duty manager if no DPS): ROGER HUETER  
 Any remarks about the conduct of the DPS/manager at time of incident/visit: .....

Police Officers Injured:

Yes  No  Not known

If yes, officers' details: .....

Persons Involved (if known):

- 1. Name: [redacted] DoB: [redacted]  
Address: .....
- 2. Name: ..... DoB: .....  
Address: .....
- 3. Name: ..... DoB: .....  
Address: .....
- 4. Name: ..... DoB: .....  
Address: .....

Action Taken OIC:

Aggravated assault to Temporal Hospital with  
 life threatening injuries.  
 Pub closed down to ~~at~~ prevent further  
 scps.

Name: CITIZEN No: 6920  
 Signed: [Signature] Date: 25/05/09

Action Taken by Licensing Unit:

FT/09/4001 viewed. Engr. mgmt.  
 18/6/09 - " - [redacted] charged GRH - Exter C/Ch  
 11/9/09. [redacted] & [redacted]  
 both are the other offenders. [redacted] NFA'd, [redacted] on bail  
 until 16/12/09 - TR & P/S.  
 28/7/09 FT/09/4001 viewed - [redacted] also NFA'd. Await  
 C/Ch decision on 11/9/09 re [redacted]  
 4/11/09 spoke to [redacted] @ Exter C/Ch. - trial re [redacted] due to start on  
 11/11/09  
 8/1/10 spoke to Brian Tapley @ Exter C/Ch. Dealing, appearing for sentencing on 8/2/10.  
 11/2/10 [redacted] found G - 5 yrs imprisonment.

Licensing officer: ..... Signed: [Signature] 55311 Date: 2/6/09

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TEXT NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 55311, STANLAKE CIV

URN 1259 Stn MOE Vdu MOE95/3=BST11

Tme 23:23 Dte 24/05/09 Op 55747

Reported by 9 999  
Brief Incident Details  
FIGHT

Location of Incident

Feature TOR ABBEY INN,80  
Street BELGRAVE ROAD  
Area TORQUAY,DEVON Postcode TQ2 5HZ  
Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34  
Caller THIRD PARTY  
Name [REDACTED] Title  
House 288185, 63742  
Street  
Area 3023, 3023, 80, 90.0, OSGB36  
Tel. No [REDACTED] Confirmed N  
Time and Date of Incident 2323 24/05/09  
Classification CRIME RELATED VIOLENCE  
Graded Response IMMEDIATE Sec Lev 1

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Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
6920	SB20N	CARPENTER PC	23:25	23:28	00:45						
4210	SB20N	PAGE PS	23:25	23:28	00:45						
6141	SB30N	CONWAY PC	23:29	23:32	01:13						
6669	SB30N	COPPING PC	23:29	23:32	01:13						
S18	S10	LLOYD INS	23:30	23:43	01:13						
3030	T80N	CARNE PC	23:30	23:42	00:24						
4012	D74	WILSON PC	23:33	23:37	00:47						
6726	SB23	MATHEWS PC	23:34					01:13			
1470	SB23	TOMS PC	23:34					01:13			
ND16	N10	DAWSON PS		23:42	23:43						
4404	ST59N	WILLS PC	00:07	00:41	01:13						
653	653	GUNTRIP PC		00:56	01:13						
4404	ST59N	WILLS PC		01:13	05:54						
6920	SB20N	CARPENTER PC						01:14	09:18		
4210	SB20N	PAGE PS						01:14	09:18		
S18	S10	LLOYD INS						01:14	07:18		
1139	1139	DOYLE DC	01:16	02:19	04:45						
620	SB33E	STEVENS PC		06:55	15:28						

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Tuesday, May 26, 2009

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See Page 25

# MAN'S SKULL FRACTURED IN PUB BRAWL

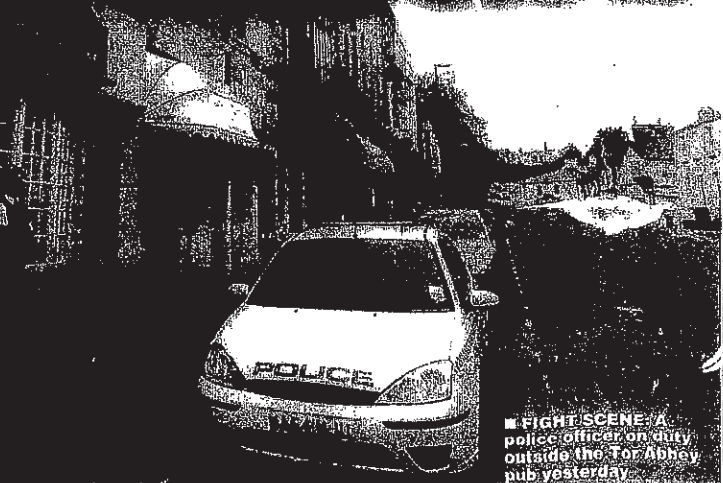
**Fighting spilled on to street**

By **PAUL JAMES**  
pjames@heraldexpress.co.uk

A MAN suffered a suspected fractured skull after a pub brawl in Torquay spilled out onto the street.

The victim, in his 20s and from Torre, was rushed to Plymouth's Derriford Hospital after violence flared at the Tor Abbey Inn late

■ Turn to Page 2



**FIGHT SCENE:** A police officer on duty outside the Tor Abbey pub yesterday

**'Marks' to tell how much it will pay**

By **TREA CROWSON**  
tcrowson@heraldexpress.co.uk

The contribution which retail giant Marks & Spencer is prepared to make towards helping Torquay's ailing town centre was being revealed today.

The company has been asked to clarify the amount it is willing to pay and a package of proposed improvements, including to roads and public transport at The Willows, as part of the application for an extension for its flagship store.

In a letter to the council, the company's planning and design consultants says M & S is prepared to contribute £150,000 towards improvement in Torquay town centre, payable before the extension opens.

But a report to councillors said the company had originally been asked to contribute £818,000 over five years.

**Mezzanine**

The extension to create a mezzanine floor would make it the biggest M & S store south of Bristol.

Planners had deferred the application in April after warning the expansion could drain more than £1million in trade from the town centre.

Those figures are also to be clarified at today's meeting by strategic planners.

Development control committee chairman Cllr David Thomas said: "There was some discrepancy over the figures and I asked that the officers go back to Marks & Spencer to get a definitive figure to put before the committee."

"Marks & Spencer have never made a specific payment for town centres before. But it is something Torbay Council is keen to achieve. I have also asked how the figure of

■ Turn to Page 5

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### Bygone's



# Police appeal for witnesses to pub fight

From Page 1

on Sunday night.

He was undergoing surgery at the hospital yesterday after being placed in the intensive care unit.

Police said his condition yesterday afternoon was 'serious but stable'.

A group of men were involved in the skirmish inside the pub

which continued outside where the casualty received his injury at about 11pm.

Detectives immediately launched a manhunt for the offender who is said to be in his 20s and was wearing a striped top.

A group of witnesses have already been quizzed about the punch-up but police are anxious to hear from more.

Det Sgt Garry Mudge said: "It would appear that an altercation did start in the Tor Abbey Inn which spilled out on to the pavement where the man received a serious injury to his head.

"We are still making inquiries to establish how he received this injury.

"If anyone has any informa-

tion we would be pleased to hear from them.

It has not yet been established what provoked the fight.

DS Mudge confirmed two groups of men were involved in the violent exchange.

He said the head injury suffered by the victim was serious, but not life-threatening.

"We are still in the process of trying to find out exactly what

happened. We have identified some witnesses who we have spoken to in an effort to identify the suspect," he said.

Anyone with information of use to Torquay CID should contact DS Mudge on 08452 777444, quoting log 422 of May 25.

Witnesses can also use the confidential Crimestoppers number of 0800 555111.

# Inquiry into bypass set for summer

By LAURA DALE

dale@heraldexpress.co.uk

A DATE has been set for a public inquiry into the controversial £130million Kingskerswell bypass scheme.

The inquiry into compulsory purchase orders and road closures along the route will start on Tuesday, July 7 at the Passage House Hotel, Kingsteignton, and could last up to four weeks.

During the inquiry an inspector will listen to arguments for and against the bypass.

He will then submit a report and recommendation to the Government.

Ken Pegden, chairman of the Kingkerswell Alliance, which campaigns against the bypass, said he hopes to persuade the Government to look at cheaper and less destructive methods of improving traffic congestion along the main Torquay to Newton Abbot road.

He said: "We are very pleased the public inquiry has been set. We have continued to push for a range of alternatives which have been produced by a leading transport consultant.

"We believe that if the alternatives can be explored through the public inquiry it will show there is no need for the compulsory purchase orders," he said.

The Alliance says the bypass would 'totally devastate Kingskerswell' and that the mayor's vision of a prosperous Bay could be met without the scheme.

Mr Pegden believes tunnelling under

Penn Inn roundabout rather than building a flyover, having an integrated public transport system, better lanes and redesigning the traffic light systems could cut the cost of the bypass by £80million.

Devon County Council, Torbay Council and Teignbridge Council have pushed the agenda for a new highway for years to improve traffic congestion and vehicle access to the Bay.

Supporters say frequent traffic jams are blighting the Bay's economy and causing misery for Kingskerswell residents.

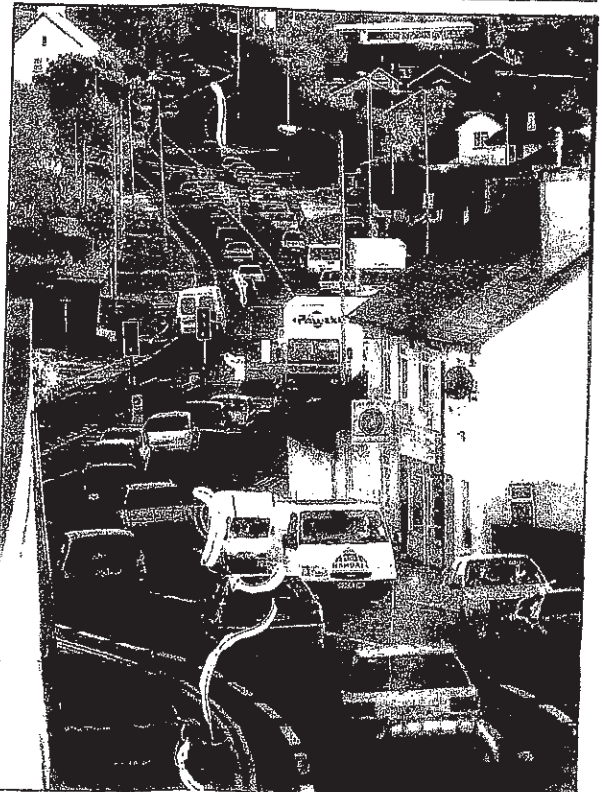
#### Report

Bypass supporter and Kingskerswell councillor Mike Haines said: "Planning permission has already been given and hopefully it will still be on target for work to start in 2010."

A pre-inquiry meeting to discuss the format of the meeting will be held at Newton Abbot Racecourse on Wednesday, June 3.

The inspector's report, which will follow the public inquiry, is not expected to be completed for several months.

It will then be up to the relevant secretary of state to accept or throw out the findings.



BYPASS INQUIRY: Traffic moving slowly through Kingskerswell

# 'Missing' householder in hospital during fire at home

FIREFIGHTERS who tackled a bungalow blaze in Torquay feared the elderly Normandy veteran occupant inside may have perished in the smoke-filled property.

Instead the 84-year-old man was in good hands at Torbay Hospital having fallen and injured his leg at his Shiphay Avenue home just before the brigade answered the 999 emergency call on Sunday evening.

Crews sent in a snatch team wearing breathing gear to hunt for the occupant after neighbours told them he was definitely at home. They found no one.

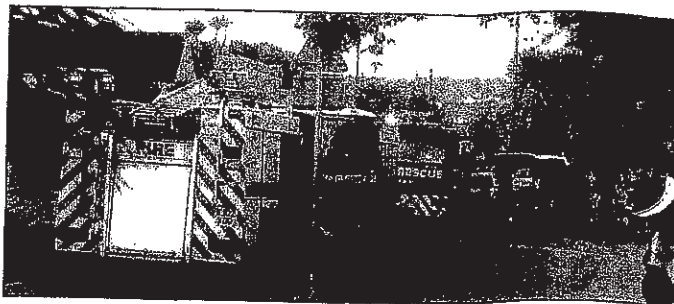
But they later heard paramedics had taken him to nearby Torbay Hospital after he had slipped on his garden terrace.

Watch commander Alan Gilson said: "Neighbours were convinced the gentleman was inside, but we could not find him.

"It was a very unpleasant job because we really thought we were dealing with a fatality.

"We all believed he was somewhere inside because that's what we were told and his car was on the drive.

"It was only later that we



FLASHBACK: Fire crews at the blaze in Shiphay Lane, Torquay

learned he had fallen in the garden and been taken to hospital. It was huge relief to know he was OK."

A neighbour revealed the casualty was recovering in hospital. He was due to be discharged late yesterday.

A Torbay Hospital spokesman confirmed yesterday morning: "He is doing fine and will soon be allowed back home."

But his home is not thought to be immediately habitable after suffering extensive smoke damage, but very little fire damage.

Mr Gilson explained: "At this stage it is thought the cause of the fire may have been an electrical fault in the boiler cupboard.

"Fortunately the door was shut and it did a brilliant job in holding back the fire."

One neighbour said: "It was such a fluke that he was out of his home and in hospital at the time. He's so very lucky.

"We think he cut his leg in the fall. He was a bit shaken." Four pumps attended the incident after the alarm was raised just before 7.30pm by a passer-by who heard the high-

pitched sound of an activated smoke detector.

Mr Gilson said: "We knew we had a job on our hands before we arrived because we could see the smoke coming half-way down Shiphay Avenue."

Altogether eight sets of breathing gear were worn by the crews who used two hosereel jets and a positive pressure ventilation fan to snuff out the flames and clear the thick smoke.

# Two hurt in domestic incident

POLICE armed with Tazer guns were called to a Newton Abbot street after reports of a violent domestic incident involving three people.

Two police units and tactical aid group officers attended the scene at Church Road at about 1.30am on Sunday.

According to one resident, who did not want to be named, police blocked off the road while they dealt with the disturbance.

Police arrested a local 28-year-old man at about 2.05am on suspicion of actual bodily harm against a 21-year-old woman and of grievous bodily harm against a 41-year-old man.

The use of Tazer guns was authorised but officers did not deploy them.

A police spokesman said: "We were called to a violent domestic incident. Two local units and a tactical aid group who were in the area attended the scene.

"There were two assaults against one woman and one man.

"It appears a man received a serious injury, which is not life-changing.

"The investigation is still on-going."

The 21-year-old man was being questioned by police.



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Man due in court after death of Ivy, 92

From Page 1

out in the hope of establishing exactly how Mrs Hawken died. It emerged yesterday Mrs Hawken had spent the evening with her family playing cards at the £725-a-week home which specialises in dementia care. Det Supt Steve Carey, heading the murder investigation, said Mrs Hawken was known to have been very happy at the home where she had lived for five years. She had lived locally before moving

into the home which has been run for the last seven years by Stephen and Yvonne Mould. Mrs Hawken's family are reported to be 'devastated' by the tragedy. Det Supt Steve Carey said: "Staff at the home have been spoken to by police officers and are co-operating fully." Woodruff was initially bailed by police after the incident but was taken back into custody yesterday where he was charged late last night. An inquest into the death is

expected to open early next week in Torquay where formal evidence of identity is likely to be given by a police officer.

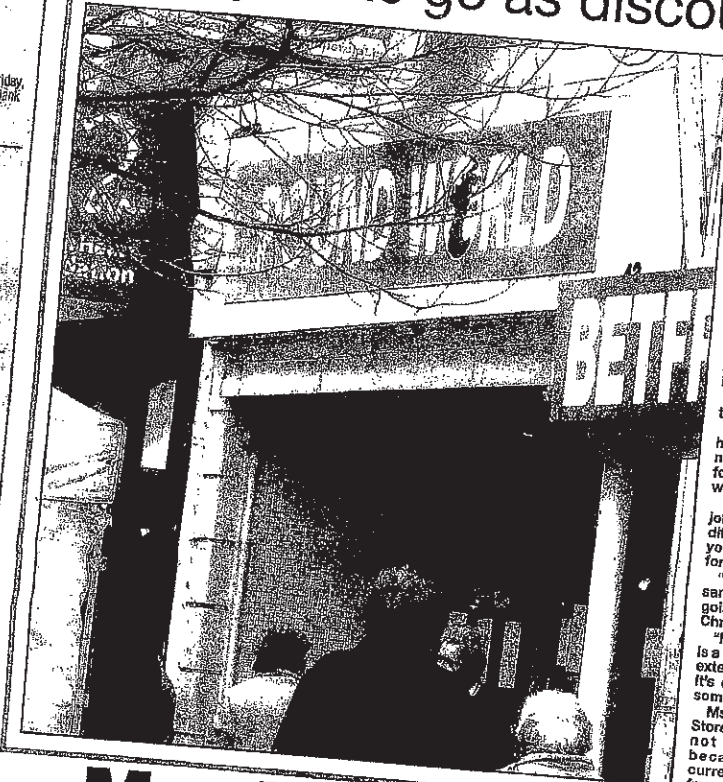
It is anticipated that South Devon coroner Ian Arrow will be asked if the body can be retained for a further period by the police while their inquiries into the death continue. Histology test results on tissue samples are expected within the next few weeks.

Mrs Hawken was taken by ambulance to Torbay Hospital after the 999

call was made at 10.24pm on Wednesday. She died soon after admission.

Retirement home owner Mr Mould has said: "We are devastated. There is a police investigation going on and we are cooperating with that. "This is a family-run care home and nothing like this has ever happened before. We are just trying to take stock of the situation. "It is very upsetting and we are all trying to come to terms with what has happened."

Five jobs to go as discount store to close



ONE of Paignton's discount stores is to close with the loss of five jobs.

Pound World (left) in Victoria Street is packing up for good after Christmas, and even a further discount promotion selling everything at just 75p had failed to secure its future.

The shop's lease is due to run out on December 31 and already the owners of the building have been in contact with national firms to take over the premises in the New Year.

Manager Carly Brooks said it was not even the 75p offer on every item had helped saved the store from closure.

She said: "When the whole stock is gone that's it. The store is almost empty."

"At present we're just trying to get through Christmas." She said all members of staff had applied for jobs in the newly opened 99p Store in the former Woolworths store, but without any luck.

She added: "There are no jobs around in Paignton. It's difficult. When a job comes up, you have so many people apply for it."

"It's hard. We're all in the same boat. To know you're going to be on the dole by Christmas is not great."

"I think what Paignton needs is a good music shop. HMV has extended its lease in Torquay. It's done well there. We need something like that."

Ms Brook said the new 99p Store on the High Street had not been too damaging because Pound World is currently selling everything from Christmas decorations to

cutlery and gifts at 75p per item.

Although a Lease for Sale sign has been outside the shop for a month, the store, which opened in April, has been on the market for the past three.

Damian Cook, director at Stratton Greber commercial estate agent in Exeter, which is handling the lease, said several big national names were in the frame to take over the store, hopefully in the spring.

He said the annual £20,500 rent was negotiable with deals on the cards for good brands wanting take a long-term lease on the property.

He said: "No decision has been taken. The property is on the market. It is a prime location with a regular shaped shop."

"We're also ready to be flexible on tenancy and rent. We're looking at a lease which can be tailored to the requirements of the client whether it is a three or five-year lease."

He added: "No major alteration is needed to the store, which takes the ground floor and half of the first floor."

Mr Cook said there was little chance the shop would be taken over before March because of the difficult first months after Christmas.

He added: "Hopefully, people will see the potential for this store, especially when the tourist season kicks in."

Man's skull fractured in hammer attack outside pub

By STAFF REPORTER

newsdesk@heraldexpress.co.uk

PSYCHIATRISTS will assess the level of danger posed by a pubgoer who fractured another man's skull with a hammer, Exeter Crown Court heard.

Sentencing of Ben Darling, 25, of Queen Street, Torquay, was adjourned for a psychiatric report yesterday until a date to be set.

Darling had attacked Danny Harper, son of the landlord of the Tor Abbey pub, in Belgrave Road, Torquay, during a brawl on the pavement outside.

Recorder John Williams was going to sentence him but became involved in a debate with the defence team about whether the defendant was a dangerous offender, which could affect the length of his prison term.

The judge told Darling: "I suspect you may be sentenced on the basis you are a dangerous offender and that may not be fair to you."

Darling had pleaded guilty to inflicting grievous bodily harm with

intent in an incident in the street, during karaoke night at the pub on May 24 this year.

Prosecutor Richard Crabb said a fight started between Danny Harper and the defendant's two friends inside the bar.

Darling was not involved but one of his friends was injured, bleeding, and needed to be cleaned up by the pub landlord.

Mr Harper and his friends went outside the pub to avoid any further trouble.

"He was outside on the pavement when there was a further fight which ended with him being hit on the head with a weapon," said Mr Crabb, referring to the hammer. "There was a lot of blood and complete chaos."

A neighbour, looking out of their window, saw a man opening his arms, while shouting "come on then".

The man fled to a taxi rank after swinging the hammer at the back of Mr Harper's head. Mr Harper then collapsed.

Mr Crabb said police identified this man as the defendant, after viewing CCTV footage of a suspect coming out of the pub armed with something concealed behind his back.

The victim needed treatment for a skull fracture, including the insertion of a metal ring on his head.

He was now recovering but still suffered weakness in his arm caused by the skull injury.

The court heard Darling already has several previous convictions for violence.

Defence counsel Barry White said the defendant had written a letter to the judge which showed his remorse.

He added Darling had not initially been involved in any violence but joined in out of loyalty to his friends.

"He hadn't gone to the public house with the intent of causing trouble or gone there armed," said Mr White.

The court was not told where Darling found the hammer.

He added that his client had a troubled childhood.

"He has no role models, no opportunities," said Mr White.

The judge said he was considering adjourning the case until later in the day, as he might impose a sentence of imprisonment for public protection.

This would mean the defendant could be jailed indefinitely if he remained a risk.

Mr White then said the case must be adjourned for a psychiatrist to assess Darling, as he disagreed about his client's potential for violence.

Recorder Williams agreed to this suggestion and remanded Darling in custody to be sentenced on a date to be set.

The defendant, in a striped blue sweater, remained silent throughout proceedings except to say "thank you" after the judge thanked him for his letter and said the case needed further consideration.



WINNER: Howard Scott

equality and diversity and a code of conduct for people working with children. Jo-Anne Downing, the LTA county development officer, presented Gary Park chairman Dave Harding and club coach

provide even better training for young people, adult members and the community to enjoy playing tennis in a friendly and safe environment," said Harding.

MARK OF DISTINCTION: Left to right are Rachael Jacobs (with Clubmark certificate), Dave Harding and Louise Pope

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-----  
Sub-division: FT Bt/Sn:2J Crime No:FT/09/4170  
-----

Offence: NON CRIME - PROBLEM SOLVING PLANS Status: UNDETECTED  
-----

Location: TOR ABBEY INN 80  
BELGRAVE ROAD  
TORQUAY

GridRef:29080406428  
SIG: 1/1/645/34

Committed: On/Between 0001 24/05/09 Sunday  
and/prior to 1230 02/06/09 Tuesday

Reported At: 1230 02/06/09 Tuesday To: CIV/JK/SMART

Means: OTHER ENQUIRIES

Reporting Officer: [REDACTED]

Xref/Index	Reason	Description
1 OFFENCE	ESTABLISHED	FULL NON CRIME - PROBLEM SOLVING PLANS
2 CRIME	FREE TEXT	Investigators COMMENTS PRESENT Updated 05/0
3 RELATED	R	<span style="background-color: black; color: black;">[REDACTED]</span>
4 RELATED	C	REGINA

-----  
ALLOCATION  
-----

Investigating Officer PS/41293/TORBAY UNDT NO PAPRS Sub-div/Dept PTRF

Allocated By [REDACTED] II Time/  
Date Report Due

15313

-----  
MODUS OPERANDI  
-----

COMPLAINT RECEIVED REGARDING NOISE ISSUE AND AFTER HOURS DRINKING

-----  
OFFICERS INVOLVED  
-----

CIV K/SMART	CIVF	1230	02/06/09	REP OFF
PC/41380/TORBAY PATROL	CRMF	1439	02/06/09	INV OFF
PC/41380/TORBAY PATROL	CRMF	1439	02/06/09	OIC
PC/41380/TORBAY PATROL	CRMF	1439	02/06/09	DIS OFF
PC/59803/BELL II	PTRJ	1439	02/06/09	ALLOCATOR
PS/5482/PENHALIGON	PTRF	1533	02/06/09	INV OFF
PS/5482/PENHALIGON	PTRF	1533	02/06/09	OIC
PS/5482/PENHALIGON	PTRF	1533	02/06/09	DIS OFF
PS/3827/MCLELLAN	PTRF	1533	02/06/09	ALLOCATOR
PS/3827/MCLELLAN	PTRF	0914	02/07/09	ALLOCATOR
PS/3827/MCLELLAN	PTRF	0848	04/08/09	ALLOCATOR
PS/6606/COOKE	PTRF	0214	17/08/09	INV OFF
PS/6606/COOKE	PTRF	0214	17/08/09	OIC
PS/6606/COOKE	PTRF	0214	17/08/09	DIS OFF
PS/5482/PENHALIGON	PTRF	0214	17/08/09	ALLOCATOR
PC/3287/BRADLEY	PTRF	0855	15/09/09	INV OFF
PC/3287/BRADLEY	PTRF	0855	15/09/09	OIC
PC/3287/BRADLEY	PTRF	0855	15/09/09	DIS OFF
PS/6606/COOKE	PTRF	0855	15/09/09	ALLOCATOR
PS/6606/COOKE	PTRF	1640	12/10/09	ALLOCATOR
PS/4364/COSTIN	PTRF	1824	08/11/09	ALLOCATOR
PS/6606/COOKE	PTRF	1002	28/11/09	ALLOCATOR
PS/6606/COOKE	PTRF	1126	23/12/09	ALLOCATOR
PS/41293/TORBAY UNDT NO PAPRS	PTRF	0813	05/01/10	INV OFF
PS/41293/TORBAY UNDT NO PAPRS	PTRF	0813	05/01/10	OIC
PS/41293/TORBAY UNDT NO PAPRS	PTRF	0813	05/01/10	DIS OFF
PS/6606/COOKE	PTRF	0813	05/01/10	ALLOCATOR

-----  
INVESTIGATION DETAILS  
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Scene Visited	Scene Searched	House To House	N
Racial Motive	Victim Support	Soco Requested	N
Liason With LIO	Liaison With FCIO	Liaison With RCIO	
Liaison Oth Force	Dealers Visited	Local Informants	
Fingerprints Found	Other Evidence	Photo's Taken	
Artists Impression	Photo's Shown	Scene Re-visited	
CPO Requested	Comp Agrees TIC	Enquiries Compl	
Hood Watch Infor	C I D Investigate	Screened Out	
Graded Response B	Graded Response S	Graded Response G	
Cocoon Watch	Police Watch	Financial Int'View	
Number of Offender Identifications made	Last Updated		
Officer Authorising Ident			

Officer's Reports:-

NO OIS LOG

NPV

SUBMITTED FOR SCREENING

----- 12:41:52 02 Jun 2009 [REDACTED] INVESTIGATION -----

----- 14:09:44 02 Jun 2009 [REDACTED] INVESTIGATION -----

THESE PREMISES ARE OF CONCERN FOLLOWING MUCH INTEL AND A SERIOUS INCIDENTS THERE ON 24 MAY 2009 (LOG 1259 OF 240509 REFERS). THE LANDLORD/DPS IS ROGER HARPER, WHO IS BELIEVED TO BE INVOLVED IN THE

SUPPLY OF STOLEN GOODS ON HIS PREMISES.

FURTHERMORE, LOCAL RESIDENTS ARE REGULARLY COMPLAINING REGARDING THE CONDUCT OF THESE PREMISES RELUCTANT TO COME FORWARD AND ASSIST THE POLICE IN A POSITIVE WAY FOR FEAR OF REPRISALS. OVER THE PAST COUPLE OF WEEKENDS IT HAS BEEN REPORTED THAT THE PREMISES HAVE STILL BEEN TRADING UP UNTIL 3 AM IN THE MORNING WITH KARAOKE BEING CLEARLY HEARD AND THE WINDOWS AND DOORS OF THE PREMISES WIDE OPEN. THE LICENCE FOR THESE PREMISES PERMITS LIVE MUSIC ON FRIDAYS AND SATURDAYS UNTIL 11.30 PM AND THE SALE OF ALCOHOL UNTIL MIDNIGHT.

AND INSP LEISK INSTRUCTS THAT AT LEAST TWO OFFICERS CARRY OUT HIGH PROFILE UNIFORM VISITS TO THE PREMISES UP UNTIL MIDNIGHT THIS COMING FRIDAY AND SATURDAY (05/06/09 AND 06/06/09 AND THAT PASSING ATTENTION IS PAID THEREAFTER IN AN EFFORT TO DEDUCT ANY LICENSING OFFENCES WHICH SHOULD BE MADE SUBJECT OF THE USUAL FORM L10.

----- 14:15:46 02 Jun 2009 [REDACTED] INVESTIGATION -----

ALLOCATED FOR ACTIONS ABOVE

----- 14:38:52 02 Jun 2009 PC/59803/BELL II INVESTIGATION -----

CRIME NOTED BY NET. WE WILL MAKE REGULAR VISITS TO THE PREMISES INCLUDING OUT OF HOURS TO ENSURE THERE ARE NO BREACHES AND PROMOTE PUBLIC CONFIDENCE.

----- 10:16:18 03 Jun 2009 PS/5482/PENHALIGON INVESTIGATION ---

FROM NET -

ATTENDED THE LOCATION AT 2325HRS 04/06 AND SPOKE TO THE DPS, ROGER HARPER. ALL IN ORDER. CCTV WORKING AND IN GOOD ORDER. NO ISSUES.

----- 03:31:10 05 Jun 2009 PC/6955/LAING INVESTIGATION -----

FROM PS PAGE - AT 2300HRS WAS PASSING AND SAW MALE BEING TENDERED TO O/S BY STAFF/CUSTOMERS. THIS MALE HAD A HEAD INJURIES AND AMBULANCE REQUESTED. MALE GAVE DETAILS AS [REDACTED]

[REDACTED] WAS ADMAMANT HE WAS EXITING THE PUB AND SLIPPED AND FELL DOWN THE STEP DUE TO HIS INTOXICATED STATE. THERE WERE MANY 'WITNESSES' KEEN TO CONFIRM THIS ACCOUNT INCLUDING DPS ROGER HARPER. ON BALANCE OF PROBABILITIES NO CRIME TO RECORD OR INVESTIGATE. WOA GIVEN TO DP RE MUSIC FINISHING AT 2330 AND NO DRINKS AFTER MIDNIGHT. HE ASSURED ME THIS WOULD BE ADHERED TO.

----- 03:34:55 07 Jun 2009 PS/4210/PAGE INVESTIGATION -----

FROM NET

2100HRS 06/06/09 THE PREMISES WERE CHECKED. THERE WERE APPROXIMATELY 30 PERSONS INSIDE THE PUB FOR A BIRTHDAY PARTY AND LIVE MUSIC WAS BEING PLAYED.

DPS SPOKEN TO AND PREMISES CHECKED - ALL IN ORDER.

LOCATION ALSO CHECKED AT 1840HRS 07/07/07.

AGAIN ALL IN ORDER ONLY 7 PEOPLE INSIDE THE PREMISES.

----- 22:18:58 07 Jun 2009 PC/6955/LAING INVESTIGATION -----

FM 20N -

ATTENDED AT 2300HRS, PUB REASONABLY FULL (20 OR SO) ALL IN GOOD SPIRITS. TWO PEOPLE BEHIND BAR INCLUDING OWNER WITH NO CONCERNS.

DROVE PAST A SHORT TIME LATER AND AGAIN IN ORDER.

NOTE WENT INSIDE AND SPOKE TO DPS ON FIRST VISIT.

----- 00:33:30 13 Jun 2009 PC/6726/MATHEWS INVESTIGATION -----

FM NET - ATTENDED THE LOCATION AT 0045HRS 130609. PRMIESES ALL LOCKED UP AND QUIET.

----- 20:29:56 13 Jun 2009 PS/5482/PENHALIGON INVESTIGATION ---

SB3 attended at ~22:45hrs - establishment not full and those inside in a good mood. Will pay passing attention.

----- 23:15:32 13 Jun 2009 PC/6726/MATHEWS INVESTIGATION -----  
 FM NET - ATTENDED AT 0130HRS 14/06/09 - ALL IN DARKNESS AND QUIET NO SIGN OF ANY AFTER HOURS ACTIVITY

----- 17:03:11 14 Jun 2009 PC/1463/HAWORTH INVESTIGATION -----  
 ALL NOTED TO DATE BY FP LICENSING DEPT, WHO APPRECIATE THE VISITS CARRIED OUT UP UNTIL TODAY. INSP LEISK REQUESTS THAT THESE CONTINUE UNTIL FURTHER NOTICE AND ANY CONCERNS COMMITTED TO THE USUAL FORM L10 AND SENT TO LICENSING ASAP.

----- 14:02:45 17 Jun 2009 CIV/NJ/STANLAKE INVESTIGATION -----  
 ON 21 AND 22-06-09 AT 0100 HOURS THE PREMISE APPEARED TO BE CLOSED AND SECURE

----- 05:03:14 22 Jun 2009 PC/6487/INCE INVESTIGATION -----  
 FOLLOWING LICENSING MEETING REQUEST MADE THAT LICENSING VISITS CONTINUE BY NET AND SECTOR/NHT OFFICERS AND THIS PSP IS UPDATED.

----- 12:02:20 02 Jul 2009 PS/6606/COOKE INVESTIGATION -----  
 CHECK AT 0045HRS 07/07/09 - ALL QUITE AND IN DARKNESS

----- 06:11:17 07 Jul 2009 PC/6593/ZULHAYIR INVESTIGATION -----  
 NOT HAD CHANCE TO GET TO THIS ONE WILL ATTEND TOMMORROW

----- 00:46:39 13 Jul 2009 PC/5868/GILLETTE INVESTIGATION -----  
 PATROLLED BY RED/GREEN SECTOR THIS EVENING - AIO.

----- 00:06:16 14 Jul 2009 PC/6950/EMPSON INVESTIGATION -----  
 SECTOR REVIEW - OVERDUE - E MAIL TO OIC TO REVIEW - EXTENDED

----- 08:47:54 04 Aug 2009 PS/3827/MCLELLAN INVESTIGATION -----  
 COMPLAINT FROM [REDACTED] WHO WITNESSED DRINKING OUTSIDE THE PREMISES AT 0130 HRS ON SUNDAY MONING WITH LOUD MUSIC COMING FROM INSIDE. LIAISON WITH PC BRADLEY - PATROLS TO BE REQUESTED OF NHT AND NET.

----- 15:49:12 03 Sep 2009 PS/6606/COOKE INVESTIGATION -----  
 CHECKED AT 1915 030909 BY NET - DPS SPOKEN TO 16 CUSTOMERS IN PREMS ALL CALM AND FRIENDLY - L10 SUBMITTED

----- 20:51:26 03 Sep 2009 PC/1463/HAWORTH INVESTIGATION -----  
 EMAIL RECIEVED FROM PC HOLLAND - WHO HAS VISITED AND SPOKEN WITH ROGER HARPER WITH X6 OTHER LOCALS IN THE BAR. HE HAS EXPLAINED 6THE ISSUES OF NOISE NUISANCE AND LOCAL CONCERNS. VISIT OCCURRED 2000 HRS 3/9/9.

----- 07:57:03 04 Sep 2009 PS/6606/COOKE INVESTIGATION -----  
 FROM NET - PREMIS ATTENED AT 20:30HRS. ALL IN ORDER, APROX 12 PERSONS PRESENT AND LICENCE CONDITIONS WERE BEING MET.

----- 05:21:31 06 Sep 2009 PC/864/MOORHOUSE INVESTIGATION -----  
 VISIT MADE AT 2130. ALL IN ORDER. 6 PEOPLE IN BAR AND SPOKE TO NEW BAR MAID MICHAELA WHO STATED OWNERS UPSTAIRS AND NO ISSUES.

----- 06:28:51 08 Sep 2009 PC/6011/AITON INVESTIGATION -----  
 NOTED AT FP LICENSING DEPT WHO HAVE RECENTLY SPOKEN TO THE DPS AT THE TOR ABBEY, ROGER HARPER, WITH REGARDS TO THE CONDUCT OF HIS PREMISES. HE WAS NOT HAPPY AT HAVING REGULAR VISITS BUT WAS TOLD WHY THEY WERE BEING DONE AND THAT HE SHOULD COMPLY FULLY WITH HIS LICENCE.

----- 09:58:27 15 Sep 2009 CIV/JK/SMART INVESTIGATION -----  
 FROM GREEN PARTY RESPONSE ATTENDED PUB AT 2220 ALL IN ORDER ONLY 2 CUSTOMERS PC 6726 MATTHEWS

----- 22:24:27 01 Oct 2009 CIV/S/BUXTON INVESTIGATION -----  
 CALL RECEIVED FROM PS REES ALL IN ORDER AT THIS TIME ONLY 3

CUS' MERS

----- 21:18:17 03 Oct 2009 CIV/A/CONNOR INVESTIGATION -----  
ATTENDED TORRE ABBEY INN 1755 HRS 29/09/09. ALL IN ORDER BAR WAS  
REALLY QUIET ONLY 3 CUSTOMERS.

----- 14:32:45 07 Oct 2009 PCSO/AB/MOORE INVESTIGATION -----  
ATTENDED BY NET 15/10/09 2140HRS IN RESPONSE TO SILENT 999 CALL  
HANDFULL OF CUSTOMERS PRESENT - NO OFFENCES - L10 REFERS

----- 03:53:11 16 Oct 2009 PC/1463/HAWORTH INVESTIGATION -----  
ABOUT 1530 HRS 31/10/09 ROUTINE LICENCE CHECK. MET WITH RODGER  
HARPER BAR WAS REALLY QUIET AND ONLY FIVE CUSTOMERS.

----- 10:04:04 04 Nov 2009 PCSO/AB/MOORE INVESTIGATION -----  
ON 191109 AT 1030 ATTENDED ST EFRIDES CHURCH HIGH VIZ. ASNT.

----- 11:03:21 20 Nov 2009 PCSO/S/DOUGLAS INVESTIGATION -----  
XXX OOPS WRONG PSP XXX

----- 11:05:57 20 Nov 2009 PCSO/S/DOUGLAS INVESTIGATION -----  
ATTENDED AT 21:30 HRS AIO BAR QUIET WITH MINIMAL CUSTOMERS BLUE  
RESPONSE

----- 04:35:35 23 Nov 2009 PC/1971/WADE INVESTIGATION -----  
ATTENDED BAR AT 1500 HRS 03/12/09 AIO 4 X CUSTOMERS PRESENT RODGER  
HARPER AND JILL CAVE WERE AWAY SPOKE TO HER DAUGHTER WHO WAS LOOKING  
AFTER THE BAR IN HER ABSENCE SHE WAS NOT AWARE OF THE INCIDENT AT  
THE WEEKEND.

----- 11:59:47 03 Dec 2009 PCSO/AB/MOORE INVESTIGATION -----  
LICENSE CHECK ON TOR ABBEY INN 1400 HRS 31/12/09 ALL IN ORDER.

----- 13:14:15 02 Jan 2010 PCSO/AB/MOORE INVESTIGATION -----  
PATROLLED OVER THE COURSE OF LATE TURN 020110-030110. ALL IN ORDER

----- 21:25:28 03 Jan 2010 PC/2382/MCINTYRE INVESTIGATION -----  
PLEASE CLOSE PSP AS NO LONGER REQUIRED

----- 08:13:06 05 Jan 2010 PS/6606/COOKE INVESTIGATION -----  
FILED NO PAPERS

a

FILED.

PLEASE NOTE

Any pertinent updates to this crime which YOU consider  
affects the present FILED status of this report must  
be notified to the Crime Bureau office by way of telephone

----- 20:55:48 05 Jan 2010 CIV/T/FRENCH II INVESTIGATION -----

-----  
RELATED PERSONS  
-----

Status: Reporting Person

RP.No: 01

Co./Surname: [REDACTED]

Dob/Age: 018

Forenames: [REDACTED]

Occupation: [REDACTED]

Address: PAIGNTON POLICE STATION

PAIGNTON

DEVON

Postcode:

Phone: UNKNOWN

Injuries:

(110609) (1) (13378147506041) (E2) (A) FZ2009905  
Address :TOR ABBEY INN 80 BELGRAVE ROAD

20

13378147506041

L29118 THE TOR ABBEY INN BELGRAVE ROAD TORQUAY HAS REGULAR LATE  
NIGHT DRINKING SESSIONS THE MAJORITY OF THESE OCCUR ON A SATURDAY  
NIGHT EARLY HOURS OF SUNDAY MORNING THEY OFTEN GO ON UNTIL 03:00HRS  
THERE IS A LOT OF NOISE FROM MUSIC AND SHOUTING FROM DRUNKEN PEOPLE  
THIS IS MADE WORSE BY THE FACT THAT THE WINDOWS AND DOORS ARE WIDE  
OPEN

L29118 FZ2009905  
Space (B)ackward (F)orward (V)iew e(X)it

Page 1 of Doc 126 of 129



(110609) (1) (4338197704063) (E2) (A) FZ2009906  
Address :TOR ABBEY INN 80 BELGRAVE ROAD

-21-

4338197704063

L29118 THE TOR ABBEY INN BELGRAVE ROAD TORQUAY HAS REGULAR LATE  
NIGHT DRINKING SESSIONS DURING THE WEEK THEY USUALLY FINISH AROUND  
0100HRS WEDNESDAY EVENING IS THE MOST FAVOURITE  
F110609 AZW L29118

----- 15:13:54 11 Jun 2009 CIV/AN/WHITE II INTELLIGENCE -----

L29118 FZ2009906  
Space (B)ackward (F)orward (V)iew e(X)it

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(110609) (1) (5388117300068) (E2) (A) FZ2009907  
Address :TOR ABBEY INN 80 BELGRAVE ROAD

-22-

5388117300068

IN THE MIDDLE OF APRIL 2009 L29118 IN THE TOR ABBEY INN BELGRAVE  
ROAD TORQUAY THERE WERE TWO MALES IN THE SAME TOILET CUBICLE SOUNDS  
OF SNORTING CAME FROM INSIDE THE CUBICLE WHEN THE MALES LEFT THEY  
HAD WHITE POWDER AROUND THIER NOSES THEY HAD BEEN SNORTING COCAINE

F110609 AZW L29118 SGURD

----- 15:14:43 11 JUN 2009 CIV/AN/WHITE II INTELLIGENCE -----

L29118 FZ2009907  
Space (B)ackward (F)orward (V)iew e(X)it

Page 1 of Doc 128 of 129

(110609) (1) (27308107903087) (E2) (A) FZ2009908  
Address :TOR ABBEY INN 80 BELGRAVE ROAD

-23-

27308107903087

[REDACTED] [REDACTED]  
THE PEOPLE WHO STAND AT THE ENTRANCE SMOKING TO L29118 THE TOR ABBEY  
INN BELGRAVE ROAD TORQUAY ARE VERY INTIMIDATING AND WILL STARE OR  
SHOUT ABUSE AT PASSERS BY  
F110609 AZW L29118

----- 15:15:22 11 Jun 2009 CIV/AN/WHITE II INTELLIGENCE -----

[REDACTED]

L29118 FZ2009908  
Space (B)ackward (F)orward (V)iew e(X)it

Page 1 of Doc 129 of 129

○

○

[REDACTED]

[REDACTED]

WITNESS STATEMENT

URN 

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(CJ Act 1967, s9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of

Age if under 18 Over 18 (if over 18 insert 'over 18'). Occupation: Fire Officer

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: 12 June 2009

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am employed by Devon & Somerset Fire and Rescue as a Watch Manager, based in Newton Rd Torquay and have been employed by the Fire Service for 30 years.

I cannot recall the exact date, but it was a Friday, about 3-4 weeks ago. I was on my way home from work, at around 5pm, when I decided to stop in Belgrave Rd, Torquay to buy a newspaper in the small newsagents just down from the Tav Abbey Pub.

I pulled my car over and parked directly outside the shop, which is only about 10 yards further down from the Tav Abbey Pub.

I got out of my car onto the pavement and as I walked towards the newsagents, I suddenly heard a loud ~~car~~<sup>cr</sup> crash and saw a man stagger out from inside the pub.

This man was a tall man, about 6'2" aged about 50 yrs of age, of tanned complexion and with a bald head.

Signature Signature witnessed by

Continuation of Statement of [redacted]

He staggered but didn't fall over and he was followed out by a male I recognized as [redacted] who I've known for many years.

I heard [redacted] shout in a threatening manner words similar to "whose fucking throwing who out". He clearly directed these comments towards the male who I saw stagger out from inside the pub, backward.

[redacted] said nothing more and returned inside the pub, followed by the male. Nobody else was involved and it appeared to me that there had been an altercation inside.

Nothing else happened and I went into the newsagents, made my purchase and returned to my car and went on home.

When I witnessed this incident I was only about 10 feet from it.

[redacted] was wearing working clothes and I couldn't tell if he was under the influence of alcohol. The male who got thrown out was not aggressive towards [redacted] and I can't remember what he was wearing.

It was daylight at the time and a warm dry day.

Signature: [redacted]

Signature witnessed by: [redacted]

(CJ Act 1967, s.9, s.10, s.11, s.12, s.13, s.14, s.15, s.16, s.17, s.18, s.19, s.20, s.21, s.22, s.23, s.24, s.25, s.26, s.27, s.28, s.29, s.30, s.31, s.32, s.33, s.34, s.35, s.36, s.37, s.38, s.39, s.40, s.41, s.42, s.43, s.44, s.45, s.46, s.47, s.48, s.49, s.50, s.51, s.52, s.53, s.54, s.55, s.56, s.57, s.58, s.59, s.60, s.61, s.62, s.63, s.64, s.65, s.66, s.67, s.68, s.69, s.70)

Statement of **Michael Gerrard Bradley**..... URN: 

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Constable 3287**

This statement (consisting of: 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **17<sup>th</sup> July 2009** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 3287 of the Devon and Cornwall Constabulary currently stationed at Torquay Police Station as the Neighbourhood Beat Manager for the Torre area. I currently have twenty-three year's service.

I commenced duties in Torre on the 11<sup>th</sup> of May 2009. As part of my duties I liaise with a large range of people. These include residents, visitors, and businesses.

Following a serious assault at the Tor Abbey Public House on Sunday the 24<sup>th</sup> of May 2009 I was requested to speak to the local community for two reasons. Firstly to gain any evidence to assist my colleagues in the C.I.D. department and secondly to judge the impact an incident like this has on the local community. My findings were as follows.

I visited all business and private premises around the area of the Tor Abbey Inn. The most notable comment made from all the people I spoke to was that they would not use this public house. When asked why the reply from all people asked was this was a 'rough' pub and was not frequented by local people. When asked if they would make a complaint with reference to any such incident the reply was no. The main reason for this was for fear of reprisals from the users of the public house. A number of the business owners did state they had not been

Signature: ..... Signature witnessed by: .....





Continuation of Statement of **Michael Gerrard Bradley**

affected directly from the pub or its customers as they did not live in the area and during the day there were no problems.

Three people I spoke to, who are residents, made significant comments but as I have already mentioned they would not make a written statement. Their statements were as follows.

"I used to walk down that side of Belgrave Road and past the Tor Abbey Inn. When I did walk past the door there were always people stood outside the entrance smoking. I would get lewd comments from men like "Nice Arse". The language was also foul and this was at lunch times as well as the evenings. I now walk on the other side of the road".

"I went in the Tor Abbey Inn once when I first moved into the area. I was made to feel very uncomfortable. The pub was obviously inhabited by regulars and I was just stared at and the atmosphere was very intimidating. I have been in pubs all over the UK and have never felt like this. I would never go in again".

"I live close by the Tor Abbey Inn and on a regular basis I am kept awake by the loud noise coming not just from the music but also from the shouting. I accept that during opening hours a pub has to run a business but as I work during the day I have been kept awake at varying time from midnight to 03:00hrs in the morning. The music has been blaring out and a lot of drunken people have been both inside and outside shouting and screaming. The pub has no respect for locals who are trying to sleep, the pub will often have its doors and windows wide open especially in the hot weather. I do not know what time they are supposed to finish but the drinking carries on until the early hours. The worst nights are at the weekend (Friday and Saturday) but it also happens on a Wednesday evening. I was told when I moved in that the Tor Abbey Inn had a bad reputation with local residents. On one occasion I had locked myself out and needed to use the toilet. It was about 13:00hrs on a week day. When I went into the toilet there were two men in the same cubicle. They both came out and I could clearly see white powder on their noses and there were sniffing and wiping around their noses laughing. I am sure they were taking Cocaine. I have never been back in since".

Signature: .....

Signature witnessed by: .....

2004/5

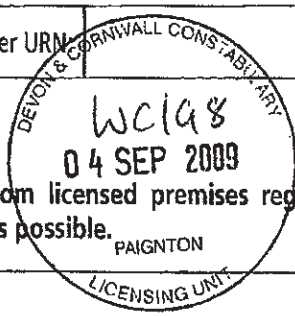
Continuation of Statement of Michael Gerrard Bradley.....

As the beat manager I have visited the Tor Abbey in on a number of occasions, each time in uniform. I have spoken to the Landlord who has always been cordial with me. I have never had an issue with clients when I have been inside the premises.

Signature: ..... Signature witnessed by: .....



File No.: <b>AT/0221</b>	Computer URN	Minute No.:
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# Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

**Name of Premises:** Ton Abbey Inn Beat code: FT50  
**Address:** BELGRAVE ROAD, TORQUAY Town: Torquay

**Report Type:** Routine visit  Incident  Intelligence

**Details:**  
UNCONSCIOUS MALE LYING ON BELGRAVE ROAD SHORT DISTANCE  
FROM TON ABBEY INN OIS Ref: 1054 Crime No: N/A  
 Date: 03/09/09 Time: 22:38 Exact location (e.g. on premises, outside etc.):  
 Disorder  Drunkenness  Criminal damage  Assault  Drugs  Underage  Other (specify):

**Brief Summary of Incident / Intelligence:**  
MALE DISCLOSED TO OFFICERS THAT HE HAD BEEN DRINKING ALL  
EVENING IN THE TON ABBEY. HE WAS HEAVILY UNDER THE INFLUENCE  
HENCE WHY HE WAS LYING IN ROAD SIDE WITH BREATHING DIFFICULTIES.

Officer completing (name): Henry Rank: PC No: 426  
 Signed: [Signature] Date: 04/09/09

<b>CCTV:</b>	<b>Doorstaff:</b>
CCTV on the premises? Yes <input type="checkbox"/> No <input type="checkbox"/>	Were doorstaff on duty? Yes <input type="checkbox"/> No <input type="checkbox"/>
Was it working at time of visit? Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, number on duty? .....
Was the image quality? Good <input type="checkbox"/> Poor <input type="checkbox"/>	Were all staff SIA badged? Yes <input type="checkbox"/> No <input type="checkbox"/>
Any comments: .....	If no, record details overleaf.
.....	Number of customers present (from doorstaff): .....
.....	Door staff employed by (i.e. name of company): .....

Was the premises licence displayed? Yes  No  Not known   
 Was the designated premises supervisor (DPS) on the premises? Yes  No  Not known   
 Name of premises supervisor on duty (or duty manager if no DPS): SILL CAVE  
 Any remarks about the conduct of the DPS/manager at time of incident/visit: BASE WALKER AFTER THE  
MALE WAS DROPPED AT HOSPITAL OFFICERS DROPPED IN TO HAVE A WORD  
WITH SILL WHO REPLIED "YEA I THOUGHT HE'D HAD ENOUGH"

Police Officers Injured:

Yes  No  Not known

If yes, officers' details: .....

Persons Involved (if known):

1. Name: [redacted] DoB: [redacted]

Address: [redacted]

2. Name: ..... DoB: .....

Address: .....

3. Name: ..... DoB: .....

Address: .....

4. Name: ..... DoB: .....

Address: .....

Action Taken OIC:

no action to take by ANONIMUS

Name: HENRY No: 10486

Signed: [Signature] Date: 04/09/09

Action Taken by Licensing Unit:

11/09/09 - Roger Harper spoken to and warned re selling alcohol to drinks. He is aware of this male who he states has a drink problem and will ensure that [redacted] is not allowed to get into this state again.

Licensing officer: [Signature] Signed: [Signature] Date: 14/09/09

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT I NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 55311, STANLAKE CIV

URN 1054 Stn MOE Vdu MOE35/MOER31

Tme 22:38 Dte 03/09/09 Op 53969

Reported by R RADIO  
Brief Incident Details  
UNCONSCIOUS MALE

Location of Incident

Feature

Street BELGRAVE ROAD

Area TORQUAY, DEVON

Postcode

Beat FT2J OSGR 291118063777 Location Ref 1/1/645

Caller THIRD PARTY

Name SB75

Title

House

Street

Area

Tel. No

Confirmed N

Time and Date of Incident 2238 03/09/09

Classification PUBLIC SAFETY CONCERN FOR SAFETY

Graded Response PROMPT Sec Lev 1

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
864	SB75	MOORHOUSE PC	22:39	22:39	23:33						
1463	SB75	HAWORTH PC	22:39	22:39	23:33						
1481	SB75	BARNARD PC	22:39	22:39	23:33						
486	SB75	HENRY PC	22:39	22:39	23:33						

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT : NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 1054 Stn MOE Vdu MOE35/MOER31 Tme 22:38 Date 03/09/09 Op 53969 Page 1

Op	Time	Text
53969	2239 03/09/09	SB75 Redeployed from Incident 1043 03/09/09
53969	2239 03/09/09	SB75 Dispatched
53969	2239 03/09/09	SB75 Arrived at Incident
53969	2239 03/09/09	Incident Transferred by terminal MOE35 to MOER31
53969	2239 03/09/09	FOR YOU
53969	2239 03/09/09	Incident Transfer
53969	2240 03/09/09	AMENITY HISTORY ADDED TO URN 11956 - AMBULANCE CONTROL
53969	2240 03/09/09	AMB :-ADVISED AND E/R
53969	2240 03/09/09	JUNCTION OF LUCIUS STREET
53969	2240 03/09/09	COLLAPSED MALE AND CONSCIOUS AND BREATHING
53969	2257 03/09/09	[REDACTED] REFERS
55877	2257 03/09/09	PNC - #NE [REDACTED];
53969	2257 03/09/09	Update Existing Associated Person
53969	2257 03/09/09	[REDACTED] T
55877	2258 03/09/09	*** PNC screen captured - 1 to Log
55877	2308 03/09/09	Incident Transfer Accepted by terminal MOER31
55877	2333 03/09/09	SB75 Left Incident
55877	2334 03/09/09	SB75 - AIO - PURELY MEDICAL JOB -
55877	2334 03/09/09	AMB CODE 6
55877	2334 03/09/09	Incident Flagged For Closure MOER31
14329	2339 03/09/09	Flag for closure accepted by MOESGT
14329	2340 03/09/09	Result Details Changed From :-
14329	2340 03/09/09	Officer :- 55877
14329	2340 03/09/09	Incident Closed By Terminal MOESGT
14329	2340 03/09/09	Incident End (Result / Close)
14329	2340 03/09/09	View Incident 1054,03/09/09

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 55311, STANLAKE CIV

URN 148 Stn FP Vdu FP=ENQ3/3=BST5 Tme 08:34 Dte 04/09/09 Op 53634

Reported by P IN PERSON  
Brief Incident Details  
OP GRENNALL

Location of Incident

Feature TOR ABBEY INN,80  
Street BELGRAVE ROAD  
Area TORQUAY,DEVON Postcode TQ2 5HZ  
Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34

Caller THIRD PARTY

Name [REDACTED] Title  
House [REDACTED]  
Street

Area PAIGNTON

Tel. No [REDACTED]

Time and Date of Incident 0834 04/09/09 Confirmed Y  
Classification ADMINISTRATION POLICE GENERATED RESOURCE ACT  
Graded Response DEFERRED Sec Lev 1

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf.	Dealt	Wt
750	SB61N	NEEDHAM PC					19:48	06:38			
6011	6011	AITON PC					19:48	21:24			

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 148 Stn FP Vdu FP=ENQ3/3=BST Tme 08:34 Date 04/09/09 Op 53634 Page 1

Op	Time	Text
53634	0836 04/09/09	Defer to FT=SGT1 Date 04/09/09 Time 1600
55311	0855 04/09/09	DIRECTED POLICE VISITS FOR THE WEEKEND OF 4TH/5TH & 6TH
55311	0855 04/09/09	SEPTEMBER ARE REQUESTED FOR THESE PREMISES, WHICH HAVE
55311	0855 04/09/09	BEEN THE SUBJECT OF ONGOING COMPLAINTS FROM LOCAL
55311	0855 04/09/09	RESIDENTS IN THE AREA FOR MANY WEEKS.
55311	0855 04/09/09	IT IS ALLEGED THAT THE PREMISES ARE OPENING BEYOND THEIR
55311	0855 04/09/09	PERMITTED HOURS AND CAUSING DISTURBANCE IN THE AREA.
55311	0855 04/09/09	FURTHERMORE, INTEL HAS BEEN RECEIVED TO SUGGEST THAT
55311	0855 04/09/09	STOLEN PROPERTY IS BEING SOLD ON THE PREMISES AND THAT
55311	0855 04/09/09	THE DPS ROGER HARPER IS INVOLVED.
55311	0855 04/09/09	DETAILS OF THE PREMISES LICENCE IS AS FOLLOWS -
55311	0855 04/09/09	PREMISES - TOR ABBEY INN 80 BELGRAVE ROAD
55311	0855 04/09/09	LICENSED FOR REGULATED ENTERTAINMENT AND THE SALE AND
55311	0855 04/09/09	SUPPLY OF ALCOHOL.
55311	0855 04/09/09	OPENING HOURS - 1100 TO 0030 (MON TO SAT)
55311	0855 04/09/09	1200 TO 0000 (SUN)
55311	0855 04/09/09	DPS - ROGER HARPER (RESIDES ON THE PREMISES WITH HIS
55311	0855 04/09/09	PARTNER GILL CAVE.
55311	0855 04/09/09	THE NBM FOR THE AREA IS PC MIKE BRADLEY AND HE AND PC
55311	0855 04/09/09	NICK HOLLAND FROM THE FT NBM SECTION HAVE ALSO BEEN
55311	0855 04/09/09	TASKED TO MAKE REGULAR VISITS TO THE PREMISES TO ENSURE
55311	0855 04/09/09	THE LICENSING LAWS ARE BEING ADHERED TO AND NO CRIMINAL
55311	0855 04/09/09	ACTIVITIES ARE TAKING PLACE.
55311	0855 04/09/09	OFFICERS ARE REQUESTED TO CARRY OUT THESE VISITS TOWARDS
55311	0855 04/09/09	THE END OF THE EVENING AND INTO THE EARLY HOURS AND
55311	0855 04/09/09	REPORT ANY CONCERNS TO LICENSING VIA THE USUAL FORM L10.
55311	0855 04/09/09	LAST WEEKEND, LOCAL RESIDENTS ALLEGE THAT CUSTOMERS AT
55311	0855 04/09/09	THESE PREMISES WERE STILL DRINKING WITHIN UP UNTIL 2 AM
55311	0855 04/09/09	AND THAT MUSIC WAS STILL PLAYING UNTIL THIS TIME WITH TH
55311	0855 04/09/09	FRONT DOOR AND WINDOWS OPEN.
14247	1043 04/09/09	FROM INSPECTOR LEISK, PLEASE ENSURE THAT THESE VISITS AR
14247	1043 04/09/09	COMPLETED AND THAT ALL RELEVANT INTELLIGENCE AND L10
14247	1043 04/09/09	FORMS ARE SUBMITTED. OP GRENNAL LOGS ARE CREATED IN
14247	1043 04/09/09	RESPONSE TO A SPECIFIC CONCERN REGARDING THE MANAGEMENT
14247	1043 04/09/09	OF THE PREMISES. PLEASE SUPPORT THE LICENSING TEAM BY
14247	1043 04/09/09	PRIORITISING THESE COMMITMENTS WHEN POLICING THE NIGHT
14247	1043 04/09/09	TIME ECONOMY. THANK YOU.
52263	1450 04/09/09	Job 1: - FORM L10 **** LICENSING REPORT
Syscon	1600 04/09/09	Defer Time Reached
Syscon	1731 04/09/09	Overdue Time Reached
Syscon	1757 04/09/09	Overdue Time Reached
Syscon	1815 04/09/09	Overdue Time Reached
Syscon	1829 04/09/09	Overdue Time Reached
Syscon	2225 04/09/09	Overdue Time Reached

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TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 148 Stn FP Vdu FP=ENQ3/3=BST Tme 08:34 Date 04/09/09 Op 53634 Page 2

Op	Time	Text
Syscon	2226 04/09/09	Overdue Time Reached
Syscon	2313 04/09/09	Overdue Time Reached
Syscon	0038 05/09/09	Overdue Time Reached
Syscon	0040 05/09/09	Overdue Time Reached
14537	0144 05/09/09	VISTED AT 2330 HOURS DOORS OPEN ALL QUITE APPROX 10
14537	0144 05/09/09	CUSTOMERS
14537	0500 05/09/09	Incident Deferral Accepted by terminal FT=SGT1
14537	0501 05/09/09	CHECKED AT 0120 ALL QUITE
14537	0501 05/09/09	CHECKED AGAIN AT 0210 ALL QUITE THERE WERE SOUNDS COMING
14537	0501 05/09/09	FROM A FLAT NEXT DOOR OF A PARTY
14537	0501 05/09/09	Defer to FT=SGT2 Date 05/09/09 Time 1900
50576	0949 05/09/09	IV
50576	0949 05/09/09	577
Syscon	1900 05/09/09	Defer Time Reached
14537	1921 05/09/09	Incident Deferral Accepted by terminal FT=SGT2
14537	1921 05/09/09	NOTED
Syscon	2051 05/09/09	Overdue Time Reached
Syscon	2103 05/09/09	Overdue Time Reached
14537	2217 05/09/09	NOTED
Syscon	2347 05/09/09	Overdue Time Reached
14537	0211 06/09/09	CHECKED AT 2230HRS APPROX 15 IN BAR ALL QUITE
14537	0211 06/09/09	CHECKED AT 2320HRS 5 PERSONS AT BAR
14537	0211 06/09/09	CHECKED AT 0100HRS BAR WAS EMPTY AND CURTAINS DRAWN
14537	0211 06/09/09	ALLOWING VIEW OF BAR
Syscon	0341 06/09/09	Overdue Time Reached
14537	0635 06/09/09	Defer to FT=SGT2 Date 06/09/09 Time 1900
Syscon	1900 06/09/09	Defer Time Reached
13115	1942 06/09/09	Incident Deferral Accepted by terminal FT=SGT2
13115	1942 06/09/09	NOTED FOR BRIEFING
13115	1942 06/09/09	Defer to FT=SGT2 Date 07/09/09 Time 1801
13115	1948 06/09/09	Deferral Removed
13115	1948 06/09/09	SB61N Allocated to Incident
13115	1948 06/09/09	Defer to FT=SGT2 Date 07/09/09 Time 0501
Syscon	0501 07/09/09	Defer Time Reached
Syscon	0631 07/09/09	Overdue Time Reached
13115	0638 07/09/09	Incident Deferral Accepted by terminal FT=SGT2
13115	0638 07/09/09	U
13115	0638 07/09/09	16487 Not Attached To This Incident
13115	0638 07/09/09	SB61N Allocation Cancelled
13115	0638 07/09/09	Defer to FT=SGT2 Date 07/09/09 Time 0701
Syscon	0702 07/09/09	Defer Time Reached
16726	0749 07/09/09	Deferral Removed
16726	0750 07/09/09	Defer to 3BST Date 07/09/09 Time 0759
16726	0750 07/09/09	CAN WE GIVE [REDACTED] A RING WHEN HE'S IN AND SEE IF HE'S

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TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

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TEXT . NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 148 Stn FP Vdu FP=ENQ3/3=BST Tme 08:34 Date 04/09/09 Op 53634 Page 3

Op	Time	Text
16726	0750 07/09/09	HAPPY TO CLOSE OR STILL WISHES US TO CONTINUE CHECKS.
16726	0750 07/09/09	TA.
Syscon	0759 07/09/09	Defer Time Reached
14401	0804 07/09/09	Incident Deferral Accepted by terminal 3=BST5
14401	0807 07/09/09	LOG HAS BEEN OPENED FOR VISITS 4TH 5TH 6TH
14401	0807 07/09/09	Incident Close/Result failed - Outstanding Jobs
14401	0807 07/09/09	Job No. 1 Updated
14401	0807 07/09/09	Incident Closed By Terminal 3=BST5
14401	0807 07/09/09	Incident End (Result / Close)



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TEXT . NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
INCIDENT CLOSE

URN 148 Stn FP Vdu FP=ENQ3/3=BST Tme 08:34 Date 04/09/09 Op 53634  
Locn TOR ABBEY INN,80, BELGRAVE ROAD' TORQUAY,DEVON

Beat FT2J OSGR 290804064288 CH Response DEFERRED  
Type ADMINISTRATION POLICE GENERATED RESOURCE ACT  
Detail OP GRENNALL

Caller NEIL STANLAKE, LICENSING DEPT PAIGNTON Tel 41327

Result ENQUIRIES CONTINUING / REPORT T Arrests 0  
Final Inc ADMINISTRATION POLICE GENERATED RESOURCE  
Type POLICE GENERATED ACTIVITY CLOSED BY 3 BST  
Close Category NONE APPLICABLE ( 1)  
Free Text  
for  
Briefing

Officer 4401 Name NEWTON PC

Call Back Required  Victim Support

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

**STANLAKE Neil 55311**

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**From:** STANLAKE Neil 55311  
**Sent:** 04 September 2009 07:19  
**To:** HOLLAND Nicholas 13062; BRADLEY Mike 13287  
**Cc:** LEISK Adrian 14247; SMART Julie 50403; PERRY Jonathan 13111; MAYHEW Glen 14314  
**Subject:** RE: Tor Abbey pub RESTRICTED

Nick/Mike,

Thanks for this. Can you record ALL your visits to these premises over the next month on your monthly LP visit sheet and send them in to us at the end of the month.

The reason for this, is that [REDACTED] keep complaining, are saying that the police are doing nothing to assist them and one lady in particular, has threatened to write to the Chief Constable & her MP. If I have records of uniform visits at the end of the month, I can get back to them and evidence the attention that has been given.

Many thanks

○ Neil

-----Original Message-----

**From:** HOLLAND Nicholas 13062  
**Sent:** 03 September 2009 22:37  
**To:** COOKE Nicolas 16606  
**Cc:** STANLAKE Neil 55311  
**Subject:** Tor Abbey pub RESTRICTED

Nick / Neil

For info paid a visit to the Torre Abbey 2000hrs Thurs 3rd and spoke to Roger HARPER and the gathered 6 locals at the bar. Explained that complaints had been received about rowdiness and ASB and that it was up to him to sort the behaviour and keep an orderly house otherwise licensing would be looking at them closely.

For info Nick Holland

**PC 13062 Nick Holland**  
**NBM Torquay Town Centre**

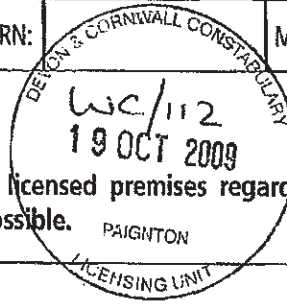
○

**DEVON & CORNWALL  
CONSTABULARY**

File No.: AT/0221

Computer URN:

Minute No.: - 39 -



# Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

**Name of Premises:** Tor Abbey Inn Beat code: FT50  
**Address:** Belgrave Road, Torquay Town: Torquay

**Report Type:** Routine visit  Incident  Intelligence

**Details:**  
Selected 999 call from inside premises  
 OIS Ref: 990-15/10 Crime No.: N/A  
 Date: 15/10/09 Time: ..... Exact location (e.g. on premises, outside etc.): .....  
 Disorder  Drunkenness  Criminal damage  Assault  Drugs  Underage  Other (specify): .....

**Brief Summary of Incident / Intelligence:**  
Transpired that unknown male had made a <sup>house</sup> call, male left before police arrived. However whilst officers inside premises saw two unidentifiable males sitting at the bar - extremely slurred speech. Approximately one hour later officers saw same two males leaving the location. Both males were clearly drunk! They could hardly stand up and could barely speak. When asked for details they became very defensive - denied being inside Tor Abbey and refused details.  
 Officer completing (name): Henry Rank: PC No: 486  
 Signed: [Signature] Date: 15/10/09

**CCTV:**  
 CCTV on the premises? Yes  No   
 Was it working at time of visit? Yes  No   
 Was the image quality? Good  Poor   
 Any comments: .....

**Doorstaff:**  
 Were doorstaff on duty? Yes  No   
 If yes, number on duty? .....  
 Were all staff SIA badged? Yes  No   
 If no, record details overleaf.  
 Number of customers present (from doorstaff): 6  
 Door staff employed by (i.e. name of company): .....

Was the premises licence displayed? Yes  No  Not known   
 Was the designated premises supervisor (DPS) on the premises? Yes  No  Not known   
 Name of premises supervisor on duty (or duty manager if no DPS): Raye Harper  
 Any remarks about the conduct of the DPS/manager at time of incident/visit:  
Re. Helpful reference original call - Raye Harper

Police Officers Injured:

Yes  No  Not kr. **40**

If yes, officers' details: .....

Persons Involved (if known):

- 1. Name: Unknown DoB: .....
- Address: .....
- 2. Name: Unknown DoB: .....
- Address: .....
- 3. Name: ..... DoB: .....
- Address: .....
- 4. Name: ..... DoB: .....
- Address: .....

Action Taken OIC:

No action taken reference 999 call. No offences, all in order at location

Name: [Signature] No: 10486  
Signed: [Signature] Date: 15/10/09

Action Taken by Licensing Unit:

20110109 Visited premises and spoke to Maria CAVE, daughter of DPS partner & holder of Personal Licence. She was in charge in the absence of the DPS, Roger Harper. She was aware of the incident and will get Mr Harper to ring us when he returns on Thursday 22/10/09.

Licensing officer: ..... Signed: [Signature] Date: 20/10/09

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CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 55311, STANLAKE CIV

URN 990 Stn MOW Vdu MOW96/MOER31 Tme 21:32 Dte 15/10/09 Op 53890

Reported by 9 999 [REDACTED]  
Brief Incident Details  
999

NO REQUEST BT CONFIRMED SOUNDS OF DISORDER IN THE BACKGROUND

Location of Incident

Feature TOR ABBEY INN,80  
Street BELGRAVE ROAD  
Area TORQUAY,DEVON Postcode TQ2 5HZ  
Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34

Caller THIRD PARTY

Name BT NOTTINGHAM Title

House

Street

Area

Tel. No [REDACTED]

Confirmed N

Time and Date of Incident 2132 15/10/09

Classification CRIME RELATED VIOLENCE

Graded Response IMMEDIATE

Sec Lev 1

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Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
C1206	SB601	GAYFER SC	21:37				21:41				
C4189	SB601	WATKINS SC	21:37				21:41				
5482	SB75	PENHALIGON PS	21:37	21:40	21:46						
486	SB75	HENRY PC	21:37	21:40	21:46						
6955	SB75	LAING PC	21:37	21:40	21:46						
2086	SB75	SAVAGE PC	21:37	21:40	21:46						
366	SB75	FAIRBRASS PC	21:37	21:40	21:46						
1463	SB75	HAWORTH PC	21:37	21:40	21:46						
344	SB61N	CHILD PC	21:37				21:41				

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT ; NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 990 Stn MOW Vdu MOW96/MOER31 Tme 21:32 Date 15/10/09 Op 53890 Page 1

Op	Time	Text
53890	2134 15/10/09	Incident Routed to Radio Operators
56385	2134 15/10/09	Incident Transfer Accepted by terminal MOER31
53890	2135 15/10/09	BT CONFIRMED MALE CALLER NO DIRECT REQUEST MADE
53890	2135 15/10/09	*
53890	2135 15/10/09	COULD HEAR THE MALE SHOUTING AND SWEARING AT SOMEONE IN
53890	2135 15/10/09	THE BACKGROUND
53890	2135 15/10/09	*
53890	2135 15/10/09	View Incident Links
53890	2135 15/10/09	NO OTHER CALLS
53890	2135 15/10/09	*
56385	2136 15/10/09	SB900 NO CAMERAS
56385	2136 15/10/09	Automatic Resource Enquiry
56385	2137 15/10/09	SB601 Dispatched
56385	2137 15/10/09	Resource Search - Call Sign `SB75'
56385	2137 15/10/09	SB75 Dispatched
56385	2137 15/10/09	SB61N Redeployed from Incident 949 15/10/09
56385	2137 15/10/09	SB61N Dispatched
1463	2140 15/10/09	SB75 Arrived at Incident
56385	2140 15/10/09	SB75 Already At Incident
56385	2141 15/10/09	SB601 Cancelled
56385	2141 15/10/09	SB61N Cancelled
56385	2146 15/10/09	FM SB75 - IT WAS A HOAX CAL HAVE SPOKEN WITH BAR STAFF
56385	2146 15/10/09	AIO
56385	2146 15/10/09	WILL SUBMIT AN L10
56385	2146 15/10/09	SB75 Left Incident
56385	2147 15/10/09	Incident Closed By Terminal MOER31
56385	2147 15/10/09	Incident End (Result / Close)

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

-43-

INCIDENT CLOSE  
URN 990 Stn MOW Vdu MOW96/MOER31 Tme 21:32 Date 15/10/09 Op 53890  
Locn TOR ABBEY INN,80, BELGRAVE ROAD' TORQUAY,DEVON

Beat FT2J OSGR 290804064288 CH Response IMMEDIATE  
Type CRIME RELATED VIOLENCE

Detail 999  
NO REQUEST BT CONFIRMED SOUNDS OF DISORDER IN THE BACKGROUND  
Caller BT NOTTINGHAM

Result ENQUIRIES CONTINUING / REPORT T Arrests 0  
Final Inc ANTI SOCIAL BEH HOAX/FALSE CALLS TO EMERG  
Type HOAX / FALSE CALL CLOSED BY CMCD EAST RADIO  
Close Category PUBLIC PLACE ALCOHOL RELATED ( 2 )  
Free Text  
for  
Briefing

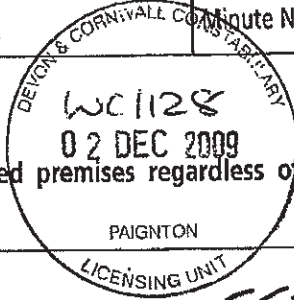
Officer 56385 Name LYNCH CIV  
Call Back Required Victim Support

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

**DEVON & CORNWALL  
CONSTABULARY**

File No.: <u>AT10021</u>	Computer URN:	Minute No.: <u>44</u>
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# Licensing Incident / Intelligence Report



To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: TORRE ABBEY INN Beat code: FT25  
 Address: 80, Belgrave Road Town: TORQUAY

Report Type: Routine visit  Incident  Intelligence

Details: AP punched in face and cut four times to legs  
 Date: 28/11/09 Time: 00:36 Exact location (e.g. on premises, outside etc.):  
 Disorder  Drunkenness  Criminal damage  Assault  Drugs  Underage  Other (specify):  
 OIS Ref: 56/28/11/09 Crime No.: FT09/9016

Brief Summary of Incident / Intelligence:  
Pub CCTV Shows male stagger back

Officer completing (name): Ben Bickford Rank: PC No.: 11879  
 Signed: [Signature] Date: 1/12/09

<p><b>CCTV:</b></p> <p>CCTV on the premises? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Was it working at time of visit? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Was the image quality? Good <input type="checkbox"/> Poor <input checked="" type="checkbox"/></p> <p>Any comments: <u>Bar lights turned off for drinking up time</u></p>	<p><b>Doorstaff:</b></p> <p>Were doorstaff on duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, number on duty? .....</p> <p>Were all staff SIA badged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If no, record details overleaf.</p> <p>Number of customers present (from doorstaff): .....</p> <p>Door staff employed by (i.e. name of company): .....</p>
--	---

Was the premises licence displayed? Yes  No  Not known

Was the designated premises supervisor (DPS) on the premises? Yes  No  Not known

Name of premises supervisor on duty (or duty manager if no DPS): N/K

Any remarks about the conduct of the DPS/manager at time of incident/visit: premises were not visited until morning after



Police Officers Injured:

Yes  No  Not known

If yes, officers' details: .....

45

Persons Involved (if known):

- 1. Name: [redacted] DoB: [redacted]  
Address: [redacted]
- 2. Name: (Tel. No. [redacted]) DoB: .....  
Address: .....
- 3. Name: ..... DoB: .....  
Address: .....
- 4. Name: ..... DoB: .....  
Address: .....

Action Taken OIC:

None

At 00:36 on 28/11/09 the pub landlord had turned down the lights to encourage customers to leave when the AP could be seen to stagger backwards following some sort of altercation. CCTV shows this but the offender is not in view. AP then leaves the pub and returns home which is some twenty seconds away. There is no footage of anything untoward outside the pub but the AP has woken up with a swollen left cheek and four lacerations to his legs with corresponding cuts to his trousers. He states that he was so drunk he does not remember anything about how he received his injuries. The landlord says he was aware that a male had been slapped but of nothing else. The AP and his house mate both state that cocaine is snorted in the pub. They state the stairs off the back room are used to gain access to the first floor and that the landlord is involved. They say there are numerous customers leave the bar and return a short while later wiping away secretions from their noses. There is no direct evidence to link this assault with customers from the pub but it is extremely likely given the proximity of the AP's HA to the pub.

Name: Ben Rickford No.: 11879  
Signed: [Signature] Date: 1/12/09

Action Taken by Licensing Unit:

FT/09/9016 viewed - filed UID as it cannot be established as to exactly where [redacted] was assaulted, but it is very possible it was en route home. He was very drunk but PC Rickford is sure he was not drinking in the Tor Abbey and at the worst only had one drink there.

Licensing officer: ..... Signed: [Signature] 55311 Date: 15/12/09

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 50403, SMART CIV

URN 56 Stn MOW Vdu MOW91/FT=SGT2

Tme 00:46 Dte 28/11/09 Op 56318

Reported by 9 999  
Brief Incident Details  
FIGHT

Location of Incident

Feature  
Street BELGRAVE ROAD  
Area TORQUAY, DEVON Postcode  
Beat FT2J OSGR 291118063777 Location Ref 1/1/645

Caller VICTIM

Title MR

Name  
House  
Street  
Area

Confirmed N

Tel. No  
Time and Date of Incident 0046 28/11/09  
Classification ANTI SOCIAL BEH ROWDY/NUISANCE BEHAVIOUR  
Graded Response IMMEDIATE Sec Lev 1

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
5971	SB64N	TROTT PC	00:50	00:59	01:10						
4088	SB64N	BOWER PC	00:50	00:59	01:10						
620	SB63N	STEVENS PC	00:51	00:59	01:11						
2234	SB63N	DAVIS PC	00:51	00:59	01:11						
D73	D73	KING PC	00:51	00:54	01:11						
61	SB63N	STEVENS PC						01:11	05:49		
2234	SB63N	DAVIS PC						01:11	05:50		
1879	SB303	BICKFORD PC						08:04	10:32		
2951	SB303	FINNIS PC						08:04	10:32		

URN 56 Stn MOW Vdu MOW91/FT=SGT2 Tme 00:46 Date 28/11/09 Op 56318 Page 1

Op	Time	Text
56318	0049	28/11/09 CLI Subscriber Details: , OAC , [REDACTED]
56318	0049	28/11/09 *MOB* O2 ,99,20091128004612,0, 291496, 64527, 2919, 2919
56318	0049	28/11/09 100, 0, OSGB36
56318	0049	28/11/09 CALLER JUST KEPT REPEATING THERE'S A FIGHT GET HERE QUIC
56318	0049	28/11/09 IT IS OUTSIDE SIG
56318	0049	28/11/09 THEN CLEARED
56318	0049	28/11/09 Incident Routed to Radio Operators
52263	0050	28/11/09 Incident Transfer Accepted by terminal MOER31
52263	0050	28/11/09 SB64N Dispatched
52263	0051	28/11/09 Caller Details Amended from ANON 291496, 64527 2919,
52263	0051	28/11/09 2919, 100, 0, OSGB36 [REDACTED] (EXDIRECTORY= N) THIRD
52263	0051	28/11/09 PARTY
52263	0051	28/11/09 Location Amended from TOR ABBEY INN,80 BELGRAVE ROAD
52263	0051	28/11/09 TORQUAY,DEVON
52263	0051	28/11/09 SB63N Dispatched
52263	0051	28/11/09 D73 Dispatched
52263	0054	28/11/09 D73 Arrived at Incident
52263	0059	28/11/09 SB63N Arrived at Incident
52263	0059	28/11/09 SB64N Arrived at Incident
52263	0059	28/11/09 *** PNC screen captured - 1 to Log
52263	0100	28/11/09 **** CIS N414081 REFERS ****
52263	0100	28/11/09 WC * NEGATIVE
52263	0101	28/11/09 Update Existing Associated Person
52263	0101	28/11/09 [REDACTED] (2193390) - INTEREST
52263	0102	28/11/09 IU
52263	0102	28/11/09 **** CIS N442195 REFERS ****
52263	0102	28/11/09 WC * NEGATIVE
52848	0103	28/11/09 MATCHED WITH 67 (28/11/09 ) - REASON AS BELOW :-
52848	0103	28/11/09 REFERS
52848	0103	28/11/09 Incident Match
52848	0105	28/11/09 LINKED LOG IS FROM FRIEND OF [REDACTED]
52848	0105	28/11/09 [REDACTED]
52848	0105	28/11/09 SAYS WAS ASSAULTED BY A MALE, F602, QUITE LARGE, BALDING
52848	0105	28/11/09 [REDACTED]
52848	0105	28/11/09 POSS WEARING SOMETHING GREY..
52263	0105	28/11/09 *** PNC screen captured - 2 to Log
52848	0105	28/11/09 [REDACTED] HAS GOT CUTS TO HIS HEAD,NECK AND LEG - SAYS WAS
52848	0105	28/11/09 PUNCHED IN THE FACE..
52848	0105	28/11/09 AMB DECLINED
52263	0105	28/11/09 *** PNC screen captured - 3 to Log
52263	0106	28/11/09 **** CIS N229374 REFERS ****
52263	0106	28/11/09 WC * NEGATIVE
52263	0106	28/11/09 *** PNC screen captured - 4 to Log
52848	0106	28/11/09 **

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URN 56 Stn MOW Vdu MOW91/FT=SGT2 Tme 00:46 Date 28/11/09 Op 56318 Page 2

Op	Time	Text
52848	0106 28/11/09	[REDACTED] IS WITH HIS FRIEND AT [REDACTED]
52848	0106 28/11/09	[REDACTED], [REDACTED]
52263	0109 28/11/09	Update Existing Associated Person
52263	0109 28/11/09	[REDACTED] - INTEREST
5971	0110 28/11/09	SB64N Left Incident
52848	0111 28/11/09	**
52848	0111 28/11/09	AGGR IS CALLED [REDACTED]
52848	0111 28/11/09	[REDACTED]
52848	0111 28/11/09	[REDACTED]
52848	0111 28/11/09	[REDACTED] REFERS TO THE FRIEND
52848	0111 28/11/09	Update Existing Associated Person
52848	0111 28/11/09	[REDACTED] (2904481) - CALLER
52263	0111 28/11/09	All Resources Leave Scene/Dispatch Cancelled etc
52263	0111 28/11/09	SB63N Allocated to Incident
52848	0112 28/11/09	HAVE ADVISED [REDACTED] THAT SOMEONE WILL RING HIM BACK AND
52848	0112 28/11/09	LET HIM KNOW IF WE ARE ATTENDING TO SPEAK WITH [REDACTED] OR
52848	0112 28/11/09	WHAT THE OUTCOME IS ETC..
52848	0112 28/11/09	SAYS TO CALL FIRST AS BELL TO LOCN DOESNT WORK..
52848	0112 28/11/09	Invalid pluscode entry
52848	0113 28/11/09	Caller Details Amended from ANON [REDACTED]
52848	0113 28/11/09	(EXDIRECTOR= N) WITNESS
Syscon	0243 28/11/09	Overdue Time Reached
52263	0243 28/11/09	.
Syscon	0414 28/11/09	Overdue Time Reached
52263	0415 28/11/09	.
10620	0538 28/11/09	4 MALES WERE LOCATED ON BELGRAVE ROAD AND STOP CHECKED B
10620	0538 28/11/09	SB63N. DETAILS ARE ATTACHED TO THIS LOG. THE MALES
10620	0538 28/11/09	MENTIONED SEEING A DISTURBANCE BUT WERE NOT FORTHCOMING
10620	0538 28/11/09	WITH ANY OTHER DETAILS.
52263	0550 28/11/09	SB63N Allocation Cancelled
52263	0550 28/11/09	Incident Transferred by terminal MOER31 to MOEA
52263	0550 28/11/09	TO FT=SGT2
52848	0550 28/11/09	PLEASE
52263	0550 28/11/09	Incident Transfer
13313	0556 28/11/09	Incident Transfer Accepted by terminal MOESGT
13313	0556 28/11/09	Defer to FT=SGT2 Date 28/11/09 Time 0700
13313	0556 28/11/09	FOR UPDATES
52263	0618 28/11/09	Incident Switch to Terminal MOEM
52263	0618 28/11/09	PLEASE CALL [REDACTED] FOR A WELFARE CHECK AND ANY
52263	0618 28/11/09	CLARIFICATION HE MAY BE ABLE TO PROVIDE
52263	0618 28/11/09	Incident Switch
55907	0618 28/11/09	Incident Switch Accepted by Terminal MOE35
16054	0621 28/11/09	FROM SB20N: SORRY TO LABOUR THIS POINT BUT FROM WHAT I
16054	0621 28/11/09	CAN SEE FROM THIS LOG WE HAVE CONDUCTED AN AREA SERACH

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URN 56 Stn MOW Vdu MOW91/FT=SGT2 Tme 00:46 Date 28/11/09 Op 56318 Page 3

Op	Time	Text
16054	0621 28/11/09	BUT NO ONE HAS SPOKEN TO THE A/P!! WE NEED TO DO THIS AN
16054	0621 28/11/09	SINCE IT WA SUS THAT FAILED TO DO IT LAST NIGHT WE NEED
16054	0621 28/11/09	TO DO THIS BEFORE DUTY CONCLUDES PLEASE. IF COMMS MAKES
16054	0621 28/11/09	CONTACT AND THE A/P IS IN A SUITABLE STATE TO BE SEEN WE
16054	0621 28/11/09	WILL SEE HIM.
55907	0635 28/11/09	MOE35 - CALLED THE TEL NUMBER LISTED FOR THE RP - AND GO
55907	0635 28/11/09	HIS FRIEND [REDACTED] WHO HAD ALSO CALLED US. HE SAYS THAT
55907	0635 28/11/09	[REDACTED] DID NOT GO TO HOSP AND JUST WANTED TO GO TO BED
55907	0635 28/11/09	EARLIER, [REDACTED] SAID THAT HE WAS NOT MAKING MUCH SENSE
55907	0635 28/11/09	TO HIM EARLIER WHETHER THIS WAS DUE TO ALCOHOL OR THE
55907	0635 28/11/09	FACT THAT HE HAD BEEN HIT TO THE HEAD HE IS UNSURE
55907	0635 28/11/09	AT THIS TIME [REDACTED] IS ASLEEP IN HIS ROOM
55907	0635 28/11/09	[REDACTED] DID SAY THAT [REDACTED] HAS CUTS ACROSS HIS LEFT SHIN
55907	0635 28/11/09	WHICH ARE FINE CUTS AND THINKS THAT THESE COULD HAVE BEE
5007	0635 28/11/09	CAUSED BY A BLADE OF A KNIFE, HE ALSO SAYS HE NOTICED A
55907	0635 28/11/09	[REDACTED] THAT [REDACTED] MAY HAVE LOST A TOOTH AND THERE WAS BLOOD
55907	0635 28/11/09	RXX AROUND HIS MOUTH
55907	0635 28/11/09	I HAVE ASKED [REDACTED] TO CHECK ON [REDACTED] WHEN HE IS ABLE TO
55907	0635 28/11/09	DO SO AND TO TRY AND PERSUADE HIM TO GO TO HOSP FOR
55907	0635 28/11/09	MEDIACXX MEDICAL ATTENTION
55907	0635 28/11/09	[REDACTED] PASSED [REDACTED]
55907	0636 28/11/09	I HAVE TRIED CALLING THE ABOVE MOBILE - LRNR
55907	0636 28/11/09	Amend Caller Details - No Change
55907	0637 28/11/09	Deferral Removed
55907	0637 28/11/09	Caller Details Amended from [REDACTED]
55907	0637 28/11/09	[REDACTED] (EXDIRECTORY= N)
55907	0637 28/11/09	WITNESS
55907	0641 28/11/09	Defer to FT=SGT2 Date 28/11/09 Time 0642
55907	0641 28/11/09	FOR CONTACT WITH AGGREIVED (CALLER)
Syscon	0642 28/11/09	Defer Time Reached
10620	0644 28/11/09	FROM SB63N - WE ATTENDED AS REQUESTED AND WERE DIRECTED
10620	0644 28/11/09	TO A GROUP OF 4 MALES WHO WERE WALKING FROM THE TAXI
10020	0644 28/11/09	OFFICE OPPOSITE. WE WERE ASKED TO STOP CHECK THE MALES
10620	0644 28/11/09	WHICH WE DID. NONE OF THESE MALES MATCHED THE DESCRIPTIO
10620	0644 28/11/09	OF THE OFFENDER AND WERE ALLOWED TO LEAVE.
10620	0644 28/11/09	I WAS INFORMED THAT THIS WAS A THIRD HAND REPORT OF A
10620	0644 28/11/09	FIGHT AND THAT THERE WERE NO COMPLAINTS YET.
10620	0645 28/11/09	AN AREA SEARCH WAS CONDUCTED FOR A MALE MATCHING THE
10620	0645 28/11/09	DESCRIPTION OF THE POTENTIAL OFFENDER TO NO AVAIL.
16726	0803 28/11/09	Incident Deferral Accepted by terminal FT=SGT2
16726	0804 28/11/09	Incident Deferral Enquiry
16726	0804 28/11/09	SB303 Allocated to Incident
16726	0804 28/11/09	Defer to FT=SGT2 Date 28/11/09 Time 1200
11879	0807 28/11/09	SPOKE TO AP 0800 NOT WILLING TO MAKE A COMPLAINT I HAVE

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- 50

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URN 56 Stn MOW Vdu MOW91/FT=SGT2 Tme 00:46 Date 28/11/09 Op 56318 Page 4

Op	Time	Text
11879	0807 28/11/09	TOXXXXX ARRANGED TO SEE HIM AT 0900 TO SIGN PNB TO THIS
11879	0807 28/11/09	AFXXXX EFFECT
16726	0836 28/11/09	Incident Deferral Enquiry
55897	1031 28/11/09	F/SB303 - NO COMPLAINT MADE BY AP
55897	1031 28/11/09	Crime FT/09/9016 generated from Incident
55897	1031 28/11/09	Create Crime
55897	1031 28/11/09	REQUESTED BY 1879
55897	1032 28/11/09	Incident Close/Result Failed
55897	1032 28/11/09	Deferral Removed
55897	1032 28/11/09	Incident Close/Result Failed
55897	1032 28/11/09	All Resources Leave Scene/Dispatch Cancelled etc
55897	1032 28/11/09	Incident Closed By Terminal MOER31
55897	1032 28/11/09	Incident End (Result / Close)
11879	1701 01/12/09	Following was entered after the Incident was Closed
11879	1701 01/12/09	Crime FT/09/9016 has been Displayed from the Incident

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INCIDENT CLOSE  
URN 56 Stn MOW Vdu MOW91/FT=SGT2 Tme 00:46 Date 28/11/09 Op 56318  
Locn BELGRAVE ROAD TORQUAY, DEVON

Beat FT2J OSGR 291118063777 CH Response IMMEDIATE  
Type ANTI SOCIAL BEH ROWDY/NUISANCE BEHAVIOUR  
Detail FIGHT

Caller [REDACTED]

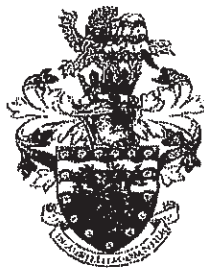
Result TASK COMPLETED Arrests 0  
Final Inc CRIME RELATED INC -NOT RE OTHER CRIME  
Type CAR PARK/STREET CLOSED BY CMCD EAST RADIO  
Close Category PUBLIC PLACE ( 1)  
Free Text  
for  
Briefing

Officer 55897 Name KERSWELL CIV

Call Back Required Victim Support

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CONFIDENTIAL  
**INTELLIGENCE TASKING**



**DEVON & CORNWALL  
CONSTABULARY**

<i>TASKING Reference Number</i> TRF091417
<i>SUBJECT Nominal No(s).</i>

**TRANSIT**

<u>ALLOCATED TO</u>	<u>DATE</u>	<u>SEEN</u>
TORBAY LICENSING	101209	

*This package contains 'sensitive material' as defined in the Attorney General's Guidelines for the disclosure of 'Unused Material to the Defence and is therefore subject to the concept of Public Interest Immunity.*

*No part of this package should be disclosed to the Defence without prior consultation with:  
**The Devon and Cornwall Constabulary***

*Please note that under Data Protection legislation the information contained within this package must only be used for the specified purpose. It must be kept secure and protected against loss or unauthorised access.*



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**ACTIONABLE INTELLIGENCE TASKING**

**The attached item of actionable intelligence has been sent to you for your information and tasking. Please allocate to one of your staff for further enquiries OR development, as you deem appropriate. (The IIMU do not need to be notified of the result).**

(091209) (1) (37187348275018) (E4) (A) (FZ0910315)  
37187348275018

CUSTOMERS FROM THE TORRE ABBEY INN BELGRAVE ROAD TORQUAY GO TO THE BACK OF THE PUB AND UP THE STAIRS WHICH LEAD TO THE LANDLORDS PRIVATE PREMISES AT VARIOUS TIMES DURING THE EVENING THEY THEN RETURN WIPING RESIDUE FROM THEIR NOSES

F091209 JZW SGURD MERROR B3461 L29118

----- 15:37:28 09 Dec 2009 CIV/AC/JZW INTEL II INTELLIGENCE -----  
LICENSING

THERE MAY BE 'F' GRADE INTELLIGENCE CONTAINED ON THIS SUBJECT TO WHICH YOU MAY NOT HAVE ACCESS TO - FOR FURTHER INFORMATION CONTACT THE IIMU.

The attached Intelligence Intervention Package has been tasked to you for action.

This material must be handled correctly with regard to the Data Protection Act, C.P.I.A and the Codes of Practice of recording and dissemination of intelligence material.

Resulting intelligence obtained must be submitted by way of Charter submission

If you have any concerns with regard to this tasking then please do not hesitate to contact PC Bruce HOOKER ext 41237 or DC Clive Allard ext 41347

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**TASKING RESULT - For use by receiving supervisors**

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OPERATOR 55311, STANLAKE CIV

55

URN 49 Stn MOW Vdu MOW92/MOER31 Tme 00:40 Dte 16/01/10 Op 55924

Reported by 9 999  
Brief Incident Details  
FIGHT

Location of Incident

Feature  
Street BELGRAVE ROAD  
Area TORQUAY, DEVON Postcode  
Beat FT2J OSGR 291118063777 Location Ref 1/1/645  
Caller THIRD PARTY  
Name \*MOB\* ORANGE ,99,20100116004038,0 Title  
House 290662, 63332  
Street  
Area 2015, 2015, 80, 90.0, OSGB36  
Tel. No [REDACTED] Confirmed N  
Time and Date of Incident 0040 16/01/10  
Classification CRIME RELATED VIOLENCE  
Graded Response IMMEDIATE Sec Lev 1

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TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc.	Inf.d.	C	Inf.d	Dealt	Wt
548	SB30N	JOLLEY PC	00:42	00:47	01:03						
1465	SB30N	HENLEY PC	00:42	00:47	01:03						
D71	D71	JOHNSON PC	00:43	00:46	00:49						
6487	SB20N	INCE PC	00:44	00:44	01:03						
1879	1879	BICKFORD PC	00:44			01:03					

18/1/10. Tel. call received from [REDACTED] (very close to the Tor Abbey Pub) alleging this fight involved persons leaving the Tor Abbey and that the DPS, Roger Harper and his partner, Jill Cave were seen trying to calm things down. [REDACTED] also alleged the pub was still open & serving at the time, despite them having a midnight licence [REDACTED] said it was [REDACTED], who rang the police and that [REDACTED] used [REDACTED] and reckoned the operator was rude and disinterested! [REDACTED] stated no police attended the pub.

I reassured her that police attended the area and spoke to several matters. [REDACTED] was not happy and therefore I advised her to speak to a Tax Senior Officer with her issues.

I later attended the Tor Abbey and saw Harper & Cave and there is no evidence of either having drunk on the night in question. NFA 55311

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URN 49 Stn MOW Vdu MOW92/MOER31 Tme 00:40 Date 16/01/10 Op 55924 Page 1

Op	Time	Text
55924	0041 16/01/10	CLI Subscriber Details: , OAC , ██████████
55924	0041 16/01/10	*MOB* ORANGE ,99,20100116004038,0, 290662, 63332, 2015,
55924	0041 16/01/10	2015, 80, 90.0, OSGB36
55924	0041 16/01/10	O/S TOR ABBEY INN
55924	0041 16/01/10	BY TRAFF LIGHTS
55924	0041 16/01/10	ABOUT 10 MALES AND COUPLE OF FEMALES
55924	0041 16/01/10	Incident Routed to Radio Operators
55376	0042 16/01/10	Incident Transfer Accepted by terminal MOER31
55924	0042 16/01/10	HEADED TOWARDS SEA FRONT
55924	0042 16/01/10	COUPLE MAY HAVE GONE TOWARDS TAXI RANK
55376	0042 16/01/10	Automatic Resource Enquiry
55376	0042 16/01/10	SB30N Redeployed from Incident 34 16/01/10
55376	0042 16/01/10	SB30N Dispatched
55924	0042 16/01/10	FEW MALES WEARING WHITE TOPS AND FEMALE WITH BLACK DRESS
55376	0042 16/01/10	Automatic Resource Enquiry
55376	0042 16/01/10	TWENTIES TO EARLY FORTIES
55376	0043 16/01/10	D71 Redeployed from Incident 34 16/01/10
55376	0043 16/01/10	D71 Dispatched
55924	0043 16/01/10	CAN HEAR THEM IN BACKGROUND
56392	0043 16/01/10	FURTHER CALL FROM MOP - STATES APPROX 8 MALES - NO DESC
56392	0043 16/01/10	NO WPNS SEEN - DOT>>> LUCIA STREET
55376	0044 16/01/10	SB20N Dispatched
55376	0044 16/01/10	1879 Dispatched
55376	0044 16/01/10	SB20N Arrived at Incident
55376	0045 16/01/10	OUTSIDE THE RAINBOW WITH 2 MALES
6075	0046 16/01/10	D71 Arrived at Incident
55376	0047 16/01/10	SB30N Arrived at Incident
55376	0048 16/01/10	SB30N AIO
6075	0049 16/01/10	D71 Left Incident
55376	0049 16/01/10	SB20N ALL PARTIES MAKING AWAY FROM THE AREA NO COMPLAINT
55376	0103 16/01/10	All Resources Leave Scene/Dispatch Cancelled etc
55376	0108 16/01/10	Incident Closed By Terminal MOER31
55376	0108 16/01/10	Incident End (Result / Close)

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INCIDENT CLOSE

URN 49 Stn MOW Vdu MOW92/MOER31 Tme 00:40 Date 16/01/10 Op 55924  
Locn BELGRAVE ROAD' TORQUAY,DEVON

Beat FT2J OSGR 291118063777 CH Response IMMEDIATE  
Type CRIME RELATED VIOLENCE  
Detail FIGHT

Caller \*MOB\* ORANGE ,99,20100116004038,0, 290662, 6 Tel [REDACTED]

Result TASK COMPLETED Arrests 0 Briefing  
Final Inc CRIME RELATED INC -NOT RE VIOLENCE  
Type CAR PARK/STREET CLOSED BY CMCD EAST RADIO  
Close Category PUBLIC PLACE ( 1)  
Free Text  
for  
Briefing

Officer 55376 Name SHEPHERD CIV

Call Back Required Victim Support

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OPERA. R 55311, STANLAKE CIV

URN 1151 Stn MOE Vdu MOE90/MOW96

Tme 22:25 Dte 27/05/10 Op 55422

Reported by 9 999 [REDACTED]  
Brief Incident Details

THREAT TO KILL

RP HAS HAD MALE [REDACTED] MAKE THREAT TO KILL HIM AND HIS FAMILY  
HAPPENED APPROX 5 MINS AGO AT SIG

Location of Incident

Feature TOR ABBEY INN,80

Street BELGRAVE ROAD

Area TORQUAY,DEVON

Postcode TQ2 5HZ

Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34

Caller THIRD PARTY

Name [REDACTED] Title

House [REDACTED]

Street [REDACTED]

Area [REDACTED]

Tel. No [REDACTED]

Confirmed N

Time and Date of Incident 2225 27/05/10

Classification CRIME RELATED OTHER CRIME

Graded Response ROUTINE

Sec Lev 1

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Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
4363	SB20N	REES PS					22:33		00:45		
5915	5915	MARKS PC					12:32		20:17		
6151	6151	SOMMERFELD PC					17:56		19:51		

No L10 received.

*[Signature]*  
55311  
8/6/10.

URN 1151 Stn MOE Vdu MOE90/MOW96 Tme 22:25 Date 27/05/10 Op 55422 Page 1

Op	Time	Text
55422	2228 27/05/10	AGO
55422	2228 27/05/10	CLI Subscriber Details: , OAC , [REDACTED]
55422	2228 27/05/10	BRITISH TELECOMMUNICATIONS PLC PCO, [REDACTED]
55422	2228 27/05/10	[REDACTED]
55422	2229 27/05/10	DESC OF [REDACTED]
55422	2229 27/05/10	[REDACTED]
55422	2230 27/05/10	[REDACTED]
55422	2230 27/05/10	RP STATES HE HAD ONE PINT AT SIG WHEN MALE MADE THESE
55422	2230 27/05/10	THREATS TO KILL HIM AND HIS FAMILY AND HE LEFT SIG -
55422	2230 27/05/10	BELIEVE MALE IS STILL THERE DRINKING
55422	2231 27/05/10	HAPPENED APPROX 5 MINS AGO AT SIG
55422	2231 27/05/10	Incident Brief Details Amended from :
55422	2231 27/05/10	[THREAT TO KILL RP HAS HAD MALE CALLED [REDACTED] IN THE
55422	2231 27/05/10	PUB - HAPPENED APPROX 5 MINS AGO]
55422	2231 27/05/10	RP IS AT HIS H/A WAITING TO SPEAK TO OFFICERS
55422	2231 27/05/10	Incident Routed to Radio Operators
52263	2232 27/05/10	Incident Transfer Accepted by terminal MOER31
52263	2233 27/05/10	Job 1: - FORM 41 **** CRIME COMPLAINT REPORT
52263	2233 27/05/10	Job 2: - "YOU MATTER - WE CARE" BOOKLET
55422	2233 27/05/10	[REDACTED]
55422	2233 27/05/10	[REDACTED]
52263	2233 27/05/10	Job 3: - FORM L10 **** LICENSING REPORT
52263	2233 27/05/10	** NRA **
52263	2233 27/05/10	SB20N Allocated to Incident
52263	2249 27/05/10	Incident Switch to Terminal MOEM
52263	2249 27/05/10	PLEASE ARRANGE AN APPOINTMENT
52263	2249 27/05/10	Incident Switch
52875	2249 27/05/10	Incident Switch Accepted by Terminal MOE45
52875	2251 27/05/10	Incident Switch to Terminal MOER31
52875	2251 27/05/10	LONG RING NO REPLY ATT
52875	2251 27/05/10	Incident Switch
52263	2252 27/05/10	Incident Switch Accepted by Terminal MOER31
Syscon	0021 28/05/10	Overdue Time Reached
52263	0022 28/05/10	.
52263	0045 28/05/10	Incident Transferred by terminal MOER31 to MOEA
52263	0045 28/05/10	TO FT FOR FURTHER CONTACT IN THE MORNING PLEASE
52263	0045 28/05/10	Incident Transfer
51465	0045 28/05/10	Incident Transfer Accepted by terminal MOERS3
52263	0045 28/05/10	SB20N Allocation Cancelled
51465	0045 28/05/10	Defer to FT=SGT Date 28/05/10 Time 0700
14363	0532 28/05/10	Deferral Removed
14363	0532 28/05/10	Defer to FT=SGT2 Date 28/05/10 Time 0700
14363	0532 28/05/10	FOR APPOINTMENT PLEASE
Syscon	0701 28/05/10	Defer Time Reached





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URN 1151 Stn MOE Vdu MOE90/MOW96 Tme 22:25 Date 27/05/10 Op 55422 Page 2

Op	Time	Text
Syscon	0831 28/05/10	Overdue Time Reached
50521	0833 28/05/10	.
15915	1216 28/05/10	MOBILE NUMBER ON LOG FOR R/P IS INCORRECT AND ITS LRNR
15915	1216 28/05/10	FOR R/P ON LANDLINE AT THIS TIME.
15915	1220 28/05/10	Incident Deferral Accepted by terminal FT=SGT2
15915	1232 28/05/10	5915 Allocated to Incident
15915	1233 28/05/10	WILL TRY AND MAKE APPOINTMENT
Syscon	1403 28/05/10	Overdue Time Reached
Syscon	1423 28/05/10	Overdue Time Reached
Syscon	1502 28/05/10	Overdue Time Reached
15915	1610 28/05/10	STILL LRNR FOR LANDLINE AT THIS TIME
Syscon	1741 28/05/10	Overdue Time Reached
Syscon	2008 28/05/10	Overdue Time Reached
15915	2008 28/05/10	STILL LRNR FOR A/P
15915	2017 28/05/10	Defer to FT=SGT2 Date 29/05/10 Time 0800
15915	2017 28/05/10	FOR FURTHER ATTEMPTS AT CONTACT PLEASE
15915	2017 28/05/10	5915 Allocation Cancelled
Syscon	0800 29/05/10	Defer Time Reached
14694	0804 29/05/10	Incident Deferral Accepted by terminal FT=SGT2
14694	0907 29/05/10	LRNR FOR AP
14694	0908 29/05/10	Defer to FT=SGT2 Date 29/05/10 Time 1200
Syscon	1200 29/05/10	Defer Time Reached
16151	1242 29/05/10	Incident Deferral Accepted by terminal FT=SGT2
16920	1354 29/05/10	Defer to FT=SGT1 Date 29/05/10 Time 1400
16920	1354 29/05/10	for further attempts to make contact,- if no answer,
16920	1354 29/05/10	letter to be sent and log closed
Syscon	1400 29/05/10	Defer Time Reached
16920	1424 29/05/10	Incident Deferral Accepted by terminal FT=SGT1
16920	1424 29/05/10	Defer to FT=SGT2 Date 29/05/10 Time 1430
Syscon	1430 29/05/10	Defer Time Reached
16151	1536 29/05/10	Incident Deferral Accepted by terminal FT=SGT2
16151	1559 29/05/10	STILL LRNR.
Syscon	1729 29/05/10	Overdue Time Reached
Syscon	1756 29/05/10	Overdue Time Reached
16151	1756 29/05/10	6151 Allocated to Incident
16151	1756 29/05/10	Defer to FT=SGT2 Date 29/05/10 Time 2100
16151	1951 29/05/10	CONTACT TRIED AGAIN WITH LRNR. AS PER SB20E WISHES,
16151	1951 29/05/10	LETTER SENT TO R/P, STATING THE LOG NUMBER AND REQUESTIN
16151	1951 29/05/10	THAT HE CALL IN, SO THIS CAN BE PROGRESSED.
16151	1951 29/05/10	LOG CAN BE CLOSED.
16151	1951 29/05/10	6151 Allocation Cancelled
16151	1951 29/05/10	Deferral Removed
16151	1951 29/05/10	Incident for closure enquiry
16151	1951 29/05/10	Incident for Closure failed - Outstanding Jobs

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URN 1151 Stn MOE Vdu MOE90/MOW96 Tme 22:25 Date 27/05/10 Op 55422 Page 3

Op	Time	Text
16151	1956 29/05/10	Job Nos. 1,2,3 Updated
16151	1956 29/05/10	Incident for closure enquiry
Syscon	2002 29/05/10	Incident For Closure Time Reached
14146	2023 29/05/10	Incident for Closure Accepted by terminal MOW96
14146	2025 29/05/10	Incident Closed By Terminal MOW96
14146	2025 29/05/10	Incident End (Result / Close)

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INCIDENT CLOSE

URN 1151 Stn MOE Vdu MOE90/MOW96 Tme 22:25 Date 27/05/10 Op 55422  
Locn TOR ABBEY INN, 80, BELGRAVE ROAD' TORQUAY, DEVON

Beat FT2J OSGR 290804064288 CH Response ROUTINE  
Type CRIME RELATED OTHER CRIME  
Detail THREAT TO KILL  
RP HAS HAD MALE INTO [REDACTED] MAKE THREAT TO KILL HIM AND HIS FAMILY  
Caller [REDACTED] Tel [REDACTED]

Result ENQUIRIES CONTINUING / REPORT T Arrests 0 Briefing  
Final Inc ANTI SOCIAL BEH ROWDY/INCONSIDERATE BEHAV  
Type ROW/NUI - ROWDY/INCONSIDERATE CLOSED BY DTR  
Close Category INFORMATION ONLY ( 1)  
Free Text  
for  
Briefing

Officer 4146 Name AUSTIN PC  
Call Back Required N Victim Support N

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STANLAKE Neil 55311

From: Mandy.Guy@torbay.gov.uk  
Sent: 08 June 2010 09:27  
To: [REDACTED] k  
Cc: karen.ellicott@torbay.gov.uk  
Subject: RE: Belgrave Road pubs

Please read the Council's email disclaimer notification which is located at the end of the email message.

Hi [REDACTED]

I have forwarded your email to my Karen Ellicott, Licensing Enforcement Officer who covers the Torquay with regards to licensing complaints and enforcement. She will respond to you directly regarding your concerns about the Tor Abbey and the Bull and Bush.

Regards

Mandy

Mandy Guy  
Licensing Officer  
Licensing and Public Protection Team  
Community Safety  
Tel: 01803 208124  
Fax: 01803 208854

Information in this message is confidential and may be legally privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and please delete the message from your system immediately. The views in this message may be personal and therefore not necessarily those of Torbay Council.

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]  
Sent: 03 June 2010 22:25  
To: Guy, Mandy  
Subject: Belgrave Road pubs

Hi

I have concerns about two pubs operating in close proximity in Belgrave Road. The Tor Abbey Inn has karaoke every Saturday night. Last weekend, when I let the dog out at 11-15pm, I could hear the noise from my house, [REDACTED] There are people living upstairs above all the shops and there are also houses immediately opposite. Some of these have young children in them. The level of sound is unacceptable.

This afternoon I went down Tor Church Road and there were half a dozen men, customers of the Bull and Bush Pub, all with there drinks on the opposite side of the road standing in the sunshine. This is an alcofree area. I spoke to the shop owner whose windowsill they were propped up on, and he said it is the same every time the sun is shining. This goes on all afternoon from about 2pm when the hotel staff working split shifts come off duty.

Hope you can do something about these issues.

Regards

[REDACTED]

Get a free e-mail account with Hotmail. Sign-up now.

9/6/10. Visited premises. DPF absent but daughter advised of complaint.

NS 55311.

Please note...

The views in this message are personal; they are not necessarily those of Torbay Council.

Torbay Council has taken reasonable precautions to ensure no viruses are present in this email. The Council can

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File No.:	AT10221	Computer URN:		Minute No.:	
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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: Torre Abbey Inn	
Address: Belgrave Road, Torquay	
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 01/01/11 Time: 0500
OIS Ref.: 593 010111	Crime No.: FT/11/47

Brief summary / action taken (if not recorded elsewhere):

See attached sheet

Submitted by: Name: PS Costin	Force No.: 4364
Signed: I costin	Date: 010111 Time: 0600

Action taken by Licensing Unit:

4/1/11. FT/11/47 reviewed & updated re DO's etc. There are clear licensing breaches in respect of this incident and a review may well follow, but the MC-D/C Mike Locke of FP CID is anxious we don't interfere at this stage with his crime enqs, bearing in mind the victims of assaults are the DAF, his partner & staff. Email to Insp Phillips @ FT with update as he wants us to review the licence in due course.

11/3/11 FT/11/47 reviewed - enqs ongoing - crime updated.

Licensing officer: ASB

Forwarded to Daily Tasking: -

(c) 04/01/11

(A) - email 4/1/11

# Licensed Premises Visit Checklist

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

## Officers present at inspection:

PS 4364 Costin, PC 3287 Bradley, PC Stevenson, PC Barnard

## Administration:

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
Name of DPS (or person in charge if no DPS): Roger Harper and Jill Cave  
 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
4. 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

## DEVON AND CORNWALL CONSTABULARY

From: PS Louise Costin  
Torquay Neighbourhood Team  
Torquay

To: Neil Stanlake  
Licensing Dept  
Paignton

Tel No: 41473

Ref.:

Your Ref.:

Date: 01/01/11

**Subject: ISSUES AT THE TORRE ABBEY INN, BELGRAVE ROAD,  
TORQUAY, LOG 593 010111**

I attended the above PH at approx 0500 01/01/11 following a report of the landlord of pub having been assaulted and a number of people fighting.

I entered to find PC 1481 Barnard and PC 2673 Stevenson in attendance. PC 1481 Barnard was tending to the landlord who was injured and on the floor in the pub. Chairs had been upturned with glasses on the floor. It appeared as if there had been a fight in the pub. There were approximately 10 people in the pub drinking at the bar.

I tried to ascertain what had happened from those present by identifying witnesses. I was immediately spoken to by a woman customer who said it was a private party (curtains were drawn on entry). Then another male stated that it wasn't as alcohol was allowed to be served New Year. There clearly was alcohol being served and I approached the lady behind the bar who gave her details as [REDACTED] born [REDACTED]. I asked [REDACTED] if she was the DPS but as she didn't understand I asked her if she was the landlady. She said she wasn't and that the landlord was on the floor and the landlady was with him (pointing out Jill Cave). Jill then went upstairs with PC Stevenson to view CCTV. I asked [REDACTED] if she was working and she said no and I asked her why she was pouring drinks from behind the bar. She said that she was only pouring drinks as the landlord wasn't able to as he was on the floor. I told her she shouldn't be serving and to stop which she did. I then asked her to describe what had happened and she seemed reluctant to do so. As other customers were constantly trying to chip in with their versions I asked her to come with me to the back room to discuss matters in private which she did, albeit reluctantly and nervously. I took down her version in my PNB and then returned to the bar to find another male going to help himself to a drink behind the bar. Again I stopped this happening by advising he was not able to do so.

I spoke to another customer and took her account and she asked if it was ok to smoke a cigarette. The pub reeked of cigarette smoke and clearly customers had been smoking within the pub before we got there.

Other customers were reluctant to give their details and some point blank refused without giving explanation. The landlord was seen by paramedics but apparently refused to go to hospital. He also refused to give an account to PC Barnard and was saying he was going to sort things out himself. He was clearly very in drink as was the other DPS Jill Cave.

I spoke to Jill Cave in private and tried to appeal to her to get Roger to make a statement in the morning after they had had time to calm down. In fact she was also assaulted as were two other customers who tried to help the landlord.

There is very good CCTV evidence which they have been asked to preserve until later today as it needs burning off.

In summary, there appeared to be a number of breaches of licence, both DPS's were on premises well in drink, no substitute was paid to serve, and there was clear evidence of smoking. There was a definite reluctance to assist the Police with the investigation of what could have been a very serious assault.

Submitted for your attention

PS Louise Costin 4364  
NTL  
Torquay



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 OPERATOR 55311, STANLAKE CIV

URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Dte 01/01/11 Op 53988

Reported by 9 999  
 Brief Incident Details  
 VIOLENCE

Location of Incident  
 Feature TOR ABBEY INN,80  
 Street BELGRAVE ROAD  
 Area TORQUAY,DEVON Postcode TQ2 5HZ  
 Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34  
 Caller THIRD PARTY  
 Name UNKNOWN Title  
 House  
 Street  
 Area  
 Tel. No [REDACTED] Confirmed N  
 Time and Date of Incident 0455 01/01/11  
 Classification CRIME RELATED VIOLENCE  
 Graded Response IMMEDIATE Sec Lev 1

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Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
1166	SB50N	ROBERTS PC		04:58						05:02	
2671	SB50N	COLLINGS PC		04:58						05:02	
1481	SB40N	BARNARD PC		04:58	05:01	06:27					
2673	SB40N	STEVENSON PC		04:58	05:01	06:27					
4364	SB71	COSTIN PS		04:59	05:02	06:03					
164	SB71	BRADLEY PC		04:59	05:02	06:03					
SB150	SB71	THOMAS PC		04:59	05:02	06:03					
SB166	SB71	MCINTYRE PC		04:59	05:02	06:03					
1974	SB42N	EGGAR PC		05:00	05:06	06:27					
6956	SB42N	TUNGATE PC		05:00	05:06	06:27					
1887	SB32N	DRURY PC		05:07						05:56	
1431	SB32N	BAKER PC		05:07						05:56	
2659	SB33N	MURRAY PC		05:10	05:13	05:17					
1302	SB33N	FAIRCLOUGH PC		05:10	05:13	05:17					
653	SB31N	GUNTRIP PC		05:11						06:27	
4294	SB31N	QUICK PC		05:11						06:27	
668	SB31E	FOTHERGILL PC		09:27	11:08	11:08					
668	SB31E	FOTHERGILL PC			11:08	13:56					

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 1

Op	Time	Text
53988	0456 01/01/11	Routed To Radio Operator(s)
53988	0456 01/01/11	View Incident 572,01/01/11
53988	0456 01/01/11	Duplicate Incidents Viewed
56183	0456 01/01/11	Incident Transfer Accepted by terminal MOER31
56183	0456 01/01/11	Automatic Resource Enquiry
53988	0457 01/01/11	IT IS KICKING OFF -
53988	0457 01/01/11	SOUNDS LIKE MANY PERSONS
53988	0457 01/01/11	LANDLORD BEING KICKED
56183	0457 01/01/11	Automatic Resource Enquiry
56183	0457 01/01/11	Automatic Resource Enquiry
53988	0457 01/01/11	.
53988	0457 01/01/11	BELIEVE AMBULANCE ALSO REQUIRED AS LAND LORD ON THE FLOOR
53988	0457 01/01/11	.
53988	0458 01/01/11	I WILL RING AMBULANCE
53988	0458 01/01/11	.
53988	0458 01/01/11	Job 1: - LICENSING
56183	0458 01/01/11	Automatic Resource Enquiry
56183	0458 01/01/11	SB50N Dispatched
56183	0458 01/01/11	SB40N Redeployed from Incident 553 01/01/11
56183	0458 01/01/11	SB40N Dispatched
56183	0459 01/01/11	SB71 Dispatched
56183	0500 01/01/11	SB42N Dispatched
53988	0500 01/01/11	AMENITY HISTORY ADDED TO URN 11956 - AMBULANCE CONTROL
53988	0500 01/01/11	AMB :-ADVISED 5180650
53988	0501 01/01/11	Incident Alarm Close Details
53988	0501 01/01/11	Caller Details Amended - NO PREVIOUS DETAILS
1481	0501 01/01/11	SB40N Arrived at Incident
56183	0502 01/01/11	SB50N Cancelled
11481	0502 01/01/11	URGENT CALL
56183	0502 01/01/11	SB40N AMB PLEASE MALE C&B HEAD INJURY]
56183	0502 01/01/11	SB71 Arrived at Incident
56183	0505 01/01/11	SB71 - DESC OF POSS OFFENDERS - 3 MALES W/M SKINHEAD
56183	0505 01/01/11	WEARING WHITE TSHIRT; W/M MALE F508 WEARING LONG SLEEVED
56183	0505 01/01/11	BLUE STRIPEY SHIRT, VERY SHORT HAIR
56183	0505 01/01/11	SB900 MONITORED DESC
56183	0506 01/01/11	Automatic Resource Enquiry
56183	0506 01/01/11	SB71 AMB EB SCENE
56183	0506 01/01/11	Resource Dispatch Processing abandoned
6956	0506 01/01/11	SB42N Arrived at Incident
56183	0506 01/01/11	SB42N Already At Incident
56183	0506 01/01/11	SB42N CONDUCTING AREA SEARCH
56183	0507 01/01/11	SB32N Redeployed from Incident 450 01/01/11
56183	0507 01/01/11	SB32N Dispatched
56183	0510 01/01/11	SB33N Dispatched

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 2

Op	Time	Text
56183	0511 01/01/11	3287 - MALES POSS ON BAMPFYLDE ROAD
56183	0511 01/01/11	SB31N Dispatched
1302	0513 01/01/11	SB33N Arrived at Incident
56183	0513 01/01/11	3287 IN MILL LANE TAKING DETAILS OF MALES MATCHING THE
56183	0513 01/01/11	DESC
56183	0515 01/01/11	PNC - [REDACTED]
56183	0515 01/01/11	*** PNC screen captured - 1 to Log
56183	0516 01/01/11	CIS [REDACTED]
56183	0516 01/01/11	PNC - [REDACTED]
56183	0517 01/01/11	*** PNC screen captured - 2 to Log
1302	0517 01/01/11	SB33N Left Incident
56183	0518 01/01/11	CIS [REDACTED]
51465	0519 01/01/11	Job 2: - CRIME REF
56183	0520 01/01/11	3287 POSS ABOVE MALES NOT INVOLVED
56183	0521 01/01/11	Incident Switch to Terminal MOEM
56183	0521 01/01/11	PLSE PASS DESC OF OFFENDERS PGE 4 TO TAXIWATCH
56183	0521 01/01/11	Incident Switch
55053	0521 01/01/11	Incident Switch Accepted by Terminal MOE47
56183	0521 01/01/11	AND PGE 3...
55053	0525 01/01/11	AMENITY HISTORY ADDED TO URN 3437 - CENTRAL TAXIS :-BOTH
55053	0525 01/01/11	ADVISED
55376	0528 01/01/11	DESC OF OFFENDER -
55376	0528 01/01/11	1/WM APPROX 25YRS 5'10 TALL SHORT DK HAIR WEARING
55376	0528 01/01/11	BLUE/WHITE CHECKED SHIRT BLUE JEANS
55376	0528 01/01/11	2/WM APPROX 30-35YRS 6'2 TALL BIG BUILD SHORT DK HAIR
55376	0528 01/01/11	WEARING L/SLEEVED WHITE V NECKED JUMPER BLUE JEANS WHITE
55376	0528 01/01/11	SHOES
55376	0528 01/01/11	3/SKINHEAD WEARING L/SLEEVE SHIRT BLUE JEANS AND DK SHOE
55376	0528 01/01/11	**2 MAIN OFFENDERS ARE 1 AND 2**
55376	0530 01/01/11	Incident Switch to Terminal MOEM
55376	0530 01/01/11	PS UPDATE TAXI WATCH WITH THE ABOVE DESC
55376	0530 01/01/11	Incident Switch
55053	0530 01/01/11	Incident Switch Accepted by Terminal MOE47
55053	0533 01/01/11	BOTH COMPANIES UPDATED
16243	0548 01/01/11	Job 3: - L10 BEFORE CLOSING PLEASE
56183	0556 01/01/11	SB32N Redeployed to Incident 634 01/01/11
13287	0602 01/01/11	WHEN MY SELF AND PS COSTIN ATTENDED THE SCENE
2382	0603 01/01/11	SB71 Left Incident
56183	0627 01/01/11	All Resources Leave Scene/Dispatch Cancelled etc
56183	0628 01/01/11	Incident Transferred by terminal MOER31 to MOEA
56183	0628 01/01/11	TO FT FOR UPDATES
56183	0628 01/01/11	Incident Transfer
51465	0628 01/01/11	Incident Transfer Accepted by terminal MOERS3
51465	0628 01/01/11	Defer to FT=SGT1 Date 01/01/11 Time 0634

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 3

Op	Time	Text
13287	0628 01/01/11	PC 2673 STEVENSON AND 1481 BARNARD WERE IN ATTENDANCE.
13287	0628 01/01/11	THE LANDLORD ROGER HARPER WAS ON THE FLOOR AND HAD BLOOD
13287	0628 01/01/11	AROUND HIS FACE AND FROM THE TOP OF HIS HEAD HE WAS SEMI
13287	0628 01/01/11	CONCIOUS A SECOND MALE [REDACTED] A BARMAN ALSO
13287	0628 01/01/11	COMPLAINED OF A HEAD INJURY. THE PH WAS IN TURMOIL WITH
13287	0628 01/01/11	CHAIRS OVERTURNED AND BROKEN AND GLASSES ON THE FLOOR AN
13287	0628 01/01/11	THE COAL FIRE HAD BEEN DISTURBED AND THE COALS WERE ON TH
13287	0628 01/01/11	CARPET. PARAMEDICS ATTENDED AND SAID THAT THE LANDLORD
13287	0628 01/01/11	ONLY HAD SUPERFICIAL INJURIES AND DID NOT NEED TO GO TO
13287	0628 01/01/11	HOSPITAL THIS WAS QUESTIONED BY PC BARNARD BUT THE
13287	0628 01/01/11	DECISION HAD BEEN MADE.
13287	0628 01/01/11	PC STEVENSON WAS SHOWN HOW TO OPERATE THE CCTV AND THIS
13287	0628 01/01/11	WAS VIEWED IN ORDER TO OBTAIN A DESCRIPTION OF THE
13287	0628 01/01/11	SUSPECTS. IT WAS VIEWED BY PC BRADLEY AND PC STEVENSON I
13287	0628 01/01/11	BRIEF IT SHOWS HARPER IN FANCY DRESS ON A KARAOKE MACHIN
13287	0628 01/01/11	WITH A MICROPHONE IN HIS HAND MALE ONE WITH THE BLUE AND
13287	0628 01/01/11	BLACK CHECKED SHIRT TRIES TO GRAB THE MICROPHONE BUT IS
13287	0628 01/01/11	FENDED OFF FOR A SHORT TIME BY HARPER. MALE ONE THEN
13287	0628 01/01/11	STARTS TO SWING PUNCHES AND HARPER IS KNOCKED TO THE
13287	0628 01/01/11	FLOOR A MELE THE OCCURS AND MALE TWO BECOMES HEAVILY
13287	0628 01/01/11	INVOLVED AND IS PUNCHING OUT AT A NUMBER OF PEOPLE. THER
13287	0628 01/01/11	IS THEN A BRIEF RESPITE AND HARPER IS HELPED TO HIS FEET
13287	0628 01/01/11	ANOTHER ARGUMENT ENSUES BETWEEN HARPER AND MALE ONE AND
13287	0628 01/01/11	IT LOOKS LIKE HARPER LUNGES AT MALE ONE THERE IS THEN A
13287	0628 01/01/11	PROLONGED AND VIOLENT ASSAULT WITH MALE ONE SWINGING
13287	0628 01/01/11	HAYMAKER PUNCHES AT A DEFENCELESS HARPER WHILST HE IS ON
13287	0628 01/01/11	THE FLOOR AND MALE TWO STAMPING ON HARPER TOWARDS THE
13287	0628 01/01/11	HEAD AREA THE THIRD MALE THEN BECOMES INVOLVED AND A
13287	0628 01/01/11	SERIOUS VIOLENT DISORDER TAKES PLACE WITH OTHER MEMBERS
13287	0628 01/01/11	OF STAFF BEING ASSAULTED INCLUDING [REDACTED]. JILL CAV
13287	0628 01/01/11	THE LAND LADY TRIES TO INTERVENE AND EVENTUALLY THE THRE
13287	0628 01/01/11	MALES ARE HERDED OUT OF THE PUB.
13287	0628 01/01/11	UPON OUR ARRIVAL HARPER WHO HAD BEEN ASSAULTED ALSO
13287	0628 01/01/11	APPEARED TO BE UNDER THE INFLUENCE OF ALCOHOL AS WAS JIL
13287	0628 01/01/11	CAVE AND [REDACTED] NONE COULD GIVE A DIRECTION OF
13287	0628 01/01/11	TRAVEL
13287	0628 01/01/11	[REDACTED] CAN BE CONTACTED ON [REDACTED] AND ANOTHER
13287	0628 01/01/11	WITNESS [REDACTED] AT [REDACTED] THE ADDRESS
13287	0628 01/01/11	OF A FEMALE FRIEND.
13287	0628 01/01/11	HARPER IS BEING CARED FOR BY HIS SISTER WHO LIVES ACROSS
13287	0628 01/01/11	THE ROAD WHO WAS NOT IN THE PUB AT THE TIME OF THE
13287	0628 01/01/11	INCIDENT. CAVE COULD NOT OPERATE THE CCTV FOR COPYING AN
13287	0628 01/01/11	HARPER WAS IN NO FIT STATE TO TRY.
13287	0628 01/01/11	THE TWO MALES WHO WERE STOPPED IN MILL LANE EARLIER

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 4

Op	Time	Text
13287	0628 01/01/11	[REDACTED] WERE NOT THE OFFENDERS.
13287	0628 01/01/11	ALL WITNESSES NEED TO BE SEEN LATE MORNING/EARLY
13287	0628 01/01/11	AFTERNOON WHEN THEY WOULD BE FIT TO PROVIDE EVIDENCE.
13287	0628 01/01/11	AN EXTENSIVE AREA SEARCH WAS CONDUCTED BUT THE MALES WER
13287	0628 01/01/11	NOT LOCATED.
Syscon	0634 01/01/11	Defer Time Reached
11481	0636 01/01/11	DEATAILS;
11481	0636 01/01/11	1-ROGER HARPER, TOR ABBEY INN, 01803 294925
11481	0636 01/01/11	2-GILL HARPER, AS ABOVE
11481	0636 01/01/11	3-(W) [REDACTED], [REDACTED], [REDACTED]
11481	0636 01/01/11	[REDACTED]
11481	0638 01/01/11	ROGER REFUSED TO PROVIDE ANY ACCOUNT AS TO WHAT HAD
11481	0638 01/01/11	HAPPENED OR WHY. ALL PERSONS INSIDE WERE HEAVILY
11481	0638 01/01/11	INTOXICATED AND IT WAS DIFFICULT TO GET ANY INFORMATION
11481	0638 01/01/11	FROM THEM.
11481	0638 01/01/11	FOR CONTACT AM
12673	0646 01/01/11	FROM 2673 I VIEWED THE CCTV FROM THE PUBLIC HOUSE. I SAW
12673	0646 01/01/11	THE LANDLORD SINGING KARAOKE IN THE MIDDLE OF THE PUB
12673	0646 01/01/11	FLOOR. HE WAS STAGGERING AROUND AND FELL IN TO A CUSTOME
12673	0646 01/01/11	THE MALE WITH THE CHECKED SHIRT ON. THE CHECKED SHIRT
12673	0646 01/01/11	MALE WHO WAS ALSO DRUNK WAS STAGGERING AROUND AND PLAYIN
12673	0646 01/01/11	AROUND. HE KEPT TOUCHING AND PUSHING IN TO THE LANDLORD.
12673	0646 01/01/11	HE ALSO TRIED TO DANCE WITH THE LANDLORD AND THE LANDLOR
12673	0646 01/01/11	DIDN'T REACT WELL TO THIS. THE LANDLORD GETS FED UP WITH
12673	0646 01/01/11	THIS AND PUSHED THE CHECKED SHIRT MAN AWAY. THE CHECKED
12673	0646 01/01/11	SHIRT MALE REACTS BADLY TO THIS AND THEN HITS THE
12673	0646 01/01/11	LANDLORD, THEN A SECOND MALE IN THE WHITE JUMPER JUMPS I
12673	0646 01/01/11	AND HITS THE LANDLORD. THERE IS A SCUFFLE FOR ABOUT A
12673	0646 01/01/11	MINUTE AND THEN IT CALMS DOWN. THE LANDLORD IS SITTING
12673	0646 01/01/11	DOWN AND THERE SEEMS TO BE A DISCUSSION BETWEEN THE 2
12673	0646 01/01/11	OFFENDERS AND LANDLORD AND THEN THE LANDLORD LUNGES
12673	0646 01/01/11	TOWARDS THE WHITE JUMPERED MALE AND HITS HIM. A FIGHT
12673	0646 01/01/11	BREAKS OUT AND THE CHECKED SHIRT MALE AND WHITE JUMPERED
12673	0646 01/01/11	MALE GOES MENTAL AND REPEATEDLY PUNCHES THE LANDLORD AND
12673	0646 01/01/11	ANYONE THAT GETS IN THEIR WAY INCLUDING A MALE IN A PINK
12673	0646 01/01/11	SHIRT WHO WORKS AT THE PUB. THE LANDLADY TRIES TO SPLIT
12673	0646 01/01/11	THE FIGHT UP AND SHE THEN GETS THUMPED. THERE IS ALSO A
12673	0646 01/01/11	MALE IN A BLUE SHIRT WHO I BELIEVE IS CALLED [REDACTED] WHO IS
12673	0646 01/01/11	A FRIEND OF THE LANDLADY'S AND HE IS PUNCHED ABOUT 3
12673	0646 01/01/11	TIMES. THE FIGHT CONTINUES AND THE LANDLORD IS KICKED AN
12673	0646 01/01/11	STAMPED ON THE HEAD APPROX 4 TIMES. THE FIGHT THEN BREAK
12673	0646 01/01/11	UP AND THEN THE OFFENDERS LEAVE. THERE IS A 3 OFFENDER
12673	0646 01/01/11	WHO HAS GOT INVOLVED AND HIT OUT. HE IS THE MALE IN THE
12673	0646 01/01/11	BL** DARK SHIRT.

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Op	Time	Text
12673	0646	01/01/11 OFFICERS NEED TO ATTEND THE PUBLIC HOUSE ON THE E/T AND
12673	0646	01/01/11 GET THE FOOTAGE DOWNLOADED.
14364	0702	01/01/11 PS COSTIN - ENTERED PUB AND SPOKE TO A LADY CALLED
14364	0702	01/01/11 [REDACTED] BORN [REDACTED] OF [REDACTED]
14364	0702	01/01/11 [REDACTED] SHE WAS STOOD BEHIND THE BAR WHEN I ARRIVE
14364	0702	01/01/11 AND I ASSUMED SHE WAS THE BARMAID. IN FACT SHE WAS A
14364	0702	01/01/11 REGULAR SERVING DRINKS TO OTHERS ! HER ACCOUNT WAS THAT
14364	0702	01/01/11 THEY WERE ALL HAVING A GOOD EVENING WHEN 2 MALES CAME IN
14364	0702	01/01/11 AND SAT AT A TABLE. THERE WAS SOME EXCHANGE OF WORDS WIT
14364	0702	01/01/11 THE LANDLORD BUT SHE DIDNT KNOW WHAT. THEY THEN STOOD UP
14364	0702	01/01/11 AND 'BEAT THE SHIT OUT OF THE LANDLORD.' SHE SAYS SHE SA
14364	0702	01/01/11 THEM KICK HIM WHEN HE WAS ON THE GROUND. DESCRIBED MALE
14364	0702	01/01/11 WAS VERY WELL BUILT WITH DARK HAIR. THIS MALE HAD
14364	0702	01/01/11 INJURIES TO HIS FACE - A GASH ON HIS RIGHT EYE - WITH
14364	0702	01/01/11 HJEANS, A BLUE AND WHITE CHEQUERED SHIRT, AGED ABOUT
14364	0702	01/01/11 24/25 AND ABOUT 5'8 TALL. MALE 2 WAS VERY WELL BUILT WIT
14364	0702	01/01/11 DARK HAIR WEARING JEANS AND A SIMILAR STYLE SHIRT. AGED
14364	0702	01/01/11 28-29 YEARS AND TALLER THAN MALE 1.
14364	0702	01/01/11 SPOKE TO CUSTOMER [REDACTED] BORN [REDACTED] OF [REDACTED]
14364	0702	01/01/11 [REDACTED] SHE HAS DYSLEXIA AND WILL NEED AN
14364	0702	01/01/11 AA
14364	0702	01/01/11 SHE STATES THAT 2 MALES CAME IN THE PUB WHICH SHE DID NO
14364	0702	01/01/11 RECOGNISE AS LOCALS. ONE WAS AT THE BAR AND THE OTHER AT
14364	0702	01/01/11 A TABLE. THE LANDLORD SAID TO ONE MALE HE HAD HAD ENOUGH
14364	0702	01/01/11 AND THAT THEY HAD TO LEAVE. A FIGHT STARTED AND ONE OF
14364	0702	01/01/11 THE MALES STAMPED ON HIS HEAD. DESCRIPTIONS WERE 2 MALES
14364	0702	01/01/11 -
14364	0702	01/01/11 BOTH SKINHEADS WITH POSSIBLY DARK HAIR UNDERNEATH, ROUND
14364	0702	01/01/11 FACES BOTH TALLER THAN HER (SHE IS 5'4). SHE THOUGHT SHE
14364	0702	01/01/11 HEARD THEM TALKING ABOUT 'UP NORTH'. HER TEL NUMBER IS
14364	0702	01/01/11 [REDACTED]
14364	0702	01/01/11 IN SUMMARY THERE APPEAR TO BE POSSIBLY 4 PEOPLE ASSAULTE
14364	0702	01/01/11 1/ ROGER HARPER - LANDLORD
14364	0702	01/01/11 2/ JILL CAVE - LANDLADY - PUNCH TO MOUTH
14364	0702	01/01/11 3/ [REDACTED] AS DETAILS GIVEN
14364	0702	01/01/11 4/ POSSIBLY [REDACTED], AS DETAILED BEFORE ALTHOUGH
14364	0702	01/01/11 SHE DID NOT STATE TO ME SHE HAD BEEN ASSAULTED BUT CCTV
14364	0702	01/01/11 SHOWS HER TRYING TO HELP LANDLORD AND GETTING PUSHED BAC
14364	0702	01/01/11 BY ONE OF THE OFFENDERS.
14364	0702	01/01/11 DETAILED REPORT AND L10 COMPLETED FOR LICENSING.
14364	0702	01/01/11 INFO FROM [REDACTED] WAS THAT MALE 2 IS LOCAL AND
14364	0702	01/01/11 ASSOCIATES WITH A MALE CALLED [REDACTED] WHO DRINKS IN THE
14364	0702	01/01/11 BULL AND BUSH PH.
14364	0702	01/01/11 Incident Deferral Enquiry

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 6

Op	Time	Text
14152	0708 01/01/11	Incident Deferral Accepted by terminal FT=SGT1
14152	0711 01/01/11	Defer to FT=SGT1 Date 01/01/11 Time 0800
14152	0711 01/01/11	FOR ALLOCATION OF FURTHER ENQUIRIES.
Syscon	0801 01/01/11	Defer Time Reached
55994	0927 01/01/11	Deferral Removed
55994	0927 01/01/11	SB31E Dispatched
55994	0927 01/01/11	24 SHERWELL HILL TO TAKE A SOE
Syscon	1058 01/01/11	Overdue Time Reached
55994	1108 01/01/11	SB31E Arrived at Incident
55994	1108 01/01/11	SB31E Left Incident
55994	1108 01/01/11	SB31E Arrived at Incident
55994	1108 01/01/11	AT SIG COLLECTING CCTV
Syscon	1238 01/01/11	Overdue Time Reached
Syscon	1247 01/01/11	Overdue Time Reached
Syscon	1253 01/01/11	Overdue Time Reached
Syscon	1307 01/01/11	Overdue Time Reached
Syscon	1321 01/01/11	Overdue Time Reached
Syscon	1325 01/01/11	Overdue Time Reached
10668	1326 01/01/11	FROM SB31E- SOE COMPLETED FROM A/P ROGER HARPER-
10668	1326 01/01/11	LANDLORD.
10668	1326 01/01/11	A/P AND WITNESS JILL CAVE- LANDLADY, AND WITNESS [REDACTED]
10668	1326 01/01/11	[REDACTED]
10668	1326 01/01/11	MESSAGE HAS BEEN LEFT WITH [REDACTED] IN ORDER TO TAKE
10668	1326 01/01/11	SOE.
10668	1326 01/01/11	[REDACTED] IS DUE AT WORK ( TOR ABBEY INN ) AND WILL
10668	1326 01/01/11	POSS BE AVAILIABLE FOR A SOE AFTER 1500 HOURS.
10668	1326 01/01/11	MESSAGE LEFT FOR [REDACTED] TO MAKE
10668	1326 01/01/11	CONTACT REF SOE.
10668	1329 01/01/11	PICTURES OF A/P ROGER HARPER HAVE BEEN TAKEN IN THE FIRS
10668	1329 01/01/11	INSTANCE AND ADVICE GIVEN TO HIM FOR FURTHER SOCO
10668	1329 01/01/11	PICTURES TO BE TAKEN.
10668	1329 01/01/11	WOA HAVE BEEN ISSUED TO MR HARPER REGARDING MEDICAL
10668	1329 01/01/11	ASSISTANCE AND HE HAS BEEN TAKEN BY PC 2660 DODD TO A &
10668	1329 01/01/11	TORQBAY HOSPITAL.
10668	1332 01/01/11	MYSELF AND PC DODD HAVE TRIED TO BURN THE INCIDENT WHICH
10668	1332 01/01/11	IS CLEARLY CAPTURED ON CCTV- BUT AT THIS TIME ARE UNABLE
10668	1332 01/01/11	LANDLADY JILL CAVE IS CONTACTING THE PROVIDER TO GAIN
10668	1332 01/01/11	ASSISTANCE - FOR COLLECTION WITHIN THE NEXT COUPLE OF
10668	1332 01/01/11	DAYS.
53754	1356 01/01/11	SB31E Redeployed to Incident 896 01/01/11
Syscon	1502 01/01/11	Overdue Time Reached
14363	1519 01/01/11	Defer to FT=SGT1 Date 02/01/11 Time 0700
14363	1519 01/01/11	for follow up e/t
14363	1543 01/01/11	FROM SB20E-THIS WAS A BAD ATTACK ON THE RP OF WHICH IS

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URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988 Page 7

Op	Time	Text
14363	1543	01/01/11 CLEAR ON CCTV
14363	1548	01/01/11 THE AP WAS UNCONCIOUS FOR A PERIOD AND HAS SUSTAINED
14363	1548	01/01/11 INJURIES
14363	1548	01/01/11 UNSURE OF FULL EXTENT THEREFORE NOT CRIMED AT THIS STAGE
14363	1548	01/01/11 PAPERS REVIEWED AND SENT TO CID FOR AM
14363	1548	01/01/11 Incident Deferral Enquiry
16363	2012	01/01/11 Incident Deferral Enquiry
14152	0052	02/01/11 Deferral Removed
14152	0053	02/01/11 Defer to FT=SGT1 Date 02/01/11 Time 0800
14152	0053	02/01/11 TO AWAIT REVIEW BY CID AND FURTHER ENQS
Syscon	0801	02/01/11 Defer Time Reached
14363	0816	02/01/11 Resources Dealing with this Incident Enquiry
14363	0816	02/01/11 Deferral Removed
14363	0817	02/01/11 ALL PAPERS IN CID SKIPPET
14363	0817	02/01/11 FOR COLLECTION
14363	0817	02/01/11 Defer to FT=CID1 Date 02/01/11 Time 1400
15544	1219	02/01/11 FROM A/DS 5544 WYATT, I HAVE DISCUSSED THIS WITH SB20E
15544	1219	02/01/11 AND SHE ADVISES ME THAT THE INJURIES TO THE LANDLORD
15544	1219	02/01/11 AMOUNT TO ABH, HOWEVER THE CIRCUMSTANCES SURROUNDING THI
15544	1219	02/01/11 MAY WELL AMOUNT TO A VIOLENT DISORDER. I HAVE REQUESTED
15544	1219	02/01/11 DC STIDDARD AND DC LOCKE ATTAND AND VIEW THE CCTV TO
15544	1219	02/01/11 ESTABLISH EXACTLY WHAT THE CIRCUMSTANCES ARE PRIOR TO
15544	1219	02/01/11 CRIMING.
14363	1256	02/01/11 Deferral Removed
14363	1256	02/01/11 Defer to FT=CID1 Date 02/01/11 Time 2000
14363	1256	02/01/11 FOR UPDATES FROM CID
56614	1433	02/01/11 Crime FT/11/47 has been linked to the Incident
16589	1534	02/01/11 Crime FT/11/47 has been Updated from the Incident
14541	1628	02/01/11 FROM CRIME STANDARDS JN,
14541	1628	02/01/11 ENSURE VICTIMS WHO HAVE BEEN ASSAULTED DURING THIS
14541	1628	02/01/11 INCIDENT HAVE THE CORRECT ASSAULT CRIMES RECORDED WITH
14541	1628	02/01/11 THEM AS VICTIMS TO COMPLY WITH NCRS (WITHIN 72HRS)
Syscon	2000	02/01/11 Defer Time Reached
Syscon	2130	02/01/11 Overdue Time Reached
Syscon	2150	02/01/11 Overdue Time Reached
Syscon	2229	02/01/11 Overdue Time Reached
14152	2245	02/01/11 Deferral Removed
14152	2245	02/01/11 Defer to FT=CID1 Date 03/01/11 Time 0800
14152	2245	02/01/11 FOR UPDATES
Syscon	0800	03/01/11 Defer Time Reached
16589	0819	03/01/11 Job No. 1 Updated
16589	0819	03/01/11 Job Nos. 2,3 Updated
16589	0819	03/01/11 JOBS UPDATED - FROM D/I YARWOOD - THIS CAN NOW BE CLOSED
16589	0819	03/01/11 Deferral Removed

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INCIDENT CLOSE

URN 593 Stn MOW Vdu MOW70/MOESGT Tme 04:55 Date 01/01/11 Op 53988  
Locn TOR ABBEY INN,80, BELGRAVE ROAD' TORQUAY,DEVON

Beat FT2J OSGR 290804064288 CH Response IMMEDIATE  
Type CRIME RELATED VIOLENCE  
Detail VIOLENCE

Caller UNKNOWN

Tel [REDACTED]

Result TASK COMPLETED Arrests 0 Briefing  
Final Inc CRIME RELATED INC - RECOR VIOLENCE (R)  
Type LICENSED PREMISES CLOSED BY CMCD EAST RADIO  
Close Category PUBLIC PLACE ( 1)  
Free Text  
for  
Briefing

Officer 5754 Name HINE PS  
Call Back Required Victim Support

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BURGLAR ALARM CLOSE SCREEN

URN Stn Vdu Tme Dte Op

Audible Alarm Sounding on Arrival (Y/N)  
Could Keyholder Reset Alarm ? (Y/N)  
Genuine Call (Y/N) Number of Prisoners Detained  
False Call  
None Operation of Alarm  
Was False Call Highlighted to Keyholder (Y/N)  
Was Keyholder Highlighted to Difficulty in Contacting Them

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Roger Stephen HARPER**..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Landlord** .....

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: R. S. Harper..... Date: **01/01/2011** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I give this statement in relation to an assault on me in the Tor Abbey Inn by two unknown males. I am not able to recall the full assault on me as I became unconscious during the assault.

I am the above named person and I am the Landlord of The Tor Abbey Inn public House located along Belgrave Road Torquay. Tor Abbey Inn is a licensed premise which sells alcoholic drinks to customers. I would describe my pub as a local pub. Tor Abbey Inn has a main entrance which leads into the main bar area. I would estimate the size of the main bar as being 8 meters by 7 meters. There are several table and chairs a large 50 inch television on the wall, a juke box. There is also a small bar to the rear of the pub which has a pool table and a darts board. I have been the landlord at the pub for 10 years.

During this statement I will be referring to a male who assaulted me I would describe the Male as a White male, 5ft 10in tall to 6ft and of stocky build. I would say his age is from late 20's to early 30's. This male was wearing a blue checked shirt. I did not take a lot of notice of this male and I would not be able to recognise his face. I have not seen this male before.

On Friday 31<sup>st</sup> December 2010 I was working behind the bar along with Jill CAVE. Jill and I are partners. I was dressed as a French Maid and Jill was dressed a man in a suit. We dress up every year as a bit of fun for the evening.

The pub was very busy as it was New Years Eve and as midnight approached I would describe the pub

Signature: R. S. Harper

Signature witnessed by: [Signature] PC 2866 FICED

Continuation of Statement of Roger Stephen HARPER

as heaving. I would say that there were about 60 - 70 customers in the pub. mostly regular customers of mine. I know about 80% of my regular customers by name and the rest by recognising their face  
Midnight passed and there were no issues in the pub and the atmosphere was excellent and it appeared that all the customers were having a great night.

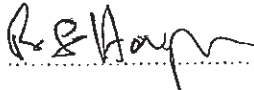

On Saturday 1<sup>st</sup> January 2011 at about 01:00 hrs I had my first alcoholic drink. I continued serving customers and on occasions, would come out from behind the bar area and start dancing with customers who were singing karaoke.

At about 04:45 hrs I was out in the main bar dancing with male who was wearing a check shirt. The male was singing Karaoke and I was having a laugh with this male. The male then started to make unpleasant comments about the way I was dressed, saying things such as "Fucking Puff" and words like "I'm going to fuck you one way or the other". These comments were offensive to me and I felt intimidated by this male and I thought that his comments meant that he was going to assault me. I felt the assault was imminent on me as the male was becoming very aggressive so I decided to protect myself and attempted to head butt this male. I did not connect with the male. The male and I then had a fight in the main bar. The actual events after this are vague. I have no recollection of anything further after this. I think I was unconscious as the next thing I remember is waking up in my bed this morning at 09:30hrs.

I woke up feeling unwell with a severe hard ache and aching in my neck, shoulders and chest.

I would say that on a scale of 1 to 10 for being drunk I would say I was a 7. I would estimate that I consumed about 3 pints of lager and a couple of vodka's and orange and a shot of zambuka.

No one had my permission to assault me.

Signature:  Signature witnessed by:  PC 2660 DODD

WITNESS STATEMENT

URN 

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(CJ Act 1967, s9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of Jill Heather CAVE  
Age if under 18 OVER 18 (if over 18 insert 'over 18'). Occupation: LANDLADY.

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: JH Cave Date: 01/01/2011

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement refers to an incident at  
TOR ABBEY INN, on BELGRAVE ROAD TORQUAY on  
SATURDAY 1ST JANUARY 2011 at about 4.00am.

I am the above named person and live at an  
address overleaf.

I have been the landlady of the above pub  
for the past 10 years now, with my partner  
Roger HARPER.

I would describe the TOR ABBEY INN Pub as  
a small friendly local pub which is on  
a busy main road.

opposite the pub is various houses and  
local businesses.

I shall be referring to two other people  
during my statement and they are as  
follows.

Roger HARPER who is my partner of 12 years  
and also the landlord of the above pub.

I would describe Roger as a white male.

Signature JH Cave Signature witnessed by [Signature]

P.10

Continuation of Statement of Jill Heamer CAVE

55 years old, medium build, 6 feet tall with very short /shaved hair.

At the time of the incident he was dressed as a french maid with a black womans wig on. Adam BARLOW who works for me as a member of the bar team.

I have known Adam for about 5 years now and would describe him as a white male, 22 years old, 6 feet tall, medium build, with short bushy black hair.

On SATURDAY 1<sup>ST</sup> JANUARY 2011 I was working with Roger behind the bar.

It was a very good atmosphere with lots of local customers enjoying new years eve.

At about 4:30am on the above date I was near to the bar when I saw something go on near to the door between Roger and a male I have never met.

I remember Roger had been singing that night on the Karaoke machine which was to the left of the front door.

I went towards Roger and this male and said "WHATS GOING ON"?

This male I will refer to as male 1, I cannot remember what he said to me but I just wanted him out of the pub as he looked like he wanted to start trouble.

This male I also know was with 2 other males that I believe were his friends, and had only been inside the pub for about

Signature:

JH Cave

Signature witnessed by:



Continuation of Statement of Jill Heather CAVE

one hour.

This male had already pushed me backwards when I tried to stop him from assaulting Roger. I managed to get him towards the front door and told him I was the landlady and that I wanted him to leave.

This male then punched me in the face area and just walked back into the pub.

I then saw him grab hold of Roger punch him to the head and Roger then land on the floor. The next I saw was him kicking and stamping on Rogers head and face.

Adam then try's to stop the fight and a few customers tried to calm the situation down.

Roger at this point was helpless on the floor and couldn't even defend himself.

I can remember now that the incident started with a male in a dark check shirt who was a friend of male 1.

This male I shall refer to as male 2 and I don't know what started it but out of no where he just punched Roger to the face which put him on the floor.

Male 1 then got up and went towards them and mats when I went over to see what was going on.

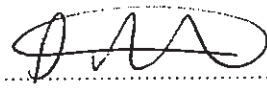
This group then came in and out of the pub around 3 times and I recall him as being the main person who assaulted

Signature:

JH Cave

Page 98

signature witnessed by:



Continuation of Statement of Jill Heather CAVE

Roger, this being male 1.  
on the murder time I and some others managed  
to get the group out of the door, and I shut  
and bolted it behind me.

Roger was uncon on the floor, and blood  
coming from his head and nose area.

I tried to help him but he was very dazed  
and out cold for around 5 minutes, before  
the police arrived.

I never seen these males before, but would  
probably know male 1 if I saw him again.

The whole incident lasted around  
minutes, and I witnessed it from within 2-3  
meters.

At the time of the incident I had drunk  
2 vodkas and was sober.

Male 1 I would describe as a white male  
in his 30's, big build, 6 feet tall, with shaven  
hair, wearing a white sweatshirt, and  
jeans.

male 2 I would describe as a white male,  
in his 30's, stocky build, 5 feet 8 inches  
tall, wearing a dark check shirt, with  
jeans.

The murder male I did not see him assault  
anyone but he was a white male,  
medium build, with a dark shirt.

As a result of being hit I now feel  
sore to the right side of my face, just  
below my eye, where there is a small

Signature:

JH Cave

Page 99

signature witnessed by:



Continuation of Statement of Jill Heather CAVE

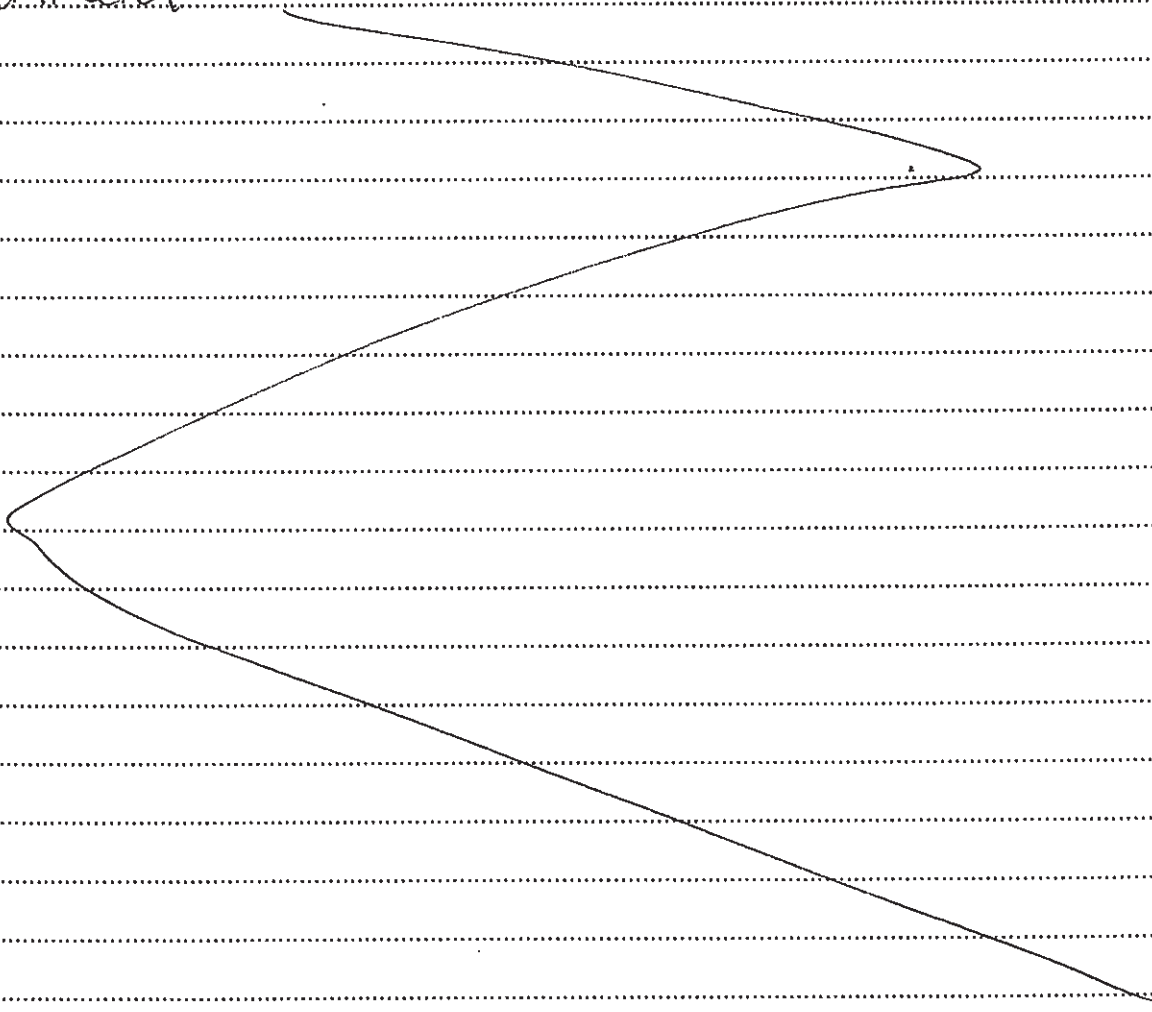
bruise.

no one has permission to assault me or my partner Roger in anyway at anytime.

I do have CCTV within my pub and will be issuing it to police once copied.

Jill Cave

The victim personal statement has been explained but I do not at this time wish to make any comment.



Signature: Jill Cave

Signature witnessed by: [Signature]



WITNESS STATEMENT

URN 

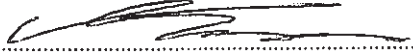
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(CJ Act 1967, s9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of Cassandra Lea JAMES

Age if under 18 over 18 (if over 18 insert 'over 18'). Occupation: Food Assistant

This statement (consisting of ~~1~~ <sup>5</sup> page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  Date: 01/01/2011

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement refers to an incident at  
TOR ABBEY INN PUB, on BELGRAVE ROAD TORQUAY  
on SATURDAY 1<sup>ST</sup> JANUARY 2011 at about 1.30am  
-02.00am.

I am the above named person and live at  
an address overleaf.

The location for the incident is TOR ABBEY INN  
PUB I would describe this as a small local pub  
on a busy main road.

As you walk through the front door it leads into  
an open plan bar area, with the bar right  
in front of you.

To the right of the door is a small seating  
area with a window that looks out onto  
BELGRAVE ROAD TORQUAY.

At the time of the incident I would say the  
pub was busy with about 35 people inside.  
I shall be referring to two other people during  
my statement and they are as follows

Signature  Signature witnessed by 

PT.O.

Continuation of Statement of Cassandra Lea JAMES

Jill who is the landlady of the TOR ABBEY INN. I have known her for about 20 years through her children and her husband Roger.

I would describe Jill as a white female, 45 years old, medium build, 5 feet 6 inches tall, with blonde shoulder length hair.

At the time of the incident she was in fancy dress, like a gangster in black white.

Roger who I do not know the last name of and is the husband of Jill and landlord to the above pub.

I have known him for about the same amount of time, as Jill.

At the time of the incident Roger was dressed as a french maid, with a black ladies wig.

I would describe him as a white male, 45-50 years, medium build, 6 feet tall, with brown short hair, a bold head.

ON FRIDAY 31<sup>ST</sup> DECEMBER 2010 at 11:30pm I entered the TOR ABBEY INN Pub so I could have a drink with friends as it was new years eve.

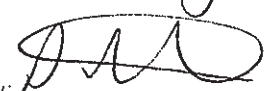
I have been a regular at this pub for about 15 years now, so I know most of the customers and staff.

I remember it was a good atmosphere within the pub and I went to the bar to get a drink.

At about 1:30am - 02:00am on SATURDAY 1<sup>ST</sup> JANUARY 2011 I was around the bar area talking to

Signature: 

Page 102

signature witnessed by: 

Continuation of Statement of CASANDRA LEA JAMES

Some other customers.

Then I saw Roger who had been collecting glasses go towards the door.

It seemed as he was beginning to close up, at this time 3 other men were by the door and something was said between them and Roger but I don't know what.

I then saw one of the males push Roger backwards.

Roger then said something like "THATS IT THEN LADS YOU'VE HAD ENOUGH".

The next thing I then saw was Roger being punched to the floor by the male.

The same male went to the ground with him and continued to punch him towards his face.

I shall refer to this male who I have never seen before as male 1.

The friends of this male then got involved and I saw Roger being kicked in the head and chest area 3-4 times.

This all happened within the pub and near to the front door.

Roger tried to defend himself but it was 3 against 1 so he didn't stand a chance and never even got to his feet.

The whole pub then seemed to get involved and I tried to split the fight up as it was getting out of hand and I was worried about Roger.

Continuation of Statement of CASANDRA LEA JAMES

There at one point was punches flying everywhere and Jill also tried to stop the fight however I managed to hold her back. I remember shouting "COME ON JUST PACK IT IN!" The men after a couple of minutes stopped fighting because everyone was screaming. I then saw them leave the pub and walk towards the town.

I witnessed the incident from 6-7 feet away and had a clear view.

The whole incident lasted around 2-3 minutes and after the males had left I assisted Roger with first aid, as he wasn't moving. Roger still remained on the floor and his face was covered in blood, I couldn't get much from him and he seemed very dazed. The males who assaulted Roger I would describe as follows:

male 1 - white male, 25-35 years old, stocky build, very short - skinhead style hair, 6 feet tall, with a northern accent.

The other friends to this male I would describe as the same and I cannot recall what they were wearing.

During the night I had drunk about 9 double vodka's and coke but felt quite sober.

The whole incident left me very upset and no one has permission to assault anyone at anytime.

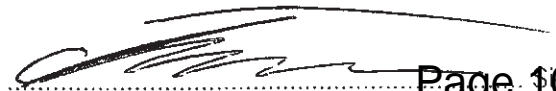

Signature:

Page 104

Signature witnessed by:

Continuation of Statement of Cassandra Lea James

THIS statement has been read to me by PC 668  
FOMERGILL as I find it hard to read and  
write. ~~\_\_\_\_\_~~

Signature:  Page 105 Signature witnessed by: 

89

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Donna FOTHERGILL** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 668** .....

This statement (consisting of: ... 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  ..... Date: **01/01/2011** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 668 FOTHERGILL of the Devon and Cornwall Police, currently stationed at Torquay.  
On Saturday 1<sup>st</sup> January 2011 I was on duty in full uniform working under the call sign of SB31E.

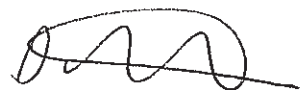
At 14::00 hrs that afternoon using a CANON DIGITAL IXUS 105 camera I proceeded to take a total of 5 photographs, 5 pictures were taken of injuries to Roger HARPER'S face and chest.

At 14:00 hrs on Saturday 1<sup>st</sup> January 2011 following force guidelines, I then removed the SD memory card from the camera and using the EZDigiMagic burner I then recorded these 5 images onto 2 force approved compact discs.

I now exhibit this Compact disc as DF/01. The master copy that I have sealed in a plastic CD cover, DF/02 –the working copy that I have placed inside the plastic CD cover.

I then inserted the SD memory card into the CANON SELPHY photograph printer and printed 3 images onto photographic paper. These photographs are retained with the file.

The working copy and the master copy were sent to the force photographic services in Heavitree Road Exeter.

Signature:  ..... Signature witnessed by: **SELF** .....

90+

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of Duncan John MCINTYRE ..... URN: [ ] [ ] [ ] [ ]

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Costable 2382.....

This statement (consisting of: .... 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] 2382 ..... Date: 15/2/11.....

Tick if witness evidence is visually recorded [ ] (supply witness details on rear)

I am the above named Police Constable, currently serving at Torquay Police Station.

At 1300hrs on Tuesday 15th February 2011, I was on duty in uniform when I attended an address in Torquay.

At this address, I spoke with a person who I will now refer to as Witness A. The person does not wish to be identified as the person is fearful of reprisals for themselves and family. The reprisals could range from verbal abuse, harassment or potentially physical violence.

Witness A stated that they hve lived at their address for a number of years.

Witness A lives near to the Tor Abbey Public House, Belgrave Road, Torquay and from their address, have a good view of the pub and surrounding area.

Witness A informed me that there have been problems with anti social behaviour in the pub, particularly since the current landlord and lady took over in 2000-2001.

Witness A has seen on occasions, people urinating in the street. These people have come out of the pub and urinated around some steps which lead from Belgrave Road into Lime Avenue. The urinating according to Witness A can happen at any time. In particular, people who have gone out to make a phone call or to smoke are more likely to urinate.

Signature: [Signature] 2382 ..... Signature witnessed by: J/A.....

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Continuation of Statement of Duncan John MCINTYRE.....

Witness A then informed me about people drinking on the street outside the pub. This normally happens during a busy weekend and more so in the summer. The longer they are out in the street, the rowdier they become. This also brings the problem of broken glass. Witness A lastly mentioned that people often cross the street to avoid the drinkers which is believed due to intimidation.

Witness A lastly mentioned about drug dealing involving the clientele in the pub. On numerous occasions, the last being in January 2011, Witness A has seen the passing of money and bags of white powder outside the pub whereby the person selling the bag has gone back into the pub.

Witness A did state that in fairness to the landlord and lady, they have not been observed by witness A at anytime taking part in drug related activity.

Although Witness A could not offer specific dates and times for incidents, the courses of conduct outlined to me appear to be an ongoing matter.

Witness A lastly stated that the problems with the Tor Abbey Public house cause them annoyance as it does to other residents in the area.

I have interrogated the Devon and Cornwall Police Force Computer Information System. I can confirm that there are currently 83 police incidents recorded against the Pub since 24<sup>th</sup> April 1999. The incidents range from fights, alleged drug dealing, thefts in the pub and high level assaults. Since 15<sup>th</sup> October 2009, there have been three police incidents recorded.

*[Handwritten signature]* 2382.

Signature:

*[Handwritten signature]* 2382

Signature witnessed by:

*[Handwritten signature]* N/A



WITNESS STATEMENT

URN 

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(CJ Act 1967, s9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

Statement of [REDACTED]

Age if under 18 [REDACTED] (if over 18 insert 'over 18'). Occupation: [REDACTED]

This statement (consisting of ..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: [REDACTED]

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named person.  
This statement is regarding the  
Tor Abbey Public House, Belgrave  
Road, Torquay.

I live [REDACTED]

Since I have lived there I have  
had no end of problems.

The mainstay of the problems  
started when Rover and Gill took  
over in 2000 - 2001. Although the  
clientelle have pretty much stayed  
the same, the problems have escalated.

In my time I have seen urinating  
on the steps and outside my gate.

My house is situated [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] I also have a view

Signature [Handwritten Signature] Signature witnessed by [Handwritten Signature]

P.T.O.

Continuation of Statement of [REDACTED]

of the steps leading up into Lime Avenue and the turning circle at the end of Lime Avenue. The urinating happens at any time. I have noticed that it is often people who go outside for a fag or go out and use their phones. Another problem is people drinking outside in the street. This normally happens during a busy weekend and more so in the summer. The longer they are out there, the rowdier they become. There is also problems with broken glass. People often cross the street to avoid crowds outside and they seem quite intimidated by them. I have also seen open drug dealing outside the pub at the front. On occasions I have seen the blatant passing of money and bags of white powder being transferred between two people. This happens right outside the pub entrance. I have also heard people banging on the side door to the pub after closure. In fairness to Rover and Gill, I have never seen them involved in any drug related activities around the pub. The last time I saw

Signature: [REDACTED] Page 110 Signature witnessed by: [REDACTED]

Continuation of Statement of [redacted]

drug activity outside the pub was in January 2011. I saw a lad on the front door. A male approached this lad, passed him some money and the lad on the door handed him a bag, of white in colour. A short while later, this lad went back into the pub. Activity like this can happen anytimes during the day. A lot of the locals who drink in there have been seen taking part in drug activity of this nature. Regarding this statement, I have been made aware that this statement is anonymous. I will not attend court to give evidence and am submitting this statement only if this is going to be the case. The reason for this is due to the possible reprisals that could happen if my identity is disclosed to Hooper or Gill. Therefore I can hardly confirm that this will be submitted anonymously. The problems in the pub cause annoyance to me and others.

Signature: \* [Signature] Page 111 Signature witnessed by: [Signature]

Min./File No.  
AT/0221

# Licensing Incident/Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible

Name of Premises: TOR ABBEY INN Beat code: FT  
Address: Belgrave Road, Torquay Town: TORQUAY

Report Type: Incident  Intelligence

Details: Report of Disturbance Near to Public House  
OIS Ref: 35 Crime Ref:

Date: 20/02/11 Time: Exact location (e.g. on premises, outside etc.): Outside main front door of Tor Abbey Inn

Does the premises have CCTV installed? Yes  No  At the time of the visit/incident was it working? Yes  No

Viewed, what was the quality of the images like?

Public Disorder  Drunkenness  Criminal Damage  Assault   
Drugs  Other  (specify):

Licensing Breaches:  (Specify e.g. after hours, under age, exclusion order etc.)

**Brief Summary of Incident/Intelligence (a request may be made for a full statement):**

Report to Mobile Single Crewed police unit of a disturbance outside of the Tor Abbey. Upon arrival it appeared there were two groups of females involved in a confrontation. No assault was witnessed although it appeared that both groups were very intoxicated. Both groups ran off in opposite directions and the disorder dispersed very quickly. A male stood in the doorway of the Tor Abbey identified himself as the landlord but not by name. He claimed that the persons involved had not come from the pub.

Officer completing: Name: Harvey Rank: MPC No: 4915  
Signed: [Signature] Date: 24/2/11

Licensee of Premises: Yes  No  Not known

Any remarks:

Police Officers Injured: Yes  No  Not known

If Yes, officers details: .....

**Persons Involved (if known):**

- 1. Name: ..... DoB: .....  
Address: .....
- 2. Name: ..... DoB: .....  
Address: .....
- 3. Name: ..... DoB: .....  
Address: .....
- 4. Name: ..... DoB: .....  
Address: .....

**Action Taken OIC:**

All parties dispersed on police arrival. landlord  
 returned inside the premises.  
 No allegations forthcoming.

Name: Harvey No: 4915 Signed: [Signature] Date: 24/2/11

**Action Taken Licensing Unit:**

09/03/11 - DPS Roger Harper, spoken to regarding this  
 incident. He confirmed that all parties concerned had  
 been drinking in his premises prior to this incident.

Licensing officer: [Signature] Signed: [Signature] Date: 09/03/11

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
OPERATOR 50403, SMART CIV

URN 35      Stn MOE      Vdu MOE94/MOERS4      Tme 00:33 Dte 20/02/11 Op 55393

Reported by      9      999      07786105288

Brief Incident Details  
DISTURBANCE - GROUP OF PERSONS PUSHING AND SHOIVING  
HAVE BEEN KICKED OUT OF THE PUB

Location of Incident

Feature  
Street BELGRAVE ROAD  
Area TORQUAY, DEVON      Postcode  
Beat FT2J      OSGR 291118063777 Location Ref 1/1/645

Caller THIRD PARTY  
Name [REDACTED]      Title MRS

House [REDACTED]  
Street [REDACTED]  
Area [REDACTED], DEVON

Tel. No [REDACTED]      Confirmed Y  
Time and Date of Incident 0033 20/02/11  
Classification ANTI SOCIAL BEH ROWDY/NUISANCE BEHAVIOUR  
Graded Response IMMEDIATE      Sec Lev 1

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Infld.	C	Infld	Dealt	Wt
4915	T80N	HARVEY PC			00:35					00:55	
5778	T80N	HOARE PC			00:35					00:55	
38115	D75	LAMBLE PC	00:36		00:37					00:55	
5724	SB30N	SALSBURY PC	00:36		00:55					00:55	
1258	SB30N	LITHGOW PC	00:36		00:55					00:55	

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT.  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION

URN 35 Stn MOE Vdu MOE94/MOERS4 Tme 00:33 Date 20/02/11 Op 55393 Page 1

Op	Time	Text
55393	0035 20/02/11	CLI Subscriber Details: , OAC , [REDACTED]
55393	0035 20/02/11	*MOB* VODAFONE ,99,20110128062647,0 ,DATA AVAILABLE,
55393	0035 20/02/11	291256, 64327, 1160, 604, 80, 60.00, OSGB36
55393	0035 20/02/11	Incident Routed to Radio Operators
55182	0035 20/02/11	Incident Transfer Accepted by terminal MOER31
55182	0035 20/02/11	Resource Search - personal call sign '4915'
55182	0035 20/02/11	T80N Arrived at Incident
55182	0036 20/02/11	Update/enable Gps Refresh Rate
55182	0036 20/02/11	Automatic Resource Enquiry
55182	0036 20/02/11	D75 Dispatched
55182	0036 20/02/11	TORRE ABBEY PUB
55182	0036 20/02/11	SB30N Dispatched
55182	0036 20/02/11	Automatic Resource Enquiry
55182	0037 20/02/11	Update/enable Gps Refresh Rate
55182	0037 20/02/11	D75 Arrived at Incident
55182	0037 20/02/11	Job 1: - L10
14525	0055 20/02/11	Help Screen displayed for - ANTI SOCIAL BEH
5724	0055 20/02/11	SB30N Arrived at Incident
5724	0055 20/02/11	SB30N Left Incident
55182	0055 20/02/11	All Resources Leave Scene/Dispatch Cancelled etc
55182	0056 20/02/11	Incident Transferred by terminal MOER31 to MOEA
55182	0056 20/02/11	TO BASE PLEASE, AWAITING L10
55182	0056 20/02/11	Incident Transfer
50634	0059 20/02/11	Incident Transfer Accepted by terminal MOERS4
50634	0100 20/02/11	Defer to FT Date 20/02/11 Time 0104
14525	0100 20/02/11	I HAVE SPOKEN TO [REDACTED], SHE IS NOT AN AGGRIEVED BUT
14525	0100 20/02/11	NOTICED A DISTURBANCE BUT DID NOT KNOW THE DETAILS OF TH
14525	0100 20/02/11	PEOPLE INVOLVED.
14525	0101 20/02/11	L10 TO BE SUBMITTED BY WITHER THE TRAFFIC/DOG UNIT AS
14525	0101 20/02/11	FIRST OFFICERS RESPONDING.
14525	0101 20/02/11	Deferral Removed
14525	0102 20/02/11	Incident Deferral Enquiry
14525	0102 20/02/11	Incident Deferral Enquiry
55182	0103 20/02/11	Defer to OTN Date 20/02/11 Time 0105
55182	0104 20/02/11	Job No. 1 Updated
55182	0104 20/02/11	NO OFFENCES
55182	0104 20/02/11	STARBURST ON MY ARRIVAL
55182	0104 20/02/11	T80N
55182	0104 20/02/11	Deferral Removed
55182	0105 20/02/11	Incident Closed By Terminal MOER31
55182	0105 20/02/11	Incident End (Result / Close)

- 99'

CONFIDENTIAL. THIS PRINT OUT IS COVERED BY THE DATA PROTECTION ACT  
TEXT IS NOT NECESSARILY A VERBATIM ACCOUNT OF THE TELEPHONE/RADIO CONVERSATION  
INCIDENT CLOSE

URN 35 Stn MOE Vdu MOE94/MOERS4 Tme 00:33 Date 20/02/11 Op 55393  
Locn BELGRAVE ROAD' TORQUAY,DEVON

Beat FT2J OSGR 291118063777 CH Response IMMEDIATE  
Type ANTI SOCIAL BEH ROWDY/NUISANCE BEHAVIOUR  
Detail DISTURBANCE - GROUP OF PERSONS PUSHING AND SHOVING  
HAVE BEEN KICKED OUT OF THE PUB

Caller [REDACTED] Tel [REDACTED]

Result ENQUIRIES CONTINUING / REPORT T Arrests 0 Briefing  
Final Inc ANTI SOCIAL BEH ROWDY/INCONSIDERATE BEHAV  
Type ROW/NUI - ROWDY/INCONSIDE CLOSED BY CMCD EAST RADIO  
Close Category PUBLIC PLACE ALCOHOL RELATED ( 2)  
Free Text  
for  
Briefing

Officer 55182 Name FORD CIV  
Call Back Required Victim Support

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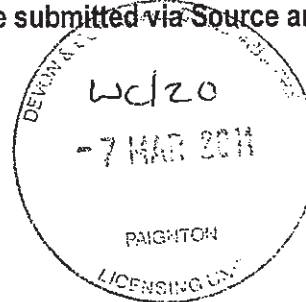


- 160 -

File No.:	A710221	Computer URN:		Minute No.:	
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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: TOR ABBEY INN

Address: 80 BELGRAVE RD, TORQUAY

Report type:  Visit  Incident  Other

Date: 07/03/11 Time: 2340

OIS Ref.: 918

Crime No.:

**Brief summary / action taken (if not recorded elsewhere):**

MALE (REDACTED) IN PUB. ASKED TO LEAVE SIG BY LANDLORD (ROGER HARPER). MALE HAS LEFT BUT RETURNED AFTER A SHORT TIME, INFORMING LANDLORD THAT HE NEEDED TO QUICKLY SPEAK WITH A MALE IN BEER GARDEN. AFTER A FEW MINUTES, (REDACTED) RAN THROUGH THE PUB COVERED IN BLOOD FROM A FACIAL INJURY AND ACCIDENTALLY RAN INTO A GLASS FRONTED DOOR, CAUSING DAMAGE TO GLASS.

(REDACTED) WAITED FOR POLICE (PASSIVE) - AND APOLOGIZED FOR RUNNING INTO DOOR - HE STATED THAT THERE HAD BEEN AN INCIDENT WITH AN UNKNOWN MALE IN THE REAR OF THE PUB, AND THAT HE HAD RUN OUT AFTER GAINING THE INJURY - HE REFUSED TO ACCOUNT FURTHER, OFFICERS SUSPECT A POSSIBLE DISAGREEMENT WITH UNKNOWN PARTY (NOT CAPTURED ON CCTV)

OFFICERS ATTEMPTED TO ASCERTAIN DETAILS - CCTV OPERATING, BUT NO COVERAGE OF ORIGINAL INCIDENT. NO COMPLAINT RE DAMAGE AND NO WITNESSES TO ANY OTHER DISORDER. LICENSING ACT CONSIDERED HOWEVER LANDLORD WISHED TO PURSUE CIVIL REMUNERATION AND SIGNED OFFICERS PNB TO THIS EFFECT.

Submitted by: Name: PC MOORE 6073

Force No.: 16073

Signed:

Date: 07/03/11

Time: 0340

**Action taken by Licensing Unit:**

*Filed for info. No licensing issues apparent from log n PC Moore's report.*

Licensing officer: *[Signature]* 55311

Forwarded to Daily Tasking: *[Signature]*

# Licensed Premises Visit Checklist

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

- 101 -

## Officers present at inspection:

PC MOORE 6073, PC HEATON 1462

## 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: U/K
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
4. 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

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OPERATOR 55311, STANLAKE CIV

-102-

URN 918 Stn MOE Vdu MOE95/MOESGT Tme 23:42 Dte 06/03/11 Op 56456

Reported by 9 999 01803294925  
Brief Incident Details

MALE HAS SMASHED A WINDOW - HE IS OUTSIDE AND WON'T LEAVE

Location of Incident

Feature TOR ABBEY INN,80  
Street BELGRAVE ROAD  
Area TORQUAY,DEVON Postcode TQ2 5HZ  
Beat FT2J OSGR 290804064288 Location Ref 1/1/645/34

Caller THIRD PARTY

Name LANDLADY Title  
House 80  
Street BELGRAVE ROAD  
Area TQ2 5HZ

Tel. No 01803294925 Confirmed Y  
Time and Date of Incident 2342 06/03/11  
Classification CRIME RELATED CRIMINAL DAMAGE  
Graded Response IMMEDIATE Sec Lev 1

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Resources Dealing with this Incident

P.C.S	C.C.S	Name	Disp.	Arr	Left	Canc,	Inf.	C	Inf	Dealt	Wt
1462	SB41N	HEATON PC	23:46	00:02	00:35						
6073	SB41N	MOORE PC	23:46	00:02	00:35						
1870	SB40N	HALLIWELL PC	23:46	23:49	00:52						
625	SB40N	LEE PC	23:46	23:49	00:52						

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URN 918 Stn MOE Vdu MOE95/MOESGT Tme 23:42 Date 06/03/11 Op 56456 Page 1

Op	Time	Text
56456	2343 06/03/11	CLI Subscriber Details: , OAC , 01803294925
56456	2343 06/03/11	TOR ABBEY INN, 80, BELGRAVE ROAD, TQ2 5HZ
56456	2344 06/03/11	W/M F506 - STOCKY - BLUE JACKET AND BLOOD ON HIS FACE
56456	2344 06/03/11	CCTV AVAILABLE
56456	2344 06/03/11	Incident Routed to Radio Operators
56456	2345 06/03/11	Job 1: - L10
55910	2345 06/03/11	Incident Transfer Accepted by terminal MOER31
56456	2345 06/03/11	Job 2: - CC
56456	2345 06/03/11	NO NAME FOR MALE - U/K TO R/P
55910	2345 06/03/11	Automatic Resource Enquiry
55910	2346 06/03/11	SB41N Dispatched
55910	2346 06/03/11	SB40N Dispatched
55910	2346 06/03/11	FROM FT CUSTODY
55910	2349 06/03/11	SB40N Arrived at Incident
55910	2350 06/03/11	MALE DETAINED
55910	2351 06/03/11	PNC - #NE [REDACTED]
52653	2351 06/03/11	N461992
55910	2352 06/03/11	*** PNC screen captured - 1 to Log
52653	2353 06/03/11	Update Existing Associated Person
52653	2353 06/03/11	[REDACTED] (3499782) - OFFENDER
52653	2356 06/03/11	Personnel Searcher (View Only)
55910	0000 07/03/11	SB20N - UNIT TO POP IN AND LIAISE WITH ME
55910	0002 07/03/11	SB41N Arrived at Incident
16054	0006 07/03/11	FROM SB20N: NOTED INTEL MARKER. I HAVE MADE CONTACT WITH
16054	0006 07/03/11	FIO3 TO PROGRESS THIS.
16054	0021 07/03/11	FROM SB20N: HAVE DISCUSSED THIS MATTER WITH FIO3.
16054	0021 07/03/11	ASSUMING THE MLAE ARRESTED IS ONLY BEING ARRESTED
16054	0021 07/03/11	CRIMINAL DMAGE THEN THERE SHOULD BE NO ISSUES. INTEL TO
16054	0021 07/03/11	BE SUBMITTED AS IMMEDIATE IF NOTE ARRESTED.
55910	0028 07/03/11	SB40N - MALE BEEN IN THE PUB - BEEN EVICTED VERBAL
55910	0028 07/03/11	ARGUMENT - DOOR SMASHED BY ACCIDENT - CIVIL MATTER - MAL
55910	0028 07/03/11	INJ TO NOSE AND WILL BE DROPPED AT TDH
52653	0035 07/03/11	SB41N Redeployed to Incident 898 06/03/11
52653	0052 07/03/11	SB40N Redeployed to Incident 27 07/03/11
52653	0053 07/03/11	Incident Close/Result failed - Outstanding Jobs
52653	0053 07/03/11	Job No. 2 Updated
55910	0057 07/03/11	Incident Transferred by terminal MOER31 to MOEA
55910	0057 07/03/11	TO BASE AWAITS L10
55910	0057 07/03/11	Incident Transfer
16509	0058 07/03/11	Incident Transfer Accepted by terminal MOESGT
16509	0058 07/03/11	Defer to FT=SGT1 Date 07/03/11 Time 0104
Syscon	0104 07/03/11	Defer Time Reached
Syscon	0235 07/03/11	Overdue Time Reached
16509	0240 07/03/11	OVERDUE TIME NOTED

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URN 918 Stn MOE Vdu MOE95/MOESGT Tme 23:42 Date 06/03/11 Op 56456 Page 2

Op	Time	Text
11870	0353 07/03/11	MALE IDENTIFIED AS ██████████ WAS STOPPED AND
11870	0353 07/03/11	ARRESTED IN BELGRAVE ROAD SUS CRIM DAM TO TOR ABBEY INN
11870	0353 07/03/11	PUB. AT THE TIME ██████████ HAD INJURIES TO HIS FACE AND
11870	0353 07/03/11	STATED HE HAD BEEN ASSAULTED AT THE REAR OF THE PUB.
11870	0353 07/03/11	██████████ WAS HEAVILY IN DRINK. WHILST DETAINED SB41N
11870	0353 07/03/11	ASCERTAINED WHAT HAD HAPPENED WITH EMPLOYEE OF PUB. IT
11870	0353 07/03/11	WAS STATED THAT ██████████ HAD BEEN DRINKING IN THE PUB AN
11870	0353 07/03/11	WAS EVICTED DUE TO HIS BEHAVIOUR. ██████████ THEN RETURNED
11870	0353 07/03/11	VIA THE REAR AND WAS INVOLVED IN A ARGUEMENT WITH UNKNOW
11870	0353 07/03/11	MALE. AN ALTERCATION THEN HAPPENED BETWEEN ██████████ AND
11870	0353 07/03/11	THIS UNKNOWN MALE RESULTING IN ██████████ RUNNING AWAY FRO
11870	0353 07/03/11	THE MALE AND INTO A GLASS DOOR CAUSING DAMAGE TO THE
11870	0353 07/03/11	PANEL. ██████████ THEN LEFT THE PUB AND WAS SEEN BY MYSELF.
11870	0353 07/03/11	THERE IS NO COMPLAINT COMING FROM THE LANDLORD AND A PNB
11870	0353 07/03/11	ENTRY HAS BEEN OBTAINED BY PC 6037 MOORE TO THIS EFFECT.
11870	0353 07/03/11	DETAILS HAVE BEEN EXCHANGED AND THE LANDLORD IS HAPPY TO
11870	0353 07/03/11	SORT ANY OUTSTANDING COSTS WITH CONNOLY WITHOUT POLICE
11870	0353 07/03/11	INVOLVEMENT. WITH REGARDS TO ██████████ INJURIES - HE DOE
11870	0353 07/03/11	NOT WANT TO MAKE ANY FORMAL COMPLAINT AS HE WAS UNSURE
11870	0353 07/03/11	EXACTLY WHAT HAD HAPPENED AND HAS SIGNED PC 1870
11870	0353 07/03/11	HALLIWELL'S PNB TO THIS EFFECT. ██████████ WAS THEN
11870	0353 07/03/11	DE-ARRESTED BY PC 625 LEE AND WAS TAKEN TO TDH TO GET
11870	0353 07/03/11	CHECKED OVER.
11870	0355 07/03/11	INTEL HAS BEEN SUBMITTED ABOUT ██████████
11870	0355 07/03/11	LOG CAN BE CLOSED.
55910	0356 07/03/11	Deferral Removed
55910	0356 07/03/11	IX
55910	0356 07/03/11	Invalid pluscode entry
55910	0356 07/03/11	Incident Close/Result failed - Outstanding Jobs
55910	0356 07/03/11	Job No. 1 Updated
55910	0356 07/03/11	View Incident Jobs
55910	0357 07/03/11	Incident Closed By Terminal MOER31
55910	0357 07/03/11	Incident End (Result / Close)

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INCIDENT CLOSE  
URN 918 Stn MOE Vdu MOE95/MOESGT Tme 23:42 Date 06/03/11 Op 56456  
Locn TOR ABBEY INN, 80, BELGRAVE ROAD' TORQUAY, DEVON

Beat FT2J OSGR 290804064288 CH Response IMMEDIATE  
Type CRIME RELATED CRIMINAL DAMAGE  
Detail MALE HAS SMASHED A WINDOW - HE IS OUTSIDE AND WON'T LEAVE

Caller LANDLADY, 80 BELGRAVE ROAD TQ2 5HZ Tel 01803294925

Result TASK COMPLETED Arrests 0 Briefing  
Final Inc ANTI SOCIAL BEH ROWDY/INCONSIDERATE BEHAV  
Type ROW/NUI - ROWDY/INCONSIDERE CLOSED BY CMCD EAST RADIO  
Close Category OLYMPICS ( 1)  
Free Text  
for  
Briefing

Officer 55910 Name DAVEY CIV  
Call Back Required Victim Support

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Licensing Act 2003

**Premises Licence**

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, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Tor Abbey Inn**

80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

Telephone 01803 294925

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Thursday	11:00am	11:00pm
	Friday	11:00am	11:30pm
	Saturday	11:00am	11:30pm
	Sunday	Noon	10:30pm
	F. Playing of recorded music (Indoors)	Monday to Thursday	11:00am
	Friday	11:00am	Midnight
	Saturday	11:00am	Midnight
	Sunday	Noon	10:30pm
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Thursday	11:00am	11:00pm
	Friday	11:00am	11:30pm
	Saturday	11:00am	11:30pm
	Sunday	Noon	10:30pm
	M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	11:00am
	Sunday	Noon	11:30pm
A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.			

Licensing Act 2003  
**Premises Licence**

**420**

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...	A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing day. On New Years Eve from the end of permitted hours on New Years Eve until hte start of permitted hours on New Years Day.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Saturday	11:00am	12:30am
Sunday	Noon	Midnight
A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve. A further additional hour every Boxing day. On New Years Eve from the end of permitted hours on New Years Eve until hte start of permitted hours on New Years Day.		

**WHERE THE LICENCE AUTHORISES 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**

Punch Taverns Plc Jubilee House, Second Avenue, Burton-on-Trent, Staffordshire, DE14 2WF.  
 Telephone 01283 501600

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

Punch Taverns Plc 03752645

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

Rodger Stephen HARPER Tor Abbey Inn, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ.  
 Telephone 294925

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

Licence No. PA0733 Issued by Torbay





*F. K. Hughes*

Frances Hughes  
Assistant Director of Environmental Health and Consumer Protection  
13 February 2007

**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.

**MANDATORY CONDITION: DOOR SUPERVISION**

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
  - (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), are exempt.
  - (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).
- 3) For the purposes of the aforementioned conditions:-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (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.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**General**

None

**The Prevention of Crime and Disorder**

1. CCTV must be provided and maintained in good working order.
2. Burglar alarm must be provided and maintained in good working order.
3. Drug prevention measures must be employed and appropriate signage displayed.

**ANNEXES continued ...**

**Public Safety**

1. Emergency lighting shall be provided where appropriate.
2. Fire fighting equipment must be provided and serviced annually.
3. Illuminated signage shall be provided where appropriate.
4. Current gas and electric certificates must be in place.

**The Prevention of Public Nuisance**

1. The fabric of the building shall retain sound.
2. All windows must be closed and lockable.

**The Protection of Children from Harm**

1. Children under the age of 16 must be accompanied by an adult.
2. Striptease and nudity are prohibited.

**PUBLIC ENTERTAINMENT LICENCE STANDARD CONDITIONS - 2000 REVISION**

**1. GENERAL**

- (a) In these conditions the term 'Council' shall mean the Torbay Borough Council or any officer authorised to use appropriate Delegated Powers on its behalf.
- (b) In these conditions, the term 'Licence' shall be the Public Entertainment Licence issued or renewed from time to time by the Council.
- (c) In these conditions, the term 'Premises' shall be the building, land or any part thereof more particularly referred to in the Licence.
- (d) In these conditions, the term 'Licensee' shall be that person or those several persons whose name or names are so indicated on the Licence.
- (e) In these conditions, the terms "Door Steward", "Security Staff", "Door Staff" and "Steward", whether in the singular or the plural, shall be any person employed as a steward who has the authority of the proprietor or licensee exclusively or mainly to decide upon the suitability of customers to be allowed entry to the premises, to maintain order on the premises and/or to assist patrons escape in the event of fire. Such staff shall have no other duties and shall be in addition to staff employed on cloakroom, bar, food preparation, food service, pay desk and disc jockey duties.

**2. DISPLAY**

- (a) The Licence, and any Schedule of Special Conditions applicable thereto, shall be permanently exhibited in a conspicuous position within the entrance or foyer of the Premises.
- (b) A copy of these conditions shall be displayed in a part of the Premises where it can be easily seen by all members of staff.
- (c) There shall be affixed and kept in some conspicuous place on the door or entrance of the Premises an inscription in one inch capital letters in the following words:-  
**"LICENSED IN PURSUANCE OF ACT OF PARLIAMENT FOR PUBLIC ENTERTAINMENTS"**

ANNEXES continued ...

**3. SANITARY EQUIPMENT AND CLEANLINESS**

- (a) All parts of the Premises, including fittings, shall be kept clean to the satisfaction of the Council.
- (b) Suitable and sufficient sanitary accommodation shall be provided. All lavatories, wash hand basins, water closets and urinals shall at all times be properly maintained in good order and repair, effectively cleansed, ventilated and supplied with water and all necessary requisites. All doors leading thereto shall be suitably marked.

**4. STEWARDS, CAPACITY AND CONTROL**

- (a) The Licensee shall take all due precautions for the safety of public, the performers and employees and, except with the approval of the Council in writing, shall retain control over all licensed portions of the Premises. Any instructions given by the Council regarding the safety of the audience or any other person present at the entertainment shall be put into effect as soon as required.
- (b) The Licensee shall be responsible for compliance with these conditions and will be in attendance at the Premises throughout the provision of any entertainment. Arrangements may be made for a responsible person, being not less than 21 years of age, to be appointed in writing for the purpose of deputising for the Licensee in his absence. He shall be assisted by a staff of attendants or stewards as required by these Standard Conditions and any Special Conditions of the Licence.
- (c) The Licensee shall be responsible for ensuring that public entertainment is offered only within the terms, on the days and within the hours more particularly set out in the Licence or other written notification to the Licensee. This shall include the instigation of a scheme or procedure for ensuring that the maximum allowable capacity is not exceeded. Such arrangements shall include provisions whereby any authorised officer of the Council or any member of the Devon Fire and Rescue Service in uniform or a Police Constable can determine, without a physical count, the number of persons on the Premises. Counting by means of a numbered ticket system including complimentary, guest or other free tickets which at any one time for a single performance will indicate the maximum number of persons admitted into the Premises may be substituted in place of counting machines. Such arrangements shall also include provisions for ascertaining the number of persons present on different levels within the Premises if more than one is in use.
- (d) Throughout the time that the public are on the Premises, the following minimum number of stewards shall be provided unless the Licence specifies some other number in which case such other number will apply:-

**(i) NON LIQUOR LICENSED PREMISES**

In respect of the whole premises  
For every level in use under 100 capacity  
For every level in use over 100 capacity

**(ii) LIQUOR LICENSED PREMISES**

One steward shall be provided for each 75 people based on the maximum permitted capacity for the Premises.  
(Figures shown indicate the ratio of stewards to persons attending the entertainment assuming the maximum level of permitted capacity)

- (e) This condition shall be operative only where it is stipulated in the licence document that it shall do so. The Licence document may also specify arrangements different from those detailed below in which case such alternative requirements will take precedence. If the premises have the benefit of a Special Hours Certificate issued by the Licensing Justices, all reference to 'premises' within this Condition shall be limited to those areas covered by such Certificate and only during such times as specified therein. In all other cases, the arrangements shall apply to all areas shown in the Licence document.

Any person employed as a steward shall have been appropriately trained and registered with Torbay Council by having successfully completed a course of instruction under the Torbay Door Stewards Registration and Training Scheme and confirmed to be a fit and proper person to carry out such duties. In addition, any person in the employ of the proprietor or licensee who has applied for entry to the Scheme may be employed on such duties provided that such person has

**ANNEXES continued ...**

not been advised that participation within the Scheme will be subject to Committee approval and is ONLY prevented from undertaking appropriate training by the unavailability of a course. In these circumstances, any such unregistered person shall not be counted as part of the required number of stewards under the Special Conditions of the Licence or Paragraph 4d. above unless a specific request shall have been made to the Council for a temporary registration to be granted in respect of that person, consent to use such applicant as part of the required number being indicated by the issue of a Temporary Registration Badge. Under no circumstances will the number of temporarily registered staff exceed 50% of the required minimum number of stewards. A list shall be kept of all staff employed in respect of stewarding duties, such record to include the dates on which appropriate training has been provided or the date a Temporary Registration shall have been granted. In addition, a register shall be kept at the premises of all stewards on duty on each day the premises are opened to the public, such register to be entered with the name of the employee, the time that the duty commenced and ended and each entry shall be signed by both the employee and the Licensee. Both the list and register shall be retained for at least twelve calendar months and produced on demand at any reasonable time to an officer appointed for the purpose by the Council, a member of the Devon Fire and Rescue Service or a Police Constable. All such stewards shall, whilst the public are on the premises, wear the appropriate photographic identity badge in a position where it can be seen and read. In the event that the full number of required stewards is not available at any time, the premises will be allowed to open to the public on the basis that the capacity in such circumstances shall be reduced and shall not exceed 75 people to each available steward with a minimum of one to each fire exit. Whenever such arrangements shall have become necessary, the register referred to above shall be annotated accordingly giving appropriate reasons for the change.

- (f) Any person acting as a steward in any circumstances other than those outlined in Paragraph 4e. above shall have been given appropriate instruction in Fire Safety and First Aid.
- (g) All persons acting as stewards shall wear appropriate distinctive clothing or armbands so that they may be readily identifiable as stewards.

**5. ENTRANCES, EXITS, GANGWAYS, FASTENINGS AND NOTICES**

- (a) The exits in the Premises shall be clearly indicated and maintained to afford the public ready and ample means of safe escape.
- (b) In all such premises where it is deemed necessary by the Council and the Fire Service, a diagrammatic plan showing clearly the escape routes and the seating pattern shall be deposited with the Council and a copy displayed within the main entrance to the Premises.
- (c) All exit doors shall be kept unlocked and available for exit during the whole time that the public are on the Premises, provided that any person leaving during a performance or exhibition may be directed to certain exits at the discretion of the management.
- (d) Exit doors shall open in the direction of exit travel. Any doors which have been permitted by the Council to open inwards shall be locked in the open position when the Licence is in force and the public are on the premises. The key shall be removed to a safe place not accessible to members of the public.
- (e) All exit doors must, if fastened during the time the public are on the Premises, be secured during such time by automatic bolts only, of a pattern to be approved by the Council and the Fire Service. Doors secured by such bolts shall be clearly marked "PUSH BAR TO OPEN" in block letters not less than 20 mm. and preferably 50 mm. in height immediately above or below the push bar.
- (f) All doors and fastenings shall at all times be kept in proper working order.
- (g) All exits shall be indicated by the word "EXIT" in plain block lettering not less than 125 mm. high placed above any door or opening leading to any exit. This notice should be placed between 2 m. and 2.5 m. from the floor.
- (h) The word "PRIVATE" or the description of the room to which the door leads shall be painted in letters not less than 25 mm. in height on any door which is in view of the persons present and which does not lead to an exit.
- (i) Exit routes shall be maintained free from obstruction at all times, and in particular, no provision for hanging clothing or storing any article shall be made in corridors, passageways, gangways or exitways.

**ANNEXES continued ...**

- (j) All floors, stairs and steps shall be maintained with non-slippery and even surfaces and any floor covering shall be so secured and maintained that it will not ruck or be in any way a source of danger. Mats shall be sunk so as to be flush with the surface of the floor. The nosings and treads of stairs used by the public shall be kept in good repair and shall be conspicuous.
- (k) Persons must not be allowed to stand, sit or otherwise remain in any gangway or exitway.
- (l) Curtains shall not be hung across gangways, exitways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor.
- (m) Before the public is admitted to the Premises, the Licensee shall inspect or cause to be inspected all doors, exits and exitways to ensure that the same shall comply with these requirements and that all fastenings and bolts are in proper working order.

**6. SEATING AND STANDING**

- (a) In any part of the Premises which is regularly or exclusively used for a closely seated audience, all seats shall be securely fixed to the floor.
- (b) In any part of the Premises not so regularly used chairs, if provided, shall be securely fastened together in lengths of not less than four nor more than twelve whenever more than 250 persons are to be accommodated. There shall be space of not less than 300mm between the back of one seat and the front of the one behind measured between perpendiculars. Provision shall be made for the end seats in each row which flank the gangways to be securely fastened to the floor.
- (c) Except with the consent of the Council, no seat shall be more than 4 metres from a gangway.
- (d) Where any entertainment involving a closely seated audience is provided, seats must be allocated by row and seat number. The seating arrangements must be notified by the provision of a suitable plan to the Council and the Fire Service. Such seating arrangements shall not be installed or used unless they have been first approved by the Council.

**7. ELECTRICAL, LIGHTING, HEATING AND VENTILATION ARRANGEMENTS**

- (a) The whole of the electrical installation of the Premises shall be installed in a safe and satisfactory manner and shall be maintained in good working order. No work shall be carried out on the system except by a suitably qualified and competent electrician.
- (b) It shall be the duty of the Licensee to arrange an inspection of the whole of the electrical installation in the premises at least once in each three year period (or such shorter period as shall have been stipulated in writing by the Council). Such inspection shall be carried out by a competent electrician who shall be required to issue a Certificate of Fitness which must be produced to the Council as required.
- (c) The Licensee shall obtain a Certificate of Fitness for all temporary electrical installations, including all electrical appliances in the auditorium. A copy of each certificate shall be available on the Premises, while the installation is extant, and it shall be produced to the Council as required. Such installation shall only be carried out by a competent person and be intrinsically safe.
- (d) All temporary electrical installations shall be disconnected from the permanent installation immediately after each occasion on which they are used and shall be entirely removed immediately the need therefore has ceased.
- (e) All wires, cables and conduits from such temporary installations shall be installed in such a way that they shall not be liable to snagging, looping or damage and so become a danger to persons present.
- (f) A record shall be kept of Certificates of Fitness obtained

## ANNEXES continued ...

- (g) The current regulations of the Institution of Electrical Engineers for the electrical equipment shall be taken as a standard for the electrical installation generally.
- (h) A sensitive Earth Leakage Protection System (Residual Current Device) having a rated residual operating current of not exceeding 30 milliamps shall be installed and maintained as part of the fixed power circuit installation. The device shall be regularly tested (at least once a month) and a record of such tests kept in a log book and produced to the Council as required.
- (i) A nominated person conversant with the position of and procedures for dealing with the electrical installation is to be available at all times when the public are on the Premises.
- (j) Where entertainers require a three phase supply, all such equipment shall be installed only by a competent electrical contractor.
- (k) All parts of the premises shall be adequately illuminated and, except where otherwise permitted by the Council, those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination from two independent sources.
- (l) The emergency lighting shall at all times when the public are upon the Premises be maintained in working order and so kept in use (except in such parts as are for the time being adequately lit by daylight) that it is adequate to enable the public to see their way out of the Premises and clear of the building.
- (m) The emergency lighting shall not be controllable from the stage nor from any place accessible to the public.
- (n) The emergency lighting shall be maintained to British Standard 5266, be tested regularly, at least once a month, and a record kept of such tests, such record to be provided to the Council as required.
- (o) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- (p) In the event of the failure of the emergency lighting, the auditorium shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- (q) Any batteries supplying emergency lighting shall be fully charged before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
- (r) When the public has been required to leave the Premises owing to a failure covered by these provisions, they shall not be readmitted until the general lighting or emergency lighting, as the case may be, failure of which was the reason for their being required to leave, shall have been fully restored.
- (s) All lighting to exit notices shall be maintained in good repair and shall not in any circumstances be extinguished or dimmed while the public are on the Premises.
- (t) In all cases where it is desired to install temporary lighting, notice must be given to the Council, in writing, at least 48 hours before the desired commencement of any work.
- (u) All temporary work must be immediately removed when no longer required for the purpose for which it was installed.
- (v) All parts of the premises shall be kept properly and sufficiently ventilated to the satisfaction of the Council and, in those places where it is required for the purposes of the evacuation of smoke, the system shall be installed and maintained to the satisfaction of the Devon Fire and Rescue Service.

**8. FIRE PRECAUTIONS**

- (a) All curtains and drapes within the Premises shall be flame resistant to the satisfaction of the Council. The Licensee shall provide documentary evidence of the nature and date of any fire-proofing treatment. Details of such treatments shall be recorded in a log book and produced to the Council as required.

ANNEXES continued ...

- (b) The surfaces of walls and ceilings of the Premises to be of not less than Class 1 flame spread as defined by British Standard 476 :Part 7. and escape routes to be not less than Class 0 as defined by paragraph A.8 of Approved Document B2/3/4 of the Building Regulations. No redecoration of these surfaces may be carried out without the prior consent of the Council.
- (c) A competent person trained in the handling and use of the fire equipment provided must be in charge of such equipment during the whole time that the public are on the Premises. The person so in charge shall not be assigned or allowed to perform any duties which will prevent him or her from being immediately available at all times.
- (d) A staff fire drill, including an evacuation procedure, shall be held at least once a month under the direction of the Licensee. A record shall be kept of such drills, and made available to the Council as required.
- (e) The Licensee shall take all possible steps to eliminate the danger of fire occurring and shall ensure that all members of staff, stewards and attendants are fully instructed in their duties in the event of fire.
- (f) A written copy of fire drill instructions, including action to be taken when a fire or other emergency is discovered, shall be displayed on the premises with these conditions.
- (g) No portable heating appliances of any description shall be used in the Premises while the public are present, without the consent of the Council.
- (h) No explosive or highly inflammable material shall be brought into the Premises and no liquefied petroleum gas cylinder shall be used or stored in any part of the Premises whilst the public are present.
- (i) No cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
- (j) Fire fighting equipment and a suitable approved alarm system shall be installed within the Premises and in such a way as shall be required by the Council and the Fire Officer. All such equipment shall be maintained in good and efficient working order and kept ready for use and regularly tested. Portable fire extinguishers should be discharged at regular intervals in accordance with Clause 10:2 of British Standard Code of Practice 5306 : Part 3 : 1980. Any backstage automatic sprinkler installations must be designed, installed and maintained in accordance with the latest requirements of the Fire Officers' Committee by a company entered on that Committee's Approved List of Installers Parts I,II or III. All tests are to be recorded in a log book to be produced as required by the Council.
- (k) Fire appliances containing carbon tetrachloride (CTC) or methyl bromide shall not be kept or used on the Premises.
- (l) Smoking will be prohibited within any stage area and dressing rooms and notices will be prominently displayed to this effect.
- (m) Immediately a fire is discovered or suspected, the Fire Brigade shall be called immediately by dialling 999. Any outbreak of fire, however small, shall be recorded in a log book.
- (n) A conspicuous notice shall be displayed at the entrance or in the foyer of the Premises describing the position of the nearest telephone.
- (o) The Licensee shall give at least 21 days written notice to the Council of any proposed dangerous performance or exhibition, including exhibitions involving the use of naked flames and no such exhibition shall be permitted unless prior consent has been given by the Council.
- (p) Pyrotechnics shall not be used other than on a stage which is capable of being separated from the public by a fire-resisting curtain and the Council has given its express consent. In this connection, pyrotechnics means apparatus or other devices used to produce smoke, vapour or firework type effects.
- (q) The Licensee shall provide to the Council at least 28 days notice of his intention to install strobe or laser equipment and such equipment shall not be used without the express consent of the Council
- (r) Combustible materials may only be stored in such positions as may be approved by the Council.



**ANNEXES continued ...**

- (s) Heating of the Premises shall be provided and maintained in a manner satisfactory to the Council. If required by the Council, a certificate in a prescribed form to the effect that the space heating apparatus and hot water boilers have been examined and tested and are in a safe working condition, shall be given annually by a recognised insurance company and shall be submitted to the Council with any initial or renewal Licence application.
- (t) Every heating appliance used on the Premises shall be so protected or situated sufficiently far from any woodwork, hangings or other materials that it shall not be likely to catch fire.
- (u) All gas burners must be of a type and position approved by the Council. Gas taps within reach of the public shall be of a secret or safety pattern.

**9. STRUCTURE AND SUITABILITY**

- (a) No alteration, either permanent or temporary, whether in construction or rearrangement of any detail, or otherwise, shall be made in the Premises without the consent of the Council. Plans and particulars, in duplicate, of such alterations must be sent to the Council for approval and no work may commence until such approval is given. Such consent will not be required for any work which is necessary for the efficient maintenance of the approved arrangements and which will be carried out in accordance with these conditions and the Council's technical requirements.
- (b) Notice shall also be given to the Council of any intention to carry out work necessitating the use of internal or external scaffolding, cradles or plant. If the Council shall so require, the Premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant have been removed.
- (c) In the event of any Premises being closed for the purpose of effecting alterations, additions, repairs, or decorating they shall not be reopened to the public unless and until the consent of the Council shall have been obtained. At least fourteen days notice in writing to the Council shall be given by the Licensee of his intention to reopen the premises and, in order that necessary inspections and tests may be made at the Premises by the Council, a clear interval of 48 hours (not including Sundays and Bank Holidays) shall elapse between the completion of the building and its equipment in accordance with the requirements of the Council and the date of proposed re-opening of the Premises.
- (d) Except with the prior consent of the Council, no work in connection with any alterations, repairs or redecoration in areas occupied by the public or performers shall be carried out whilst the public are on the Premises.
- (e) Any consent under this Condition does not relieve the Licensee of any necessity to seek a variation in the terms of the Licence where it is clear that such variation would be necessary as the direct result of the works carried out. eg. Removal of walls between separate rooms so affecting the capacity of each.
- (f) If required by the Council, the Licensee shall at his own expense provide a certificate to the effect that the Premises have been examined by a competent Technical Adviser (deemed to be suitable by the Council) and found to be structurally sound for the purpose for which they are intended to be used. Such certificate shall include an inspection of all ceilings and ornamental plasterwork. The certificate shall be renewed every five years or at any other time when required by the Council.
- (g) Where the Licence permits the provision of dancing, a suitable and clearly identifiable single area must be available for this purpose. The minimum area to be set aside shall be four square metres where the Licence permits a maximum capacity of between 1 and 99 people, six square metres where the Licence permits a maximum capacity between 100 and 199 people and nine square metres where the Licence permits a maximum capacity of over 200 people

**10. CONDUCT OF PREMISES AND NOISE NUISANCE**

- (a) The Licensee shall keep and maintain good order and decent behaviour in the Premises during the hours of public entertainment. No performance or exhibition provided shall be of an obscene, indecent or objectionable nature.
- (b) The Licensee shall at all times ensure that persons on or leaving the Premises and using adjacent car parks and highways conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.

## ANNEXES continued ...

- (c) The Licensee shall ensure that noise shall not emanate from the Premises such as to cause persons in the neighbourhood to be unreasonably disturbed. To this end, adequate sound insulation should be provided and regard must be had to the ventilation requirements for the Premises. All sound insulation must be installed to the satisfaction of the Council.
- (d) The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee or Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
- (e) During any period of time where amplified sound is played in any part of the Premises either:-
- (i) the noise level shall not exceed 102 dB(A)(slow) at any time or 95 dB(A) Leq over a 10 minute period OR
  - (ii) the contents of "The Draft Code of Practice on Sound Levels in Discotheques" (HMSO Ref. ISBN 01175 1862X) be adopted in its entirety on the Premises OR
  - (iii) suitable noise compressors/limiters (Entertainment Noise Controllers) be installed and operated to the satisfaction of the Council.

**11. HYPNOTISM AND OTHER ENTERTAINMENTS PROVIDING SPECIAL RISKS**

- (a) Unless the express written consent of the Council shall first have been obtained, no entertainment shall be provided in any part of the premises consisting of or involving:-
- Hypnotism (as defined by the Hypnotism Act 1952);
  - Striptease, lap dancing or any similar performance;
  - The use of special effects, or matters in respect of which special risks will arise, including the introduction to any area occupied by the public of any material, vapour, liquid, foam or foodstuff; or
  - The use of any temporary structure or staged area

Applications for such consent must be made in writing in a form to be prescribed by the Council and submitted not less than 28 days (or such other period as the Council may specify in particular circumstances) before the performance is intended to be provided. Additional information considered appropriate to the application may be required to be provided and, after due consideration, additional conditions may be imposed in relation to the entertainment, for which an additional fee may be payable. A copy of the application shall at the same time be forwarded to the Chief Officer of Police and Fire Authority.

- (b) With regard to a performance involving hypnotism, the application shall, in all cases, contain the following particulars. (1) the name and address of the person by whom the exhibition, demonstration or performance is to be given, (hereinafter called "the hypnotist"); (2) a description of the proposed exhibition, demonstration or performance; and (3) a statement as to whether, and if so, giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any Licensing Authority or been convicted of any offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at a place licensed for public entertainment.
- (c) In relation to any consent given for a hypnotism display, the following conditions shall apply:-

- 1 No exhibition, demonstration or performance shall be held whereby:
  - harm is caused or is likely to be caused to any person attending it, any person is caused, while under the influence of hypnotism, to say or do anything offensive to the public; if the Council notifies the Licensee in writing that it objects to anything said or done in the course of the exhibition such thing shall not thereafter be included in the exhibition, there is the giving of hypnotherapy or any other form of treatment, there is any experiment in which there is either the age regression of the subject or the subject is suspended between two supports (so called "catalepsy") or there is the giving of suggestions to the subject that he should perform any act or behave in any manner which is likely to be interpreted as indecent, offensive or harmful, nor that the subject should consume any substance which is either noxious or harmful.
- 2 All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects (including those of the audience) before they leave the room or place in which the performance takes place. Likewise, any post-hypnotic suggestions given shall take place only in the presence of the hypnotist and shall

ANNEXES continued ...

- not continue after the performance or away from the room or place in which the performance takes place.
- 3 The exhibition shall conform to the description submitted to the Council unless the Council has required or expressly authorised a modification.
  - 4 Any modifications in the exhibition subsequently required by the Council shall be made immediately upon notice thereof being given by the Council to the Licensee.
  - 5 No inducements shall be offered to any person to subject themselves to the influence of the hypnotist.
  - 6 No poster, advertisement or programme relating to the exhibition shall be displayed, sold or supplied by or on behalf of the Licensee either at the premises or elsewhere, which is likely to be injurious to morality or otherwise offensive to public feeling; if the Council notifies the Licensee in writing that it objects to such an item so displayed, sold or supplied, that item shall not thereafter be displayed, sold or supplied. All such items promoting the exhibition shall draw attention, in a clear and legible manner to the prohibition on the hypnotising of persons under the age of 18 imposed by Section 3 of the Hypnotism Act 1952.

**12. MISCELLANEOUS**

- (a) If the premises have the benefit of a Special Hours Certificate, issued by the Licensing Justices under Section 77 of the Licensing Act 1964, all drinking glasses in which drinks are served shall be of strengthened glass. No drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
- (b) A log book shall be kept upon the Premises in which shall be entered particulars of inspections required to be made under, and compliance with, Conditions 5m, 7f, 7h, 7n, 8a, 8d, 8j, 8m, 11h and 11i of these Conditions. The log book shall be kept available and produced for inspection when required by the persons authorised under these Conditions.
- (c) Any officer appointed for the purpose by the Council or any member of the Devon Fire and Rescue Service in uniform, or a Police Constable, may at all reasonable times enter the Premises with a view to seeing whether the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and conditions made thereunder have been complied with.
- (d) The Licence may be revoked by the Council if at any time the Licensee is convicted of any offence of using any place for an entertainment other than in accordance with the terms, conditions or restrictions of the Licence.
- (e) The Council reserves the power after the grant, renewal or transfer of the Licence at any time to dispense with or modify or relax any of these terms, conditions or restrictions, and to make such additional terms, restrictions and conditions as they may deem requisite to meet the circumstances of any particular case.
- (f) Any application by a Licensee to alter any of the terms, restrictions and conditions applicable to the Licence shall be in the form prescribed by the Council and contain all information reasonably required by the Council to allow the modifications to be considered.
- (g) Facilities and equipment suitable for the number of patrons and the type of event undertaken by virtue of the Licence, shall be provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- (h) A responsible member of staff shall be designated to take charge of a situation, call an ambulance and administer first aid in the event of any patron or member of staff becoming badly injured or taken seriously ill whilst on the Premises.
- (i) In the event of any accident causing injury to any person or property within the Premises, the Licensee shall within 48 hours report the same to the Council and shall supply any particulars in respect thereof as the Council may require. In addition, the Licensee shall record any particulars in respect thereof as shall be required by the Council. (This requirement is without prejudice to the Statutory Requirements).
- (j) The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept with the log book.

*Please note: condition 4e regarding Torbay Door Stewards Registration and Training Scheme has now been superseded by the mandatory condition on door supervision.*

ANNEXES continued ...

**Additional Conditions Transferred from Public Entertainment Licence**

1. All windows and external doors shall be kept closed at all times when public entertainment is provided within the premises.
2. This licence shall apply only to those parts of the premises named below and the maximum number of persons to be permitted within those areas shall not exceed the figure stated:-

Main Bar Area - 60.

**Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**ANNEXE 3**

ANNEXES continued ...

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Public Nuisance**

1. Incidental music to be permitted throughout the period the premises is open to the public.
2. Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00hr. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are;
  - (a) Before 23:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise.
  - (b) After 23:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise.
  - (c) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
3. To reduce noise break out, doors and windows facing onto any noise sensitive premises (e.g. dwelling) will be kept shut during entertainment. A management scheme will be in place to ensure this situation remains.
4. The placing of refuse, such as bottles, in receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
5. 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 buildings.

**The Protection of Children from Harm**

1. Age identification will be sought from any person appearing to be under the age of 18 years.
2. Staff will receive age identification training related to the sale of alcohol.
3. All cigarette vending machines must be sited to ensure they are under direct supervision of the staff at all times.
4. All Amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
5. A management system is introduced to ensure that staff are aware of the legal requirements relating to underage sales and in particular the prevention of sales from cigarette vending machines to children under sixteen and the prevention from use of AWP machines by those under eighteen.

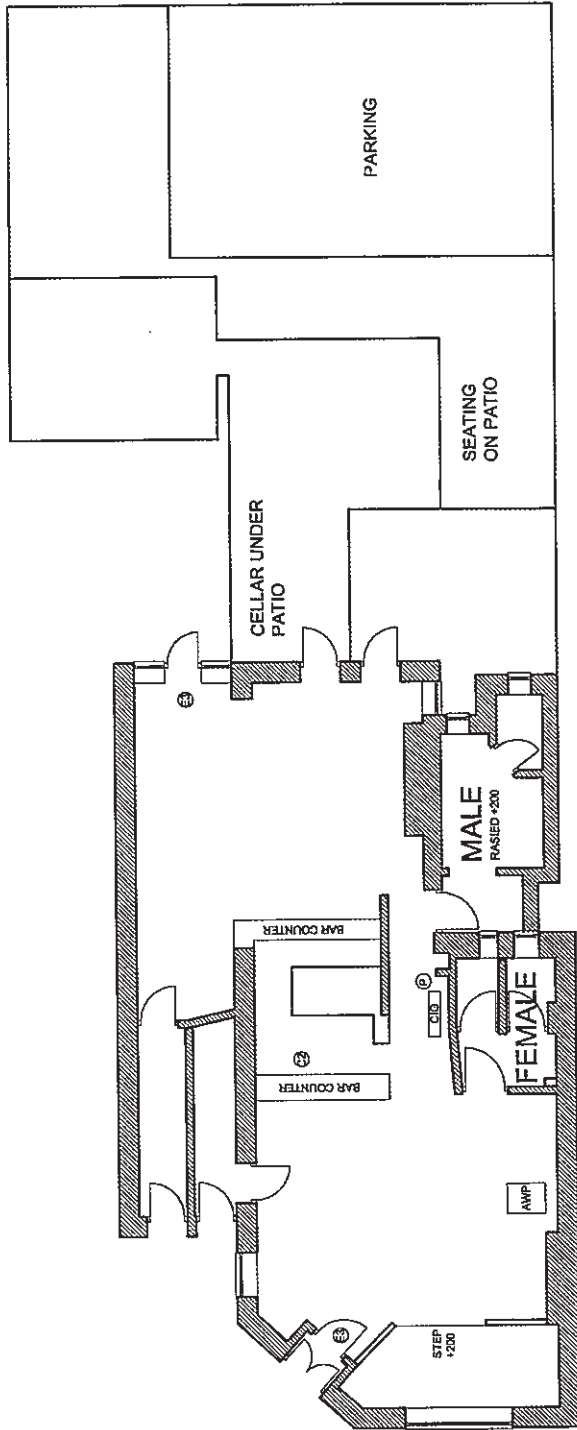
**ANNEXE 4**

**PLANS**

Copy attached to Licence.

**KEY**

- ⊙ DRY POWDER EXTINGUISHER
- ⊙ CO2 EXTINGUISHER
- ⊙ ILLUMINATED 'EXIT' SIGN WITH DIRECTIONAL ARROW
- ☐ CIGARETTE VENDING MACHINE
- ☐ AWP
- ☐ FRUIT MACHINE




EXISTING GROUND FLOOR PLAN



LOCATION PLAN  
SCALE 1:500

REV	DATE	Revised to client comments.	ESL
		DETAILS	



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Surveyors

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ON BEHALF OF

## PUNCH TAVERNS

PROJECT TITLE

**Tor Abbey Inn, 80 Belgrave Road,  
Torquay, Devon, TQ 2 5HZ**

DRAWING TITLE	SCALE	REV	REV
Existing Floor Plans	1:100	001	A
DRAWN	DATE	DWG NO.	REV
Fulljous	10-02-2005	300031	A
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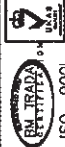
ROMANS SURVEYORS ARE PART OF  
THE ROMANS GROUP INCORPORATING:

COMMERCIAL SURVEYORS ARCHITECTURAL  
LAND & NEW HOMES FLOWER IFA  
LECTURE RESIDENTIAL RELOCATIONS

The

### ROMANS

Group



ISO 9001

**OUTLET NO.  
300031**



Briefing Report No: **98/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for the Old Brewery, 17 Lower Ellacombe Church Road, Torquay**

Wards Affected: **Ellacombe**

To: **Licensing Sub- Committee**      On: **19 May 2011**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

## **1. Key points and Summary**

- 1.1 To consider and determine the above application for Review of a Premises Licence.
- 1.2 The matter may affect the Corporate Priorities of Community Prosperity and Economic Prosperity.
- 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” and “The Prevention of Public Nuisance”.
- 1.5 The Authority must hold a hearing to consider the application and any relevant Representations.

The Authority must, having regard to the application and any relevant Representations, take such of the steps as detailed below, if any, as it considers necessary for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

## **2. Introduction**

- 2.1 An application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows:

Public Protection have sought a Review of the Premises Licence on the ground relating to the Licensing Objective “The Prevention of Public Nuisance”.

Supporting information relating to the Review has been provided by Public Protection, as shown in Appendices 2 and 3.

A copy of the current Premises Licence is shown in Appendices 4 and 5.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the application has been properly made, that the Applicant is a Responsible Authority, and that the administrative requirements of Section 51(3)(a) and (b) have been met and that the Representation has not been subsequently withdrawn and is not vexatious, frivolous or repetitious.

The Police have made a Representation relating to the Licensing Objective “The Prevention of Crime and Disorder”. This is shown as Appendix 6.

We have received 13 letters in support of the Old Brewery. There has also been a petition submitted by the Designated Premises Supervisor with 96 Signatures. Some of the people who have signed the petition have also submitted a letter of support. Also some of the addresses given on the petition are not residents/business within the vicinity of the Premises. These are shown as Appendices 7 and 8.

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

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 52(2).
- 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 Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
- (a) the Applicant for the Review,
  - (b) the holder of the Premises Licence, or
  - (c) any other person who made relevant Representations in relation to the



application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 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 an order as to costs as it thinks fit.

**Frances Hughes**  
**Executive Head Community Safety**

### **Appendices**

- Appendix 1                Details of the application for Review
- Appendices 2 and 3 Details of supporting information from Public Protection
- Appendices 4 and 5 A copy of the Premises Licence
- Appendix 6                Representation from the Police
- Appendices 7 and 8 Letters and petition in support of the Old Brewery

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.

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FORM J

**LICENSING ACT 2003**

**APPLICATION**

**FOR THE REVIEW OF A PREMISES LICENCE**

**OR CLUB PREMISES CERTIFICATE**

**NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

**Principal Safety & Licensing Officer**  
**Torbay Council**  
**Environmental Health and Community Safety**  
**Roebuck House**  
**Abbey Road**  
**Torquay**  
**TQ2 5EJ**

**Contact Details:**

**Tel: 01803 20 8126**

**Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)**

**Fax: 01803 20 8854**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**





Application for the review of a Premises Licence or **FORM J**  
**Club Premises Certificate 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 Gareth Fudge  
*(Insert name of applicant)*  
**apply for the review of a premises licence under section 51 (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Old Brewery, Lower Ellacombe Church Lane, Ellacombe Torquay	
<b>Post town</b> Torquay	<b>Post code (if known)</b> TQ1 1JH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> UKPP Old Brewery Limited
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<b>Number of premises licence or club premises certificate (if known)</b> PL0209
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**



**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Licensing and Public Protection, Torbay Council, Roebuck House, Abbey Road, Torquay
Telephone number (if any) 01803 207614
E-mail address (optional) licensing@torbay.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

Despite efforts on the part to the responsible authority to assist the licence holder control noise arising from their premises, the premises continues to be operated in a manner that is causing public nuisance. The premises does not have a licence for regulated entertainment, yet they continue to play music at a level well in excess of background music. In fact the music has been clearly audible outside the premises at a level sufficient to cause statutory nuisance.

The licence holder was advised that this was a breach of the premises licence and has been advised on many previous occasions. Particularly advice has been given on what constitutes regulated entertainment. However problems have continued.

The licence holder makes little attempt to control noise from patrons resulting in public nuisance arising as a result of shouting, arguments and singing in the beer garden and immediate vicinity of the premises.

**Please provide as much information as possible to support the application** (please read guidance note 2)

Evidence of of the premises causing public nuisance has been obtained on the following dates and problems are ongoing. This list is not exclusive and may be added to as the investigation continues:-

The 9<sup>th</sup> of October 2010 - public nuisance caused by playing amplified music and shouting etc outside the premises. (Music under the TEN process)

The 11<sup>th</sup> of February 2011- No TEN in place music audible outside the premises and in complainants home.

The 19<sup>th</sup> and 20<sup>th</sup> of February 2011 Music audible and shouting patrons outside.

The 25<sup>th</sup> 26<sup>th</sup> and 27<sup>th</sup> of February 2011 Music audible and disturbance from patrons outside

Disturbances witnessed by an officer of this department on the 5<sup>th</sup> of March 2011 music and patrons clearly audible in complainants home.

Further details together with audio evidence of these incidents will follow.



Have you made an application for review relating to this premises before  **Please tick yes**

If yes please state the date of that application

Day Month Year  

--	--	--	--	--	--	--	--

**If you have made representations before relating to this premises please state what they were and when you made them**

I opposed the grant of the addition of music to a new licence to the above premises, following on from the number of complaints that have been received and the premises unsuitability to play amplified music. A copy of my original submission and the committees decision will be submitted.

- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
  - 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 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *Gareth Fordy*

Date *10-3-11*

Capacity *Senior Environmental Health Officer*

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



# Memorandum

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<b>To:</b> Licensing	<b>From</b> : Community Safety
c.c	<b>Contact</b> : Mr Gareth Fudge
c.c.	<b>Ext</b> : 01803 208010
c.c	<b>My Ref</b> : 1ZV SRU No: 158591/GDF
.	<b>Your Ref</b> :
<b>For the attention of: Licensing</b> Steve Cox	<b>Date</b> : 4 <sup>th</sup> April 2011

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**Subject: Licensing Act 2003- Review of Premises Licence**  
**Premises Name & Address: The Brewery, The Old Brewery Works,**  
**Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

The Old Brewery Public House is a licensed premises in Lower Ellacombe Church Road Ellacombe Torquay. It is situated in a predominantly residential area and has residential accommodation in close proximity on three sides. The nearest residential accommodation is no more than 1m away from the premises. At the front of the premises is the Brewery Park, a relatively small park area, with a multi use games area and some children's play equipment. The other side of the park is overlooked by residential accommodation.

The premises has a licence only for the serving of alcohol from noon to 23:00, there is no provision for live or amplified music. The area is not a main thoroughfare and there is very little pedestrian or vehicle traffic, leading to the area being quiet. The park is used by local children, however, the complainants have identified that this does not disturb them.



The satellite image (above) shows the Old Brewery in its predominantly residential context.



The above photograph shows the proximity of the premises to residential accommodation.

For some time, I have had grave concerns over the way in which this premises is being managed. The Designated Premises Supervisor, Mr Sean Martin has been approached on

a number of occasions regarding complaints about noise arising from the premises. Details of these interventions are listed below. When I have communicated my concerns to Mr Sean Martin, I have found him to be very difficult to communicate with; he has been very defensive and has denied the existence of any noise issues. I have written to Mr Sean Martin in respect of these noise issues and he has denied that the issues exist. He has been advised by both myself and my colleagues on activities that constitute regulated entertainment, yet complaints and evidence that he has been operating in breach of his licence has been collected. When he has been approached about these breaches, he has continued to deny them and complaints have continued.

On the 29<sup>th</sup> of July 2008, a noise complaint was received regarding noise from the premises. The complaint related to the playing of amplified music (karaoke), shouting and generally rowdy behaviour outside the premises. Following the provision of evidence from the complainant, Mr Sean Martin was informed of the complaint and was written to in respect of the noise complaint on the 7<sup>th</sup> of August 2008 (copy attached labelled **exhibit 1**). He was advised that Karaoke was a licensable activity and he would need to vary his licence.

On the 19<sup>th</sup> of April 2010 Mr Sean Martin was visited as part of a joint inspection between the Licensing Team and the Police. Mr Sean Martin was given advice on activities that were permissible by his licence. A copy of Amanda Guy's statement covering the event is attached exhibited as **exhibit 3**.

On the 19<sup>th</sup> of May 2010 the Old Brewery was visited again, advice was given and a Mr Mark Reynolds was sent a copy of standard conditions typically required by the Responsible Authority for Public Nuisance for controlling noise arising as a result of playing music etc.

On the 21<sup>st</sup> of July 2010, following a noise complaint, a revisit inspection of the premises was carried out by Mandy Guy Licensing Officer.

On the 13<sup>th</sup> of August 2010, a complaint was received regarding an event held under a Temporary Event Notice at the premises where the music continued until 04:30 in the morning. As a result of this Mr Sean Martin was written to advising him again of the complaint. (A copy of the letter is attached labelled **Exhibit 2**)

On the 14<sup>th</sup> of September 2010, Mr Sean Martin applied to transfer the licence held by his company The Old Brewery (Torquay) limited to UK Pub Projects Limited. The Old Brewery (Torquay) limited had been dissolved by Companies House on the 4<sup>th</sup> of May 2010. This resulted in the licence ceasing to have effect immediately.

On the 22<sup>nd</sup> of September, I visited the premises and met Mr Sean Martin, at his request, to advise that I was concerned the premises was not suitable for the playing of amplified music as it was very close to residential accommodation and the structure of the premises was not adequately acoustically insulated. I was also not satisfied that he would be able to adequately ventilate the premises when music was playing as the premises did not have any air conditioning. I advised this would lead to doors being opened to cool the premises which in turn would allow the music to break out of the building. I advised that I thought this may lead to public nuisance.

During this visit we discussed the installation of a noise limiter. I was concerned that the weaknesses in the structure would mean any music played above background levels would break out of the building, leading to nuisance. To prevent nuisance, the limiter would need to keep the volume of the music so low that it could not practically be enjoyed as entertainment.

During the visit, I noted that the premises was fitted with facilities for the playing of recorded music.

I offered Mr Sean Martin some advice on how to sound insulate his business and suggested that he seek the services of an Acoustic Consultant who would be able to offer much more detailed advice and would be able to provide calculations to allay my concerns. I suggested that if such works were not carried out I would have no alternative but make my representation to the Licensing Committee advising the application of stringent conditions to his licence or refusal of his licence application.

On the 9<sup>th</sup> of October 2010, following the submission of a Temporary Event Notice, a music event was held at the Old Brewery, Mr Karl Martin of my department visited the vicinity and recorded substantial disturbance caused by patrons outside the premises and by music being played in the premises. It was clear from the evidence, that no attempt was being made to control noise from the premises either externally or internally. (A copy of the evidence collected is attached labelled DVD1)

On the 26<sup>th</sup> of October 2010 Mr Sean Martin applied for a new licence with recorded music, live music and indoor sports until midnight. However, my advice on controlling noise was not being followed; the work I had suggested had not been carried out; and the evidence gained on the 9<sup>th</sup> of October 2011 indicated that his staff were making no attempt to control noise from the premises. As such I was left with no alternative but to object to the grant of the new premises licence. (A copy of my representation is exhibited labelled exhibit 5)

That application for a licence was refused by the Licensing Committee at a hearing on 18<sup>th</sup> of November 2010. It is worth noting that no complaints have been received regarding noise in the area whilst the premises did not have a licence but that complaints were received when the premises operated under a Temporary Event Notice.

Following on from this Mr Sean Martin obtained legal advice and had the previous lapsed premises licence reinstated that allowed the sale of alcohol only. It is important to note that the reinstated licence did not permit the playing of live or recorded music.

On the 24<sup>th</sup> of January 2011, I received a complaint from members of the public in the immediate vicinity regarding noise from The Old Brewery, the complaints related to shouting and customer's rowdy behaviour outside the premises and to my surprise, amplified music coming from the premises that the complainants alleged could be heard in their home.

On the 28<sup>th</sup> of January 2011, I wrote to Mr Sean Martin advising him that we had received further complaints. A copy of the letter is attached (labelled exhibit 4), in which I pointed out that he was not allowed to play music as entertainment and that if the music was above background level then he would be in breach of his licence. I also advised him of the steps he could take to control noise from his patrons and suggested that he seek a minor variation to his licence to add conditions, as this would help demonstrate his commitment to managing noise arising from his premises.

On the 4<sup>th</sup> of February 2011, in response to my letter, Mr Sean Martin called me to say that he was doing everything I asked, he wasn't playing music and that he was being blamed for regular house parties that were occurring in the district. I advised him that the complaint was very specific and that it did relate to noise from his premises. He then went on to state that he only had a television and that he could play what he liked through the television because that wasn't music. I again advised him that amplified music would be amplified music even if it was played through the television unless it was at background levels. I pointed out that background levels should not be audible from the street. He told me that he had spoken to his neighbours and they weren't disturbed. He even went on to suggest

that he would get his neighbours to write in and say they weren't disturbed. No letters were ever forthcoming.

I received another complaint on the 7<sup>th</sup> of February and in response, the complainant was given access to our Out of Hours service.

On Friday the 11<sup>th</sup> of February, I happened to be on call and was called by the complainant; they were quite distressed and explained that they were being disturbed by noise from the premises. I agreed to visit.

As I reached the area, at 22:00 it was apparent that music was being played in the Old Brewery, I could clearly hear music from my position on the street. I then entered the complainant's home. I was shown into the front bedroom of the premises where music was clearly audible, particularly when the windows were ajar for ventilation. The complainant advised me that the music had been turned down since their initial phone call.

After about 10 minutes a group of smokers emerged from the premises to smoke, they proceeded to talk loudly and remained outside getting louder and louder as the night progressed. The group increased in size and the noise they created was clearly audible inside the complainant's bedroom with the windows shut. In my opinion, the noise was sufficiently loud to prevent the quiet enjoyment of the property, it would have for instance been impossible to read a book or sleep undisturbed. The conversations were clearly audible as was the music when they stopped "talking". I remained in the complainant's home until 11:00 pm and in my opinion the noise constituted a public nuisance.

A colleague and Mr Neil Stanlake Police Licensing Officer were carrying out joint routine visits to licensed premises and visited the premises on the 11<sup>th</sup> of February 2011, whereby they witnessed after hours drinking going on in the premises. Mr Stanlake also visited on the 12<sup>th</sup> of February 2011 at 23:35 pm but the premises was shut.

The complainant telephoned me on the following Tuesday telling me that the music had been loud on the 12<sup>th</sup> of February, the Saturday night. I also received a copy of an email from Mr Sean Martin alleging that there had been a house party on the Saturday the 12<sup>th</sup> of February and he felt he was being blamed for the noise. (a copy of the email is attached labelled Exhibit 6) As I was aware of Mr Stanlake's visit, I discussed this with Mr Stanlake who reported to me that he had not seen or heard any evidence of a house party when he visited the premises on the 12<sup>th</sup> of February 2011.

On the 15<sup>th</sup> of February I left a recording device with the complainant who was able to record both music and shouting and rowdy behaviour coming from the Old Brewery. I have reviewed the evidence provided by the complainant. Approximately 14 hours of sound recordings were provided from the Old Brewery, in many cases the lyrics of the songs etc are clearly audible and the songs being played are clearly identifiable. These include artists such as Pink Floyd, URoy, UB40, Boney M, Billy Joel as well as some dance music. Evidence has also been provided of rowdy behaviour outside the premises, including domestic arguments, general shouting and swearing, singing football songs and drunken loud conversations going on outside the premises. Due to time constraints, I have had to heavily edit the recordings, I have copied a number of 10 second segments on to a disk as an example of the noise being experienced by the complainant. Many of these segments I have identified continued for some time. Copies of all the evidence can be provided if requested. It is my opinion that the noise created amounts to public nuisance.

On Saturday 5<sup>th</sup> of March 2011 a colleague Mrs Sara Desbois-Kelly visited the complainant and witnessed noise nuisance arising from the Old Brewery she witnessed both the playing of amplified music and shouting etc outside, her statement indicates that the noise was audible throughout the complainant's home. (A copy of the statement is exhibited as Exhibit 7)

It has been clear throughout my dealing with Mr Sean Martin that there has been little effort to control the noise arising from the Old Brewery despite my continued advice and guidance. He has not demonstrated any willingness to control the noise from his patrons as evidenced by the fact that complaints have continued even since the service of the Review Notice. I am gravely concerned, that should the Licensing Committee chose to place conditions on the licence that these will not be adhered to, as there have been several breaches of his licence as it exists currently.

Mr Sean Martin, has argued to me that this premises is a Community Pub and as such provides a valuable public service. It is my opinion that the public nuisance suffered by the complainants far outweighs any benefit received by the community by the operation of the Old Brewery Public House. In considering this issue, I would draw the attention of the Committee to the case law *R v Dennis* [2003] EWHC 793 (QB) that deals with the effect of public nuisance on premises arising from the use of an RAF airfield for training pilots. In this case the judge decided that whilst the benefit to society provided by trained RAF pilots was highly laudable, it was unacceptable that residents should suffer the burden.

The complainants have expressed a genuine concern that they will suffer serious repercussions if they come forward to make a complaint, but have stated to me that the noise from the premises is preventing their teenage child from studying, is preventing them from enjoying their property and leaves them constantly in fear of being disturbed. The complainant feels that they cannot invite their grandchildren to their house or to use the park because of the shouting and swearing that occurs on the premises' external terrace.

Attachments



Mr S Martin  
Old Brewery  
Lower Ellacombe Church Road  
Torquay  
TQ1 1JH

Please reply to: Caz Babbage, Enforcement  
Officer (Licensing), Safety and Licensing Team,  
1<sup>st</sup> Floor, Roebuck House, Abbey Road, Torquay,  
TQ2 5EJ

My Ref: CB080036/115167

Your Ref:

Telephone: 01803 208121

Fax: 01803 208854

E-mail: [Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)

Website: [www.torbay.gov.uk](http://www.torbay.gov.uk)

Date: 7<sup>th</sup> August 2008

---

Dear Sean

**Licensing Act 2003 – Complaint about noise**

**Re: Old Brewery, Lower Ellacombe Church Road, Torquay**

Further to my visit at the Old Brewery by myself and my colleague I write to advise you of your responsibilities as Designated Premises Supervisor under the Licensing Act 2003.


As we discussed on Wednesday 6<sup>th</sup> August, this department has received a complaint about noise nuisance at the Old Brewery. Under the requirements of the Licensing Act 2003 the Council has a duty to investigate and monitor such complaints. It would appear that the noise nuisance was due to a karaoke night and as I explained to you the Old Brewery does not have permission on its current premises licence for music.

If you wish to play music in the future you will need to apply to vary your premises licence but in the meantime you **must not** hold any further karaoke nights at the Old Brewery or else legal proceedings may be taken against you.

You should familiarise yourself with the premises licence and ensure that you are aware of the activities for which you are licensed and the conditions that apply.

If you would like advice, then please do not hesitate to contact me on the above number.

Yours sincerely



Caz Babbage  
Enforcement Officer (Licensing)  
Safety and Licensing Section

Schools and services for children and young people • social care and housing • recycling,  
waste disposal and clean streets • community safety • roads and transportation • town  
planning • tourism, harbours and economic regeneration • consumer protection and  
licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.



SW/WS1

**STATEMENT OF WITNESS  
C.J.A. Statement**

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)*

**STATEMENT OF Amanda Jayne Guy**

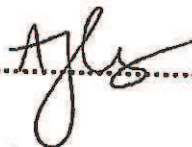
**Age of Witness Over 18**

*(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)*

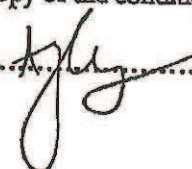
**Occupation of Witness: Licensing Officer**

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated the 4<sup>th</sup> day of April 2011**

Signed..........

I am employed by Torbay Council as a Licensing Officer in the Licensing and Public Protection section. At 1430hrs on the 19<sup>th</sup> April 2010 I visited the Old Brewery with my colleague Karen Ellicott, Enforcement Officer (Licensing) and Sergeant Pebworth from Devon and Cornwall Constabulary. The purpose of the joint inspection was to carry out a full licensing inspection and to advise Sean Martin, the Premises Licence Holder, on the process of varying his Premises Licence. At the time of the visit we discussed how background music could be played very quietly without being considered a licensable activity. The issue of licensable activities was discussed in depth to ensure Mr Martin was aware of the difference between background music and recorded music which then becomes licensable. I felt this was necessary as, although I have inspected many of Mr Martin's previous licensed premises, this was the first premises, which was not licensed for regulated entertainment. A full inspection was then carried out and a letter sent to Mr Martin regarding his statutory requirements. This is shown as Exhibit 1. At 1410hrs on the 19<sup>th</sup> May 2010 I returned with Karen Ellicott to the Old Brewery to check on the issues highlighted on the previous visit. Mr Martin requested a copy of the conditions commonly

Signed..........

Rev 1 / Section 5.0 - Statement of witness - unlined / SW/WS1 / June 2005



SW/WS1

requested by Environmental Protection when music is added to a Premises Licence. These were sent out by Karen Ellicott. At 1430hrs on 21<sup>st</sup> July 2010 I returned to the Old Brewery with Karen Ellicott, PC Laing and PC Haworth. I checked the issues outstanding from the previous visit and gave advice regarding the refurbishment of the kitchen. During the visit the Police checked the premises for traces of drugs. A letter was sent to Mr Martin listing works required and also re-iterating the advice given on previous visits regarding the offence of carrying out licensable activities without the appropriate licence. Mr Martin was advised that once he had paid his outstanding licence fees, we would be happy to assist him in completing his variation application to add Music, Dancing, Films and Indoor Sporting Events. This is shown as Exhibit 2.

Signed.....

# Memorandum

<b>To:</b> Licensing	<b>From :</b> Community Safety
<b>c.c</b>	<b>Contact :</b> Mr Gareth Fudge
<b>c.c.</b>	<b>Ext :</b> 01803 208010
<b>c.c</b>	<b>My Ref :</b> 1ZV SRU No: 154404/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref :</b>
	<b>Date :</b> 5 October 2010

**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: The Brewery, The Old Brewery Works,  
Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

The premises are situated immediately adjacent to a terrace of houses, the bedroom windows of the closest house are within 10 feet of the beer garden at the front, as can be seen by the included photographs. There is housing on both sides of the premises. To the rear of the premises is a lane, there is no scope for a smoking area to the rear. On one side the premises adjoins a light industrial unit, but adjacent to this is more residential accommodation. Mr Sean Martin, who I met on site has indicated to me that the frontage of his premises extends to the end of the building it is situated in.(photograph 1 + 2). As far as I am aware, this is a relatively quiet area of Torquay, it is not a main road so there is no masking effect caused by passing vehicles or a high ambient noise level.

It is my experience that where public houses are located in such close proximity to residential accommodation some disturbance to residents is inevitable. The Health Act 2006 introduced the requirement for Public Houses to be smoke free. This has resulted in patrons of such premises spending large portions of their time outside whilst smoking. This has resulted in significant disturbance to local residents from a number of Public Houses in the area. There is a general expectation in society at large that is expressed in various guidance documents that people are awake between the hours of 07:00 and 23:00 hours and that people should have a reasonable expectation of being able to sleep between the hours of 23:00 and 07:00 am. *Planning Policy Guidance Note PPG 24 – Planning and*

Noise requires that particular consideration be given to noise during these hours when people are normally sleeping. The World Health Organisation publish *Guidelines on Community Noise*, this document deals with the effect of noise on sleep, it indicates that where sleepers are exposed to noises in excess of 40dB(A)Lmax they will be woken. Regular sleep disturbance can have a detrimental effect on a person's health. It would certainly be considered to be a public nuisance should more than one person be affected.

People under the influence of drink tend to talk loudly; the more people that are present the louder people get as they attempt to be heard. Typically noise levels can easily exceed a sound level of 72dB(A)Lmax. Ten feet away at the residential accommodation this will drop to 62dB(A). As a rule of thumb it is usual to assume that the façade of a building with an open window provided 10dB attenuation of noise so noise levels in bedrooms will be 52dB(A)Lmax. Therefore, if patrons are outside the premises talking loudly as normal they will be clearly audible within the bedrooms. It would almost be as loud as someone having a conversation in the room where you are trying to sleep. The 52dB(A)Lmax clearly breaches the maximum level recommended by the WHO document. Anybody sleeping will be woken. This would particularly be the case should patrons be leaving when the premises intends to close. However, annoyance and nuisance is likely even during the evening.

Prior to the premises losing its licence, this premises operated as a public house closing at 23:00. It did not have a licence for either amplified or live music. However, it did have a number of occasions where it took advantage of the Temporary Event process to hold events. Looking back at our records, complaints have been received when the premises has had a temporary event. The complaints relate to the playing of amplified music causing nuisance and from patrons outside causing disturbance. Should the premises have a licence for amplified music and live music to midnight, it is reasonable to assume that the incidence of public nuisance will only be increased. The proposed increase in hours of trading will only serve to intensify the nuisance as patrons will cause disturbance until much later as they leave the premises.

Our records show that following complaints about noise, members of the Licensing and Public Protection team have visited and offered Mr Martin advice on controlling noise from the premises.

Despite this, my colleague Mr Karl Martin visited on the 9<sup>th</sup> of October 2010 and witnessed nuisance from the premises. The management were making no attempt to control noise, doors were open, patrons were outside singing, a staff member was observed to pass outside and take no action to control the noise. The noise from both patrons outside and amplified music was clearly audible from Mr Martins position.

I met with Mr Sean Martin on site to discuss his application, he indicated that he intended to block the single door into the bar and add an acoustically treated lobby to the double doors to control noise breakout into the street in support of his application.

The application as it stands does not offer enough protection from noise breakout, it offers no measures to deal with patron noise other than suggesting that patrons will be quickly dispersed. As it stands no attempt will be made to deal with the issue of patrons being outside to smoke. With regard to the works to the building proposed, the door in the bar area is glass panelled door and is insufficient to contain noise from the playing of amplified music. To contain amplified music sufficiently it would be necessary to seal this door adding significant mass to the structure, the vent axia vent adjacent to the door would also need to be blocked. As there are un-lobbied double doors to the rear of the premises, these also would require treatment to prevent noise breakout to the rear of the premises.

Even if such works were implemented, I am concerned that there would be insufficient ventilation for the premises leading to a build-up of heat inside.

Patrons would then either open the doors and windows or go outside. This would negate the effect of any sound insulation and increase the potential for disturbance by patron noise. Effectively preventing noise breakout would require acoustically treated mechanical ventilation. Whilst the fitting of equipment of this nature is not impossible, I doubt it is economically viable in a small premises.

The proposed use of a noise limiter whilst feasible in well insulated premises some distance from noise sensitive accommodation is not feasible in this case as the structure has so many "weak points" that preventing nuisance would require noise levels to be extremely quiet in the premises.



Photograph 1

I draw the attention of the committee to section 3.3 of the Licensing Policy and would point out that the applicant has provided no information as to how they will control noise breakout from the premises or deal with noise from patrons. As such the policy dictates that such an application in the vicinity of residential accommodation would normally only be allowed to 23:00 pm.

I also draw the attention of the licensing committee to appendix 3 sections 4.4 and 4.5 of the new draft licensing policy which deals with licensable activities in licensed premises.

I draw the committee's attention to the judgement in *Thwaites vs Wirral*, where it was held that the Committee and later the Magistrates had acted unlawfully in refusing to extend the hours of a premises licence as they had insufficient evidence that the premises would be a problem. In this case, there is evidence from the previous use of the premises that noise is an issue, the noise has been witnessed. The applicant has a demonstrable poor track record of management of the premises and complaints have been received regarding the proposed activity. I have also provided evidence of the likely effect on residents in the vicinity of operating the premises until 00:30.

I therefore, wish to object to the grant of this licence for the provision of live music and amplified music at the premises. I also wish to object to the licence for this premises being extended beyond 23:00.

However, should the committee be minded to grant the licence, I recommend to the committee that the following conditions be applied to the licence.

"A noise management plan shall be submitted in writing and be approved by the Licensing and Public Protection Team prior to the first performance of live music or playing of amplified music. The plan shall include details of the following:-

"Single doors, windows and any ventilation ducts into the premises shall be acoustically treated to the satisfaction of the Licensing and Public Protection team prior to the playing of live or amplified music for the first time.

Doors and Windows must be kept shut at all times during the playing of both live and amplified music.

An acoustically treated lobby (the construction details of which shall be submitted and approved by the Licensing and Public Protection Team) is to be created for access and egress to the premises is to be constructed prior to the playing of amplified music or live music for the first time."

"Patrons will not be allowed outside the premises to smoke or drink after 10:30 pm to minimise the disturbance to immediate neighbours. To that end tables and chairs will be removed from the external drinking area at 10:00 pm."

"A member of staff shall ensure that patrons are not allowed to congregate outside after 10:30 pm so that disturbance to residents in the locality."

"The volume of music shall be under the control of the management at all times. A responsible member of staff shall check every hour to ensure that noise breakout from the premises is inaudible at the boundary with the nearest residential accommodation. "

"The playing of amplified music and live music shall cease by 23:00 hours."

**Mr Gareth Fudge**  
Senior Environmental Health Officer  
Licensing and Public Protection

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SW/WS1A

**STATEMENT OF WITNESS**  
**C.J.A. Statement**

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)*

**STATEMENT OF SARA DESBOIS-KELLY**

**Age of Witness Over 18**

(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

**Occupation of Witness: Senior Environmental Health Officer**

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 7<sup>th</sup> day of March 2011

Signed.....

My name is Sara Desbois-Kelly and I am a Senior Environmental Health Officer (EHO) employed by Torbay Council. I am a fully qualified EHO in accordance with the Chartered Institute of Environmental Health's Environmental Health Officer Registration Board and I am authorised for the purposes of the Environmental Protection Act 1990 and Licensing Act 2003. On the 5<sup>th</sup> March 2011 I was the duty officer on call with regards to the department's out of hours service. On Saturday 5<sup>th</sup> March 2011 at approximately 21:15 I received a call from Torbay Council Control to advise that [REDACTED] had called regarding loud music being played from The Old Brewery, Lower Ellacombe Church Road, Torquay. I contacted [REDACTED] directly and arranged to visit, she was in tears over the phone and stated that 'I can't take much more of this'. On approach to [REDACTED] property I could see the heads of 6 people sat at the front of The Old Brewery and a plume of smoke above them. The people were loudly laughing, talking and shouting to each other. I arrived at the home of [REDACTED] at 21:40

Signed.....

Rev 1 / Section 5.0 – Statement of witness – unlined / SW/WS1 / June 2005

and was shown by [REDACTED] to the upstairs rear bedroom. The window was open and the song 'Shine' by Aswad was being played from The Old Brewery, the words of the song were clearly audible. I could also hear people talking, laughing, shouting and screaming although I was not able to make out what was being said. I closed the window of the rear bedroom, I could still hear the words of the song being played and the noise of people talking loudly and shouting. I then went to the front bedroom where the window was open. The noise levels of the people talking, laughing, and shouting at the front of The Old Brewery were much louder than in the rear bedroom. I closed the front bedroom window and the noise levels were almost identical in volume. I could hear, word for word all conversations taking place at the front of The Old Brewery including an argument between a male and female. He shouted 'I don't care what you fucking think, I don't give a shit' at her and the female shouted at the male 'Well you should' over and over again. This argument went on for 1 minute and 10 seconds. Another male could be heard describing a 'Level 2 college course in Newton Abbot' that he is currently doing. In the background of the conversation I could hear the base of the music being played in the premises. I returned to the back bedroom at 21:55, the window was closed and I was able to clearly identify two further songs and hear word for word the song lyrics; 'Whoops Now' by Janet Jackson and 'Stop' by the Spice girls. I then went downstairs to the living room, the window was closed and I could still clearly hear the Spice Girls song playing plus people loudly shouting and swearing at one another. During my visit [REDACTED] became quite tearful and she again repeated 'I can't take much more of this'. I left the property at 22:05. The music was still playing and people were still at the front of the property on my departure. Notes were made in my notebook throughout the visit. In my opinion the music that could be heard in the rear bedroom and living room constituted a noise nuisance. Furthermore, in my opinion the noise from the people at the front of The Old Brewery that could be heard in the front bedroom constituted a public nuisance.

Signed.....



SW/WS1A

Address Community Safety, Torbay Council, Roebuck House, Abbey Road, Torquay, TQ2 5EJ

Tel: 01803 208010

Should it be required, I am prepared to attend at Court to give my evidence.

Signed .....

Date .....2011.....

**AVAILABILITY OF WITNESS**

Note any dates when witness is not available:

22/04/11 – 03/05/11		

Signed.....



SW/WS1

**STATEMENT OF WITNESS**  
**C.J.A. Statement**

*(Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 5B)*

**STATEMENT OF:**           **KARL MARTIN**

**Age of Witness:**           **OVER 18**  
(True age to be shown where witness is a juvenile or person involved in serious crime enquiry, otherwise "over 18" will suffice)

**Occupation of Witness:**   **HEALTH AND SAFETY OFFICER**

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief, and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 1st April.....day of April.....2011..

Signed..........

I am employed by Torbay Council as a Health and Safety Officer of the Licensing and Public Protection section. On Friday the 11<sup>th</sup> October 2011 I was undertaking planned noise and licensing visits at various premises throughout Torbay with Neil Stanlake, Police Licensing Officer. Mr Gareth Fudge, Senior Environmental Health Officer had instructed me if I was in the vicinity of The Old Brewery, Ellacombe, to take a look as the department was receiving on-going complaints regarding noise. Shortly before 20:00 hrs as I was preparing to leave home I received a call from FUDGE stating he had been called out to a complaint regarding noise coming from The Old Brewery. I said I would take a look before I was due to meet with STANLAKE. I arrived at Lower Ellacombe Church road at approximately 21:15 hrs and parked my car about 20 meters from The Old Brewery, close to the Egerton Road Junction. I noted as soon I got out of my vehicle I could hear people talking loudly some frequent shouting and general pub noise emanating from the direction of the Old Brewery. I decided to walk past the Old Brewery using the pavement directly outside the pub and walk

Signed..........

towards the bottom of Lower Ellacombe Church Road. As I walked past I noted approximately 8 people outside drinking in the Beer Garden, at least 4 were inside the lobby smoking. I noted the inner lobby door was closed. The noise was excessive and intimidating. A number of patrons were shouting and talking loudly often using bad language. Standing outside I could hear music clearly emanating from inside The Old Brewery. The words to the song could clearly be heard, I was of the opinion the volume was greater than what would be expected from background music. I walked a further 20 metres past the old brewery and stood for 5 minutes listening to the noise being generated from Patrons. I could not hear the music anymore but could clearly hear patrons being unreasonable noisy. I had no doubt if I lived in the vicinity I would be able to hear the noise from patrons inside my home. I decided to walk across the park to the junction of Egerton Road and Denys Road. I could not hear the music but noted I could still hear patrons outside of the pub, as before it consisted of occasional shouting and general loud chatter. I returned to my vehicle at about 21:40 hrs as I had to leave to meet STANLAKE. As I approached my vehicle I became aware the volume of the music coming from the Old Brewery had greatly increased and I could clearly hear the music 20 meters away where my car was parked. I cannot confirm how long this lasted as I had to leave the area. After continuing my inspections with STANLAKE we both returned to the Old Brewery at about 23:15 and parked outside the premises. We noted at least three individuals standing inside the entrance lobby. At least 1 individual was drinking from a pint glass. Stanlake called for assistance from the Police. They arrived at 11:35 when STANLAKE, three Police Constables and myself entered the premises. I noted 7 customers still in the premises drinking including at least 3 individuals with full pints. STANLAKE asked them to leave and to see Mr Shaun MARTIN. We were informed by Mark REYNOLDS, Bar Manager, that MARTIN had just left. REYNOLDS tried to contact MARTIN by phone but could not reach him. After all the customers had left STANLAKE had a conversation with REYNOLDS about drinking after hours. We left the premises at about 11:45 and returned to our vehicles. We left the area to continue with other Licensing and noise visits.

Signed.....



The Company Secretary  
UKPP The Old Brewery Limited  
The Old Brewery  
Lower Ellacombe Church Road  
Ellacombe  
Torquay  
Devon TQ1 1JH

**Please reply to: Licensing and Public  
Protection**  
Environmental Health & Consume, Abbey Road  
Torquay, Devon TQ2 5EJ

**My ref:** Notice No: 001317

**Your ref:**

**Telephone:** 01803 208010

**Fax:** 01803 208854

**E-mail:** [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk/housing](http://www.torbay.gov.uk/housing)

**Date:** 27 April 2011

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Dear Sirs,

**Re: Section 80 Environmental Protection Act 1990**  
**Statutory Noise Nuisance arising from the playing of amplified music and noise from voices**  
**at The Old Brewery, Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

You are no doubt aware that complaints about noise arising from the playing of amplified music and shouting have been received from your premises and that this matter has been brought to the attention of the licensing committee.

Further complaints have been received and evidence has been obtained that you are continuing to cause nuisance and that this nuisance amounts to a statutory noise nuisance.

The enclosed abatement notice requires you to control the noise from the playing of amplified music and voices from the front of your premises so that it does not materially interfere with the use and enjoyment of neighboring residential accommodation.

Failure to comply with an abatement notice is an offence under the terms of the above legislation, and such you may be liable to a fine of up to £20 000 from an industrial trade or business premises. It is therefore in your interest to ensure that there is no further cause for complaint.

Yours faithfully

Mr Gareth Fudge  
Senior Environmental Health Officer  
Licensing and Public Protection

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Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.



To: **UKPP The Old Brewery Limited**

Of: **The Old Brewery, Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**  
**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 Torbay Council being satisfied of the existence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

**The Old Brewery, Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

within the district of the Council arising from **NOISE FROM AMPLIFIED MUSIC AND VOICES AT AN EXCESSIVE VOLUME EMITTED FROM THE PREMISES ("the nuisance")**.

**HEREBY REQUIRE YOU** as the person responsible for the said nuisance **FORTHWITH** from the service of this notice to abate the nuisance and prohibit its recurrence.

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be committing an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will liable to a fine not exceeding level 5 on the Standard Scale, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.

A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

If you fail to comply with this Notice the Council may also abate the nuisance and do whatever may be necessary in execution of the Notice.

Signed *Gareth Fudge*  
Mr Gareth Fudge  
Senior Environmental Health Officer

Dated *27-6-11*

Name, address and telephone number for all communications: Executive Head, Community Safety, Torbay Council, Roebuck House, Abbey Road, Torquay TQ2 5EJ Telephone: 01803 208091

N.B. A person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See the notes on the reverse of this form.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

**Appeals under section 80(3) of the 1990 Act**

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
  - (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:-
    - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
    - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
    - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
    - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
    - (e) where the nuisance to which the notice relates:-
      - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
      - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
      - (iii) is a nuisance falling within section 79(1)(ga) (a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.
    - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of:-
      - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
      - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
      - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
    - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
    - (h) that the abatement notice should have been served on some person instead of the appellant, being:-
      - (i) the person responsible for the nuisance, or
      - (ii) the person responsible for the vehicle, machinery or equipment, or
      - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
      - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
    - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being:-
      - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
      - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served;
    - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being:-
      - (i) a person also responsible for the nuisance, or
      - (ii) a person who is also owner of the premises, or
      - (iii) a person who is also an occupier of the premises, or
      - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.
  - (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
  - (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
  - (5) On the hearing of the appeal the court may:-
    - (a) quash the abatement notice to which the appeal relates, or
    - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
    - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
  - (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:-
    - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
    - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
  - (7) In exercising its powers under paragraph (6) above the court:-
    - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, where contractual or statutory, of any relevant tenancy and of the nature of the works required, and
    - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.
- Suspension of notice**
- (1) Where:-
    - (a) an appeal is brought against an abatement notice served under section 80 or section 80A or the 1990 Act, and:-
    - (b) either:-
      - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
      - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise
  - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where:-
- (a) the nuisance to which the abatement notice relates:-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice:-
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Please reply to: Karen Ellicott, Licensing  
Enforcement Officer, Community Safety  
1<sup>st</sup> Floor Roebuck House  
Abbey Road, Torquay, TQ2 5EJ  
My Ref: SR No: 2T152993/KA EY – Noise  
complaints LA03

Mr S Martin  
The Old Brewery  
The Old Brewery Works  
Lower Ellacombe Church Road  
Torquay  
Devon  
TQ1 1JH

Your Ref:  
Telephone: 01803 208029  
Fax: 01803 208854  
E-mail: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)  
Website: [www.torbay.gov.uk](http://www.torbay.gov.uk)  
Date: 13 August 2010

Dear Mr Martin,

**Environmental Protection Act 1990 and Licensing Act 2003 – Complaint of Noise Nuisance**  
**Re: The Old Brewery Works, Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

This Department has recently received a complaint about loud noise arising from the above premises due to music being played until 4.45am. This is a contravention of your Premises Licence which does not entitle you to any form of regulated entertainment.

Under the above legislation, the Council has a duty to investigate such complaints, even though they may turn out to be incorrect or unfounded. As part of these duties the Council may undertake monitoring of your premises for a period of time. If it appears that the complaint may be justified, then the Council must take action to stop the nuisance that is causing the problem, preferably by offering advice on measures to avoid creating a nuisance.

If you believe that this complaint is unfounded, or if your address has been supplied by mistake, please accept my apologies.

I would appreciate if you can write to me, either to let me know what measures you propose to take in the matter, if you feel there may be some justification in the complaint, or to inform me if you feel the complaint is unfounded.

If you would like advice, then please do not hesitate to contact me on the above number.

Yours sincerely

**Karen Ellicott**  
**Licensing Enforcement Officer**  
**Community Safety**

---

Schools and services for children and young people • social care and housing •  
recycling, waste disposal and clean streets • community safety • roads and transportation  
• town planning • tourism, harbours and economic regeneration • consumer protection  
and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

**Please reply to: Licensing and Public Protection**  
Environmental Health & Consume, Abbey Road,  
Torquay, Devon TQ2 5EJ

**My ref:** SRU 158591/GDF

**Your ref:**

**Telephone:** 01803 208010

**Fax:** 01803 208854

**E-mail:** [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)

**Website:** [www.torbay.gov.uk/housing](http://www.torbay.gov.uk/housing)

**Date:** 28 January 2011

Mr Sean Martin,  
The Old Brewery  
Lower Ellacombe Church Road  
Torquay  
Devon

Dear Sir

**Re: Licensing Act 2003**  
**The Old Brewery Lower Ellacombe Church Road Torquay**

I have received renewed complaints regarding the above premises, the complaints relate to noise from the playing of amplified music at the premises and patrons outside in your seated area shouting, singing and generally behaving in a loud manner.

I remind you that amplified music is not included on your licence and therefore, the playing of amplified music on the premises is an offence unless it is background music. Background music is considered to be music that is played at a low level and that certainly would not be audible outside the premises.

I note from our files that you have offered to accept conditions on your licence to control noise from your premises.

As we are now receiving complaints about the issues raised at your previous application for a premises licence that my previous recommended conditions were meant to address, I feel it would be appropriate for you to now implement appropriate control measures. It would be appropriate for you to add the conditions by way of submitting a minor variation. I have listed the conditions below that I feel are sufficient to prevent public nuisance given your proximity to residential accommodation and the nature of complaints that have been received in the past.

- 1. Drinking in the external areas of the premises shall be prohibited after 19:00 hours. Patrons will be prevented from taking drinks outside after 19:00 to ensure that they do not linger outside.*
- 2. A responsible member of staff shall monitor the external area after 19:00 to ensure that noise from patrons is controlled and that the level of noise is not sufficient to disturb nearby residential accommodation. Patrons shall be discouraged from remaining outside unless smoking, they shall be asked to return inside once they have stopped smoking.*
- 3. The volume of any music played on the premises will be maintained at a level that is inaudible outside the fabric of the building. A responsible member of staff will monitor this.*

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If you require this in a different format or language, please contact me.

I am continuing to investigate the complaints that have been received, should it become apparent that you are engaged in any unlicensed activity, I will have little alternative but to report the matter to the Council's enforcement panel for enforcement action.

If you would like to discuss this matter, I can be contacted on the telephone number above.

Mr Gareth Fudge  
Senior Environmental Health Officer  
Licensing and Public Protection

Exhibit 6 FW UNCLASSIFIED RE FYI - Need to bring to your attention.txt  
From: Cox, Steve  
Sent: 06 April 2011 17:07  
To: Fudge, Gareth  
Subject: FW: UNCLASSIFIED: RE: FYI - Need to bring to your attention

-----Original Message-----

From: Cox, Steve  
Sent: 15 February 2011 16:59  
To: 'The Old Brewery'  
Cc: Parrott, Julien  
Subject: UNCLASSIFIED: RE: FYI - Need to bring to your attention  
Dear Sean

I have copied the email onto Gareth as this is a matter for him.

Steve

From: The Old Brewery [mailto:[theoldbrewery@gmail.co.uk](mailto:theoldbrewery@gmail.co.uk)]  
Sent: 15 February 2011 16:40  
To: Cox, Steve  
Cc: Parrott, Julien  
Subject: FYI - Need to bring to your attention  
Importance: High

Hi Steve

I would just like to bring to yours and Gareth's attention of a house party on Denys Road, just cross the park from us. One of the houses on that road had a house party Saturday (12/02/11) night that went on to the early hours of Sunday morning .... It is noted in our managers / DPS book that at time of locking up the pub (11:30pm) it was observed that loud music and quite an elevated noise was coming from one of the houses.

Since we have reopened, we have been keeping a daily book from 7pm each evening. In this it is noted any noise that we can hear outside and when the park is in use by the kids in the area . . . . .

So if you do get any noise complaints, please advise of date & time and we will cross reference with our daily managers / DPS book and advise you of any observations that we have made ....

Thanks Sean  
The Old Brewery

# Memorandum

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<b>To:</b> Licensing	<b>From</b> :	Community Safety
<b>c.c</b>	<b>Contact</b> :	Mr Gareth Fudge
<b>c.c.</b>	<b>Ext</b> :	01803 208010
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 154404/GDF
<b>For the attention of:</b> Licensing Steve Cox	<b>Your Ref</b> :	
	<b>Date</b> :	5 October 2010

---

**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: The Brewery, The Old Brewery Works,  
Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH**

- a) I have no comments to make on the above application
  
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

The premises are situated immediately adjacent to a terrace of houses, the bedroom windows of the closest house are within 10 feet of the beer garden at the front, as can be seen by the included photographs. There is housing on both sides of the premises. To the rear of the premises is a lane, there is no scope for a smoking area to the rear. On one side the premises adjoins a light industrial unit, but adjacent to this is more residential accommodation. Mr Sean Martin, who I met on site has indicated to me that the frontage of his premises extends to the end of the building it is situated in.(photograph 1 + 2). As far as I am aware, this is a relatively quiet area of Torquay, it is not a main road so there is no masking effect caused by passing vehicles or a high ambient noise level.

It is my experience that where public houses are located in such close proximity to residential accommodation some disturbance to residents is inevitable. The Health Act 2006 introduced the requirement for Public Houses to be smoke free. This has resulted in patrons of such premises spending large portions of their time outside whilst smoking. This has resulted in significant disturbance to local residents from a number of Public Houses in the area. There is a general expectation in society at large that is expressed in various guidance documents that people are awake between the hours of 07:00 and 23:00 hours and that people should have a reasonable expectation of being able to sleep between the hours of 23:00 and 07:00 am. *Planning Policy Guidance Note PPG 24 – Planning and*

Noise requires that particular consideration be given to noise during these hours when people are normally sleeping. The World Health Organisation publish *Guidelines on Community Noise*, this document deals with the effect of noise on sleep, it indicates that where sleepers are exposed to noises in excess of 40dB(A)L<sub>max</sub> they will be woken. Regular sleep disturbance can have a detrimental effect on a person's health. It would certainly be considered to be a public nuisance should more than one person be affected.

People under the influence of drink tend to talk loudly; the more people that are present the louder people get as they attempt to be heard. Typically noise levels can easily exceed a sound level of 72dB(A)L<sub>max</sub>. Ten feet away at the residential accommodation this will drop to 62dB(A). As a rule of thumb it is usual to assume that the façade of a building with an open window provided 10dB attenuation of noise so noise levels in bedrooms will be 52dB(A)L<sub>max</sub>. Therefore, if patrons are outside the premises talking loudly as normal they will be clearly audible within the bedrooms. It would almost be as loud as someone having a conversation in the room where you are trying to sleep. The 52dB(A)L<sub>max</sub> clearly breaches the maximum level recommended by the WHO document. Anybody sleeping will be woken. This would particularly be the case should patrons be leaving when the premises intends to close. However, annoyance and nuisance is likely even during the evening.

Prior to the premises losing its licence, this premises operated as a public house closing at 23:00. It did not have a licence for either amplified or live music. However, it did have a number of occasions where it took advantage of the Temporary Event process to hold events. Looking back at our records, complaints have been received when the premises has had a temporary event. The complaints relate to the playing of amplified music causing nuisance and from patrons outside causing disturbance. Should the premises have a licence for amplified music and live music to midnight, it is reasonable to assume that the incidence of public nuisance will only be increased. The proposed increase in hours of trading will only serve to intensify the nuisance as patrons will cause disturbance until much later as they leave the premises.

Our records show that following complaints about noise, members of the Licensing and Public Protection team have visited and offered Mr Martin advice on controlling noise from the premises.

Despite this, my colleague Mr Karl Martin visited on the 9<sup>th</sup> of October 2010 and witnessed nuisance from the premises. The management were making no attempt to control noise, doors were open, patrons were outside singing, a staff member was observed to pass outside and take no action to control the noise. The noise from both patrons outside and amplified music was clearly audible from Mr Martins position.

I met with Mr Sean Martin on site to discuss his application, he indicated that he intended to block the single door into the bar and add an acoustically treated lobby to the double doors to control noise breakout into the street in support of his application.

The application as it stands does not offer enough protection from noise breakout, it offers no measures to deal with patron noise other than suggesting that patrons will be quickly dispersed. As it stands no attempt will be made to deal with the issue of patrons being outside to smoke. With regard to the works to the building proposed, the door in the bar area is glass panelled door and is insufficient to contain noise from the playing of amplified music. To contain amplified music sufficiently it would be necessary to seal this door adding significant mass to the structure, the vent axia vent adjacent to the door would also need to be blocked. As there are un-lobbed double doors to the rear of the premises, these also would require treatment to prevent noise breakout to the rear of the premises.

Even if such works were implemented, I am concerned that there would be insufficient ventilation for the premises leading to a build-up of heat inside.

Patrons would then either open the doors and windows or go outside. This would negate the effect of any sound insulation and increase the potential for disturbance by patron noise. Effectively preventing noise breakout would require acoustically treated mechanical ventilation. Whilst the fitting of equipment of this nature is not impossible, I doubt it is economically viable in a small premises.

The proposed use of a noise limiter whilst feasible in well insulated premises some distance from noise sensitive accommodation is not feasible in this case as the structure has so many "weak points" that preventing nuisance would require noise levels to be extremely quiet in the premises.



Photograph 1

I draw the attention of the committee to section 3.3 of the Licensing Policy and would point out that the applicant has provided no information as to how they will control noise breakout from the premises or deal with noise from patrons. As such the policy dictates that such an application in the vicinity of residential accommodation would normally only be allowed to 23:00 pm.

I also draw the attention of the licensing committee to appendix 3 sections 4.4 and 4.5 of the new draft licensing policy which deals with licensable activities in licensed premises.

I draw the committee's attention to the judgement in *Thwaites vs Wirral*, where it was held that the Committee and later the Magistrates had acted unlawfully in refusing to extend the hours of a premises licence as they had insufficient evidence that the premises would be a problem. In this case, there is evidence from the previous use of the premises that noise is an issue, the noise has been witnessed. The applicant has a demonstrable poor track record of management of the premises and complaints have been received regarding the proposed activity. I have also provided evidence of the likely effect on residents in the vicinity of operating the premises until 00:30.

I therefore, wish to object to the grant of this licence for the provision of live music and amplified music at the premises. I also wish to object to the licence for this premises being extended beyond 23:00.

However, should the committee be minded to grant the licence, I recommend to the committee that the following conditions be applied to the licence.

"A noise management plan shall be submitted in writing and be approved by the Licensing and Public Protection Team prior to the first performance of live music or playing of amplified music. The plan shall include details of the following:-

"Single doors, windows and any ventilation ducts into the premises shall be acoustically treated to the satisfaction of the Licensing and Public Protection team prior to the playing of live or amplified music for the first time.

Doors and Windows must be kept shut at all times during the playing of both live and amplified music.

An acoustically treated lobby (the construction details of which shall be submitted and approved by the Licensing and Public Protection Team) is to be created for access and egress to the premises is to be constructed prior to the playing of amplified music or live music for the first time."

"Patrons will not be allowed outside the premises to smoke or drink after 10:30 pm to minimise the disturbance to immediate neighbours. To that end tables and chairs will be removed from the external drinking area at 10:00 pm."

"A member of staff shall ensure that patrons are not allowed to congregate outside after 10:30 pm so that disturbance to residents in the locality."

"The volume of music shall be under the control of the management at all times. A responsible member of staff shall check every hour to ensure that noise breakout from the premises is inaudible at the boundary with the nearest residential accommodation. "

"The playing of amplified music and live music shall cease by 23:00 hours."

**Mr Gareth Fudge**  
Senior Environmental Health Officer  
Licensing and Public Protection



Video footage of the Old Brewery

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Licensing Act 2003  
**Premises Licence**

**209**

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

**Old Brewery**

Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH.

Telephone 01803 213336

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm	
	Sunday	Noon	10:30pm	
	Good Friday	Noon	10:30pm	
	Christmas Day	Noon	3:00pm	
	Christmas Day	7:00pm	10:30pm	
	New Year's Eve	10:00am	11:00pm	Except on a Sunday
	New Year's Eve	Noon	10:30pm	Sunday
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To	
Monday to Saturday	10:00am	11:20pm	
Sunday	Noon	10:50pm	
Good Friday	Noon	10:50pm	
Christmas Day	Noon	3:20pm	
	7:00pm	10:50pm	
New Year's Eve	10:00am	11:20pm	Except on a Sunday
	Noon	10:50pm	Sunday
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day			

WHERE THE LICENCE AUTHORISES 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

Licensing Act 2003  
**Premises Licence**

**209**

Part 2

<b>NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE</b>	
UKPP - The Old Brewery Ltd theoldbrewery@tgmail.co.uk	c/o The Old Brewery, Lower Ellacombe Church Road, Torquay, Devon, TQ1 1JH. Telephone 01803 898648
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>	
UKPP - The Old Brewery Ltd	7311761
<b>NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL</b>	
Sean Christian MARTIN	<del>XXXXXXXXXXXXXXXXXXXX</del> Telephone: <del>XXXXXXXXXXXX</del>
<b>PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL</b>	
Licence No. PA1423	Issued by Torbay



Steve Cox  
Environmental Health Manager (Commercial)  
31 December 2010



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.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) 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 a holographic mark.

**ANNEXES continued ...**

7). 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

(ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;

**ANNEXES continued ...**

- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**ANNEXE 3**

None

**ANNEXE 4**

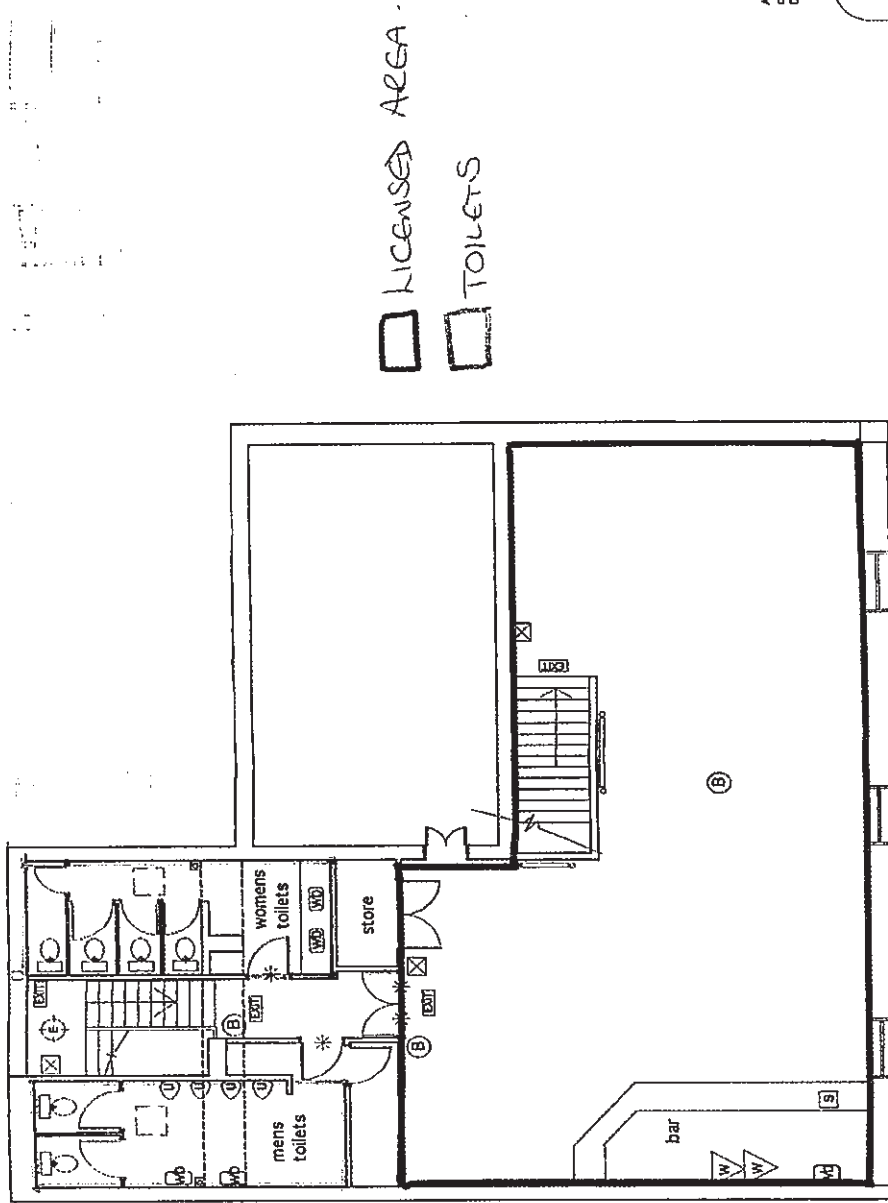
**PLANS**

Copy attached to Licence.

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Upstairs, Funktion Berlin  
and first Room



- \* 1/2 hr. fire resisting self-closing door (D0)
- (E) emergency light
- (B) fire bell
- (E) exit doors fitted with emergency lighting
- EXIT illuminated exit sign
- (W) fire fire ext. water
- (X) fire break glass

All dimensions to be checked on site. Do not scale from this drawing

job old brewery  
 client John Brown  
 10th existing first floor  
 scale 1:100  
 drawing no: 157.000  
 project

fruition

2nd floor 21.10.2014  
 1st floor 21.10.2014  
 1st floor 21.10.2014

preliminary

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Our ref: Lic/Dev/njs

Your ref:

TORBAY COUNCIL  
 LICENSING DEPARTMENT  
*Acauren*  
 28 MAR 2011

OFFICER: [ ] UNIT: [ ] FILES: [ ]

160247

DEVON & CORNWALL  
CONSTABULARY

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

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

28 March 2011

Telephone: 01803 841327

Dear Sir/Madam

**Re: The Old Brewery, Lower Ellacombe Church Road, Torquay**

I refer to the above premises and an application for the Review of the Premises Licence made by Mr Gareth Fudge of Torbay Council Licensing and Public Protection Team.

The police wish to make the following representation:

These premises have been managed by Mr Sean Martin since November 2007, who since that date has been the Designated Premises Supervisor (DPS). Since that time, a number of joint visits between the Police and Council have been carried out at the premises and on every occasion, issues regarding the conduct and management of the premises have arisen. Subsequently, letters were sent to Mr Martin by Torbay Council and the Police have copies of these letters, but the police understand that Mandy Guy from your Licensing Department will produce these letters at the Hearing.

Since 13 March 2009, Mr Martin has also been DPS of a licensed premise in Poole, Dorset, known as The Woodman Public House, and to date still holds that position. This means he is the DPS at both The Woodman and The Old Brewery. For information, the Woodman in Poole is licensed to sell alcohol until midnight seven days a week, with all other licensable activities until 2 am seven days a week.

At 11.35 pm on Friday 11 February 2011, Neil Stanlake, one of my Police Licensing Officers, carried out plain clothes observations on The Old Brewery in Ellacombe Church Road and observed several customers from within, come outside the front door to smoke. At least two of these smokers were seen to be drinking from pint glasses and were generally noisy, although not disorderly. Whilst Neil was carrying out his observations, he was not aware of any other noisy premises in the vicinity.



As the premises are only licensed to sell alcohol until 11.00 pm, and should close by 11.20 pm, Neil summoned uniform officers to attend and with them, he entered the premises, whereupon he found at least half a dozen people still drinking alcohol. The DPS was not present at this time, but a male barman, Mr Mark Reynolds, was advised to collect the drinks and close the premises, which he did.

On 24 February 2011 Mr Martin emailed my Licensing Department regarding Neil Stanlake's visit on 11 February 2011 (copy attached).

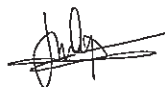
At about 12.20 am on Saturday 5 March 2011, Neil Stanlake again visited Lower Ellacombe Church Road, and carried out observations directly outside the Old Brewery. It was clear that there were still people inside, as they could be heard laughing but the level of noise from within was not excessive and no music could be heard.

Uniform officers were requested to attend and again Neil entered the premises to find that the DPS was not present but the barman, Mark Reynolds, was present together with five persons, who were all under the influence of alcohol. Mr Reynolds immediately stated that all five persons were personal friends of his. They were all drinking alcohol but there was no evidence of after hours sales. Mr Reynolds was advised that the premises should close and the five persons present were requested to leave quietly.

There was no evidence of any private parties or other generated noise in the area of Lower Ellacombe Church Road at the time.

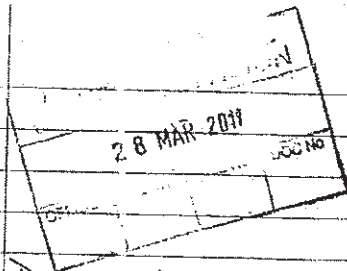
Should you wish to seek clarification regarding the above, please do not hesitate to contact Neil Stanlake of my Licensing Department, who intends to be present at the Review Hearing, and can expand on the above if required.

Yours faithfully



Superintendent J Nye  
Geographic Superintendent – Torbay

160047



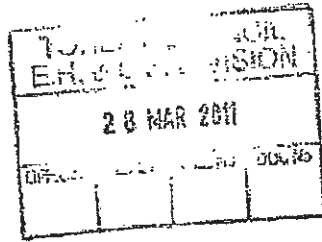
Dear Sir,

It has recently been brought to my attention that you are considering closing my local pub, I am appalled that you should consider such action. ~~It~~ I have lived at the above address for 29 years and have always used this pub "The Brewery" to meet up with friends, host birthday, christening and funeral (my own father's) parties, it is a focal meeting point for our community, we have quiz nights, darts tournaments, charity days, pool tournaments, how can you possibly consider such action? This is a local pub for local people - young and old, I myself am 52 years <sup>old</sup> and there are many people older than myself

who would find it difficult to travel anywhere else to socialise, this pub is their lifeline.

If, as I have been told, you have had a complaint from some-one who lives opposite — across a road, a park, a lane and finally their back garden, then all I can say is, they have incredibly good hearing or they are just kittens, maybe they should come into the pub one night and see for themselves what a great place it is to socialise and have fun. Please do not even consider closing "The Brewery" it would kill our community, the town center is full of rowdy pubs, whilst small community pubs are being systematically closed, it really would be a travesty to several generations if you closed our local.

160247



To Whom It May Concern:

I am writing as a concerned local. I have been a patron of the Old Brewery pub on Lower Ellacombe Church Road since moving to Torbay with my parents over thirty years ago, I have even spent some time working behind the bar when I needed flexible hours close to home when my kids were young. Nine of those years, including my time as a bar maid, was spent as a complete T-totaler. I am well aware many people only think of the negatives about living near to a pub, but I have never witnessed anything more than a raucous argument in there or heard of a fight that resulted in the police or an ambulance having to be called, this isn't some impersonal harbour side bar. This is just a local pub for the local community, it doesn't have passing trade and although it may occasionally be the starting point for a night on the town, it isn't a point of call on or the end of any pub crawl route. During all the time I have spent in the pub I have found the other locals as a supportive close nit community.

Over the years I have been a part of many local and national events raising awareness and funds for lots of different causes from downs syndrome to cancer, we have put on firework displays and thrown parties for all the local kids as well as support for some of the older or disabled members of the community arranging shopping trips and hospital runs organised between those with transport and time to spare, or just as somewhere to find someone to listen to their problems, this is the *only* pub I know I can walk into on my own without any worries, there is always someone to talk to, this is also a place of safety and support for the locals, arranging support and accommodation during relationship break ups or looking out for the kids in the park opposite, many parents feel safer in the knowledge that their children have somewhere close to run to if help is needed. It is also a place to seek and find work or workmen, with nearly all trades being represented in its patrons.

None of this would have been possible without the pub to act as our community hub, all this without money from the council or government funding, all this from local people using our own resources and time, and with the help and hospitality of the many pub landlords including the one we have now. To remove this would be a unjust. This is clearly a well loved and well used local pub. How many communities have been left worse off when big companies close their local pubs? This doesn't have to happen here! We have a landlord who has shown us he is committed to keeping this place open for us no matter what. I hope to be given the opportunity to speak in front of you, and on behalf of all the people I know that would be devastated if they lost our pub but are unable to attend.

Yours truly,



THE EXECUTIVE HEAD OF COMMUNITY SAFETY

TORBAY COUNCIL  
ROEBUCK HOUSE  
ASSETT ROAD  
TORQUAY  
TQ2 5ES

TORBAY COUNCIL E.H. & C.C. DIVISION			
30 MAR 2011			
OFFICER	FILE NO	FILE NO	DOC NO

RE: OLD BREWERY PUB HOUSE - LINDA TELLACORSE CHURCH ROAD

Dear Sir/Madam,

I am writing to you regarding the above mentioned premises and your forthcoming review of its licence.

After having read your notice posted outside the premises, I felt compelled to write to you as I think the points raised do not reflect a fair assessment of the premises.

Having been a regular customer of this public house for almost the past twenty five years, I can honestly say that during that time I have never witnessed any behaviour that could cause offence.

To say this establishment "operates in a manner that is causing public nuisance" is certainly not how I would describe it.

A great deal of effort has been made to ensure the avoidance of any problems. The bar staff are very vigilant, notices have been placed about the premises regarding the issue of noise and a new CCTV system has been installed. In my opinion the business is run on a very competent level.



2.

Also, I am sure you will agree the winter we have endured these past months has certainly not been conducive to sitting in a beer garden.

Are the accusations being levelled at these premises based on impartial findings or individual opinions?

Adjacent to the Old Brewery is a children's play park and an all weather flood-lit sports area, both of which are well used by local children and teenagers alike. Is it always possible to differentiate where noise levels are emanating from? Or are we to fear for the future of this play area as well?

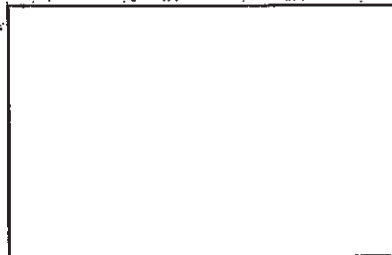
I think we can safely say that Ellacombe is not the most affluent area of Torbay, but this part of Ellacombe is rich in community spirit. At the heart of that community is The Old Brewery. To close these premises would leave a void in the lives of many local people, not to mention the loss of another employer and subsequent livelihoods.

On a more personal note, in my role as trustee of a local registered charity (DownSouth), I shall always feel a sense of gratitude towards the patrons of the Old Brewery. Over the years they have raised thousands of pounds to help local children with Down's Syndrome. At one fund raising event alone, enough money was raised to enable DownSouth to put Nimonai sets into many Torbay primary schools. These learning aids have proved to be of great assistance to all children with a learning disability in those schools.

For people with a disability, acceptance in society is an all important issue. My daughter Katie, was born with Duch's Syndrome and over the years she has not just been accepted, but totally embraced by both customers and staff alike at the Brewery. I would like to point out that any opinions I have expressed in this letter do not just stem from a sense of gratitude. I cannot stress enough the importance the 'Old Brewery' has to the local community here in Ellacombe. It means a lot of things to a lot of decent people and it is quite liberally more than 'just a pub'.

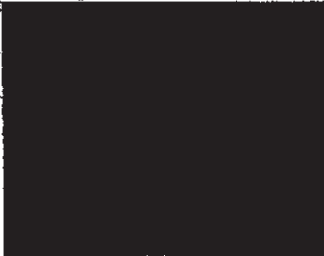
In conclusion, I would hope that during your decision making process, the feelings of the wider community are taken into account and the very negative impact closure of these premises would have on that community.

I would be most grateful if the opinions I have expressed in this letter are given fair and due consideration.



5120 160447

TORREY COUNCIL  
E.N. & D.F. DIVISION  
30 MAR 2011



Dear Sir Madam;

I have been going to the old brewery for over 20 yrs now and I am dismayed you are trying to close it down. It is a community pub used by all ages, from darts, pool, cards etc and it is used by many, as it is for charity work Flora fun etc.

I believe it gets blamed for any noise coming from playground the football park and recently a party if it closes there will be not much left in Ellacombe.



500 1300

TO: DISTRICT COLLECTOR	
FROM: DISTRICT DIVISION	
31 MAR 2011	
OFFICE	DATE



Dear Sir/Madam,

Local man not on facebook or any other (supposed) social network site seeks council to allow local public house to remain open as unlike "modern" persons normal people want interaction face to face with other local people to talk about community issues and meet new people and not hide behind curtains deciding the forewent of local peoples lives.

The Old Brewery

is a welcoming small tavern  
that is the 'cliché' of the  
community and would be  
sorely missed as another local  
pub will be defunct and  
expire when the McArthur  
building firm deem it viable  
to ~~commence renovation work~~  
into yet more flats.



TO: DAKOTA COUNCIL			
EMIL ROSE, DIVISION			
31 MAR 2011			
SEARCHED	INDEXED	SERIALIZED	FILED

Executive Head of Community Safety  
Torbay Council  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Dear Sir/Madam

**REF :- THE OLD BREWERY PUBLIC HOUSE.**

I am writing in support of the above named public house, I have lived in Ellacombe for over 33 years and have been a regular at the Old Brewery since I turned 18 years old, I have seen many owners come and go and many licence holders running the bar.

I am shocked that the council has decided to go down the route of reviewing the premises licence, especially as the Brewery is now not as busy as it used to be:

A couple of issues I would like to draw your attention to, firstly the pub is very rarely busy after about 9.30pm, so for neighbours and your selves to highlight noise late on; must be a rarity, secondly the correct licence holder has put up signs in the bar and on most internal doors and on the entrance/exit door, requesting the customers to adhere to the request of keeping noise down when exiting.

The point about loud music, is a strange one, as the Brewery does not have a juke box; it only has a lap top and TV's for the playing of music, whilst I know the laptop is connected to a speaker system I would strongly deny its played so loud that the neighbours can hear it "regularly" as it would be too loud for the patrons inside the bar.

Lastly I would say that the language and noise from the children (I use the term children loosely) playing in the park is more of the adult nature than what is used in the back garden, as well as the noise they create; but the little darlings do need to let off steam !!

Thank you for reading the letter.



ALC 160247

TOMBAY COUNCIL	
ELECTORAL	
- 1 APR 2011	



To whom it may concern,

Having lived and worked in Ellacombe for over 40 years my wife and I have seen many changes.... Some for the best and some not so.

Our local heart of the community The Old Brewery public house a possibility of closure... WHY ?

This very local public house is we believe to be one of the last remaining bastions, where others have tried and failed or could simply no longer keep up with the rents and demands of increasing brewery charges.

I saw The Old Brewery in its heyday opened in 1984 by Mr Steve Davis renowned world breaking snooker champion.

It has been through some ups and downs...diminished in size but believe you me it has not lost the valued heart of a community that stand by it and whoever might be lucky enough to have his or her name residing over the door as licensed proprietor.

We feel that Mr Sean Martin has done his utmost to participate in all aspects of abiding by and adhering to rules and regulations imposed on him and yet a campaign to oust him with such relentless vigour is a travesty.



Exec. Head of Community Safety  
Torbay Council  
Roebuck House  
Abbey Road  
Torquay



5<sup>th</sup>. April 2011

RE: The Old Brewery, Ellacombe

To whom this may concern,

I am writing you to in relation to the allegations concerning the aforementioned Public House.  
Since moving to Ellacombe in 2001 I have been to The Old Brewery on numerous occasions.

1. My wife, friends and I often go for a sociable evening.
2. When I have family visiting the Bay we frequent the premises.
3. In the past I have played football for the Pub.
4. I have attended many functions, Wedding parties funerals, Birthdays yet to name a few.
5. As I get older I use the premises as a meeting place for my older friends who are uncomfortable in going into town, due to the violence and noise.

In every single occasion I have entered these premises I have always been made to feel welcome, the noise in not excessive and the behaviour of the customers may be boisterous but never to a level where me, friend or family have never felt intimidated, not like the town centre of other town pubs I do not care to mention.

The area around the Pub has always been an open area with children running, laughing, (in an area especially built), playing football, (in a park especially built to suit) dogs barking (in the area especially allowed to suit)! Has

My point is that Ellacombe is a thriving community with hundreds of families living and growing all around and the amount of actual complaints of the whole percentage of the local population is minimal. The Pub has raised many Thousands of Pounds for local charities, has been a much needed hub for local people and most of all a meeting place for us locals to keep the community together.

So much for the Big Society, many more Public houses in the Bay could learn from the brewery's community spirit and again bring local areas together again.

Please listen to comments from the public who actually use this public house and benefit greatly from it, as adults, you are taking away our swing park!

Yours Faithfully,





*Executive Head of Community Safety  
Torbay Council  
Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ*

*5<sup>th</sup> April 11*

*Ref The Old Brewery Inn  
Lower Ellacombe Church Road  
Torquay*

*- 7 APR 2011*

*I write with reference to the above stated Public House.*

*I have been a patron of this pub for almost 20 years and would be very sad to see its closure. I also lived in Swaynes Mews for 7 years, which is adjacent to the pub and never had any cause to complain about the pub or any of its patrons.*

*It has always been a community family friendly establishment and continues to be so. I am aware that there has been complaint(s) regarding noise from the establishment and requests for certain conditions to be maintained and adhered to. As a patron I have seen lots of changes over the past few months including increased security measures as well as substantial building improvements internally at huge costs to the proprietor. I also understand that these are ongoing measures and by no means conclusive.*

*The pub is a lifeline for patrons old and young who choose to spend social time among friends rather than having to go into town. It is also parallel to Brewery Park that has a play park, dog park, basketball park that are all in use well into summer evenings by various age groups depending on the sport being played.*

*There are always social costs in terms of noise when you have parks, public houses and general public places. However as a resident of Ellacombe myself and many others fully support what the proprietor is trying to achieve, take pride in where we live and are all happy to work in conjunction with Police and Torbay Council to ensure that our community Public House can remain.*



7 APR 2000



To whom it may concern,

We have lived in the Hillacombe area of Torquay for the past thirty odd years, of which, nearly 20 of those years one of us has been disabled, during this time we have been regular patrons of the Old Brewery pub. It has been and still is a very important part of our local community. Over the years it has been a mainstay in supporting local projects and people, from helping charities to holding firework events, Christmas, Easter and birthday parties, plus as many barbecues as could be fitted in depending on the weather. Therefore it would be a sad loss to the local area should the pub be forced to close its doors. We have two young grandchildren who use the brewery park, but only because we know that should anything go amiss they can go to the pub and be sure there will be someone to phone home and let us know if they are hurt or need our help, during the long period last year that the pub was forced to close, we found it hard on the local kids and parents/carers trying to balance home/work and the want of the children to play in safety. We are sure you will appreciate the Old Brewery is a very important part of our area with, we might add nothing to replace it within this area, if or when it should close. We would be grateful if we could be given the opportunity to offer representation for our local pub The Old Brewery when the time comes.



1 APR 21 11

To whom it may concern

I am writing in Ref. to the  
Old Brewery, Torquay Review.

I have worked at the Pub on  
several occasions and visited the  
Pub as a customer. As a licensee

I can not fault the way the pub  
runs. Mr Martin has strict policies,  
i.e. checking noise levels outside every  
1/2 hour, checking Toilets for drugs,  
Asking for I.D.

The only times I can say the  
noise levels were unacceptable has  
not been from the pub but from  
the Park, where youths have been  
Playing football, shouting and using  
Foul language.

The only Problem I See with the Old Brewery is it has too shut at 11 o'clock which I agree with the Customers is too early as all other Pubs around shut at 12 o'clock. This also causes people to drink more in a shorter time and could cause noise when they all leave at 11.

I have talked and listened to customers at the Pub, this is a locals Pub where they all look after each other when ill or in need of help. Some of these locals would have no-one to turn too or anywhere to go if it was not for this Pub. They all want this pub too stay open and I agree as coming from Paignton they have made me and others feel very welcome.



SRU 160247

Executive Head of Community Safety,  
Torbay Council,  
Roebuck House,  
Abbey Road,  
Torquay  
TQ2 5EJ

13 APR

April 4<sup>th</sup> 2011

RE The Old Brewery Public House

I am writing to support the campaign to keep the Old Brewery pub OPEN. It is a great community meeting place, it is supported by many many local residents who live within a mile or less of the premises, most of which are in the 40-60 age range with careers, trades and businesses to run.

There are no 'unsavory' characters, drug dealers or the like that frequent there, it is a very safe pub, in fact one of the only places in Torquay that I, as a 43 year old woman can go into by myself and meet with other female and male friends in a non threatening way, without the drunken youths causing mayhem.

All the locals know each other and we look out for our community, and respect our area and the residents within it. We all live around the Brewery Park area, lots of our children play in that park or we walk our dogs there and we know most of the people who live alongside the Park and the pub.

To say that the Old Brewery is a nuisance for noise is an OUTRAGE. We are well behaved adults who live in a small residential area and have a COMMUNITY that looks after each other. We need a place to socialize and meet each other in our area. It is not the only community area in Torquay with a pub in a residential area. There are many around. There is 'The Kents' a very populated area opposite and church, 'The Prince of Orange' in Barton, 'Alibi', 'The Union' and 'The Fortune of War' in Plainmoor (which has the added risks of Torquay United Football fans)'The John Bull' in forest road and not forgetting ones in Chelston and surrounding area 'The Haywain' etc. In fact if you looked all around Torquay, Paignton, Kingskerswell, and surrounding areas there are vast amounts of small community local public houses that serve their local residents.

If you close 'The Old Brewery' then I say you have a case to shut all these small local community pubs. How welcome would that policy become?

All the locals support our area, we want it to be a pleasant place to live with a good community feel. Why would we want to risk shutting our local pub by unsociable behavior or noise? In fact I refute that there is a noise issue with the pub. Most of the trade is weekend afternoons and very early evenings in the week. In fact with the doors closed and patrons inside you would never even know it was a public house it is that dull and quiet. If you walked through Brewery Park on a Saturday afternoon you wouldn't even know there was a pub there as the noise of the children playing outside and people using their own back gardens would be the prominent thing you heard first.

In fact I would argue with your so called evidence from local residents. The landlord does in fact track the noise levels with his sophisticated monitoring equipment. Did the council do such tests? Were they at different times in the day and different days of the week and at times such as closing on a Saturday evening different months of the year with different weather conditions? I think not.

How many different residents complained? Was there a cross section of households from different areas around the public house venue area that complained different age ranges of householders perhaps? I think not! Is there any social reason for closing the pub? Do the police object? No I think not, in fact the Community Children's Officer maintains that there is never any trouble with the kids in the Park as the adults that are in the pub keep the children in order and PREVENT trouble. Is there an issue with rowdy fighting outside the pub. No! Is it a haven for underage drinking. NO! I would argue that you would find it extremely difficult to find one reasonable public house or community order law that was being crossed at this public house.

The Old Brewery Inn is well run, the patrons live in the area and use it as a community focal point, the women feel safe and secure there and its like one big family, something that lacks in the many areas of our lives. Is this what the new Government White paper is proposing> Stronger Communities? If you closed this pub down it would be a CRIME! Try visiting it yourself and see for yourself what a well run happy place it is to socialize in.

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Sean Martin

Ref the Old Brewery Public House

To The Executive Head of Community Safety

WITHOUT PREJUDICE

I am the DPS for the Premises currently under review and would like to bring to your attention the level and effort of work that has and is ongoing.

The pub has had a difficult few years with the onset of the recession; this has greatly affected the regular local trade for us as obviously a lot of our patrons have had little or no work for some time.

This however has not stopped extensive refurbishments to improve the appearance, decor and atmosphere of the pub. We have over the last year modernised, updated and implemented procedures; replaced existing fixtures & fittings that Licensing's enforcement officers advised could do with changing, implemented procedures suggested by them (even though, due to minimal staffing we don't require said procedures) and at every turn have liaised with the department whenever we were not sure about an interpretation of an ACT be it Licensing, Health & Safety etc.

I and my staff have on a regular basis liaised with locals and neighbours and have always had an open policy of **"if there is a problem, please let us know so we can deal with it"** so far to date we only know of 2 complaints, one we unfortunately have little control over as there is a very large play park situated between us and his property so general noise is always going to be a problem, this park is very active and well lit, in fact there was a 2 week period earlier this month where the lights were left on permanently 24hrs a day, this obviously greatly added to the noise in the general area. We have however introduced a lobby door system which is currently having new custom doors made to provide a sound break between the pub's front door and the outside world. This is being done by CJK Joinery Ltd. I have also put up posters requesting customers to be aware of their noise levels when outside in the patio area or having a smoke; part of this method of control also includes closing the patio and not allowing drinks outside after a predetermined time, we've even tried putting a smoking ban in place 15mins before closing time; this however has been very difficult to enforce as it is an infringement on a person's rights! The second complainant, unfortunately we have no idea who they are, their location and unfortunately when speaking to relevant people at the Council I have been stone walled by the Data Protection act every time! So have not been able to action anything to deal with that matter.

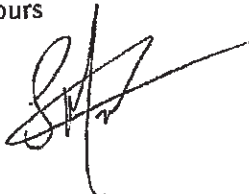
Since we have re-opened in December Me and staffs have to every half hour from 7pm do a manager's check; this involves ensuring no one is outside in the patio area, drinking outside, and check for any sound breakout. This action is then noted in the daily incident book along with any observation of third party noise elsewhere in the general area. These books are available at anytime up request. We have installed CCTV camera that permanently watches the front door & outside area so allows us to monitor the smokers and any other activity at a glance. The screen is clearly visible to

the patrons and has been an effective tool in dealing with problems; however education is a slow process and but is working.

This brings me onto our biggest, smokers. The bottom line here is trying to avoid infringing a person's rights. I have invited EHO to the site but unfortunately every suggestion I put forward was rejected and the suggestion that the EHO offered "Shut the Pub" isn't on my list of suitable solutions. I will point out that myself and the EHO didn't not see eye to eye and have since not had any really constructive talks. I am currently investigating solutions with CJK Joinery Ltd on how we can contain and reduce noise in a designated smoking area, this is ongoing and we will obviously contact EHO with our solution.

I would like to say in support of the pub, that this place is the centre of the community and would be a great loss to the area. Majority of my patron live within eyesight of the pub, and I feel that the committee should adopt the attitude of "what the majority wants". I am happy to work with all relevant authorities as born out in our application for a new license last year, I was even happy with the suggested condition that the EHO asked for. This pub is well run and has gone from strength to strength, it is not the dark back street boozier it used to be but a family welcoming, bright open plan pub now, and I would invited any of the committee and officers to come and visit to see for yourselves the big improvements we have made over the past 12 months. Majority of my patron are fully compliant with our rules the few that aren't are made aware of them and only given one chance or we suggest they choose another pub to drink in.

Yours



Sean Martin  
DPS – The Old Brewery



Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
Helen Brooke	149, Ellacombe Church Rd, Torquay.	Please don't close our pub.	D
Paul ZAPLE	89 GRANGE ROAD TORQUAY	A COMMUNITY PUB LEAVE IT ALONE!!	
EDWIN SMITH	5 SPRINGDALE GARDENS DIDSBOURY MANCHESTER	WHY WOULD YOU DO THIS THIS PART OF TOWN NEEDS A GOOD COMMUNITY PUB	F
E. HAPGIR	48 Ellacombe Church Rd.	Been drinking here 4 20 years	
	5 Ellacombe Church Road		
M MELLISH	28 ALEXANDER RD	DRUNK HERE SINCE 1981. DISGRACE	
JACKY JOHNSON EDDY -	17, MAWKINS AVE CHALSTON TQY	DRANK HERE SINCE 1982, GOOD OLD LOCAL PUB	
TREARE	42 ELLACOMBE ROAD TRISTAT	Local Pub	C
L THORP	16 EMPIRE RD TORQUAY	I LIKE IT HERE ONLY COME OCCASIONALLY	
D. BRITAIN	16, EMPIRE RD TQY	A FRIENDLY COMMUNITY PUB WITH A GREAT WELCOME	
P. STACEY	26 EGERTON ROAD TQY	LIVED HERE FOR 85 YRS AND NO PROBLEM WITH NOISE ITS A LOCAL PUB & SILENT	
C. TUDOR	21 TQ1 1JA	BUS ENJOYED BY LOCAL RESIDENTS	4
P. EDDY	17, TQ2 6ER	FRIENDLY, <u>SAFE</u> PUB.	
J. JOHNSON-EDDY	— " —	— " —	J
D. BEATTIE	50 EGERTON RD.	A Good friendly pub with everyone who knows each other. S	
R. MALONE	7 NETHERLEIGH.	11	
N. RAYSON	21 TQ1 1JU	A COMMUNITY PUB, THAT WELCOMES ALL & SH.	
W. UGLOL	The Pier Inn 59, ROUNDHAM RD.	As a licensee I enjoy coming here as it is a well Run local Pub.	U

Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
CJ Uglow	59 Roundham RD	Nice friendly local pub where everyone is made to feel welcome.	
GEORGE JONES	4, LOWER ELLACOMBE CHURCH RD TORQUAY	I LIVE 2 DOORS AND I DONT HEAR ANY NOISE	
CHARIS BAKER	8 RONCEVAL HIGHER ERITH RD TORQUAY	FRIENDLY PUB	
SAM BAKER	49 CARLTON RD TORQUAY	I FEEL SAFE IN MY LOCAL GOOD FOR LOCAL PEOPLE	
MARK WHITTINGTON	148 RONCEVAL HIGHER ERITH RD TORQUAY	NICE FRIENDLY PUB NO TROUBLES	
NICK ANDERSON	58 ELLACOMBE RD TORQUAY.	YOU'LL NEVER MEET BETTER FRIENDS ANYWHERE	
STEVE ANDERSON	" " "	GREAT PEOPLE, GREAT FRIENDS.	
J. BRAD.	20. Rm Rm	KEEP IT OLD	
J McKeilop	KENTS BANK ILSHAM DRIVE	GOOD FOR LOCAL PEOPLE	
F. Foster	ELLACOMBE	GOOD PUB.	
Kidney ds Above		local pub community	
M. McLeod	0-111 DROPPING	Good pub v. friendly	
Shairst Lester	6 Haslam Rd. Tor	Use regular family friends	
SCOTT ROSSON	49 CARLTON ROAD TORQUAY	NO TROUBLE VERY GOOD LOCAL PUB.	
Jandra Walmsley	26 Berea Rd. TQ1 1JP	Nice Local Been Drinking Here Since 1985	
Lois EVANS	17 PILLAR CLOSE Brixham	Come here to See Parents Lovely Pub	
JAMES WALMSLEY	26 BEREA ROAD. TQ1 1JP	HUB OF A FRIENDLY COMMUNITY. MORE THAN JUST A PUB.	
S.G. SMITH	9 Riverview CWT 1JA	Nice Local	

Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
Adam Cheshire	20 Forest Barton Torquay	Best Pub in the Bay	
Elliott Gowans	4 Milton Drive	Great local Pub	
COLIN STACEY	26 EGERTON RD.	LOCAL PUB	
SANDY REED	11 VICTORIA ROAD	GREAT LOCAL	
TIM COX	11 VICTORIA ROAD	Best PUB in the AREA	
Georgie RUSA Ford	3 DENYS ROAD	MORE NOISE FROM THE FOOTBALL PITCH	
P-L Coombe	36 PARKFIELD RD	GREAT PUB	
SEAN NUGENT	8. ORCHARD RD	COME ALL THE WAY FROM HERE TO HAVE A NICE TIME	
JAMES HEARD	16 Chadwell Road	good for the community	
Jay Cartwright	3 CARY PARK ROAD	Great pub good foodie	
Ian Gidman	23 Hele RD	one of the best boozers in torquay	
Ian Gidman	23 Hele RD	Been coming for years, be lost without	
Debbie Gidman	23 Hele Road	I love this pub, all the time I've been here I've seen no trouble	
P. Wiffels	Wilton Hill	Great cider and people	
P. Scarborough	Braeside	Damgers love it here.	
Chawley	Braeside	I met my man in here.	
Queenwood	Plainmoor	In it 2win it!	
S. S. S.	25 chapel Court	Great wee Pub never any better!	

Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
VICCI MORIN	71 PRINCES Rd. ELLACOMBE.	OUR LOCAL.	
Joe Boyle	9 QUEEN ST	OUR LOCAL	
Richard Hammond	23 EGERTON RD	I DON'T USE THE PUB BUT I LIVE LOCALLY AND I HAVE NEVER HAD A PROBLEM WITH THE PUB	
DARRENT JACKIE STEVENSON	25 EGERTON ROAD TORQUAY	ME AND MY WIFE HAVE USED THE PUB FOR MANY YEARS AND HAVE NEVER BEEN OR HEARD A PROBLEM.	
HINDIA CASSIDY	44 PRINCES Rd WEST	Member of local DART TEAM FOR 20 YEARS Read PDB for 27 YEARS IT'S OUR	
Sue Keates Tammie + Lee	1. Berea Rd TORQUAY	Having lived in this area for 30 years I've never had any complaints Also member of darts club	
PASCARE	97. Grange Rd.	This is a local pub that has been involved with lots of charity work for years. Most of the people	
KYATES	106, ELLACOMBE Church RD.	I JUST LIKE EVERYONE?	
CATHY ROSTERS	72. VICTORIA RD	This pub has superb food and reasonable prices for local people. There has been a lot of money raised for charity here.	
ANNE ADY DARBY	91 CHURCHWOOD COURT ELLACOMBE.	This is a local community Pub for local people who enjoy meeting here.	
Sean Chapman	119 Windsor RD	This is a local pub with a friendly atmosphere and it's a part of the community.	
Karla Chene Chapman.	119 Windsor RD	Our local family friendly safe pub would be a great loss.	
Lorraine Melrose	20 Southfield Rd Torquay	Good family pub. Be ashamed to close it down!	
TO PASK	5, BEREA ROAD. TORQUAY TORQUAY	This is my local pub it's a lovely meeting place & friendly people.	
P. CORNILL	27 LENOX RD TORQUAY	NEVER SAY A WORD! NEVER FOR LOCAL PEOPLE!	

Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
Joe Rushford	3 Denys Road	Live 2 seconds away never heard any noise ever	
Lee Masters	43 LINDISFARNE WAY WILLOWS, TORQUAY	A good part of the community, always a welcoming and friendly atmosphere	
J. pierce	3 Bronshill road.	good pub little near by	
John Masters	43 LINDISFARNE WAY WILLOWS, TORQUAY	Been coming here 20 years, Never no trouble	
Rob pierce	3 Bronshill mews	I work for the council have come here with my son friendly family atmosphere.	
P. WILLIAMS	FLAT 30 LUGGER LOWER WARBERNY TQ.	GOOD Local PUB. well Run.	
J. Ricketts	19, Waddington Rd. TQ1 3BA	AS AN LSA AT ELLACOMBE SCHOOL I CAN ONLY SAY THAT NOT ONLY AM I A PATRON OF THE BREWERY BUT THE WHOLE PUB COMMUNITY LOOKS AFTER THE YOUTH IN THIS AREA	
M. Georgiou	57 Kenwyn rd	Great pub for a great community. never no trouble	11
M. M. Sheel	179 TQ1 1 LW	Don't see the problem in this pub been coming 40 odd years never no	
Jim R. H. H. H.	179 ELLACOMBE CLUNCE ROAD TQ	BEEN GOING TO Brewery 25 yrs Never any trouble	
J. MACKIE	1 BEREA RD ELLACOMBE TQ1 1SP.	i live 100 yds from this pub & been a regular for 25 years & never a problem	
N Rudge	18 QUINT ROAD TORQUAY TQ1 3RN	Been 10 is the life of Elcombe.	
J. Gigg	15 Princes Road west Torquay	moral of the story don't live next door to a pub	
L Gigg	15 Princes Rd west Torquay.	local pub, good atmosphere no noise, where's the trouble?	
J. Saunders	35 Stanbury Rd Torquay	Great place where i meet my friends & brother lives near by	
S. MARINO	41 YEW CLOSE BRIXHAM	GREAT ATMOSPHERE, GOOD PLACE TO GO FOR A DRINK	
P. Green	71 Princes Rd. The HOOD.	ELLACOMBE MASSIF!	

Support "The Brewery Pub" or lose this vital community establishment

NAME	ADDRESS	COMMENT	SIGNATURE
Michelle Wray	54b Princess Rd.	one of two family pubs that locals need not many around.	
Billy Smith	83 PRINCES RD. ELLACOMBE	FAMILY LOCAL PUBS ARE NEEDED	
Graham Weir	30 EGERTON ROAD ELLACOMBE	I LIVE ACROSS THE ROAD AND I NEVER HEAR ANY NOISE.	
Rai Chapman	30 LOWER ELLACOMBE CHURCH RD	I HAVE LIVED IN THIS ROAD FOR 25 YEARS AND ENJOYED THIS PUB	
Nadine Chapman	30 LWR ELLACOMBE CHURCH RD	THIS PUB - MUST NOT SHUT. IT GIVES SO MUCH COMMUNITY PLEASURE 2 YOU	
Davy John	92 WARREN RD. TORQUAY, TQ2 5TK	HOW ARE YOU TRYING TO SEND EVERYONE TO OTHER PUBS - NO ATMOSPHERE BUT PERHAPS FRIENDS IN LOCAL COUNCILS?	
F. Bradley	21 FLORIDA RD TQ1 1JY	GREAT FAMILY PUB NO TROUBLE	
M. Stewart	1 PRINCES RD WEST ELLACOMBE	ITS A GOOD FAMILY PUB	
J. Smith	46 KENNYN RD ELLACOMBE	FULL OF THE "BIG SOCIETY"	
S. Raddon	29 BEREA RD ELLACOMBE	NO TROUBLE, FAMILY FRIENDLY, HEART OF COMMUNITY	
Jeff Robson	49 CARLTON RD TORQUAY	GOOD PUB NO TROUBLE ADULTS LOOK AFTER KIDS IN PARK ECT	
Rose Hassad	38 BEREA ROAD TORQUAY	I HAVE BEEN COMING HERE FOR 30 YEARS	
Brian Butler	38 Berea Rd. TORQUAY		
Carl Napier	16 EGERTON RD.	HOW CAN U TELL KIDS TO STOP PLAYING FOOTBALL IN THE PARK AT 10.00.PM. WHEN THERES FOOTLIGHTS IN THE PARK THATS WHERE THE NOISE IS.	
Carl Halliday	43 PRINCES RD EAST	TELL THE COUNCIL TO COME AND SEE WHAT THIS PUB MEANS TO THIS AREA	



Briefing Report No: **99/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Hooks Bar & Grill, 43 Torwood Street, Torquay, Devon, TQ1 1DY**

Wards Affected: **Wellswood**

To: **Licensing Sub- Committee** On: **19 May 2011**

Contact Officer: **Karl Martin**

☎ Telephone: **01803 208029**

✉ E.mail: **Licensing@torbay.gov.uk**

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## 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 Objective “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance” and “Public Safety”.
- 1.5 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. Having regard to the Representation, 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 add the following licensable activities to the existing Licence:-

Live music, Performance of Dance and Facilities for making music Sunday to Thursday from 10:00 pm to Midnight and Friday and Saturday from 10:00 am to 02:00 am.

To extend existing licensable activities as follows:-

The existing Licence Condition for the supply of alcohol for consumption on and off the premises is from 10:00 am till midnight Monday to Sunday. This Applicant is seeking to vary the supply of Alcohol till 2:00 am Friday and Saturday only.

The existing Licensing Condition for Late Night Refreshment is from 23:00 pm till midnight from Monday to Sunday. The Applicant is seeking to vary Late Night Refreshment till 02:30 pm for Friday and Saturday only.

The existing opening hours of the premises is from 10:00 am till 00:30 am from Monday till Sunday. The Applicant is seeking to vary opening hours till 02:30 Friday and Saturday only.

The existing Licence Condition for Exhibition of films (indoors) is from 6:00 pm till Midnight. The Applicant is seeking to vary Exhibition of films until 02:00 am on Friday and Saturday only.

Playing of Recorded Music (indoors) and Provision of Facilities for Dancing (indoors) is currently from 10:00 am till midnight from Monday till Midnight. The applicant is seeking to vary these activities until 02:00 am Friday and Saturday only.

- 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 relevant Representations have been received from Interested Parties. The Licensing Authority is also satisfied that Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

The licensing Authority has received a representation from Community Safety in relation to The Prevention of Public Nuisance. This is shown in a Appendix 3.

The Licensing Authority has received 1 Representation from an Interested Party in relation to the Licensing Objectives "The Prevention of Crime and Disorder", "The Prevention of Public Nuisance" and "Public Safety". These are shown as Appendix 4.



There have been no additional Representations received from any other Responsible Authority or any other 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 parts of the application form
Appendix 2	Copy of the current Premises Licence
Appendix 3	Copy of the Representation from Community Safety
Appendix 4	Copy of a Representation from Interested Party

### **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-.

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Licensing Act 2003  
Premises Licence

775

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

**Tiger Bills**

43 Torwood Street, Torquay, Devon, TQ1 1DZ.

Telephone 01803 203203

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- any playing of recorded music
- entertainment facilities for dancing
- 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
B. Exhibition of films (Indoors)	Monday to Sunday On New Year's Eve: from 24.00 hours on New Year's Eve to 18.00 hours on New Year's Day.	6:00pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday On New Year's Eve: from 24.00 hours on New Year's Eve to 18.00 hours on New Year's Day.	10:00am	Midnight
J. Provision of facilities for dancing (Indoors)	Monday to Sunday On New Year's Eve: from 24.00 hours on New Year's Eve to 18.00 hours on New Year's Day.	10:00am	Midnight
L. Late night refreshment (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On New Year's Eve from 24.00 hours on New Year's Eve to 10.00 hours on New Year's Day.	10:00am	Midnight



Licensing Act 2003  
**Premises Licence**

**775**

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	10:00am	12:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

**WHERE THE LICENCE AUTHORISES 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**

Lifestyle Venues Ltd  
sharon@lifestylevenuesuk.com

Clarence House, 47 The Terrace, Torquay, Devon, TQ1 1DE.  
Telephone 01803 294880

**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 AUTHORISES THE SUPPLY OF ALCOHOL**

Clare Louise GREENSMITH

9 Shearwater Drive, The Willows, Torquay, Devon, TQ2 7TL.

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

Licence No. PA0545

Issued by Torbay



Steve Cox  
Environmental Health Manager (Commercial)  
24 December 2010



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.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
    - (2) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
      - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
      - (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;
      - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
        - (i) the outcome of a race, competition or other event or process, or
        - (ii) the likelihood of anything occurring or not occurring;
      - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
    - (2) 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 a holographic mark.



ANNEXES continued

7). 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
- (ii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

2) Where -

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**General**

1. CCTV must be installed on the premises to include a recording monitor behind the bar servery. Such CCTV system must be maintained and used throughout licensing hours. Recordings must be kept for a minimum of 31 days during which time they shall be available to a police officer at any reasonable time.

**The Prevention of Crime and Disorder**

None

**Public Safety**

- 1. The maximum permitted capacity for the lower ground floor area shall be 60 persons.
- 2. Adequate emergency and fire exit lighting must be installed to British Standard Specifications.

**The Prevention of Public Nuisance**

- 1. The solid construction of the premises and the fact that music and dancing shall be provided in the lower ground floor shall minimise levels of disturbance to passers by and local residents.
- 2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the management.



**ANNEXES continued**

**The Protection of Children From Harm**

1. A Challenge 21 policy shall be in force whereby any customer who does not look over 21 is asked for proof of age.
2. All staff shall be trained in this policy (including acceptable forms of proof of age).

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Crime and Disorder**

1. Facilities for dancing, when provided in the lower ground floor area, shall be for the benefit of diners and persons attending pre-booked functions, with or without meals, at the premises.

**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are;
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Doors and windows shall be kept shut during entertainment to reduce noise break out. A management scheme shall be in place to ensure this situation remains.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.



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**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 Lifestyle Venues Ltd  
*(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**

<b>Premises licence number</b> 775
---------------------------------------

**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Hooks 43 Torwood Street Torquay			
<b>Post town</b>	Torquay	<b>Post code</b>	TQ1 1DY

Telephone number at premises (if any)	01803 203203
Non-domestic rateable value of premises	£19750

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	01803 201197		
<b>E-mail address (optional)</b>	sharon@thelifestylegroup.co.uk		
<b>Current postal address if different from premises address</b>	Clarence House 47 The Terrace Torquay		
<b>Post Town</b>	Torquay	<b>Postcode</b>	TQ1 1DE

**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)**

To extend opening hours on Friday's and Saturday's as follows

To extend the hours for Exhibition of Films, Playing of Recorded Music, Provision of Facilities for Dancing and The sale of retail of alcohol for consumption on and off the premises:

Friday and Saturday 10.00 hours - 02.00 hours

To extend late Night Refreshment:

Friday and Saturdays 23.00 hours - 02.30 hours

To extend Open Hours

Friday and Saturday 10.00 hours - 02.30 hours

To add Performance of live music, Performance of Dance and Facilities for Making Music:

Sunday to Thursday 10.00 hours to Midnight

Friday and Saturday 10.00hours to 02.00 hours

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)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

##### Provision of entertainment facilities:

- |  |                                     |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I)  | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/>            |

##### 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

**B**

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.00	24:00			
Tue	10.00	24.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Wed	10.00	24.00			
Thur	10.00	24.00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	24.00			

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00			
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	10.00	24.00			
Fri	10.00	02.00			
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours.		
Sat	10.00	02.00			
			On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sun	10.00	24.00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	10.00	24.00			
Fri	10.00	02.00	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours.		
Sat	10.00	02.00	On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sun	10.00	24.00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	24.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	24.00			
Wed	10.00	24.00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	10.00	24.00			
Fri	10.00	02.00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	10.00	02.00			
Sun	10.00	24.00			

I

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>  		
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Both</u></b> <input type="checkbox"/>		
Mon	10.00	24.00	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	10.00	24.00			
Wed	10.00	24.00	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	10.00	24.00			
Fri	10.00	02.00	<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	10.00	02.00			
Sun	10.00	24.00			



**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>		
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00	<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	10.00	24.00			
Fri	10.00	02.00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	10.00	02.00			
Sun	10.00	24.00			

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			
Mon	23.00	00.00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	23.00	00.00			
Fri	23.00	02.30	<b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	23.00	02.30			
Sun	23.00	00.00			

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	23.00	00.30			
Tue	23.00	00.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Wed	23.00	00.30			
Thur	23.00	00.30	<b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Fri	23.00	02.30			
Sat	23.00	02.30			
Sun	23.00	00.30			

*Replac  
23/3/11*

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.  <b><u>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</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Mon	10.00	24.00			
Tue	10.00	24.00			
Wed	10.00	24.00			
Thur	10.00	24.00			
Fri	10.00	02.00			
Sat	10.00	02.00			
Sun	10.00	24.00			

**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)**

None

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.
Day	Start	Finish	
Mon	10.00	00.30	
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	00.30	
Fri	10.00	02.30	<b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.
Sat	10.00	02.30	
Sun	10.00	00.30	

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  
 On New Year's Eve: from 24.00 hours on New Year's Eve to 18.00 hours on New Year's Day.  
 On New Year's Eve: from 24.00 hours on New Years Eve to 10.00 hours on New Year's Day.

**Annexe 2**

1 CCTV must be installed on the premises to include a recording monitor behind the bar servery. Such CCTV system must be maintained and used throughout licensing hours. Recordings must be kept for a minimum of 31 Days during which time they shall be available to a police officer at any reasonable time.

**Annexe 3, The prevention of Crime and Disorder**

Facilities for dancing, when provided in the lower ground floor area, shall be for the benefit of diners and persons attending pre-booked functions, with or without meals, at the premises.

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  
Licence is already with Torbay Council at Roebuck House.

**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)**

CCTV must be installed on the premises to include a recording monitor behind the bar servery. Such CCTV system must be maintained and used throughout licensing hours. Recordings must be kept for a minimum of 14 days during which time they shall be available to a police officer at any reasonable time.  
There shall be no entry/re-entry to the premises after 01.00 hours.

**b) The prevention of crime and disorder**

On every operational day when door supervision is required then those SIA door supervisors employed in front of house duties shall wear high visibility reflective clothing (jackets/T-shirts) for the entirety of their duty.  
All drinks shall be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after 23.00 hours.  
Food will be available throughout the opening hours.  
On Friday's and Saturday's the facilities for dancing, when provided in the lower group floor area, shall be limited to pre booked functions and planned specialist events subject to prior agreement with the Police Authority.

**c) Public safety**

On any Friday and Saturday night that the premises remain open for sale of alcohol and then closes 0030hrs, SIA door supervisors shall be employed on the premises from 22.00hrs until close at a ratio of 1 Supervisor per 100 customers. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Friday or Saturday) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.  
The premises shall join the Night Net Radio system.

**d) The prevention of public nuisance**

**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	<i>S. Royle</i>
Date	14/3/11
Capacity	PA TO THE DIRECTORS

**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	
Date	
Capacity	



<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>			
Sharon Rodger Lifestyle Enterprises (UK) Ltd Clarence House 47 The Terrace			
<b>Post town</b>	Torquay	<b>Post code</b>	TQ1 1DE
<b>Telephone number (if any)</b>	01803 201197		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.

11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# Memorandum

<b>To:</b> Licensing	<b>From</b> :	Community Safety
c.c	<b>Contact</b> :	Mr Gareth Fudge
c.c.	<b>Ext</b> :	01803 208010
c.c	<b>My Ref</b> :	1ZV SRU No: 160381/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref</b> :	
	<b>Date</b> :	17 March 2011

**Subject: Premises– Licensing Act 2003**

**Premises Name & Address: Hooks Bar & Grill, , 43 Torwood Street, Torquay, Devon, TQ1 1DY**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

The above premises has residential accommodation opposite it, I am concerned that the playing of live music and the playing of amplified music may disturb local residents. I would therefore recommend that the following conditions be attached to the licence to prevent public nuisance:-

“Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are:-

- i. Before 11pm – Noise emanating from the premises will not be clearly distinguishable above other noise.
- ii. After 11pm – Noise emanating from the premises will not be distinguishable above background levels of noise.
- iii. The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi’s and terraced properties), to make further assessments from within the residential property.”

"The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public"

Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

Doors and windows will be kept shut during entertainment. To reduce noise break out. A management scheme will be in place to ensure this situation remains. *(This may have negative effects on levels of ventilation and temperature.)*

Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly

An announcement will be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible.

Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.

An announcement will be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible.

A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/ entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.

**Mr Gareth Fudge**  
Senior Environmental Health Officer

-----Original Message-----

From: [REDACTED]  
Date: Sun, 3 Apr 2011 00:52:54  
To: <karen.ellicott@torbay.gcsx.gov.uk>  
Reply-To: [REDACTED]  
Cc: [REDACTED]  
Subject: Re: UNCLASSIFIED: RE: Licenses applications that can have representations made against them

Dear Karen,

I have been unable to determine what the changes are as the portal just lists a full licence. Although I have managed to seek some advice.

All three premises are in a saturation area, and on this basis two of these should be rejected out right, and conditions imposed on current licences.

The Saturation area is designed to stop further development of clubs, which attract more people that ultimately collectively break the licensing principles.

The area by queens quay / torwood street suffers from daily yobbish behaviour with peak nights resulting in many smokers standing outside premises, with as witnessed this saturday the actual premises being empty. This combined with the 100's people collecting around food establishments, spilling out on the road, the music from trents, park lane, mambo, apple and parrot drastically increases the noise making this mixed development area un habitable.

The police only keep peace dealing with violence and do not deal with drunk and disorderly behaviour, shouting, buskers, singing, excess noise from clubs etc.

This saturation area is out of control, and if torquay wants to grow and develop tough action is required to bring it back it into line, and within the law.

Please find below my objections to the below licence variations. Please acknowledge receipt and advise of hearing dates.

Hooks

The restaurant is an a saturation area, which is defined as an area of unacceptable level of breaches of the licensing objectives 1,2,3. Accommodation in the saturation area is being depressed in value due to the behaviours, noise, and crime.

- 1) Prevention of Crime and Disorder
- 2) Public Safety
- 3) Prevention of Public Nuisance

A clause should be added that no noise should emanate or to be audible from the street. A clause should be added that they have responsibility for any disorderly behaviour of patrons leaving the premises, therefore they should encourage appropriate use of transport, and respecting the neighbours, with a clear statement and sign age indicating on exits and outside in "smoking areas" - "residential area - please respect our neighbours being keeping any noise to the minimum", this should monitored by the owner.

On the basis its for private pre-booked parties and closure at midnight, I see this as a responsible licence, and would have no fundamental objection (bar the above conditions) in this being granted in the saturation area.

Best regards

A large black rectangular redaction box covering the signature area.



Briefing Report No: **100/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Coyote Café Bar, 3-5 Union Street, Torquay**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee** On: **19 May 2011**

Contact Officer: **Mandy Guy**  
Telephone: **01803 208124**  
E.mail: **Licensing@torbay.gov.uk**

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## 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 Objective “The Prevention of Public Nuisance”.
- 1.5 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. Having regard to the Representation, 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 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 increase the times for Films, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing, and the Supply of Alcohol both on and off the Premises. These activities are currently licensed from 1000 until midnight Sunday to Wednesday and from 1000 until 0100 Thursday to Saturday. The Variation requests these hours are extended to allow the activities to be licensed from 1000 until 0300 seven days a week. This is an extra 3 hours Sunday to Wednesday and an extra 2 hours Thursday to Saturday.

To increase the times for Late Night Refreshment from 2300 until 0300 7 days a week. The Premises is currently licensed for this activity from 2300 until midnight Sunday to Wednesday and from 2300 until 0100 Thursday to Saturday. This is an extra 3 hours Sunday to Wednesday and an extra 2 hours Thursday to Saturday.

To be open to the public from 0800 until 0330 7 days a week. The Premises is currently licensed to be open from 1000 until 0030 Sunday to Wednesday and from 1000 until 0130 Thursday to Saturday. This is an extra 5 hours Sunday to Wednesday and an extra 4 hours Thursday to Saturday.

- 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 relevant Representations have been received from a Responsible Authority. The Licensing Authority is also satisfied that the 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 Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". 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 rejected, 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 parts of the application form
Appendix 2	Copy of the current Premises Licence
Appendix 3	Copy of the Representation from Public Protection

### **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

[Insert name and address of relevant licensing authority and its reference number (optional)]

TORQUAY COUNCIL ENV. & C.F. DIVISION		
25 MAR 2011		
OFFICER	REPLY	FILE No
		DOC No

**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.

(1) ~~[[We]]~~ (2) Coyote Torbay Limited

- (1) Delete as applicable.  
 (2) Insert name(s) of applicant(s).

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

**Part 1 - Premises details**

Postal address of premises or, if none, ordnance survey map reference or description Coyote Cafe Bar 3-5 Union Street Torquay Devon. TQ1 1ES	
Post town Torquay	Post code TQ1 1ES

Telephone number at premises (if any)

Non-domestic rateable value of premises

**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?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If not do you want the variation to take effect from

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

1. To extend the opening hours so as to commence at 0800 and terminate at 0330, 7 nights a week, and extending to 0300 hours the licensable activities permitted under the licence.
2. To remove certain conditions which are no longer appropriate or relevant.
3. To attach conditions intended to ensure that the licensing objectives are not undermined.

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)   | <input type="checkbox"/>            |
| (b) films (if ticking yes, fill in box B)   | <input checked="" type="checkbox"/> |
| (c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/>            |
| (d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| (e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/>            |
| (f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| (g) performances of dance (if ticking yes, fill in box G)   | <input checked="" type="checkbox"/> |
| (h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

**Provision of entertainment facilities for:**

- |   |                                     |
|---|-------------------------------------|
| (i) making music (if ticking yes, fill in box I)  | <input checked="" type="checkbox"/> |
| (j) dancing (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |
| (k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input type="checkbox"/>            |

**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**

# A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	x
Day	Start	Finish		Outdoors	
				Both	
Mon	1000	0300	<b>Please give further details here</b> (please read guidance note 3) Screens showing general entertainment films which shows at various places within the premises.		
Tue	1000	0300			
Wed	1000	0300	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Thur	1000	0300			
Fri	1000	0300	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	1000	0300			
Sun	1000	0300			

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri			
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Tue					
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon					
Tue					
Wed			<b>State any seasonal variations for the performance of live music (please read guidance note 4)</b>		
Thur					
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	x
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300	<b>State any seasonal variations for the playing of recorded music (please read guidance note 4)</b> From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Thur	1000	0300			
Fri	1000	0300			
Sat	1000	0300	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun	1000	0300			

✓ G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	x
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300			
Wed	1000	0300	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Thur	1000	0300			
Fri	1000	0300	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	1000	0300			
Sun	1000	0300			

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
			<b>Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>		
			<b>Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300	<b>State any seasonal variations for the provision of facilities for making music</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Wed	1000	0300			
Thur	1000	0300	<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	1000	0300			
Sat	1000	0300			
Sun	1000	0300			

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>		
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	1000	0300			
Tue	1000	0300	<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Wed	1000	0300			
Thur	1000	0300	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	1000	0300			
Sat	1000	0300			
Sun	1000	0300			

# K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b>			<b>Please give a description of the type of entertainment facility you will be providing</b>		
Standard days and timings (please read guidance note 6)			<b>Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors <input type="checkbox"/>
Day	Start	Finish			Outdoors <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

# L

<b>Late night refreshment</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)</b>		Indoors <input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 6)					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon	2300	0300	Please give further details here (please read guidance note 3)		
Tue	2300	0300			
Wed	2300	0300	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	0300	From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.		
Fri	2300	0300	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)		
Sat	2300	0300			
Sun	2300	0300			

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box <input checked="" type="checkbox"/> ) (please read guidance note 7)		On the premises	
					Off the premises	
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.			
Mon	1000	0300				
Tue	1000	0300				
Wed	1000	0300				
Thur	1000	0300	<b>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</b> (please read guidance note 5)			
Fri	1000	0300				
Sat	1000	0300				
Sun	1000	0300				

**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)

None

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) From the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
Day	Start	Finish	
Mon	0800	0330	
Tue	0800	0330	
Wed	0800	0330	
Thur	0800	0330	
Fri	0800	0330	<b>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</b> ( please read guidance note 5)
Sat	0800	0330	
Sun	0800	0330	

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

1. Annexe 2 - Additional Conditions Transferred from the Licence. Condition 1 (duplication of CCTV)
2. Annexe 2 -General Condition 1 (no longer appropriate in the present ownership.)
3. Annexe 2 - The Prevention of Crime and Disorder. Conditions 2, 3, 5 (no longer appropriate/duplication)
4. Annexe 3 - Conditions attached after Hearing. The Prevention of Crime and Disorder. Condition 1(duplication), 2, 3 and 5(amended versions below)
5. Annexe 3 - Conditions Attached after Hearing. The Prevention of Crime and Disorder. Condition 5 shall be amended so as to read as follows:-
  5. There should be no entry or re-entry to the premises after 0200 hours.
6. Annexe 3 - Conditions Attached after Hearing. Public Safety. Condition 1 (amended version below)

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

4  
5  
6  
7

1. CCTV system of an evidential standard shall be installed to the satisfaction of the police, the system to be in operation at all times the premises are open to the public. All recordings from that system shall be kept for a period of 14 days and the police to have access to recordings at any reasonably time.

2. On every occasion that the premises sells alcohol after midnight and then closed after 12.30am, SIA door stewards shall be employed from 10.00pm until closing at a ratio of 1 door steward per 100 customers.

3. All drinks shall be served in toughened, strengthened, polycarbonate or plastic glasses, and no alcohol to be served in glass bottles from which it is intended or likely that a person shall drink after 10.00pm daily.

4. All door stewards employed on front of house duties, shall at all times wear a reflective/high visibility jacket.

CONT/ PLEASE SEE ATTACHED SHEET

(c) Public safety

(d) The prevention of public nuisance

(e) The protection of children from harm

- 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


<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

**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

  
C.S. ROBERTSON, KITSONS LLP

Date

24/03/2011

Capacity

Solicitor on behalf of the Applicant.

**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

Date

Capacity

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Mr R.D. Newman  
Kitsons LLP  
Minerva House, Orchard Way  
Edginswell Park, Torquay. TQ2 7FA

Post town Torquay

Post code TQ2 7FA

Telephone number (if any) 01803 202020

If you would prefer us to correspond with you by e-mail your e-mail address (optional)  
rob.newman@kitsons-solicitors.co.uk

**Notes for Guidance**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

## CONTINUATION OF VARIATION APPLICATION

### COYOTES TORBAY LIMITED

Premises Licence Number: PL590

#### Section P

#### (b) The Prevention of Crime and Disorder

- 8 5. 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 two meetings per calendar year.
- 9 6. On all days that the premises remain open until 3.30 am, from 10.00 pm onwards, the DPS or a Personal Licence Holder shall be on duty at the premises.
- 10 7. Food shall be available from opening time until midnight.
- 11 8. Prominent, clear and legible notices will be displayed at all exits, requesting customers to leave quietly, and in an orderly manner.
- 12 9. As the premises are situated within the Torbay Council No Drinking Zone, the DPS shall ensure that prominent, clear, and legible notices are displayed at all exits, notifying patrons that they are entering a No Drinking Zone.
- 13 10. All drinks promotions shall be managed in a responsible manner.
- 14 11. Written records of all SIA door stewards (including full name and full SIA badge number) shall be kept on the premises for at least 12 months and be available for inspection at any reasonable time by a member of the Responsible Authorities, including the police.
- 15 12. An incident book must be kept on the premises and maintained on a daily basis and shall be available for inspection at any reasonable time by a member of the Responsible Authorities, including the police. Such records to be kept for at least 12 months.
- 16 13. Any person employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing, within 2 months of commencing their employment.
- 17 14. A record of all staff training, including copies of all relevant BIIAB certificates, shall be kept on the premises and be available for inspection at any reasonable time by a member of the Responsible Authorities, including the police. Such records to be kept for at least 12 months.


15. ~~Amended condition from Annexe 3 (Prevention of Crime and Disorder)~~

Condition 5: "There shall be no entry or re-entry to the premises after 2am"





Licensing Act 2003  
Premises Licence

<b>LOCAL AUTHORITY</b>	
	<p>Licensing Section Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ</p> <div style="border: 2px solid black; padding: 10px; display: inline-block; transform: rotate(-2deg); font-size: 24px; font-weight: bold;">COPY</div>

Part 1 - Premises Details

<b>POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION</b>	
<p><b>Coyote Cafe Bar</b> 3-5 Union Street, Torquay, Devon, TQ1 1ES.</p>	<p>Telephone 01803 219550</p>

<b>WHERE THE LICENCE IS TIME LIMITED THE DATES</b>
Not applicable

- |  |
|--|
| <b>LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE</b>   |
| <ul style="list-style-type: none"> <li>- an exhibition of a film</li> <li>- an indoor sporting event</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- a performance of dance</li> <li>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> <li>- provision of late night refreshment</li> <li>- the sale by retail of alcohol</li> </ul> |

<b>THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES</b>			
Activity (and Area, if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
	10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
C. Indoor sporting event	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of		



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES (continued)

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event continued ...	permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
E. Performance of live music (Indoors)			
	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
F. Playing of recorded music (Indoors)			
	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
G. Performance of dance (Indoors)			
	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
I. Provision of facilities for making music (Indoors)			
	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
J. Provision of facilities for dancing (Indoors)			
	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. 10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		



# Licensing Act 2003 Premises Licence

# 590

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued...

Activity (and Area if applicable)	Description	Time From	Time To
L. Late night refreshment (Indoors)	Sunday to Wednesday	11:00pm	Midnight
	Thursday to Saturday	11:00pm	1:00am
	Christmas Eve	11:00pm	1:00am
	Boxing Day	11:00pm	1:00am
	New Year's Eve	11:00pm	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
	10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Wednesday	10:00am	Midnight
	Thursday to Saturday	10:00am	1:00am
	Christmas Eve	10:00am	1:00am
	Christmas Day	Noon	11:00pm
	Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
10.00-01.00 on Friday, Saturday, Sunday and Monday at bank holiday weekends.			

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Wednesday	10:00am	12:30am
Thursday to Saturday	10:00am	1:30am
Christmas Eve	10:00am	1:30am
Christmas Day	Noon	11:30pm
Boxing Day	10:00am	1:30am
New Year's Eve	10:00am	1:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
10.00-01.30 on Friday, Saturday, Sunday and Monday at bank holiday weekends.		

## WHERE THE LICENCE AUTHORISES 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

Coyote Torbay Ltd

3 Union Street, Torquay, Devon, TQ1 1ES.

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

Coyote Torbay Ltd

07316376



Licensing Act 2003  
Premises Licence

590

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

Marie Ann DAY

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

Licence No. PA0425

Issued by Torbay

*Stephen Cox*

Steve Cox  
Environmental Health Manager (Commercial)  
31 January 2011

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.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) 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 a holographic mark.



ANNEXES continued

- 7). 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) customers are made aware of the availability of these measures.

**MANDATORY CONDITION: DOOR SUPERVISION**

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
- (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), are exempt.
- (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).
- 3) For the purposes of the aforementioned conditions:-
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
- (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.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

- 1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where -
- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2**



ANNEXES continued...

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**Additional Conditions Transferred from the Licence**

1. CCTV to operate throughout licensing hours to include recording facilities. All recordings to be retained for a minimum of 31 days, during which time the Police shall have access at any reasonable time.

**General**

1. The premises shall continue to comply with the Laurel Pub Company Social Responsibility Policy.

**The Prevention of Crime and Disorder**

1. Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person shall be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
3. Any person as defined in condition (1) shall clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Where CCTV is installed with recording facilities, such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
6. Alcoholic and other drinks shall not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

**Public Safety**

1. The reasonable requirements of the fire officer shall be complied with from time to time.
2. The reasonable requirements of the building control officer shall be complied with.

**The Prevention of Public Nuisance**

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
3. Where necessary shall liaise with the environmental health department to restrict noise pollution in residential areas.

**The Protection of Children From Harm**

1. Persons under the age of 18 years shall not be permitted to enter the premises after 22.00.

**ANNEXE 3**

**CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**The Prevention of Crime and Disorder**

1. A CCTV system of an evidential standard shall be installed to the satisfaction of the Police, and the system to be in operation at all times the premises are open to the public. All recordings from that system shall be kept for a period of 31 days and the police to have access to recordings at any reasonable time.
2. On every occasion that the premises sells alcohol after midnight and then closes after 12.30am, SIA door staff shall



ANNEXES continued

be employed from 9.00pm until closing.

3. All drinks shall be served in shatterproof glasses and no alcohol to be served in glass bottles from which it is intended or likely that a person shall drink.
4. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.
5. There shall be no entry or re-entry to the premises after 12 midnight.

**Public Safety**

1. If there is a requirement placed upon a Premises Licence for Security Industry Authority (SIA) Trained Stewards, then the ratio of stewards to customers on the premises shall be no less than 1:75.

**The Prevention of Public Nuisance**

1. Recorded and live music, provision for making music, films and dancing shall be permitted on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday between the hours of 12.00hr to 23.00hr and on Sunday between the hours of noon to 22.30hr, thereafter any regulated entertainment taking place shall be restricted to entertainment of a nature and at a volume which permits normal conversation in the premises.
2. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises shall not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00hr. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are;
  - (i) Before 23:00hr- Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 23:00hr- Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
3. To allow live and amplified music inside doors and windows shall be kept shut during entertainment beyond this time, to reduce noise break out. A management scheme shall be in place to ensure this situation remains.
4. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
5. The handling of beer kegs, bottles and other similar items shall not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
6. Bottle skips and bins containing cans or bottles shall not be emptied outside after closing but shall be dealt with the next day during normal office hours.
7. The movement of bins and rubbish outside the premises shall be kept to a minimum after 23.00hr. This shall help to reduce the levels of noise produced by the premises.

**The Protection of Children from Harm**

1. No alcohol shall be sold to any person under the age of 18. Age identification shall be sought from any person appearing to be under the age of 18 years.
2. Staff shall receive training on matters related to the sale of alcohol.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.





# Memorandum

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<b>To:</b> Licensing	<b>From</b> :	Community Safety
<b>c.c</b>	<b>Contact</b> :	Mr Gareth Fudge
<b>c.c.</b>	<b>Ext</b> :	01803 208010
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 160718/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref</b> :	
	<b>Date</b> :	29 March 2011

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**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Coyote Cafe Bar, , 3-4 Union Street,  
 Torquay, Devon, TQ2 5QG**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

This premises is situated in a mixed residential and commercial area of Union Street in the centre of Torquay. Whilst it is not immediately adjacent to the premises some of the residential accommodation is occupied by vulnerable adults as there is sheltered accommodation opposite the main entrance on Abbey Road. Furthermore, there are a large number of flats above the Tesco store opposite in Fleet Street.

I have already received complaints in respect of noise arising from the premises. I believe the number of complaints received has been limited by the fact that the premises has only been open thus far through the winter. This has the effect of limiting the number of people that attend the premises and reducing the level of noise reaching sensitive people as they tend to have their windows closed.



Picture 1 – Note you can see the residential accommodation on the right hand edge of the photograph



Picture 2 – Photograph from Abbey Road

However, as the summer approaches, I am concerned that there will be a significant increase in disturbance arising from the premises particularly from patrons attracted to the area by the later hours, most notably, this will occur at 03:30 am when the premises closes and when patrons leave the premises to smoke.

The nearest housing is a sheltered housing complex for the elderly, and it is clear, that they will not be able to have their windows open during the summer evenings as they are likely to be disturbed by the activities of patrons at the above premises, particularly at closing time. Furthermore, the Residential accommodation above the Tesco Store is also likely to be disturbed.

I have not received any communication from the management of the premises identifying how they intend to address my concerns.

If the committee are minded to grant the extension to the licence, I recommend that careful consideration be given to conditions being placed on the licence.

Typically in these situations, I receive complaints regarding patrons outside premises smoking causing noise complaints as well as noise from patrons leaving. The Health and Safety Executive published information that indicates that 80% of people ignore signs giving instruction, I therefore, have no reason to believe that patrons leaving the premises who have been drinking will pay any more heed to signs requesting that they leave quietly

so I do not feel the provision of signs would offer any control. I would therefore, recommend that conditions be placed on the consent requiring that door staff actively manage patrons in the street and speak to them when they leave to ensure that they behave in a reasonable manner. Active management would include such measures as speaking to customers being unduly noisy and banning persistent offenders.

**Mr Gareth Fudge**

Senior Environmental Health Officer

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Briefing Report No: **101/2011**

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Mambo, 7 The Strand, Torquay TQ1 2AA**

Wards Affected: **Tormohun**

To: **Licensing Sub- Committee**      On: **19 May 2011**

Contact Officer: **Karen Ellicott**  
Telephone: **01803 208029**  
E.mail: **Licensing@torbay.gov.uk**

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## **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.
- 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 Objective “The Prevention of Public Nuisance”
- 1.5 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. Having regard to the Representation, 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. The plan of the new 3<sup>rd</sup> floor is shown as Appendix 2

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

To extend the licensed area to permit all existing licensable activities on the current Premises Licence to a 3<sup>rd</sup> Floor and to provide for an additional Terrace.

There are no changes to the standard days and timings, but amendments have been made to the seasonal and non-standard timings:

An additional hour on the Sunday immediately before Bank Holiday Monday and on the morning British Summer Time begins to allow for clocks going forward at 0100hours.

On St Patrick's Day, St George's Day and St Valentine's Day from 0700 to 0400.

- 2.2 There is a current Premises Licence in place which is shown as Appendix 3.
- 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 relevant Representations have been received from a Responsible Authority and an Interested Party. The Licensing Authority is also satisfied that Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a Representation from Public Protection in relation to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 4

The Licensing Authority has also received a Representation from an Interested Party in relation to the Licensing Objective "The Prevention of Public Nuisance". Two other Licensing Objectives were stated within this Representation but due to the concerns raised not being Premises specific, Officer's have concluded to discard them. This is shown as Appendix 5.

There have been no additional Representations received from any other Responsible Authority or any other 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 parts of the application form
Appendix 2	Plan of the 3 <sup>rd</sup> Floor of the Premises
Appendix 3	Copy of the current Premises Licence
Appendix 4	Copy of the Representation from Public Protection
Appendix 5	Copy of the Representation from the Interested Party

### **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 2008 - 2011.

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**LICENSING ACT 2003**  
**APPLICATION**  
**TO VARY A PREMISES LICENCE**

**NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

**Principal Safety & Licensing Officer**  
**Torbay Council**  
**Environmental Health and Community Safety**  
**Roebuck House**  
**Abbey Road**  
**Torquay**  
**TQ2 5EJ**

**Contact Details:**

**Tel: 01803 20 8126**

**Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)**

**Fax: 01803 20 8854**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**





## 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 Lifestyle Enterprises (UK) Ltd

*(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

652

## Part 1 – Premises Details

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

Cafe Mambo  
7 The Strand

Post town Torquay

Post code TQ1 2AA

Telephone number at premises (if any) 01803 291112

Non-domestic rateable value of premises £21250

## Part 2 – Applicant details

Daytime contact telephone number 01803 201197

E-mail address (optional)

Current postal address if different from premises address  
Lifestyle Enterprises (UK) Ltd  
Clarence House  
47 The Terrace

Post Town Torquay

Postcode TQ1 1DE

**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)**

To extend licensed area to include 3<sup>rd</sup> floor (currently Mangers office/flats) for use of Cocktail/Tapas bar.

To amend seasonal variations and Non standard timings.

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)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

##### Provision of entertainment facilities:

- |   |                                     |
|---|-------------------------------------|
| i) making music (if ticking yes, fill in box I)   | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

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

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>		
				Outdoors <input type="checkbox"/>		
				Both <input type="checkbox"/>		
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed					<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)	
Thur						
Fri						
Sat					<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11.00	03.00			
Tue	11.00	03.00			
Wed	11.00	03.00			
Thur	11.00	03.00			
Fri	11.00	03.00			
Sat	11.00	03.00			
Sun	11.00	03.00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					



## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	09.00	03.00			
Tue	09.00	03.00			
Wed	09.00	03.00			
Thur	09.00	03.00			
Fri	09.00	03.00			
Sat	09.00	03.00			
Sun	10.00	03.00			
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon	09.00	03.00			
Tue	09.00	03.00			
Wed	09.00	03.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	09.00	03.00			
Fri	09.00	03.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	09.00	03.00			
Sun	10.00	03.00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	03.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09.00	03.00			
Wed	09.00	03.00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.		
Thur	09.00	03.00			
Fri	09.00	03.00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.		
Sat	09.00	03.00			
Sun	10.00	03.00			

## H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input checked="" type="checkbox"/>
Mon	09.00	03.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09.00	03.00	<p><u>Please give further details here</u> (please read guidance note 3) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.</p>		
Wed	09.00	03.00			
Thur	09.00	03.00	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.</p>		
Fri	09.00	03.00			
Sat	09.00	03.00	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun	10.00	03.00			

1

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>  	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)  <b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.  <b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.	
Mon	09.00	03.00		
Tue	09.00	03.00		
Wed	09.00	03.00		
Thur	09.00	03.00		
Fri	09.00	03.00		
Sat	09.00	03.00		
Sun	10.00	03.00		

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give a description of the facilities for dancing you will be providing</u></b>	
Mon	09.00	03.00	<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue	09.00	03.00		
Wed	09.00	03.00	<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.	
Thur	09.00	03.00		
Fri	09.00	03.00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.	
Sat	09.00	03.00		
Sun	10.00	03.00		

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	09.00	03.00		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	09.00	03.00	<u>Please give further details here</u> (please read guidance note 3)	
Wed	09.00	03.00		
Thur	09.00	03.00	<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.	
Fri	09.00	03.00		
Sat	09.00	03.00	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun	10.00	03.00	An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.	

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
				Outdoors	<input type="checkbox"/>	
Day	Start	Finish	Both			<input type="checkbox"/>
Mon	23.00	03.30	<b>Please give further details here</b> (please read guidance note 3)			
Tue	23.00	03.30				
Wed	23.00	03.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.			
Thur	23.00	03.30				
Fri	23.00	03.30	<b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.			
Sat	23.00	03.30				
Sun	23.00	03.30				



**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.  <b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.	
Mon	09.00	03.00		
Tue	09.00	03.00		
Wed	09.00	03.00		
Thur	09.00	03.00		
Fri	09.00	03.00		
Sat	09.00	03.00		
Sun	10.00	03.00		

**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)**  
 None

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4) On Christmas Eve and New Years Eve from the end of permitted hours to the start of permitted hours on the following day.
Day	Start	Finish	
Mon	09.00	03.30	<b>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</b> (please read guidance note 5) An additional hour to finish times of the following days:- a) Sunday immediately before Bank Holiday Monday b) The morning British Summer Time begins to allow for clocks going forward at 0100hours. On Saint Patrick's Day, St George's Day and St Valentine's Day 07.00 to 04.00.
Tue	09.00	03.30	
Wed	09.00	03.30	
Thur	09.00	03.30	
Fri	09.00	03.30	
Sat	09.00	03.30	
Sun	10.00	03.30	

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  
Annexe 2 General

3. When standing is permitted on the First Floor Balcony, an SIA steward shall be in attendance on the balcony for the purpose of supervising public safety and preventing crime and disorder. Consumption of alcohol on the ground floor shall be by persons seated only and no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink.

On New years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day from activities as follows:-  
B, E, F, G, H, I, J, K, L and M

5. Access to the first floor balcony between the hours of 02.00 and 03.00 shall be as a designated smoking area with an SIA steward in attendance. No drinks shall be permitted.

Under Annexe 2, Public Safety

2. On every day when the premises are open, the following conditions shall apply:-  
This licence shall apply only to those parts of the premises named below and the maximum number of persons to be permitted within those areas shall not exceed the figure stated:-

The First Floor - 150

(This shall be the total accommodated at any one time on that floor. The terrace area is included in this licence for up to 60 people at any time. This number shall be included in the maximum and will not be in addition. No music, singing and dancing shall be provided).

The Second Floor - 110.

Control of the capacity will be maintained by manual clickers.

Under Annexe 3, The prevention of Crime and Disorder

1 All drinks shall be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.

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)**

Add under Annexe 2

When standing is permitted on the First Floor Balcony, an SIA steward shall be in attendance on the balcony for the purpose of supervising public safety and preventing crime and disorder. Consumption of alcohol on the ground floor terrace shall be by persons seated only and no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink.

Entry to and exit from third floor shall be by way of access from second floor only.

In respect of third floor Terrace, consumption of alcohol shall be by persons sat at tables only in the red zone and standing shall be permitted on green zone.

Access to the first floor balcony and third floor Terrace between the hours of 02.00 and 03.00 shall be as a designated smoking area with an SIA steward in attendance. No drinks shall be permitted.

**b) The prevention of crime and disorder**

All drinks shall be served in shatterproof glasses and no alcohol shall be served in glass bottles after 11.00pm from which it is intended or likely that a person shall drink.

**c) Public safety**

A safe capacity of the whole premises and each floor of the premises shall be maintained at all times. Such capacities to be agreed with the Fire Authority.

**d) The prevention of public nuisance**

**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	14/3/11
Capacity	PA TO THE DIRECTORS.

**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	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Sharon Rodger  
Lifestyle Enterprises (UK) Ltd  
Clarence House

<b>Post town</b>	Torquay	<b>Post code</b>	TQ1 1DE
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<b>Telephone number (if any)</b>	01803 201197
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<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>
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### Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

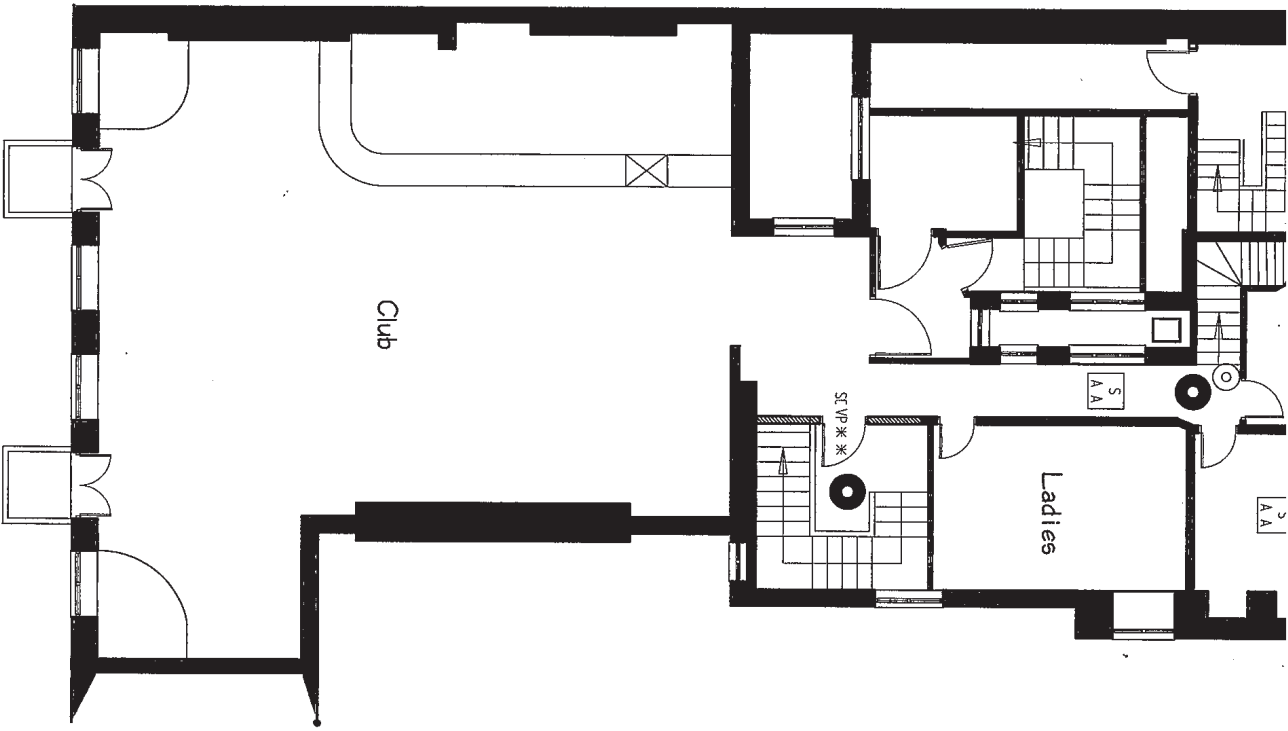
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.

11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

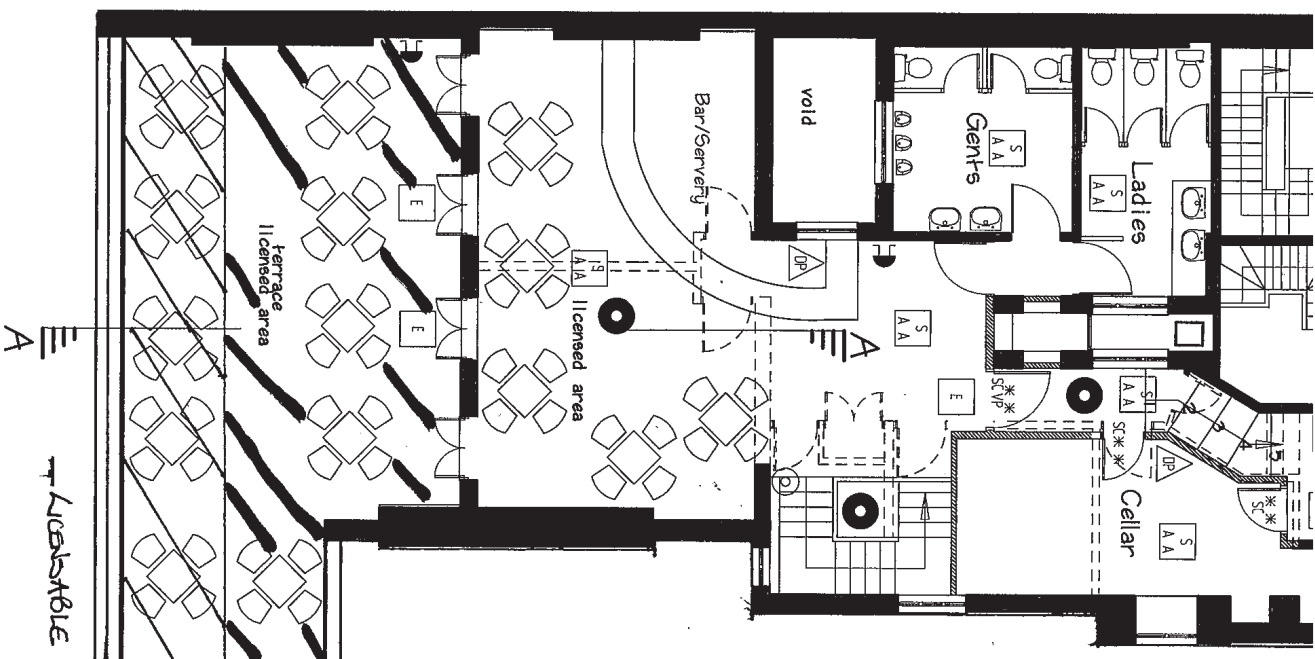
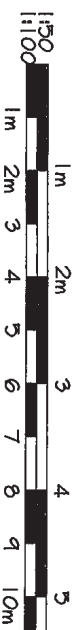


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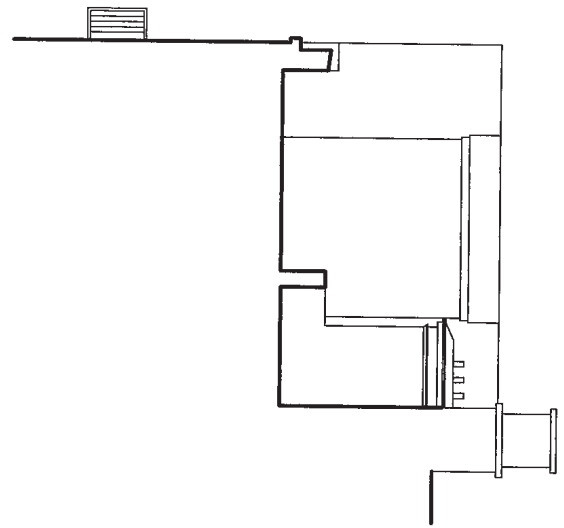
Second Floor Plan



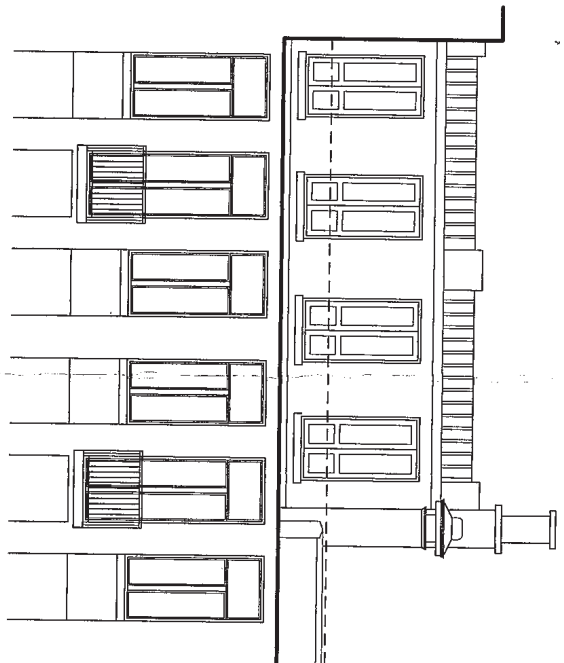
Third Floor Plan proposed



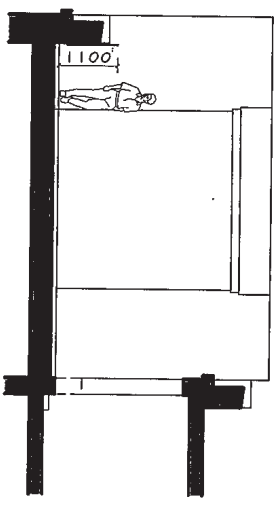
A  
 ↗ LIQUORABLE AREA.  
 ZONE = STANDING  
 ZONE = SEATING



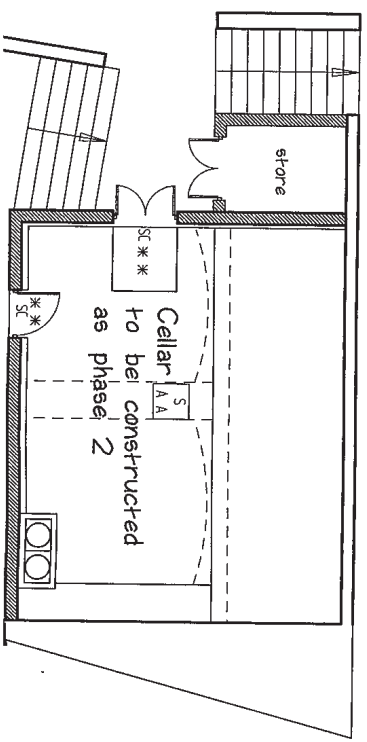
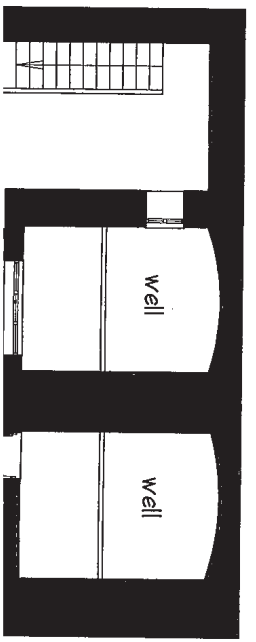
South East Elevation  
(existing and proposed)



South West Elevation  
(proposed)



Section A - A



The Terrace

**Balustrade**

15mm toughened glass balustrade to be provided at 1100mm above the terrace fixed behind the existing parapet wall with proprietary stainless steel fixings

**Extraction**

Kitchen extraction to be taken out into the wall and take above the roof level with the existing lower level extract ducts.

**Ventilation**

Extractors to be installed into the wc facilities and ducted out to the external air to provide min 3 air changes per hour

Main ventilation and extraction system to be overhauled and upgraded with new inlet and outlet air ducts to serve complete shaft ducted through the new cellar and terminated as detailed above the parking bay.

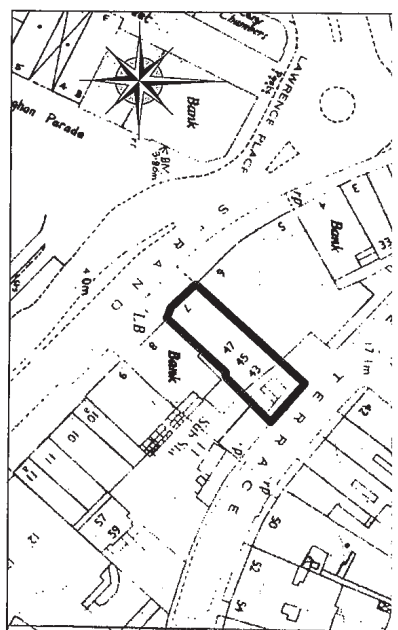
**WC Facilities**

Ladies and gents facilities to be relocated and upgraded on the second floor as detailed to serve both floors.

R Cells Res to spec falls over S To Eng Bea S New mir to goli illw colic Fir FD link

Emergency lighting to be provided to BS 5266  
Illuminated Exit signs to be provided above the Exit doors  
Smoke alarms and heat detectors to be installed and  
connected to panel with break glass call points

Allow to install mains operated smoke alarms with  
battery back up and interconnected into main system.  
Positions to be confirmed on site and conform to  
manufacturers instructions FD30s fire doors with self  
closing device to be provided to all principal  
doors and corridor doors all fitted with brush type  
luminescent smoke seals.  
Corridor doors to have vision panels and provided with  
Fire certificates.  
Doors to be held open on Electromagnetic Devices  
connected to the fire alarm system.  
Install Fire Alarm call points adjacent to the EXIT  
doors all to be the break glass push button type.  
Install EXIT signs to BS 5266 Install illuminated EXIT  
signs all installed to BS 5266 directional signs where  
required to indicate clearly the route,  
Fire Safety signs to be provided and sited in accordance  
with The Health and Safety (Safety Signs and Signals)  
Regulations 1996.  
Allow to install Audible warning system to be Audible  
following completion in all rooms at bedside with the  
doors closed.  
Install emergency lighting to BS 5266.  
Notices to be provided to all cupboard doors in the  
corridors to confirm to be kept locked shut.  
Install water extinguishers using 10ltr type mounted on  
the walls so handle is not less than 1mtr above the  
floor level.  
Fire detection installation and commissioning  
certificates to be supplied prior to occupation



Site Location Plan 1:1250

Alterations and change of use  
to form Licensed Bar, new cellar

47 The Terrace  
Torquay

for  
Lifestyle Enterprises UK Ltd

March 2011  
Scale 1:100 Sheet A1  
Dwng 010-041-2

Martin Cox MBEng  
49 Higher Polsham Road  
Paignton  
TQ3 2SZ

Tel/Fax 01803 552782

martinc@earthdiverplanning.co.uk

# Fire Precautions

roof to be the Extended car parking facility with  
 onded surface laid over sand cement screed laid  
 all over Massic asphalt laid and installed by  
 st with upstands and detailing undertaken by  
 st all supported on concrete/creed laid to create  
 vibration to be provided over beam system.  
 ecast beam and block support system

## Structure

altered as noted and where walls are to be removed  
 are reports to be followed for good practice and  
 installed as noted and verified by The Engineer

## Lifts

airs to be provided internally to link levels with  
 1000mm clear headroom 2000mm handrails  
 provided each side, risers to be max 170mm and  
 not less than 250mm all to have contrasting or  
 red nosings, handrails to be in contrasting  
 and not less than 40mm dia. Allow to provide full  
 lobby at the bottom with 1hour fire resistance and  
 door with vision panel and Briton 99B closure  
 to the alarm system

	Magnetic Door Holder
	Dry powder extinguisher ( 100 or 200 )
	Water extinguisher
	CO2 extinguisher
	Foam extinguisher
	Fire blanket
	Hose reel
	Sand bucket
	Fire alarm call point
	Bell
	Exit sign
	Exit directional sign
	1/2hr fire resisting self closing door or kept locked shut when not in use
	1hr fire resisting self closing door or kept locked shut when not in use
	Panic bolt
	Barrel bolt
	Area protected by sprinklers
	Sprinkler main valves
	Area covered by heat detectors
	Indicator panel
	Independent emergency lighting point
	Evacuation switch
	Reset switch
	Firemans ventilation control
	Repeater panel internal
	Repeater panel external
	AFFE Multipurpose extinguisher 55 litre BS5423 Electrically non-conductive 13A + 113B rating
	Vision panel
	Area covered by smoke detectors
	Self closing device

## General Notes

All sizes, levels and dimensions to  
 be checked and verified on site  
 when works commence

All discrepancies found to be reported  
 back to the Agent immediately

All deviations to the approved plans  
 to be agreed with the Agent prior to  
 implementation.

All materials and finishes to match  
 the existing in colour and texture  
 unless otherwise specified.

Where specialist fittings and materials  
 are to be used allow to install in  
 accordance with the manufacturers  
 instructions

All structural timbers to be stress  
 graded SC3 or C16 minimum.

Allow to alter and extend all electrical  
 and mechanical services as found  
 necessary and to clients specification

All pipework and water storage tanks  
 where new or altered to be adequately  
 insulated and lagged

Allow to make good all areas where  
 disturbed and not other wise specified.

Allow to salvage all materials where  
 practical for re-use and agree storage  
 with client


Allow to agree use of water and  
 electricity with client prior to  
 commencement.

Use of WC facilities to be agreed with  
 client prior to commencement

Licensing Act 2003

# Premises Licence

# 652

LOCAL AUTHORITY	
	<b>Licensing Section</b> <b>Torbay Council</b> <b>Roebuck House</b> <b>Abbey Road</b> <b>TORQUAY</b> <b>DEVON</b> <b>TQ2 5EJ</b>

## Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
<b>Mambo</b> 7 The Strand, Torquay, Devon, TQ1 2AA.	Telephone 01803 291112

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> <li>- an exhibition of a film</li> <li>- a performance of live music</li> <li>- any playing of recorded music</li> <li>- a performance of dance</li> <li>- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance</li> <li>- entertainment facilities for making music</li> <li>- entertainment facilities for dancing</li> <li>- entertainment of a similar description to that falling within entertainment facilities for making music or dancing</li> <li>- provision of late night refreshment</li> <li>- the sale by retail of alcohol</li> </ul>

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Saturday	11:00am	3:00am
	Sunday	11:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
E. Performance of live music (Indoors & Outdoors)	Monday to Saturday	9:00am	3:00am
	Regulated entertainment upon the terrace shall cease by 19:00hrs		
	Sunday	10:00am	3:00am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.			
Regulated entertainment upon the terrace shall cease by 19:00hrs			
F. Playing of recorded music (Indoors & Outdoors)	Monday to Saturday	9:00am	3:00am
	Regulated entertainment upon the terrace shall cease by 19:00hrs		
	Sunday	10:00am	3:00am
On New Years Eve from the end of permitted hours on New Years Eve to the start of			



**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...**

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors) continued ...	permitted hours on the following day.		
G. Performance of dance (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
I. Provision of facilities for making music (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	3:30am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

Licensing Act 2003  
**Premises Licence**

**652**

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Saturday	9:00am	3:30am
Sunday	10:00am	3:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

**WHERE THE LICENCE AUTHORISES 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**

Lifestyle Enterprises (UK) Ltd  
james@cafemambo.co.uk  
Clarence House, 47 The Terrace, Torquay, Devon, TQ1 1DE.  
Telephone 01803 294880

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

Lifestyle Enterprises (UK) Ltd  
05293169

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

Michael Phillip JOHNSON  
17 The Strand, Torquay, Devon, TQ1 2AA.

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

Licence No. PA1911  
Issued by Torbay



Steve Cox  
Environmental Health Manager (Commercial)  
27 October 2010



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.
- 3)
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
- 4) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6)
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) 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 a holographic mark.
- 7) The responsible person shall ensure that -



ANNEXES continued ...

(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) customers are made aware of the availability of these measures.

**MANDATORY CONDITION: DOOR SUPERVISION**

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
  - (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), are exempt.
  - (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).
- 3) For the purposes of the aforementioned conditions:-
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
  - (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.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

- 1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.
- 2) Where -
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2**

**ANNEXES continued ...****CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****Additional Conditions Transferred from the Licence**

1. Full CCTV system to operate on both floors and the outside terrace area, such CCTV system to be maintained and used at all times the premises are open to the public and to include full recording facilities and a monitor behind both bar serveries on the ground and first floor for viewing by staff. All recordings to be kept for a minimum of 14 days and the police shall have access to recordings at any reasonable time.

**Additional Conditions Transferred from Public Entertainment Licence**

1. On every day when the premises are open, the following conditions will apply:-
  - a. The volume of all amplified music shall be at a level to be set and agreed to the satisfaction of the council. The settings shall be secured in a locked area and capable of amendment only by the manager or licensees following appropriate application to and consultation with the council.
  - b. All windows and doors shall be kept closed from 11pm each night. Entry to and exit from the premises shall be by way of the Strand entrance only. This condition will be in force in all circumstances except when an emergency evacuation of the premises is necessary.

**General**

1. There shall be no entry/re-entry to the premises after 2am.
2. A full range of non-alcoholic drinks shall always be available.
3. When standing is permitted on the First Floor Balcony, an SIA steward shall be in attendance on the balcony for the purpose of supervising public safety and preventing crime and disorder. Consumption of alcohol on the ground floor shall be by persons seated only and no alcohol shall be served in glass bottles within those areas from which it is intended or likely that a person shall drink.
4. In respect of the first floor balcony, the consumption of alcohol in the designated red zone shall be by persons sat at tables only and in the designated green zone shall be by persons standing.
5. Access to the first floor balcony between the hours of 02.00 and 03.00 shall be as a designated smoking area with an SIA steward in attendance. No drinks shall be permitted.
6. The Regulatory Reform (Fire Safety) Order 2005 shall be adhered to at all times.

**The Prevention of Crime and Disorder**

1. 'Chill out' music shall be played in the last hour of operation.
2. The premises must be a member of Night Net Radio system.
3. The premises shall join and maintain membership of the Torquay Night Time Economy Forum where premises management shall attend at least two meetings per calendar year.
4. On every operational day when door supervision is required then those SIA door supervisors employed in front of house duties shall wear high visibility reflective clothing (jackets/T-shirts) for the entirety of their duty.

**Public Safety**

1. Staff must be trained in first aid.
2. On every day when the premises are open, the following conditions shall apply:-  
This licence shall apply only to those parts of the premises named below and the maximum number of persons to be permitted within those areas shall not exceed the figure stated:-  
The First Floor - 150  
(This shall be the total accommodated at any one time on that floor. The terrace area is included in this licence for up

**ANNEXES continued ...**

to 60 people at any time. This number shall be included in the maximum and will not be in addition. No music, singing and dancing shall be provided).

The Second Floor - 110.

Control of the capacity will be maintained by manual clickers.

3. On any Thursday, Friday, Saturday and Sunday night the premises remain open for the sale of alcohol after midnight and then closes after 0030hrs, SIA door supervisors shall be employed on the premises from 22.00hrs until close, at a ratio of 1 supervisor per 100 customers. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Thursday, Friday, Saturday or Sunday.) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.

**The Prevention of Public Nuisance**

1. Customers must be encouraged to depart quietly.
2. Windows must be kept closed after 23.00.
3. Entry and exit from the premises must be by way of the Strand entrance only.

**The Protection of Children from Harm**

1. Unaccompanied children must not be permitted on the premises.
2. Accompanied children shall only be permitted on the premises for the consumption of substantial food.
3. Regular ID checks shall be carried out and only current photo card driving licence and passports shall be accepted as ID.
4. No under 18's shall be permitted after 2100 hours.

**ANNEXE 3****CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****The Prevention of Crime and Disorder**

1. All drinks shall be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.

**The Prevention of Public Nuisance**

1. Noise from the premises shall not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:
  - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.
  - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
  - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
3. Entrances shall be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.

**ANNEXES continued ...**

4. A senior member of staff (manager) shall assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
5. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
6. Regular maintenance shall be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.
7. Regulated entertainment upon the terrace shall cease by 19.00 hrs.

**The Protection of Children From Harm**

1. All amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
2. A management system shall be introduced to ensure that staff are aware of the legal requirements relating to underage sales and the prevention from use of AWP machines by those under eighteen.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

## LOCAL AUTHORITY



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

## Premises Details

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

**Mambo**

7 The Strand, Torquay, Devon, TQ1 2AA.

Telephone 01803 291112

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- provision of late night refreshment
- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Saturday	11:00am	3:00am
	Sunday	11:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
E. Performance of live music (Indoors & Outdoors)	Monday to Saturday	9:00am	3:00am
	Regulated entertainment upon the terrace shall cease by 19:00hrs		
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. Regulated entertainment upon the terrace shall cease by 19:00hrs		
F. Playing of recorded music (Indoors & Outdoors)	Monday to Saturday	9:00am	3:00am
	Regulated entertainment upon the terrace shall cease by 19:00hrs		
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of		

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors & Outdoors) continued ...	permitted hours on the following day.		
G. Performance of dance (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
I. Provision of facilities for making music (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	3:30am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	9:00am	3:00am
	Sunday	10:00am	3:00am
	On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Saturday	9:00am	3:30am
Sunday	10:00am	3:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

**WHERE THE LICENCE AUTHORISES 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

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Lifestyle Enterprises (UK) Ltd

Clarence House, 47 The Terrace, Torquay, Devon, TQ1 1DE.

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

Lifestyle Enterprises (UK) Ltd

05293169

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Michael Phillip JOHNSON

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox  
Environmental Health Manager (Commercial)  
27 October 2010

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# Memorandum

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<b>To:</b> Licensing	<b>From</b> :	Community Safety
<b>c.c</b>	<b>Contact</b> :	Mr Karl Martin
<b>c.c.</b>	<b>Ext</b> :	01803 208010
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 160380/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref</b> :	
	<b>Date</b> :	11 April 2011

---

**Subject: Premises– Licensing Act 2003**  
**Premises Name & Address: Cafe Mambo , 7 The Strand, Torquay, Devon, TQ1 2AA**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

The premises is situated in the cumulative impact area and has residential accommodation to the rear of the premises. Currently this residential accommodation is protected by the barrier created by the fabric of the building as no activity occurs on the top floor of the premises that faces the residential accommodation.

The application requests to extend their activities into this floor and on to the balcony at this level giving a direct line of site from the residential accommodation to the external balcony. They wish to operate until 03:00 am.

I am concerned that this will result in noise breakout from regulated entertainment affecting residential accommodation. I am also gravely concerned that use of the external balcony at this level will cause significant disturbance to residents living in the Terrace.

Members of this department have visited the area late at night and have noted the quiet nature of the Terrace. Any noise from Café Mambo would therefore be significantly disturbing. Whilst amplified music could be dealt with by modifications to the structure and by appropriate control measures such as noise limiters/compressors, numerous complaints regarding noise have been received in the past, and it has been noted both by Officers of this Division, and by Members of the Public, living some distance away, that music breakout and patrons on the existing balcony create significant amounts of noise.

The area under consideration is significantly closer to the residential accommodation in the Terrace than the existing external use.

I have met with the applicant and asked them to explain how they intend to control the noise from both music and patrons. I have even advised them to obtain the services of an acoustic consultant to investigate this issue and provide a solution. No information has been submitted to us. To date they have offered nothing to alleviate my concerns.

They have been unable to provide details on how they will control noise other than to suggest that they will be playing "Chill Out Music" on the top floor and access will be by invite only for more mature customers. It is my experience that customers who have been drinking are generally loud regardless of age.

I, therefore, wish to object to the proposed variation on the grounds that they have been unable to demonstrate how they will prevent public nuisance from the playing of regulated entertainment and more particularly from patrons making use of the balcony area.

In making this representation I have given regard to Daniel Thwaites Plc v Wirral Borough Magistrates' Court 2008. It is not the case that there is no evidence that a problem will occur as the problem already exists and this variation seeks to extend this problem into a more sensitive area.

**Mr Karl Martin**  
Safety and Licensing Officer

Ellicott, Karen

From: [Redacted]  
Sent: 03 April 2011 01:56  
To: Licensing  
Cc: [Redacted]  
Subject: Fw: UNCLASSIFIED: RE: Licenses applications that can have representations made against them

-----Original Message-----

From: [Redacted]  
Date: Sun, 3 Apr 2011 00:52:54  
To: <karen.ellicott@torbay.gcsx.gov.uk>  
Reply-To: [Redacted]  
Cc: [Redacted]  
Subject: Re: UNCLASSIFIED: RE: Licenses applications that can have representations made against them

Dear Karen,

I have been unable to determine what the changes are as the portal just lists a full licence. Although I have managed to seek some advice.

All three premises are in a saturation area, and on this basis two of these should be rejected out right, and conditions imposed on current licences.

The Saturation area is designed to stop further development of clubs, which attract more people that ultimately collectively break the licensing principles.

The area by queens quay / torwood street suffers from daily yobbish behaviour with peak nights resulting in many smokers standing outside premises, with as witnessed this saturday the actual premises being empty. This combined with the 100's people collecting around food establishments, spilling out on the road, the music from trents, park lane, mambo, apple and parrot drastically increases the noise making this mixed development area un habitable.

The police only keep peace dealing with violence and do not deal with drunk and disorderly behaviour, shouting, buskers, singing, excess noise from clubs etc.

This saturation area is out of control, and if torquay wants to grow and develop tough action is required to bring it back it into line, and within the law.

Please find below my objections to the below licence variations. Please acknowledge receipt and advise of hearing dates.

Mambo

-----  
The club at the moment does not comply to current licence, so my objection is that the club should be allowed any variation unless it is reducing its opening hours, unless it can demonstrate a responsible attitude to the implementation of its current licence. My objection is against the following licensing objectives, and council licensing policy.

The club is an a saturation area, which is defined as an area of unacceptable level of breaches of the licensing objectives 1,2,3. Accommodation in the saturation area is being depressed in value due to the behaviours, noise, and crime,

[Redacted text block]

3) Prevention of Public Nuisance

Has a terrace which people stand on, with noise emanating up and down the strand, drowning out other sounds, until the early hours of the morning.

When drunk people leave they run out onto the road, causing car horns to sound from 11-3:30, drunken patrons are loud, often singing, shouting abuse, urinating into the harbour. The club itself before after 11 (especially on busy nights such as saturday) has noise which emanates which gets louder through the night resulting in music, boom, boom audible even through closed double glazing until past 3am.

Contributes to devaluation of property, loss of holiday rental income and the basic human right of a good nights sleep, of residents/businesses in the saturation area.

As such the Mambo should comply with its existing licence, and have a re-entry by midnight imposed to reduce street noise of patrons walking between venues which impacts queens quay.

They should have a re-entry by midnight imposed to reduce street noise of patrons walking between venues which impacts queens quay, and the clause for sale of alcohol for consumption off the premises revoked.

A condition should also be imposed, to monitor behaviour of people approaching the club, and entry is refused upon it disturbing residents.

A condition should be imposed on disturbances made by smokers.

A condition to quickly process the queue to reduce street noise, when space inside, and/or encourage the queue to be quiet.

A further terrace is unacceptable, if approved it should be limited until 7 or 9pm for day use only.

Best regards

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

\*\*\*\*\*  
\*\*\*\*\*

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