



Thursday, 14 June 2012

## **LICENSING SUB-COMMITTEE – REVISED AGENDA**

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

**Friday, 22 June 2012**

commencing at **9.30 am**

The meeting will be held in the Churston Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Addis  
Councillor Ellery

Councillor Doggett

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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:

**Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

Email: [democratic.services@torbay.gov.uk](mailto:democratic.services@torbay.gov.uk)



# LICENSING SUB-COMMITTEE

## REVISED AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 1 - 8)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 31 May 2012 and 7 June 2012.
4. **Declarations of interests**
  - (a) To receive declarations of personal interests in respect of items on this agenda  
**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda  
**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 - Review of a Premises Licence following the serving of a Review Notice, as in accordance with section 53A of the Licensing Act 2003 in respect of Mambo/The Beach Hut, 7 The Strand, Torquay** (Pages 9 - 178)  
To consider and determine a Review of a Premises Licence following

an Expedited/Summary Review which was heard by the Licensing Sub-Committee on the 31<sup>st</sup> May 2012.



## Minutes of the Licensing Sub-Committee

31 May 2012

-: Present :-

Councillors Addis, Ellery and Doggett

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### 1. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

### 2. Minutes

The Minutes of the meeting of the Sub-Committee held on 3 May 2012 and 10 May 2012 were confirmed as a correct record and signed by the Chairman.

### 3. Urgent Items

To consider any other items that the Chairman decides are urgent.

### 4. Application for an Expedited Review of a Premise Licence under Section 53A of the Licensing Act 2003 under Urgent Items

#### Details of Application – Under Urgent Items:

An Application for an Expedited Review of a Premise Licence under Section 53A of the Licensing Act 2003 (premises associated with serious crime and disorder) in respect of Mambo/The Beach Hut, 7 The Strand, Torquay TQ1 2AA.

The Premises do fall within the Cumulative Impact Area.

#### Written Representation received from:

Name	Details	Date of Representation
The Police	Application for an Expedited Review of the Premises Licence relating to Mambo's/The Beach Hut, 7 The Strand, Torquay TQ1 2AA.	29 May 2012



The Respondent and the Applicant Legal Representatives addressed the Chairman at the beginning of the meeting to request a delay to the start of the hearing to allow them an opportunity to discuss what actions the Respondent had taken since the serving of the s53A application and to allow the Police's Legal Representative to take further instructions in order to narrow the issues for consideration.

The Chairman agreed to allow a recess of thirty minutes.

The Chairman of the Licensing Sub-Committee reconvened the Meeting. The Legal Representative for the Respondent, asked to address the Committee on a preliminary matter concerning the application signed by Superintendent James Nye, and the correct criteria being applied in the serving of this type of application. The Applicant's Legal Representative proposed that this matter should not proceed, as the application was flawed due to an inaccuracy in the Applicant's Notes for guidance. He proposed that an ambiguity had arisen and that Members could not be satisfied without the presence of the Superintendent himself to confirm his mindset at the time of signing this application.

The Legal Representative for the Police, accepted that the Notes for Guidance were printed incorrectly but that it was no more than a clerical error and the test actually applied by the Superintendent was that of a more stringent one.

The Committee withdrew to deliberate this point before proceeding.

**Decision:**

Having carefully considered Representations by both parties, Members resolved that the Superintendents attendance was required before they can proceed to clarify the intention of the Application.

**Additional Information:**

The Applicant and the Respondent were asked to await the arrival of Superintendent Nye and hoped that they would afford the Committee reasonable time to wait as was afforded to them earlier before the start and advised that the Meeting would reconvene at 11.30 a.m.

The Chairman re-opened the Meeting at 11.30 a.m. with the Superintendent in attendance.

The Applicant's Legal Representative was asked to proceed in clarifying the preliminary matter raised by the Respondent. In doing so, the Superintendent was asked to clarify his mindset at the time of signing the application and had he applied the correct test. Clarification was given that the correct test had been applied by him in connection with Operation Ambassador and that the contents of the Notes for guidance was an oversight on his behalf but that it had not caused him to apply the wrong test.

The Respondent's Legal Representative questioned the Superintendent on the process in which the application had been signed and why the Notes for guidance detailed the wrong age. The Superintendent confirmed that this was an oversight but that he had applied the correct test in signing the application.

Brief summing up of this matter was made by both the Respondent and the Applicant's Legal Representatives.

The Committee subsequently withdrew to deliberate on the Representative's submissions.

**Decision:**

Having heard further Representations and Submissions from the Superintendent, Members are satisfied that although an oversight of the submitted documents had occurred, the mindset the Superintendent when making the application, was that of an individual attaining the age of 21 years given the nature of the operation that has been undertaken by the Police in the last 6-8 weeks.

Members resolved that the Superintendent presented as a credible Witness and had no reason to disbelieve his intentions when signing the application.

In light of this the Members agreed unanimously this Application is valid.

The Meeting was reconvened.

**Request to extend the time for Oral Representations:**

The Chairman agreed to the request from the Applicant and the Respondent's Legal Advisors to allow 30 minutes for Oral Representations.

**Oral Representations Received from:**

<b>Name:</b>	<b>Details:</b>
The Applicant's Legal Representative	The Applicant's Legal Representative outlined the Application for an Expedited Review and responded to Members questions.
The Respondent's Legal Representative	The Respondent's Legal Representative addressed the issues raised by the Applicant and responded to Members questions.

**Respondent's response to Representation:**

The Respondent's Legal Representative advised what interim steps had been taken to address the Representation from the Police. An Independent Report had been commissioned and was due to later this week which the Police were aware of. A new CCTV System was being installed and would be fully operational later today. Plastic glasses had been ordered and were expected to be in the Premises by this

evening. A cloak room was going to be available at weekends to address the number of theft incidents.

**Additional information:**

Members asked the Respondent to provide confirmation of the proposed interim steps undertaken.

With permission from the Chairman, a letter from the CCTV Company and an e-mail chain about the delivery of glasses was circulated to Members.

The Respondent advised that the CCTV would be completed by 3pm today and the e-mails concerning the glasses stated that there should be 3 deliveries, two of which they were awaiting and confirmed that one delivery had already been received.

The Committee requested submissions from the Respondent regarding the calling of an ambulance and/or the Police and keeping accurate incident records.

**Decision:**

Following the Section 53A Summary Review application by the Police, Members have resolved that the Premises Licence be suspended with immediate effect until 25 June 2012, whereby a Review Hearing would have been heard on the 22 June 2012, as in accordance with the Licensing Act 2003 provision.

**Reason for Decision:**

Having carefully considered all oral and written Representations, Members have serious concerns about the issues that have occurred at this Premise, as identified by the Police in their Application.

Members noted on the evidence before them that in their opinion three of the four Licensing Objectives have been undermined by the serious incidents reported in the Polices Application namely:

The Prevention of Crime and Disorder  
The Promotion of Public Safety  
The Protection of Children from Harm

and this had caused them grave concern.

Members further noted at the time of making this decision the proposed measures put forward by the Respondent did not go far enough to address the risk of further serious disorder and that steps already taken had not yet been fully implemented. As such, their concerns were not alleviated, given the serious nature of the incidents that have already occurred at this Premise.

In concluding, Members felt that the only interim step appropriate and proportionate to ensure that the Licensing Objectives are promoted, is for the Premise Licence to

be suspended with immediate effect until a decision of the Licensing Committee at a Full Review Hearing can be determined.

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

The Committee were advised by the Senior Licensing Officer that the item had been withdrawn. This was due to the Police withdrawing their Representation as a new application specifying a different Designated Premises Supervisor had been accepted by the Licensing Department.

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Chairman

**Minutes of the Licensing Sub-Committee**

**7 June 2012**

**-: Present :-**

Councillors Addis, Pentney and Brooksbank

**6. Election of Chairman/woman**

Councillor Addis was elected as Chairman for the meeting.

**7. Licensing Act 2003 – An application for a Premises Licence – Asda Supermarket, Borough Road, Paignton TQ4 7EP**

Members considered a report on an application for a Premises Licence in respect of Asda Supermarket, Borough Road, Paignton TQ4 7EP.

**Written Representations received from:**

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
MP for Totnes	Letter of Representation in relation to three Licensing Objectives; the Prevention of Crime and disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.	26 April 2012
Brixham Town Council	E-mail Representation with extract from Town Council Minutes in relation to two Licensing Objectives; 'The Prevention of Crime and Disorder' and The Prevention of Public Nuisance.'	24 April 2012

The Licensing Sub-Committee noted that those who had submitted Written Representations had been advised the Meeting was taking place. The MP was

## Licensing Sub-Committee

Thursday, 7 June 2012

unable to attend and Brixham Town Council had not returned the Notice to Speak. Members agreed it was in public interest to continue with the Meeting.

### Oral Representation was received from:

Name	Details
The Applicant's Solicitor	The Applicant's Solicitor outlined the application, as set out in the submitted Report, and responded to the written Representations and Members questions.

The application was introduced by the Licensing Officer who advised that there were no Representations from any Responsible Authority or any other interested party.

With permission from the Chairman, a document advising of permitted Alcohol Sale Times for supermarkets in Torbay was circulated to Members.

### Applicant's response to Representations:

The Applicant's Solicitor advised the Licensing Sub-Committee that this new Asda Store would be operating on the same Licensing hours as nearby supermarkets and noted that there had been no Representations from Responsible Authorities or local residents to the application. The Representations received expressed concerns with no evidence given, highlighting problems that 'might happen.' Asda undertakes full and examined training of all staff with Challenge 25 as standard operation, not Challenge 21, with till prompts and regular test purchases being undertaken.

### Decision:

Having carefully considered the written and oral representations, the Licensing Sub-Committee resolved to grant the Application for a Premise Licence in respect of Asda Supermarket, Borough Road, Paignton TQ4 7EP with the addition of the condition that the Challenge 25 Policy should apply in order to promote the Protection of Children from Harm.

### Reason for Decision:

Representations that to grant this application would create problems of Crime and Disorder, Anti-Social Behaviour and Public Nuisance and expose Children to the Risk of Harm are not substantiated by evidence.

There are two supermarkets nearby which sell alcohol with similar licensing hours and no evidence has been presented to suggest they are undermining the Licensing Objectives by adding to the problems feared.

## **Licensing Sub-Committee**

**Thursday, 7 June 2012**

The Police have considered this application and have not seen fit to make any Representations suggesting that to grant this application could undermine any of the Licensing Objectives. No local residents either have made any Representations expressing concerns.

Having assessed the application and Operating Schedule carefully, along with the assurances given today by the Applicant, including the measures the Applicant intends to take to promote the Licensing Objectives, the Licensing Sub-Committee find no basis for finding that to grant this application would undermine any of the Licensing Objectives.

# Agenda Item 6



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

Title: Licensing Act 2003 – Review of a Premises Licence following the serving of a Review Notice, as in accordance with section 53A of the Licensing Act 2003 in respect of Mambo/The Beach Hut, 7 The Strand, Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **22<sup>nd</sup> June 2012**

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 a Review of a Premises Licence following an Expedited/Summary Review which was heard by the Licensing Sub-Committee on the 31<sup>st</sup> May 2012. 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 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”, “The Prevention of Public Nuisance”, “Public Safety” and “The Prevention of Children from Harm”.
- 1.4 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 Following an application by a Senior Member of Devon and Cornwall Constabulary under section 53A of the Licensing Act 2003, the Council must within 28 days of its receipt, Review that Licence in accordance with section 53C of the Act and reach a determination of that Review.

The following information is provided to assist Members in reaching a determination of that Review:

Decision of the Licensing Sub-Committee held on the 31<sup>st</sup> May 2012 is shown in Appendix 1.

A copy of the current Premises Licence is shown in Appendix 2.

The Police have submitted a Representation with further supporting information which relates to the Licensing Objectives “The Prevention of Crime and Disorder”, “Public Safety”, “The Prevention of Public Nuisance” and “The Prevention of Children from Harm”. The information provided includes the original documents submitted to the Licensing Sub-Committee on 31<sup>st</sup> May 2012. This is shown in Appendix 3 and 4.

- 2.2 Torbay Council as the Licensing Authority has received Representations during the consultation period from Responsible Authorities and Interested Parties and is satisfied that the Representations have been received within the appropriate time scale, have not been subsequently withdrawn and are not vexatious, frivolous.

Public Protection have made a Representation relating to the Licensing Objectives “The Prevention of Public Nuisance” and “Public Safety”. This is shown as Appendix 5.

Torbay Safeguarding Children Board have made a Representation relating to the Licensing Objective “The Protection of Children from Harm”. This is shown as Appendix 6.

The Licensing Authority has received 2 Representations from Interested Parties in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. These are shown as Appendix 7.

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

The Respondent has submitted information in response to the Review following the Expedited/Summary Review Hearing. This information is shown as Appendix 8

and 9.

- 2.3 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.
- 2.4 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.

- 2.5 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	Decision of the Licensing Sub-Committee held on 31 <sup>st</sup> May 2012
Appendix 2	A copy of the Premises Licence
Appendix 3 and 4	Representation and supporting information from the Police
Appendix 5	Representation from Public Protection
Appendix 6	Protection Representation from Torbay Safeguarding Children Board
Appendix 7	Representations from Interested Parties
Appendix 8	Information from Mambo/The Beach Hut in response to the Review
Appendix 9	Information from Mambo/The Beach Hut in response to the Review (Confidential Information)

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.

# Agenda Item 6

## Appendix 1

### Decision of the Licensing Sub-Committee held on 31<sup>st</sup> May 2012 Regarding an Expedited/Summary Review of Mambo/The Beach Hut, 7 The Strand, Torquay,

#### **Decision:**

Following the Section 53A Summary Review application by the Police, Members have resolved that the Premises Licence be suspended with immediate effect until 25<sup>th</sup> June 2012, whereby a Review Hearing would have been heard on the 22<sup>nd</sup> June 2012, as in accordance with the Licensing Act 2003 provision.

#### **Reason for Decision:**

Having carefully considered all oral and written Representations, Members have serious concerns about the issues that have occurred at this Premise, as identified by the Police in their application.

Members noted on the evidence before them that in their opinion, three of the four Licensing Objectives have been undermined by the serious incidents reported in the Police's application, namely:

- The Prevention of Crime and Disorder
- The Promotion of Public Safety
- The Protection of Children from Harm

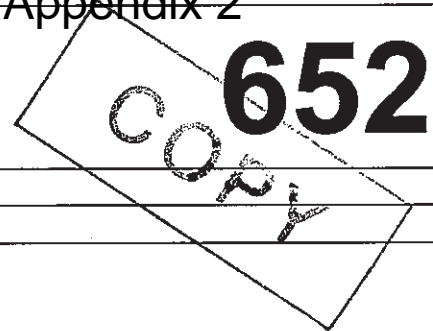
and that this caused them great concern.


Members further noted at the time of making this decision, the proposed measures put forward by the Respondent did not go far enough to address the risk or further serious disorder and that the steps already taken had not yet been fully implemented. As such, their concerns were not alleviated, given the serious nature of the incidents that have already occurred at this Premise.

In concluding, Members felt that the only interim step appropriate and proportionate to ensure that the Licensing Objectives are promoted, is for the Premises Licence to be suspended with immediate effect until a decision of the Licensing Committee at a Full Review Hearing can be determined.

Finally a date has been set for the 22<sup>nd</sup> June 2012 for a Full Review hearing. This is required by the Licensing Act 2003. As part of this legal process all the Responsible Authorities have been notified and they have until 15<sup>th</sup> June 2012 to make any representations on this Full Review.

Licensing Act 2003  
**Premises Licence**



<b>LOCAL AUTHORITY</b>	
	<b>Licensing Section</b> Torbay Council Roebuck House Abbey Road TORQUAY DEVON TQ2 5EJ

Part 1 - Premises Details

<b>POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION</b>	
<b>Mambo/The Beach Hut</b> 7 The Strand, Torquay, Devon, TQ1 2AA.	Telephone 01803 291112

<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>- 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>

<b>THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES</b>			
Activity (and Area if applicable)	Description	Time From	Time To
<b>B. Exhibition of films (Indoors)</b>			
	Monday to Saturday	11:00am	3:00am
	Sunday	11:00am	3:00am
	On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
	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 0100hrs.		
	On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.		
<b>E. Performance of live music (Indoors &amp; Outdoors)</b>			
	Monday to Saturday	9:00am	3:00am
	Regulated entertainment upon the terrace shall cease by 19:00hrs		
	On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		



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

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors) continued ...	<p>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 0100hrs.                      On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.</p>		
	<p>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.                      Regulated entertainment upon the terrace shall cease by 19:00hrs</p>	10:00am	3:00am
F. Playing of recorded music (Indoors & Outdoors)	<p>Monday to Saturday                      Regulated entertainment upon the terrace shall cease by 19:00hrs</p>	9:00am	3:00am
	<p>On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>		
	<p>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 0100hrs.                      On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.</p>		
	<p>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.</p>	10:00am	3:00am
G. Performance of dance (Indoors)	<p>Monday to Saturday                      On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	9:00am	3:00am
	<p>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 0100hrs.                      On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.</p>		
	<p>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.</p>	10:00am	3:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	<p>Monday to Saturday                      On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>	9:00am	3:00am
	<p>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 0100hrs.                      On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.</p>		

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

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...	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.	10:00am	3:00am
I. Provision of facilities for making music (Indoors)	Monday to Saturday On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.  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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.	9:00am	3:00am
	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.	10:00am	3:00am
J. Provision of facilities for dancing (Indoors)	Monday to Saturday On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.  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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.	9:00am	3:00am
	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.	10:00am	3:00am
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)	Monday to Saturday On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.  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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.	9:00am	3:00am
	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.	10:00am	3:00am

**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)	Monday to Sunday On Christmas Eve and 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	3:30am
	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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	9:00am	3:00am
	Sunday On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	3:00am
	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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Saturday	9:00am	3:30am
Sunday	10:00am	3:30am
On Christmas Eve and New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		
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 0100hrs. On Saint Patrick's Day, St George's Day and St Valentines Day 07.00 to 04.00.		

**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  
 sharon@thelifestylegroup.co.uk

2nd Floor Offices, Harbour Point, Victoria Parade, Torquay, Devon, TQ1 2BD.  
 Telephone 01803 294880

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



Licensing Act 2003  
**Premises Licence**

**652**

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

Nathaniel TOWERSEY

Flat 1, 17 The Strand, Torbay, 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. TEI00101

Issued by Teignbridge



Steve Cox  
Environmental Health Manager (Commercial)  
7 March 2012



**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: 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

**ANNEXES continued ...**

Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**ANNEXE 2**

**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. 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.
4. The Regulatory Reform (Fire Safety) Order 2005 shall be adhered to at all times.
5. When standing is permitted on the First Floor Balcony, an SIA steward must be in attendance on the balcony for the purpose of supervising public safety and preventing crime and disorder.
6. 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.
7. Entry to and exit from third floor must be by way of access from second floor only.
8. 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.
9. 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.

**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.

**ANNEXES continued ...**

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.
5. All drinks must 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.

**Public Safety**

1. Staff must be trained in first aid.
2. 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.
3. 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.

**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**

**General**

1. Access to and use of the 3rd Floor balcony after 1am and until 2am shall be as a designated smoking area only for no more than 20 persons with an SIA Door Steward in attendance, and no drinks shall be permitted in this area after 1am.

**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.

**ANNEXES continued ...**

- (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.
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.

# ANNEXE 4

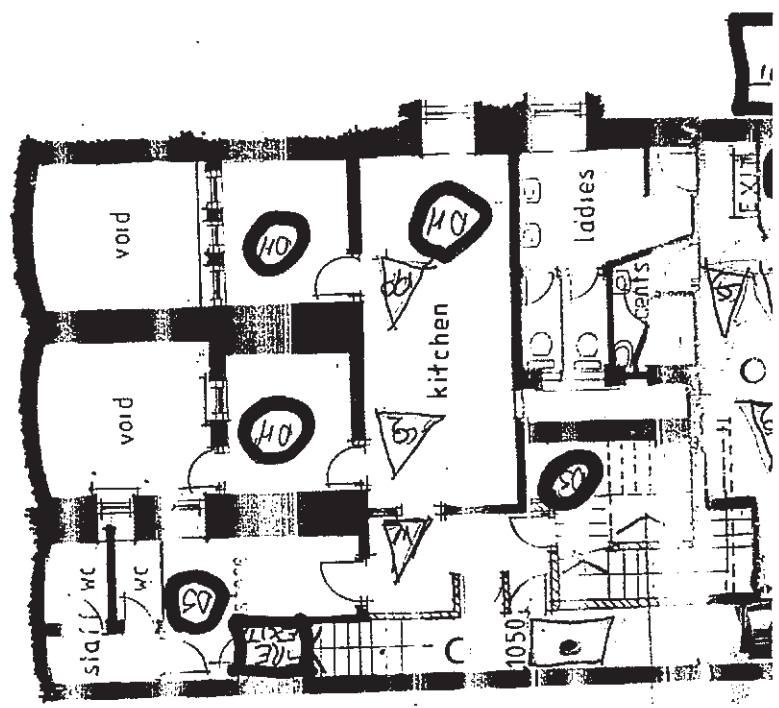
## Evacuation Procedure

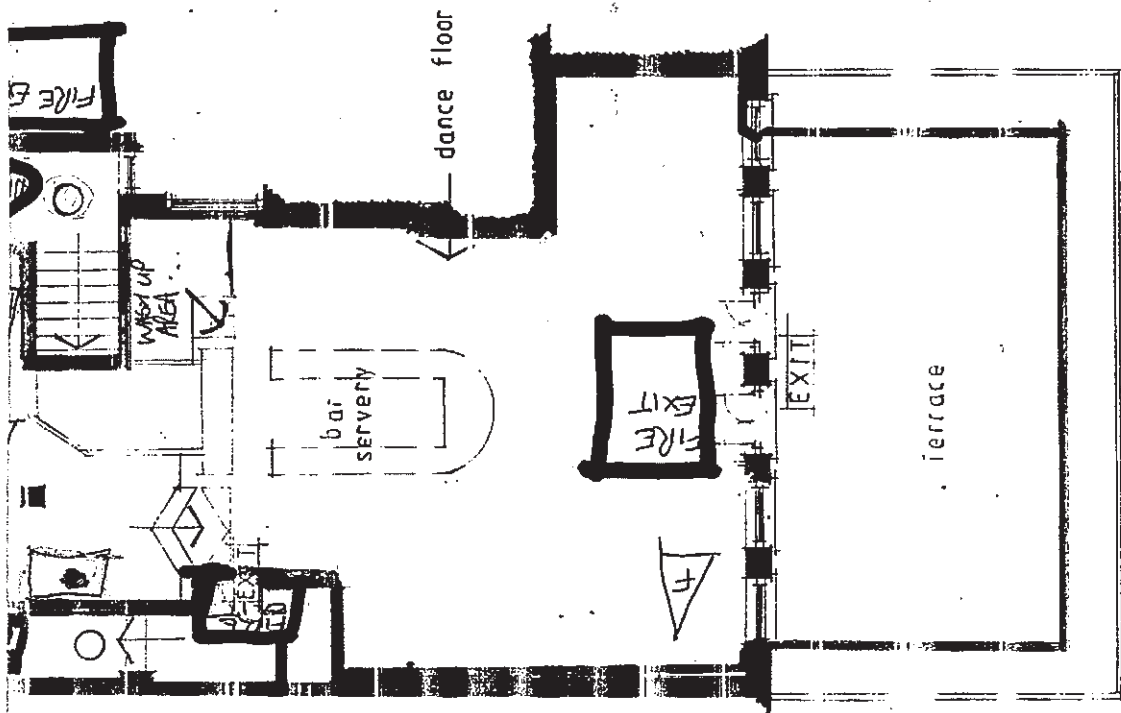
at 11.30 in the vicinity trained staff to be available at all times and in the event of an incident staff to be given clear directions to the nearest fire exit.

EVACUATION PROCEDURES

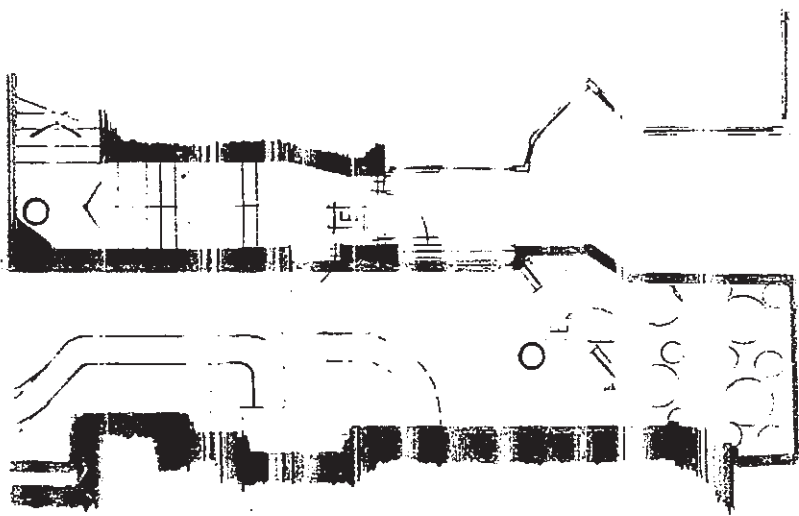
- == FIRE EXIT
- == DB = SMOKE DETECTOR
- == DM = HEAT DETECTOR
- == FIRE CALL POINT
- == FIRE POINT

\* THIS IS IN RELATION TO 1<sup>st</sup> FLOOR








Club Floor Plan



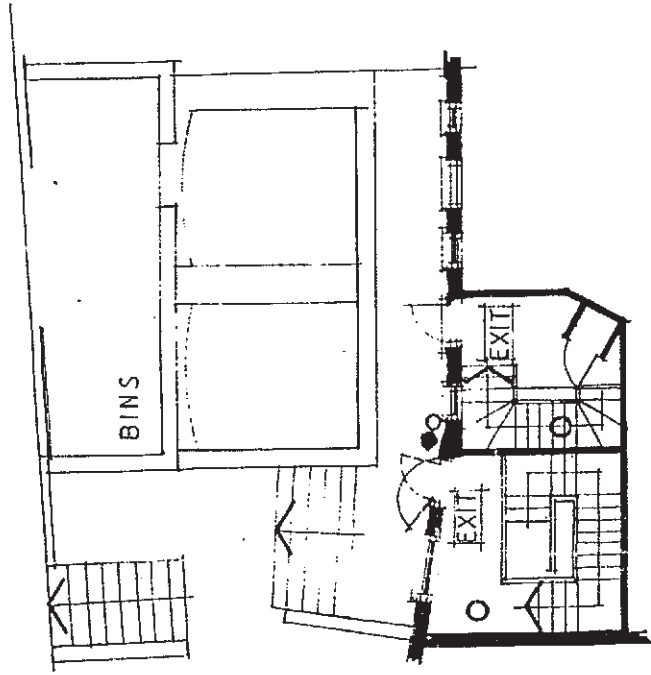


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2

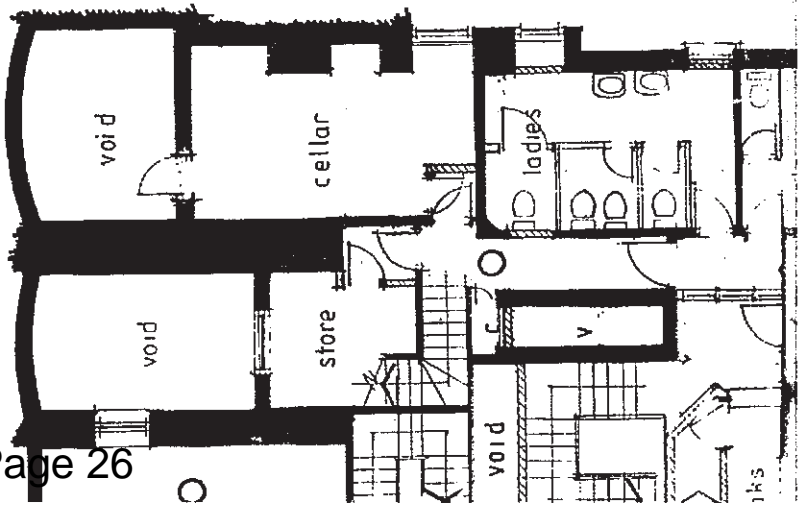
WIDE

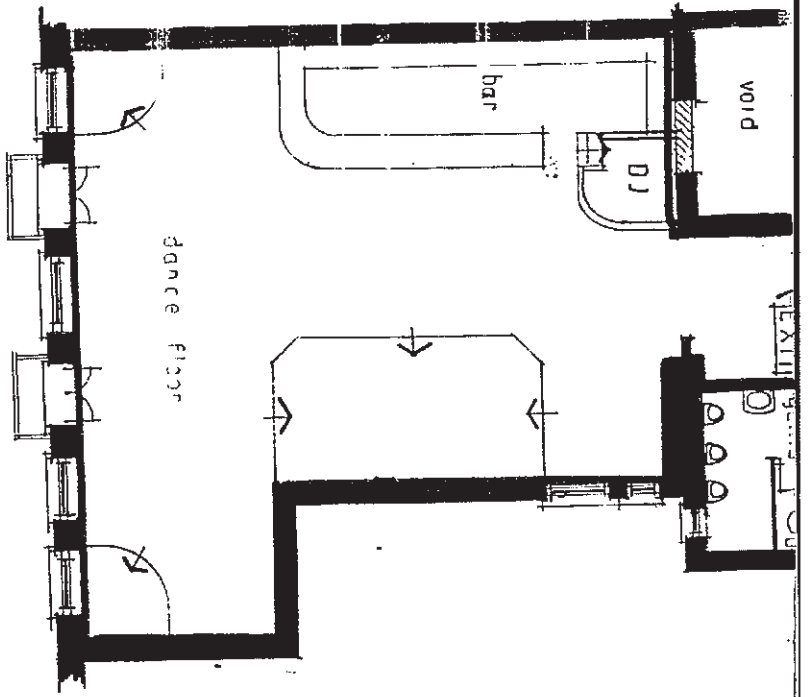
-  Licenced Area
-  WC Facilities
-  Bar Counter

### The Terrace

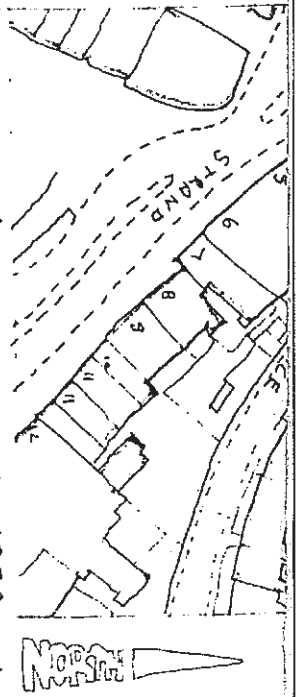


Exits to terrace





Second Floor Plan



Site Location Plan 1:1250

Alterations to licensed premises.

7/7A The Strand  
 Torquay  
 for  
 Hiota Leisure  
 November 2001  
 Scale 1:100  
 Dwng no 001-105-D

*Approved by*

APPROVED ON BEHALF OF THE  
 LICENSING JUSTICES

*June J. Valley*

CHAIRMAN

DATED 7.5.04

Martin COX MBEng  
 7 Fortescue Road  
 Paignton  
 Tel 01803 552782

Rev A Nov 001  
 Labels Provided  
 Esplanade Road  
 Rev B July 02  
 chilloach - Search  
 area added.  
 Rev C Jan 03  
 ground floor bar  
 altered.  
 Rev D March 04  
 ground floor bar  
 altered.



**DEVON & CORNWALL  
CONSTABULARY**

Our ref:

Your ref:

Mrs Mandy GUY, Senior Licensing Officer  
Torbay Council  
1<sup>st</sup> Floor Roebuck House  
Abbey Road  
TORQUAY

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

15 June 2012

Telephone: 01392 452225

Dear Madam

**Re: Mambo/The Beach Hut, 7 The Strand, Torquay**

Please find attached a copy of the Police Representation in respect of our application for the Expedited Review of the above premises.

In addition to this I would take this opportunity to inform you that the police has other information which we may wish to rely on at the Review Hearing, however these matters are currently subject of an ongoing police investigation and additional research, and cannot be disclosed at this current time. If the police do wish to rely on this information, it will be disclosed to the Licensing Committee and the respondent prior to the date of the hearing on 22 June 2012.

If you wish to discuss this matter further, please contact my Licensing Officer, Julie Smart on 01803 208111.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', written over a horizontal line.

Superintendent J Nye  
Geographic Superintendent - Torbay



**INDEX TO POLICE REPRESENTATION DOCUMENTS**  
**MAMBO/THE BEACH HUT, 7 THE STRAND, TORQUAY**

	Pages
Statement of Julie Karen SMART, Police Licensing Officer	1 – 9
Notes of Meeting held on 8 December 2011 at Torquay Police Station and other associated documents	10 – 16
Herald Express Article re Op Ambassador	17 – 18
Breakdown of Crimes and Incidents linked to Mambo 08/12/11 – 25/05/12	19 – 27
L10 PC BIRCH 27 & 28/01/12	28
L10 PC PENHALIGON 18/02/12	29
L10 PC MORGAN 28/03/12 and statement of PC NEWTON	30 – 33
L10 PC JONES 31/03/12 and statement of PC JONES	34 – 36
L10 PC CHALKER 31/03/12 and statement of PC CHALKER	37 – 39
L10 PS MILLS 01/04/12	40
L10 PC CHALKER 01/04/12 and statement of PC CHALKER	41 – 43
L10 PC FREEBORN 01/04/12 and statement of PC FREEBORN	44 – 46
L10 PS SMOOTHY 02/04/12	47
Letter to Nathan TOWERSEY from Superintendent NYE 04/04/12	48 – 50
Letter to Lifetsyle Enterprises (UK) Ltd from Superintendent NYE 04/04/12	51
Letter received from Lifestyle Enterprises (UK) Ltd to Superintendent NYE 08/04/12 in response to above	52 – 55
L10 PC BIRCH 06/04/12 and statement of PC BIRCH	56 – 57
L10 PC PARKER 07/04/12 and statement of PC PARKER	58 – 59
L10 PC'S SHERWOOD and WALDRON 08/04/12	60
L10 PS SHARAM 08/04/12 and statement of PS SHARAM	61 – 63
L10 PC'S SHERWOOD and WALDRON 09/04/12	64
L10 PS SHEPHERD 09/04/12 and statement of PS SHEPHERD	65 – 66
L10 PC WALKER 11/04/12	67
L10 DC VALLINS 14/04/12 and statements of DC VALLINS and DC SHARDLOW	68 – 74
L10 DC VALLINS 15/04/12 and statements of PC BRETT and DC STABB	75 – 78
L10 Julie SMART 27/04/12	79 – 80
Letter from Lifestyle Enterprises (UK) Ltd to Superintendent NYE 28/04/12	81
Email correspondence between Julie SMART and Miss Nicola DUKES, Crime Prevention Officer, re her visit to premises	82 - 85
L10 PC LAING 03/05/12	86
L10 PC FREEBORN 05/05/12 and statement of PC FREEBORN	87 – 90
L10 DS STOCK 05/05/12 and statement of DS STOCK	91 – 95
L10 ADI YARWOOD 10/05/12, statement of ADI YARWOOD, victim of glassing incident and incident reports from Mambo/The Beach Hut	99 – 114
Letter to Devon Fire and Rescue Service from Julie SMART, Licensing Officer, 15/05/12	115 – 116

### 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: .... **9**..... 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: **12/06/12** .....

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. One of the licensed premises within my area is known as Mambo/The Beach Hut, situated at 7 The Strand, Torquay, which has the benefit of Premises Licence Number 652 issued by Torbay Council to Lifestyle Enterprises (UK) Ltd of 2<sup>nd</sup> Floor Offices, Harbour Point, Victoria Parade, Torquay. 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). This 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. In addition to Mambo/The Beach Hut, Lifestyle Enterprises (UK) Ltd, are also the current Premises Licence Holders of two other licensed premises within the harbourside area. These being The Apple and Parrot/Tiffany's, 17 The Strand, Torquay and Tiger Bills/Fast Eddies, Queens Hotel, Victoria Parade, 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/The Beach Hut.

In December 2011 the police had serious concerns about the high numbers of crimes and incidents

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

Continuation of Statement of **Julie Karen SMART** .....

linked to Mambo/The Beach Hut, 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. Present at this meeting were:

Police Inspector Adrian LEISK

Police Sergeant Gaynor BELL

Ms Mandy GUY, Senior Licensing Officer for Torbay Council

Mrs Julie EYRE, Director of Lifestyle Enterprises (UK) Ltd

Ms Sharon RODGERS, Personal Assistant of Mrs Julie EYRE

Mr Nathan TOWERSEY, Area Manager of Lifestyle Enterprises (UK) Ltd

Mr Michael JOHNSTON, Designated Premises Supervisor of Mambo/The Beach Hut

Mr Aaron MOORE, Owner of Forefront Security (who supply door stewards to Mambo/The Beach Hut), and myself.

At this meeting the representatives from Mambo/The Beach Hut were informed that the police were concerned regarding the high number of crimes linked to Mambo/The Beach Hut and that we wished to see a reduction in crimes and incidents at their premises over the forthcoming three month period, or further action would be considered.

At the meeting various discussions took place concerning crime reduction methods, drinks promotions, door stewards and I also suggested that the premises consider changing the layout of the first floor bar area, by removing the 'U' shaped bar and replacing with a suitable alternative and levelling out an area of the floor, together with removal of a banister, in order to assist in customer flow and supervision. At that time, Nathan TOWERSEY informed me that plans were already in progress to level out the floor area and remove the banister, but Julie EYRE stated that she did not wish to remove the 'U' shaped bar as this would alter the dynamics of the premises.

At the conclusion of this meeting, it was decided to monitor Mambo/The Beach Hut for a period of 3 months and compare the number of incidents and crimes with the same period the previous year to see if there had been any reduction and to hold a further meeting to again discuss the matter in March 2012. The notes and other documentation concerning this meeting are included within the Police Representation.

As a result of this meeting, on 24 January 2012 Lifestyle Enterprises (UK) Ltd submitted an application for a Minor Variation to level the floor area and remove the banister and this work has been completed. However, the 'U' shaped bar is still in situ.

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

2004/5



Continuation of Statement of **Julie Karen SMART** .....

Furthermore, on 21 February 2012 Lifestyle Enterprises (UK) Ltd submitted an application to Vary the Designated Premises Supervisor (DPS) in respect of Mambo/The Beach Hut, into the name of Mr Nathan TOWERSEY, the Area Manager, in a bid to improve management within the premises. Following discussions with Nathan TOWERSEY at this time, he also informed me that a new head doorman had been appointed, in an effort to improve door stewarding at the premises.

In March 2012, Lifestyle Enterprises (UK) Ltd applied for a Premises Licence in respect of a premises in Torquay known as Trents. The police objected to this application on the grounds that they did not feel the premises would be able to meet the Licensing Objective 'The Prevention of Crime and Disorder' and provided evidence at the hearing held on 15 March 2012 in relation to the problems being experienced at Mambo/The Beach Hut. However, the Licensing Committee were not satisfied with the police evidence and granted the Premises Licence in respect of Trents, also applying an additional condition on the licence that Nathan TOWERSEY had to be the DPS.

Following this decision, I had several telephone conversations with both Julie EYRE and Nathan TOWERSEY concerning the issue of Nathan being the DPS at two licensed premises within the CIA. I informed them that I was not happy with the situation, and expressed concerns regarding his ability to adequately manage Mambo/The Beach Hut, with which the police already had concerns, and a new late night premises. Both Julie EYRE and Nathan TOWERSEY shared my concerns and Lifestyle Enterprises (UK) Ltd subsequently decided not to pursue their business venture at Trents and surrendered the Premises Licence on 1 May 2012.

On 15 March 2012, the same day as the hearing in respect of Trents, Superintendent James NYE launched the start of Operation Ambassador within Torquay and the Herald Express printed an article outlining the aims of the operation, this being a high profile operation to run throughout the summer focussing on issues including underage drinking, disorder, overcrowding, serving drinks to people who are already intoxicated and any other licensing breaches, with particular emphasis being given to premises around the Torquay Harbourside area. A copy of the Herald Express article has been printed from their website and is included within the Police Representation.

In late March/early April 2012 there was a change of roles and responsibilities within the management structure at Torquay Police Station. Due to this, coupled with the steps taken by Lifestyle Enterprises (UK) Ltd, the decision of the Licensing Committee in respect of the Trents application, and the commencement of Operation Ambassador, a decision was made by myself in consultation with Inspector Dai ANTILL, to not hold the further meeting with Lifestyle Enterprises (UK) Ltd, but to

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

2004/5

continue to monitor the premises under the auspices of Operation Ambassador and work with the premises in an effort to reduce crimes/disorder/incidents.

When Police Officers deal with incidents at, or have any information regarding the conduct of a licensed premise, a Form L10 Licensed Premises Report is completed and forwarded to myself for any action deemed necessary. I will now provide details of a few of the Forms L10 in my possession and the action I have taken in respect of the issues raised:

During the course of Operation Ambassador I have received several Form L10's relating to loud noise witnessed by police officers emanating from the premises. The details of these Form L10's have been passed to Mr Gareth FUDGE, Environmental Protection Officer for Torbay Council.

On Sunday 29 January 2012 at approximately 0220 hours four persons were arrested for affray (FT/12/2137 refers) in The Strand, outside of Mambo's, which occurred after a group of drunk persons had just left the premises. Three of these persons are due to appear at Torbay Magistrates Court on 9 August 2012 for trial. No action is being taken in respect of the fourth individual. On 28 February 2012 I discussed the details of this incident with Nathan TOWERSEY and warned him to ensure that persons are not served alcohol when drunk. (L10 of PC BIRCH 27&28/01/12 refers).

On 28 March 2012 at approximately 2315 hours, police were called to an incident at Mambo/The Beach Hut following a report of assault within the club (FT/12/2294, L10 of PC MORGAN 03/04/12 and statement of PC Paul NEWTON refer). The offender was detained by police and established to be 17 years old. On 2 April 2012 I discussed this incident with Acting Detective Inspector Chris YARWOOD, who is responsible for overseeing Operation Ambassador. At this time he stated that the offender had indicated to officers that he was not asked for identification when entering the premises or when purchasing alcohol.

Between 0040 and 0135 hours on Saturday 31 March 2012 officers deployed on Operation Ambassador visited Mambo/The Beach Hut and reported their findings by way of a Form L10 (L10 of PC JONES 31/03/12 and statement of PC Nigel JONES refer) . They witnessed persons being ejected in a peaceful manner, ID checks being conducted, and heard a barmaid discouraging a customer from purchasing a double short – all positive comments. However, they also indicated that no counting of customers could be seen and no searches were witnessed. Furthermore, they witnessed a 22 year old male climbed over the railing of the first floor terrace and drop approximately 3 metres down a streetlamp on to the pavement below. The male was spoken to and admitted he had climbed across from the Mambo balcony to the Hoopers one and claimed he had done it for a laugh. He was limping as a result of his

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

2004/5



drop/fall but refused medical assistance.

At approximately 0220 hours on 31 March 2012 a female reported that she had been assaulted within Mambo/The Beach Hut (FT/12/2378 refer, L10 of PC CHALKER 31/03/12 and statement of PC CHALKER refer). The victim could not remember the full details, apart from the fact that she had been assaulted, she was unsure whether or not doorstaff intervened and was very vague due to her level of intoxication. CCTV was not clear and did not show the offence. One independent witness came forward at the time of police attendance, but he was too intoxicated to provide a statement.

On 1 April 2012 at approximately 0100 hours two males were ejected from Mambo/The Beach Hut by doorstaff due to their behaviour inside the club. The males were threatening and aggressive to doorstaff and were subsequently arrested for being Drunk and Disorderly (FT/12/2385 and FT/12/2386 refer, together with L10's of PC CHALKER 01/04/12 and PC FREEBORN 01/04/12 and statements of PC CHALKER and PC FREEBORN). Both males were issued with Fixed Penalty Notices.

At 1400 hours on 3 April 2012 I arranged a meeting at Mambo with Nathan TOWERSEY and Julie EYRE to discuss several Forms L10 in my possession. On my attendance Julie EYRE was not present and I was surprised by this and made reference to this fact on several of my work control sheets. I discussed the incident concerning the 17 year old male with Nathan TOWERSEY and pointed out to him that there is a condition on the Premises Licence which states that no persons under the age of 18 years old should be in the premises after 2100 hours and warned him of the seriousness of the sale of alcohol to underage persons and that persistent sales can result in the Review and revocation of a Premises Licence. I also discussed with Nathan TOWERSEY the incident where the male climbed over the balcony and door stewarding matters. He assured me that counting of customers is undertaken by the door stewards and that searches do take place. Nathan TOWERSEY was not aware of the incident involving the male who climbed over the balcony but I read out the condition on the Premises Licence which states a door steward must be present on the first floor balcony and supervise the safety of persons. I asked whether a door steward was on the balcony and he said that there would have been. I asked why the door steward did not intervene, and he stated that it is possible that he didn't see the male climb over if it happened quickly. I stressed the importance of ensuring the condition regarding the supervision of the balcony is complied with.

I also discussed the incidents concerning the drunk female alleging assault and the two males who were arrested for being drunk and disorderly with Nathan TOWERSEY and warned him re the sale of alcohol to persons who are drunk, and the consequences of allowing drunk persons into the premises.

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2004/5

During our discussions I also pointed out to Nathan TOWERSEY several positive comments that had been made by officers during their visits to the premises.

Following my visit to Mambo/The Beach Hut where I gave advice and verbal warnings re various matters to Nathan TOWERSEY , I discussed this further with Acting Detective Inspector YARWOOD, and as a result of those discussions, I sent letters (dated 4 April 2012) on behalf of Superintendent NYE to both the Premises Licence Holders and the DPS warning them regarding these matters and advising them that further action will be considered should further offences/licensing breaches come to light.

On 14 April 2012 between 0040 and 0115 hours officers deployed on Operation Ambassador attended Mambo/The Beach Hut and witnessed a male who clearly intoxicated (slurring his speech and unsteady of his feet) trying to enter Mambo. The door steward refused entry to this male and told him he was drunk. After arguing his case for a couple of minutes the male left the area but returned a couple of minutes later, eating a slice of pizza. Once he had finished this, he tried to enter Mambo/The Beach Hut and was allowed entry by the same door steward.

Whilst these officers were stood outside the premises they observed persons leaving the premises, several of whom were clearly very intoxicated. One male was witnessed constantly swearing at the door supervisor, saying "he was going to fucking kill" the door steward, who was stood several metres away and seemed to take no notice. This male was eventually calmed down by friends. On 24 May 2012 I discussed this matter with Nathan TOWERSEY, and warned him again re the sale of alcohol to persons who are drunk and allowing drunk persons in the premises. I also advised him that stewards need to take action when customers are outside swearing in the street by dealing with the individual calmly to diffuse the situation or call the police to have them moved on. This issue was also raised in the letter from Superintendent NYE dated 4 April 2012.

Towards the end of April 2012 I was contacted by Mr Neil STANLAKE, a former Police Licensing Officer and colleague of mine, who told me that he had been approached by Lifestyle Enterprises (UK) Ltd to carry out an independent review of their working practices to identify any issues and rectify them in order to alleviate the police concerns. I informed Neil that I was happy to work with him as far as possible, bearing in mind that he was no longer an employee of the Devon and Cornwall Constabulary, in an effort to resolve the issues at Mambo/The Beach Hut. Since that time I have had several conversations with Neil and we have discussed various matters, including drunkenness, underage and overcrowding.

On Friday 27 April 2012 I conducted a visit to the premises, in the company of Ms Mandy GUY, Senior

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2004/5

Licensing Officer for Torbay Council, at approximately 2325 hours. This was the first night of the Young Farmers weekend. On entry to the premises we went to the first floor area which was extremely busy and we had to push our way through the crowd to make our way out onto the first floor balcony. At this location a door steward was in attendance. Following discussions with the door steward it was apparent that he did not know the capacity for the balcony area and was not in possession of a clicker or other counting device and I asked him to do a head count. Following discussions with the Duty Manager he was then provided with a clicker. Ms GUY and myself then went to the second floor of the premises, which was busy but not overcrowded. A door steward was not visible in this area. We then carried out a quick visit to the third floor terrace, which was very quiet and persons were outside using the terrace area. On returning to the second floor, we met with Nathan TOWERSEY and a door steward. I asked the door steward how many persons were present on that floor and he stated 90. I asked how he knew and he told me that he keeps count in his head. Ms GUY and myself then discussed this matter with Nathan TOWERSEY. (L10 of Julie SMART 27/04/12 refers)

On Tuesday 1 May 2012 I met with Nathan TOWERSEY and discussed these matters with him. I warned him to ensure door stewards are aware of the capacity limits, in possession of and use clickers, and are aware of the conditions on the licence before they commence duty. I also raised concerns regarding how door stewards monitor and react to incidents on the first floor and recommended that glass collectors be more identifiable. I again raised the issue of the 'U' shaped bar and told him that it is my view that the layout of the first floor is creating a pinch-point for customers using that area and this is leading to conflict between customers and increasing the potential for crime and disorder. Nathan TOWERSEY acknowledged my concerns and he drew a diagram of the bar and explained that customers congregate on one side of the bar and do not move around to the other side. Nathan TOWERSEY said he would ask stewards to move customers around to the other side when necessary. Nathan TOWERSEY noted my comments and advised me that he would raise these issues with Julie EYRE.

During this meeting I also discussed CCTV issues with Nathan TOWERSEY. He informed me that he was aware that CCTV was not satisfactory as the premises had 3 separate systems and he stated that Lifestyle Enterprises(UK) Ltd were endeavouring to resolve this matter.

Due to the police concerns regarding overcrowding of this premises, at approximately 0900 hrs on Wednesday 16 May 2012 I hand delivered a letter dated 15 May 2012 to Mr Chris TWINE, a Fire Safety Officer, at Torquay Fire Station, and discussed with him the police concerns. A copy of the letter

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2004/5

is included within the Police Representation.

At approximately 0200 hours on Thursday 3 May 2012 a glassing incident occurred within Mambo and I was made aware of this incident during a telephone conversation with ADI YARWOOD, who informed me that a Form L10 would be submitted in due course (L10 of PC LAING 03/05/12 refers). During the morning of that day I received a telephone call from Julie EYRE regarding this incident. She told me that she was concerned as the CCTV hard drive was going to be replaced the following morning and there was a possibility that information contained on the drive could be deleted. Following receipt of this information I requested my colleague, Mr Peter COSBY, to attend the premises the following morning, together with a CID officer, in order to obtain CCTV footage. I was unable to attend myself as I am employed on a part time basis and do not work on a Friday. Throughout the early evening of Thursday 3 May 2012 and the following morning, Friday 4 May 2012, I had several telephone discussions with both Julie EYRE and Pete COSBY and was informed that due to technical issues with the hard drive, it had been seized by the police to secure any evidence. During our discussions Julie EYRE expressed concerns to me regarding the police seizure of her hard drive and a comment made by a police officer that the premises were not using toughened/strengthened glasses as per the condition on the Premises Licence, but I did receive a text from Julie EYRE later that day (Friday 4 May 2012) indicating that this issue had been resolved and she was feeling happier.

On 5 May 2012 Operation Ambassador officers witnessed two extremely drunk females enter Mambo/The Beach Hut without being stopped by door stewards, these females also appeared to be under the age of 21. (L10 of PC FREEBORN 05/05/12 together with his statement refer). They also witnessed overcrowding of the first floor area, the dancefloor merged with normal customers and they saw a few minor exchanges between customers due to drink spillages. (L10 of PC STOCK 05/05/12 together with his statement refer). I discussed this matter with Nathan TOWERSEY on 24 May 2012. During the week commencing Monday 14 May 2012, I cannot which remember exactly which day, I was informed by ADI YARWOOD that another glassing incident had occurred at Mambo/The Beach Hut during the early hours of Thursday 10 May 2012, and he expressed to me serious concerns regarding the way the premises had dealt with this matter, including the facts that the police had not been informed, the aggrieved had been cleaned up and sent home without medical assistance and the CCTV had not been operating at the time of the incident (L10 of ADI YARWOOD 10/05/12, and various other documents refer).

During our conversations ADI YARWOOD asked me not to discuss this matter with any person from

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2004/5

8



Mambo/The Beach Hut or Lifestyle Enterprises (UK) Ltd due to the on-going police enquiries. I can state that to date, despite having spoken to Nathan TOWERSEY on at least one occasion, he has not mentioned anything to do with this incident with me and I find this extremely surprising, bearing in mind that on 24 May 2012 we discussed various other matters and at that time CID officers had already established that the CCTV was not operating at the time of the glassing incident.

Since the 8 April 2012 Superintendent NYE has received several letters from Lifestyle Enterprises (UK) Ltd and he has passed these to me for any action deemed appropriate. As a result of one of these letters I arranged for the Police Crime Reduction Officer, Miss Nicola DUKES, to visit the premises and offer advice regarding thefts and CCTV. Following her visit on 17 May 2012 she emailed me concerning her findings, and a copy of the email is included within the Police Representation.

Since 8 December 2011, when Lifestyle Enterprises (UK) Ltd attended Torquay Police Station to discuss the number of crimes and incidents linked to Mambo/The Beach Hut, I have kept a log of all crimes and incidents occurring within Mambo/The Beach Hut. A copy of the document is contained within the Police Representation.

Although Nathan TOWERSEY and Lifestyle Enterprises (UK) Ltd have taken steps to reduce crime and disorder at the premises, the police have had concerns since December 2011 and I feel that any progress made has been extremely slow. Despite several verbal warnings regarding allowing drunks into the premises, the sale of alcohol to persons who are drunk, the sale of alcohol to underage persons, overcrowding of the premises and breach of conditions on the Premises Licence, together with a written warning on 4 April 2012, police officers have witnessed further incidents of this nature.

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9

**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 – 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 (██████████, a door steward) who was assaulted and received a broken jaw. Suspect is ██████████ who is a doorman at the Jolly Farmer, Newton Abbot. There is also an allegation of witness intimidation by ██████████, 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 COMPLEXION

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 RECIEVED 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 SIGGED 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

## 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
- iD 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.
- b) FT/11/2370 – domestic assault
- 20 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/ps 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
- 23 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

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## Police aim to keep Bay safe after dark



Thursday, March 15, 2012



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POLICE have launched a major operation to keep Torbay safe after dark.

The high-profile Operation Ambassador aims to keep Torquay's prestigious Purple Flag status during the busy Jubilee and Olympic summer rush.



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And police warn that pubs and clubs might lose their licences if they fail to keep high standards.

The head of the Bay's police Supt Jim Nye (pictured) said the operation will range across all three towns, but Torquay's night time economy around the harbourside will be the main focus.

Supt Nye said: "Operation Ambassador will run right through the summer to build on the success of the Purple Flag award.

"I don't think people know that Torquay is the only town in Devon and Cornwall to have been awarded a Purple Flag, and one of only a handful of places in the South West.

"The Purple Flag is independently assessed and it is a good reflection of the work that has gone on to make this a safe place.

"We should be patting ourselves on the back as a community. Many people aren't really aware how important this Purple Flag is and it's a missed opportunity."

He said the operation was important because of Torbay's high profile during Olympic year.

"The year 2012 will be an extremely busy year," Supt Nye said.

"Apart from the normal influx of summer visitors, we will have the Queen's Golden Jubilee and the Olympic Torch relay which will bring international media into the Bay.

"There's a lot going on and when the three Torbay towns are full of people we want to keep our reputation for Torbay as a great night out and a popular tourist destination.

"The police have good relationships with the council, the fire service and the licensees and together this operation will look at issues including underage drinking, disorder, overcrowding, serving drinks to people who are already intoxicated — or any other licensing breach.

"It's not Big Brother. It's about ensuring we have a safe night time economy as already recognised that benefits Torbay.

"This is not picking on the licensing trade because the majority do a great job and generally there is a good atmosphere that's why we have won the Purple Flag.

"The licensees play their part by making sure that they do not serve those people who are underage or already intoxicated.

"But I will be taking this opportunity to review the licences of any premises that falls short of the standards.

"This will be a high-visibility operation involving neighbourhood police officers, the response units and CID, as well as the licensing officers.

"If we come across any premises which do not meet those standards, licences will be revoked. I've only been in Torbay for two years, but I understand that at one time it used to be like the wild west down there sometimes."

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18

**Premises: MAMBO 08/12/11 to 25/05/12**

Date & Time	Log No.	Crime No.	Details	Inside / Outside	Linked	Outcome/Breach of Licence
10/12/11 0030 hrs		FT/11/8581	Theft of handbag from under table	Inside	Yes	Mambo contact. Antony, Deputy Manager, checked CCTV but nothing of evidential value found. No active lines of enquiry.
16/12/11 0015 hrs		FT/11/8782	S20 Wounding without intent. Aggrieved struck to the face and knocked to the floor. Whilst on the floor he was kicked by 3 to 4 males. Aggrieved received cut to bridge of nose requiring butterfly stitches and small splinters of glass were removed from his hands at hospital.	Inside	Yes	Incident occurred on first floor next to main bar by steps. CCTV viewed and is not able to ID the suspect or show how the injuries were sustained. No further lines of enquiry.
18/12/11 0001 hrs		FT/11/8767	Assault ABH. Two female offenders passed aggrieved on stairs. One offender kicked her in the lower stomach and the other grabbed her by the hair and pulled her earring out.	Inside	Yes	No CCTV covering incident. Independent witness provided details, however no realistic possibility of conviction. Filed no further action.
19/12/11 0025 hrs	15		Male detained by doorstaff for assault on door staff.	Not known	Not known	Police attended and log indicates no assault had occurred. Male sent away.
29/12/11 0106 hrs	45	FT/11/9034	Staff have detained a male for assault. Victim has been taken to hospital. Victim was walking from toilets when he bumped into offender who then headbutted him twice to nose causing broken nose.	Inside	Yes	CCTV requested. Comment on crime "I will complete CCTV enquiries with Mambo, however having seen the footage for this on another enquiry, I would guess it will show heaving hordes and flashing lights/smoke machine, rendering things hard to see". CCTV viewed. Shows top of the staircase but not foot of staircase where this incident occurred. During interview offender admitted assault and was subsequently cautioned.
30/12/11 0100 hrs		FT/11/9071	Theft of property left unattended close to DJ Booth and Christmas Tree on first floor	Inside	Yes	Premises contacted by CCTV and stated area near the Christmas tree is not covered by CCTV. No active lines of enquiry.
01/01/12 0001 hrs		FT/12/33	Theft of mobile phone from handbag.	Inside	Yes	No active lines of enquiry.
01/01/12 0130 hrs	420	FT/12/52	Caller assaulted by male in unprovoked attack. Female aggrieved has received split lip.	Inside	Yes	CCTV viewed. Footage is of such poor quality that officer unable to identify



01/01/12 0230 hrs				FT/12/66	Theft of handbag and contents	Inside	Yes	aggrieved or suspect. Due to relatively minor injury received and fact that suspect has moved abroad, decision made to take no further action. No active lines of enquiry.
01/01/12 0230 hrs				FT/12/71	Assault. Male offender approached female, grabbed her arm and tried to kiss her. Female pulled away.	Inside	Yes	Offence occurred between 0200 and 0230 at the bar on the 3 <sup>rd</sup> floor. "Officers have reviewed the CCTV of this floor and the rooftops bar. The rooftops bar was negative. <u>The 3<sup>rd</sup> floor bar where she believes she was is utterly useless for evidential purposes. The club is packed, has flashing lights and smoke machines going. You could not identify anyone</u> ". No other lines of enquiry.
02/01/12 2300 hrs				FT/12/113	Theft of jacket and mobile phone.	Inside	Yes	Aggrieved has an app on his phone which tracks its location in lost/stolen. Location given to street level but did not identify individual premises. Doors knocked but either no knowledge/denial. Filed – no further action.
10/01/12 0056 hrs	26				Male alleges assault by a member of staff. Aggrieved says he has a black eye and is drunk. Aggrieved advised to call back to make complaint when sober.	Not known	No	No complaint forthcoming.
12/01/12 0200 hrs				FT/12/315	Inflicting GBH without intent S20 – Male offender approached victim who was sat on sofa and said something. Offender punched aggrieved to the face causing aggrieved to fall over, upon getting up offender has punched aggrieved again. Aggrieved received broken jaw and cut lip.	Inside	Yes	CCTV requested on 17/01/12. 28/01/12 CCTV not ready. 02/02/12 CCTV seized, but not in viewable format, sent for Tasking. Disc has been tasked by VPU, appears to be blank. Premises contacted 09/02/12 – will burn CCTV off again. 15/02/12 CCTV viewed by officers. Victim not identified. "CCTV isn't brilliant". No viable lines of enquiry. Took premises 14 days to provide CCTV, but disk was blank. Update on log indicates "This isn't a theft but a misunderstanding. Female who
13/01/12 0130 hrs		32			Female detained for theft of a handbag.	Inside	Yes	



14/01/12 2245 hrs		FT/12/373		Black leather jacket left unattended on chair stolen	Inside	Yes	took the bag has returned it and she has left Mambo". No crime complaint completed as no evidence that a crime had been committed. No active lines of enquiry.
28/01/12 0322 hrs	124			Male alleges he was headbutted within Mambo. Initial enquiries made to locate offender. However, aggrieved then stated he did not wish to pursue matter.	Inside	No	No complaint forthcoming.
30/01/12 0138 hrs	31			Aggressive male trying to assault door staff. Officers attended and gave male Section 27 Notice for Public Order offence.	Outside	No	No evidence that male had been in premises.
30/01/12 0130 hrs		FT/12/775		Male offender, perceived in drink, had been in premises and left for a short while. He tried to gain entry but was refused, and became aggressive.	Outside	No	Male dealt with by restorative justice in form of apology to door steward and given Section 27 to leave area.
31/01/12 0126 hrs	36			Asian male requesting police assistance. Stated he was in Mambo and people were making racist comments. "Mambo's are stating that the male was alleging to having been kicked".	Inside	Yes	No witnesses/CCTV evidence. Male very drunk and unhelpful. Was subsequently thrown out of premises for being drunk. Despite numerous attempts to contact male by police, he did not respond to telephone messages/letters. No complaints forthcoming.
09/02/12 0130 hrs		FT/12/1000		Male offender known to aggrieved. Both in drink. Aggrieved was dancing on first floor dance floor. Offender started following aggrieved and being flirtatious. Offender then punched aggrieved to face with clenched fist. Door stewards ejected male.	Inside	Yes	Aggrieved states male offender "was very drunk and kept pestering her". Male offender is also suspect for FT/12/783, an assault with exactly the same MO also at Mambo. (On reading through this crime report it indicates the offence occurred outside the premises at a taxi rank and does not). CCTV from premises reviewed with negative result for incident, however footage available which clearly shows offender being removed from Mambo. Male charged.
10/02/12 0110 hrs	28			Male assaulted doorstaff, being very abusive and aggressive.	Outside	Yes	Police attended. Male given Section 27 Notice.
13/02/12	14	FT/12/1085		Attempt theft of phone. Female offender in drink	Inside	Yes	Offender dealt with by way of restorative

0001 hrs			has picked up phone, took out SIM car and broke it, and placed phone in her bag.			justice.
13/02/12 2330 hrs	FT/12/1124		Theft - Mobile phone left inside handbag on top of the bar has been removed and stolen.	Inside	Yes	Crime updated "no active lines of enquiry".
15/02/12 2300 hrs	FT/12/1192		Theft - Aggrieved left property unattended on bar. Item taken by unknown means. (mobile phone)	Inside	Yes	Crime updated "no active lines of enquiry".
18/02/12 0200 hrs	FT/12/1215		Section 20 Malicious Wounding - Male offender and aggrieved both in drink. Whilst aggrieved stood next to main bar and DJ box, offender approached and said "What do you think you're doing". Aggrieved asked him what was wrong but offender smiled and then in unprovoked attack headbutted aggrieved once to face causing visible injury, consisting of swollen and possibly broken nose, cut to inside of top lip with swelling.	Inside	Yes	Quote from crime "Manager and doorstaff reacted immediately and took AP aside for treatment and ejected offender". CCTV viewed between 0200 and 0300 hrs, nothing seen. Nathan provided "Spartan report re this incident to the effect of doormen were made aware of scuffle, ejected parties involved, one had very minor injuries but did not want first aid. Nothing further and this was timed at 0251 hrs, which was also during my viewed footage. If the timings are correct this is not caught on CCTV".
18/02/12 0125 hrs	FT/12/1233	128	Section 18 GBH - Report of a male being assaulted in Mambo. He attended Torbay Hospital, requires stitches to left hand and possible broken shoulder (later established to be strained shoulder).	inside	Yes	Crime free text indicates that Nathan was present at time of incident. Male detained by doorstaff for causing damage to toilet. CCTV shows male being escorted from the toilets and down the stairs. At this stage there is no use of force and male appears to walk with no issue in company of doorman. No indication that male is injured at this stage. Male placed in side room. Manager enters and male lunges towards him. Doorman takes male to floor and restrains him. CCTV viewed and PS Penhaligon states this was a lawful eviction. Was reasonable force used?
18/02/12 0130 hrs	FT/12/1339		Theft of handbag	Inside	Yes	No active lines of enquiry.
19/02/12 0030 hrs	FT/12/1437		Theft of passport from within handbag.	Inside	Yes	No active lines of enquiry.
19/02/12	FT/12/1247		Theft of mobile phone from handbag whilst on	inside	Yes	Despite messages left for aggrieved to

0015 hrs			victims shoulder						
22/02/12 0200 hrs	48	FT/12/1313	2 ejected male cause criminal damage to a window	Outside	Yes		contact police with IMEI number, she failed to do so. Crime file – no further action.		
23/02/12 0059 hrs	25		Caller stating he has been assaulted by door staff – has injuries and ripped clothing.				Offenders not located/identified.		
23/02/12 0025 hrs		FT/12/1382	Theft of mobile phone	Inside	Yes		Male very drunk. Advised to attend hospital and contact police when sober. Officers viewed CCTV. "Male was clearly asked to leave and was guided towards the exit where a scuffle took place. He seemed to take exception to this. Appears to be lawful ejection but CCTV is not very fluid". Male did not call back to make formal complaint.		
23/02/12 0147 hrs	51	FT/12/1334	Caller alleges racial abuse by door staff	Outside	No		Male offender dealt with by way of restorative justice.		
01/03/12 0232 hrs	46		Male kicking off.	Not known	No		Doorman states male was refused entry due to being drunk and after no-entry time. No evidence.		
04/03/12 0100 hrs		FT/12/1627	Theft of mobile phone	Inside	Yes		Quote from log "male was originally causing problems o/s then Mambo's reported male kicking stuff around inside. Lawful ejection. Male has been Section 27'd. No offences"		
09/03/12 0130 hrs		FT/12/1768	Theft of mobile phone from rear left hand side trouser pocket	Inside	Yes		No active lines of enquiry		
10/03/12 0030 hrs		FT/12/1837	Handbag stolen	Inside	Yes		Victim could not be specific about exact time and location in premises where theft occurred. No active lines of enquiry.		
11/03/12 0100 hrs		FT/12/1869	Male aggrieved dancing on dancefloor when he left club to phone a taxi, he noticed mobile phone and wallet taken from rear pocket of jeans by unknown means	Inside	Yes		No further action.		
14/03/12 2300 hrs		FT/12/1961	Mobile phone stolen from trouser pocket	Inside	Yes		No viable lines of enquiry.		
26/03/12	58	FT/12/2235	Wallet and purse stolen. They were in a handbag	Inside	Yes		No viable lines of enquiry.		
							Two items of property located within		

0130 hrs			which has been located. There is CCTV but poss not clear enough.			premises by staff. Premises contacted to obtain CCTV on 26/03/12. 02/04/12 telephone call from premises. CCTV not ready. 16/04/12 further telephone call to premises – CCTV not ready. 17/04/12 contacted by Emily at Mambo who states that she has reviewed CCTV but it does not show anyone clearly as it was very dark in the club. Offender not identified due to CCTV quality, and no further active lines of enquiry. Took 22 days to establish if CCTV shows incident.
28/03/12 2315 hrs	938	FT/12/2294 FT/12/2295	Caller has been assaulted. Offender being held by security. Male offender headbutted aggrieved, who is complaining of possible broken nose. In interview, offender states he was on the dance floor when he was pushed, so pushed aggrieved back. He stated aggrieved tripped on a ledge and denied kicking and headbutting aggrieved. Offender 17 yrs old.	Inside	Yes	Quote from crime free text "There is no CCTV of the incident. No members of staff at Mambo's witnessed the alleged assault." No independent witnesses. No realistic prospect of a conviction. Offender is 17 years old – breach of condition. Gatekeeper decision to NFA.
31/03/12 0220 hrs		FT/12/2378	Assault ABH. Offender and aggrieved both perceived to be in drink. Offender struck aggrieved to the forehead with her shoe. Male offender punched and slapped aggrieved to head. Aggrieved received 2 lumps to forehead.	Inside	Yes	CCTV checked and does not show offence due to lighting inside premises. Enquiries on-going.
01/04/12 0040 hrs		FT/12/2490	Inflicting GBH without intent S20. Male offender door staff at premises, stranger to male aggrieved. Aggrieved was in drink. Offender dragged aggrieved from first floor of premises to street level, unprovoked, causing injury in process. Aggrieved has broken/dislocated finger.	Inside	Yes	04/04/12 CCTV requested. 10/04/12 CCTV provided. Aggrieved states he had drunk 7 pints of lager and 10 shots, and had been to other premises before entering Mambo at around 0030 hrs. 17/04/12 CCTV viewed by officers however it only shows two camera angles on street level and not the inside bar area on level 2 which is where Sgt Mills requested the CCTV to cover. 05/05/12 Further CCTV footage viewed. Aggrieved is seen to be non compliant with doorstaff. Officer comments within crime free text "This level of injury is not acceptable for a

03/04/12 0001 hrs	FT/12/2470	Assault ABH. 6 female offenders, stranger to female aggrieved, assault aggrieved by pulling hair, punching to head and kicking.	Inside	Yes	lawful ejection". Filed – no further action. CCTV not installed in toilets. Aggrieved does not wish to pursue matter. Filed – no further action.
04/04/12 2300 hrs	FT/12/2650	Passport stolen from pocket of aggrieveds trousers	Inside	Yes	No active lines of enquiry
09/04/12 0001 hrs	FT/12/2628	Inflicting GBH without intent S20. Male offender doorstaff. Following verbal argument with son of aggrieved, offender came from behind, grabbed aggrieved arms bending them up behind his back and had his legs kicked from under him. He was then carried head first down both flights of stairs. Male sustained fractured ulna in left arm.	Inside	Yes	09/04/12 CCTV requested. 17/04/12 officer phoned Mambo who confirmed CCTV had been downloaded. 28/04/12 CCTV viewed, however does not contain cameras and angles. Full hours coverage of CCTV from all cameras requested. 03/05/12 officer contacted Mambo re CCTV. Emily said she thought it had been done. However she then stated that the CCTV system had crashed and she was waiting for technical support. Enquiries/CCTV matter on-going.
09/04/12 0001 hrs	FT/12/2642	Malicious Wounding without intent S20. Male assaulted by 2 door stewards. Male received cuts and bruises to body.	Inside	Yes	This crime is linked to above crime. Father and son both assaulted. Investigation details as above.
14/04/12 2230 hrs	FT/12/2829	Passport stolen from handbag	Inside	Yes	No active lines of enquiry
20/04/12 2300 hrs	FT/12/2902	Male searched whilst in premises and found in possession of controlled drugs	Inside	Yes	Male received fixed penalty notice
20/04/12 0001 hrs	5	Female alleges she has been assaulted by three door stewards who have thrown her out.	Inside	Yes	Officers spoke to door staff. Female ejected for fighting inside premises. Female also spat at door stewards.
22/04/12 0000 hrs	FT/12/2931	Male aggrieved used his mobile phone whilst in nightclub and placed phone in rear jean pocket. When he went to use phone again about 5 minutes later the phone had been stolen	Inside	Yes	No active lines of enquiry
28/04/12 1130 hrs	FT/12/3170	Whilst sat in the bar female aggrieved left her bag on the table when offender removed her mobile phone	Inside	Yes	No active lines of enquiry
28/04/12 0230 hrs	FT/12/3142	Aggrieved placed handbag on sofa on second floor. Aggrieved was dancing a metre away from handbag. Items have been stolen.	Inside	Yes	Manager Chris contacted. Stated he would look at CCTV. No contact received by Mambo. No active lines of enquiry.



29/04/12 0210 hrs	FT/12/3143	Handbag left insecure and unattended on sofa on second floor near dancefloor. Items stolen.	Inside	Yes	Linked to above crime. Different aggrieved. Manager Chris contacted. Stated he would look at CCTV. No contact received by Mambo. No active lines of enquiry.
03/05/12 0207 hrs	48 FT/12/3227	Male has been glassed. Offender has run off. "Aggrieved has laceration to cheek. Still has lump of glass protruding from neck. Staff now saying offender has gone". Paramedics arrive – "Glass has fallen out of neck wound – he has a bulge on his neck – poss glass under skin – they are taking him to TDH and do not want him talking in case glass rubs against an artery".	Inside	Yes	Male arrested at his hotel, now on bail until 26/06/12.
07/05/12 0001 hrs	FT/12/3340	Mobile telephone stolen from rear of jeans pocket whilst on busy dancefloor	Inside	Yes	Enquiries on-going
10/05/12 0200 hrs	FT/12/3394	Whilst in nightclub mobile removed from aggrieveds handbag	Inside	Yes	CCTV not viable option due to premises being busy nightclub. No other lines of enquiry.
10/05/12 0200 hrs	FT/12/3527	Wound or cause GBH with intent to do GBH S18. Male offender, stranger to aggrieved, both perceived to be in drink. Offender approached aggrieved and without provocation smashed glass on aggrieveds head causing injury requiring 8 stitches, plus additional internal stitches	Inside	Yes	"Doorstaff and manager cleaned aggrieved up and said it wasn't too bad and no need to call police. Aggrieved believes that staff at Mambo know offender." Aggrieved is vulnerable male, who although doesn't have a learning disability, missed a lot of school due to cancer, and requires additional measures such as statement to be taken in presence of mother. Mambo contacted re CCTV request. Sharon stated that their CCTV system developed a fault at 2230 hrs on 09/05/12. Two incident report forms completed by the DPS that night, Nathan Towersey, and staff member, Chris Phillips. Nathan told officers aggrieved did not wish to make a ft/complaint despite the fact that doorstaff

14/05/12 2330 hrs						had detained the group involved. He was unsure if any of his doorstaff had taken details of this group. Report from CCTV technician requested. CCTV turned off at time of incident. Offender is 17 years old - breach of condition. Enquiries on-going. Enquiries on-going
15/05/12 0001 hrs					Yes	Yes
19/05/12 1700 hrs					Yes	Yes
23/05/12 0110 hrs	27				Yes	Yes
28/05/12 0117 hrs	45				Yes	Yes

Wallet removed by unknown means

Wallet left unattended in upstairs bar taken by unknown means

Mobile phone stolen from pocket of unattended jacket

Allegation of excessive force by doorstaff and bar person. Victim complained of arm being wrenched up behind back and being pushed from premises outside.

Two males detained

Inside

Inside

Inside

Inside

Inside

No active lines of enquiry

No active lines of enquiry

Officers attended and viewed CCTV.

"Male was lawfully ejected. He and friend in drink, also claiming injury to back, have told him there has been no crime"

Officers attended. Lawful ejection. No offences.

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.

<b>Name of premises:</b> Mambo's	
Address: The Strand, Torquay	
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.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
Saturday 28 <sup>th</sup> January 2012	
Officers had to attend Mambo's after a group of drunk persons started fighting after just leaving the premises, subsequently 4 people were arrested for affray.	
Submitted by: Name: Birch	Force No.: 12856
Signed: Alan J Birch	Date: 29/01/2012 Time: 19:20
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	



File No.:		Computer URN:		Minute No.:	
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- Licensing objective:**
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.

<b>Name of premises:</b> Mambo	
Address: 7 The Strand, Torquay, TQ1 2AA	
Report type:	<input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other
OIS Ref.: 128 18/02/2012	Crime No.: FT/12/1233
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
<p>Call to Police from parent of victim claiming that her son had been assaulted by door staff at the premises. Circumstances are that the 'victim' had taken a glass into the toilets that he had dropped onto the cistern causing damage. He claims this was accidental however staff at the location claim it was deliberate damage. Door staff detained the male in the toilets and escorted him downstairs where he was detained in the side bar until the manager attended. He claims that he was assaulted in this room resulting in a cut hand and stress injury to his shoulder. Police attended the following day and viewed CCTV that does not show the incident in the toilet but shows the male being escorted down the steps and into the downstairs bar, no restraint is used at this time. The male waits in the bar with a doorman until the manager arrives and then seems to lunge towards the manager resulting in the doorman taking him to the floor where he is restrained after a short struggle. No evidence of excessive use of force is shown on the CCTV. Crime finalised as undetected with no further action being taken against any door staff.</p> <p>My concern in this case was the use of the closed bar on the ground floor that is badly lit and only partially covered by CCTV being used as an area to detain people. Words of advice given to the management about this.</p>	
Submitted by: Name: PENHALIGON	Force No.: 15482
Signed: A. PENHALIGON	Date: 24/02/2012      Time: 2145HRS
<b>Action taken by Licensing Unit:</b>	
<p>Licensing officer:</p> <p>Forwarded to Daily Tasking:</p>	

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.

<b>Name of premises:</b> Mambo's	
Address: The Strand, Torquay	
Report type:	<input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other
OIS Ref.: 938 28/03/2012	Crime No.: FT/12/2294
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
<p>Police were called to Mambo's following a report of an assault in the club. The offender was detained by the door supervisors after he was pointed out by alleged victim. The door staff did not witness the incident.</p> <p>The offender had been drinking in the club and was 17 years old. The offence has been investigated and is NFA due to lack of evidence.</p> <p>However A/DI Yarwood has requested that CCTV be seized and used to try and identify the 17 year old suspect being served alcohol.</p>	
Submitted by: Name: PC 6751 Morgan	Force No.: 16751
Signed: 16751	Date: 03/04/2012      Time: 23:00 hrs
<b>Action taken by Licensing Unit:</b>	
<b>Licensing officer:</b>	
Forwarded to Daily Tasking:	

# Licensed Premises Visit Checklist

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

## Officers present at inspection:

### Administration:

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

### Crime and Disorder:

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

### Public Safety:

1. CCTV on premises?  Yes  No Working at time of visit?  Yes  No  
Incident captured?  Yes  No Staff able to download?  Yes  No  
Image quality?  Good  Poor  Other: Does not cover all areas of club and some area inside the club are patch when the light on the dance floor are flashing.
2. Door staff on duty?  Yes  No If Yes, number: U/k  
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

### 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? u/k
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No

# WITNESS STATEMENT

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

Statement of **PAUL STEPHEN NEWTON**..... URN: 

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

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: .....  ..... Date: **28th March 2012**.....

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

I am the above named person, Police Constable 4401 of Devon and Cornwall Constabulary, currently stationed at TORQUAY.

At about 2355 hours on Wednesday 28<sup>th</sup> March 2012, whilst on duty in company with PC 6955 LAING, I attended MAMBO, THE STRAND, TORQUAY, in response to a report of an incident at that location.

On attendance I was directed by door staff to the ground floor bar, where a male was sat at a table with another member of door staff stood by him. I was advised that this male had been detained for assaulting another customer at the pub.

The detained male later identified himself to me [REDACTED], date of birth 25/09/1994.

I approached [REDACTED] while PC LAING went upstairs to speak with the alleged victim. I spoke with the member of door staff stood by [REDACTED] and then I asked [REDACTED] if he had any identification on him. He replied "NO."

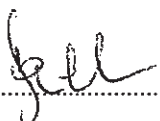
I got out my pen and Pocket Notebook to take [REDACTED] details, and as I was doing so [REDACTED] suddenly leapt up from his chair and tried to run past me. The MAMBO door staff member and I immediately took hold [REDACTED] restraining him as he tried to break free. I arrested [REDACTED] on suspicion of assault, and handcuffed him in a back-to-back position at the rear. I advised [REDACTED] I was arresting him for the prompt and effective investigation of the offence, and cautioned him. He replied "HMMM." Time of arrest was 0002 hours Thursday 29<sup>th</sup> March 2012.

I formed the opinion that [REDACTED] was drunk. His eyes were glazed, his speech was slurred, he was unsteady on his feet, and he smelt of intoxicating liquor.

I stayed with [REDACTED] in the ground floor bar until PC LAING joined us a couple of minutes later [REDACTED] was then conveyed to TORQUAY CUSTODY CENTRE where his detention was authorised.

At 0025 hours at TORQUAY CUSTODY CENTRE I searched [REDACTED], and seized from his wallet a UK Driving Licence photocard in the name of [REDACTED], date of birth 10/03/1992. I produce this driving licence card as exhibit PSN/1. The driving licence was listed on the File and Property Tracking System at TORQUAY POLICE STATION, under reference E/77371.

I have previously dealt with [REDACTED] At 2045 hours on Thursday 27<sup>th</sup> October 2011 at SHERWELL PARK, SHERWELL LANE, TORQUAY I had reason to search [REDACTED] and at that time I also found that he was in possession of the UK Driving Licence card in the name of [REDACTED] At that time I made enquiries with

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

2004/05(1): MG 11(T)

██████████ mother, and was advised that the driving licence belongs to ██████████ brother. On that occasion ██████████ was allowed to keep the driving licence card to return to his brother.

*gill*

Signature: *gill* ..... Signature witnessed by: .....

2004/5

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:** Mambos  
**Address:** The Strand, Torquay

Report type:  Visit  Incident  Other Op Ambassador Date: 31/03/12 Time: 00:40 to 01:35  
 OIS Ref.: n/a Crime No.: n/a

**Brief summary / action taken (if not recorded elsewhere):**  
 Officers deployed in plain clothes under the auspices of Op Ambassador witnessed the following- a couple of Asian/Oriental persons from a larger group been refused entry. The pair did not seem inabberiated and the reason for the refusal is not known.  
 Persons were seen to be ejected in a peaceful manner.  
 ID checks being conducted.  
 a barmaid in the 'roof top' bar was heard discouraging a customer from purchasing a double short suggesting he bought a single.  
 No counting of patrons could be seen  
 No searches were witnessed.  
 A 22 year old male [REDACTED], was seen dropping approx 3m down a streetlamp on to the pavement below from the Hoopers balcony and running off. When spoken to he admitted he had climbed across from the Mambo 1st floor balcony to the Hoopers one and claimed he had done it for a 'laugh'. He was limping as a result of his drop/fall but refused medical treatment and stated he had consumed 10 pints of beer.  
 There were generally two door stewards on duty but at times only one was present

Submitted by: Name: Jones Force No.: 14479  
 Signed: 14479 Date: 31/03/2012 Time: 02.49

**Action taken by Licensing Unit:**

Licensing officer:  
 Forwarded to Daily Tasking:

## Licensed Premises Visit Checklist

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

Officers present at inspection:

### Administration:

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

### Crime and Disorder:

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

### Public Safety:

1. CCTV on premises?  Yes  No Working at time of visit?  Yes  No  
Incident captured?  Yes  No Staff able to download?  Yes  No  
Image quality?  Good  Poor  Other:
2. Door staff on duty?  Yes  No If Yes, number: 2  
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



# WITNESS STATEMENT


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

Statement of **Nigel Ian Jones**..... URN: 

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

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: **29<sup>th</sup> May 2012**.....

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

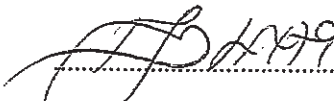
I am Detective Constable 4479 Nigel Jones of the Devon and Cornwall Constabulary currently stationed at Torquay in Devon.

On the evening of Friday 31<sup>st</sup> March 2012 I was on duty in plain clothes in the Torquay town centre area with PC 6011 Aiton visiting numerous licensed premises between 2300 hours and 0300 hours on Saturday 1<sup>st</sup> April. One of the premises that we visited a number of times throughout the period was 'Mambos' on The Strand. During these visits I made the following observations-

There were generally two door stewards on duty, but at times only one was present at the entrance. ID checks were being conducted but no counting of patrons in, nor searches of persons were witnessed. Persons were seen to be ejected in a peaceful manner.

A couple of Asian/Oriental persons from a larger group were refused entry. The pair did not seem inebriated and the reason for the refusal is not known. A barmaid in the 'roof top' bar was heard discouraging a customer from purchasing a double short suggesting he only bought a single instead.

A 22 year old male was seen dropping approx 3m down a streetlamp on to the pavement below from the Hoopers balcony and running off. When spoken to he admitted he had climbed across from the Mambo 1<sup>st</sup> floor balcony to the Hoopers one and claimed he had done it for a 'laugh'. He was limping as a result of his drop/fall but refused medical treatment and stated he had consumed 10 pints of beer.

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

2004/05(1): MG 11(F)



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.

<b>Name of premises:</b> café Mambo	
Address: The Strand, Torquay	
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 31/03/12 Time: 0220-0230
OIS Ref.: no log	Crime No.: FT/12/2378
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
Report of a female being assaulted by two other females on the dancefloor upstairs. Victim could not remember the full details apart from being assaulted, unsure whether or not doorstaff intervened, victim very vague due to intoxication.	
CCTV is not clear due to lighting and does not show any offences. Offenders are claiming that victim started the fight. Only one witness came forward at the time he was too intoxicated to provide a statement at the time.	
enquiries continuing.	
Submitted by: Name: Aimee Chalker	Force No.: 12808
Signed: A Chalker	Date: 31/03/2012 Time: 19:00
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

# Licensed Premises Visit Checklist

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

## Officers present at inspection:

2808 CHALKER  
159 METHERELL  
6376 CAYLESS

## Administration:

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

## Crime and Disorder:

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

## Public Safety:

1. CCTV on premises?  Yes  No Working at time of visit?  Yes  No  
Incident captured?  Yes  No Staff able to download?  Yes  No  
Image quality?  Good  Poor  Other:
2. Door staff on duty?  Yes  No If Yes, number:  
SIA licensed?  Yes  No Licence displayed?  Yes  No
3. Do the premises look overcrowded?  Yes  No
4. Method of checking the customer numbers: clicker
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? ID to be shown
3. How is this publicised? unknown
4. Do staff appear trained in proof of age?  Yes  No

# WITNESS STATEMENT


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

Statement of **Aimee Chalker** ..... URN: 

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

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: **27/05/12** .....

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

I am PC 2808 Aimee Chalker of the Devon and Cornwall Constabulary currently based at Torquay Police Station. This statement will refer to Saturday 31st March 2012 when I took a report of an assault that happened in CAFÉ MAMBO on THE STRAND TORQUAY.

On the stated day at approximately 02:20 hours I was on duty in full uniform on THE STRAND TORQUAY. I was asked to attend CAFÉ MAMBO on THE STRAND TORQUAY to a report of a female reporting an assault that happened within the premises. Upon arrival the female victim was in the office within the premises with staff one of which was her daughter who worked behind the bar, she stated how two unknown females had attacked her for no reason on the upstairs dancefloor and as a result she had a lump on her head the size of a golf ball. I escorted the victim outside to our police van as it was quiet there in order to take a statement from her, she had already pointed out the two female offenders who had been detained by doorstaff downstairs. The victim was very vague in details of the assault due to intoxication of alcohol and she could not remember whether doorstaff intervened in the fight or not, the victim was very angry at the fact it had happened to her and showed this in her behaviour towards police officers.



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

2004/05(1): MG 11(T)

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:** MAMBOS  
**Address:** 7 THE STRAND TORQUAY

Report type:  Visit  Incident  Other Date: 1/4/12 Time: 0040-0050  
 OIS Ref.: Crime No.: FT/12/2490

**Brief summary / action taken (if not recorded elsewhere):**  
 THIS INCIDENT WAS REPORTED TO THE POLICE ON 4/4/12, DAYS AFTER THE INCIDENT TOOK PLACE. THE INCIDENT HAS BEEN CRIMED AS AN GBH WITHOUT INTENT S.20 AS THE AP HAS A BROKEN FINGER THE ALLEGATION IS - MALE OFFENDER DOOR STAFF AT SIGGED STRANGER TO MALE AGGRIEVED AGGRIEVED WAS IN DRINK OFFENDER DRAGGED AGGRIEVED FROM FIRST FLOOR OF PREMISES TO STREET LEVEL UNPROVOKED CAUSING INJURY IN PROCESS AGGRIEVED WAS ON FIRST FLOOR CLOSE TO STAIR WELL  
  
 CCTV HAS BEEN REQUESTED FROM MAMBOS. CHRIS CHAPMAN OF MAMBOS IS PROGRESSING THIS AS HE COULD WORK THE CCTV AT THE TIME OF REQUEST HE WILL ADVISE POLICE WHEN DOWNLOAD HAS BEEN COMPLETED

Submitted by: Name: PS MILLS Force No.: 5913  
 Signed: S.MILLS Date: 5/4/12 Time: 1530

**Action taken by Licensing Unit:**

Licensing officer:  
 Forwarded to Daily Tasking:

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:** café Mambo  
**Address:** The Strand, Torquay

Report type:  Visit  Incident  Other Date: 01/04/12 Time: 01:10  
 OIS Ref.: no log Crime No.: FT/12/2385

**Brief summary / action taken (if not recorded elsewhere):**  
 Group of males ejected by doorstaff. Males were arguing with doorstaff saying that they were heavy handed and threw them out for no reason. One male lost his shoe on the way and became aggressive because he could not find his shoe. One male was verbally aggressive towards police swearing in the street and inciting violence towards police officers.  
 Male was subsequently arrested for being drunk and disorderly.

Submitted by: Name: Aimee Chalker Force No.: 12808  
 Signed: A Chalker Date: 01/04/2012 Time: 19:00

**Action taken by Licensing Unit:**

Licensing officer:  
 Forwarded to Daily Tasking:

# Licensed Premises Visit Checklist

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

## Officers present at inspection:

2808 CHALKER

## Administration:

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

## Crime and Disorder:

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

## Public Safety:

1. CCTV on premises?  Yes  No Working at time of visit?  Yes  No  
Incident captured?  Yes  No Staff able to download?  Yes  No  
Image quality?  Good  Poor  Other:
2. Door staff on duty?  Yes  No If Yes, number:  
SIA licensed?  Yes  No Licence displayed?  Yes  No
3. Do the premises look overcrowded?  Yes  No
4. Method of checking the customer numbers: clicker
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? ID to be shown
3. How is this publicised? unknown
4. Do staff appear trained in proof of age?  Yes  No

# WITNESS STATEMENT

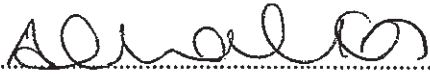
Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Aimee Chalker** ..... URN: 

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



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: 27/05/12 .....


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

I am PC 2808 Aimee Chalker of the Devon and Cornwall Constabulary currently based at Torquay Police Station. This statement will refer to Sunday 1<sup>st</sup> April 2012 when I arrested a male for being drunk and disorderly after being ejected from CAFÉ MAMBO on THE STRAND TORQUAY.

On the stated day at approximately 01:00 hours I was on duty in full uniform on THE STRAND TORQUAY. My attention was drawn to approximately 3 male's arguing with the door staff at CAFÉ MAMBO. I approached the door and began speaking to one of the males  I removed him away from the door  was very angry and agitated by the door staff he stated that he was ejected for no reason and that they were heavy handed with him, he was very upset that he lost his shoe when he was removed from the premises and that was why he was arguing with the door staff. I volunteered to go back inside to find his shoe whilst he waited outside, this calmed him down but unfortunately I could not find his shoe and the door staff could not either.

 shoe was eventually found but because the police didn't find it  became very verbally aggressive and was subsequently arrested for being drunk and disorderly.



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

2004/05(1); MG 11(T)



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.

<b>Name of premises:</b> MAMBO NIGHTCLUB	
Address: THE STRAND TORQUAY	
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 01/04/12 Time: 0100
OIS Ref.:	Crime No.: FT/12/2386
<b>Brief summary / action taken (if not recorded elsewhere):</b> Male ejected from MAMBO nightclub by doorstaff due to his behaviour inside of the club. Male then threatened and was aggressive to doorstaff, handcuffed and arrested D&D. Doorstaff assisted Police in arrest of the male.  [REDACTED] refers to male arrested.	
Submitted by: Name: PC FREEBORN	Force No.: 2814
Signed: PC 2814 FREEBORN	Date: 01/04/2012 Time: 19:00
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

# Licensed Premises Visit Checklist

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

Officers present at inspection:

## Administration:

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

## Crime and Disorder:

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

## Public Safety:

1. CCTV on premises?  Yes  No Working at time of visit?  Yes  No  
Incident captured?  Yes  No Staff able to download?  Yes  No  
Image quality?  Good  Poor  Other: NOT CHECKED
2. Door staff on duty?  Yes  No If Yes, number: 2 OUTSIDE  
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

# WITNESS STATEMENT


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

Statement of **Toby FREEBORN** ..... URN: 

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

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: 29/05/12

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

I am PC 2814 Toby FREEBORN of Devon and Cornwall Police. I am currently stationed at Torquay Police station as a uniformed police constable.

On the 01/04/2012 I was in full uniform on foot patrol covering the evening and night time economy on TORQUAY harbourside.

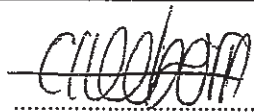
At approximately 0100hours I was walking along THE STRAND TORQUAY when I saw a male being ejected from MAMBO NIGHTCLUB TORQUAY by doorstaff. I was a few metres away from the entrance to the nightclub and as I monitored the male I saw him square up to doorstaff from MAMBOS. His posture was aggressive as he was puffing his chest out and I could see that his fists were clenched. I made towards the male and grabbed hold of him to prevent him from doing anything further towards the doorstaff. The male smelt of intoxicating liquor on the male, seeing that his eyes were glazed and that whilst he was stood he was swaying. I therefore formed the opinion that the male was drunk.

As I tried placing the handcuffs on the male he tried to get away from me and had to be taken onto the floor in order to restrain him and arrest him. I then said to this male "I AM ARRESTING YOU ON SUSPICION OF BEING DRUNK AND DISORDERLY" I then cautioned him to which he made no reply. I then informed him that the necessity for my arrest was to prevent harm and for the prompt and effective investigation into the offence.

The male kept spitting towards me and I had to hold onto his head in order to prevent him from hitting me. I was assisted by doorstaff from MAMBOS.

The male identified him to be as being [REDACTED] He was taken to TORQUAY CUSTODY and later issued a PND.



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

2004/05(1); MG 11(T)



# Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 02/04/12 Time: 0001
OIS Ref.: n/a	Crime No.: FT/12/2470
Name of premises (where applicable): Mambo's	
Address: The Strand Torquay	

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

6 FEMALE OFFENDERS STRANGER TO FEMALE AGGRIEVED ALL PERCEIVED IN DRINK IN LADIES RESTROOM ONE OF FEMALE OFFENDERS SHOUTED AT AGGRIEVED OVER UNDISCLOSED TOPIC AS AGGRIEVED ATTEMPTED TO LEAVE REST ROOM SHE WAS GRABBED BY HER HAIR AND PULLED BACK WAS PUNCHED TO HEAD AND BODY FELL TO GROUND WAS KICKED TO BODY VISIBLE INJURY CAUSED AGGRIEVEDS FRIEND INTERVENED WHEN SHE CAME INTO RESTROOM

A/P spoken to and no supportive of positive action - nfa at this time - ap's wishes - all updates on crime  
Staff were spoken to on the night by the a/p and she was told that there was nothing that could be done as staff had not seen the incident and that it hadn't been caught on CCTV  
All parties in drink  
Believe main suspect to be [REDACTED]

Submitted by: Name: Sam Smoothy	Force No.: 14764
Signed: S.Smoothy	Date: 03/04/12 Time: 20:55

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:



**DEVON & CORNWALL  
CONSTABULARY**

Our ref: Lic/Tor/jks

Your ref:

Mr N Towersey  
Designated Premises Supervisor  
Mambo/The Beach Hut  
7 The Strand  
TORQUAY  
TQ1 2AA

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

4 April 2012

Telephone: 01392 452225

Dear Sir

**Mambo/The Beach Hut, 7 The Strand, Torquay**

I write to you in your capacity as Designated Premises Supervisor, of the above named premises, following incidents at your premises between 28<sup>th</sup> March 2012 and 1<sup>st</sup> April 2012, as outlined below.

At approximately 2315 hours on Wednesday 28 March 2012 an assault occurred within Mambo's. The suspect was arrested and identified as a 17 year old male. This male has indicated to the police that he was not asked for ID when entering or purchasing alcohol within your premises.

On Saturday 31 March 2012 a plain clothed police officer witnessed a 22 year old male climb over the railing from the first floor terrace area of Mambo, onto the roof of Hoopers, and then drop/fall to the pavement below. The male was spoken to and stated he had done it for a 'laugh'. The male was limping as a result of his drop/fall, but refused medical assistance.

Again on Saturday 31 March 2012, a female complained to the police of being assaulted in your premises, however she could not recount the full details of the assault due to her level of intoxication. At this time a witness came forward to assist with enquiries, but he was too intoxicated to provide a statement.

On Sunday 1 April 2012, a group of males were ejected from your premises due to their behaviour inside. One of these males was verbally aggressive, swearing in the street and inciting violence towards the police officers and was subsequently arrested for being drunk and disorderly. A second male threatened and was aggressive to door staff, and he too was arrested for being drunk and disorderly. Although these males were arrested in the street immediately outside of Mambo, licensed premises are responsible for the immediate vicinity of the premises and have a duty to ensure that their patrons leave in a quiet and orderly manner.

At 1400 hours on Tuesday 3 April 2012 my Licensing Officer, Mrs Julie Smart, attended your premises and discussed these matters with you. At this time you accepted that the female customer who alleged she had been assaulted was drunk and had been served alcohol within



your premises. You also indicated that the member of staff who had served her, has been disciplined/dismissed due to this incident.

I would remind you of certain conditions contained in your Premises Licence (No PL0652), issued by Torbay Council, as follows:

1. When standing is permitted on the First Floor Balcony, an SIA steward must be in attendance on the balcony for the purpose of supervising public safety and preventing crime and disorder.
2. No under 18's shall be permitted after 2100 hrs.

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

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

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

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

I would further point out to you that the sale of alcohol to a person who is drunk, or allowing alcohol to be sold to such a person, is an offence under Section 141 of the Licensing Act 2003, and a person guilty of such an offence is liable to a fine not exceeding level 3 on the standard scale, ie £1000.

The incident involving the 17 year old is still being investigated by my officers, but I would take this opportunity to remind you that the sale of alcohol to children and allowing the sale of alcohol to children are offences under Sections 146 and 147 of the Licensing Act 2003, punishable by way of a fine not exceeding level 5 on the standard scale, ie £5000.

With regards to the male climbing over the railing on the 1<sup>st</sup> floor, I would ask that you immediately investigate this incident and, if necessary, put satisfactory measures into place to ensure this does not occur again. It is imperative that a door steward is in attendance on the balcony as stipulated in the relevant condition, and that he/she fully understands his/her responsibilities in regard to ensuring the personal safety of your patrons and persons using the public highway.

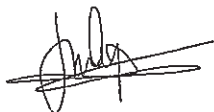
As Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

I must advise you that my officers will continue to monitor your premises and if the circumstances warrant it, I will not hesitate in applying for a Review of your Premises Licence

and/or seeking a prosecution for any offences committed. I do hope that you will address the concerns raised and that this course of action will not be necessary. However, should it be necessary to apply for a Review, this letter will be used as part of our evidence.

A copy of this letter has been sent the Premises Licence Holders, Lifestyle Enterprises (UK) Ltd, and to the Torbay Council Licensing Department for their information.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', with a long horizontal stroke extending to the right.

Superintendent J Nye  
Geographic Superintendent - Torbay



Our ref:

Your ref:



**DEVON & CORNWALL  
CONSTABULARY**

Lifestyle Enterprises (UK) Ltd  
2<sup>nd</sup> Floor Offices  
Harbour Point  
Victoria Parade  
TORQUAY  
TQ1 2BD

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

4 April 2012

Telephone: 01392 452225

Dear Sir/Madam

**Re: Mambo/The Beach Hut, 7 The Strand, Torquay**

I write to you in your capacity as Premises Licence Holders of the above named premises, as a result of numerous incidents at the premises between 28 March 2012 and 1 April 2012.

My Licensing Officer, Julie Smart, has visited the premises and discussed the concerns of the police with Mr Nathan Towersey, your Designated Premises Supervisor, and I now enclose a copy of a warning letter that I have today forwarded to Mr Towersey, which I hope will be self-explanatory.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Nye', with a long horizontal stroke extending to the right.

Superintendent J Nye  
Geographic Superintendent - Torbay



Superintendent J Nye  
Licensing Department (East)  
Devon and Cornwall Police HQ  
Middlemoor  
Exeter, Devon EX2 7QQ

*Low*  
*For your attention*  
*and that of Julie*  
*J. N.*

8 April 2012

Dear Sir

Thank you for your letter dated the 4<sup>th</sup> of April 2012. I am writing to respond to the concerns over the incidents mentioned in your letter and also to assist the police in any way possible.

I refer to the incident on Wednesday the 28<sup>th</sup> of March where a young man assaulted another customer inside our premises. I was made aware by Julie Smart in the meeting held on Tuesday the 3<sup>rd</sup> of April that the young man was only 17 years old. I mentioned at the time that I was confident the male would have been asked for ID and Mrs Smart said that he was found in possession of his brothers ID, (which I assume was a driving license or passport).

I have since held an investigation in to this matter and I have found out that the male was asked for ID by my Head Door Supervisor. I would be able to provide statements and CCTV in evidence of this fraudulent use of identification if it would help any possible prosecution. I have also held a meeting with my Head Door Supervisor and asked him to be extra vigilant when verifying any identification and asked him to make sure the security staff do the same.

I also held a staff meeting on Thursday the 5<sup>th</sup> of April which every member of staff who is authorised to sell alcohol attended. In this meeting I held a training session which included the 'Challenge 25' policy we operate, the valid forms of ID we accept and the possible fraudulent use of ID.

In respect of the incident on the 31<sup>st</sup> of March where a plain closed police officer witnessed a 22 year old male climb over the railings of the 1<sup>st</sup> floor balcony and drop on the pavement below. I have investigated this incident and no member of my security team or management team were aware of this incident at the time. I can confirm an SIA steward was in attendance on the balcony at the time of the alleged incident (as proven by CCTV) but it is unclear on the CCTV exactly when and where this incident took place.



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VAT No. 997 3158 64 | Company Registration No. 07150528 (England)

I was told by Mrs Smart that it took place between 00.30 and 01.30 but our CCTV does not show any such incident. I would be grateful if the plain clothes officer would be able to give a more specific time and a brief description of the male to help my investigation. At the meeting with the head of my security team I asked that the member of the security staff who is situated on the balcony be aware of this incident and make sure it does not happen again. I asked that he should be given more assistance from the rest of the team when the balcony is busy and I have also employed an extra member of staff to help co-ordinate the customers on the balcony. I would be grateful if you could give me the name of the male so I can bar him from all Lifestyle premises in the bay, (I assume the plain clothes officer took a note of his name seeing as he knew his age.)

In respect of the incident on the 31<sup>st</sup> of March where a female complained to police of being assaulted. In the meeting with Julie Smart on the 3<sup>rd</sup> of April I mentioned that I was aware of this incident and had noticed that the lady involved had been drinking alcohol. I do not recall saying she was drunk although I did say she was served several drinks by her daughter who was working on the bar. I have since terminated her daughter's employment with the company for poor time keeping and the possibility that her judgement on whether she should have served her mother more alcohol may have been clouded due to the family tie.

Although I admit the lady had been drinking alcohol my staff said she did not seem overly intoxicated. At the time of the incident she recounted the full details to my security staff including the time of the incident, the location, how it materialised, how she sustained her injuries and the other people involved (who we detained on site until the police arrived).

The lady then came back at closing time, extremely irate and proceeded to explain the incident again to my assistant manager who told her the police were dealing with the situation now. We still have most of the details given to us by the lady in incident reports which my security team filled out, and the CCTV which was offered to the attending officer but not required at the time.

In respect of the incident on Sunday the 1<sup>st</sup> of April where two males were ejected from our premises. I noticed the two males enter the building and shortly after they walked past me with a drink each. Shortly after that, I saw members of my security team conducting a resisted ejection of the males from our premises. I was told that the two males had been spotted by security staff regularly going to the toilets together. The security staff thought this was strange as the males had only been in the building for a short time. The security staff also noticed the two males showing signs of being on drugs, so they were asked to be searched. The males refused to be searched and were asked to leave. They refused to leave and became physically aggressive and had to be physically removed by the security staff. Outside the males were still extremely aggressive at which point the police officers who were walking past and intervened.



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VAT No. 997 3158 64 | Company Registration No. 07150528 (England)

One male was restrained and arrested, as he was restrained I told the arresting officers that we had asked him to leave because we suspected him of doing drugs inside our venue. The second male was still outside and aggressive, he was complaining that he had lost his shoe inside the building when being ejected by the door staff. To try and ensure this male left the vicinity of the premises in an orderly fashion I went in to the building to find his shoe. When I returned he was speaking to a police officer about his shoe, I then gave him his shoe at which point he calmed down slightly, thanked me and went to shake my hand.

At the meeting with Mrs Smart I addressed the issue that these males were not asked to leave because of bad behaviour or drunkenness but that it was due to suspicion of the males taking drugs inside the premises. Mrs Smart then said she would look in to back ground checks on the males. I have since investigated the incident and have found out that the two males did not seem intoxicated when entering the venue and that they only seemed to have purchased one drink each whilst being inside the premises a short time. I do not deny their 'disorderly' behaviour but I reiterate that they were asked to leave on suspicion of drug use. These two males are now barred for life from all of our premises as are the other people involved in the other incidents.

In dealing with these concerns I have held a meeting addressing these issues with the head of my security team and the owner of the security firm. This was on the 4<sup>th</sup> of April 2012. I also held a staff meeting on the 5<sup>th</sup> of April which involved all members of staff authorised to sell alcohol. This meeting involved staff training on responsible alcohol retailing and licensing laws. I have also recently employed another personal license holder, taking the total number of personal license holders employed at Cafe Mambo to six.

On a separate note, and in confidence at this point, I would like to confirm that my company and I have decided not to proceed to open Trents. As you will be aware, there was a license condition applied that I was to be the Designated Premises Supervisor. My company and I have agreed that it would be irresponsible to make me DPS of both sites and that it is essential I remain the DPS of Mambo whilst your officers continue to monitor/have concerns over Mambo. I hope this goes some way to confirming our ongoing commitment to working with the police in reducing crime and disorder.

Julie Smart mentioned that it might be possible for us to surrender the license and I will discuss this with the owners of Lifestyle Enterprises when they return from holiday. Until then, I would respectfully ask that this information is not divulged to any other party.



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VAT No. 997 3158 64 | Company Registration No. 07150528 (England)

Please forgive the slight delay in replying to your letter, but I wanted to obtain approval from the owners of the business before forwarding the letter on.

Yours faithfully



Nathaniel Towersey  
Designated Premises Supervisor of Cafe Mambo.



The Gissons Inn



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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: Mambo's	
Address: The Strand, Torquay	
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other ENTE Patrols	Date: 06/04/2012 Time: After 23:00 hours
OIS Ref.:	Crime No.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
After 23:00 hours loud noise and the sound of music was present from the balcony area of Mambo's. Officers were stood at The Offshore bar and restaurant and could hear the noise emanating from the balcony area. Also members of the public were sat drinking and smoking, there were roughly about 20-30 people on there.	
Submitted by: Name: Birch	Force No.: 12856
Signed: Alan J Birch	Date: 07/04/2012 Time: 18:31
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	



# WITNESS STATEMENT

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

Statement of **Alan J Birch** ..... URN: 

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

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: .....

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

I am ALAN JOHN BIRCH Police Constable 2856 of Devon and Cornwall Constabulary stationed at TORQUAY.

On Friday 6<sup>th</sup> April 2012 I was on duty in full uniform with the call sign SB70 in accompany with PC Parsons.

At 23:00 hours loud noise and the sound of music was present from the balcony area of Mambo's on The Strand, Torquay.

Myself and PC Parsons were stood at The Offshore bar and restaurant on Vaughan Parade Torquay and could hear the noise emanating from the middle balcony area we where stood about 100m away. This was the sound of loud music and was easily distinguishable over any other sounds such as people talking, traffic passing or other premises. Members of the public seemed to be sat and stood around drinking and smoking, there were roughly about 20-30 people on there.

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

2004/05(1): MG 11(T)



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.

<b>Name of premises:</b> Mambo's	
Address: The Strand, Torquay	
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 07/04/12 Time: 02:15 hrs
OIS Ref.: none	Crime No.: None
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
<p>Male leaving Mambos Night Club in the early hours of Saturday Morning on 07/04/12 at about 02:15 hrs. The male was stood in the foyer area and his behaviour was aggressive. He was pointing, starring and squaring his stance at another male. He was saying "YOU'RE A FUCKING CUNT". Door staff were present but did not intervene. Police officers interence and warned the aggressive male to leave the area now. He left with the help of his friend however on leaving he contiuned to swear. Therefore he was escorted out of the area by Police. The male calmed down and his details were obtained.</p> <p>The alleged incident was that inside Mambo's Nightclub he saw his ex-wife out with another male. The two males pushed each other and left the club where they contoiued to exchange words however no other violence contiuned.. There wsa no compliant by any of the people involved.</p> <p>There is no log number or crime for this incident.</p>	
Submitted by: Name: A.Parker	Force No.: 12841
Signed: PC 12841 Parker	Date: 06/04/12 Time: 18:23
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

# WITNESS STATEMENT

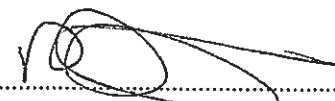
Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Andrew PARKER** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable 2841** .....

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: **17/05/12** .....

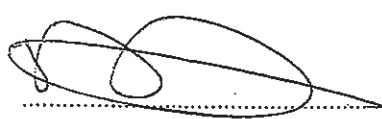
Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named Police Constable 2841 currently based at TORQUAY Police Station on Local Policing and Support Team for the Devon and Cornwall Constabulary.

At about 0230 hrs on SATURDAY 7<sup>th</sup> APRIL 2012 I was in full uniform on Patrol under the call Sign SB70 along with another Special Constable patrolling TORQUAY HARBOURSIDE for the local Public Houses and Nightclubs. I was stood outside MAMBO'S Nightclub on THE STRAND talking to Door Stewards when a male came out of the premises. He later identified himself as [REDACTED] date of Birth 03/10/84. He was with an unknown white female and another white male. Colin was moving his arms back and forth and swearing. His behaviour was such that I believed he was angry because his voice was raised about that of the normal ambient noise and he was saying "YOU'RE A FUCKING CUNT". He said this a couple of times before crossing over the road via the Pelican Crossing. I could also smell alcohol coming from him and his eyes were glazed leaving to believe he had been drinking. Once on the island halfway across the road he shouted again at the two people.

At this point I strood forward and spoke to [REDACTED] n the crossing island. I said to him "GO HOME AND DON'T SWEAR". His friend was with [REDACTED] and they left onto VAUGHAN PARADE [REDACTED] was still waving his arms in a punching motion and he still continued to swear. No one was around at this point. He looked angry at himself and then started to linger in the area. We therefore approached him again and escorted him to PALK WALK. I gave him words of advice to calm down. The male calmed down and was allowed to leave.



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

2004/05(1): MG 11(T)



# Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
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To be completed for any alcohol related 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.

Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 080412 Time: 0030HRS
OIS Ref.: LOG 788 060412	Crime No.:
Name of premises (where applicable): MAMBO	
Address: THE STRAND TORQUAY	

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

DS WALDRON/ DC SHERWOOD ENTERED PREMISES IN PLAIN CLOTHES INTENDING TO MAKE CHECKS RE OP AMBASSADOR. OFFICERS ONLY ABLE TO REMAIN INSIDE FOR ABOUT 10 MINS ON FIRST FLOOR BAR- IT WAS VERY OVER CROWDED GIVING LIMITED MOVEMENT. EXTREMELY HOT AND HUMID. WE CHALLENGE ANY DOOR STAFF THERE TO KNOW WHAT WAS GOING ON. REQUESTED PS SHARMAN HAVE UNIFORM PATROL ENQ RE NUMBERS INSIDE FROM DOOR STAFF. RESULT WAS 289 TOTAL - AT TIME WE WERE UNABLE TO CONFIRM IF SECOND FLOOR WAS OPEN OR NOT. WHEN WE REVISITED THE NEXT NIGHT WE ESTABLISHED THAT IT WAS ONLY THE FIRST FLOOR BAR THAT HAD BEEN OPEN SO THOSE 289 PEOPLE WERE ALL IN THAT BAR, CONDITIONS INSIDE NO DOUBT LED TO BALCONY BEING USED PAST 2300HRS FOR GENERAL DRINKING INSTEAD OF JUST SMOKING (BELIEVE L10'D BY LPP WHO WE NOTIFIED) WE SAW A TABLE OF ABOUT 6 JUST SITTING & DRINKING. WHILST WE WERE INSIDE A YOUNG MALE WAS PUSHING PAST PEOPLE WHO WERE BEING HELD UP BY SHEAR NUMBERS. TRANSPIRED HE WAS STAFF/ GLASS COLLECTOR TRYING TO DO HIS JOB BUT WE FELT HE SHOULD HAVE WORN SOMETHING IDENTIFYING HIMSELF TO AVOID POTENTIAL FOR SOMEONE TAKING EXCEPTION TO HIS PUSHING THROUGH

Submitted by: Name: SHERWOOD & WALDRON

Force No.: 3586 & 4760

Signed:

Date: 120412

Time: 2045HRS

**Action taken by Licensing Unit:**

Licensing officer:

Forwarded to Daily Tasking:

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.

<b>Name of premises:</b> Mambos	
Address: The Strand, Torqua	
Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 080412 Time: 02.30
OIS Ref.:	Crime No.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
<p>On standing in Vaughan Parade, Torquay harbourside I could hear music coming from Mambos. I stood there for approximately 10 minutes and could hear the music above any other noise in the area. I went to Mambos and spoke to the Manager inside the premises and told him I could hear music and it appeared to come from the first floor balcony even though I could not see anyone on it.</p> <p>He stated the balcony was closed and nobody should be on there.</p> <p>I walked across the road to the central reservation and again listened to the music which by this time was barely audible. The manger joined me and he stated that a member of staff must have left the door open. I pointed out that it was loud and unacceptable he didn't reply. He went back into the premises. I stood there for a further two minutes and was joined by two colleagues. We stood there and immediately the noise returned and was very clear and loud and again I could not see anyone on the balcony. After 5 minutes I noticed a member of staff cleaning and deduced that they are opening the door whilst they are on the balcony. The door should be closed at all times to stop the noise emanating from the premises especially at these times. Noise heard between 02.30 and 02.45 hrs.</p>	
Submitted by: Name: Sharam	Force No.: 14781
Signed: Tsharam	Date: 080412 Time: 1858
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

# WITNESS STATEMENT

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

Statement of **Tracy Louise Sharam** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police 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 anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **28/5/12** .....

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

I am Acting Police Sergeant 4781 Tracy Sharam of Devon and Cornwall Police currently stationed at Torquay Police Station. On Sunday 8<sup>th</sup> April 2012 at 02.30 hrs I was on duty in full Police Uniform on Night Time Economy Patrol on Torquay Harbourside as F100 Bronze commander.

At this time I was stood on The Strand, Torquay outside the licensed premises known as Mambos when I could hear music coming from the premises. I walked across the road at the crossing point and stood on Vaughan Parade and looked up at the Premises. Mambos is a three tiered licensed premises. On the ground floor – street level they have a Café Bar. On entry to the main premises there are stairs that lead up to the first floor where there is a dance floor, DJ and a balcony with tables and chairs. On the third floor is an executive lounge with and outdoor area.

I stood on Vaughan Parade and listened to the music to see if I could isolate where the music was coming from. The third floor appeared to be in darkness and closed and the ground floor café area was also closed. I then saw doors open onto the balcony and could clearly hear the music coming from the first floor. I could not see any persons on the balcony but could see the door open and be left open for about 10 minutes.

The noise was so clear and loud that I went to the premises to speak to the manager. The manager stated that the balcony was closed and nobody was on there. I told him I could hear the music and that the TV screens were on.

I then walked back across the road to the central reservation on the crossing area and again listened to the music. This time the music was barely audible. The manager joined me and stated that a member of staff must have left the door open. I told him that it was very loud and unacceptable. He did not reply and went back to the premises.

After about two minutes I was joined by two colleagues. As we were stood there the noise returned and was clear and loud. Again I couldn't see anyone on the balcony after about five minutes I saw a member of staff on the balcony who appeared to be cleaning. I deduced that they must be leaving the door open and the noise was emanating from the main premises and

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

2004/05(1); MG 11(T)

dance area. The Noise was distinct between 02.30 hrs and 02.45 hrs.

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

2004/5



## Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 090412 Time: 0030HRS
OIS Ref.: LOG 788 060412	Crime No.:
Name of premises (where applicable): MAMBO	
Address: THE STRAND TORQUAY	

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

DS WALDRON/ DC SHERWOOD ENTERED PREMISES IN PLAIN CLOTHES FOR CHECKS RE OP AMBASSADOR AND REMAINED APPROX 45 MINS. IT WAS BANK HOLIDAY SUNDAY NIGHT. THE FIRST FLOOR BAR WAS MUCH LESS CROWDED THAN OUR VISIT THE NIGHT BEFORE AS ON THIS OCCASION ALL 4 FLOORS WERE OPEN. WORST ISSUE A LOT OF BROKEN GLASS ON THE FLOOR WHICH WAS STICKING TO BOTTOM OF SHOES. AT ONE POINT WE HAD TO HAND A BROKEN WINE GLASS OVER THE BAR WHICH WOULD HAVE MADE A HORRIFIC WEAPON. OTHER THAN THIS THERE WAS A STARK CONTRAST BETWEEN THIS AND THE VISIT THE NIGHT BEFORE.

Submitted by: Name: SHERWOOD & WALDRON	Force No.: 3586 & 4760
Signed:	Date: 120412 Time: 2045HRS

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:





# Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
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To be completed for any alcohol related 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.

Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other Noise	Date: 09/04/12 Time: 0230
OIS Ref.:	Crime No.:
<b>Name of premises (where applicable):</b> Cafe Mambo	
Address: The Strand Torquay	

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

At 0230hrs on 09/04/12 I was stood by Boots the Chemists on the Strand Torquay. There were lots of people on the street making a significant amount of noise but despite this I could still here amplified music from the club above the street level noise. I informed the door stewards that the level was loud but was called away to another incident so am unaware if it was turned down.

Submitted by: Name: Shepherd	Force No.: 14464
Signed:	Date: 09/04/12 Time: 0410

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:

# WITNESS STATEMENT


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

Statement of **Stephen Paul Shepherd** ..... URN: 

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

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:  ..... Date: **12 May 2012**.....

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


I am Police Sergeant 4464 Stephen Paul Shepherd of the Devon and Cornwall Police Service currently stationed at TORQUAY POLICE STATION. From information in my possession I am able to say the following.

At approximatley 0230 hours on MONDAY the 9<sup>th</sup> APRIL 2012 I was on duty in uniform outside BOOTS THE CHEMIST, THE STRAND, TORQUAY using the callsign SIERRA BRAVO ONE TWO ZERO NIGHTS. At this time I was on foot patrol stood with my back to BOOT THE CHEMISTS looking out across the STRAND towards TORQUAY inner harbour. To the right of me is a night club known as CAFE MAMBO.

As I was stood on the street I was aware of amplified music coming from the club. The street was very busy with pedestrians who out celebrating the bank holiday weekend and lots of traffic using the highway. Despite the background noise generated by members of the public and the traffic the amplified music was louder than the ambient street level noise. I made my way to the front of the club and informed the door steward the music level was too loud. At that point I was called away to assist with another incident.

At the conclusion of my duty and return to TORQUAY POLICE STATION I submitted an Alcohol / Licensing Information Form L10 via the DEVON AND CORNWALL POLICE intrent system. I produce a copy of this as exhibit SPS/1.



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

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: MAMBO, 1 THE STRAND  
 Address: TORQUAY

Report type:  Visit  Incident  Other  
 Date: Time:  
 OIS Ref.: Crime No.: FT/12/2628 & FT/12/2642

**Brief summary / action taken (if not recorded elsewhere):**  
 Above crimes relate to father and son aggrieved, altercation took place between father & bar staff which resulted in him being restrained during which he sustained a fractured forearm. Son also assaulted during incident.  
 CCTV has been requested from manager, - (has not been used)  
 Statements yet to be taken from aggrieved.

Submitted by: Name: PC WALKER  
 Signed: *[Signature]* Date: 11/04/12 Force No.: 5795 Time:

Action taken by Licensing Unit:

East Licensing Unit  
 17 APR 2012  
 Devon and Cornwall Constabulary

Licensing officer:  
 Forwarded to Daily Tasking:

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.

<b>Name of premises:</b> Cafe Mambo		
Address: 7 The Strand, Torquay, TQ1 2AA		
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other OP Ambassador	Date: 14/04/12 Time: 0040-0115	
OIS Ref.:	Crime No.:	
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
<p>Visit to Cafe Mambo during opening hours. Entered establishment at approx 0040hrs 14/04/12. Only one door supervisor present on front door at time of entry. This door supervisor had no "counter" and did not use any method of counting people in and out of the premises. When leaving the establishment at approximately 0115hrs there were two door supervisors present at the main front entrance. At this time one door supervisor was using a counter. At the time of leaving I saw one male who was clearly intoxicated (slurring his speech and being unsteady on his feet) was trying to enter Cafe Mambo. The male was prevented from entering by door staff who told him he was drunk. After arguing his case for a couple of minutes the male reluctantly left. He returned a couple of minutes later, eating a slice of pizza. Once he had finished this he tried to enter Cafe Mambo again at which point he was allowed to enter by the same door supervisor.</p> <p>Observations were also made outside the premises at approximately 0220hrs for about ten minutes. By this time people were leaving the establishment. Several of the leaving customers were clearly very intoxicated - their speech was slurred and they were unsteady on their feet. One male in particular wearing a white t-shirt was constantly swearing loudly in the direction of the door supervisor saying that he was "going to fucking kill" the door supervisor who was stood several metres away and seemed to take no notice. This male removed his t-shirt and kicked the bin outside the main entrance during his rant. Male was clamed down by friends.</p>		
Submitted by: Name: DC Edward VALLINS	Force No.: 10664	
Signed:	Date: 14/04/12	Time: 0341hrs
<b>Action taken by Licensing Unit:</b>		
Licensing officer:		
Forwarded to Daily Tasking:		

# WITNESS STATEMENT

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

Statement of **DC 664 Edward VALLINS** ..... URN: 

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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: .....  .....

Date: 15/04/12.....

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

I am DC 664 Edward VALLINS of the DEVON AND CORNWALL POLICE CONSTABULARY currently stationed at TORQUAY POLICE STATION.

During the evenings of FRIDAY 13<sup>th</sup> APRIL 2012 and FRIDAY 14<sup>th</sup> APRIL 2012 I was working alongside DC 747 SHARDLOW in plain clothes conducting licensing checks at drinking establishments in TORQUAY.

[REDACTED]

I attended CAFE MAMBO, 7 THE STRAND, TORQUAY with DC SHARDLOW between 0040hrs and 0115hrs on SATURDAY 14th APRIL 2012. CAFE MAMBO is a large bar/nightclub. Downstairs to the right of the main entrance there

Signature: .....  .....

Signature witnessed by: .....

2004/05(1): MG 11(T)

is a small bar area. Stairs lead up from the main entrance to the first floor which has a large central bar area, a dance floor and several cubicle style seating areas tables. There is also access to a large balcony area from the first floor bar/dance floor. This balcony area is covered and contains many tables and chairs. It is used both as a social drinking area and as a smoking area.

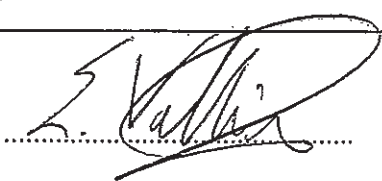
A further set of stairs lead from the first floor up to the second floor of the establishment. The second floor contains a further bar area and dance. There is another set of stairs which lead from the second floor to the roof terrace.

When we entered the premises there was only one door supervisor present at the front door. This door supervisor was not using any kind of counting device to keep track of how many people were inside the establishment from what I could see. Inside the premises was quite busy in terms of customers. Door supervisors were present at various points inside the establishment including the first floor bar area, the second floor bar area and the entrance to the roof terrace. When leaving the establishment at approximately 0115hrs there were two door supervisors present at the main front entrance. At this time one door supervisor was using a counter. At the time of leaving I saw one male who was clearly intoxicated (slurring his speech and being unsteady on his feet) was trying to enter CAFE MAMBO. The male was prevented from entering by door staff who told him he was drunk. After arguing his case for a couple of minutes the male reluctantly left. He returned a couple of minutes later, eating a slice of pizza. Once he had finished this he tried to enter CAFE MAMBO again at which point he was allowed to enter by the same door supervisor who had previously stopped him from entering.

Observations were also made outside CAFE MAMBO at approximately 0220hrs for several minutes. By this time people were leaving the establishment. Several of the leaving customers were clearly very intoxicated - their speech was slurred and they were unsteady on their feet. One male in particular wearing a white t-shirt was constantly swearing loudly in the direction of the door supervisor saying that he was "going to fucking kill" the door supervisor who was stood several metres away and seemed to take no notice. This male removed his t-shirt and kicked the bin outside the main entrance during his disorderly rant. The male was calmed down by a group of his friends present outside the establishment.

[REDACTED]

Signature: .....



Signature witnessed by: .....

2004/5



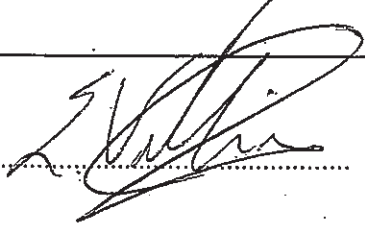
[REDACTED]

I again attended CAFE MAMBO with DC SHARDLOW between 0000hrs and 0045hrs on SUNDAY 15<sup>th</sup> APRIL 2012. Two door supervisors were present at the front door of CAFE MAMBO and were actively checking the ID of people who looked underage and were seen to refuse people entry who did not have appropriate ID. Neither door supervisor could be seen to use a counter to record how many people were inside the premises. The establishment was very busy inside; to such an extent that it was difficult to move around inside the premises. In my opinion I would say if there was a fire inside the property it would have been very difficult if not impossible to safely evacuate everyone from inside the premises. It would also be very difficult for any of the door supervisors to effectively monitor anything happening inside the establishment more than a few feet away from them due to the numbers of people inside. One door supervisor was present on the first floor balcony and was controlling people moving onto the balcony and back into the premises in an effective manner. Door supervisors inside the premises did appear to be actively checking areas of the dance floor and bar areas as best they could to make sure everything was in order.

[REDACTED]

[REDACTED]



Signature: 

Signature witnessed by: .....

2004/5



# WITNESS STATEMENT

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

Statement of **Benjamin Shardlow** ..... URN: 

<b>50</b>	<b>FT</b>		<b>12</b>
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Detective Constable** .....

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: **15/04/12** .....

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

I am Detective Constable 747 Shardlow of the Devon and Cornwall Constabulary currently stationed at Torquay within the Criminal Investigation Department (CID).

On Friday 13<sup>th</sup> April 2012 I was in plain clothes working with DC 664 Edward VALLINS. During the evening we were tasked to attend local drinking establishments in Torquay town centre in line with Operation Ambassador.

[REDACTED]

At around 0040 hours we attended 'CAFE MAMBO' located at 7 THE STRAND in TORQUAY.

CAFE MAMBO is one of the larger and busier bars in Torquay. In compromises of a downstairs separate bar which occasionally has live music on. There are stairs to the right of this which lead to the first floor which has a large dance floor, tables and a bar. Access is also gained to a terrace area which is used for people to smoke. Female toilets are located on this floor and there are a second set of stairs that lead to another bar area and dance floor on the second floor. The male toilets are also located on this floor. There is further set of stairs which lead to the roof terrace.

At the time of our arrival there was one male doorman and lots of people entering the establishment which were not being checked. The male was not counting the amount of people entering or leaving and would therefore have no idea of the

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

2004/05(1): MG 11(T)

capacity. The bar was quite busy and it's difficult to understand how the security could watch what was going on due to the volume of people. As we left the bar at around 0115hrs there were two door staff who were now counting how many were entering. At this point our attention was drawn to a male who was being refused entry due to being too drunk. He was very unsteady on his feet and was becoming very argumentative with the door staff. They told him to go and get some food and sober up. He reluctantly walked away and returned around 3 minutes later holding a slice of pizza. He ate it in front of the door staff that then proceeded to let him in even though he was in the same state of intoxication.

[REDACTED]

DC VALLINS and I then re-attended CAFE MAMBO to witness several intoxicated customers standing outside the entrance. Two males in particular were being very aggressive. One of these was wearing a white t-shirt ripped it off, pointed at the door supervisor and shouted, "I'M GONNNA FUCKING KILL HIM." His associate then proceeded to kicking the bin violently. The two door supervisors ignored this behaviour.

[REDACTED]

On Saturday 14<sup>th</sup> April DC VALLINS and I re-attended Torquay town again in plain clothes. At this time we attended CAFE MAMBO and stayed for around 45 minutes. At this time there were two door supervisors and neither could be seen using a counter. Both supervisors were actively challenging younger looking clients and checking forms of identification. They were seen to refuse people who did not have the appropriate ID. Inside the first floor bar was extremely

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

2004/5

busy to such an extent it difficult to move around and a serious fire risk. Further security staff was located on the door to both terraces and surveying the dance floor.

[REDACTED]

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

2004/5

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.

<b>Name of premises:</b> Cafe Mambo	
Address: 7 The Strand, Torquay, TQ1 2AA	
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other OP Ambassador	Date: 15/04/12 Time: 0000-0045
OIS Ref.:	Crime No.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
Two door supervisors present at front entrance. Neither door supervisor could be seen to use counter. Door supervisors we activly checking the ID of people who looked underage and were seen to refuse entry to people who did not have appropriate ID.	
Establishment was very busy inside, to such an extent that it was difficult to move around inside the premises. One door supervisor was present on the first floor balcony and was controlling people moving onto the balcony/back into the premises effectively. Door supervisors inside the premises did appear to be actively checking areas of dancefloor and bars to make sure all in order.	
Submitted by: Name: DC 664 VALLINS	Force No.: 10664
Signed:	Date: 15/04/12 Time: 0335hrs
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

WITNESS STATEMENT

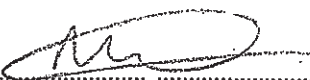
Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Matthew Clive Brett** ..... URN: 


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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable 6948** .....


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.

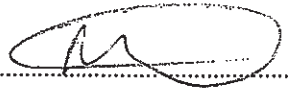
Signature: .....  ..... Date: **21/04/2012**.....

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

I am Police Constable 6948 Brett of the Devon and Cornwall Constabulary. On the evening of Friday 20<sup>th</sup> April 2012 between 22:00 – 02:00 hrs, I was on duty in plain clothes conducting licensed premises checks in the harbourside area of Torquay in relation to Operation Ambassador in company with DC 664 Vallins and DC 5731 Stabb. 



 We next attended Cafe Mambo on the Strand. There were two members of staff at the entrance we passed through the entrance walking up the stairs to the first floor bar area. The area was busy and difficult to pass. We made our way to the balcony area where there was a dedicated member of staff checking those entering the balcony. We then made our way to the second floor bar and on to the third floor bar where a female member of door staff used a clicker to record us entering. I observed no incident of note while within the bar. As we exited I could see a male in front of me swigging from a bottle of red wine. As he approached the exit a member of staff stopped him from leaving with the bottle. Once on the pavement I noticed a member of staff in discussion with a large male wearing a pink shirt. The discussion seemed to revolve around the male being refused entry. After a short time this male was seen to leave in a taxi.

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

[Redacted content]

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

2004/5

# WITNESS STATEMENT

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

Statement of **DC 5731 Stabb** ..... URN: 

50	FT		
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 5731**.....

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: .....

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

I am Detective Constable 5731 Stabb of the Devon and Cornwall Constabulary currently based at Torquay Police Station. On 20<sup>th</sup> April 2012 I was on duty in plain clothes working 2300 hours to 0300 hours. At that time in company of PC Brett and DC Vallins I attended the following locations;

The Green Ginger, Fleet Walk, Torquay

Mambo's, 7 The Strand, Torquay

The Yacht, 19 Victoria Road, Torquay

[REDACTED]

At 2345 hours I entered Mambos, no counter was used by doorstaff to monitor numbers except for the top floor where a female member of doorstaff was counting persons in and out and restricting entry to certain persons although it was not clear how those restrictions are set out.

A member of doorstaff was monitoring persons on the first floor balcony, upon leaving I witnessed doorstaff challenging a male attempting to leave with alcohol.

[REDACTED]

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

2004/05(1): MG II(T)



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.

<b>Name of premises:</b> Mambo		
Address: The Strand, Torquay		
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 1125 Time: 27/04/12	
OIS Ref.:	Crime No.:	PM
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
Visited premises in company with Mandy GUY of Torbay Council.		
<p>Door steward on duty at front door. Entered premises and went to first floor. Area was extremely busy, no door stewards visible in this area. We pushed through the crowd and went through the door onto the first floor balcony, where a door steward was present. I identified myself to the steward and asked how many people were present on the balcony. He stated that he did not know. I asked him how many persons are allowed on the balcony at one time. Again he stated he did not know. I told him that I was aware there should be no more 60 people, and suggested that he started counting. We agreed that there were 45 persons. I also explained that the steward must ensure that all persons around the outer edge of the balcony are seated. The duty manager, Chris, was present and I explained to him that the steward must know exactly how many persons are on the balcony and recommended that clickers are used. He then went into the premises and returned a short time later with a clicker. Mrs GUY and myself then went to the second floor. This area was busy but not as crowded as the first floor, but again a door steward was not visible. We then carried out a quick visit to the third floor, which was very quiet and persons were using the outside area. On returning to second floor, met with Nathan TOWERSEY, DPS. Door steward present. Asked door steward how many persons were present on that floor, and he stated 90. I asked how he knew, and he said he counts in his head. Matter discussed with Nathan. Mandy GUY raised issues of 3<sup>rd</sup> floor terrace being used after 2300 hrs in breach of planning consent</p>		
Submitted by: Name: SMART	Force No.: 50403	
Signed: J K Smart	Date: 02/05/12	Time: 1100
<b>Action taken by Licensing Unit:</b>		
1400 01/05/12 - Met with Nathan TOWERSEY, DPS. Issue of overcrowding of first floor discussed. Nathan stated that due to the shape of the bar, the area gets congested as people don't move around to the far left side. I told Nathan that I had previously raised concerns re the shape of the bar causing congestion at the meeting on 08/12/11, and it was apparent that the levelling of the floor had not made a significant improvement in customer flow. Nathan stated capacity for first floor is 150 (including 60 on balcony). Discussion re how stewards monitor and deal with incidents on first floor. Discussion re lack of stewards on first and second floor during my visit and lack of knowledge of steward on balcony re conditions/capacity. I told Nathan that all door stewards should be in possession of clickers to control numbers, I also warned him to ensure that they do not exceed their capacities and that he must ensure the door stewards are briefed re these matters and aware of conditions on the licence before they commence duty		
Licensing officer: J K Smart		
Forwarded to Daily Tasking:		

**Officers present at inspection:**

Mandy GUY, Torbay Council

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
 Name of DPS (or person in charge if no DPS): Nathan TOWERSEY  
 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: Clicker on entry. Head count within premises
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? Challenge 21
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No

Superintendent J Nye  
Licensing Department (East)  
Devon and Cornwall Police HQ  
Middlemoor  
Exeter, Devon EX2 7QQ

28 April 2012

Dear Sir

I write to you in my capacity as Director of Lifestyle Enterprises (UK) Ltd, who are the Premises Licence holders of Mambo/Beach Hut, 7 Strand Torquay, TQ1 2AA.

I refer to your letter of 4 April 2012 and the subsequent response dated 8 April from our Designated Premises Supervisor, Nathaniel Towersey.

As responsible operators, we take our obligations under the Licensing Act very seriously and I am writing to inform you that steps are being taken to address your recent concerns.

I would be grateful if you could arrange for your Crime Prevention Officer to contact me as soon as is possible with a view to visiting Mambo to carry out an assessment of the premises and our existing procedures, and to offer advice on any further measures we could take to assist in the reduction of incidents - in particular thefts from within.

We will continue to welcome uniform police visits to our premises at any time and, as we have always done in the past, we are happy for your officers to use the knife arch and drug testing equipment at our premises, providing other premises in the harbour side also participate.

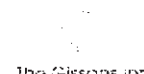
Your records will show that the owners, management and staff of Mambo have always worked closely with the local Police and the Licensing Department in the past and are keen to continue this close working relationship in the future.

I look forward to hearing from you in due course.

  
Julie Eyre  
Director

Lifestyle Enterprises (UK) Ltd

Devon and Cornwall Constabulary  
2 - MAY 2012  
East Licensing Hub



fasteddies-poolhall.co.uk www.tigerbills.co.uk www.bombaybills.co.uk www.appleandparrot.co.uk www.lifestyleeventsuk.com www.cafemambo.co.uk www.thegissons.co.uk

Mambo, Apple & Parrot, Hooks, Tiger Bills, Bombay Bills, The Gissons, Fast Eddies, The Rooftop Lifestyle Events, Lifestyle Enterprises & Lifestyle Venues are all trading names of The Lifestyle Hospitality Group Ltd | Registered address: 2nd Floor Offices, Harbour Point, Victoria Parade, Torquay TQ1 2BD  
VAT No 997 3158 64 | Company Registration No. 07150328 (England)

**From:** DUKES Nicola 55799  
**Sent:** 17 May 2012 17:33  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Hi Julie,

I have just been to see Nathan the DPS and Mambo's and one of his staff (Emily) regarding the issues at the premises.

I have had a long chat with them about things and the steps they can take to try and reduce/prevent incidents from occurring. They had a few concerns and I have said that I would pass these back to you.

- They are happy to have a follow up visit regarding the quality of their CCTV once they have spoken to their boss and looked to replace the existing recording devices.
- They have said they feel they do not know what to do for the best when they catch people stealing or have people that have had too much to drink, as if they call us, especially if they catch someone stealing the police are not interested. They also said that they do not think there are any police about at their busiest times (Wednesday nights are now a very busy night). They would ideally like some patrols around on a wed night – they do understand the pressure the police are under. Basically they seem to have a good reputation with the police when the NET Team were around but they see a different officer everytime and feel that we aren't interested in doing anything if they catch people and it almost goes against them if they phone us.
- Pubwatch – they said this hasn't really go off the ground and wondered what was going on with this – I didn't know so said I would check with you. basically they were hoping that it would mean they could have some photo's of banned people/known handbag thieves and they would be banned from all the licensed premises but it doesn't seem to be working that way.
- They wanted to know if there was any pattern to the thefts as they said that previously when they had met with the police certain days/times were worse so they could review their CCTV and see if any particular people were attending the premises etc. They feel that since December it has decreased. Also they wanted to know whether it was coats too as people usually keep bags/phones with them.

I have discussed the CCTV at the premises with them and explained that they need to review their system and try and get all the camera's operating off of one recording device – this will require their existing devices to be upgraded. They currently have 3 hard drives and two monitors. I have stressed that they need to ensure that the quality of the CCTV is good when it is recorded too. It seems this is not currently the case. I have also told them to consider some infra red camera's for the areas of the premises that are not as well lit.

I have discussed a cloakroom with them, and they are happy to give this a go – we did discuss ways to encourage people to use this, such as not making it too costly and perhaps even a voucher for money off food/drink if people use it (not sure how this would sit with their license but just need to get people to use it rather than leave their stuff around). They did say that people don't tend to use these things in the summer so they weren't sure how successful it would be. They would also like to get a camera to cover this area before they start so as to protect customers belongings and the member of staff manning it.

I have also recommended that they try to block up the DJ booth where people are hanging coats with some clear toughened panels. This will remove the opportunity for people to leave belongings



here and hopefully encourage them to use the cloakroom. If the panel are clear they can display posters etc here and it also still provides a view for management/DJ/Doorstaff.

I have left them some posters about not leaving valuables unattended and also some handbag cards for the tables/bar area which they will put up. I have also asked them to get the doorstaff to tell people not to leave bags/phones unattended when they come in.

I reviewed the crimes that have been occurring and the latest thefts were all from unattended phones/wallets/bags either left on chairs or on the bar area. A couple of the phones were from back pockets (but these could have been lost rather than stolen). It's a difficult one as we cannot make customers take responsibility for their belongings – just try and encourage it.

I am happy to pop over and have a chat to you about this and do a follow up joint visit if you want, as they have been talking about maybe us doing some training with their staff? – just let me know.

Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 16 May 2012 11:22  
**To:** DUKES Nicola 55799  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Nicola

Unfortunately I won't be able to attend with you due to work commitments/rest days. I do not know whether there is a pattern to these thefts, it's just the huge number of them taking place. Apparently people were leaving their belongings on the floor by DJ booth and they have been told to put signs up asking customers not to do this. Back at the beginning of the year they were looking at installing lockers for customers to use, but this plan is not now going ahead, but Julie Eyre did tell me a few weeks ago they are thinking of opening up a cloakroom.

I think the CCTV at the premises is poor. The building is currently covered by 3 separate systems, and the hard drive on one of these has recently been changed, but DS Yarwood told me yesterday that they are unable to provide CCTV for a glassing incident that occurred there on 9 May 2012, which is a breach of the condition on their licence, and a matter that I will be dealing with. I have also been informed that the quality of CCTV recordings is also very poor. Additionally, I have been told that there is only one monitor which is in a locked room. Would it assist if they had monitors behind each bar in order that staff can see exactly what is going on as I think this may assist in the prevention of crime and disorder? This is an area that I am hoping to get them to tighten up on, but I admit that I don't know much about CCTV so would also be grateful for any advice you can give on this.

Regards

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details:

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

Tel: 01392 452225

Fax: 01392 452447

Email: [licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)

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**From:** DUKES Nicola 55799  
**Sent:** 16 May 2012 10:43  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Yes no problem – I have some posters that they could display and I am aware that they have door staff so they could also be asked to remind people when they come in.

You are welcome to come along too – but I will let you know what I have recommended once I have seen the premises. Are there any particular times/days when the thefts occur? And do you know if they have managed to identify anyone from their CCTV?

Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 16 May 2012 10:34  
**To:** DUKES Nicola 55799  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Thanks Nicola. Can you send me details of what you have recommended after your visit, so I can see if there is anything that I could apply as a condition on their licence to ensure they take positive action in this respect.

Regards

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

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Tel: 01392 452225

Fax: 01392 452447

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**From:** DUKES Nicola 55799  
**Sent:** 16 May 2012 10:32  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Hi Julie,

No problem – I have just spoken to Julie Eyre with a view to seeing her this week. She is going to call me back and let me know which day is best for her but it will be either Thursday or Friday of this week.

Many Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 15 May 2012 14:20  
**To:** DUKES Nicola 55799  
**Subject:** RE MAMBO, TORQUAY RESTRICTED

Nicki

For several months I have been working very closely with the above premises regarding the levels of crime and disorder at their premises. They also experience high levels of thefts, particularly of handbags and mobile phones. In an effort to assist them to reduce this, please can you make contact with the premises and offer them suitable advice. Please contact either Julie Eyre on [REDACTED] or Nathan Towersey on [REDACTED]

Can you let me know when you have done this please.

Thanks

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details:

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

Tel: 01392 452225

Fax: 01392 452447



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.

<b>Name of premises:</b> MAMBO'S		
Address: THE STRAND TORQUAY		
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 03/05/2012 Time: 0158	
OIS Ref.: 48 03/05/2012	Crime No.: FT/12/3227	
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
<p>MALE OFFENDER OFFENDER PUSHED PASSED THE AGGRIEVED ON DANCE FLOOR NUDGING HIM          AGGRIEVED CONFRONTED OFFENDER WHO THEN SHOVED A GLASS INTO AGGRIEVEDS          FACE CAUSING GLASS TO SMASH AND EMBED IN HIS NECK CAUSING INJURY. AFTER THE OFFENCE HAD          BEEN COMMITTED MALE RAN FROM THE SCENE AND GOT INTO A TAXI. TAXI COMPANY WAS IDENTIFIED          ASWELL AS THE DROP OFF LOCATION. THE OFFENDER WAS LATER ARRESTED.</p>		
Submitted by: Name: LAING	Force No.: 16955	
Signed:	Date: 04/05/2012	Time: 0400
<b>Action taken by Licensing Unit:</b>		
Licensing officer:		
Forwarded to Daily Tasking:		

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.

<b>Name of premises:</b> MAMBO		
Address: THE STRAND TORQUAY		
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 05/05/12 Time: 0150	
OIS Ref.:	Crime No.:	
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
<p>TWO HEAVILY INTOXICATED FEMALES WHO WERE STAGGERING ALL OVER THE PAVEMENT, SWAYING AND FALLING OVER IN THE STREET APPROACHED BY MALE LEAFLET DISTRIBUTOR AND GIVEN A LEAFLET PROMOTING DRINKS IN THE VENUE DESPITE BEING CLEARLY DRUNK.</p> <p>THESE FEMALES THEN WALKED PAST TWO DOORSTAFF AT MAMBOS AND WERE NOT ASKED FOR ID OR STOPPED AND REFUSED ENTRY FOR CLEARLY BEING FAR TO DRUNK TO ENTER THE PREMISES. OFFICERS THEN INFORMED DOORSTAFF OF THE PRESENCE OF THE TWO FEMALES AND THE FACT THAT THEY WERE CLEARLY FAR TO DRUNK AS WERE SWAYING AND FALLING OVER IN THE STREET DIRECTLY OUTSIDE OF THE DOOR.</p> <p>THE TWO FEMALES WERE SPOKEN TO BY POLICE PREVIOUSLY AS WERE SEEN RUNNING IN THE ROAD BOTH WERE FOREIGN AND DID NOT UNDERSTAND ENGLISH, NO DETAILS TAKEN OF THE TWO FEMALES DUE TO THIS. BOTH FEMALES LOOKED TO BE CLEARLY UNDER THE AGE OF 21. BOTH SMELT OF INTOXICATING LIQUOR, STAGGERING AND SWAYING FALLING OVER HAVING TO HOLD ONTO RAILS TO WALK AND EYES RED A BLURRED.</p>		
Submitted by: Name: PC FREEBORN	Force No.: 2814	
Signed: TOBY FREEBORN	Date: 05/05/12	Time: 0320
<b>Action taken by Licensing Unit:</b>		
Licensing officer:		
Forwarded to Daily Tasking:		

**Officers present at inspection:**

PC FREEBORN 2814  
PC OWENS 2804

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
Name of DPS (or person in charge if no DPS): NOT CHECKED  
 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: 2 AT FRONT DOOR  
SIA licensed?  Yes  No Licence displayed?  Yes  No
3. Do the premises look overcrowded?  Yes  No
4. Method of checking the customer numbers: CLICKERS
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? DOORSTAFF MEANT TO CHECK ID, NOT ON THIS INCIDENT
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No

### WITNESS STATEMENT

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

Statement of **Toby FREEBORN** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police 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 anything in it which I know to be false, or do not believe to be true.


Signature:  ..... Date: 21/05/2012 .....

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

I am PC 2814 Toby FREEBORN of Devon and Cornwall Police. I am currently stationed at Torquay Police station as a uniformed police constable. On the 5<sup>th</sup> May 2012 I was on patrol in full uniform on TORQUAY Harbourside dealing with the nighttime economy in the area. I was in company of PC 2804 OWENS. At approximately 0150hours I witnessed two females staggering along the pavement at The Strand TORQUAY. I approached these two females as one of them had got onto her hands and knees and was crawling along the pavement. They were shouting out loud, I could not understand what they were saying. It quickly became apparent to me that they were extremely drunk, due to them smelling of intoxicating liquor, their eyes being glazed and them staggering along the street. It became apparent that these females did not understand English. They were walking from the area of the clock tower towards the taxi rank on the harbour side of The Strand. Due to the direction of their travel I presumed that they were making their way towards the taxi rank in order to get a taxi home and I decided to watch them from a distance to ensure that they did in fact get a taxi home.

As they walked along The Strand, they were approximately 20metres ahead of me, they were approached by a leaflet distributor who was handing out flyers for MAMBOS and he passed the two females a leaflet advertising MAMBOS. As they were walking I could see them clearly swaying and I could hear them shouting, one of the females was being held up by the other one.

The two females then took the leaflet and looked at it and walked straight past the two male members of doorstaff who were stood at the front door of MAMBOS. They were not stopped or asked for any form of ID. Due to the behaviour that I had witnessed I spoke to one of the male doormen and made him aware of the presence of the two females and the fact that they were clearly far to drunk to be allowed entry into the premises. The doorman stated that he was unaware that they had walked past and he had not seen them walk along the pavement to the premises.

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

The doorman then told the two females that they were not allowed into MAMBOS and they both then walked across the road and got into a taxi.

I would describe these two females as being in their late teens about 18 to 20 years old, both with dark hair.



Signature:



Signature witnessed by: .....

2004/5



# Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 05/05/12 Time: 2315
OIS Ref.:	Crime No.:
Name of premises (where applicable): Café Mambo	
Address: The Strand, Torquay	

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

Check conducted at premises by DC Briggs and DS Stock, as part of Op Ambassdor.

A covert check was conducted at the premises and the officers were asked to stand in a queue as the door stewards were operating a one in/one out system and appeared to be using click counters to record the number of customers entering and leaving. Door stewards were seen to check ID of other customers. Inside the premises the first floor was extremely busy, making it virtually impossible to move one side of the bar area. The dancefloor area merged with normal customers, and I witnessed a number of very minor exchanges between customers due to accidental drink spillages. This was a clear concern for the officers as without easy movement an emergency situation would be very difficult to control safely. When moving to the second floor bar and dance area this was virtually empty (less than 15 customers) which seemed to be a poor distribution of persons present, considering the bar was working a one in/one out system, indicating capacity had been reached. Door stewards were polite and visible throughout the bar areas. In the men's toilets on the first floor there was an IC3 male working in the toilets offering aftershave sprays and hand tissues in exchange for payment/donations. Fivers seen on pavement outside of club. distributors nearby.

Submitted by: Name: James Stock

Force No.: 15597

Signed: JS

Date: 09/05/12

Time: 1310

**Action taken by Licensing Unit:**

Licensing officer:

Forwarded to Daily Tasking:

**Officers present at inspection:**

DS Stock, DC Briggs

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
 Name of DPS (or person in charge if no DPS): N/K  
 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: Click counter
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? Yes
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No



### WITNESS STATEMENT

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

Statement of **James STOCK**..... URN: 

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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: **JS** ..... Date: **10/05/12** .....

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

I am James STOCK, a detective sergeant in the Devon and Cornwall Constabulary, currently based within the Public Protection Unit at Torquay.

On Saturday 5<sup>th</sup> May 2012 I worked with DC 5841 BRIGGS on a covert deployment as part of Op Ambassador, a licensing operation being conducted in Torquay.

*This part of his statement  
does not relate to Nambo.*

him walk upstairs and when I finished in the toilets I checked the bar area but the male was not present and I did not see him again throughout the evening.

We then moved on to CAFÉ MAMBO on THE STRAND, TORQUAY. We had to queue to gain entry and they appeared to be working on a one in/one out system using click counters. I also saw them check ID of customers entering before us. The door stewards were present and DC BRIGGS identified a male with them as the DPS for CAFÉ MAMBO.

The first floor area was extremely busy and felt unsafe due to the crowding. It was nearly impossible to move across the bar area from one side to the other. The dance floor area merged with bar customers and I witnessed a number of very minor exchanges between customers due to accidental drink spillages caused by the overcrowding.

This was a clear concern for me as without easy movement an emergency situation would be very difficult to control safely. When moving to the second floor bar and dance area this was virtually empty (less than fifteen customers) which seemed to be a poor distribution of persons present, considering the bar was working a one in/one out system, indicating capacity had been reached. Door stewards were polite and visible throughout the bar areas. In the men's toilets on the first floor there was an IC3 male working in the toilets offering aftershave sprays and hand tissues in exchange for payment/donations. The upper floor bar/club area was checked and they did not allow us to take drinks from the second floor area upstairs. This upper area was not particularly busy and appeared well staffed.

I also saw flyers on the pavement outside of MAMBO's and I saw a number of flyer distributors handing out leaflets to members of the public. A number of these were discarded immediately, some on to the pavement.

*This part of Pc' STOCKS  
Statement does not  
relate to Mambo.*

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

This part of Statement  
does not relate to Nonbo.

Signature: JS ..... Signature witnessed by: N/A.....

2004/5



# Alcohol / Licensing Information Form

File No.:	ft/12/3527	Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 10/5/2012 Time: 0135hrs
OIS Ref.: not reported	Crime No.: ft/12/3527
<b>Name of premises (where applicable):</b> Cafe Mambo	
Address: The Strand Torquay	

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

On Thursday the 10<sup>th</sup> May 2012 an incident occurred where a 19 year old male was the subject of a S18 Grievous Bodily Harm With Intent. The victim was [REDACTED]. At approximately 0140 hrs [REDACTED] was with friends in the 2<sup>nd</sup> floor dance area, dancing with a girl. Mr [REDACTED] observed an argument between a group of females and close by and as a result an unknown male smashed a glass over Mr [REDACTED] head. He was dazed and walked over to his friends who told him his head was bleeding. He noticed a large amount of blood on his orange polo shirt. The "bouncer" called Chris took him to a staff area and the "manager" cleaned his wounds with antiseptic wipes. He said after cleaning the cuts that they were "not too bad". They took Mr [REDACTED] T shirt off and gave him a clean top to wear. The manager asked whether Mr [REDACTED] wanted the male arrested which he declined to do as he had been told the wounds were not too bad. the "manager" said " this made it easier for them because they have less paperwork". Chris, at some point said "its fair enough people hitting each other but no one should be glassed" Mr [REDACTED] then called his mum who, seeing the wounds, took him to hospital at around 0230hrs. His head was X rayed, three internal dissolvable stitches and 1 eight external stitches, were inserted into his head, bruising was noted on his left shoulder, and a small cut. On Tuesday the 14<sup>th</sup> of May 2012 Mr [REDACTED] reported the matter to police. There had been no report of disorder from Cafe mambo and

Submitted by: Name: C G Yarwood Force No.: 6100  
Signed: Date: 22/5/12 Time: 1400

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:

Continued) created. Police visited the club and found entries in the incident book relating to 0140hrs 10/5/12. They requested CCTV but discovered that the facility had been switched off at 10.33pm on the 9<sup>th</sup> of May 2012, thus the majority of cameras were switched off. What remains is still being extracted to assist the investigation. The switching off was covered by a technician who stated he could not train all staff in its use quickly enough and as a result staff had inadvertently disabled the machine. A fact to which they were still oblivious over 24 hours later.

It was also discovered that the staff had thrown away the T shirt they seized from Mr [REDACTED] and this cannot be recovered so any forensic evidence is lost.

Two entries appear in the club accident report book

1. Nathan Towsey Area Manager, states he was made aware of a man [REDACTED] who had been hit. I administered First Aid with sanitised wipes then plasters. Advised [REDACTED] he may need further attention. Found the male who assaulted him and asked if he wanted to call the police. States that he told [REDACTED] friend he may need medical attention. [REDACTED] then left.
2. Chris Phillips  
Who stated that he found [REDACTED] who stated a man had Glassed Him, first aid as above, and finishes male left "no further action required by door staff.

The police were never informed despite crime number FT/12/3227 a GBH glassing in the club on the 3<sup>rd</sup> of May 2012 7 days prior to this glassing, and the 14<sup>th</sup> serious assault in mambos this year.

On this occasion the staff had called an ambulance and carried out essential first aid until the arrival of police and ambulance. Clearly the correct procedure was known to Mr Towsey and Mr Phillips but they chose not to inform either authority on this occasion and I speculate that this was a deliberate cover up in order to try to protect their licence.

#### **a) The Reduction of Crime and Disorder.**

The staff are required to assist police to reduce crime and disorder at every opportunity. I suggest they have at best failed to do so and at worst deliberately concealed a GBH/ Glassing from the authorities. The log entries above minimise the serious nature of this assault. Mr Towsey does not even mention a glass even though he administered first aid, and there was glass, (later removed by the hospital staff) sticking out of the large cuts to Mr [REDACTED]. He advised Mr [REDACTED] he MAY need further treatment but failed to call or cause to be called, an Ambulance. Mr Towsey and Mr Phillips destroyed forensic evidence either by design or through ignorance, by clearing up the glass and disposing of the T shirt worn by Mr [REDACTED]. They then placed the suspect in front of the witness, in a completely inappropriate fashion and asked the dazed and intimidated victim to make a charging decision. On Mr [REDACTED] declining, they then released the suspect, presumably so he could dispose of any other forensic material they had missed at the club. As a consequence of their bodging the CCTV, and failing to record the name of the suspect on either Incident form (even though the name was known to them),

police had to make repeated calls to the managers and waste even more time to obtain the name, and still have no image of the named suspect.

This is a disgrace, and exposes both serious shortfalls in training, of doorstaff and managers, and their management of serious crime, but demonstrates why exactly THIS club above all others has such a poor record in terms of disorder and theft on their premises.

### **B) Public Safety**

Their behaviour in this area is a disgrace and should this become the focus of the local media I believe Police and Local Authority alike will be criticised for not bringing the premises swiftly to book and either closing them on public safety grounds, or achieving immediate swathing constraints on their business hours, and the policing of the premises. The staff have deliberately minimised the seriousness of this attack in the hope that the police would never find out that it had happened. Evidence of this is on their own incident reports, slapdash, inaccurate, missing information, misleading completely lacking in care. They have been incredibly lucky in terms of the injuries to this Lukemia sufferer. They have no hesitation in assuming the role of Law enforcement, Health service, Courts to protect their interests and this has demonstrably happened here. The police service cannot take the risk that in the coming weeks, with the Olympics, Purple Flag, Summer tourism, this will not happen again with serious consequences for Health and Safety. Based on our own statistics another serious assault WILL take place in this period, but whether we will be informed is another matter. Cafe Mambo are aware of the situation having been officially warned by Licencing officer Julie Smart, and yet I have seen no evidence either from crime statistics or from Intelligence submitted by Local Officers that there is any improvement in their behaviour in fact quite the contrary.

On these grounds an expedited review should be required to address the immediate risk to Public Safety and escalation of Crime and Disorder in these premises.

# WITNESS STATEMENT

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

Statement of **Christopher Yarwood** ..... URN: 

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

This statement (consisting of: .... **7**..... 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: **C Yarwood**..... Date: **28/05/12**.....

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

I am Acting Detective Inspector Chris Yarwood of the Criminal Investigation Department at Torquay Police Station. On the 30<sup>th</sup> of March 2012 as a result of meetings with colleagues on Local Policing Partnership bearing in mind the busy forthcoming summer in which there would be celebrations for HM The Queen's Diamond Jubilee, the Olympic Torch relay and the Olympic Games, it was decided that C.I.D would run Operation Ambassador. Operation Ambassador aimed to support the Local Crime Strategy, the limited police resources and help maintain The Purple Flag status by reducing crime and disorder, anti-social behaviour, and serious violent crime on the Harbourside of Torquay so that the law abiding public are able to enjoy the facilities which Torquay offers and feel protected.

During Operation Abassador officers were deployed in plain clothes to visit a number of similar Harbourside clubs on a Friday and Saturday night and to observe the way the premises were managed. An Operational Order was constructed on each occasion with objectives set an example of which is:

## **Operation Ambassador: 5<sup>th</sup> May 2012**

### **Information**

Licensing offences are suspected on licenced premises on the Harbour side area of Torquay, specifically:

1. The serving and sale of intoxicating Liquor to persons under the age of 18 years.
2. The serving and sale of intoxicating liquor to persons who are drunk.
3. Breaches of Fire Regulations in respect of how many persons are safely allowed on premises.
4. Enforcement of an age verification policy in respect of persons believed to be under the age of 18 years by the responsible person i.e. door staff and bar staff.

Also

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2004/05(1): MG 11(T)



The Prevention of Crime and Disorder

- 5. Permitting entry or re entry to premises after 0200 hours where the premises are open until 0300hrs.
- 6. The responsible management of drinks promotions.

The Protection of Children from Harm

- 7. The identification of young persons who appear to be under the age of 21.

The Prevention of Public Nuisance

- 8 Door staff shall monitor the immediate vicinity of the premises and take steps to ensure people leave quietly and don't disturb residents.

**Intention**

To deploy officers from CID in plain clothes to gather intelligence and detect offences on Torbay Harbour side in relation to Licensed Premises .... The premises in question are:

JD's,  
Cafe Mambo,  
Bohemia  
The Venue  
Park Lane

For the intelligence gathered to be submitted via L10, Intel Submission and/or MG11 witness statement.

**Method.**

Two officers from CID are to carry out general observations in public places to establish whether licensing offences are taking place. Officers are to remain in public place both on and off licensed premises. On Saturday officers will deploy in Venue and Bohemia They will communicate (sensitive information) supported by LPST Officers. Normal licensing visits will then resume.

**Administration**

ADI YARWOOD (SIO) A/DS TAPLEY (OIC), policy book entry, incidental expenses, verbal briefing and debrief after deployment by ADI Chris Yarwood. These are none intrusive observations which do not invade the privacy of any individual or individuals, not covertly watching or listening as a result of information on any section of the community, and are not directed against any known group or known target.

**Communication**

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2004/5

100  
~~102~~

Mobile Phone, airwave radio. PS Kevin Roberts LPST Ground Commander.

**Risk Assessment.**

Officers will carry identification and will disclose that they are police officers if challenged or in the interest of safety. They will be in contact with LPST officers on the harbour side, and are able to secure assistance from those officers, or offer assistance if circumstances dictate it is safe to do so.

**Human Rights.**

The rights of the public particular to a private life and to a fair trial have been considered and are covered in this briefing document. Collateral Intrusion is minimised as officers are restricted to movements which are available to all members of the public.

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The above is an example and there have been additional deployments, for example during the Young Farmers' weekend a Passive Drugs Dog was used on the Harbourside to check those queuing to enter premises in order to gather intelligence on whether "Class A" drugs may be being trafficked. Where appropriate, the intelligence found on these occasions was submitted via the form L10 which were then passed to the Licensing Officer, Julie Smart, for action.

There have been sixteen officer deployments since the 30<sup>th</sup> of March 2012. The deployments have been at the following premises: Green Ginger, JD's, Cafe Mambo, Bohemia, The Venue, Park Lane, The Yacht, and the Apple and Parrot. Two written warning have been issued by Julie Smart as a result of the observations of officers: one to the Yacht on the 28<sup>th</sup> of April 2012, and one to Cafe Mambo earlier in the year on the 4<sup>th</sup> of April 2012. The work is ongoing and an intelligence picture continues to be built on crime and disorder.

At the end of April 2012 I met with intelligence officers and officers from the Covert Authorities Unit to ensure that the tactics used in Operation Ambassador were lawful, proportionate, necessary, and complied with precedents set on previous similar police operations into the night time economy in the City of Plymouth and town of Newquay. A review was also carried out into reported crime inside the clubs being visited and work was carried out by Force Analyst Mrs Hilton.

Throughout the period of deployments to licensed premises Cafe Mambo stood out from all the others for their record on Violent Crime, and Theft. On violent crime Cafe Mambo has been the location of seven offences of Assault occasioning Actual Bodily Harm, five offences of Causing Grievous Bodily Harm (s.20 Offences Against the Persons Act (Wounding)), and three offences of causing Grievous Bodily Harm With Intent (s.18 Offences Against the Persons Act). These are offences which cause serious harm and can result in permanent scarring. They are potentially life threatening and are in the main the result of glassings. The number of offences which have been recorded this year (since January 2012) already exceeds the reported incidents for the same period in 2011. In addition, there have been twenty eight thefts reported on the premises in 2012.

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2004/5

101  
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Cafe Mambo has a poor track record in comparison with other licensed premises, for example Green Ginger has had one minor assault this year and no reported thefts. There have been no reported thefts from Bohemia, or Venue. Yacht has had a single incident of indecent assault on the premises. In my opinion all of these establishments are comparable with Cafe Mambo.

It may be significant that Cafe Mambo has no cloakroom facilities. The thefts may, therefore, be due to the restricted vision of staff on the three floors, and the fact that people leave their valuables on tables, and chairs whilst dancing. The number of people on the premises is in my view significant. A number of officers have reported that the premises are often crowded –in particular the area of the the first floor bar. The crowding of this and other areas results in people banging in to each other which in turn leads to assaults taking place. Allowing drunks to enter (as evidenced below) as well as persons under the age of 18 (again evidenced below) is also in my opinion a cause in Cafe Mambo’s statistics for violence and theft being higher than elsewhere.

I am in possession of a number of statements from officers deployed into Cafe Mambo during Operation Ambassador and the observations of the officers support my comments above. For example, on 13<sup>th</sup> April 2012 DC SHARDLOW was deployed and at 0040hrs entered cafe mambo. He noted that there was one doorman and lots of people were entering unchecked -i.e. there were no identification checks. The door staff did not count how many people were entering or leaving. The bar was busy and it was difficult to understand how the security could watch what was going on due to the number of people. As he left the bar a drunk, argumentative male tried to gain entry and was told to go and get some food and sober up. This male was seen to leave (somewhat reluctantly) and come back three minutes later with some Pizza which he ate it in front of the door staff who then allowed him entry. The male was still in an intoxicated state. This was corroborated by DC Vallins.

On the same night observations were again carried out outside the premises at 0220hrs. Officers noted heavily intoxicated persons leaving the club with one male swearing loudly that he was going to “fucking kill” the door staff. This male removed his shirt and kicked the bin outside the club before being removed by a group of others.

On the 20<sup>th</sup> of April 2012, DC Stabb records at 2345hrs when he entered Cafe Mambo no counter was used by the door staff except on the top floor where a female was counting people in and out. This was corroborated by PC Brett who states that the first floor bar was very busy and difficult to pass. He observed that as they went to leave he could see a male in front of him swigging from a bottle of red wine but this was taken from him before he left the premises.

On the fifth of May 2012 PC Freeborn observed two females staggering along the pavement. He noted they were extremely drunk. As they walked past Cafe Mambo they were handed a flyer leaflet advertising Mambos. They took the leaflet and walked straight past the two male members of door staff who were stood on the front door. They were not stopped or asked for any form of I.D. PC Freeborn spoke to the door staff and told them the females were too drunk to be allowed into the premises. The doorman stated that he was unaware they had walked past and had not seen them enter the premises. The doorman then located the females and asked them to leave.

In relation to allowing persons under the age of 18 years on the premises (thus breaching the license conditions) this is historically a difficult area to evidence. There have been two recent events, however,

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which prove beyond doubt that Cafe Mambo are allowing underage persons onto their premises, meaning that they have failed to check identification. It is also clear that those persons are either drunk, when they enter, or drinking on the premises.

The first of the two incidents occurred on the 28<sup>th</sup> of March 2012 between 23.15hrs and 23.45hrs on the dance floor. A 17yr old reported that he had been drinking (confirmed by the investigating officer) and that when on the dance floor an unknown male had assaulted him by coming up and head butting him in an unprovoked assault. He reported that he had examined his nose which was bleeding and had complained to door staff who detained his assailant. The suspect, also 17 years old, was arrested in the club by PC Newton at 0200hrs. PC Newton's statement records "I formed the opinion that he was drunk. His eyes were glazed, he was unsteady on his feet, and his breath smelt of intoxicating liquor." He stated that the suspect had a driving licence in his possession belonging to his older brother who looked nothing like him. When interviewed in connection with a Fraud Act Offence (fake ID), and ABH the suspect stated he had not used the ID to enter the club. The CCTV did not assist and so in the absence of independent witnesses the case was finalised.

These individuals were unknown to each other so on this night at least two people under the age of 18 were in Cafe Mambo. Both had been drinking, one was drunk, and as a result there was a fight resulting in injury.

On the 3<sup>rd</sup> of May 2012 a GBH glassing occurred in the premises on the dance floor. Both parties were known to each other, both were adults, and as a result a suspect was arrested and is currently on bail pending completion of enquiries and a charging decision. In this incident police were called by Ambulance staff with the log reading "male has been glassed aged 22yrs offender has run off." The investigation has, however, been hampered by poor CCTV necessitating the seizure of the hard drive on that occasion. It should be noted that the investigation of another allegation of assault (crime reference FT/12/2628 (GBH) dated 9<sup>th</sup> of April 2012) has been hampered by the inadequacies of the coverage of the CCTV system.

I now turn to crime FT/12/3227, a serious incident of violence which has resulted in this application for summary review of the premises license and the certificate from Superintendent Nye that in his opinion the premises are associated with serious crime and serious disorder.

On Thursday the 10<sup>th</sup> May 2012 an incident occurred where a 19 year old male was the subject of an offence of s.18 wounding (causing Grievous Bodily Harm With Intent). At about 0140 hrs, the victim, [redacted] was with friends in the 2<sup>nd</sup> floor dance area, dancing with a girl. Mr [redacted] observed an argument between a group of females who were close by and shortly afterwards an unknown male smashed a glass over Mr [redacted] head. Mr [redacted] was dazed and walked over to his friends who told him his head was bleeding. He noticed a large amount of blood on his orange polo shirt and he approached door staff. The "bouncer" called Chris (later named as Chris Phillips door staff) took him to a staff area and the "manager" (later named as Nathan Towersey) cleaned his wounds with antiseptic wipes. After cleaning the cuts Towersey told [redacted] that they were "not too bad". They took Mr [redacted] t-shirt off and gave him a clean top to wear. The manager asked whether Mr [redacted] wanted the male arrested and Mr [redacted] said no because he had been told that the wounds were not too bad. The "manager" said this made it easier for them because they have less paperwork.

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Chris, at some point said "its fair enough people hitting each other but no one should be glassed". Mr [redacted] left the club and then called his mum who, seeing the wounds, took him to hospital at around 0230hrs. His head was X rayed, two dissolvable stitches, and a further 11 stitches, were inserted into his head, bruising was noted on his left shoulder along with a small cut. On Tuesday the 14<sup>th</sup> of May 2012 Mr [redacted] reported the matter to police some four days after the original incident. There had been no report of disorder from Cafe mambo and thus was no police log created relating to 0140hrs 10/5/12.

The investigating officers requested CCTV but were told that the Club had discovered that the facility had been switched off at 10.33pm on the 9<sup>th</sup> of May 2012, thus the majority of cameras were switched off. What remains is still being extracted to assist the investigation but as a result the Police have to invest unnecessary time and resources in an attempt to recover evidence from Mambo's CCTV which should be easily available and accessible. The switching off was explained by a technician who stated via e-mail that he could not train all staff in its use quickly enough and as a result staff had inadvertently disabled the machine a fact to which they were still oblivious over 12 hours later. It was also discovered that the staff had thrown away the T shirt they seized from Mr [redacted]. The throwing away of the t-shirt and broken glass means that any forensic evidence is lost.

Two entries appear in the club accident report book

1. Nathan Towersley Area Manager, states he was made aware of a man [redacted] who had been hit. I administered First Aid with sanitised wipes then plasters. Advised [redacted] he may need further attention. Found the male who assaulted him and asked if he wanted to call the police. States that he told [redacted] friend he may need medical attention. [redacted] then left.
2. Chris Phillips states that he found [redacted] who stated a man had glassed him, first aid as above, and finishes male left "no further action required by door staff.

Cafe Mambo is required to assist police to reduce crime and disorder at every opportunity. It appears to me that they have failed to do so at best and at worst have deliberately concealed a GBH/Glassing from the authorities. The log entries set out above minimise the serious nature of this assault since Mr Towersley does not even mention a glass even though he administered first aid, and there was glass, (later removed by the hospital staff) sticking out of the large cuts to Mr [redacted]. Whilst he advised [redacted] that he may need further treatment, Mr Towersley failed to call an Ambulance or have one called. Whether through ignorance or design Mr Towersley and Mr Phillips then destroyed forensic evidence by clearing up the glass and disposing of the T shirt worn by Mr [redacted]

It simply beggars belief that they placed the suspect in front of the dazed and intimidated victim who had sustained a head injury and asked that victim if he wanted the police. To have then released the suspect without recording his name in the Club's accident report book (even though he was known to them) and thus destroying any chance of police recovering forensic material from him, is of grave concern. This concern is compounded by the Club not then reporting the incident. The police only became aware of the assault when, five days later, the victim attended the police station and made a complaint. Only then were the police able to investigate the crime and as described below the police have had to make repeated calls to the managers and waste further time to obtain the suspect's name.

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2004/5

104  
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Initially police spoke to Sharon Rogers a company manager, and asked for co operation in supplying the name of the offender. Police then spoke to Nathan Towersley, the Designated Premises Supervisor who stated he would make enquiries of his staff. A few days later he informed police that Mr Phillips had recorded the name and supplied the name of a suspect who was not known on police indices. Enquires continued to locate the male and during the evening of the 19th of May police attended Mambo's intending to speak to Mr Phillips. They spoke to a Mr Spence (door staff) who stated that he was present when the incident took place, and had recorded the details of the suspect who had been on a works night out with friends when the glassing took place. Details of the suspect were then supplied including a place of work where the suspect could be located -another licensed premises.

On finally being able to make checks on the Suspect, it was revealed that his date of birth is 20<sup>th</sup> August 1994 making him 17 years old. Officers have made efforts to arrest him and enquiries continue. The fact that the suspect is under age and in the club, in breach of Mambo's licence conditions has, I believe, clouded the judgement of their staff. In my opinion it is because the Suspect was 17 that no ambulance was called, no report filed with the police, that the suspect was not detained and no forensic evidence preserved. This behaviour borders on Perverting the Course of Justice and I have asked my staff to investigate this, such has been the damage caused to enquiries into a serious assault. Whether gross incompetence, or a deliberate cover up, the actions of the the staff at Cafe Mambo when dealing with [REDACTED] was, in my view, disgraceful.

It is this particular incident, taken with the other matters outlined above which has informed the decision to seek summary review of the premises license. This is the second incident of glassing at the same premises within a week and it follows other similar incidents of violence which are compounded by the concerns outlined above. The case of [REDACTED] is, however, of particular concern. If staff at Cafe Mambo were prepared to act as they did with a vulnerable 19 year old who was the victim of a glassing, there is very real concern as to whether other incidents have gone unreported and whether future incidents will be brought to the attention of the Police.

The coming weeks and months are likely to be very busy with celebrations to mark HM The Queen's Diamond Jubilee, as well as the Olympics. Torquay and the Harbourside is a popular tourist and 'clubbing' destination and achieving The Purple Flag and maintaining that status in my opinion means that action needs to be taken to prevent further serious crime and serious disorder which, sadly, is associated with Cafe Mambo. In my opinion the licence should be suspended until such time that the threat of serious crime and serious disorder is sufficiently reduced. I appreciate that this will impact upon the club at a busy time but my responsibility is to protecting the public and that cannot be achieved without significant changes.

I believe that the minimum requirements to reduce the risk posed include installing a CCTV recording system which covers not only all of the club but which also provides good quality images and is easy to use. I also believe that there needs to be a requirement to use plastic or similar type of drinking vessel (i.e. non-glass), comprehensive training to staff on the law (i.e. not allowing under 18's into the premises and challenging them for ID) as well as crime recording and prevention (i.e. reporting matters to the police and how to preserve a crime scene). I also believe that cloak rooms need to be installed as this will reduce the high levels of theft. A fixed capacity limit set and effective management of the numbers of customers on each floor would also reduce the frequency with which patrons bump into each other and end up either as the victim or perpetrator of an assault.

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2004/5

105  
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# WITNESS STATEMENT

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

Statement of [REDACTED] ..... URN: 

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

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: **16/05/2012**.....

Tick if witness evidence is visually recorded  (supply witness details on rear) I am the above named person and I live at the address given to the Police with my mum.

This statement is made in relation to an incident whereby I was the victim of a glassing to my face, inside Mambo's club in Torquay.

The incident happened in the early hours of Thursday 10<sup>th</sup> May 2012. I had been out for the evening with friends from work, we visited Torquay and went to Mambo's Club on The Strand. Mambo's is a nightclub. It is arranged on three floors. There is a downstairs bar and staff area, a middle floor and a top floor with a bar, dance area and balcony.

I am a regular in Mambos probably on average once a week. I know some of the staff in there by name and they know me although I don't think by name.

I have suffered with leukaemia in the past and am now in remission and because of this and my bone marrow transplant in 2007 my memory can sometimes be a bit vague. I am recalling this incident the best I can. This is what I remember only and not what I have been told by others.

In this statement I will refer to the following people, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. All of us work together in Sainsburys at Paignton and have known each other for about a year now.

We all decided that we would go out to celebrate [REDACTED] 18<sup>th</sup> birthday on the evening of Wednesday 9<sup>th</sup> May 2012. Myself and [REDACTED] met at [REDACTED]'s house where we had a couple of drinks. I had three shots of vodka with summerfruit juice.

We left to go to Mambo's and arrived there at about 10pm in the evening although I am not really sure about the time. At Mambo's we met with [REDACTED] and [REDACTED]. As the night progressed I can remember buying myself a vodka and coke which was on a buy one get one free offer. I can remember that I had

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2004/05(1): MG 11(T)

106  
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about £20 on me that night and some loose change and I only spent the loose change during that evening.

At the time, I was wearing a bright orange Ralph Lauren polo shirt, jeans and footwear which I can't remember. I am 5'6 tall, stocky build with short brown hair. I am cleanshaven and have no piercings or tattoos.

During the evening we were all on the dancefloor and at one point I can remember that I was dancing with a girl that I do know, but don't know her name. I have met her before at Mambo's. She is taller than me and has black hair which she wore in a pony tail. She is of chubby build.

I decided at some point that I would dance on the pole that is situated on the dancefloor on the top floor and is often used by people whilst dancing.

I became aware of suddenly being hit by liquid as if someone had thrown a drink over me. I then heard the girl I had been dancing with arguing with another female who I would describe as smaller than me, skinny build with longish hair down to her neck. I can't remember what they were arguing about or what was being said. A guy then became involved in this argument, again I don't recall what was being said. I remember him coming towards me. I pushed him lightly back then the next thing I remember is another male, who was stood behind the male that was arguing, swing his fist at me whilst holding a glass beaker. This smashed into my forehead causing the glass to smash between his hand and my head. This male I am positive was wearing a white T shirt with black writing on.

I was totally dazed, I can remember walking to [REDACTED] and [REDACTED] and [REDACTED] looking at me in a funny way and saying "Your heads bleeding".

At this point I could see my t shirt was ripped and I had blood all over it.

The next thing I remember is a bouncer called Chris coming over to me and took me down stairs to the staff area with the girl I had previously been dancing with. In the staff area, the manager was also there. This manager began to clean me up using antiseptic wipes. He took my T shirt off and gave me a clean top to wear. I can remember that the male who assaulted me was at some point brought into the room where I was, along with the girl that had been arguing. The manager said to me "I can get him arrested, do you want him arrested?" He also said after cleaning my cuts that they weren't too bad and he thought they were ok. I said I did not want him arrested because of what the manager had said about my cuts.

At some point whilst my cuts were being cleaned, the head doorman called Spence came in.

When I said that I didn't want the male arrested, the manager said that this makes it easier for them because they have less paperwork.

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2004/5

I can remember Chris at one point saying "Its fair enough people hitting each other, but noone should be glassed".

At this point the male who had hit me and the female were taken from the room. I then went outside to find my friends. The only person I know to have witnessed the incident is [REDACTED] and the female I was with who's name I don't know.

I telephoned my mum and she came to Torquay and picked me up. She took me to the hospital, arriving at about 0230hrs and I had my head X rayed and had to have glass removed from my wounds. I ended up with two inner dissolvable stitches and eleven surface stitches to the wound situated on the left front of my head. I left the hospital after my treatment at about 7.40am.

I also have two bruises to my left shoulder and a small cut.

I would like to say I have never been in trouble before, I am still shocked over what has happened. I can't believe I went out to celebrate my friends 18<sup>th</sup> birthday and someone assaulted me for no reason at all.

The incident itself happened very quickly. I am unsure of times as I was having a good night out with friends and was not paying attention to what time it was.

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

2004/5

DAY AND DATE	10.5.12
TIME OF INCIDENT	01.40
FULL NAME OF PERSON FILLING OUT THIS FORM	Nathaniel Towsesey
STAFF POSITION	Area Manager
IS PERSON MALE OR FEMALE?	M
DETAILED DESCRIPTION OF PERSON - CLOTHING, SHOES, HAIR, AGE, ETC.	dark short hair, 5"6 large build, orange T-shirt, Ryan.
DETAILS OF OTHER PERSONS IN GROUP OR WITNESSES	Chris Phillips
TIME OF ENTRY TO MAMBO	?
OTHER VENUES VISITED BEFORE MAMBO	?
WHERE EXACTLY DID THE INCIDENT TAKE PLACE? MARK ON FLOOR PLAN	Club dance floor / kitchen fire exit.
A DETAILED DESCRIPTION OF INCIDENT (CONTINUE ON ADDITIONAL SHEET IF NECESSARY)	I was made aware of a man [redacted] who had cuts to his head. He said he had been hit. I administered first aid with sanitizer wipes, then plasters. I advised him he may
WAS ANYBODY HURT? IF YES, WHO?	Yes, [redacted]
IF YES, WHAT SPECIFIC PART OF THE BODY WAS INJURED? (LEFT/RIGHT, ETC)	Forehead, cuts.
HAS A PHOTO BEEN TAKEN OF INJURY & ASSOCIATED FACTORS (EG, SHOES) ALSO LOCATION IF APPLICABLE	Yes. on my iPhone.
WHO PROVIDED FIRST AID?	Me.
ACCIDENT REPORT BOOK REF. NO.	/
HAS THE INJURED SIGNED AND DATED THE ACCIDENT REPORT AT PARTS 3.2 & 4? IF NOT WRITE WHY OR DECLINED TO SIGN	/
DOES PERSON APPEAR INTOXICATED?	no, but dizzy due to head injury
IF YES, TO WHAT LEVEL?	

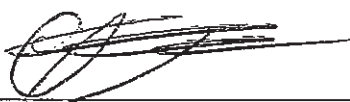
IS AN AMBULANCE CALLED?	/
WHAT TIME WAS IT CALLED?	/
WHAT TIME DID IT ARRIVE?	/
IS THE ACCIDENT RIDDOR REPORTABLE?	<u>JULIE/CLARE</u>
WERE POLICE CALLED?	/
WHO CALLED THEM & AT WHAT TIME?	/
WHAT TIME DID THE POLICE ARRIVE?	/
IS CCTV SEIZED BY THE POLICE? (PLEASE ASSURE THAT OFFICIAL POLICE RECEIPT IS ATTACHED TO THIS REPORT)	/
WERE ANY ARRESTS MADE?	/
IF ANY WITNESSES PLEASE PROVIDE FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS IN THE SPACE PROVIDED, WITH SIGNATURE AND DATE.	/
OTHER STAFF WITNESSES COMPLETE SUPPORTING REPORTS MUST BE COMPLETED BY ALL STAFF INVOLVED	Chris Phillips
SIGNATURE OF WHO FILLED OUT REPORT	N. Towersey
PRINT NAME.	N. Towersey
MANAGER'S SIGNATURE	N. Towersey
PRINT NAME	N. Towersey
IF FIRM INCIDENT REPORTED TO JULIE &	

need further attention at A+E but the bleeding had stopped. We found a male with the description [REDACTED] gave us of who assaulted him. He seemed reasonably sure it was the person who assaulted him. I asked him if he wanted us to call the police, [REDACTED] said no, 'he was not a grass'. I said we would get him arrested if he knew it was the male and he wanted to press charges. [REDACTED] refused any police action and wanted to find his friend. We [REDACTED] escorted the possible assaultant off the premises and I found [REDACTED] friends who said they would take him home. I told them he had sustained head injuries and may need further medical attention.

N. [REDACTED]

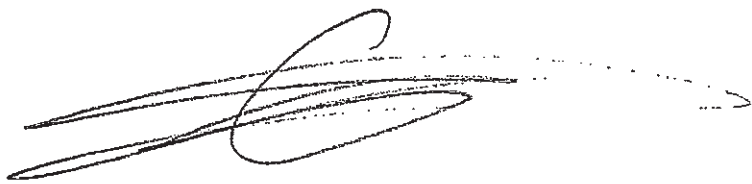
DAY AND DATE	Thursday 10/May/12.
TIME OF INCIDENT	01-40
FULL NAME OF PERSON FILLING OUT THIS FORM	CHRIS PHILLIPS
STAFF POSITION	DOOR STAFF
IS PERSON MALE OR FEMALE?	MALE
DETAILED DESCRIPTION OF PERSON – CLOTHING, SHOES, HAIR, AGE ,ETC.	ORANGE T-SHIRT, 5'11" Jeans dark hair
DETAILS OF OTHER PERSONS IN GROUP OR WITNESSES	
TIME OF ENTRY TO MAMBO	—
OTHER VENUES VISITED BEFORE MAMBO	—
WHERE EXACTLY DID THE INCIDENT TAKE PLACE? MARK ON FLOOR PLAN	CLUB
A DETAILED DESCRIPTION OF INCIDENT (CONTINUE ON ADDITIONAL SHEET IF NECESSARY)	REPP PAGE
WAS ANYBODY HURT? IF YES, WHO?	YES
IF YES, WHAT SPECIFIC PART OF THE BODY WAS INJURED? (LEFT/RIGHT, ETC)	FOR HEAD
HAS A PHOTO BEEN TAKEN OF INJURY & ASSOCIATED FACTORS (EG, SHOES) ALSO LOCATION IF APPLICABLE	NO
WHO PROVIDED FIRST AID?	NATHAN
ACCIDENT REPORT BOOK REF. NO.	
HAS THE INJURED SIGNED AND DATED THE ACCIDENT REPORT AT PARTS 3.2 & 4? IF NOT WRITE WHY OR DECLINED TO SIGN	
DOES PERSON APPEAR INTOXICATED?	NO <del>Y</del>
IF YES, TO WHAT LEVEL?	

LIFESTYLE ENTERPRISES (UK) LTD. ACCIDENT/INCIDENT REPORT FORM HS-030309

	NO
WAS AN AMBULANCE CALLED?	NO
WHAT TIME WAS IT CALLED?	—
WHAT TIME DID IT ARRIVE?	—
IS THE ACCIDENT RIDDOR REPORTABLE?	<u>JULIE/CLARE</u>
WERE POLICE CALLED?	NO
WHO CALLED THEM & AT WHAT TIME?	—
WHAT TIME DID THE POLICE ARRIVE?	—
WAS CCTV SEIZED BY THE POLICE? (PLEASE ENSURE THAT OFFICIAL POLICE RECEIPT IS ATTACHED TO THIS REPORT)	—
WERE ANY ARRESTS MADE?	NO
FOR ANY WITNESSES PLEASE PROVIDE FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS IN THE SPACE PROVIDED, WITH SIGNATURE AND DATE.	—
OTHER STAFF WITNESSES SEPARATE SUPPORTING REPORTS MUST BE COMPLETED BY ALL STAFF INVOLVED	NATHAN
SIGNATURE OF WHO FILLED OUT REPORT	 C. Phillips
PRINT NAME.	
DUTY MANAGER'S SIGNATURE	P. CANALE
PRINT NAME	PH
CONFIRM INCIDENT REPORTED TO JULIE &	



Approx 01:40 I was alerted to male described who was injured on the dance floor, I went over and asked the male to follow me downstairs, I alerted Nathan to the staff corridor who gave male described first aid. I found out that male in a white t-shirt had tripped him. We asked injured male if he would like to press charges, he declined and wanted to leave, male in white left premises and injured male left. No further action required by door staff.





**DEVON & CORNWALL  
CONSTABULARY**

Our ref:

Your ref:

The Officer in Charge  
Devon Fire and Rescue Service  
Fire Station  
Newton Road  
TORQUAY  
TQ2 7AD

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

15 May 2012

Telephone: 01803 208111

Dear Sir

**Re: Mambo, 7 The Strand, Torquay**

Over the past month, police officers have been carrying out an operation in Torquay focussing on all licensed premises in the harbourside/town centre area.

During the course of this operation, several police officers have carried out visits to the above named premises to view their operation and provide feedback to me on various licensing matters. As a result of this, I am now in possession of two separate reports where officers have raised concerns regarding the number of persons present on the first floor of the premises, causing serious overcrowding.

In addition to this, I was working during the evening of Friday 27 April 2012, in the company of Mrs Mandy Guy, Senior Licensing Officer for Torbay Council, and had cause to visit Mambo at approximately 11.00 pm. At this time we also witnessed that the first floor bar of Mambo was extremely busy, to the extent that we had to push through crowds of people in order to pass the bar and reach the outside balcony. Furthermore, I consider that this level of overcrowding may pose a potential for risk to life should a serious incident or fire occur within the premises, requiring immediate evacuation.

Despite leaving several telephone messages with various members of staff at the fire station, I have not received any contact from yourselves, and am therefore writing to you to draw your attention to these concerns.

Having discussed this matter at length with Detective Sergeant Chris Yarwood, of Torquay CID, who is responsible for the operation, he would be delighted if one of your officers could accompany his staff on a visit to the premises, during a Friday or Saturday evening, in order to view the situation first hand. DS Yarwood is contactable



on 07966 774354.

I trust that you will take any action you deem necessary in respect of this matter and if you wish to discuss this further with me, please do not hesitate to contact me on 01803 208111 or 07894 176952.

Yours faithfully

Julie Smart  
Torbay Police Licensing Officer

# Memorandum Agenda Item 6 Appendix 5

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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 208025
<b>c.c</b>	<b>My Ref</b> :	1ZV SRU No: 169027/GDF
<b>For the attention of: Licensing Steve Cox</b>	<b>Your Ref</b> :	
	<b>Date</b> :	13 June 2012

---

**Subject: Expedited Review of Premises Licence**  
**Premises Name & Address: Cafe Mambo, 7 The Strand, Torquay,  
Devon, TQ1 2AA**

This department has received a number of complaints in respect of noise in relation to the above premises.

Café Mambo is a four storey premises on the Strand Torquay. On the first floor, the premises a bar area with a large balcony that extends out over the pavement. This area has large umbrellas over it. The area is used throughout the day and night whilst the premises is open. Access to the area is provided by a single door from the first floor where music is played as entertainment. As a result, if this door is left open there is the potential for a significant amount of noise breakout from the premises. Furthermore, the first floor balcony area is used by patrons to sit, drink and smoke outside until 03:00 am.

A number of complaints have been received over the last 12 months in relation to noise from the premises. The complaints relate to noise from music breakout and noise associated with patrons using the balcony.

Over the years, there have been a number of incidents involving patrons of the premises either jumping off the balcony or climbing on to the neighbouring roof of Hoopers Department Store and falling off. I am aware of an incident when the premises was under the control of the previous operator and to my knowledge there have been two incidents under the current ownership. One incident occurred recently on the 24<sup>th</sup> of October 2011 where a patron climbed on to the roof of Hoopers Department Store fell and broke his leg. Another incident occurred on the 31<sup>st</sup> March 2012 where police officer witnessed a patron climb off the balcony on the roof of Hoopers and then jump on to a lamp post.

I have been in correspondence with the operators on a number of occasions however the complaints have continued. Details of the correspondence is contained in appendix 1. I have written to them on the 24<sup>th</sup> of February 2011, the 15<sup>th</sup> of November 2011, the 13<sup>th</sup> of January 2012 and have emailed them in respect of complaints on the 6<sup>th</sup> of February 2012, the 13<sup>th</sup> of March 2012 and the 4<sup>th</sup> of April 2012. I would draw the attention of the committee to the fact that complaints have continued.

I have received reports from an officer of my department who were in the vicinity of the Regina Hotel at Beacon Quay on the 11<sup>th</sup> of January 2012 and who was surprised how loud the music from Mambo was at midnight.

I have received reports from police officers on the 6<sup>th</sup> of April 2012, 8<sup>th</sup> of April 2012 and the 9<sup>th</sup> of April 2012 regarding the doors to the balcony being left open and the amplified music being too loud. Copies of the reports submitted to me are contained in appendix 2.

Frequent complaints of noise have also been received from residents in Queens Quay Torquay and those on Victoria Parade advising that noise from Mambo has been disturbing them.

Complaints have also been made by residents in Victoria Parade and by guests at the Regina Hotel, however, neither party has decided to pursue their complaint.

The residents of Queens Quay identify that bass breakout that wakes them up and that this is regularly attributed to Café mambo. Complaints are also frequently received in respect of noise arising from the patrons on the balcony.

It is more difficult to quantify the effect of patron noise, there are a number of other premises in the area which attract people and there is associated noise in the street. However, there are long periods of time during the evening when the streets are quiet as all the revellers are in venues. I have witnessed occasions when noise arising from patrons on the balcony has been clearly audible in the flats at Queens Quay. One such incident was April 3<sup>rd</sup> 2012. At the time of my visit, which finished at around 02:00, the town centre was relatively quiet but noise from the balcony area of Mambos, shouting and laughing was audible with the windows ajar. This does support the complaints made.

Table 1 shows the list of noise complaints received in respect of the premises. Note these complaints are complaints by members of the public, mainly a resident in Queens Quay. These are unverified in that an officer has not witnessed noise on these occasions.

**Table 1**

Complaints made in respect of noise – relate to patron noise or amplified music
27/12/0210
29/12/2010
31/12/2010
1/1/2011
2/12011
12/2/2011
19/2/2011
26/2/2011
26/2/2011
2/4/2011
13/4/2011
17/42011
14/5/2011
5/6/2011
25/6/2011
13/7/2011
2/7/2011
12/7/2011
23/7/2011
5/8/2011
6/8/2011

12/8/2011
20/8/2011

More recently the following information has been received.

Date	Incident
5 <sup>th</sup> May 2012	Base breakout from Cafe Mambo – Time not specified.
4 <sup>th</sup> May 2012	Base breakout from Cafe Mambo until early hours of the morning.
30 <sup>th</sup> March 2012	Base breakout intermittent, doors left open suspected of being the cause. Base breakout noted in residents home at 10:45 pm, 12:20 am, 1:00 am and 1:45 am.
9 <sup>th</sup> March 2012	Base breakout heard inside residents home at 11:20pm, audible in bedrooms, noisy crackle from terrace, when Mambo closing woke up with heavy bass.
25 <sup>th</sup> February 2012	Woken up by noise from 1 <sup>st</sup> floor balcony. Time not specified.
24 <sup>th</sup> February 2012	11:30 Mambo- huge bass noise, lots of noise off balcony.

I am advised by one of the main complainants that they have not been living in their premises in Queens Quay since early May due to family issues.

In the light of this level of complaint, there is a significant body of anecdotal evidence indicating that a public nuisance is being caused by the activity at Café Mambo.

As the Licensing Committee will be aware, the licensing process is an administrative process not a criminal one. The Committee may consider all evidence and use it whilst giving it appropriate weight to make an appropriate decision as set out by the case R v Deputy Industrial Injuries Commissioner 1965.

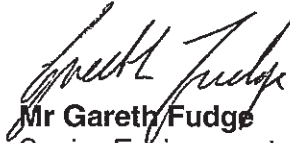
As I am satisfied a degree of public nuisance exists, I consider that the following conditions to control noise would be appropriate to promote the licensing objective of preventing public nuisance. I am further concerned that the level of supervision of the balcony is inadequate and I am concerned to note that this is leading to complaints in respect of noise and I am gravely concerned that the lack of supervision is leading to a serious risk to public safety, particularly the risk of a patron falling off the balcony or dropping a glass or other item off it.

I therefore propose to the committee the following conditions that are both appropriate and proportionate in support of the public safety licensing objective and the prevention of public nuisance.

- At all times the balcony is open after 22:00 the area shall be directly supervised by SIA qualified staff. Staff shall make all reasonable attempts to ensure patrons do not make excessive noise such as singing football songs and shouting. SIA staff must also be on the balcony to ensure that patrons make no attempt to climb or lean on the balustrades.
- Within three months of this hearing the door to the first floor balcony shall have an acoustic lobby constructed to the satisfaction of the responsible authority for public nuisance. The lobby doors shall be constructed and operated to ensure that at all times, that regulated entertainment is being played, at least one door is kept closed to prevent noise breakout.
- A noise limiter shall be fitted to the premises Public Address system. All music shall be played through the limited system.

- The limiter shall be set at a level agreed with the local responsible authority for public nuisance. The limiter shall be sealed in a tamper proof box and adjustments shall only be made with the express permission of the responsible authority for public nuisance.
- The limiter shall be independently calibrated to the level agreed with the responsible authority on an annual basis and a copy of the report shall be forwarded to the responsible authority.
- No changes shall be made to the Public Address system without the permission of the responsible authority for public nuisance.

However, I do note that there are currently conditions on the licence relating to noise and there is anecdotal evidence that the premises has not complied with these conditions in a manner that might be expected.



**Mr Gareth Fudge**  
Senior Environmental Health Officer



**Fudge, Gareth**

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**From:** Fudge, Gareth  
**Sent:** 04 April 2012 14:27  
**To:** 'Julie Eyre'  
**Subject:** UNCLASSIFIED: Mambo Last Weekend

Hi Julie these are the times I had reported to me about noise coming from Mambo last weekend. The noise relates bass breakout. I am unsure of the durations but this should give you something to work with.

10:45 mambo base ....  
12:20 am, mambo base ...  
1:am, mambo base,  
1:45am mambo base

Regards

Gareth Fudge  
Senior Environmental Health Officer  
e [gareth.fudge@torbay.gov.uk](mailto:gareth.fudge@torbay.gov.uk)  
t 01803 208040

## Fudge, Gareth

---

**From:** Fudge, Gareth  
**Sent:** 13 March 2012 09:42  
**To:** 'Julie Eyre'  
**Subject:** UNCLASSIFIED: Cafe mambo

I received more complaints over the weekend regarding Café mambo. The complaints relate to shouting on the terrace and the breakout of music on Friday night from around 9:30 pm on. It was particularly bad apparently from 11:20pm, the music was clearly audible in the complainants bedrooms and then it was again particularly bad at closing time.

Gareth Fudge  
Senior Environmental Health Officer  
e [gareth.fudge@torbay.gov.uk](mailto:gareth.fudge@torbay.gov.uk)  
t 01803 208040

## Fudge, Gareth

---

**From:** Fudge, Gareth  
**Sent:** 09 February 2012 13:55  
**To:** 'Julie Eyre'  
**Subject:** RE: UNCLASSIFIED: Mambo and Fast Eddies

Hi Julie, the structure of the building is extremely poor in terms of noise insulation, you may recall the previous occupant also had trouble with noise transmission through the building (although their activities were much louder). Based on experience, I would estimate that even music played at normal domestic levels could break out of both the basement and the ground floor. It appears to be transmitted by the metal structure of the building. I would like to visit and see if there is a simple way to resolve this and setting levels would probably be the easiest. Can we arrange a time or could you put me in touch with your manager to arrange a time?

---

**From:** Julie Eyre [<mailto:julie@thelifestylegroup.co.uk>]  
**Sent:** 09 February 2012 12:43  
**To:** Fudge, Gareth  
**Cc:** Cox, Steve  
**Subject:** RE: UNCLASSIFIED: Mambo and Fast Eddies

Hi Gareth

Below is our manager's response to the juke box noise complaint. I am happy for limits to be set but wonder if anything else has changed that would suddenly cause a problem as I am informed that the levels were lower than normal at the time of complaint and we have only had the one previous complaint when the door was open and level was higher.

Just to confirm about Fast Eddie's over the weekend, I have been running shift down there from 11pm onwards Fri and Sat due to Craig being away. Friday we were open 6pm until midnight and the music was at a level where you could have a conversation without shouting. Saturday night we were open 6pm until 12.45am and extremely quiet. At midnight I had 3 customers, again the music was no louder as I am very conscious of the above residents even though the restaurant is in-between. Standing outside at the top door you cannot hear the music from inside. The base levels are also off so not to cause any vibration etc. All back of house doors to the cellar etc are closed during trading hours.

I cannot understand why we would have noise complaints, people leaving the premises are never drunk or rowdy and most weekends we are never opened past 1.30/2am. (Abby)

I am awaiting reports from door staff, duty manager & a CCTV review regarding the balcony noise and will come back to you with the results.

*Kind regards*

*Julie Eyre*  
Director

The logo for Lifestyle Hospitality Group features the word 'Lifestyle' in a large, elegant, cursive script. Below it, the words 'HOSPITALITY GROUP' are written in a smaller, clean, sans-serif, all-caps font.

T 01803 201197  
M 07931 374315

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**From:** [Gareth.Fudge@torbay.gcsx.gov.uk](mailto:Gareth.Fudge@torbay.gcsx.gov.uk) [mailto:[Gareth.Fudge@torbay.gcsx.gov.uk](mailto:Gareth.Fudge@torbay.gcsx.gov.uk)]

**Sent:** 06 February 2012 14:26

**To:** [julie@thelifestylegroup.co.uk](mailto:julie@thelifestylegroup.co.uk)

**Cc:** [Steve.Cox@torbay.gcsx.gov.uk](mailto:Steve.Cox@torbay.gcsx.gov.uk)

**Subject:** UNCLASSIFIED: Mambo and Fast Eddies

Hi Julie, just to let you know, I have received further complaint about noise breakout from Mambo over the weekend. I also received complaints about shouting on the balcony. The complaint relates to noise after Midnight mainly from 01:00 am onwards. I suggest you check your cctv to see if the doors were left open. Noise breakout of this nature appears to getting more regular.

Also I am receiving complaints regarding the Juke box at Fast Eddies. It appears that the volume has been turned up and it is now causing disturbance to the residential accommodation in Queens Quay. Please arrange for the level to be turned down again. If you would like to meet to agree levels, this can be arranged.

Gareth Fudge  
Senior Environmental Health Officer  
e [gareth.fudge@torbay.gov.uk](mailto:gareth.fudge@torbay.gov.uk)  
t 01803 208040

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## Fudge, Gareth

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**From:** Fudge, Gareth  
**Sent:** 06 February 2012 14:26  
**To:** 'Julie Eyre'  
**Cc:** Cox, Steve  
**Subject:** UNCLASSIFIED: Mambo and Fast Eddies

Hi Julie, just to let you know, I have received further complaint about noise breakout from Mambo over the weekend. I also received complaints about shouting on the balcony. The complaint relates to noise after Midnight mainly from 01:00 am onwards. I suggest you check your CCTV to see if the doors were left open. Noise breakout of this nature appears to be getting more regular.

Also I am receiving complaints regarding the Juke box at Fast Eddies. It appears that the volume has been turned up and it is now causing disturbance to the residential accommodation in Queens Quay. Please arrange for the level to be turned down again. If you would like to meet to agree levels, this can be arranged.

Gareth Fudge  
Senior Environmental Health Officer  
e [gareth.fudge@torbay.gov.uk](mailto:gareth.fudge@torbay.gov.uk)  
t 01803 208040



**Please reply to:** Mr Gareth Fudge  
Licensing & Public Protection  
Roebuck House  
Abbey Road, Torquay, Devon TQ2 5EJ

Mr Michael Johnson  
Cafe Mambo  
7 The Strand  
Torquay  
Devon  
TQ1 2AA

**My ref:** SRU/169027  
**Your ref:**  
**Telephone:** 01803 208025  
**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 January 2012

---

Dear Sir

**Licensing Act 2003 and Environmental Protection Act  
Alleged Nuisance arising from amplified music and shouting  
at Cafe Mambo 7 The Strand Torquay Devon TQ1 2AA**

I refer to my letter of the 15<sup>th</sup> of November 2011.

An officer from this department attended town on the 10<sup>th</sup> of January 2012 and noted a significant amount of noise arising from your premises. The officer whilst not in a residential premises at the time was of the opinion that the noise being generated was sufficiently loud to constitute a statutory nuisance. The noise from your premises was clearly audible on the other side of the harbor and at 02:00 am the officer reported that he could identify the songs being played in your premises.

I am sure you must appreciate that this level of noise is unacceptable and will cause disturbance to residents in the area.

If you continue to allow this level of noise to arise from your premises, the council will have no alternative but to consider either review of your licence or may serve an abatement notice.

It is therefore in your interest to ensure that there is no further cause for complaint.

Yours sincerely

Mr Gareth Fudge  
Senior Environmental Health Officer  
Licensing and Public Protection

Mr Michael Johnson  
Cafe Mambo  
7 The Strand  
Torquay  
Devon  
TQ1 2AA

**Please reply to:** Mr Gareth Fudge  
Licensing and Public Protection  
Roebuck House  
Abbey Road, Torquay, Devon TQ2 5EJ  
**My ref:** SRU/169027 **7FB**  
**Your ref:**  
**Telephone:** 01803 208010  
**Fax:** 01803 208854  
**E-mail:** licensing@torbay.gov.uk  
**Website:** www.torbay.gov.uk  
**Date:** 15 November 2011

---

Dear Mr Johnson

**Licensing Act 2003 and Environmental Protection Act 1990**  
**Alleged Nuisance arising from amplified music breakout**  
**at Cafe Mambo 7 The Strand Torquay Devon TQ1 2AA**

I have received further complaints about noise break out from your premises affecting nearby residents.

Complaints relate to noise arising from bass breakout from the premises during the course of the evening. However, I am advised that the noise becomes particularly bad during the last hour of operation and during closing time when doors are all opened for your customers to leave the premises.

As you are no doubt aware, there are conditions on your licence requiring you to control noise so that it does not disturb residents. For your information the conditions are listed below.

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.

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If you require this in a different format or language, please contact me.



3. Entrances shall be provided with lobbies with automatic door-closers. The lobbies shall be in use throughout the time of entertainment.
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.

A number of complaints have been received over the summer and I feel it would be appropriate to meet to discuss how you are complying with the conditions above and how you can reduce your impact on the surrounding premises.

I am also advised that your staircase to the roof-top bar is missing. A flight of stairs greater than 3 stairs must have a hand rail at a height of 900 mm.

I look forward to hearing from you shortly.

Yours sincerely

Mr Gareth Fudge  
Senior Environmental Health Officer  
Licensing and Public Protection

cc: Licence holder if different to DPS

cc: Chief Superintendent of Police, c/o Licensing Team, Devon and Cornwall Police, PO Box 1  
(if applicable)

The Company Secretary  
Lifestyle Enterprises (UK) limited  
Clarence House  
47 the Strand  
Torquay  
Devon.

**Please reply to: Licensing and Public Protection**  
Environmental Health & Consume, Abbey Road,  
Torquay, Devon TQ2 5EJ

**My ref:** SRU 158829/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:** 24 February 2011

**Re: Licensing Act 2003 Café Mambo  
Environmental Protection Act 1990 – Alleged Statutory Noise Nuisance arising from the  
playing of amplified music played at Mambos**

I have received a complaint from a nearby resident alleging that the playing of amplified music at the above premises is causing a noise nuisance to them. They are alleging that they are disturbed by noise breakout from your building and by noise from your patrons singing along to songs on your balcony area.

I remind you that the following conditions on your licence apply to the playing of amplified music on your licence. I would remind you that there are various conditions on your licence covering the playing of amplified music on your premises.

Of particular importance are conditions contained in annex 3 that require that music from the premises should not be audible above the background noise. On several occasions when I have passed the area, noise from your club is audible some distance away. You are therefore currently operating in breach of your licence. If you would like help in setting the levels of amplified music in your premises please contact me to arrange a time to visit.

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.

**Annex 3**

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

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If you require this in a different format or language, please contact me.

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.

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.

I have also received a complaint relating to an incident in October 2010 where a member of the public was hit with a bottle, the complaint relates to the level of first aid treatment that the injured party received. They allege that they received very little help from the staff on duty at the time and that they attempted to staunch the blood flow with a bar towel prior to the arrival of the ambulance service. I visited the premises on the 31<sup>st</sup> of January 2011 to discuss the incident and inspect the first aid provision, I spoke with Kelly Postlethwaite the duty manager. I noted during my inspection, that your first aid box contained one sterile dressing. I recommend that you have a system in place to ensure that appropriate first aid provision is always available for both staff and members of the public who suffer an injury.

**Should you need to contact us please quote the reference number above.**

Yours sincerely

Mr Gareth Fudge  
Senior Environmental Health Officer  
**Licensing and Public Protection**

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.

<b>Name of premises:</b> Mambo's	
Address: The Strand, Torquay	
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other ENTE Patrols	Date: 06/04/2012 Time: After 23:00 hours
OIS Ref.:	Crime No.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
After 23:00 hours loud noise and the sound of music was present from the balcony area of Mambo's. Officers were stood at The Offshore bar and restaurant and could hear the noise emanating from the balcony area. Also members of the public were sat drinking and smoking, there were roughly about 20-30 people on there.	
Submitted by: Name: Birch	Force No.: 12856
Signed: Alan J Birch	Date: 07/04/2012 Time: 18:31
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	



## Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other Noise	Date: 09/04/12 Time: 0230
OIS Ref.:	Crime No.:
<b>Name of premises (where applicable):</b> Cafe Mambo	
Address: The Strand Torquay	

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

At 0230hrs on 09/04/12 I was stood by Boots the Chemists on the Strand Torquay. There were lots of people on the street making a significant amount of noise but despite this I could still here amplified music from the club above the street level noise. I informed the door stewards that the level was loud but was called away to another incident so am unaware if it was turned down.

Submitted by: Name: Shepherd	Force No.: 14464
Signed:	Date: 09/04/12 Time: 0410

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:

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:** Mambos  
**Address:** The Strand, Torqua

Report type:  Visit  Incident  Other Date: 080412 Time: 02.30

OIS Ref.: Crime No.:

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

On standing in Vaughan Parade, Torquay harbourside I could hear music coming from Mambos. I stood there for approximately 10 minutes and could hear the music above any other noise in the area. I went to Mambos and spoke to the Manager inside the premises and told him I could hear music and it appeared to come from the first floor balcony even though I could not see anyone on it.

He stated the balcony was closed and nobody should be on there.

I walked across the road to the central reservation and again listened to the music which by this time was barely audible. The manger joined me and he stated that a member of staff must have left the door open. I pointed out that it was loud and unacceptable he didn't reply. He went back into the premises. I stood there for a further two minutes and was joined by two colleagues. We stood there and immediately the noise returned and was very clear and loud and again I could not see anyone on the balcony. After 5 minutes I noticed a member of staff cleaning and deduced that they are opening the door whilst they are on the balcony. The door should be closed at all times to stop the noise emanating from the premises especially at these times. Noise heard between 02.30 and 02.45 hrs.

Submitted by: Name: Sharam Force No.: 14781

Signed: Tsharam Date: 080412 Time: 1858

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:

Mandy Guy  
Licensing  
Torbay Council  
Roebuck House  
Abbey House  
Torquay  
TQ2 5EJ

**Please reply to:** Torbay Safeguarding Children  
Board, TSCB Business Unit (4<sup>th</sup> Floor, THH)  
c/o Town Hall, Castle Circus, Torquay, TQ1 3DR

**My ref:**

**Your ref:**

**Telephone:** 01803 207176

**E-mail:** [tscb@torbay.gov.uk](mailto:tscb@torbay.gov.uk)

**Secure E-mail** [tscb@torbay.gcsx.gov.uk](mailto:tscb@torbay.gcsx.gov.uk)

**Website:** [www.torbay.gov.uk/tscb](http://www.torbay.gov.uk/tscb)

**Date:** 14 June 2012

Dear Ms Guy

**Re:** Mambo/The Beach Hut, 7 The Strand, Torquay – License number: PLO652

I write in my capacity as the designated officer authorised to execute the statutory duties of the Torbay Local Safeguarding Children Board under the Licensing Act 2003 and Gambling Act 2005 in respect of the protection of children from harm.

I am aware that the above named premises had their license suspended on the 31<sup>st</sup> May 2012 following a number of incidents relating to serious crime / disorder involving under 18's, including the sale of alcohol.

Young people are less well equipped than adults to cope with the effects of alcohol, physically and emotionally. The same amount of alcohol will have a much greater effect on the body of a child or young person than on an adult, because their bodies are still growing and developing. Also, a young person does not have the experience needed to deal with the effects of alcohol on judgement and perception.

In the short-term, drinking and getting drunk can be dangerous for young people. They may do or say something they regret later, and they are much more likely to have an accident or get into trouble such as a fight.

As a board we expect to see adequate conditions in place to safeguard children and young people. In this instance it is of particular concern that the premises have failed to adhere to their existing licensing conditions in respect of the protection of children from harm. In view of the serious nature of the incidents leading up to the suspension, if the license were to be re-instated the board would want to see the following additional conditions imposed:

- Adequate CCTV recording system which covers all of the building and meets police standards
- A limitation on the number of people allowed to be on the premises at any given time
- A proof of age policy of 25 with training for all staff with regard to application

**If you require this in another format please contact me**



I would be grateful if this could be brought to the attention of the licensing committee when it meets to review the suspension on the 22<sup>nd</sup> June 2012.

Yours sincerely



**Lisa Jennings**  
**Professional Adviser and Business Manager**  
**Torbay Safeguarding Children Board**

**If you require this in another format please contact me**

# Agenda Item 6 Appendix 7

Dear Licensing committee,

I understand that tomorrow the 15th June a review is taking place on Cafe Mambo following recent events.

I have lived in Queens Quay for some 20 months, and have reported numerous issues to environmental health and the police a number of disturbances and concerns regarding this venue and others. Other venues have taken action to deal with the complaints, however this venue continues to blight my right of peaceful enjoyment of my home, until the early hours of the morning.

I have given permission for Gareth Fudge to share noise diaries regarding this venue with the last complaint being made on the 13/5. (We are loading these up onto a public website). No complaints have been made since this date as my father has been ill, and I have been away.

Over this period the venue has been granted new licences (ie roof terrace), yet in my opinion breaches its licence and planning conditions, it also apparently has a long history of crimes, as well as statistical data from A and E citing Mambo.

I guess the level of crimes is increasing as none of this was raised wrt licencing the new roof terrace.

Regularly, the venue emits heavy bass, which is audible from Queens Quay, has no control over the drunken behaviour on its terrace with shouting, screaming, music until early hours, has noisy patrons upon arrival, and departure, intoxicated people running from the premises onto the road. The 1st floor terrace at times appears full of large numbers of people standing and drinking.

A lot of aggressive behaviour, shouting etc from patrons, and we have to wonder whether the broken windows, smashed doors at queens quay has any relationship to the crimes

It is also apparent, when walking around the harbour people have been seen drinking on the terrace at midnight, and this only has planning permission until 11pm.

As a concerned resident, I wish to lodge how can a premises operate, with such a high incident rate, against virtually free incident rate from other premises, and continue to ignore all the licence objectives.

I believe my concerns, above, as a resident raised for over 18 months, have now been documented this May by the police and verifies what I see and hear every night.

I am very concerned by the apparent attempts by the venue to cover up the issues, and that it cannot manage its venue. So I am hopeful the licence gets reviewed, and if re-instated, gets put back to a reasonable time such as midnight.

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~~\_\_\_\_\_~~  
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Dear Licensing committee,

This email is in regard to the Application for the review of a premises license under section 53A of the Licensing Act 2003 (premises associated with serious crime and disorder).

I am the joint owner of flat [redacted] Queens Quay and am also writing on behalf of the owners of flat [redacted] and flat [redacted]. Queens Quay also has many older citizens who have purchased flats and want to enjoy their homes. We have been working with Steve Cox and his team for the last few years and the problems encountered at Cafe Mambo come as no surprise.

The area is saturated with pubs and licensed clubs that operate until the early hours. Patrons move between the venues, congregate on the streets and have generally given Torquay a reputation for drunken and disorderly behaviour - the centre for stag and hen nights. The harbour side is a mixed use area with residential properties on the waterfront.

Noise diaries have been submitted on a regular basis by [redacted] the owner of flat [redacted] Queens Quay. Cafe Mambo has featured on a regular basis with noise breakout in breach of their license, lack of control of arriving and departing patrons (often drunk) and a breach of planning permissions regarding their terrace. Our property have also been used by Gareth Fudge to witness and record this behaviour.

I understand that there has been a history of environmental health issues with this establishment. This review offers the council a chance to set an example and at the same time start regenerating the harbour so that families can once again stroll the streets in the evening and get a reasonable nights sleep. The council policy is for the return of waterfront cafes and restaurants.

If this license is reinstated, there should be stringent conditions with regard noise breakout after 11pm with no access to the outdoor terraces after 11pm. The club should be closed by midnight so that residents can enjoy the rights of quiet enjoyment of their homes, a pledge made by the council

Kind regards

[redacted signature]

# Agenda Item 6

## Appendix 8

Before the Licensing Sub Committee  
Of Torbay Council

**Representations on behalf of the Premises Licence Holder Lifestyle Enterprises (UK)  
Ltd  
In relation to Review Proceedings against Mambo/the Beach Hut**

1. This document is prepared on behalf of the Premises Licence Holder (PLH) for the purposes of dealing with the Review proceedings due to be held on 22<sup>nd</sup> June 2012. They are not meant to be exhaustive but in particular should be considered alongside the verbal submissions and amplifications made as well as a document supplied entitled 'Code of Conduct for Responsible Retailing'

### **Background**

2. On 31<sup>st</sup> May 2012 as of a result of an Application for an expedited review having been made by Devon and Cornwall Constabulary (the Police) the Licensing sub Committee (the Committee) suspended the Premises Licence pending a full review hearing.
3. The sub Committee will no doubt have the decision that was communicated in writing to the Parties.
4. Inter alia it was considered relevant that the expedited process had not enabled the PLH to put adequate measures in place prior to the interim steps hearing in order to deal with the concerns raised.

5. DCMS Guidance (2007) produced to assist in dealing with interim steps indeed states (3.7) 'that in some circumstances, it might be better to seek suspension of the licence pending a full review, rather than imposing a range of costly conditions or permanent adjustments'.
6. It was accepted by the PLH that, having distilled the mischief highlighted by the Police, in order for the licensing objectives to be upheld, changes were needed to the operating procedures and checks and balances within the management of the Premises. Further it had been apparent that the CCTV coverage and systems needed upgrading.
7. The Application was made specifically in response to two incidents, however, prior to these it is common knowledge as between the Police and the PLH that the PLH was undertaking a wholesale review of the premises ( with Police involvement) operating procedures in order to reinforce their commitment to the Licensing objectives. The Police indicated that the two incidents left them no option but to instigate a review themselves as the nature of the problems that arose could not wait for the PLH to act unilaterally.
8. These proceedings have had the effect of accelerating the consideration the PLH was giving to their own procedures and given them the opportunity to meet the challenges highlighted by the Polices concerns.
9. The Document attached 'Code of Practice for Responsible Retailing' will be effective immediately should the Committee decide not to further suspend or revoke the licence. In this vein, without wishing to prejudge the outcome, all staff and subcontractors will have been inducted as to its contents and their obligations prior to the Review hearing.
10. Attached to these representations, that are submitted by the PLH of whom Mrs J Eyres will speak on behalf of at the hearing are numerous documents:

- The enhanced Code of Conduct
- Comments by the DPS at the time relating to incidents outlined by the Police
- Press coverage 22/03/11 outlining the spirit in which the PLH conduct themselves.
- Minutes of meetings held with the Police March 2011 to date
- Correspondence between the Police and the DPS/PLH including telephone notes and e mails
- Correspondence and confirmation of CCTV system
- Correspondence since the initial interim steps hearing
- Invoice confirmation of plastic glasses
- CV of proposed DPS

They are not indexed as it is anticipated that the Committee will be given a joint bundle with a singular index.

### **The mischief**

11. The Committee were of the view that they shared the concerns of the Police in that 3 of the licensing objectives had been undermined by evidence of the recent operation of the premises. This Review will consider any wider issues and the PLHs' response to them.

12. Crime and disorder was engaged, in particular, by two incidents on 3<sup>rd</sup> May and 10<sup>th</sup> May 2012. There is also evidence of the club being a target for thieves.

13. Protection of children from harm was engaged by evidence of underage customers and an irresistible inference that they had been drinking.

14. Public safety had been undermined by the acts/omissions by the DPS in response to the two incidents and issues concerning perceived overcrowding.
15. Inadequate CCTV coverage and Door staff not fulfilling expected standards of behaviour undermined all three licensing objectives. A failure to keep adequate records and contact the emergency services when appropriate had undermined the Licensing objectives too.
16. The schedule of incidents provided in support of the Application are commented on by the DPS at the time in an attached document.

### **The Police evidence**

17. The documents attached to these representations, in particular minutes of meetings and correspondence including that from third parties, show that, we submit, although there may be issues that need remedy the Committee are dealing with a proactive, sincere and responsible PLH.
18. ADC Yarwood opines that significant changes need to be made. This is an opinion he is entitled to hold, and we accept this.
19. His view that the failure by the DPS to act was 'disgraceful' and 'bordering on perverting the course of justice' is not, however, a balanced one. He holds this opinion without having undertaken investigation as to the reasons or motives behind the failure. No staff have been interviewed or had statements taken from them in relation to the investigation of either of the incidents even though it is some 7 weeks since they occurred. Without investigation such conclusions or opinions are, we submit premature and of little or no weight for the purposes of this hearing.



20. Nathan Towersey, the DPS, made it quite clear to the Committee as to the reasons for his failure to call the Police or Ambulance. Attached are his comments in detail. He made a mistake, it was a serious error of judgement. It is capable of remedy so as to ensure it is not repeated. The PLH, however, are of the view that in order to uphold the licensing objectives Mr Towersey can no longer remain as DPS.

21. The chronology outlines numerous incidents, some minor others that need proper consideration as to how they impact upon the licensing objectives and what can be done to prevent them from reoccurring.

### **The issues**

22. Although it is tempting to apportion blame we submit that the appropriate way of considering the evidence is to do so only in so far as to assess how the licensing objectives have been undermined (as we agree above), and consider if the Code of Practice and any conditions that can be added to the licence adequately deals with the issues raised? It is only in this way that the Committee can ensure that its decision is proportionate and necessary (albeit in so far as conditions are imposed appropriate). These proceedings are not punitive. Nor should can any decision be lawfully so.

### **The remedy**

23. We submit that there is action that can and should be taken in order to uphold the licensing objectives. Some action can only be taken by the Committee by way of removal of DPS and modification of conditions, other actions properly taken by the PLH. We submit that action falling short of further suspension or revocation is appropriate as the systems, personnel and changes are able to be implemented immediately.

- Removal of DPS and replacement with Clare Greensmith ( CV enclosed)

The failure to call the Police and the Ambulance Service is so serious as to make the present DPS untenable. Whatever the explanation, and accepting this as an error of judgement, the fact remains that the Police and the PLH (and no doubt the Committee) cannot have confidence in him to remain in post at this time. His failure to ensure that under age people were not being let in by door staff and served at the bar cannot be remedied by retraining alone. Only a new, experienced DPS can deal with this, Clare Greensmith will attend the hearing and be available to answer any questions the Committee may have of her.

- Wholesale upgrade of CCTV system

Failure to have a system that provides the best recordable and retrievable coverage can only be remedied by upgrade. This has been done. The Police have been invited to assess it. The CCTV system is now of the highest specification available in all aspects. Documentation is attached outlining this and importantly the steps that had been taken prior to this Review in order to ensure that the system was 'fit for purpose'. Mr Carpenter will attend the hearing to explain the specifications of the new system.

- Use of plastic glasses Wed; Thurs; Fri; Sat; Sun and on Bank Holidays.

Despite best efforts of all involved incidents will occur. By using plastic glasses throughout the premises after 11pm save as for in the Rooftop bar will eliminate violence from having more serious consequences. The Rooftop bar is a different type

of venue within a venue. Door staff will be permanently stationed at its entrance after 11pm to prevent glassware being taken to other parts of the premises

- Change of Door staff Company

Failings by the Door staff to prevent the entry of under age customers as well as concerns over the manner of their conduct have led to the PLH changing the Company employed to provide this service. Since the initial hearing a number of providers have been interviewed by the prospective DPS to ascertain the best candidate to provide the service and prevent the reoccurrence of the issues outlined by the Police, missed by the DPS but is acknowledged as unacceptable by the PLH. Further details will be given at hearing

- Enhancement and implementation of Code of Practice

Will be effective immediately, disciplinary sanction for non compliance. It details training, procedures, ethos for all staff and subcontractors. In particular it deals with capacity issues and relations with other bodies such as how to react to an incident taking place. It puts in place a number of policies that will apply to the premises. Formerly, Company policies had been inconsistently applied unbeknown to the PLH and by virtue of the issues that have arisen there can be no doubt that a total revamp was necessary. The document attached and the assorted policies to which it refers have been produced as of a result of the criticisms of the Police, the observations of the Committee and amongst other input, the review commissioned

independently by the PLH undertaken by Neil Stanlake. Mr Stanlake will be attending the hearing to comment upon the Code and assist the Committee.

- Under age sales.

If in the unlikely event the new proposed challenge 25 and Door staff allow under age people on the premises the Company has reconfigured its tills to have a further check of age at point of sale.

- Thefts

All will be reported through the '101' system or nitenet if appropriate 999 will be called. Previous history shows that certain areas have been targeted. In particular an area near the DJ booth on the first floor has been identified. This has now been cordoned off, signage improved throughout the premises and a cloakroom facility has been established on the premises.

- Structural /capacity issues

Changes as of a result of the issue of petty theft are outlined above. In addition the Committee will note the changes to the monitoring of capacity that are outlined in the Code. The Police referred to an issue of 'pinch point' on the first floor. This has been rectified with stairs altered to create a better thoroughfare and easier access and egress. A balustrade has been built to add to the earlier changes made after discussions with the Police. A complete fire risk assessment was conducted prior to the Review to deal with amongst other issues capacity. This has been reported upon and confirmation of the same is within the documents attached.

David Campbell

Barrister

Kitsons LLP

15<sup>th</sup> June 2012.



15 June 2012

Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection Team  
Community Safety  
1<sup>st</sup> Floor Roebuck House  
Abbey Road  
Torquay  
TQ2 5EJ

Via Email: [mandy.guy@torbay.gov.uk](mailto:mandy.guy@torbay.gov.uk)

Dear Mandy

### Licensing Act 2003

**S 53 (C) Review following an Expedited/Summary Review of Premises Licence**  
**Re: PL0652 – Mambo/The Beach Hut 7 The Strand Torquay Devon TQ1 2AA**

I write following receipt of the representations/documentation received at 16.22hrs today in respect of the above hearing and thank you for your prompt dissemination of the same.

In particular, I refer to the Public Protection representations submitted by Gareth Fudge, Senior Environmental Health Officer, to which I have had no previous indication of in respect of this matter.

We have, however, been in pro-active dialogue and activity with both Mr Fudge and Mr Steve Cox, Environmental Health Manager (Commercial), regarding any and all issues raised in respect of any of our numerous business premises in Torquay, including seeking independent expert advice where appropriate. This dialogue is ongoing and indeed I was told, yesterday, by a representative of the Council that after the hearing scheduled next Friday we would continue to seek an acceptable solution to all concerns, due in part to the fact that no one premises was worthy of being singled out.

Unfortunately, at the point of receiving Mr Fudge's representations, I do not have access to documents which I would rely upon in our defence of and/or to demonstrate our pro-active engagement in the issues Mr Fudge refers to. Unfortunately the representations of Mr Fudge are incomplete and do not portray an accurate picture of the present situation.

Therefore, I would respectfully ask the Committee for the opportunity to present evidence of correspondence and communications to ensure that the Committee has the complete set of documentation and notes of the dialogue in relation to this aspect of the review.



[fasteddies-poolhall.co.uk](http://fasteddies-poolhall.co.uk) | [www.tigerbills.co.uk](http://www.tigerbills.co.uk) | [www.bombaybills.co.uk](http://www.bombaybills.co.uk) | [www.appleandparrot.co.uk](http://www.appleandparrot.co.uk) | [www.lifestyleeventsuk.com](http://www.lifestyleeventsuk.com) | [www.cafemambo.co.uk](http://www.cafemambo.co.uk) | [www.thegissons.co.uk](http://www.thegissons.co.uk)

Mambo, Apple & Parrot, Hooks, Tiger Bills, Bombay Bills, The Gissons, Fast Eddies, The Rooftop Lifestyle Events, Lifestyle Enterprises & Lifestyle Venues are all trading names of The Lifestyle Hospitality Group Ltd | Registered address: 2nd Floor Offices, Harbour Point, Victoria Parade, Torquay TQ1 2BD  
VAT No. 997 3158 64 | Company Registration No. 07150523 (England)



I anticipate that I shall be able to provide documentation prior to Friday and trust that you will allow me and my legal representative to amplify matters orally at the hearing

Yours faithfully

*Kind regards*

*Julie Eyre*  
Director

Lifestyle  
HOSPITALITY GROUP

T 01803 201197  
M 07931 374315



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