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Date: Tuesday, 13 March 2012

Democratic Services
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 15 MARCH 2012

I am now able to enclose, for consideration at the Thursday, 15 March 2012 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Licensing Act 2003 – An application for a Premises Licence – Trens, 8 Torwood Street, Torquay, TQ1 1EB – further representation from the Police circulated on 13 March 2012	(Pages 37 - 59)

Yours sincerely

Teresa Buckley
Clerk

Agenda Item 6

MEETING AT TORQUAY POLICE STATION RE MAMBO 8 DECEMBER 2011 AT 1500 HRS

Present: Inspector Adrian LEISK
Sgt Gaynor BELL
Julie SMART, Police Licensing Officer
Mandy GUY, Torbay Council Licensing Officer
Julie EYRE, Director of Lifestyle Enterprises
Sharon RODGERS, PA of Julie EYRE
Nathan TOWERSEY, Area Manager, Lifestyle Enterprises
Michael JOHNSTON, DPS of Mambo
Aaron MOORE, Owner of Forefront Security

Inspector LEISK outlined the reason why the above named had been requested to attend the meeting, due to the large number of crimes linked to the premises since April 2011. He said that an undercover police operation had taken place in early 2011 which had gone some way to alleviate the concerns of the police, but since that time crime levels had remained high. He also stated that in relation to licensed premises, Mambo had more crimes linked to them than any other licensed premises in the whole Devon and Cornwall Force area. He stated that due to financial cut backs, the police are not in a position to tolerate this number of crimes, and more responsibility by the premises to reduce this number is required. It was also pointed out that the police receive statistical data from Torbay Hospital concerning A & E attendances, and Mambo is frequently mentioned within this data.

Sgt BELL then gave an overview of the number and type of crimes that the police had been investigating. There are 10 allegations of assault/heavy-handed ejections by door stewards, 20 assaults (customer on customer) and 23 thefts, mainly of handbags or mobile phones.

It was acknowledged that Mambo is a very busy premises, which is open until the early hours every night of the week and therefore the police would expect a higher number of incidents than other premises. The layout of the premises was discussed and suggestions put forward to improve customer flow/supervision. Nathan indicated that the premises are hoping to level out the floor area and remove a banister on the first floor, sometime at the beginning of 2012.

Lengthy discussions followed re crime prevention/reduction matters and drink promotions. Mandy GUY raised concerns re noise issues and information she had received regarding staff receiving bonuses or pay cuts based on volume of sales – this was denied by Julie EYRE.

Julie SMART will provide Julie EYRE with a breakdown of all crimes in due course, particularly in relation to the allegations against doorstaff, in order that she can liaise with Aaron MOORE concerning this. Aaron indicated that he will not tolerate the misuse of force by door stewards and will take any action necessary.

Inspector LEISK said that he wished to review the situation with Mambo in 3 months, when he will compare the number of crimes (December 2011 to March 2012) to that covering the same period last year (December 2010 to March 2011).

Inspector LEISK concluded the meeting by stating that this was an opportunity for Mambo to examine their operation and assist the police in improving the situation. Julie EYRE indicated that she is concerned that her premises are causing concern for the police and that she and her staff will endeavour to improve the situation.

MAMBOS

Number of police logs since April 2011 – 45

Number of crimes linked to Mambos since April 2011 – 44

Summary of logs:-

Allegations against door staff:- (Any names)

- a) Log 47 22/11/11 FT/11/7994 refers
- b) Log 57 261011 – male lawfully ejected, a/p unco-operative
- c) Log 44 260911 – male stating thrown out of sig, dragged to ground
- d) Log 37 260911 – male alledging discrimination re ejection
- 10 e) Log 632 180811 – FT/11/5485
- f) Log 6 260711 – door staff refused a/p entry and called him dumbo and flicked ears
- g) Log 53 300611 – assault by doorstaff after a/p went out for cigarette and was refused re-entry – a/p unco-operative
- h) Log 84 110611 assault by doorstaff – poss broken nose – no crime number
- i) Log 126 070511 – assaulted by doorstaff – no further details
- j) Log 478 110411 – doorstaff grabbed hold of a/p, manhandled him downstairs, stuck foot out and tripped up a/p, puched thumb into eye causing bruising, broke thumb. FT/11/2252
- k) FT/11/7118 – possible assault by doorstaff although not clear on MO
- l) FT/11/7843 – ejection using excessive force – CCTV reviewed shows lawful ejection
- m)

Threats of bombs:-

- a) Log 55 240811 – male stating he is going to blow up the place
- b) Log 114 120611 – bomb hoax reporting unconscious people at location

Assaults:-

- a) Ft/11/2252 – allegation against doorstaff – shows a/p being difficult and reasonable force being used during CCTV coverage although injuries are quite substantive namely broken thumb, bruising to eye.
- 20 b) FT/11/2370 – domestic assault
- c) FT/11/2458 – Section 18 – domestic related
- d) FT/11/3501 – common assault
- e) FT/11/3621 – assault by doorstaff – filed as u/d – no clear if offence shown on CCTV
- f) FT/11/3664 – assault by doorstaff – lawful ejection
- g) FT/11/4026 – section 20 – allegation against doorstaff – inconsistencies in a/p's account compared to CCTV footage resulted in NFA
- h) FT/11/4640 – domestic related assault
- i) FT/11/5403 – Section 20 – domestic related
- j) FT/11/5644 – Section 20 – misunderstanding over female!!

- k) FT/11/5887 – Section 47
- l) FT/11/6154 – Section 47 – allegation against doorstaff – CCTV reviewed lawful ejection
- m) FT/11/7118 – Possible assault by doorstaff? Not clear on MO
- n) FT/11/7452 – assault by individuals known to each other
- o) FT/11/7787 – female on female Section 47
- p) FT/11/7843 – ejection using excessive force – CCTV reviewed shows lawful ejection
- q) FT/11/7905 – Section 20
- r) FT/11/7969 – common assault
- s) FT/11/7994 – assault by doorstaff – await updates
- t) FT/11/8060 – assault by doorstaff – await review of CCTV

Thefts:-

- a) FT/11/2219 – handbag stolen
- b) FT/11/2349 – theft of handbag
- c) FT/11/2383 – theft of phone from coat
- d) FT/11/2393 – theft of mobile from jacket
- e) FT/11/2563 – phone from handbag
- f) FT/11/2730 – wallet from back pocket stolen
- g) FT/11/3956 – mobile phone stolen
- h) FT/11/4045 – mobile phone
- i) FT/11/4629 – Iphone dropped from balcony – no located when looked for
- j) FT/11/4761 – handbag stolen
- k) FT/11/4915 – handbag stolen
- l) FT/11/5517 – Handbag stolen
- m) FT/11/6241 – handbag stolen
- n) FT/11/6322 – handbag stolen
- o) FT/11/6333 – handbag stolen
- p) FT/11/6701 – phone from handbag stolen
- q) FT/11/6729 – phone from handbag stolen
- r) FT/11/6883 – phone dropped out of handbag
- s) FT/11/7245 – theft of handbag
- t) FT/11/7625 – theft of handbag
- u) FT/11/7739 – theft of mobile
- v) FT/11/7858 – theft of handbag
- w) FT/11/7921 – handbag and I phone stolen

MAMBOS – ALLEGATIONS AGAINST DOOR STAFF

LOG 47 22/11/11(0235 HRS) – FT/11/7994 REFERS

SUSPECT ONE WHITE MALE LARGE BUILD 35 TO 40 YEARS 5FT 8IN TALL WITH SHORT LIGHT COLOURED HAIR WEARING WHITE SHIRT AND BLACK WAISTCOAT
SUSPECT TWO WHITE MALE AVERAGE BUILD OVER 6FT TALL AGED 25 TO 30 YEARS WITH SHORT DARK HAIR WEARING WHITE SHIRT AND BLACK TIE
SUSPECTS THREE AND FOUR MALES
ALL ARE DOORSTAFF AT MAMBO TORQUAY

AP STATES HE WAS DRAGGED FROM TOILETS AT TOP OF STAIRS, DOWN THE STAIRS AND THEN ASSAULTED OUTSIDE ON THE PAVEMENT. HE WAS BY HIMSELF

2CM CUT OVER LEFT EYE GRAZE TO ELBOW BRUISING AND GRAZING TO KNEE

LOG 57 26/10/11 (0255 HRS)

Allegation from member of public regarding assault by door staff which occurred at approximately 0230 hrs. CCTV was viewed and an officer indicated that he considered this a lawful ejection and therefore no crime complaint was created. Log does not detail any injuries received.

LOG 44 26/09/11 (0214 HRS)

Male, who only has one arm, alleged that he had been thrown out of premises and dragged to ground. Member of staff at Mambos spoken to and indicated that the male was drunk and had threaten to bomb the premises.

LOG 37 260911 (0149 HRS)

Polish man ejected from premises, alleged that this was because of discrimination.

LOG 632 18/08/11 (1918 HRS) – FT/11/5485 REFERS

This relates to a male [REDACTED] a door steward) who was assaulted and received a broken jaw. Suspect is [REDACTED] who is a doorman at the Jolly Farmer, Newton Abbot. There is also an allegation of witness intimidation by [REDACTED] who is a doorman at Bar 7, Newton Abbot. This crime has been finalised as 'No further action' – ie no further lines of enquiry/no action to be taken against suspect. Log and crime does not indicate whether any of these doormen were working at Mambo at the time of the incident.

LOG 6 26/07/11 (0003 HRS)

I AM BEING BULLIED BY 2 SECURITY OFFICERS - THEY ARE CALLING ME "DUMBO" AND FLICKING MY EARS

No formal complaint of assault made by complainant, however this type of behaviour is unacceptable and does not promote a professional attitude.

LOG 53 30/06/11 (0123 HRS)

MALE WENT OUT FOR A CIGARETTE AND BOUNCER REFUSED TO LET HIM BACK IN. THE BOUNCER PUSHED HIM AND REFUSED HIM ENTRY. CALLER THEN TRIED TO GET BACK IN SO BOUNCER PUSHED HIM TO THE FLOOR.

No formal complaint of assault made by complainant.

LOG 84 11/06/11 (0208 HRS)

THE RP STATES THAT HE WAS ASSAULTED BY THE BOUNCERS INSIDE THE CLUB AND THAT THEY HAVE REALLY LAID INTO HIM AND BUSTED HIS NOSE AND FACE UP - HE HAS REFUSED MEDICAL ATTENTION

THE RP SAID THAT HE WAS IN THE SMOKING AREA OF THE CLUB WHEN THIS HAPPENED

No formal complaint of assault made by complainant.

LOG 126 07/05/11 (0306 HRS)

CALLER TOLD ME HE HAD BEEN DRAGGED DOWNSTAIRS AND HAS LUMPS ON HIS HEAD AND DIDN'T FEEL WELL SAID WOULD HAND ME OVER TO SOMEONE AS FELT SO UNWELL BUT THEN LINE DISCONNECTED

FROM PS SAUNDERS, ON ATTENDING MAMBO A MALE DID COME OVER TO SPEAK WITH ME BUT AS SOON AS HE SAW ANOTHER WHO I BELIEVE TO BE HIS MATE BEING ARRESTED FOR CRIMINAL DAMAGE HE WALKED OFF

No formal complaint received.

**LOG 478 11/04/11 (1425 HRS) – Incident occurred at approximately 0100 HRS)
– FT/11/2252 REFERS**

RP STATES WAS IN MAMBO WHEN BOUNCER GRABBED HOLD OF HIM AND MAN HANDLED HIM DOWN THE STAIRS. WHEN THEY WERE AT THE BOTTOM HE STUCK HIS FOOT OUT SO RP TRIPPED OVER AND STARTED PUSHING HIS THUMB INTO HIS EYE WHICH HAS CAUSED BRUISING. HE THEN BENT HIS THUMB SO FAR THAT HE HEARD THE BONE SNAP. RP TOLD THE BOUNCER THAT HE WAS GOING TO BREAK IT BUT HE DIDN'T STOP. TWO OTHER BOUNCER CAME OVER AND TWISTED HIS ANKLES WHICH ARE SORE TODAY.

RP HAS BEEN TO HOSPITAL AND HAS ARM IN CAST NOW AS QUITE A BAD BREAK TO THUMB. VISABLE INJURY TO EYE

Door steward described as REALLY STOCKY MALE, ROUGHLY 5'10', SHORT HAIR OR BALD AND QUITE PALE IN COMPLEXTION

FOR THE INFORMATION OF THE OIC, ON 13/04/11 I WENT TO THESE PREMISES AND SPOKE TO THE MANAGER/DPS, MICHAEL JOHNSON. HE WAS AWARE OF THIS INCIDENT AND SHOWED ME INCIDENT REPORTS WHICH THE DOORMEN INVOLVED HAD COMPLETED FOLLOWING THE

INCIDENT. HE ALSO SHOWED ME CCTV FOOTAGE OF THE AGGRIEVED PERSON BEING EJECTED

MR JOHNSON IS MORE THAN HAPPY TO CO-OPERATE WITH THE POLICE ENQUIRY AND CAN BE CONTACTED AT MAMBO ON 01803 201197. HE HAS FULL DETAILS OF THE THREE DOORMEN INVOLVED AND WILL ENSURE THEY TOO ASSIST THIS ENQUIRY.

CCTV viewed by officers. Aggrieved is seen to refuse to leave and be unco-operative in his ejection. Part of the ejection down the stairwell is not covered by CCTV. Neil Stanlake requested an additional camera be installed to cover this area. This complaint has been classed as a lawful ejection, however it still appears that excessive force was used.

FT/11/7118 - 22/10/11 BETWEEN 0000 AND 0100 HRS

AGGRIEVED ASKED TO MOVE OFF STAIRS IN SIG LOCATION BY OFFENDER AS AGGRIEVED MOVED ON MUTTERED SOMETHING UNDER HIS BREATH OFFENDER APPROACHED HIM ASKING WHAT HE SAID DRAGGED HIM THROUGH FIRE EXIT AND INTO SIDE ROOM WHERE HIM AND OTHER WORKERS ASSAULTED HIM UNKNOWN HOW RECEIVED INJURIES AS AGGRIEVED DOESN'T REMEMBER ANYTHING UNTIL BEING CHUCKED OUT OF PREMISES WITH INJURIES

Injuries- 2XBLACK EYES SWOLLEN LEFT CHEEK

Suspect - MALE SLIM 6FT 3IN WORKS AS DOORMAN AT SIGNED LOCATION

Enquiries ongoing.

FT/11/7843 - 16/11/11 BETWEEN 0200 AND 0230 HRS

PC INCE ATTENDED MAMBO AND VIEWED THE CCTV, IT SHOWS THE A/P AT THE BAR CAUSING PROBLEMS. SHE IS THEN ESCORTED BY TWO DOORSTAFF AND IS HELD BY HER UPPER ARMS. SHE IS LAWFULLY EJECTED FROM THE PREMISE. ONCE AT THE TOP OF THE STAIRS THEY GO OUT OF VIEW.

Suspect - WHITE MALE AGES IN HIS 30S SLIM BUILD 5FT 8IN TALL SHORT DARK HAIR

BRUSISES TO LEFT UPPER SHOULDER

Again the officer who viewed the CCTV indicated this was a lawful ejection, but excessive force may have been used as the victim was bruised

MEETING AT MAMBO WITH JULIE EYRE, SHARON RODGER AND NATHAN TOWERSEY AT 1100 HRS ON MONDAY 27 FEBRUARY 2012.

Attended premises to discuss the list of 'Allegations against door stewards' that I had prepared following the meeting held at Torquay Police Station on 8 December 2011. Sharon Rodgers handed to me a document she had prepared, entitled 'Incidents reported from police matching with Mambo'. I looked at the first couple of entries on this document and they did not seem to tie in with the dates of incidents I had prepared so it was agreed that I would compare both documents, undertake further research and then liaise with Sharon re my findings.

Discussion re number of complaints of assault by door stewards for Mambo's compared to other premises in Torquay. I stated that there are far more of these in relation to Mambo, and a discussion following over possible reasons for this.

Discussion re variation of layout of premises on 1st Floor which should assist with customer flow and supervision of premises.

Discussion re staff changes as Gary Simpson has now left Mambo's, and Nathan has been re-instated as DPS.

Discussion re application in respect of Trents. Date of hearing has been set as 15 March 2012. Julie EYRE stated that in relation to my proposed conditions, the only one that she has issues with is that any person involved in the sale/supply of alcohol must complete BIIA Level 1 training course. I told her that this course is easy to arrange, the trainer can attend the premises and train all staff in one session taking approximately 2-3 hours. Rob FORD, the trainer, has in the past received Government funding and these courses have been free, however, the cost of the course is in the region of £20-£30. Julie stated that they have a high turnover of bar staff, and we discussed writing into staff contracts that if they leave the company within a certain time period they have to pay the course fee back. I told her that in Scotland training such as this is compulsory, and it has been rumoured that at some point it may be brought in in England. This condition has been imposed on several licences in Torbay, and it goes a long way to demonstrate that bar staff are aware of their responsibilities with regard to serving drunks and underage persons.

Left premises at 1230 hrs.

WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of Adrian John Leisk..... URN: [] [] [] []

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

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: A J Leisk..... Date: 09/03/2012.....

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

I am a Police Inspector in the Devon and Cornwall Constabulary, presently stationed at Torquay. I am responsible for the delivery of Local Policing across Torbay, including The Evening and Night Time Economy. I have been engaged in policing Torquay's Evening and Night Time Economy since 1995 and am experienced in public order policing. I have been asked to comment on my concerns in relation to the operation of the Cafe Mambo licensed premises, situated on The Strand in Torquay.

Between 1st April 2011 and 27th February 2012, there have been 71 offences linked to Cafe Mambo. These include 2 offences of Assault Occasioning Grevous Bodily Harm with Intent, 3 offences of Assault Occasioning Grevous Bodily Harm, and 6 offences of Malicious Wounding. There were also 11 offences of Assault Occasioning Actual Bodily Harm and 2 Common Assaults. In addition to this there were 38 thefts from persons visiting the premises.

The other busy Night Time Economy venues in Torquay; The Green Ginger, The Venue and Bohemia experienced 46, 48 and 41 crimes respectively in the same time period.

These crimes occurred on the following days of the week;

- Saturday – 16 offences
Sunday – 15 offences
Thursday – 15 offences
Monday – 9 offences
Wednesday – 7 offences

Signature: A J Leisk..... Signature witnessed by:

Friday – 6 offences

Tuesday – 3 offences

Most of these offences are committed between midnight and 0400 hours.

There were 54 incidents where the police were called to Cafe Mambo in the period 1st April 2011 to 27th February 2012.

Contrasting this with other popular Night Time Economy venues; the Green Ginger, The Venue and Bohemia there were 16, 21 and 25 incidents reported to the Police, respectively.

The breakdown of these Incident reports, or logs, is on the following nights of the week;

Monday – 11 incidents

Thursday – 11 incidents

Tuesday – 10 incidents

Saturday – 7 incidents

Wednesday – 6 offences

Friday – 6 offences

Sunday – 3 offences

There is a peak in incident reporting between 0200 hours and 0400 hours.

The general dynamic in Torbay is that all other nights other than Saturday have reported significantly reduced footfall. This has been impacted since 2008 as a result of the bleak financial outlook affecting the economy. People appear to be saving their money and visiting the harbourside on a Saturday evening only. Friday nights in particular have seen significantly reduced numbers of revellers on Torquay Harbourside.

My particular concerns in relation to Cafe Mambo are the type of customer that a seven day late night venue attracts. Most working people are saving to go out on a Saturday night. Save for the incidents at Cafe Mambo, there is virtually no reported Night Time Economy issues on nights other than a Saturday. Many of the persons involved in incidents at the premises are well known to the police with previous convictions.

The incidents and crimes I have detailed are in my view only part of the picture. Many other incidents have occurred at Taxi ranks and in the surrounding streets which we cannot

Signature: A J Leisk..... Signature witnessed by:

definitely link to the premises, although it is the only one operating in the area at the time of occurrence.

There have been more reported thefts in Cafe Mambo (38 offences) than any other venue put together. I simply do not subscribe to the view that because Cafe Mambo have a larger footfall, than other venues, this is a predictable position.

We can see from nights of the week where incidents and crime are reported that we do not experience a significant peak on a Saturday night, which one could attribute to increased volume of customers.

As a result of these concerns, I called a meeting between the Police and Lifestyle Enterprises at Torquay Police Station on 8th December 2012.

At this meeting I outlined my position and explained that we would review the position in three months time, with all options including a review being considered.

Since that meeting on 8th December, a further 31 crimes have been reported at the premises and a further 10 incidents have been reported.

Cafe Mambo is having a significant impact on Crime and Disorder in the Cumulative Impact Zone around Torquay harbourside. As stated earlier, if it was not for this premises, we would be experiencing significantly reduced numbers of crimes and incidents on other days of the week except for Saturdays.

Even accepting that Cafe Mambo is the busiest venue in Torbay in terms of footfall, the crimes and incidents are as a direct result of the premises being open until 0300 every night of the week.

Signature: A J Leisk

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Julie Karen SMART** URN:

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

This statement (consisting of:~~8.2~~... 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: **J K Smart**..... Date: **13/03/12**

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

I am a Police Licensing Officer for the Devon and Cornwall Constabulary, stationed in Torquay and I have held this position for the last 3 ½ years. My role includes dealing with the administration and enforcement of all matters relating to the Licensing Act 2003 within Torquay, Paignton and Brixham.

I refer to an application under the Licensing Act 2003 for the grant of a new Premises Licence, made by Lifestyle Enterprises (UK) Ltd in respect of a premise currently known as Trents, 8 Torwood Street, Torquay. This licence, if granted, will allow the premises to offer various forms of entertainment, late night refreshment and the sale of alcohol between 8.00 pm and 4.30 am Wednesdays through to Sundays. The premises will not be open during the day, and therefore it is the opinion of the police that this will be a drink-led establishment. It should also be noted that the licence will be time limited to operate from 1 April through to 31 October 2012 only, as the building is to be demolished as part of a regeneration project.

This premise is situated within the Torbay Council Cumulative Impact Area, as defined within the Council's Licensing Statement of Principles 2011 (pages 32 to 34 refer). The Cumulative Impact Area (CIA) was originally implemented in 2005 as this particular area of Torquay was experiencing high levels of crime and disorder and/or public nuisance. The need to retain the Cumulative Impact Area is reviewed on a 3 yearly basis and when the policy was last reviewed in 2010, statistics showed that although crime and disorder had decreased in certain parts of the CIA, the harbourside area is still subject of high levels of crime and disorder and it was therefore decided to retain the CIA in its entirety.

I have prepared an aerial photograph, a plan of the harbourside area and a list of premises within that area together with their closing time. It should be noted that the plan and list of premises only shows the pubs, nightclubs and takeaways in the harbourside area, and does not include restaurant and café type premises. From the plan it can be seen that Trents is within close proximity to 8 pubs/nightclubs which all offer late night drinking and various forms of entertainment. Additionally there are a further 13 similar establishments within a short walking distance from Trents. Trents is also situated close to 4 takeaway establishments, where large numbers of persons congregate to obtain food when the pubs and clubs close, and there are a further 2 such takeaways within the harbourside area.

With regards to Trents, this premises previously had the benefit of a Premises Licence (No PI0552, issued by Torbay Council), but the Designated Premises Supervisor at that time, wished to vacate the premises and move to a larger establishment at The Yacht, 18-19 Victoria Parade, Torquay. At that time the Police considered that this 'move' of premises

Signature: **J K Smart**..... Signature witnessed by:

Continuation of Statement of **Julie Karen SMART**

would not impact on the licensing objectives and indeed as it was a 'move' of premises, no further licence was to be granted in that area. Subsequently at a Licensing Hearing held on 14 April 2011, the Licensing Committee resolved that a departure from their policy was proportionate having regard to the oral representation from the police and given that the tenants agreed to surrender the Premises Licence at Trents. The Premises Licence at Trents was eventually surrendered on 28 September 2011.

I consider that the granting of a new Premises Licence in respect of Trents will add to the problems of crime and disorder, and public nuisance within the harbourside area as it will allow another establishment to offer similar facilities already on offer within that area, and close to other risk factors such as takeaways and taxi ranks.

As can be seen by the list of closing times within the harbourside area, this application will allow customers to remain on the premises until 4.30 am on Wednesdays through to Sundays, when there are already two other premises on the harbourside which close at 4.30 am and 5.00 am on Fridays/Saturdays. An additional premises closing at this time will not assist in furthering the licensing objectives and will lead to an increase the number of persons queuing at takeaways and waiting around for taxi's, thereby increasing the likelihood of crime/disorder/anti-social behaviour and nuisance in the area.

The applicants in respect of this application, Lifestyle Enterprises (UK) Ltd, are the current Premises Licence Holders of three licensed premises within the harbourside area. These being The Apple and Parrot/Tiffany's, 17 The Strand, Torquay, Tiger Bills and Fast Eddies, Queens Hotel, Victoria Parade, Torquay, and Mambo/The Beach Hut, 7 The Strand, Torquay. Tiger Bills and Fast Eddies is a food led establishment, and the Apple and Parrot/Tiffany's is a bar offering various forms of entertainment, including lap-dancing. The police do not experience high levels of crime and disorder at these two premises, however the same cannot be said in respect of Mambo, which is located approximately 150 metres from Trents.

In December 2011 the police had serious concerns about the high numbers of crimes and incidents linked to Mambo, and Lifestyle Enterprises (UK) Ltd were asked to attend Torquay Police Station at the request of Inspector Leisk, in order that to discuss these concerns. At this meeting they were informed that the police wished to see a reduction in crimes and incidents at their premises over the forthcoming three month period, or further action would be considered.

This situation is still being monitored by the police and further discussions with Mambo will be held in due course.

However, the statistics provided by our Research Department at Headquarters and the statement provided by Inspector Leisk show that since December 2011 there has been no significant improvement in the number of crimes and incidents linked to Mambo.

Furthermore, with regard to the time limit aspect of this application, ie that the licence will only run from 1 April 2012 until 31 October 2012, the police are concerned that should the premises impact on crime and disorder, normal avenues of recourse for the police, such as a Review of the Premises Licence, will not be a viable course of action due to the relevant time constraints involved in the application procedure. Therefore the only form of action available to the police would be the closure of the premises by use of Section 161 of the Licensing Act 2003 which can only be used if there is, or is likely imminently to be, disorder on or in the vicinity of the premises, and closure is necessary in the interests of public safety.

In conclusion, due to the very real concerns the police have in respect of the management and operation of Mambo, and the impact this premises has on the levels of crime and disorder, I do not think that they should be granted a Premises Licence in respect of Trents.

Signature: J K Smart.....

Signature witnessed by:

Crime and Incidents at Café Mambo since 1st April 2011

The following figures were obtained from data downloaded from Qlikview (crimes up to 27th Feb 2012 and incidents up to 8th Feb 2012)

Crimes

Café Mambo –

- 71 crimes for the period 01/04/11 – 27/02/12
- From 01/04/11 – 30/11/11 there are 40 crimes
- From 01/12/11 – 27/02/12 there are 31 crimes

The following shows the number of crimes at other nightclubs in the area for the period 01/04/11 – 27/02/12.

- **Green Ginger** – 46 crimes
- **The Venue Nightclub** – 48 crimes
- **Bohemia Nightclub** – 41 crimes

The following table gives a breakdown of the offences committed at Café Mambo by offence type.

THEFT - NON SPECIFIC	32
ASSAULT # OCCASIONING ABH - S.47	11
THEFT - STEAL FROM THE PERSON	6
MALICIOUS WOUNDING S.20	6
INFLECTING GBH WITHOUT INTENT S.20	3
WOUND # OR CAUSE GBH WITH INTENT TO DO GBH S.18	2
CRIMINAL DAMAGE TO BUILDING NON DWELLING	2
COMMON # ASSAULT AND BATTERY	2
POSSESSION # OF DRUG - CLASS A COCAINE	2
NON CRIME - DOMESTIC INCIDENT	1
POSSESSION # OF DRUG - CLASS A MDMA	1
HARASSMENT ALARM OR DISTRESS S.5	1
POSSESSION OF DRUG - CLASS B OTHER	1
BURGLARY # OTHER STEAL OR W/I STEAL/DAMG/G-B-H	1
Grand Total	71

Day/Time

The following table gives a breakdown of the offences committed at Café Mambo by the day of the week.

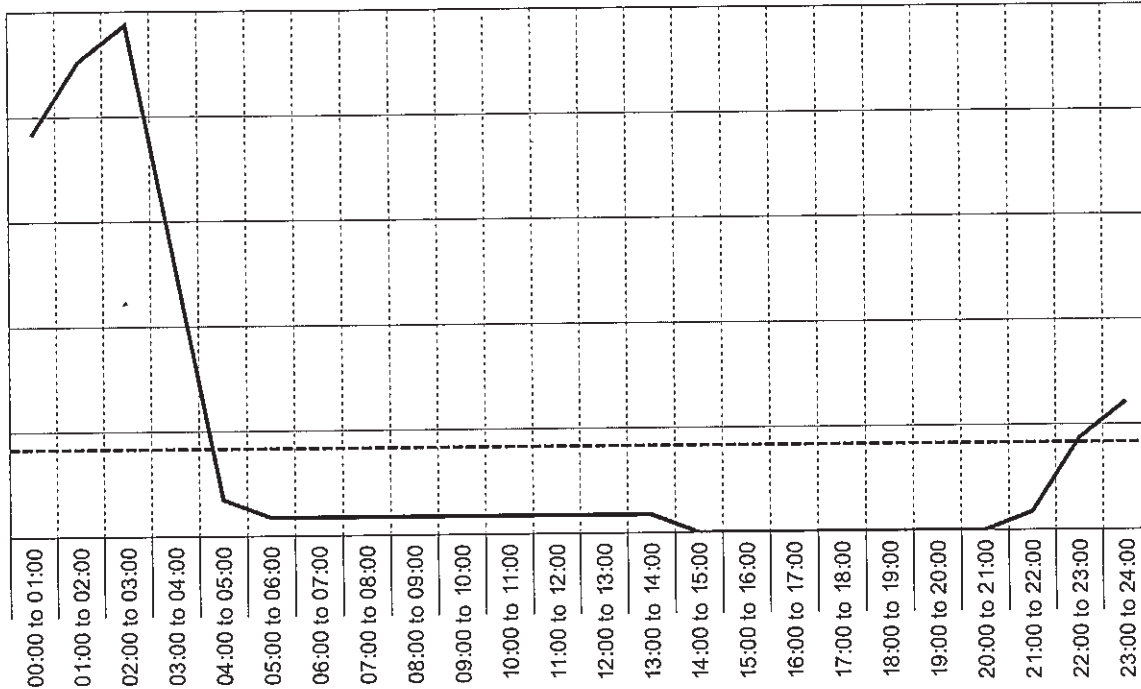
Day of week	Number of offences
Sat	16
Sun	15
Thu	15
Mon	9

RESTRICTED

Wed	7
Fri	6
Tue	3

The chart below shows that most of the offences are committed between 00:00 and 04:00hrs.

Mambo Crime Hours of the Day Profile



Incidents

Café Mambo –

- 54 incidents for the period 01/04/11 – 08/02/12
- For the period 01/04/11 – 30/11/11 there were 44 incidents
- For the period 01/12/11 – 08/02/12 there were 10 incidents

The following shows the number of incidents at other nightclubs in the area for the period 01/04/11 – 27/02/12.

- **Green Ginger** – 16 incidents
- **The Venue Nightclub** – 21 incidents
- **Bohemia Nightclub** – 25 incidents

The following table gives a breakdown of the incidents at Café mambo by closing main class –

Closing Main Class	Number of Incidents
ASB	20
Crime Recorded	14
Public Safety	10
Crime not recorded	9
Administration	1
Total	54

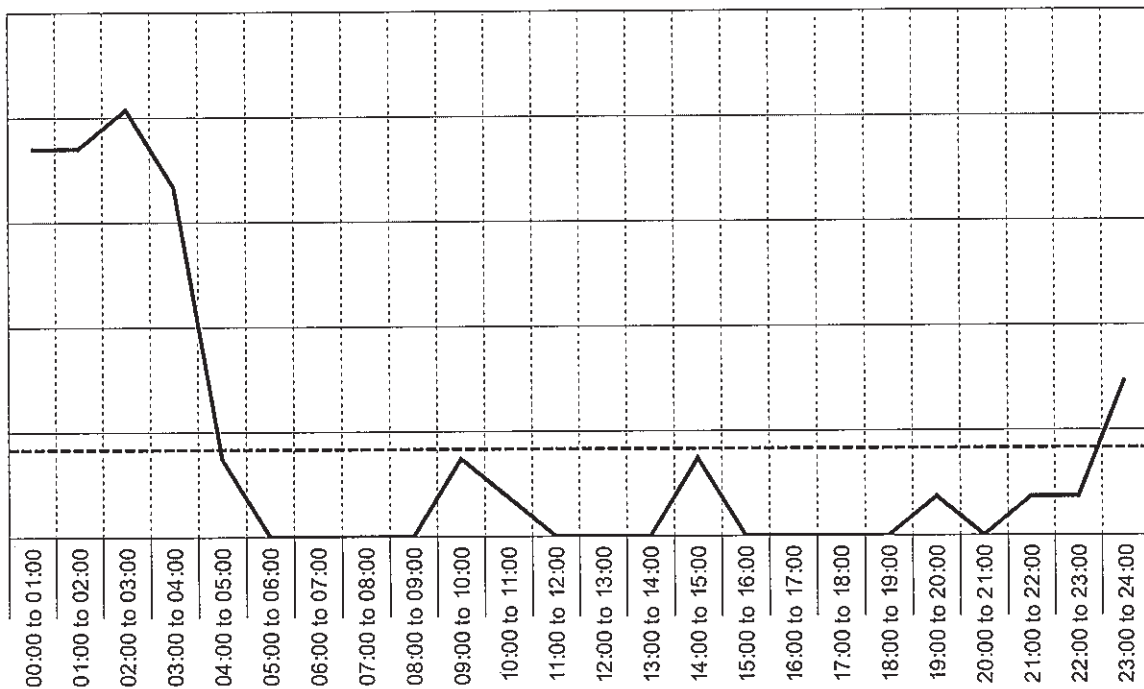
Day/Time

The following table gives a breakdown of the offences committed at Café Mambo by the day of the week.

Day of week	Number of offences
Mon	11
Thu	11
Tue	10
Sat	7
Wed	6
Fri	6
Sun	3

The following chart shows that there is a peak in incidents between 02:00 & 04:00hrs.

Cafe Mambo Incidents Hours of the Day Profile





Please reply to: Mr Karl Martin
Licensing & Public Protection
Roebuck House
Abbey Road, Torquay, Devon TQ2 5EJ



John Gaunt & Partners
Omega Court
372 Cemetery Road
Sheffield
S11 8FT

My ref: SRU/159500 7DQ
Your ref: MH.MK.MAR.YAC1/2
Telephone: 01803 207614
Fax: 01803 208854
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 26th April 2011

Dear Sirs

**Re: Notice under section 23 (1) & (3) Licensing Act 2003 – Application for a Premises Licence
The Yacht 19 Victoria Parade Torquay Devon TQ1 2BB**

I am writing to you with respect to the committee hearing on 14th April 2011 to consider an application for a premises licence for The Yacht, 19 Victoria Parade, Torquay.

I can confirm that the premises licence was granted in full with addition of conditions offered by the Police and Environmental Protection.

The reasons given by the committee are after careful consideration of all the written and oral Representations, Members specifically noted the concern of the resident in respect of the Cumulative Impact Area Policy. However resolved that a departure from this Policy was proportionate having had particular regard to the oral Representation from the Police in that the granting of this licence would not add to problems of crime and disorder, given that the Applicant's tenant's have agreed to surrender their current Premises Licence, namely Trents which is situated within the same area, albeit a smaller Premises.

Members were also satisfied that the Applicant had demonstrated within their operating schedule that there would be no negative impact on one or more of the Licensing Objectives and in particular, the conditions to alleviate concerns of public nuisance.

Members additionally noted the nature of the business being proposed by the Applicant, in that it was based on both food and licensable activities and as such, would seek to also attract families to the Premises.

Members were reassured that should issues arise as a result of this grant, an immediate Review of this Licence would be sought by the Responsible Authorities.

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.

- 1 -

The licence has been enclosed. There is an annual fee and this will be due 12 months from the date the licence was granted, also the 14th April 2011.

I enclose a sheet advising you of your appeal rights, if you are unhappy with the determination made by the Licensing Sub Committee.

If you have any queries then please do not hesitate to contact me.

Yours faithfully

Mr Karl Martin
Technical Officer (Safety)
Community Safety

Encl – appeals schedule LA023 (and with each copy to the Police)

c.c. ~~Licensing Team, Devon & Cornwall Police, P.O. Box 1, Paignton, TQ3 2YF~~
Gareth Fudge, Environmental Protection, Roebuck House, Abbey Road, Torquay (by email)

File No.:		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: Torwood Street,	
Address: Torwood Street	
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other ENTE Patrols	Date: 27&28/01/12 Time: Various Times
OIS Ref.:	Crime No.:
Brief summary / action taken (if not recorded elsewhere):	
Saturday 28 th January 2012	
<p>It was brought to officers attention particularly on Saturday night that risks to public safety along Torwood Street is a major concern. When members of the public leave licensed premises and gather on the road outside heavily in drink there was a few occasions were cars and taxis almost caused accidents. This is a major concern and should be addressed particularly for weekends which at the moment are fairly quiet in comparison to the summer months.</p> <p>Also with the heavy congregation of people outside The Venue and Yummies food bar at queueing times and kicking out times, incidents that occur tend to be worse as people cannot freely move from the area of the incident due to the barrier and also the road, it is also difficult for officers or doorstaff to control due to the heavy volume of people in the way due to the difficulty to disperse.</p> <p>This L10 is for information purposes and to try and flag up officers concerns before busy periods start. Would it be possible to look into blocking that section of the road for weekends from the clock tower roundabout up to the taxi cab office. If liasion with local premises could be made to ask there opinions then contact with relevant agencies could be made to try and figure out the best way to approach this high risk problem.</p>	
Submitted by: Name: Birch	Force No.: 12856
Signed: Alan J Birch	Date: 29/01/2012 Time: 19:20
Action taken by Licensing Unit:	
<p>Licensing officer:</p> <p>Forwarded to Daily Tasking:</p>	

Licensed Premises Visit Checklist

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

Officers present at inspection:

Administration:

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

Crime and Disorder:

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

Public Safety:

1. CCTV on premises? Yes No
Incident captured? Yes No
Image quality? Good Poor Other:
Working at time of visit? Yes No
Staff able to download? Yes No
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

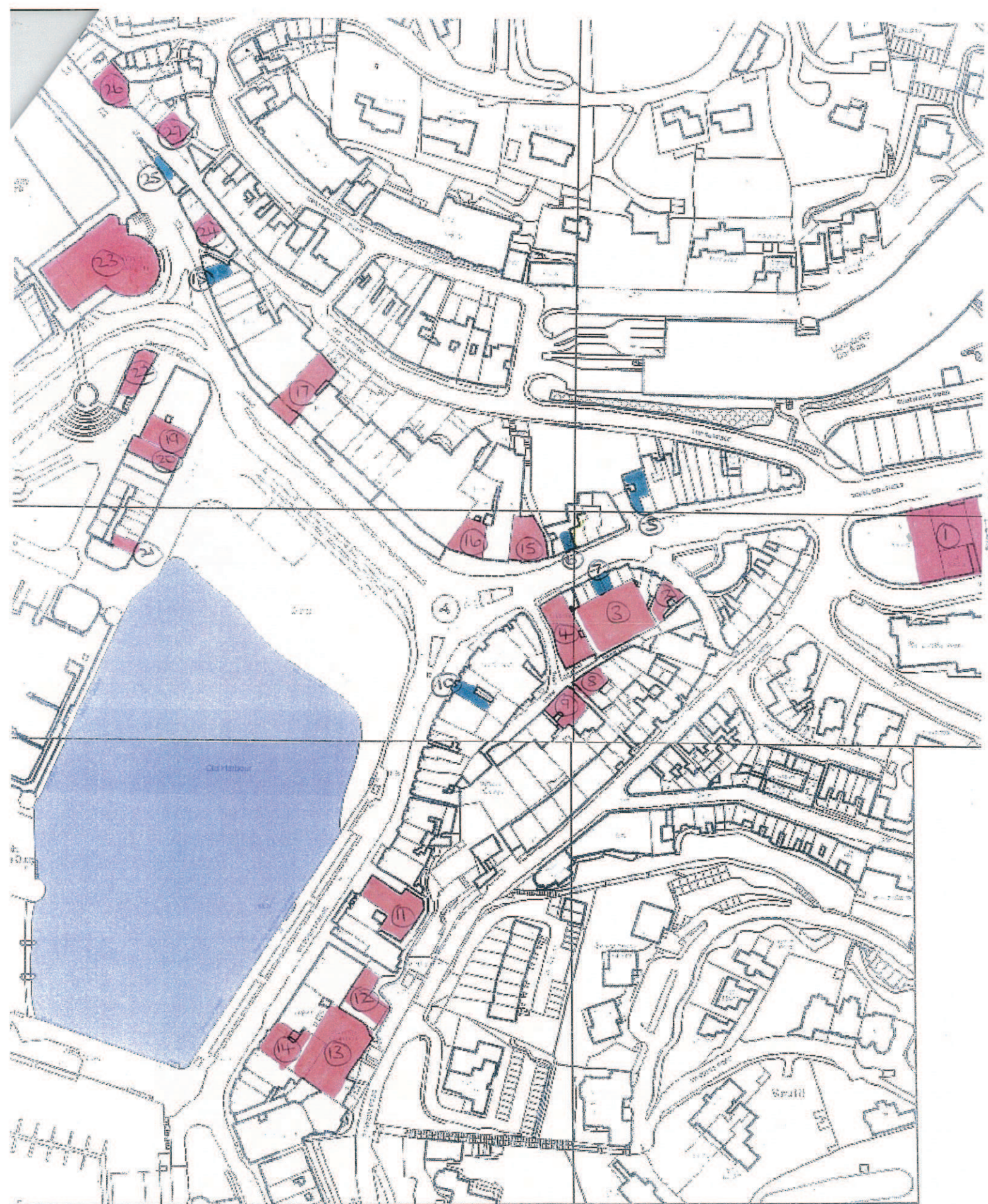


CLOSING TIMES FOR TORQUAY HARBOURSIDE PUBS, CLUBS AND TAKEAWAYS

	MON	TUES	WED	THURS	FRI	SAT	SUN	
1	0200	0200	0300	0300	0500	0500	0400	
2	0100	0100	0100	0100	0200	0200	0100	
3	0300	0300	0300	0300	0300	0300	0300	
4	0030	0030	0230	0230	0300	0400	0230	
5	0400	0400	0400	0400	0400	0400	0400	
6	0400	0400	0400	0400	0400	0400	0400	
7	0600	0600	0600	0600	0600	0600	0600	
8	0030	0030	0030	0030	0030	0030	0030	
9	0030	0030	0030	0030	0030	0030	0000	
10	0500	0500	0500	0500	0500	0500	0500	
11	0130	0130	0130	0130	0330	0330	0130	
12	0330	0330	0330	0330	0330	0330	0330	
13	0230	0230	0300	0430	0430	0430	0330	
14	0300	0300	0300	0300	0300	0300	0300	
15	0330	0330	0330	0330	0330	0330	0330	
16	0200	0200	0200	0200	0300	0300	0200	
17	0330	0330	0330	0330	0330	0330	0330	
18	0400	0400	0400	0400	0400	0400	0400	
19	0230	0230	0230	0230	0230	0230	0230	
20	0100	0100	0100	0100	0200	0200	0200	
21	0030	0030	0030	0030	0030	0030	0030	
22	0230	0230	0230	0230	0230	0230	0230	
23	0330	0330	0330	0330	0330	0330	0330	
24	0330	0330	0330	0330	0330	0330	0330	
25	0500	0500	0500	0500	0500	0500	0500	
26	0030	0030	0030	0030	0130	0130	0130	
27	0300	0300	0300	0300	0300	0300	0300	
TRENDS, 8 TORWOOD STREET								
	Closed	Closed	0430	0430	0430	0430	0430	

COLOUR KEY - PUBS/CLUBS TAKEAWAYS PREMISES SUBJECT OF THIS APPLICATION

Document Created: 01/03/12



rbay Council Licence No 100022695.