



Clerk: Lisa Antrobus
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Monday, 04 February 2019

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 7 FEBRUARY 2019

I am now able to enclose, for consideration at the Thursday, 7 February 2019 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
5.	Licensing Act 2003 – An application for a Review of a Premises Licence for Jolly Judge, 168-170 Union Street, Torquay TQ2 5QP	(Pages 152 - 163)

Yours sincerely

Lisa Antrobus
Clerk



Devon & Cornwall Police

Licensing Department
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

31 January 2019

Dear Sir/Madam

The Jolly Judge, 168-170 Union Street, Torquay, TQ2 5QP

I refer to the application for the Review of the Premises Licence in respect of above named premises, to be heard by the Licensing Authority on Thursday 7 February 2019.

I now wish to provide you with further information concerning our Review application.

On 10 January 2019 Mrs Mandy Guy of the Torbay Council Licensing Team received an email from Ms Diane Dixon who indicated that her email was for the attention of Mrs Guy and Mrs Smart. Unfortunately Mrs Smart had not been copied into this email, but Mrs Guy subsequently forwarded it to her. A copy of this email is attached.

Within her email Ms Dixon advises Mrs Guy and Mrs Smart that she had been appointed as 'acting bar manager' at the Jolly Judge and she goes on to advise of measures that she has put into place with Mr John Sampson since November 2018. She indicates that they have implemented a Challenge 21 policy and put restrictions in place in relation to the admittance of children.

I would take this opportunity to advise you that on the 14 August 2018 Mr McCabe submitted a minor variation application form to include a Challenge 25 condition on the licence. This application was granted at the end of the consultation period. I am concerned that despite Mr Sampson being the leaseholder and tenant of this premises at the time of this minor variation, he was obviously not aware of the condition on the licence. In addition, this demonstrates that Mr McCabe had not taken any steps to ensure that the premises were complying with the conditions on the licence and that despite Ms Dixon being appointed as acting bar manager, she had clearly not read the

Contact the police

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101@dc.police.uk 101

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The Government Standard
Stock code SF615

licence.

On 15 January 2019 Mrs Smart received an email from PC Bratcher who had organised a passive drugs dog operation in Torquay. This took place on Friday 11 or Saturday 12 January 2019. At that Mr John Sampson was the DPS of the Jolly Judge as a Vary DPS application appointing him as the DPS was received by the police on 19 December 2018 and this had been marked for "immediate effect".

Within her email, PC Bratcher indicates that the premises were visited at 1932 hours and she comments "Paperwork is soon to be submitted for Diane to become DPS. She was not present on arrival however was called by Sampson. John Sampson appeared intoxicated. His breath smelt of intox liq. He appeared confused and there were marked delays in his responses when asked questions or to produce something. He appeared cagey. Licence was in an envelope in back area."

Also on 15 January 2019 the police received an application to Vary the DPS of the Jolly Judge to Ms Diane Dixon. This application has now been granted.

On 16 January 2019 PC Mike Haworth discussed this visit to the Jolly Judge with Mrs Smart and he told her that Mr Sampson was drunk. He sent Mrs Smart an email concerning this at 1517 hours that afternoon, copy attached.

On 17 January 2019 Mrs Smart received a phone call from Mr McCabe who asked if she would withdraw the Review application as a result of Ms Dixon being appointed as DPS. Mrs Smart told Mr McCabe about the email indicating that Ms Dixon and Mr Sampson had implemented a Challenge 21 policy in November and reminded him that the licence requires the premises to operate a Challenge 25 policy. She further advised Mr McCabe of the visit by the officers in the company of the passive drugs dog, and that on this occasion they found Mr Sampson drunk in charge of the premises. Mrs Smart advised Mr McCabe that she was still not satisfied with the management of his premises. Mr McCabe asked Mrs Smart if she would withdraw the Review if he got rid of Mr Sampson and she told him that she would give this consideration. A copy of Mrs Smart's notes in relation to this telephone call is attached.

On 18 January 2019 Mrs Smart received an email from Mr McCabe in which he indicates that he had discussed the above concerns with Ms Dixon and they propose to only open whilst the DPS is present on site to enable her to keep firm control of the management of the premises. He indicated that this would be 'likely' to involve closing the premises in the afternoon.

Mrs Smart was on leave during the week commencing Monday 21 January 2019, and she returned to work on Monday 28 January 2019. On Tuesday 29 January 2019 Mrs Smart advised Mr McCabe that he and the DPS are responsible for the management of

the premises and indicated that she did not have to meet with him prior to the hearing.
A copy of these emails are also attached.

Should you require any further information or assistance, please do not hesitate to contact my Licensing Officer, Mrs Julie Smart, on telephone number 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

SMART Julie 50403

From: Guy, Mandy <Mandy.Guy@torbay.gov.uk>
Sent: 11 January 2019 15:30
To: [REDACTED]
Cc: SMART Julie 50403
Subject: RE: jollyjudge

Hi Diane,

Thank you for your email and the accompanying information. Unfortunately we cannot comment on what you have sent.

Mr McCabe is the licence holder so it is for him to decide if you are suitable to be the DPS on his licence. He would need to submit the application, along with a consent form from yourself. Once we accept the application the Police would then have a 14 day consultation period look into the application and to decide if they want to make a representation against the application.

If the Police did not make a representation we would grant the application after the 14th day. If we received a representation we would refer the application to the Licensing Committee to make a decision.

I hope this helps you understand the process.

Kind regards

Mandy

Mandy Guy
Senior Licensing Officer
Licensing and Public Protection Team
c/o Town Hall
Castle Circus
TQ1 3DR

Tel: 01803 208124
Fax: 01803 208854

Email: mandy.guy@torbay.gov.uk

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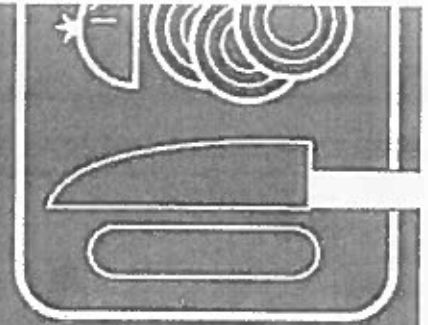
Food Safety and Licensing

 @TorbayFSL



Community Safety

Tel: 01803 208025 www.torbay.gov.uk/licensing



From: [REDACTED]

Sent: 10 January 2019 13:16

To: Guy, Mandy <Mandy.Guy@torbay.gov.uk>

Subject: jollyjudge

for the attention of mandy guy , julie smart.

we have been briefly introduced i am the acting bar manager at the jolly judge union street Diane Dixon, licence number 06/011860. i understand that the jolly hasnt performed as a viable premises for sometime. i have been working with mr john james sampson since november, pulling the jolly back to a comformative public house. we have implemented challenge 21 and have put restrictions on the admittance of children we now have a 7pm cut off time for patrons accompanied by minors. we have in my opinion challenged the previous behaviour of patrons and family within the premisis. we have also introduced early close during the week 10pm and wish only to comply with basic licencing hours at weekends ie; 11.30 last orders 11.50 time and 12 close. i am hoping on the srength of our ongoing efforts it would be acceptable for myself diane dixon to apply as D.P.S for the jolly so we can continue with our business ideas. we are hoping to pull jolly back to a food led premises to be enjoyed by all who respect our premises and rules. please advise if this is a viable prospect for yourselfs and our community.

kind regards Diane Dixon

J J Sampson

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SMART Julie 50403

From: SMART Julie 50403
Sent: 16 January 2019 14:23
To: EDGECOMBE Kim 50017
Subject: FW: Op Flatfish

From: BRATCHER Abigail 17041
Sent: 15 January 2019 15:02
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Cc: STEVENS Ian 15440 <Ian.STEVENS@devonandcornwall.pnn.police.uk>
Subject: FW: Op Flatfish

Hi Julie

Below are the details for all of the licensing checks which were completed. There was a small amount of cocaine found on a female in [REDACTED] although the Landlady was pro-police. Most premises were pretty good to us and happy to see us -- the DPS in The Jolly Judge appeared intoxicated as detailed below.

If you need anything else please let me know.

thanks

Time	Location	Premises	Licence	Person Spoken to	Landlord/DPS / Notes
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PAPERWORK IS SOON TO BE SUBMITTED FOR DIANE TO BECOME DPS. SHE WAS NOT PRESENT ON ARRIVAL HOWEVER WAS CALLED BY SAMPSON. JOHN SAMPSON APPEARED INTOXICATED. HIS BREATH SMELT OF INTOX LIQ. HE APPEARED CONFUSED AND THERE WERE MARKED DELAYS IN HIS RESPONSES WHEN ASKED QUESTIONS OR TO PRODUCE SOMETHING. HE APPEARED CAGEY. LICENCE WAS IN AN ENVELOPE IN BACK AREA.

DPS

JOHN SAMPSON
DIANE DIXON

NO

429

JOLLY JUDGE

1932

SMART Julie 50403

From: HAWORTH Mike 11463
Sent: 16 January 2019 15:17
To: SMART Julie 50403
Subject: Jolly Judge

Afternoon Julie,

When we visited the Jolly Judge last Saturday with the drugs dog, the chap behind the bar, I believe he is called Sampson, was clearly affected by alcohol. He was slurring his words, red in the face and smelt strongly of intoxicating liquor.

All the best
Mike

Sent from Samsung Mobile

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Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - Active > Jolly Judge

Item Type	L10
Prem Name	Jolly Judge
Date Rec'd	16/01/2019
Date Due	
Event Start Date	11/01/2019 00:00
Event End Date	
Submitting Officer	BRATCHER Abigail 17041
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Premises/Persons of Interest
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART

Item Report Summary passive drugs dog visit paper work soon to be submitted for Diane to become dps. she was no present but john Sampson called her. He appeared intoxicated.

Comments SMART Julie 50403 (18/01/2019 12:14):

Discussed this matter with PC Mike Haworth who described John Sampson as hammered. He has since supplied me with an email in which he states that Mr Sampson was heavily intoxicated

On 17/01/19 I received a phone call from Mr McCabe who asked if I would withdraw the Review as a result of Ms Dixon being appointed as DPS. I told him that in relation to Ms Dixon she sent an email to Mandy Guy which was forwarded to myself in which she states that she has implemented a Challenge 21 policy at the premises. I told him that it is appears that she has not read the licence which requires Challenge 25. I also told him about Mr Sampson and the fact that whilst Ms Dixon is not at the premises he was drunk in charge and therefore I am still not satisfied with the

management of the premises. Mr McCabe asked if I would withdraw the Review if he got rid of Mr Sampson and I told him that I would give this consideration.

Details of the passive drugs dog visit will be detailed in a further representation to Torbay Council.

No further action required in respect of this item.

Visit tasked NO
LA Time Taken
LO Time Taken
Item Briefed
Representation/Objection No
Hearing No
Status COMPLETE
Attachments Jolly Judge John Sampson Drunk at premises during passive drug dog visit on 120119.msg
OP Flat fish 11 01 19.msg

Version: 2.0

Created at 16/01/2019 15:07 by EDGECOMBE Kim 50017

Last modified at 18/01/2019 12:14 by SMART Julie 50403

Close

SMART Julie 50403

From: SMART Julie 50403
Sent: 29 January 2019 10:54
To: 'david mccabe'
Cc: [REDACTED]
Subject: RE: The Jolly Judge Torquay

AlreadyAsked: -1

Good morning

Thank you for sending me the below. As you and Diane are responsible for the management of the Jolly Judge, it is up to you to decide how best to ensure the licensing objectives are met. If you feel the below measure will improve the management of the premises then perhaps you need to try it and assess whether it works or not.

I am aware that you have been trying to contact me by phone. I have just returned from leave and have 3 hearings to deal with tomorrow and several meetings at the end of the week. Unfortunately I therefore do not have time to meet or discuss the below matter with you. As the Review hearing for your premises is to take place next week Thursday, I suggest you bring a copy of your email to the hearing so you can advise the Licensing Authority of the action you have taken.

Kind regards
Julie

From: [REDACTED]
Sent: 18 January 2019 15:35
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Cc: [REDACTED]
Subject: The Jolly Judge Torquay

Good Afternoon,

I would like to confirm my discussions with the DPS Diane Dixon regarding our proposals to improve the standard of management at the above premises.

We would propose to only open whilst the DPS is present on site to enable her to keep firm control of the management of the premises.

To enable the DPS to have a reasonable length working day this would be likely to involve closing in the afternoons.

I would be grateful if you could let me have your thoughts on whether this would be acceptable to you, or if you would like a meeting with us both please let me know.

Both myself and the DPS want to put a stop to the mismanagement that has occurred at the premises and which has caused so many problems for all concerned. We feel that this will put the required control measures in place.

Kind regards

David McCabe

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