



Wednesday, 1 August 2018

## **LICENSING SUB-COMMITTEE**

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

**Thursday, 9 August 2018**

commencing at **9.30 am**

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

### **Members of the Committee**

Councillor Pentney

Councillor Stocks

Councillor Thomas (J)

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**A prosperous and healthy Torbay**

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

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

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

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the meeting.
2. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 3 - 9)  
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 4 April 2018 and 5 July 2018.
4. **Declarations of interests**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary 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 Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
6. **An application for a Review of a Premises Licence for The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN** (Pages 10 - 195)  
To consider and determine an application for a Review of a Premises Licence in respect of 'The Terrace Bar', 12/14 The Terrace, Torquay.



## Minutes of the Licensing Sub-Committee

4 April 2018

-: Present :-

Councillors Doggett, Thomas (D) and Stocks

### 1. Election of Chairman/woman

Councillor Doggett was elected as Chairman for the meeting.

### 2. Winstons, Station Square, Paignton

Members considered an application for a Summary Review of a Premises Licence in respect of Winstons, Station Square, Paignton.

Oral Representations received from:

Name	Details
Applicant (Police)	The Applicant outlined their application for a Summary Review and responded to Members questions.
Respondent's Representative	The Respondents Representative set out their response to the application for a Summary Review, detailed action taken since the incident and responded to Members questions.

#### Additional Information

The Chairman permitted an extension of time for oral representations and advised that each party would be permitted 50 minutes to make their representation.

#### Decision:

That the Premises Licence in respect of Winstons, Station Square, Paignton shall be suspended with immediate effect until the 27 April 2018 whereby a Review Hearing would have been heard on the 26 April 2018, as in accordance with the Licensing Act 2003 provision.

#### Reason for Decision:

In coming to their decision, Members gave careful consideration to all the oral and written Representations before them and the CCTV video footage seen by them at the hearing. In doing so, Members considered what interim steps would be necessary in addressing the matter before them and unanimously resolved that the only appropriate step in this instance, was an immediate suspension of the Premises Licence.

Members gave careful consideration to other interim steps, such as removing the Designated Premises Supervisor (DPS) and formally removing the door steward company, Fortem Security Ltd who provided door stewards to the premises but in viewing the CCTV footage, which clearly showed serious failings by the current DPS and SIA Door Stewards on the 10<sup>th</sup> March 2018 which by his own admission, had been viewed by the Premises Licence Holder the following day, it was of great concern to Members that the measures taken by the Premises Licence Holder since the incident had only occurred following the Summary Review application being submitted by the Police. In Members opinion, such a delay in light of the serious failings fell well below the standard reasonably expected by them of a responsible Premises Licence Holder.

Adding to their determination, Members had serious concerns on hearing that despite the Premises Licence Holder removing Mr Mudge as the Designated Premises Supervisor, Mr Mudge would continue to have involvement in operation of these premises and it was their opinion, that any influence Mr Mudge may have in respect of these premises would hinder necessary action to fundamentally improve its operations to ensure that all four licensing objectives are promoted in the future. In coming to that opinion, Members noted the inactions of Mr Mudge on the 10<sup>th</sup> March 2018 and the fact that a further incident of violence in respect of these premises had occurred over the recent Bank Holiday weekend whilst he remained the Designated Premises Supervisor.

Members were further concerned that the current practices and procedures in place, as orally submitted by the Premises Licence Holder, did not appear to be robust enough to manage the operations of a late night premises and in respect of this incident, it was an even greater concern to Members that the premises known practices and procedures were not followed by either employees of the premises or SIA door stewards which in itself, could have led to the fatality of an individual.

In concluding, Members noted the concerns raised by the Police in respect of the proposed replacement Designated Premises Supervisor and the SIA Door Steward company, as orally submitted at the hearing by the Premises Licence Holder and resolved that with such uncertainty in respect of their suitability, the Premises Licence Holder should use the interim period to resolve these concerns which ensure compliance with the Council's Licensing Statement of Principles and have in place a Designated Premises Supervisor who the Police have not objected to.

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Chairman/woman



**Minutes of the Licensing Sub-Committee**

**5 July 2018**

**-: Present :-**

Councillors Brooks, Stocks and Thomas (J)

**18. Election of Chairman/woman**

Councillor Thomas (J) was elected as Chairman for the meeting.

**19. Minutes**

The Minutes of the meeting of the Sub-Committee held on 26 April 2018 and 31 May 2018 were confirmed as a correct record and signed by the Chairman.

**20. Farmhouse Tavern, 130 Newton Road, Torquay**

Members considered a report on an application for a Variation to a Premises Licence in respect of Farmhouse Tavern, 130 Newton Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	8 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	5 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	Received on 30 May 2018
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance.'	Undated

Oral Representations received from:

Name	Details
Applicant's Representative	The Applicant's Representative outlined the application and responded to Members questions.
Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.

Applicant's response to Representations:

Prior to the Hearing, the Applicant's Representative provided and requested the circulation of his skeleton argument on behalf of the applicant.

**Decision:**

That the application for variation to Premises Licence in respect of Farmhouse Tavern, 130 Newton Road, Torquay be approved, as applied for and subject to the following additional conditions as proposed by the Licensing Authority's Public Protection Officer and agreed by the Applicant:

- i) Patrons shall not be permitted to use the premises beer gardens from 10 pm to 7 am Sunday to Thursday and 11 pm to 7 am Friday and Saturday; and
- ii) The premises shall have a designated smoking area which is located at the front of the premises at the furthest point away from residential properties;
- iii) No external speakers shall be permitted in the premises outside areas; and
- iv) All live and recorded music shall cease at the premises at 11pm.

In addition, the following conditions shall be inserted on to the Premise Licence, as determined by Members of the Licensing Sub-Committee which they resolved to be appropriate:

- v) To reduce noise break out, all doors and windows facing on to any noise sensitive premises (e.g residential dwellings) shall be kept shut during regulated entertainment, save for necessary access and egress;
- vi) The designated smoking area shall be monitored by staff to ensure that any noise emanating from this area does not unreasonably disturb nearby residents;
- vii) No drinks shall be permitted in the designated smoking area from 10 pm to 7 am Sunday to Thursday and 11 pm to 7 am Friday and Saturday; and
- viii) The premises beer gardens shall be monitored by staff to ensure that noise emanating from these areas do not unreasonably disturb nearby residents.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the variation application, as they were satisfied that with the

additional conditions set out above, these premises would not undermine the Licensing Objectives.

In coming to that decision, Members had regard to the concerns raised by members of the public and the Licensing Authority's Public Protection Officer in respect of the historical operation of these premises and the noise outbreak which emanated as a direct result.

Notwithstanding that these concerns were in respect of previous Premises Licence Holders, Members noted that noise issues were largely attributable to the unsuitable fabric of the building and its close proximity to nearby residential properties. That said, Members were reassured to note the Applicants significant financial investment in to these premises and the proactive mitigation measures taken by them to address noise out break which historically has led to a catalogue of noise complaints resulting in abatement notices being served and a Review of the Premises Licence being considered. Namely; installing sound proofing to the function room and specifying this area on their plans as an eatery area, installing air conditioning throughout the building to avoid the necessity for patrons to open windows and doors for air circulation, physically blocking patron access by way of erecting fencing and a lockable gate alongside the boundary wall which abuts the neighbouring premise, moving outside seating area away from the neighbouring residential premises, installing stringent monitoring of the premises car park and relocating their beer gardens and smoking areas at the furthest point away from residential properties.

Members were further reassured by the Applicants national reputation in running licensed premises as responsible licensees and noted the submissions of the Applicant and their legal representative that they had nothing to gain from the significant investments if they were to repeat past behaviours, that they were committed to operating these premises in harmony with their neighbours and that the appointed manager would also reside at the premises with his family and would be available to neighbours to respond to issues of concern.

In concluding, Members noted that should issues of concern arise as a result of this grant, a Review of the Premises Licence is available to either members of the public or Responsible Authorities.

## **21. Inspirations, 4 The Quay, Brixham, TQ5 8AW**

Members considered a report on an application for a Premises Licence in respect of Inspirations, 4 The Quay, Brixham.

Written Representations received from:

Name	Details	Date of Representation
Member of the Public	Representation objecting to the application on the ground of 'The Prevention of Public Nuisance'.	4 June 2018
Member of the Public	Representation objecting to the application on the ground of 'The	5 June 2018

	Prevention of Public Nuisance’.	
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	5 June 2018
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	Received on 11 June 2018
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Public Nuisance’.	12 June 2018

Oral Representations received from:

Name	Details
Applicant	The Applicant outlined the application and responded to Members questions.
Solicitor representing 4 Members of the Public	A Solicitor representing 4 Members of the Public outlined their objection to the application.
Member of the Public	A Member of the Public outlined his objection to the application.

**Decision:**

That the application for a Premises Licence in respect of Inspirations, 4 The Quay, Brixham be granted in respect of off-sales only.

**Reason for Decision:**

Having carefully considered all the written and oral Representations, Members resolved to grant the application in respect of off-sales only, as they were satisfied that in doing so the Licensing Objectives would not be undermined.

In coming to that decision, Members noted the absence of Representations from any Responsible Authorities following prior consultation with them by the Applicant and that the majority of concerns raised by members of the public, were in respect of the on-sales element of the application only. Members further noted the submissions at the hearing by some members of the public and the instructed legal representative that off-sales were fine, and that it was the on-sales which gave them cause for concern.

In noting all concerns, Member remained assured that granting an off-sales license would not undermine the Licensing Objectives, having heard that the Applicant was an experienced licensee with two other late night premises within Torbay and that with the exception of one noise complaint, his premises had never given the Responsible Authorities cause for concern.

In coming to the decision to refuse the on-sales element of the application, Members could not be satisfied on the evidence before them that such a grant would seek to promote the Licensing Objectives.



Whilst Members saw no reason to refuse the concept of the application in principle and positively noted the reduction in proposed operational hours, it was the lack of specific detail as to how the Applicant would manage the tasting events and those persons who attended such events so as not to undermine the Licensing Objectives and adversely impact nearby residential and commercial premises. In coming to that decision, Members gave careful consideration to the concerns raised by members of the public and the instructed legal representative, along with the answers given by the Applicant to those concerns and Members questions.

Members gave careful consideration as to what if any conditions could be added by them as an alternative to refusal but resolved that with the vagueness of the application before them, they would in effect be determining the intended concept which may not be that intended by the Applicant. As such, they concluded that a refusal was appropriate in these circumstances.

In concluding, Members noted that should issues arise as a result of granting this off-sales licence, a Review would be afforded to any person adversely affected by this premises licence.

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Chairman/woman



Public Agenda Item: **Yes**

Title: **An application for a Review of a Premises Licence for The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **9<sup>th</sup> August 2018**

Contact Officer: **Gary O'Shea**

☎ Telephone: **01803 207631**

✉ E.mail: **Licensing@torbay.gov.uk**

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## **1. Key points and Summary**

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of a Premises Licence.
- 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” and “The Prevention of Public Nuisance”.
- 1.4 Under Regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate 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;
- (f) to do nothing;

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 Interested Parties and Responsible Authorities at the determination of the matter.

## **2. Introduction**

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in **Appendix 1** with supporting information at **Appendix 2**.

A brief description of the Review is as follows:

The application has been submitted by Devon and Cornwall Police and concerns matters relating to the Licensing Objectives “The Prevention of Public Nuisance” and “Prevention of Crime and Disorder”.

A copy of the current licence, including the plan of the premises is attached as **Appendix 3**.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

A Representation has been received from the Safeguarding and Reviewing Service in relation to the Licensing Objective “The Protection of Children from Harm”. This is shown as **Appendix 4**.

A Representation has been received from the Devon and Somerset Fire and Rescue Service in relation to the Licensing Objective “Public safety”. This is shown as **Appendix 5**.

A Representation has been received from the Torbay Council Public Protection Officer in relation to the Licensing Objective “the Prevention of Public Nuisance”. This is shown as **Appendix 6**.

A Representation has been received from the Torbay Council Licensing Authority in relation to the Licensing Objectives “Prevention of Crime and Disorder” and “Prevention of Public Nuisance”. This is shown as **Appendix 7**.

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

- 2.3 On 17<sup>th</sup> July 2018 a letter was received from the Devon and Cornwall Police by way of additional information in support of their Review application. This is shown as **Appendix 8**.

- 2.4 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

- 2.5 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.6 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
- (a) the Applicant for the Review,
  - (b) the holder of the Premises Licence, or
  - (c) any other person who made relevant Representations in relation to the application.
- In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.
- 2.7 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.

**Steve Cox**  
**Environmental Health Manager (Commercial)**

### **Appendices**

Appendix 1	Application for Review
Appendix 2	Information supporting Application for Review
Appendix 3	A copy of the Premise Licence
Appendix 4	Representation from the Safeguarding and Reviewing Service
Appendix 5	Representation from Devon and Somerset Fire and Rescue Service
Appendix 6	Representation from a Torbay Council Public Protection
Appendix 7	Representation from Torbay Council Licensing Authority
Appendix 8	Addition information from the Police in support of their Review Application

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

None

### **Background Papers:**

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

Torbay Council Licensing Policy 2016.



**LICENSING ACT 2003**  
**APPLICATION FOR THE REVIEW**  
**OF A PREMISES LICENCE OR**  
**CLUB PREMISES CERTIFICATE**

**NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

**Environmental Health Manager (Commercial)**  
**Torbay Council**  
**Community Safety**  
**C/O Torquay Town Hall**  
**Castle Circus**  
**Torquay**  
**TQ1 3DR**

**Contact Details:**

**Tel: 01803 208025**

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

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Sergeant 3671 Mike NORSWORTHY, Licensing Sergeant for Devon

*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Terrace Bar 12/14 The Terrace	
<b>Post town</b> Torquay	<b>Post code (if known)</b> TQ1 1BN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Terrace Restaurant Torquay Limited
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<b>Number of premises licence or club premises certificate (if known)</b>  PL0433
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**Part 2 - Applicant details**

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority  
(please read guidance note 1, and complete [A] or [B] below)
- 2) a responsible authority (please complete [C] below)
- 3) a member of the club to which this application relates  
(please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

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

Name and address Devon and Cornwall Police Police Headquarters Middlemoor EXETER Devon EX2 7HQ
Telephone number (if any) 01803 218900
E-mail address (optional) Julie.smart@devonandcornwall.pnn.police.uk

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

- |   | Please tick one or more boxes ✓ |
|---|---------------------------------|
| 1) the prevention of crime and disorder | X                               |
| 2) public safety                        |                                 |
| 3) the prevention of public nuisance    | X                               |
| 4) the protection of children from harm | X                               |

**Please state the ground(s) for review (please read guidance note 2)**

- 1) Concerns in relation to Mr Jamie LAWRENCE's suitability to manage this premises. Mr LAWRENCE is the DPS and sole director of the company that holds the Premises Licence. Despite repeated advice and warnings he has failed to address the concerns raised by the police and has repeatedly failed to comply with conditions contained within the premises licence.
- 2) Customers are permitted to stand outside the premises drinking in the road, which is a breach of a condition on the Premises Licence and the Pavement Café Permit at this premises.
- 3) Premises regularly plays loud music during the day time, with doors and windows wide open. This has been witnessed by Police Licensing Officer Julie Smart and Mrs Mandy Guy of Torbay Council, and the police have also received complaints from members of the public re noise issues from this premises.
- 4) Young children of primary school age have been seen in and around this premises during the day time. On Monday 18 June 2018 CCTV shows a young boy (aged approx. 12/13 yrs old) within the premises just before midnight, which is a breach of a condition on the Premises Licence. Intelligence also received that underage drinkers are served alcohol in the premises.
- 5) On numerous occasions staff at the premises, and Mr Lawrence, have been found to be heavily under the influence of alcohol and/or other substances. Suitable advice has been given but this has not been taken on board by Mr Lawrence.
- 6) Increase in levels of recorded crime and violence at this premises within the last 3 months.



Please provide as much information as possible to support the application (please read guidance note 3)

This premises first came to the attention of the police on 27 April 2015. At that time The Riviera International Conference Centre was hosting the Young Farmers Conference and 4000 young farmers were spending the weekend within Torquay.

At approximately 2300 hrs on Friday 27 April 2015, Sergeant Carmen Desborough was speaking to door staff at another licensed premises as they had refused entry to a male in drink who had become verbally abusive and sent on his way. Approximately 5 minutes later the CCTV Control Room advised Sgt Desborough that this male was at a premises known as "R&B's" but they could not raise the premises on Nitenet and there did not appear to be any door stewards on duty. Sgt Desborough subsequently attended the premises, which she noted was now called Sharks, and was horrified by what she found.

Upon attendance there were approximately 20 individuals in the premises. There was a very strong smell of paint and it was apparent that the paint was still drying from having been applied earlier that same day. PC Cull was present with Sgt Desborough and asked the manager for a copy of the Premises Licence, but this failed to materialise. A Personal Licence was produced in the name of Jamie LAWRENCE, followed by the Premises Licence Summary in the name of "R&B's".

Further examination of the premises revealed:

- No Nitenet radio present
- CCTV was not turned on. The officers were told that it had been on, but the monitor was not turned up, however a customer advised them that they thought it was not connected until after the officers arrived.
- Behind a fire exit door and on the stairs leading up to an external exit, there was debris and wires causing an obstruction and should this exit have had to been used in an emergency, it would not have served its function and would have been very hazardous and inhibiting.
- There were exposed electrical wires coming out of several walls and ceilings. Mr LAWRENCE said that these wires were safe.
- The electrical sockets were unsafely detached from the walls. Officers were told that they were not live yet the gambling machine was plugged in and switched on.
- There were lights sockets hanging from the wall, clearly functioning, and one bulb was resting very close to the wall, causing heat to the extent that it was unbearable to touch.
- There were 2 floor tiles missing from the main public area and a floor board not properly attached.
- The men's toilets were in a very poor state.

Due to her concerns, Sgt Desborough contacted the Duty Inspector, Inspector Brugge, who attended the premises. PC Cull contacted the Fire Safety Officer, but unfortunately he was in Exmouth on another job and could not attend.

Shortly after this, Mrs Mandy Guy and Mr Shaun Rackley, both members of Torbay Council Licensing Team, arrived at the premises and they identified further concerns in respect of there being no hot water for staff and customers to wash their hands and the bar, which had previously been located along a side wall in the premises, was now positioned in the centre of the premises, without any authorisation by way of a variation application.

Whilst conducting their enquiries officers noted that Mr LAWRENCE was clearly in drink, as was another male who claimed to be one of the managers of the company. They attempted to explain that everything was in order, that they had submitted the appropriate applications and sent an email to Torbay Council the previous day. Mr Rackley was able to confirm that no such email had been received.

Mr LAWRENCE and the other male were left in no uncertain terms that there were concerns regarding the breaches of the licence conditions and serious Health and Safety concerns. The male who indicated that he was a manager of the company indicated that all of the matters would be resolved by Saturday morning to enable the premises to re-open on Saturday night. He was very strongly advised that even with the safety issues addressed, there would be further breaches of the premises licence.

The officers persuaded the males to close the premises, which the males did at 0010 hrs that evening, and they assured officers that the premises would not open again that weekend.

Mr Rackley subsequently advised Sgt Desborough on Saturday 25 April 2015, that he had contacted the DPS, who had provided him with written confirmation that they no longer wished to be the DPS and wanted to be removed with immediate effect.

Sgt Desborough took numerous photographs within the premises on Friday 24 April 2015, and she subsequently attached these to an email that she sent to Mrs Julie Smart, Police Licensing Officer, on Saturday 25 April 2015. See item 1 attached.

Unfortunately due to a fault with the Police Licensing Computer System, all of Mrs Smart's notes re this matter have been deleted. However you will note from her email to Sgt Desborough on 28 April 2015 that she attended the premises with Mrs Guy on 27 April 2015 where they met with the then Premises Licence Holders and Mr LAWRENCE and made it clear to all parties that they should not re-open the premises until all the concerns identified on Friday 24 April 2015 had been resolved to a satisfactory level. See item 1a attached.

At this meeting Mrs Smart and Mrs Guy were advised that the Premises Licence Holders (2 male individuals) hold the freehold of the premises, which they lease to Mr LAWRENCE.

At that time Mr LAWRENCE indicated that he would become the DPS however Mrs Smart advised the Premises Licence Holders, Mr LAWRENCE and subsequently a solicitor employed on behalf of the Premises Licence Holders, that the police would object to this application on the grounds that he was not suitable due to the concerns identified during the police visit, coupled with concerns regarding his attitude and his lack of responsibility.

On 14 May 2015 Mrs Smart received a copy of a letter from Mrs Guy to the Premises Licence Holders advising them that their applications to Vary the DPS and to Vary the Premises Licence were not valid as they had not been served in accordance with the Licensing Act 2003. See item 1b attached.

On 18 May 2015 a letter was sent to the Premises Licence Holders in relation to the concerns identified by Sgt Desborough on 24 April 2015. A copy of this letter was also forwarded to Mr LAWRENCE for his information. See item 1c attached.

On 20 May 2015 Mrs Guy also wrote to the Premises Licence Holders in relation to matters identified on 24 April 2015. See item 1d attached.

On 2 July 2015 applications were received by Torbay Council and the Police to Vary the DPS and Vary the Premises Licence at the premises, which was also renamed Shark Bar. Both of these applications were subsequently granted. Mr LAWRENCE was not appointed as the DPS, and this role was taken on by his step-daughter.

On 20 July 2015 Mrs Smart received a complaint concerning alleged after hours drinking and lock-

ins at Shark Bar, although the complainant did not provide dates and times that this was alleged to have taken place. See item 2 attached.

At approximately 2310 hours on Friday 31 July 2015 Police were called to Shark Bar by a nearby premises, using the Nitenet radio system, due to reports of a fight. On attendance one male seemed unconscious outside on the pavement and a second male in the premises was injured, kneeling in a pool of his own blood. It transpired that the second male was the DJ; he was hostile and making threats to seek retribution so was arrested to prevent a breach of the peace. He was subsequently de-arrested 25 minutes later once he had calmed down. One of the officers attending noted that a further member of staff (to be referred to as "X") appeared to be possibly under the influence of drugs and he was incredibly animated whilst demonstrating what had taken place. The DPS was present and stated that the incident started due to a female barmaid starting an argument with a customer. The DPS seemed unable to control the situation and the officer questioned her suitability to run the premises. The DPS's step-father, Mr LAWRENCE, then arrived at the premises and he was asked to burn off the CCTV but was unable to do so and it was established that no one present could download the footage. See item 3 and 3a attached.

During this incident Acting Inspector Simon Jenkinson attended the premises. He noticed that there were no SIA door staff present. The DPS was at the premises and was able to produce the licence. She explained that they had been let down by doorstaff but intended to close at 2330 hrs that evening. He noted that the male member of staff "X" appeared uncomfortable at the police presence and would not leave A/Insp Jenkinson with the DPS. Within an email to Mrs Smart, A/Insp Jenkinson described the place as a disaster and indicated that he didn't think the DPS was able to manage the issues that arose. See item 3b and 3c attached.

On 5 August 2015 Mrs Smart attended Shark Bar and discussed the events of Friday 31 July 2015 with the DPS and "X". The DPS showed Mrs Smart the incident book which contained details of 2 incidents that had occurred within the space of 2 minutes. Whilst Mrs Smart was at the premises they showed Mrs Smart the CCTV footage and explained that they had obtained a new CCTV hard drive that was easier to operate. They said that they were intending to install the new hard drive that night. As Mrs Smart was concerned that they would not be able to burn off the CCTV footage for Friday 31 July 2015, Mrs Smart requested that they install the new hard drive whilst she was there and requested that they give her the hard drive with the relevant footage on, which they did. See item 3c attached.

On 7 August 2015 Mrs Smart received a phone call from Mr David Walker, Health and Safety Officer of Torbay Council, who told her that despite the premises having been given 4-8 weeks to rectify electrical safety issues identified at the premises, they had not done so within the required period of time and Mr Walker was considering the issue of an enforcement notice. It was not until 27 November 2015 that Mr Walker left a message for Mrs Smart indicating that he had received a satisfactory safety certificate. See items 4, 4a and 4b attached.

On 17 August 2015 police received information concerning a fight at the premises on Saturday 15 August 2018 involving "X", together with after-hours drinking. From Mrs Smart's notes concerning this matter it appears that she asked the premises to burn off some CCTV footage for the relevant date. On 19 August 2015 Mrs Smart attended the premises and met with the DPS and Mr LAWRENCE. The requested CCTV had not been burnt off and the DPS stated that she didn't burn any off as the incident wasn't captured. The DPS showed Mrs Smart the area of the premises in which the incident occurred and Mrs Smart checked the coverage on the CCTV monitor. It was noted that one camera in the area was obscured by a speaker and Mrs Smart therefore asked for this camera to be moved to a more suitable location. Mrs Smart also noted that there were 2 cameras situated on the wall at the end of this location but only one image from these cameras was displayed on the monitor. Mr LAWRENCE stated that the other camera was not wired in and it was noted that

at least 2 further cameras were not working. Mrs Smart requested that the identified CCTV issues were rectified as soon as possible. Mrs Smart also viewed the incident book and noted discrepancies in the timing of the incident. Mrs Smart viewed the CCTV incident which showed a scuffle but detail could not be seen. Mrs Smart watched the CCTV footage from the end of the incident until 2.30 am and this showed staff within the premises having a drink and cleaning. In relation to alleged after hours drinking Mrs Smart told the DPS that the complainant indicated that people were drinking in the premises until 3.00 am and the DPS then advised her that she had reviewed all footage and "X" and his friends were in the premises until about 4.30 am on the Monday morning. Mrs Smart watched this footage until about 3.30 am and it appeared that music was playing throughout this time as the disco lights were working and the DPS stated that she knew the group had been smoking in the premises. Having viewed the CCTV, Mrs Smart was satisfied that the premises were not open to the public and alcohol sales were not taking place. In relation to "X" Mrs Smart was told that he had had his keys taken off him, he would not be responsible for locking up, he would no longer be in the premise at any time other than when he is working and he would not attend on his days off. The DPS advised Mrs Smart that if "X" put a foot wrong she would sack him and this was confirmed by Mr LAWRENCE. Mrs Smart also discussed the issue of banning persons from the premises with both the DPS and Mr LAWRENCE.

In Mrs Smart's notes re this matter she refers to the fact that she was aware that the Premises Licence Holders had met with the DPS and Mr LAWRENCE in relation to recent incidents and therefore she did not discuss this matter with them. See item 5 attached.

At approximately 0045 hrs on the morning of 5 September 2015 Sgt Dingle visited Shark Bar and spoke to the door staff. As they were talking a male came out of the pub quickly followed by a female who was screaming and swearing at the male. It was ascertained that this female was the DPS who was noticeably drunk, and she stated it was her night off. Unfortunately Sgt Dingle was a little confused by the Licensing Act and as he considered her not to be in a fit state he suggested that she close the premises immediately, which she did. However she and the male continued to cause a scene outside the premises and the male was arrested to prevent a breach of the peace. See item 6 attached.

On 8 September 2015 Mrs Smart was informed that Torbay Council had received a noise complaint regarding loud music being played at the premises. This complaint had been received from a neighbouring business that is only open during the day time. Unfortunately Mrs Smart's notes re this matter have been deleted due a computer issue. See item 7 attached.

On Wednesday 9 September 2015 the DPS of Shark Bar attended Torquay Police Station, together with the Premises Licence Holders, where they met with Mrs Smart and Sgt Norsworthy to discuss concerns in relation to the premises. Details of the matters discussed are contained within a letter sent to the DPS and Premises Licence Holders on 15 September 2015. Within this letter it refers to the role of Mr LAWRENCE in respect of the premises. It also states the premises were identified as a "Premises of Concern" with the Premises Licence Holders and DPS being informed that unless there was significant improvement in the management of the premises the police would apply for a Review. See item 8 attached.

On 14 September 2015 Mrs Smart attended the premises concerning a robbery where the victim and suspects had been drinking in Shark Bar prior to the incident. She discussed this incident with both the DPS and the DJ and at the conclusion of the discussions Mrs Smart had no concerns regarding the way the premises had dealt with this incident. The DPS advised Mrs Smart that as a result of the meeting on 9 September 2015 she had spoken to Mr LAWRENCE and "X", and made it clear to them that she was in charge and they must allow her to run the premises as she sees fit. She told them that if they continued to interfere she would resign as DPS. See item 9 attached.

At 2315 hrs on 19 September 2015 police officers attended the premises with Mandy Guy for a routine evening visit. Initially they were met by a male who said he was in charge. When questioned further he decided he wasn't in charge and went back to work behind the bar. Mr LAWRENCE then told them that he was in charge, but as he had been drinking he had actually just stopped being in charge. He then stated that "X" was in charge. Mr LAWRENCE then said that he had been working the door, as he has an SIA licence, and had just stopped prior to the arrival of Mrs Guy and the officers. He then offered to go back on the door again, but said that as he was in charge he probably couldn't. He then remembered he had been drinking so wasn't actually in charge (again) and certainly wouldn't work the door after drinking. A Licensing Form L10 was completed regarding this visit and on the rear the officer indicates that it was embarrassing to watch the horrendous comedy of errors unfold between the three individuals they spoke to and they all struggled to give an answer to the simple question "Who is in charge?". At various times one, all, none or some of them were responsible for running the premises. The officer further refers to the fact that Mrs Guy outlined several of their licence conditions and it was clear that these were coming as a complete surprise to all present. See item 10 attached.

At 2300 hrs on 25 September 2015 officers carried out a routine visit to the premises and noted that the DPS was not present, but Mr LAWRENCE was the person in charge. He was also acting as the one and only member of door staff at the premises and was stood outside. Although Mr LAWRENCE was helpful and not a huge distance from the bar, officers stated that whilst outside he would have had no direct supervision of the premises. See item 11 attached.

On Mrs Smart's workload item in respect of this matter, she has placed an update within the comments box that on 21 October 2015 that she had received a telephone call from Mr Walker of Torbay Council. He had attended the premises and served some "28 day notices" on Mr LAWRENCE. The DPS indicated that she was not happy with the situation, but she was advised that she had had plenty of time to resolve the issues and now had another 28 days in which to do so. These notices are believed to be enforcement notices in relation to the electrical safety issues.

Mr Walker advised Mrs Smart that he had informed one of the Premises Licence Holders about the service of the notices and this person had stated that he had concerns about the way the premises were being run. Mrs Smart told Mr Walker that she had had discussions with the Premises Licence Holders who told her that the existing licence was to be transferred to Mr LAWRENCE and the Premises Licence Holders would apply for an identical licence to protect their interest in the property. See item 11 attached.

On 13 October 2015 Mrs Guy wrote to the DPS concerning her visit to the premises on Saturday 19 September 2015. See item 12 attached.

On 23 November 2015 the Premises Licence was transferred to Mr Jamie LAWRENCE. Although Mrs Smart and Sgt Norsworthy had concerns regarding the management of the premises, as highlighted above, they did not object to this application as it would make Mr LAWRENCE legally responsible for the premises and relieve this burden from the Premises Licence Holders who lease the premises to Mr LAWRENCE but did not have an active role in the day to day management of Shark Bar. As already indicated above, Mrs Smart had been advised that the Premises Licence Holders would apply for a duplicate licence to protect their interests in the future, and this matter is again referred to on the workload item in relation to this Transfer application.

On 30 March 2016 the police received an application to Vary the DPS to Mr LAWRENCE. Mrs Smart discussed her concerns regarding this application with Sgt Norsworthy. As there had been no concerns at the premises for 4 months it appeared that all the previous concerns had been taken on board and, as they had little confidence in the existing DPS, they decided not to object to this application which would make Mr LAWRENCE solely responsible for the management of the

premises. See item 13 attached.

On 6 April 2016 the name of this premises was changed from Shark Bar to The Terrace Bar

On 11 April 2016 Mrs Smart was advised that Torbay Council had received a complaint concerning noise and persons stood outside the premises drinking. At 1700 hrs that day Mrs Smart and Mrs Guy attended the premises and on approaching they could clearly hear loud music, which was established to be coming from Shark Bar. Additionally they noticed 6 males stood up smoking and drinking outside the premises, one of whom had a glass bottle in his hand. The windows and doors of the premises were wide open. On entering the premises Mr LAWRENCE was present and they discussed their concerns with him. Mrs Smart's notes re this visit have been deleted due to a computer problem. See item 14 and 14a attached.

On 13 April 2016 a letter was sent to Mr LAWRENCE concerning this visit, in which it highlighted offences under Sections 57 (failure to produce Premises Licence) and 136 (breach of conditions) of the Licensing Act 2003. The letter further highlighted 7 concerns in relation to the use of the Pavement Café Permit area. See item 14b attached.

During this visit Mrs Smart and Mrs Guy were advised that the premises had a noise limiter and Mrs Guy recommended that Mr LAWRENCE contact Mr Martin (Torbay Council Public Protection Officer) to ensure that this was set at an appropriate level.

On 14 April 2016 Mrs Smart emailed Mrs Guy advising her that she had looked a variation application submitted on 17 June 2015 (to alter the layout of the premises following the relocation of the bar identified during the Young Farmers Weekend) and noted that the outside area was not included on the plan. Mrs Smart was therefore of the opinion that the premises were not licensed to sell alcohol for consumption in the outside area. See item 14c attached.

On 4 August 2016 Mrs Smart received information that a 16 year old female had been drinking in the premises on 31 July 2016. See item 15 attached.

At 2220 hrs on 6 August 2016 Mrs Smart, Mrs Guy and Mr O'Shea were on duty and walking up Fleet Street when they heard loud music being played. This was established to be coming from The Terrace Bar. They attended the premises and discussed the noise with a member of staff. During discussions it became apparent that despite this member of staff initially stating that there was a noise limiter installed and set at 100db, there was no noise limiter installed and this member of staff eventually admitted it was locked in the safe. Unfortunately Mrs Smart's notes regarding this visit have been deleted due to a computer issue, but details can be found with a letter sent to Mr LAWRENCE on 6 October 2016. See item 18 attached.

On 24 August 2016 Mrs Smart received information from a reliable source that on the evening of Monday 22 August 2016, between 2000 and 2230 hrs, a group of 16 year olds were served alcohol whilst on the premises. See item 16 attached.

On 17 September 2016 PC Dillon submitted a Form L10 indicating that at 0115 hrs on the morning of 17 September 2016 he was stood on Fleet Street outside of Shoezone, with a Special Constable, when they could clearly hear loud music coming from The Terrace, Torquay. They walked onto The Terrace to see if there were any issues, believing the music to be coming from Shark Bar (now The Terrace Bar). Whilst stood on the corner of the road outside Banx Bar he noted that there were a few people stood outside the premise who didn't appear to be causing any issues. PC Dillon was then called by a member of the public as a fight was occurring outside a nearby takeaway, so he did not enter the premises to speak to the DPS. See item 17 attached.

On 28 September 2016 Mrs Smart and Mr Martin met with Mr LAWRENCE at the Terrace Bar where they discussed noise issues. The noise limiter was not installed or set in accordance with the condition on the licence and as Mr LAWRENCE indicated that he was going to make some minor alterations to the layout of the premise Mrs Smart told him that he had until 14 October 2016 to rectify the situation or she would consider applying for a Review of the licence. It was apparent at this time that the noise limiter had not been installed since Mr LAWRENCE took over the premises in April 2015.

On 6 October 2016 a letter was sent to Mr LAWRENCE outlining police concerns in relation to underage issues, a drunk male ejected from a neighbouring premises but allowed entry to The Terrace Bar, noise issues, duties and professionalism of door stewards, drunkenness, staff on duty whilst under the influence of alcohol and use of the Nitenet radio. In relation to the noise limiter the letter outlined that he should ensure the premises could comply with the noise limiter condition by Friday 14 October 2016. See item 18 attached.

On 2 December 2016 Mrs Smart, Mrs Guy, Mr Martin and Sgt Norsworthy attended The Terrace Bar. It was established that no noise limiter was installed as required by the condition on the licence and therefore Sgt Norsworthy issued the member of staff with a Section 19 Closure Notice. The member of staff was informed that Mr LAWRENCE had until 5 pm on Thursday 8 December 2016 to comply with the licence condition. See items 19 and 19a attached.

Between 8 December 2016 and March 2017 Mrs Smart, Mr Martin and Mr O'Shea had several discussions about the noise limiter at this premises. Mr O'Shea also discussed this matter with Mr LAWRENCE's solicitor who agreed to submit a variation application to strengthen the noise limiter condition on the licence. See item 19b attached.

On 30 March 2017 a variation application was received. This application was made to include the Pavement Café Permit area on the licence to allow consumption within that area, to change the internal layout of the premises and to include an additional condition that all live and recorded music will be played through the noise limiter. This application was subsequently granted.

On 5 April 2017 the Premises Licence was transferred to Terrace Restaurant Torquay Limited. Mrs Smart looked up this company on Companies House and the sole director of this company was Mr Jamie LAWRENCE.

On 12 April 2017 Mrs Smart and Sgt Norsworthy attended The Terrace Bar and, as the noise limiter had been installed and the condition on the Premises Licence had been varied according to Mr Martin's requirements, Sgt Norsworthy issued the member of staff present with a Section 19 Cancellation Notice. See item 19c attached.

Research of our crime system shows that in respect of The Terrace Bar only one crime was recorded in 2017, that being a burglary at the premises where the offender used a key to enter. It was later established that Mr LAWRENCE and his previous business partner had parted ways and his former partner had entered the building with friends and taken items that he believed he was entitled to. The police therefore advised Mr LAWRENCE that this was a civil dispute over the ownership of property.

I would take this opportunity to point out that during the whole of 2017 Mrs Smart was not informed of any concerns at the premises and therefore she did not visit The Terrace Bar after 12 April 2017.

On 22 April 2018 Mrs Smart received an email from Sgt Dingle in which he stated that the police had twice attended The Terrace Bar during the evening of 21 April 2018, at approximately 2300 hrs and 2330 hrs. The DPS Mr LAWRENCE was not at the premises, and the premises had been left in

the hands of another male. Also working was a female member of bar staff. Both members of staff were in drink. Whilst it was noted that there were no door staff on duty, (Sgt Dingle was aware that they were not required to have door stewards if they were closing at 0030 hrs), this was an issue as the police were called twice via the Nitenet radio by the bar staff in relation to violence at the premises, with both occasions involving several women, and it was evident that staff were either not able or willing to deal with these incidents without requesting police attendance. It was established that the main offender was a female who is the mother of the male member of staff's children. The keys to the premises were also lost or stolen at some point. See item 20 attached.

At approximately 4.55 pm on Tuesday 1 May 2018 Mrs Smart was walking along the top level of Fleet Walk where she could hear loud music. She established that this was coming from The Terrace Bar. On looking over at the premises she could see that several males and school children were stood outside and the doors and windows were wide open. Mrs Smart noticed that at least one of these males was drinking what appeared to be a pint of alcohol. This is a breach of a condition on the Premises Licence and the Pavement Café Permit. See item 21 attached.

On 4 May 2018 a letter was sent to Mr LAWRENCE concerning the incidents on 21 April 2018, and the noise and breach of condition Mrs Smart witnessed on 1 May 2018. Mrs Smart and Superintendent Lawler have not received any response to this letter from Mr LAWRENCE. See item 21a attached.

On 7 June 2018 Mrs Smart received a copy of a letter that Mrs Guy sent to Mr LAWRENCE concerning noise issues that she had witnessed whilst walking down to the harbour side on 25 May 2018. At this time Mrs Guy entered The Terrace Bar and identified that the music being played was not going through the noise limiter. In addition when a member of staff was requested to produce the Premises Licence she was not able to do so. Mrs Guy has informed Mrs Smart that she has not received any contact from Mr LAWRENCE as a result of her letter. See item 22 attached.

On Monday 11 June 2018 PCSO Rachael Greene spoke to Mrs Smart concerning 2 complaints the police had received in relation to The Terrace Bar on Saturday 9 June 2018. Both complaints related to noise but in addition one of the complaints related to customers of The Terrace Bar being stood in the road with their drinks, who became abusive when they were asked to move to allow a vehicle down the road. Logs 0534 and 0773 of 09/06/18 refer.

In addition, PCSO Greene told Mrs Smart that she had attended the premises over the weekend and was trying to talk to someone outside of Banx Bar but she had to shout at that person in order to make herself heard above the volume of noise coming from the Terrace Bar.

On 11 June 2018 Mrs Smart sent an email to Mr Martin regarding the noise complaints. See item 23 attached.

As a result of her discussions with PCSO Greene, Mrs Smart conducted some research in relation to this premises and identified the below crimes:

CR/22052/18

At approximately 2130 hrs on Tuesday 13 March 2018 a male was assaulted in the premises by a female who slapped him. However, when the police contacted the victim on 14 March 2018 to discuss his complaint he indicated that he no longer wished to pursue the matter.

CR/24126/18

Between 2321 and 2359 hrs on Tuesday 20 March 2018 an assault occurred within the premises whereby the victim stated that he was heavily under the influence of alcohol when he became over friendly towards another customer, and as a result the offender punched him twice in the



face. The victim subsequently decided not to pursue this matter.

CR/27832/18

Between 2300 hrs on Saturday 31 March 2018 and 0200 hrs on Sunday 1 April 2018, a female was assaulted by another female who caused cuts to her face and hand. On 9 April 2018 PC Leah Taylor spoke to a male who said he was the DPS of The Terrace Bar regarding CCTV footage for this incident. He said that he would download the footage ready for collection. On 22 May 2018, having returned to work following a period of annual leave, PC Taylor attempted to review the footage but an error message kept appearing, indicating that the file was either encrypted or absent. The landlord was spoken to and he advised officers that he was not aware of any requirement to enter a password to access the images and the original footage had been deleted from the CCTV system due to the time that had lapsed. Regrettably this means that there is no evidence to clarify what took place on this date. The crime has therefore been filed.

On 15 June 2018 Mrs Smart contacted Miss Milly Sunley, Licensing Support Officer of Torbay Council, and asked her to establish if Mr LAWRENCE or any representative from The Terrace Bar had attended at least 2 meetings of the Torbay Night Time Economy Forum (now renamed the Torbay Licensing Forum) per calendar year, as required by the condition contained on the Premises Licence. It was established that no representative had signed the attendance sheet for the meetings in April 2018 and November 2017. As these forums are only held twice per calendar year, it appears that this condition has not been complied with. See item 24 attached.

On Tuesday 19 June 2018 Mrs Smart received a complaint that the premises was open beyond midnight on the night of Monday 18 June into Tuesday 19 June 2018. The complainant indicated that no door steward was on duty, that there were underage persons in the premises and a fight had occurred which spilled out onto the street at about 0020 hrs.

At approximately 1115 hrs on Tuesday 19 June 2018 Mrs Smart and Sgt Norsworthy attended The Terrace Bar. Mrs Smart spoke to a male positioned behind the bar and informed him that she was the Police Licensing Officer. A male in a red T shirt sat to the left of Mrs Smart asked her if she would like to speak to the person in charge and she said "Yes". This male then disappeared and a few moments later he came back into the bar followed by another male. Mrs Smart had not met this male before so she asked him who he was and he stated that he was called Mr Graham Moore and he was the licensee of the premises. Mrs Smart advised him that Mr LAWRENCE is the DPS and the sole director of the company which holds the licence. Mr Moore then told Mrs Smart that he had transferred the licence to himself. Mrs Smart said that she had not received any such application so Mr LAWRENCE was still responsible for the premises. Mr Moore then stated that he had not submitted a transfer but he was intending on doing so. He also stated that he would be applying to be the DPS. However, on further questioning Mr Moore stated that Mr LAWRENCE was going to remain responsible for the premises but he would be managing it. He stated that he had been running the premises for about 2 weeks.

Mrs Smart then advised Mr Moore that she had received information concerning an incident at the premises and asked to see the Incident Book. Mr Moore stated that there was no incident book and Mrs Smart told him that she had seen one before at the premises (5 August 2015). Mr Moore said he did not know anything about an Incident Book. Mrs Smart then asked whether it would be possible to view the CCTV. Mr Moore indicated that he could work the CCTV system so offered to show her the footage. However, it immediately became apparent that Mr Moore could not operate the CCTV system and a male in a suit, who was the customer side of the bar, then went around the bar and tried to work the system to no avail. This male, who was not introduced to Mrs Smart or Sgt Norsworthy, then asked Sgt Norsworthy if he (Sgt Norsworthy) could operate the system. Sgt Norsworthy indicated that all CCTV systems are different but volunteered to have a go. Within a few seconds Sgt Norsworthy had worked out how to play the footage.

Mrs Smart and Sgt Norsworthy then viewed footage timed at 2355 hrs on Monday 18 June 2018 which clearly showed a young school aged boy, aged approximately 12/13 years old, within the premises. Mrs Smart asked Mr Moore why this child was within the premises at that time of night and Mr Moore replied that children are allowed in licensed premises providing they are with a parent, as in this case. Mrs Smart asked Mr Moore if he had read the Premises Licence and he replied "Yes". He also said that he had completed his Personal Licence Course the week previously and had been informed on that course that children can be in licensed premises as long as they were with a parent. The male in the red T shirt, sat on the customer side of the bar, then joined in the conversation and said he agreed with Mr Moore, and he thinks that children can be in a pub with a parent. Mrs Smart asked this male who he was and he replied that he was a customer. Mrs Smart then asked him not to interfere in the conversation. Mrs Smart then advised Mr Moore of a condition contained under Annexe 2 The Protection of Children from Harm which states "In the interests of protecting children from harm, children below the age of 18 shall be excluded from the premises after 9 pm". Mr Moore then admitted that he had not read the Premises Licence but he continued to repeatedly state that on the course he attended he had been told that children could be in licensed premises as long as they were with a parent. Mrs Smart asked Mr Moore if he felt it was acceptable for a school age child to be in a pub at close to midnight on a Monday night when the child has school the following day, but once again Mr Moore reiterated the information that he had been provided with. Sgt Norsworthy then told Mr Moore that an offence under Section 136 of the Licensing Act had been committed whilst Mr Moore was responsible for the premises and informed him of the penalties of such an offence. He further advised Mr Moore to read the Premises Licence. Sgt Norsworthy asked Mr Moore if he had run licensed premises in the past and Mr Moore indicated that he had run numerous licensed premises prior to 2001 but none since the Licensing Act 2003 came into force.

Due to the discussions that Sgt Norsworthy and Mrs Smart had within the premises, and the response they received from Mr Moore, they did not question Mr Moore any more in relation to the other aspects of the complaint and they did not watch the CCTV any further to establish if a fight had taken place. In respect of the concern that no door stewards had been on duty, the licence allows for the Premises Licence Holder to carry out a risk assessment to determine whether door stewards are required on a Monday night.

On leaving the premises Mrs Smart and Sgt Norsworthy discussed the situation they had encountered which can only be described as "shambolic". Both were very concerned that it appears that Mr LAWRENCE has left his licensed premises in the control of a male who has not received any training in relation to the contents of the Premises Licence or the use of the CCTV system and who clearly has very little understanding of the Licensing Act 2003, despite having recently undertaken a Personal Licence course.

As you will see from the above, the police had a large number of serious concerns regarding the management of this premises by Mr LAWRENCE between April 2015 and April 2017. However, there was then a period of exactly a year when there were no concerns in relation to this premises and no crimes took place. Unfortunately since March 2018 there have been:

- Several assaults at the premises
- Complaints of persons stood in the road drinking
- Noise concerns, both as the result of complaints made to the police by members of the public, but also witnessed by Mrs Smart and Mrs Guy
- Evidence of breaches of conditions

Please tick ✓ yes

Have you made an application for review relating to the

No

premises before

If yes please state the date of that application

Day Month Year

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

**Please tick ✓ yes**

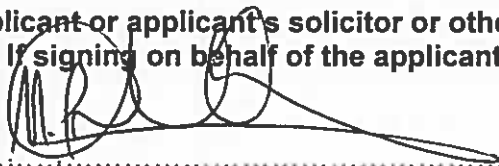
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

19/06/18

Capacity

Licensing Sgt Devon

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Julie Smart  
Police Licensing Officer  
Torquay Police Station  
South Street

Post town  
Torquay

Post Code  
TQ2 5AH

Telephone number (if any) 01803 218900

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) julie.smart@devonandcornwall.pnn.police.uk

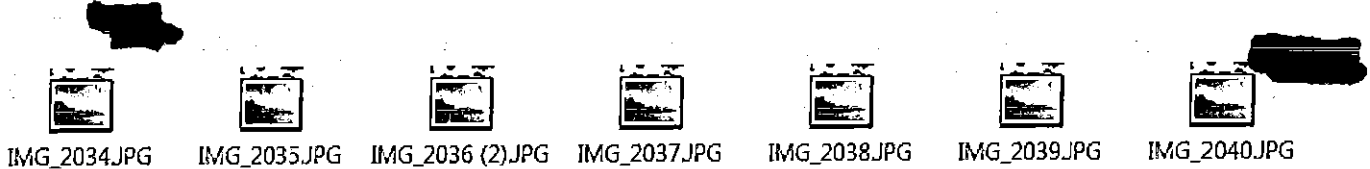
**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**SMART Julie 50403**

**From:** DESBOROUGH Carmen 16633  
**Sent:** 25 April 2015 19:01  
**To:** SMART Julie 50403  
**Cc:** JENKINSON Simon 16475; COSTIN Louise 14364; CULL Nicholas 16896; ROBERTS Kevin 16363; BRUGGE Howard 15450  
**Subject:** BREACH OF LICENCE - "SHARKS" aka "R&B's" .....

**Importance:** High



Hello Julie,

I apologise for this long winded email, but I think you will understand why once you start reading and view the photos!! Please bear with.....

On Friday 24<sup>th</sup> April, at approx 2300hrs, I was speaking with door staff at [redacted] when they refused entry to a male in drink. He became verbally aggressive and sent on his way.

I could not get onto air to advise 900 so I asked the door staff to use their nite-net radio to advise.

*CCTV Control Room*

Approx 5minutes later, 900 advised that this male was approaching old "R&B's" and further advised there were no door staff and he could not raise on nite-net.

A licensed premises check was conducted at the premises – now named "SHARKS"

**To say the list of breaches of licence and H&S issues were extensive is a little bit of an under-statement!!!  
It actually felt like this was a training exercise set up to see just how many you could get in!!**

Upon attendance, there were approximately 20 individual in the premises.

The intoxication of paint fumes was extremely evident (paint was still drying from being applied that same day)

PC CULL asked the manager present, [redacted] for a copy of their licence. It failed to materialise. A Personal Licence was produced in the name of JAMIE LAWRENCE, followed by Premises licence summary in name of "R&B's".

[redacted] informed that he they intended to close no later than 0030hrs.

Further examination of the premises included;

- No Nite-net
- CCTV was not turned on....*we were told it had been on, but the monitor had not been turned up – a customer advised they thought it had not connected until after we arrived*
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- There were light sockets hanging from the wall – clearly functioning and the bulb resting very close to the wall, causing heat that it was unbearable to touch.
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Mandy and Shaun identified further breaches of their licence, including I believe, no hot water, the re-construction of the bar in the centre of the premises rather than along the side...

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SHAUN was able to confirm there and then that no email had been received.

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When we left, we were assured [redacted] ises would not open again that weekend.

I arranged with SHAUN, that he was going to (on his day off) contact the DPS showing for the premises to advise, and if required I would request FSO to attend again SAT to have the premises closed down from the safety aspect.

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**THE PREMISES HAS NOT OPENED YET...LATES/NIGHTS AND INSP JENKINSON WILL BE ADVISED OF UPDATE AND IF ANYTHING FURTHER HAPPENS YOU WILL BE FURTHER UPDATED.**

There are a few more photographs that I will forward in another email.....PC CULL will submit L10. If you require anything in STMT please let us know. [redacted]

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This really didn't feel right, I couldn't think of anything else we could do – if there is any legislation that we could have used in these circumstances, could you please advise, it would be very appreciative.

Kind regards

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Carmen

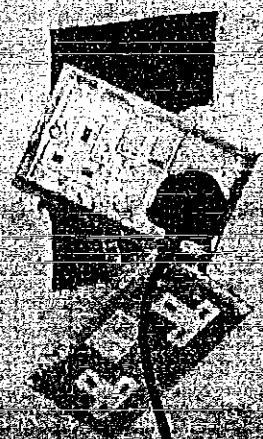
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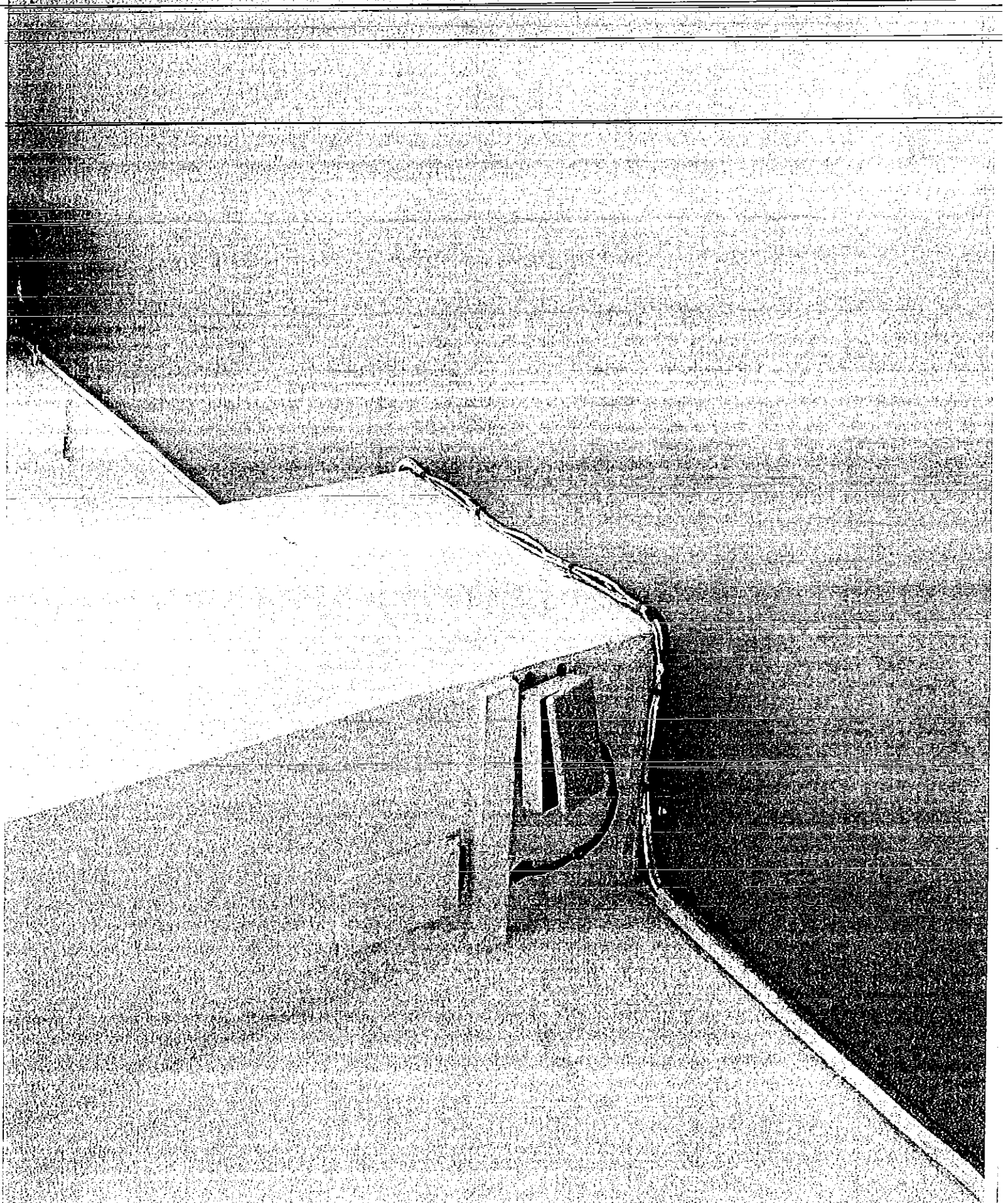
Sergeant 6633 Carmen Desborough  
South Devon LPA (Torbay Patrol Crime Sergeant)  
Torquay Police Station  
Tel: [REDACTED] (int) [REDACTED] (ext)  
Mobile: [REDACTED]  
Mobex: [REDACTED]

[REDACTED]

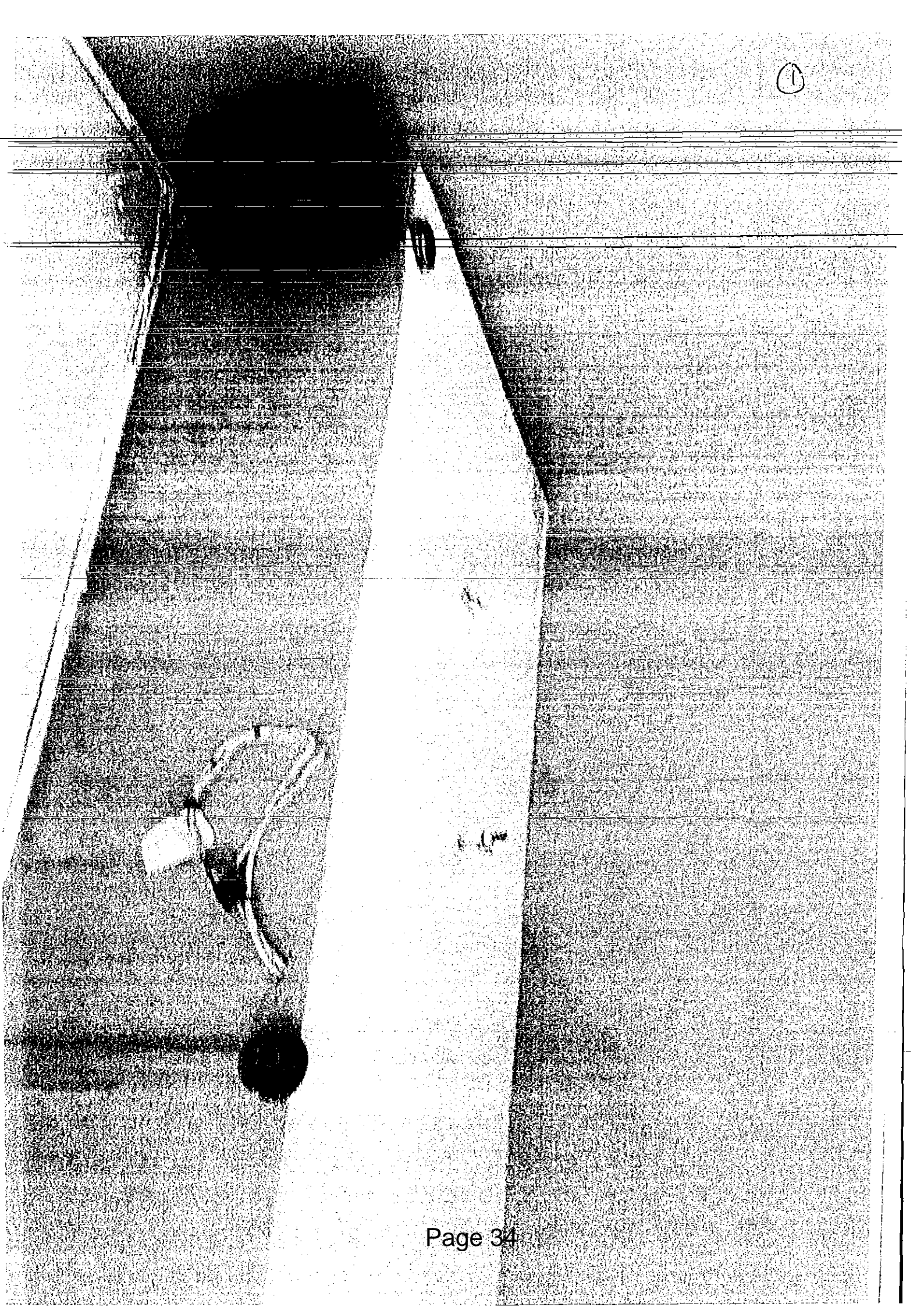




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**SMART Julie 50403**

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**From:** DESBOROUGH-Carmen 16633  
**Sent:** 25 April 2015 19:04  
**To:** SMART Julie 50403  
**Cc:** COSTIN Louise 14364; JENKINSON Simon 16475; CULL Nicholas 16896  
**Subject:** R&B??

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IMG\_2042.JPG



IMG\_2044.JPG



IMG\_2045.JPG



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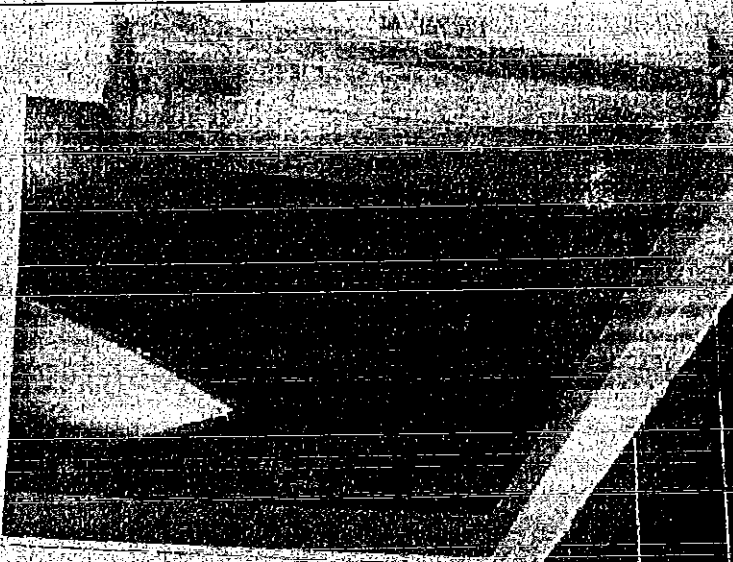
Sergeant 6633 Carmen Desborough  
South Devon LPA (Torbay Patrol Crime Sergeant)  
Torquay Police Station  
Tel: [REDACTED] (int) [REDACTED] (ext)  
Mobile: [REDACTED]  
Mobex: [REDACTED]

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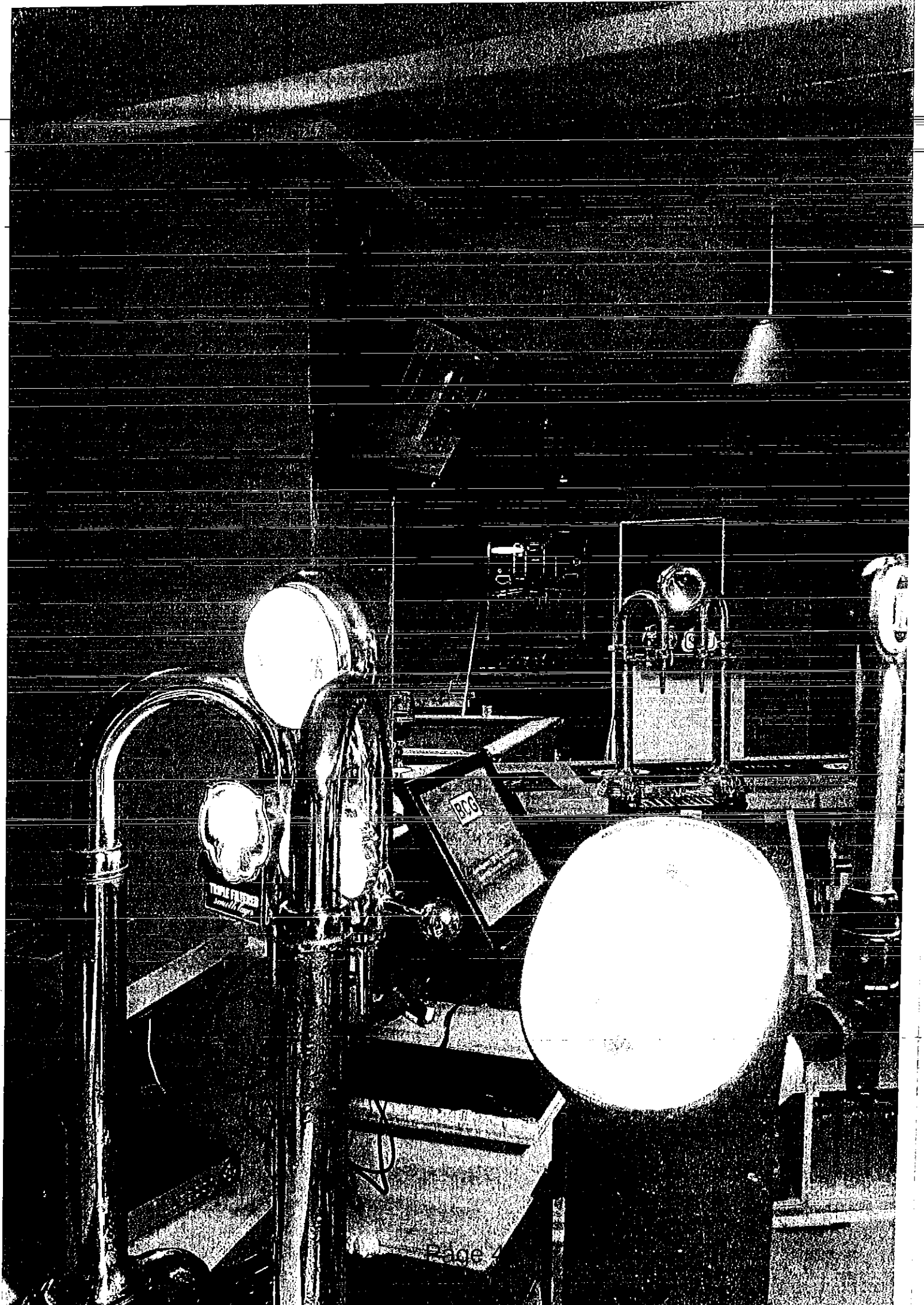


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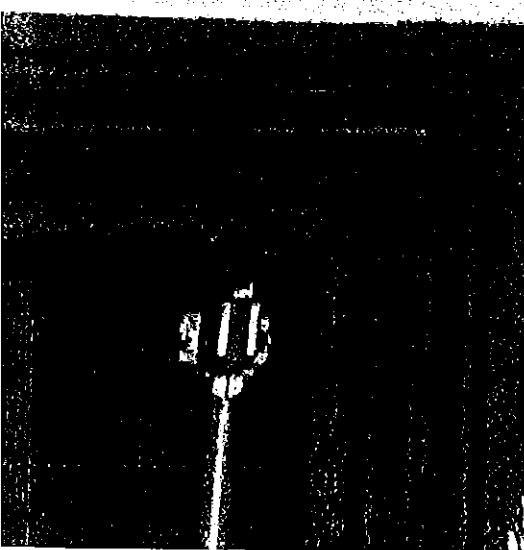


TRIPLE FILTERS  
smooth top

BOB

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Small rectangular label with illegible text, possibly a date or reference number.



1a

**SMART Julie 50403**

**From:** SMART Julie 50403  
**Sent:** 28 April 2015 14:24  
**To:** DESBOROUGH Carmen 16633  
**Cc:** NORSWORTHY Michael 13671; COSTIN Louise 14364  
**Subject:** FW: BREACH OF LICENCE - "SHARKS" aka "R&B's".....

Carmen

[REDACTED]

I visited R&B's yesterday afternoon with Mandy Guy and we met with the Premises Licence Holders, [REDACTED] and Mr Lawrence and made it perfectly clear to them that they are not to open the premises until all the concerns identified on Friday had been resolved to a satisfactory level. We also gave them advice on applying for a variation of the licence, to reflect the change of layout, and that we will seek legal advice as to whether they can open in the interim period or will have to wait until the licence is granted at the end of the 28 day consultation period (I will keep you updated re this).

It is now Mr Lawrence's intention to apply to be the Designated Premises Supervisor at the premises, however I have told [REDACTED], and [REDACTED] (solicitor who has been requested to act on their behalf) that if he applies I will object to this and use all the evidence from Friday night to demonstrate that he is not suitable to run a late night premises on Torquay harbourside due to his attitude and lack of responsibility.

I'd therefore be very grateful if you could put all the below matters into a detailed statement, and if you could put plenty of detail in re Mr Lawrence's level of drunkenness, attitude and lack of responsibility this would be really good evidence to hopefully convince the licensing committee that he shouldn't be responsible for the premises.

Regards

Julie

**From:** DESBOROUGH Carmen 16633  
**Sent:** 25 April 2015 19:01  
**To:** SMART Julie 50403  
**Cc:** JENKINSON Simon 16475; COSTIN Louise 14364; CULL Nicholas 16896; ROBERTS Kevin 16363; BRUGGE Howard 15450  
**Subject:** BREACH OF LICENCE - "SHARKS" aka "R&B's".....  
**Importance:** High

[REDACTED]

[REDACTED]



IMG\_2034.JPG



IMG\_2035.JPG



IMG\_2036 (2).JPG



IMG\_2037.JPG



IMG\_2038.JPG



IMG\_2039.JPG



IMG\_2040.JPG

Hello Julie,

[REDACTED]

I apologise for this long winded email, but I think you will understand why once you start reading and view the photos!! Please bear with.....

On Friday 24<sup>th</sup> April, at approx 2300hrs, I was speaking with door staff at [REDACTED], when they refused entry to a male in drink. He became verbally aggressive and sent on his way.

I could not get onto air to advise 900 so I asked the door staff to use their nite-net radio to advise.

Approx 5minutes later, 900 advised that this male was approaching old "R&B's" and further advised there were no door staff and he could not raise on nite-net.

A licensed premises check was conducted at the premises – now named "SHARKS"

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**To say the list of breaches of licence and H&S issues were extensive is a little bit of an under-statement!!!**

It actually felt like this was a training exercise set up to see just how many you could get in!!

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Upon attendance, there were approximately 20 individual in the premises.

~~The intoxication of paint fumes was extremely evident (paint was still drying from being applied that same day)~~

PC CULL asked the manager present, [REDACTED] for a copy of their licence. It failed to materialise. A Personal Licence was produced in the name of JAMIE LAWRENCE, followed by Premises licence summary in name of "R&B's". [REDACTED] informed that he they intended to close no later than 0030hrs.

Further examination of the premises included;

- No Nite-net
- CCTV was not turned on....*we were told it had been on, but the monitor had not been turned up – a customer advised they thought it had not connected until after we arrived*
- Behind the fire exit door and on the stairs leading up to the external exit, there was debris and wires causing an obstruction and should this exit have had to been used in an emergency, [REDACTED] would not have [REDACTED] function and would have been very hazardous and inhibiting
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I informed the INSP BRUGGE who came to the scene and PC CULL contacted the Fire Safety officer. Unfortunately the FSO was in Exmouth on another job and could not attend there and then.

Whilst we were present, licencing officers Mandy Guy and Shaun RACKLEY arrived having been tipped off about the concern of the condition of the premises.

Mandy and Shaun identified further breaches of their licence, including I believe, no hot water, the re-construction of the bar in the centre of the premises rather than along the side...

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Whilst conducting enquiries, JAMIE LAWRENCE arrived who was clearly in drink. He and another male [REDACTED], who claimed to be one of the managers of the company (also in drink) attempted to explain that everything was in order, they had made the appropriate applications to the council and had sent an email the previous day about the conditions/licence.

SHAUN was able to confirm there and then that no email had been received.

The men were left in no uncertain terms of their breaches of licence and the seriousness of the H&S concerns. Initially, [REDACTED] stated he would have the issues rectified SAT MORNING so that they could open SAT EVENING. He was very strongly advised that even with safety addressed, there would be further breaches and the future of their licence seriously jeopardised.

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I arranged with SHAUN, that he was going to (on his day off) contact the DPS showing for the premises to advise, and if required I would request FSO to attend again SAT to have the premises closed down from the safety aspect.



1a

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~~There are a few more photographs that I will forward in another email.....PC CULL will submit L10. If you require anything in STMT please let us know.~~

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This really didn't feel right, I couldn't think of anything else we could do – if there is any legislation that we could have used in these circumstances, could you please advise, it would be very appreciative.

Kind regards

Carmen

[REDACTED]

Sergeant 6633 Carmen Desborough  
South Devon LPA (Torbay Patrol Crime Sergeant)  
Torquay Police Station  
Tel: [REDACTED] (int) [REDACTED] (ext)  
Mobile: [REDACTED]  
Mobex: [REDACTED]

15



Please reply to: Ms Mandy Guy

Community Safety  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR



My ref: R:214890/AJG  
Your ref:  
Telephone: 01803 208025  
Website:  
Date: 14 May 2015



Dear Sirs,

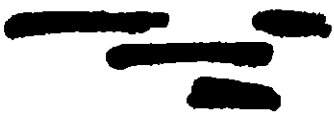
Licensing Act 2003

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB



I write with reference to the applications received by this department for a 'Variation to a Designated Premises Supervisor' to specify Jamie Lawrence as the Designated Premises Supervisor and an application to 'Vary a Premises Licence' in respect of R & B's. As discussed with you at a meeting with Jamie Lawrence and Julie Smart from Police Licensing, both these applications are invalid as copies were not served on the Police as required by the Licensing Act 2003.

As such the applications are now being returned to you. We did discuss about keeping the fee for when the application was correctly submitted. However since the application is now being completed by [redacted] I am arranging for the money to be refunded, I can confirm £239 will be refunded to the cardholder who made the payment whom was Mr Jamie Lawrence. This will be arranged directly by our finance department and may take a couple of weeks to be processed.



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

Yours faithfully

Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

cc Jamie Lawrence, 18 Market Street, Torquay TQ1 3AQ  
cc Julie Smart, Police Licensing (by email)

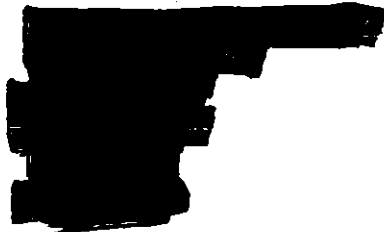
Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • environmental protection and licensing • leisure, museums, libraries and arts

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

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Devon & Cornwall Police  
Building safer communities together



Licensing Department East  
Devon and Cornwall Constabulary  
Force Headquarters



Telephone: 01803 218900

18 May 2015

Dear Sir

Rhythm and Blues, 12-14 The Terrace, Torquay, [REDACTED]

I write to you in your capacity as Premises Licence Holders of the above named premise, which has the benefit of a Premises Licence Number PL0433 issued by Torbay Council.

It has been brought to my attention that at approximately 2300 hours on Friday 24 April 2015 Sergeant 6633 Desborough and PC 6896 Cull attended your premise in relation to concerns raised by CCTV operatives that that they could not get any response from your premise via the Nitenet radio, when they had attempted to contact you with regards to a male who had caused problems in another licensed premise who was seen approaching your premise.

A short time after my officers arrival at your premise, Mrs Mandy Guy (Senior Licensing Officer, Torbay Council) and Mr Shaun Rackley (Licensing Enforcement Officer, Torbay Council) also arrived at your premise having been made aware of possible public safety concerns at your premise by a member of the public.

I would point out that from Friday 24 April 2015 to Monday 27 April 2015 the Riviera International Conference Centre was hosting the National Federation of Young Farmers Annual Conference and it was anticipated that over 5,500 young farmers would be frequenting the town centre throughout this period. This event had been widely publicised by the media and a letter was sent to licensed premises around the harbourside (including R&B's) by my Licensing Officer, Mrs Julie Smart.

julie.smart@devonandcornwall.pnn.police.uk



lc

On the arrival of my officers it was established that there were about 20 customers within the premise, who were consuming what appeared to be alcohol. Music was being played. The officers also noted that the premise had a "Sharks". A male identified himself as the manager and gave his name, [REDACTED] and [REDACTED] was then requested by PC Cull to produce the licence but he could not do so. I would remind you that failure to produce the licence when required to do so by a constable is an offence under Section 136 of the Licensing Act 2003.

It was further established that there was no Nitenet radio in use at the premise and that the CCTV system was not in operation as it was not plugged in. I would remind you that your premises licence contains conditions regarding both these matters and that failure to comply the conditions of the premises licence constitutes an offence under Section 136 of the Licensing Act 2003.

During discussions with [REDACTED] he produced a Personal Licence in the name of Mr Jamie Lawrence and stated that the premises were to close at 0030 hrs the following morning. At some point during my officers' visit, Mr Lawrence attended the premise in the company of a male named [REDACTED] and it was noted by my officers that Mr Lawrence was heavily in drink.

On Mr Lawrence's attendance he was adamant that he was the Designated Premises Supervisor for the premise, having submitted the relevant application to Torbay Council. As part of his duties, Mr Rackley is responsible for the processing of such applications and he informed Mr Lawrence that to his knowledge no such application had been received. However, it was established on Monday 27 April 2015 by Mr Rackley that an application had been served on Torbay Council some days earlier, however the form had not been correctly completed and a copy had not been served on the police as is required by the Licensing Act, and therefore the application was deemed invalid.

On Saturday 25 April 2015, enquiries were made with the outgoing DPS, [REDACTED] who stated that she believed that she had been replaced as DPS in February 2015 and that she had not given authority to Mr Lawrence to sell alcohol on her behalf. As such it is the opinion of the police that on Friday 24 April 2015 technically there was no DPS in respect of the premise and therefore no authority for the premise to sell alcohol, which again constitutes an offence under Section 136 of the Licensing Act 2003.

On attending the premise, Mrs Guy noted that the bar had been relocated within the premise, having been moved from a position against the right hand wall, as you look into the premise from the street, to a central position and that the disabled toilet had also been removed. A discussion took place concerning the fact that no variation

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application had been received by Torbay Council and it was later clarified on Monday 27 April 2015 that despite an application having been submitted, the form had not been correctly completed or served on the police and therefore it too was deemed invalid. I would advise you that a person commits an offence if he carries on or attempts to carry on a licensable activity on or from the premise otherwise than under and in accordance with an authorisation (ie premises licence), and in circumstances where the premise does not resemble the plan attached to the licence, this again constitutes an offence under Section 136 of the Licensing Act 2003.

Mrs Guy discussed the Young Farmers Event with Mr Lawrence and asked him why there were no door stewards on duty at the time of her visit. Mr Lawrence stated that the licence does not require door stewards to be employed at the premise unless the premise sell alcohol after midnight and that he was not intending to do so. Mr Lawrence further stated that he was not intending to allow any young farmers into the premise, however when Mrs Guy asked what he would do if some young farmers wanted to enter, he stated that he would welcome them in. Mrs Guy then pointed out that a meeting had been held with all Premises Licence Holders and DPS' of harbourside licensed premises at which all were strongly advised by the police to employ door stewards throughout the day time and evening periods whilst the young farmers were visiting due to the large numbers that would be attending and the fact that in previous years when they have attended Torquay, they have displayed somewhat boisterous behaviour and there would be an increased likelihood of crime, disorder, anti-social behaviour and public nuisance.

In addition, Mrs Smart informs me that during discussions with you, you indicated that you had advised Mr Lawrence to ensure he employed door stewards for the Young Farmers weekend if he was intending on opening throughout this period, but he had not done so. Whilst Mr Lawrence is in fact correct in stating that door stewards were not required according to the terms of the premises licence, I am very concerned that Mr Lawrence did not appear to have given serious consideration to the impact that the young farmers could have had on the premise and that he did not heed your advice. However, I accept that on the attendance of my officers there were only 20 customers present who did not appear to be causing any concern.

An inspection of the premise was carried out by my officers, Mrs Guy and Mr Rackley and they expressed serious concerns in relation to the overall condition of the premises, as follows:

- 1) Very strong smell of paint fumes, with paint on the walls still wet and rollers/trays in a cupboard situated within the public area of the bar which was accessible to members of the public. The fire exit door and stairs leading up to a rear external fire exit were blocked by debris and wires causing an obstruction. Should this exit have had to be used in an emergency situation, my officers formed the opinion that it would not have served its function and would have been very

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hazardous. Exposed electrical wires were coming out of several walls and ceilings. Mr Lawrence volunteered to touch these wires to demonstrate that they were not live, but he was requested not to do so. Several electrical sockets were also hanging from the walls. My officers were told that these sockets were not live, yet it was noted that the gambling machine was plugged in and working. Light sockets were hanging from the wall, one of which had a bulb switched on which was resting on the wall. This bulb was within easy reaching distance and my officers indicate that the heat from the bulb was unbearable to touch. Two floor tiles were missing from the main public area and a floor board was not properly attached. The men's toilet was in a very poor state, with uneven flooring, a large trip hazard and a hole in the wall. No hot water behind bar for washing of hands. The bar was in the progress of being constructed. Various parts of the bar were of bare wood construction and Mrs Guy (who is a trained Food Hygiene Inspector) indicated they are not suitable for washing down as required by Food Hygiene Regulations. Tables and benches within the premises were of bare wood construction. These again were not capable of being thoroughly cleaned and had rough surfaces likely to cause splinters, catches on clothing etc.

Due to the level of concerns my officers had in respect of the above, they requested the attendance of Inspector Brugge at the premise and contact was subsequently made with the Fire Safety Officer, however he was already committed in Exmouth on another matter and could not attend.

Following lengthy discussions between all parties, Mr Lawrence was advised to close the premise until such time as all the health and safety concerns had been rectified and applications in respect of nominating a Designated Premises Supervisor and a variation to show the alterations to the internal layout of the premise had been submitted in accordance with the Licensing Act 2003.

As a result of my officers' visit to your premise, a detailed report, together with a number of photographs, was submitted to the Licensing Department and this will be kept on file for future reference. Within Sgt Desborough's report she indicates that she found Mr Lawrence to be very arrogant, rude and flippant about the situation and he appeared unwilling to co-operate with my officers but she does indicate that [REDACTED] displayed a more appropriate attitude and was willing to follow the advice given.

Mrs Smart has advised me that she met with you, Mr Lawrence and Mrs Guy at the premise during the afternoon of Monday 28 April 2015 when all the above matters were discussed and the offences outlined above were pointed out to you.

Mrs Smart has also informed me that she has discussed the role of Premises Licence Holder with you. Whilst I appreciate that you own the premises and lease it to tenants, but do not have an active role in the day to day management of the premises, I must point out that as Premises Licence Holder you are legally responsible for this premise

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and therefore it is in your interest to ensure that you nominate a Designated Premises Supervisor who has experience in the licensed trade, particularly as this premise has a late licence and is situated only a short distance from the harbourside area, and within the Torbay Council Cumulative Impact Area. Should you not wish to be actively involved in the management of the premises, you may of course Transfer the licence to a nominated person(s) or company, however this in itself does involve a risk that the licence may be surrendered or revoked leaving you with a premises that has no licence, or alternatively your tenants could apply for the grant of a new licence to run alongside your existing premises licence. Mrs Smart informs me that she has discussed these options with you and I would be grateful if you could give this matter further consideration.

At the current time I have been advised by Mrs Smart that Torbay Council have indicated that the premises can not open until a new DPS has been nominated and a suitable application (either a variation or new licence) showing the change of layout to the premises has been granted. Alternatively the bar could be moved back to the position as shown on the existing licence and then a variation or application for the grant of a new premises licence would not be necessary.

I must advise you that I am extremely disappointed by the number of concerns raised by my officers in relation to your premise, particularly as it appears that at least 5 offences under the Licensing Act 2003 have been identified. However, on this occasion, it has been decided that no further action will be taken against you in respect of this matter, but I must advise you that my officers will closely monitor your premise 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.


As premises licence holders 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.

A copy of this letter has been forwarded to Mr Jamie Lawrence, C/O Shark Bar and Grill Ltd, The Old Skools Cafe Bar, 18-20 Market Street, Torquay, TQ1 3AQ, for his information and that of [REDACTED], who I believe is a director of this company.

Should you wish to discuss any of the matters contained in this letter further, please do not hesitate to contact Mrs Smart.

Yours faithfully

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Superintendent G Mayhew  
LPA Commander





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Devon & Cornwall Police  
Building safer communities together

Mr J Lawrence  
C/O Shark Bar and Grill Ltd  
The Old Skools Cafe Bar  
18-20 Market Street  
TORQUAY  
TQ1 3AQ

Licensing Department  
Devon and Cornwall Constabulary  
Force Headquarters  
[Redacted]  
Telephone: 01803 218900

18 May 2015

Dear Sir

Rhythm and Blues, 12-14 The Terrace, Torquay, TQ1 1BN

Please find attached a letter that has been sent to [Redacted] Premises Licence Holders of the above named premise, as a result of the recent attendance of the police at the premise on Friday 24 April 2015.

As you have indicated that your company will be operating from this premise in the future, I trust that you will give the content of the letter your full consideration.

Should you wish to discuss this matter any further, please do not hesitate to contact my Police Licensing Officer, Mrs Julie Smart.

Yours faithfully

Superintendent G Mayhew  
LPA Commander

julie.smart@devonandcornwall.pnn.police.uk



Please reply to: Ms Mandy Guy

Community Safety

c/o Town Hall  
Castle Circus  
TORQUAY

Devon  
TQ1 3DR

My ref: R:214890/AJG

Your ref:

Telephone: 01803 208025

Website:

Date: 20 May 2015

Dear Sirs,

Licensing Act 2003  
Health and Safety at Work Act 1974  
Food Safety and Hygiene (England) Regulations 2013

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB

I am writing to you with regard to the visit done by myself and Shaun Rackley, Licensing Enforcement Officer, to R & B's at 23.20 on Friday 24<sup>th</sup> April 2015. We visited the premises as we received information from a member of the public that they felt the premises was unsafe and should not be open. When we arrived at the premises there were already Police Officers, Sergeant 6633 Desborough and PC 6896 Cull, in attendance that also had concerns about public safety at the premises.

During this visit we spoke to Jamie Lawrence who claimed he was the new Designated Premises Supervisor, [REDACTED] a shareholder in Shark Bar and [REDACTED] the Bar Manger. There were customers in the premises during our visit and the bar was open to customers to purchase drinks including alcoholic drinks.

On Monday 27<sup>th</sup> April 2015 at 14.10 myself and Julie Smart, Police Licensing Officer, met with yourselves and Jamie Lawrence to discuss the breaches of legislation that had been noted. These were as follows:

Licensing

1. There were no door stewards at the premises as required by your premises licence when the premises remains open for the sale of alcohol after midnight on any Thursday, Friday or Saturday night. Jamie Lawrence informed me they were planning to stop selling alcohol at midnight and close by 12.30 so they didn't need door staff. However I highlighted to Mr Lawrence that there were over 5000 Young Farmers in town and as such there was an expectation that premises in Torquay Town Centre would be providing door staff. Mr Lawrence contradicted himself by telling me he was only allowing locals in and then that he would welcome in any Young Farmers that did turn up. I understand that you had spoken to

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Mr Lawrence previously about door staff and had expected them to be employed at the premises over the Young Farmers weekend

2. The premises did not have a Nitenet Radio and the CCTV was not working. We were told there had been a power issue with the CCTV but a Police Officer noted it was not plugged in. Both of these issues are breaches of your premises licence. Failure to comply with conditions on your premises licence constitutes an offence under Section 136 of the Licensing Act.
3. It was quite evident when we entered the premises that it was undergoing refurbishment and that it had been opened with the refurbishment only partly completed. This was evident not only from the smell of fresh paint and the paint with the roller that we found in the cupboard next to the men's toilets, but also from the number of half finished jobs. One of these was the new bar in the center of the premises. This bar was much larger than the previous bar which was at the side of the premises. The location of the bar and the removal of the disabled toilet were discussed with Mr Lawrence. He said he had submitted an application for the bar to be moved and also an application for him to be put on as the Designated Premises Supervisor. We informed Mr Lawrence that we had not received these applications. I can confirm when we returned to the office the applications had been received but were not able to be accepted as they were wrong. Further enquires revealed that Miss Iwona Mankowska who was named as the Designated Premises Supervisor had thought she had been removed from the licence and was unaware of the premises being open. Therefore you were selling alcohol without the authorization of a Designated Premises Supervisor which is an offence.
4. There was a further offence under section 136 of the Licensing Act 2003 as the layout of the premises had been substantially changed without the licence being amended by the correct process of correctly submitting an application to vary the licence to reflect the changes.
5. There are a number of other conditions on the premises licence that were being breached during the inspection. However due to the concerns we had with regard to public safety only the main licensing issues were addressed on the evening. This was also in part due to the difficulty we were having communicating with Mr Lawrence as in my opinion he was heavily in drink. He did confirm he had been called to the premises from a celebration he was at in the Old Skools Bar. He also got himself a half pint of what appeared to be an alcoholic drink from the bar when we were talking to him.

#### Health and Safety

6. There were a number of electrical issues with the fixed wiring throughout the premises. Mr Lawrence offered to touch the wiring to prove it was not live however he was advised not to do this. One of the electrical sockets that was hanging off the wall had a working gaming machine plugged into it so was obviously live.  
  
You must undertake an Electrical Installation Condition Report (EICR) in accordance with the Electricity at Work Regulations 1989. Any remedial items in this report must be remedied and a 'satisfactory' EICR report submitted to this department within 6 weeks.
7. There was no sign of any gas safety paperwork on site during my visit. The gas boiler in the cupboard off the ladies toilet appeared to be in a poorly maintained condition. You must ensure the gas system on site is inspected by a suitably qualified 'Gas Safe' engineer and a copy of their report forwarded to this department within 6 weeks.
8. There were chemicals stored in a haphazard manor throughout the premises including in the cupboard there the boiler is located. Chemicals must be stored in accordance with the

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manufacturers' recommendation and away from potential sources of ignition.

- 9. ~~The flooring throughout parts of the premises, including the bar and around the men's toilet were found to uneven and constituted a tripping hazards. Floors must be of a sound construction and free from defect so as to prevent the risk of patrons injuring themselves.~~
- 10. ~~Egress via the upstairs fire exit was restricted and there were a number of wires and miscellaneous items behind the door and on the stairs. This matter has been referred to the Devon and Somerset Fire Rescue Service.~~

Food Hygiene

- 11. There was no water supply to the hot water tap at the wash hand basin behind the bar. A supply of hot and cold or suitably mixed water must be available for the hygienic washing of hands. This must be completed prior to the premises being opened.
- 12. The floor behind the bar had no floor covering and was unsealed. A washable and impervious floor covering must be provided.
- 13. The shelving behind the bar where the glasses were stored were bare wood causing the glasses to be dusty. The shelving must be suitably sealed to provide a washable and impervious service that is easy to clean.

As you will understand from the breaches of legislation above and the discussion we had with you on the 27<sup>th</sup> April we have had to decide what further action to take in relation to the premises. After careful consideration and discussion with our Legal advisor and the Police it has been decided on this occasion not to take any legal action against you. This is mainly due to the cooperation eventually given on the evening by [redacted] and [redacted] volunteering to close the premises and for your reassurance at the meeting on the 27<sup>th</sup> April that the issues would all be addressed. However should there be further breaches found in the future legal action will be considered and this letter will be used as evidence.

With regard to the opening of the premises we discussed a number of options. As the bar had been repositioned without authorisation by way of a correctly served and granted application we would need to receive either a variation to the premises licence or a new premises licence application. The new application was discussed as preferable to protect your interest in the business without the risk of losing the licence. Should you wish to leave the licence in your names you will need to ensure you have an involvement in the way the premises is run. The other option available to get the premises open again would be to put the bar back to it's original position as shown on the existing plan.

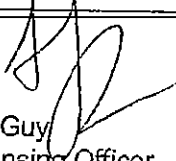
An application for a Designated Premises Supervisor to be put on the licence must also be submitted prior to the premises opening. I suggest you give careful consideration to who you wish to fill this position.

A copy of this letter has been sent to Mr Lawrence for information for him and

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Should you wish to discuss any of the items in this letter please contact me via the above telephone number and quote the reference number above.

Yours sincerely



Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

cc Police Licensing (by email)  
cc Mr J Lawrence, C/O Shark Bar and Grill Ltd, The Old Skools Café Bar, 18-20 Market Street,  
Torquay TQ1 3AQ

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type	Other
Prem Name	Shark Bar
Date Rec'd	20/07/2015
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Telephone call from [REDACTED] re after hours drinking/lock ins at Shark Bar
Comments	<p>20/08/15 - I have discussed the issue of after hours drinking with [REDACTED] and following receipt of further information concerning a member of staff, [REDACTED] drinking after hours in premises during the early hours of Sunday 16th and Monday 17th August 2015 he has been given firm words of advice and [REDACTED] has stated that his keys have been taken off him and he will no longer be responsible for locking up, he will only attend premises when working and not as a customer on days off, he will not drink on duty or whilst under the influence of any substances, and there will always be a Personal Licence Holder on duty.</p> <p>I have also discussed concerns regarding this premises with [REDACTED] and I am aware that they have met with Jamie and [REDACTED] and told them to 'pull their socks up'. In light of this, no further action to be taken at this time, but should further concerns/incidents come to my attention I will arrange a meeting with PLH and DPS at Torquay Police Station.</p>

DPS

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SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type Other

Prem Name Shark Bar

Date Rec'd 20/07/2015

Date Due

Event Start Date

Event End Date

Submitting Officer SMART Julie 50403

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Telephone call from [redacted] re after hours drinking/lock ins at Shark Bar

Comments  
 20/08/15 - I have discussed [redacted] after hours drinking with [redacted] and following receipt of further information concerning a member of staff, [redacted] drinking after hours in premises during the early hours of Sunday 16th and Monday 17th August 2015 he has been given firm words of advice and [redacted] has stated that his keys have been taken off him and he will no longer be responsible for locking up, he will only attend premises when working and not as a customer on days off, he will not drink on duty or whilst under the influence of any substances, and there will always be a Personal Licence Holder on duty.  
 I have also discussed concerns regarding this premises with [redacted] and I am aware that they have met with Jamie and [redacted] and told them to 'pull their socks up'. In light of this, no further action to be taken at this time, but should further concerns/incidents come to my attention I will arrange a meeting with PLH and DPS at Torquay Police Station.

DPS

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SharePoint

Newsfeed








OneDrive

Sites

SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type	Other
Prem Name	Shark Bar
Date Rec'd	03/08/2015
Date Due	
Event Start Date	31/07/2015 23:10
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	The Terrace
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Email received from Dave Richards re  03/08/15 assault at Shark Bar.
Comments	20/08/15 - I am aware that  have met with  and Jamie in relation to recent incidents and therefore  I am do not propose to take any further action at this time but will continue to monitor the premises. Should any further information/incidents come to my attention I shall call a meeting with  and  at Torquay Police Station. No further action at this time.
Visit tasked	NO
LA Time Taken	
LO Time Taken	180 
Item Briefed	
Representation/Objection No	
Hearing	No





## 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. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 31/07/15 Time: 2330
OIS Ref.: None	Crime No.: CR/053736/15
<b>Name of premises (where applicable):</b> SHARKS BAR (Formerly R&B's)	
Address: 12 - 14 The Terrace, Torquay	
<b>Brief summary / action taken:</b>	
Designated Premises Supervisor (DPS) on the premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): [REDACTED]	
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:	
<p>Police were called to the bar by nite-net radio (by a nearby premises) to reports of a fight. Upon my arrival there was one seemingly unconscious male outside on the pavement. I was asked to attend to a second unconscious male within the bar area. The second casualty was kneeling in a pool of his own blood. It transpired he was the DJ [REDACTED] [REDACTED] was initially very hostile and making threats to seek retribution. So much so he was arrested to prevent a breach of the peace (and subsequently de-arrested 25 minutes later after eventually calming down). One would have to question his suitability to be working in a licensed premises (please see his nominal record - 311768). Similarly there was a second staff member (I did not get his name due to dealing with [REDACTED] who appeared to be possibly under the influence of drugs / NPS. He was incredibly animated and whilst recounting the event to somebody else was stood behind the bar shouting and appearing to re-inact what had happened, throwing</p>	
Submitted by: Name:	Force No.:
Signed:	Date: Time:
<b>Officers present at inspection:</b>	
Continued: numerous punches into the air. DPS was present and stated that the incident started due to a female barmaid starting an argument with a customer. DPS seemed unable to control the situation and whilst helpful after the event again I would have to question her suitability to run the premises. Following the event DPS's father (and the owner) arrived on scene. He was asked to turn off the CCTV but was unable to do so (apparently he forgot his glasses) and nobody else could do so either. Also worth noting that no door staff on duty.	
Officers present: 16204 Gower, 14294 Quick, Insp Jenkinson (and others)	

# Licensed Premises Visit Checklist

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

### Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. Premises Licence (complete) produced to officers?  Yes  No  
(A constable can request to see full licence)

### Crime and Disorder:

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

### Public Safety:

- 1. CCTV on premises?  Yes  No  
 Incident captured?  Yes  No  
 Image quality?  Good  Poor  Other: not yet viewed as whole hard drive needed seizing  
 Working at time of visit?  Yes  No  
 Staff able to download?  Yes  No
- 2. Door staff on duty?  Yes  No If Yes, number:  
 SIA licensed?  Yes  No  
 Licence displayed?  Yes  No
- 3. Do the premises look overcrowded?  Yes  No
- 4. Method of checking the customer numbers:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

### Public Nuisance:

- 1. Any noise or nuisance outside of premises?  Yes  No
- 2. Any smokers standing outside of premises?  Yes  No
- 3. Any excessive litter / debris outside of premises?  Yes  No

### Protection of Children:

- 1. Any underage offences detected on the premises?  Yes  No
- 2. What proof of age policy is operated in the premises?
- 3. How is this publicised?
- 4. Do staff appear trained in proof of age?  Yes  No

### Any other information:



## 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. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 31/07/15 Time: 2231hrs
OIS Ref.:	Crime No.:
<b>Name of premises (where applicable):</b> SHARK BAR	
Address: 12 The Terrace, Torquay	
<b>Brief summary / action taken:</b>	
Designated Premises Supervisor (DPS) on the premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): Chloe FOX	
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:	
Licensing visit due to no SIA doorstaff being present. Premises was visited by A/Insp JENKINSON, [redacted] was present as DPS. [redacted] was able to produce the license and explained that they had been let down by doorstaff and intended to close at 2330hrs that evening. [redacted] was present, working as a bar manager, he appeared uncomfortable with my presence and wouldn't leave me with [redacted]	
Submitted by: Name: A/Insp Simon Jenkinson	Force No.: 16475
Signed: S Jenkinson	Date: 06/08/15 Time: 1012hrs
<b>Officers present at inspection:</b>	
A/Insp 6475 Jenkinson.	

# Licensed Premises Visit Checklist

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

### Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. Premises Licence (complete) produced to officers?  Yes  No  
(A constable can request to see full licence)

### Crime and Disorder:

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

### Public Safety:

- 1. CCTV on premises?  Yes  No  
Incident captured?  Yes  No  
Image quality?  Good  Poor  Other: Not Applicable
- Working at time of visit?  Yes  No  
Staff able to download?  Yes  No
- 2. Door staff on duty?  Yes  No If Yes, number: \_\_\_\_\_  
SIA licensed?  Yes  No  
Licence displayed?  Yes  No
- 3. Do the premises look overcrowded?  Yes  No
- 4. Method of checking the customer numbers: None
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Smoking inside premises?  Yes  No

### Public Nuisance:

- 1. Any noise 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? None
- 3. How is this publicised?
- 4. Do staff appear trained in proof of age?  Yes  No

### Any other information:

\_\_\_\_\_ appears unable to cope with the management of the Shark Bar. \_\_\_\_\_ appears to hold a position of bar manager but is overbearing towards \_\_\_\_\_ appears to be intimidated by him. I am of the opinion that if the visit had not taken place then the bar would have been kept open beyond midnight.

3c

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**From:** JENKINSON Simon 16475  
**Sent:** 06 August 2015 09:52  
**To:** SMART Julie 50403  
**Cc:** GOWER Robert 16204  
**Subject:** RE: R&B's CR/053736/15

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Julie,

The place was a disaster, I don't think [REDACTED] is able to manage the issues that arose. The L10's will be submitted today by myself and Rob GOWER, we were too busy to do it before we finished nights. Rob GOWER is OIC for the assaults but I have some real concerns about the premises myself.

Regards

Si.

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**From:** SMART Julie 50403  
**Sent:** 05 August 2015 16:22  
**To:** RICHARDS Dave 15378; JENKINSON Simon 16475  
**Subject:** FW: R&B's CR/053736/15

Dave/Simon

I attended Shark Bar (formerly R&B's) this afternoon to discuss a couple of concerns with the DPS, [REDACTED], and whilst there discussed the incident on Friday night with her. She showed me their incident book which details 2 incidents that occurred within the space of 10 mins. The first incident involved a male stood just inside the front door who allegedly tried to assault [REDACTED] (Barman), who in turn punched the male to the face. In the incident book [REDACTED] claims he did this in self defence. Incident continued outside and the male was restrained by a door steward from Banx Bar. Police then attended. I don't think this incident was crimed.

Whilst police were dealing with the matter outside, a male called [REDACTED] then entered Shark Bar and assaulted the DJ, [REDACTED]. [REDACTED] stated that as a result of the incidents, she decided to close the premises.

Whilst I was at the premises [REDACTED] and [REDACTED] showed me the CCTV, but they were having difficulties operating the system. They told me that they had obtained a new hard drive (that is easier to operate) and were going to put that in tonight, but as I was concerned that they wouldn't be able to burn the footage off, I got them to do this whilst I was there and they gave me the hard drive with the above footage on. I've put the hard drive on Lee Langley's desk in the Sgt's Office for your attention.

The timings on the CCTV are not accurate, and the footage you need is from 0012 hrs on Saturday 01/08/15. When you get the CCTV on disk please can you let me have a copy so I can view it again and keep for future reference.

3c

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If you have any information that may be useful from a licensing perspective please can you submit an L10.

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Thanks

Julie

**From:** EDGECOMBE Kim 50017 **On Behalf Of** Licensing East  
**Sent:** 04 August 2015 08:24  
**To:** SMART Julie 50403  
**Subject:** FW: R&B's CR/053736/15

Hi Julie

As discussed.

Kim

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**From:** RICHARDS Dave 15378  
**Sent:** 03 August 2015 15:08  
**To:** Licensing East  
**Subject:** FW: R&B's CR/053736/15

Can you shed any light on the issues at R&B's and whether as a result of the incident CCTV was seized for the night Fri 31<sup>st</sup> July when Bar shut down by Police  
Many Thanks  
Dave

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**From:** RICHARDS Dave 15378  
**Sent:** 03 August 2015 15:08  
**To:** JENKINSON Simon 16473  
**Subject:** R&B's CR/053736/15

HELPI

I have a crime on my workload for an assault ABH at R&B's on Fri evening  
I understand you have the honour of closing the place down on Fri evening  
Can you shed any light on the night and whether the assault was dealt with by anyone  
What are the chances of retrieving CCTV for the night? This may be key to investigating this crime  
Many Thanks  
Dave RICHARDS  
A Section Response TORQUAY

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SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type	Other
Prem Name	Shark Bar
Date Rec'd	10/08/2015
Date Due	
Event Start Date	07/08/2015 21:25
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Telephone call from Dave Walker re his visit to premises.
Comments	Despite premises having been given 4-8 weeks to rectify electrical safety issues, this was not done within the relevant time and Dave Walker therefore issued an enforcement notice. Dave advised me that he was going to visit last week to see whether the work had been completed. Email received from Pete Cosby on Friday 27/11/15 indicating that Dave Walker had rang and informed him that the safety certificate is now satisfactory. Copy email attached. No further action required.
Visit tasked	NO
LA Time Taken	
LO Time Taken	30
Item Briefed	
Representation/Objection	No
Hearing	No

4a

**SMART Julie 50403**

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**From:** SMART Julie 50403  
**Sent:** 10 August 2015 16:07  
**To:** '(GCSX) Walker, Dave'  
**Subject:** RE: Shark Bar

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Thanks Dave

**From:** (GCSX) Walker, Dave [mailto:Dave.Walker@torbay.gcsx.gov.uk]  
**Sent:** 10 August 2015 14:20  
**To:** SMART Julie 50403  
**Cc:** Guy, Mandy  
**Subject:** Shark Bar

Julie, here is the info from Friday night and Today.

I visited initially at 9.20-9.30pm. No DPS was on site. I spoke with [REDACTED] the manager who said the electrical certificate was at Old Skool. I said I would look at it after 11pm and come back later.

I revisited at 11.20-30. The front door was open allowing music to break out, there was only 1 door steward on (when challenged [REDACTED] said he had phoned to say he was coming in late) and the electrical certificate was not available.

I attended again today from 11.50-12.40 during which time the electrician arrived to give them a quote. Inspection is being done Thursday and I have said I want the report (satisfactory or not) in my inbox on Friday. The guy calling the shots was [REDACTED] who is allegedly a builder.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.



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**SMART Julie 50403**

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**From:** COSBY Peter 55186  
**Sent:** 27 November 2015 09:15  
**To:** SMART Julie 50403  
**Subject:** Sharks Bar

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Hi Julie,

Dave Walker called to let us know that he has received the safety certificate for Sharks Bar and it is satisfactory. No further dealing with them.

Pete

**55186 Pete COSBY**  
*Alcohol Related Crime Reduction Officer*  
*Devon and Cornwall Constabulary*  
*Ext.41464 (External01803218946)*  
*email: [peter.Cosby@devonandcornwall.pnn.police.uk](mailto:peter.Cosby@devonandcornwall.pnn.police.uk)*

Licensing Department (East), Devon & 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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SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type	Other
Prem Name	Shark Bar
Date Rec'd	17/08/2015
Date Due	[REDACTED]
Event Start Date	[REDACTED]
Event End Date	[REDACTED]
Submitting Officer	SMART Julie 50403
Applicant Surname	[REDACTED]
Applicant First Name	[REDACTED]
Proposed DPS Surname	[REDACTED]
Proposed DPS First Name	[REDACTED]
Prem Street	The Terrace
Prem District	[REDACTED]
Prem Town	Torquay
Prem County	Devon
Prem Postcode	[REDACTED]
Premises risk rating	[REDACTED]
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Information received re a fight in the premises on Saturday 15 August 2015 involving [REDACTED] and after hours drinking.
Comments	<p>DPS 20/08/15 - Attended premises yesterday afternoon [REDACTED] met with [REDACTED] and Jamie Lawrence. CCTV was not ready and I asked [REDACTED] about this. She stated that she didn't burn any off as the incident wasn't captured. She showed me an area along the back wall of the premises where the incident occurred and I checked coverage on the monitor. One camera in the area is [REDACTED] by a speaker and I therefore requested them both to move the [REDACTED] camera to a better location. Also noted that there are 2 cameras situated on the wall at the other end of this location and I asked why one of these camera's had no image displayed on the monitor. Jamie Lawrence stated that it [REDACTED] wired in, and there are at least 2 other cameras not working. I was not able to see if this camera was/wasn't wired in and it crossed my mind that this seemed a bit suspicious bearing in mind the location of the incident but I am not able to prove anything. Requested both to rectify this matter asap to</p>

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ensure good CCTV coverage and for all cameras to be displayed on monitor. [redacted] showed me the incident book and I noted that she had timed the incident at 0145 whereas it actually occurred at about 0045 hrs. She also showed me a door steward incident form which gave basic details. I then watched the incident on CCTV and a scuffle can be seen but detail could not be made out. I then watched from the end of this incident until 2.30 am and noted that once door stewards had got everyone out the door shutter was put down and only staff and their partners were present having a drink and cleaning. [redacted] and her partner then went left the premises and at about the same time a friend of [redacted] arrived. Footage shows these two males sat at the bar having a drink but I could not see any exchange of money or the till being used. I then informed [redacted] that further information had been received that indicates [redacted] and others were drinking in the premises until about 3.00 am. [redacted] stated that she had watched the CCTV from Monday morning and this is true but she stated that no sales took place. I then watched this footage and whilst [redacted] does appear to use the till at one point I could not see what he was doing. [redacted] stated that the group of about 5/6 people were in there until about 4.30 am but I only watched footage up to 3.30 am and they were sat chatting/playing pool/messing around. It appears that music was being played throughout this time as the disco lights were working and [redacted] pointed out that [redacted] was at the music controls on occasions. The door shutter was also down. She also said that they had been smoking in the premises and I advised her that that smoking at any time is illegal as the premises are a public place and she could be liable for a fine. As a result of viewing this footage I am satisfied that the premises were not open to the public and alcohol sales were not taking place so there has been no breach of licence conditions or offences. However I advised [redacted] that should people leaving the premises cause noise or disorder, then she would still be liable. [redacted] and Jamie stated that as a result of them viewing this footage they had given firm words of advice to [redacted] on Monday. They have taken the keys off him and he will no longer be in the premises at any time other than when he is working there and is not to attend on his days off. He will [redacted] be responsible for locking up. [redacted] stated that if he puts a foot wrong they will consider sacking him and Jamie confirmed this. [redacted] stated that [redacted] has now completed his Personal Licence Course so there will always be a Personal Licence Holder on duty at the premises. Discussion re door stewards, Jamie and another have now passed the course and will be applying for their badges. Advised them to seek advice from [redacted] and the SIA to ensure that the premises are operating within the SIA requirements. [redacted] stated she has discussed stewards with [redacted] and he is happy for 1 to be outside and 1 inside. Discussed persons banned from the premises and recommended that they print off images from their CCTV and put them in a folder or on a wall for viewing by staff only. [redacted] said she has now started providing briefings to door stewards and bar staff when they come on duty to ensure they are aware of their duties/responsibilities and give them updates on what has recently occurred at the premises.

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As a result of this meeting the information provided to me is true but no offences were detected and [redacted] and Jamie are now aware that [redacted] is a problem and have taken steps to ensure there is no repeat of him and his friends drinking in the premises after hours. I am aware that [redacted] have met with [redacted] and Jamie in relation to recent incidents and therefore I am do not propose to take any further action at this time but will continue to monitor the premises. Should any further information/incidents come to my attention I shall call a meeting with [redacted] and [redacted] at Torquay Police Station. No further action at this time.

Visit tasked NO  
 LA Time Taken [redacted]  
 LO Time Taken 180 [redacted]  
 Item Briefed [redacted]  
 Representation/Objection No [redacted]  
 Hearing No [redacted]  
 Status COMPLETE

Content Type: Item  
 Created at 19/08/2015 11:16 by SMART Julie 50403  
 Last modified at 20/08/2015 10:36 by SMART Julie 50403

Close

[Large area of redacted text]



## 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. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input checked="" type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 05/09/15 Time: 0045
OIS Ref.:	Crime No.:
<b>Name of premises (where applicable):</b> Shark bar	
Address: The Terrace, Torquay	

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes  No

Name of DPS (or person in charge if no DPS): Chloe Fox

Helpful  Unhelpful  Obstructive Other:

I attended the venue as the night time economy supervisor in Torquay. It was relatively quite and i took the time to speak with the door staff. To my suprise the door staff started to tell me that even they believed the venue should be closed down and it was an unsafe enviroment. As we were talking a male came out of the pub quickly followed by a female who was screaming and swearing at the male. I learnt that the female was the DPS [redacted] was noticeably drunk. She confirmed that she was the only DPS for the premises but stated it was her night off so she was having a drink. Having confirmed with [redacted] that there was no other DPS present and she was not in a fit state I suggested she close immediately. This was at 0045 hours. [redacted] returned inside turned the music off and the bar was immediately closed and customers asked to leave. [redacted] and the male continued to cause a scene outside until the male ([redacted]) was arrested to prevent a breach of the peace.

Submitted by: Name: Dingle Force No.: 12067

Signed: John Dingle Date: 05/09/15 Time: 0500

**Officers present at inspection:**

A/ps 2067 Dingle, PC Sargent 3650 [redacted]

# Licensed Premises Visit Checklist

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

### Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. 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: two  
     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

### Any other information:

The door person that I spoke to namely [redacted] was very helpful and it is to his credit that without being asked he voiced concerns about the DPS and premises to me.

The DPS seems oblivious to her responsibilities and in my opinion is unfit for the task.

It was noticeably a different atmosphere in Shark bar compared to the rest of the town this evening. Door staff raised concerns that the people that drink there think it is completely acceptable to drink to excess. Several of the customers that had to leave when Shark bar closed were later spoken to by police again. There was also at least two males being sick outside the premises that confirmed to me that is where they had been drinking. It is apparent that the doorstaff have no confidence in the management and I was told by them that it had not been the first incident that evening that the DPS was directly involved in.

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SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type	Other
Prem Name	Shark Bar
Date Rec'd	08/09/2015
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Noise complaint re loud music
Comments	Email to Mandy Guy now attached.
Visit tasked	NO
LA Time Taken	
LO Time Taken	30
Item Briefed	
Representation/Objection	No
Hearing	No
Status	COMPLETE
Attachments	SHARK BAR EMAIL TO MANDY WITH LETTERS RE MEETING 050915 .msg Shark Bar PLH and DPS re Meeting 050915.pdf



Content Type: Item

Created at 08/09/2015 12:20 by: SMART Julie 50403



[Redacted]

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

Telephone: 01803 218900

15 September 2015

Dear Sirs

Shark Bar, 12-14 The Terrace, Torquay, Devon

I write to you in your capacity of Premises Licence Holder of the above premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

I have been advised that at 2.00 pm on Wednesday 9 September 2015 you attended Torquay Police Station, together with your Designated Premises Supervisor, [Redacted], and met with Mrs Julie Smart (Police Licensing Officer) and Sgt 3671 Mike Norsworthy (Licensing Sergeant for Devon) to discuss police concerns in relation to your premises.

Mrs Smart advises me that Mrs Mandy Guy, Torbay Council Licensing Enforcement Officer, was unable to attend the meeting but information held by Torbay Council was passed to Mrs Smart in order that it could be brought to your attention.

I shall now refer to the concerns raised with you:

**Electrical Safety Certificate**

Mrs Smart drew your attention to a letter sent to you by Torbay Council dated 20 May 2015 in which Mrs Guy requested that you submit a satisfactory Electrical Installation Condition Report (EICR) to her department within 6 weeks of the letter. This letter was sent to you in respect of serious concerns regarding the safety of your premises which were identified by the police and Torbay Council on 24 April 2015.

As your EICR had not been received by Torbay Council within the requested time, this

julie.smart@devonandcornwall.pnn.police.uk





was [redacted] tested on a number of occasions by various members of Torbay Council staff and they were repeatedly informed that the premises had a satisfactory EICR but it was not available at the premises for viewing.

On Friday 7 August 2015 Mr David Walker (Public Safety Officer for Torbay Council) visited Shark Bar and spoke to Mr [redacted] who advised him that the safety certificate was at the Old Skools Bar and Mr [redacted] indicated that he would get it. Mr Walker wished to attend again later that evening. Mr Walker subsequently re-attended between 2320 and 2330 hrs that night and Mr [redacted] had not collected the certificate. Mr Walker again attended the premises between [redacted] 10 and 1240 hours on Monday 10 August 2015 and during that time an electrician arrived to give the management of the premises a quote. An EICR was subsequently forwarded to Mr Walker on Friday 14 August 2015 however this report identified 25 items requiring action, and the management of your premises were subsequently advised to complete this work within 8 weeks and forward a satisfactory EICR on completion of the work.

I am disappointed that the EICR was not forthcoming within the required time period and that staff at your premises appear to have been providing false information to Torbay Council. I trust that this matter is now in hand.

**Assault on Door Steward at Banx Bar, Torquay**

Between 2120 to 2140 hours on 22 August 2015 a female who had left Sharks Bar was refused entry at Banx Bar due to her level of intoxication. This female then caused issues outside and was restrained by stewards, during the course of which she bit the left wrist of the door steward employed by Banx Bar.

I have been advised that [redacted] stated that this female was allowed entry to Shark Bar by the door stewards, but was refused service at the bar. Whilst I accept that this may be the case I request that you ensure that your door stewards refuse entry to any person they consider drunk. Miss [redacted] also stated that this female is now banned from your premises and requested advice re this matter. Mrs Smart informs me that on 20 August 2015 she attended Shark Bar and discussed the issue of banning persons from the premises with Mr Lawrence and Miss [redacted]. At that time she suggested obtaining images of individuals who had caused issues within the premises, or who are banned from the premises, from your CCTV system and making these available to all staff and door stewards, but not members of the public. Mrs Smart again suggested that Miss [redacted] take this course of action at the meeting on 9 September 2015 and I hope that she will now give consideration to the advice given.

**Incident at 0045 hours on the morning of Saturday 5 September 2015**

APS Dingle and PC Sargent attended Shark Bar at the above time in order to carry out a routine visit. Whilst talking to your door stewards a male came out of the premises quickly followed by a female who was screaming and swearing at the male. It was established that this female was in fact [redacted] your DPS, who the officers stated

was noticeably drunk. Due to my officers concerns regarding the suitability of Miss [redacted] to adequately manage the premises in a drunken state they requested Miss [redacted] to voluntarily close the premises, which she agreed to do. Shortly after closing the premises Miss [redacted] and the male continued to cause a scene outside the premises and the male was subsequently arrested to prevent a breach of the peace.

I have been advised that Miss [redacted] apologised for her actions on the night in question and stated that whilst she was at the premises and had consumed a large quantity of alcohol, she was not on duty at the time and Mr [redacted] was actually running the bar. However, Miss [redacted] further advised that she was not happy with the suitability of some of the customers within the premises who had been allowed entry that night by Mr [redacted] as she has introduced a 'dress code' that clearly was not being complied with.

In addition, Mrs Smart advised you that despite [redacted] having a verbal agreement with the police that she will employ two door stewards from 10.00 pm to closing times on Friday and Saturday nights, she had been informed that on Friday 5 September 2015 Mr [redacted] had sent one door steward home indicating that his services were not required. It is apparent that [redacted] subsequently became aware of this situation and requested that the door steward immediately return to the premises.

Whilst I am grateful for the positive action taken by [redacted], it is apparent that she is repeatedly being undermined by a member of staff. Advice was given regarding this matter and it was pointed out the DPS and Premises Licence Holders must have confidence that their staff are complying with their requirements at all times, particularly when the DPS is not on duty at the premises.

A discussion took place concerning Mr Lawrence's role at the premises. Mrs Smart pointed out as far as the police are concerned, Mr Lawrence (a director of Shark Bar and the step-father of Miss [redacted] and Mr [redacted] (her staff), have no legal position in respect of the Premises Licence and ultimately you and [redacted] are responsible for the management of the premises. Whilst we accept that [redacted] is in a difficult position as she is employed by [redacted] y-father, she must be able to stand up to him and make her own decisions in relation to the premises. Miss [redacted] indicated that she had not met with yourselves since she took over at the premises and she was therefore advised to liaise with you on a regular basis. [redacted] also indicated that she is willing to complete the BIIAB Level 3 Award for Designated Premises Supervisor and I am grateful that she is prepared to undertake additional training.

Within APS Dingle's report he indicates that in his opinion there was a noticeably different atmosphere in Shark Bar compared to the rest of town that night and following the closure of the premises, several customers who left were later spoken to by the police concerning their conduct.

[redacted]

A discussion took place concerning how your premises can attract a different customer base and Mrs Smart indicated that a dress code as already implemented by [redacted] is a good starting point, but the professional management of the [redacted] and presentation of staff and strict policies on admissions, drunkenness and behaviour will greatly assist.

**Complaint from Local Business re Noise**

Torbay Council have received a complaint from a local business concerning loud [redacted] causing a disturbance to their staff during the day and that the doors and windows were open. Mr Karl Martin of Torbay Council attended the premises recently and discussed this matter with Mr Lawrence, who initially stated that the premises do not provide entertainment during the day, but then stated that a children's party had been held at the premises which had been a bit rowdy.

[redacted] confirmed that a children's party had been held at the premises but stated that she had monitored the noise levels from the street. [redacted] stated that she has attended a nearby accountants and apologised for any disturbance caused. In relation to noise nuisance, I recommend that you speak to Mr Martin for advice and assistance in relation to this matter.

Mrs Smart advised you that due to police concerns regarding your premises, Shark Bar has now been identified as a 'Premises of Concern' and she handed you a letter outlining this, which indicates that the police expect significant improvement in the management of the premises or a Review may be applied for, but I hope that this will not be necessary.

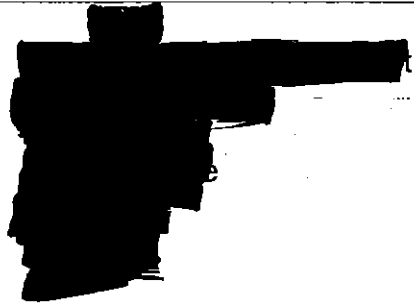
At the conclusion of the meeting you indicated that you and Miss [redacted] will meet with Mr Lawrence to discuss all the above matters with him and appropriate action will be taken where necessary.

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

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

G Mayhew – Superintendent  
LPA Commander – South Devon



Licensing Department  
Devon and Cornwall Police  
Middlemoor HQ  
Exeter, EX2 7HQ  
  
Telephone: 01392 452225

9 September 2015

Dear Sirs

**Shark Bar, 12/14 The Terrace, Torquay - Notification of Concern**

Due to the large number of issues at your premises since April 2015 in relation to the Licensing Objectives the Promotion of Public Safety and the Prevention of Crime and Disorder, your premises has been identified as being of concern by Devon and Cornwall Police.

The licensing officer for your area, Mrs Julie Smart, has met with your DPS, [redacted] on several occasions to discuss these issues with her and provided her with advice and assistance wherever possible. Mrs Smart has also discussed these matters with yourselves.

You are advised that a lack of significant improvement in your premises may result in further action being taken in relation to your licence to provide Licensable Activities. A copy of this letter will remain on your file and a copy sent to the Licensing Authority for their records.

If you have any further queries please do not hesitate to contact the licensing team on the number above or our email address below.

Yours sincerely

*Phil Kennedy*

Superintendent Phil KENNEDY  
Local Policing and Partnerships

licensingeast@devonandcornwall.pnn.police.uk



**Devon & Cornwall Police**  
Building safer communities together

Miss [REDACTED]  
Designated Premises Supervisor  
Shark Bar  
12/14 The Terrace  
TORQUAY  
TQ1 1BN

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

Telephone: 01803 218900

15 September 2015

[REDACTED]

Dear Madam

**Shark Bar, 12-14 The Terrace, Torquay, Devon**

I write to you in your capacity of Designated Premises Supervisor of the above premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

I have been advised that at 2.00 pm on Wednesday 9 September 2015 you attended Torquay Police Station, together with [REDACTED] (Premises Licence Holders) and met with Mrs Julie Smart (Police Licensing Officer) and Sgt 3671 Mike Norsworthy (Licensing Sergeant for Devon) to discuss police concerns in relation to your premises.

Mrs Smart advises me that Mrs Mandy Guy, Torbay Council Licensing Enforcement Officer, was unable to attend the meeting but information held by Torbay Council was passed to Mrs Smart in order that it could be brought to your attention.

I shall now refer to the concerns raised with you:

**Electrical Safety Certificate**

Mrs Smart drew your attention to a letter sent to [REDACTED] by Torbay Council dated 20 May 2015 in which Mrs Guy requested that a satisfactory Electrical Installation Condition Report (EICR) be submitted to her department within 6 weeks of the letter. This letter was sent in respect of serious concerns regarding the

julie.smart@devonandcornwall.pnn.police.uk



safety of your premises which were identified by the police and Torbay Council on 24 April 2015. A copy of this letter was also forwarded to Mr Jamie Lawrence and I have been advised that this took place before you were appointed as DPS. [REDACTED]

As the EICR had not been received by Torbay Council within the requested time, this was requested on a number of occasions by various members of Torbay Council staff and they were repeatedly informed that the premises had a satisfactory EICR but it was not available at the premises for viewing.

On Friday 7 August 2015 Mr David Walker (Public Safety Officer for Torbay Council) visited Shark Bar and spoke to [REDACTED] who advised him that the safety certificate was at the Old Skools Bar and [REDACTED] indicated that he would get it if Mr Walker wished to attend again later that evening. Mr Walker subsequently re-attended between 2320 and 2330 hrs that night and [REDACTED] had not collected the certificate. Mr Walker again attended the premises between 1150 and 1240 hours on Monday 10 August 2015 and during that time an electrician arrived to give the management of the premises a quote. An EICR was subsequently forwarded to Mr Walker on Friday 14 August 2015 however this report identified 25 items requiring action, and the management of your premises were subsequently advised to complete this work within 8 weeks and forward a satisfactory EICR on completion of the work.

I am disappointed that the EICR was not forthcoming within the required time period and that staff at your premises appear to have been providing false information to Torbay Council. I trust that this matter is now in hand.

**Assault on Door Steward at Banx Bar, Torquay**

Between 2120 to 2140 hours on 28 August 2015 a [REDACTED] female who had left Sharks Bar was refused entry at Banx Bar due to her level of intoxication. This female then caused issues outside and was restrained by stewards, during the course of which she bit the left wrist of the door steward employed by Banx Bar.

I have been advised that you stated that this female was allowed entry to Shark Bar by the door stewards, but was refused service at the bar. Whilst I accept that this may be the case I request that you ensure that your door stewards refuse entry to any person they consider drunk. You also stated that this female is now banned from your premises and requested advice re this matter. Mrs Smart informs me that on 20 August 2015 she attended Shark Bar and discussed the issue of banning persons from the premises with you and Mr Lawrence. At that time she suggested obtaining images of [REDACTED] issues within the premises, or who are banned from the premises, from your CCTV system and making these available to all staff and door stewards, but not members of the public. Mrs Smart again suggested that you take this course of action at the meeting on 9 September 2015 and I hope that you will now give consideration to the advice given.

Incident at 0045 hours on the morning of Saturday 5 September 2015

APS Dingle and PC Sargent attended Shark Bar at the above time in order to carry out a routine visit. Whilst talking to your door stewards a male came out of the premises quickly followed by a female who was screaming and swearing at the male. It was established that this female was in fact you, and the officers stated that you were noticeably drunk. Due to my officers concerns regarding your suitability to adequately manage the premises in a drunken state they requested you to voluntarily close the premises, which you agreed to do. Shortly after closing the premises you and the male continued to cause a scene outside the premises and the male was subsequently arrested to prevent a breach of the peace.

I have been advised that you have apologised for your actions on the night in question and stated that whilst you were at the premises and had consumed a large quantity of alcohol, you were off duty at the time and [REDACTED] was actually running the bar. However, you further indicated that you were not happy with the suitability of some of the customers within the premises who had been allowed entry that night by [REDACTED] as you have introduced a 'dress code' that clearly was not being complied with.

In addition, Mrs Smart advised you that despite you having a verbal agreement with the police that you will employ two door stewards from 10.00 pm to closing times on Friday and Saturday nights, she had been informed that on Friday 5 September 2015 [REDACTED] had sent one door steward home indicating that his services were not required. It is apparent that you subsequently became aware of this situation and requested that the door steward immediately return to the premises.

Whilst I am grateful for your positive action, it is apparent that you are repeatedly being undermined by a member of staff. Advice was given regarding this matter and it was pointed out the DPS and Premises Licence Holders must have confidence that their staff are complying with their requirements at all times, particularly when the DPS is not on duty at the premises.

A discussion took place concerning Mr Lawrence's role at the premises. Mrs Smart pointed out as far as the police are concerned, Mr Lawrence (a director of Shark Bar and your step-father) and [REDACTED] (bar staff), have no legal position in respect of the Premises Licence and ultimately you and the Premises Licence Holders are responsible for the management of the premises. Whilst we accept that you are in a difficult position as you are employed by your step-father, you must be able to stand up to him and make your own decisions in relation to the premises. You indicated that you had not met with the Premises Licence Holders since you took over at the premises and you were therefore advised to liaise with them on a regular basis. You also indicated that you are willing to complete the BIIAB Level 3 Award for Designated Premises Supervisor and I am grateful that you are prepared to undertake additional training.

Within APS Dingle's report he indicates that in his opinion there was a noticeably different atmosphere in Shark Bar compared to the rest of town that night and following the closure of the premises, several customers who left were later spoken to by the police concerning their conduct.

A discussion took place concerning how your premises can attract a different customer base and Mrs Smart indicated that a dress code as already implemented by you is a good starting point, but the professional management of the premises, the conduct and presentation of staff and strict policies on admissions, drunkenness and acceptable behaviour will greatly assist.

**Complaint from Local Business [REDACTED]**

Torbay Council have received a complaint from a local business concerning loud music causing a disturbance to their staff during the day and that the doors and windows were open. Mr Karl Martin of Torbay Council attended the premises recently and discussed this matter with Mr Lawrence, who initially stated that the premises do not provide entertainment during the day, but then stated that a children's party had been held at the premises which had been a bit rowdy.

You confirmed that a children's party had been held at the premises but stated that you had monitored the noise levels from the street. You stated that you have attended a nearby accountants and apologised for any disturbance caused. In relation to noise nuisance, I recommend that you speak to Mr Martin for advice and assistance in relation to this matter.

Mrs Smart advised you that due to police concerns regarding your premises, Shark Bar has now been identified as a 'Premises of Concern' and she handed you a letter outlining this, which indicates that the police expect significant improvement in the management of the premises or a Review may be applied for, but I hope that this will not be necessary.

At the conclusion of the meeting you indicated that you and the Premises Licence Holders will meet with Mr Lawrence to discuss all the above matters with him and appropriate action will be taken where necessary.

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



~~Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.~~

Yours faithfully



A handwritten signature in black ink, appearing to be 'G Mayhew'.

G Mayhew – Superintendent  
I.P.A Commander – South Devon



[REDACTED]  
Designated Premises Supervisor  
Shark Bar  
12/14 The Terrace  
TORQUAY  
TQ1 1BN

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

Telephone: 01392 452225

9 September 2015

Dear Sirs

**Shark Bar, 12/14 The Terrace, Torquay - Notification of Concern**

Due to the large number of issues at your premises since April 2015 in relation to the Licensing Objectives the Promotion of Public Safety and the Prevention of Crime and Disorder, your premises has been identified as being of concern by Devon and Cornwall Police.

The licensing officer for your area, Mrs Julie Smart, has met with you on several occasions to discuss these issues and has provided you with advice and assistance wherever possible. Mrs Smart has also discussed these matters with the Premises Licence Holders [REDACTED]

You are advised that a lack of significant improvement in your premises may result in further action being taken in relation to your licence to provide Licensable Activities. A copy of this letter will remain on your file and a copy sent to the Licensing Authority for their records.

If you have any further queries please do not hesitate to contact the licensing team on the number above or our email address below.

Yours sincerely

*Phil Kennedy*

Superintendent Phil KENNEDY  
Local Policing and Partnerships

licensingeast@devonandcornwall.pnn.police.uk

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SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar



Item Type	Other
Prem Name	Shark Bar
Date Rec'd	15/09/2015
Date Due	
Event Start Date	
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	CR/64125/15 - Robbery. Victim and suspects had been in Shark Bar prior to incident.
Comments	<p>Attended premises yesterday and discussed this incident with [REDACTED] and [REDACTED] (DJ). [REDACTED] stated that he knows [REDACTED] and saw him and 2 others go into the toilet together a couple of times and the 2 males kept asking [REDACTED] to go outside. [REDACTED] said that he told [REDACTED] if he went outside with them he was probably going to be beaten up as that is the 'vibe' he picked up. [REDACTED] stated the police have been in contact and arranged for him to attend the station to provide a statement. [REDACTED] stated that the CCTV has already been burnt off and provided to police. With regards to the issue of groups of men visiting the toilet together, the toilet is a short distance from the bar and within view and [REDACTED] stated that if staff become aware of this type of activity they will go in and ask what is going on and eject people if they think it is drug related.</p> <p>I advised [REDACTED] that I had received a phone call from [REDACTED] indicating that she successfully completed the BII Designated Premises Supervisors course and asked if she</p>

9

had found the course useful. She said it was much more  
 indepth than the Personal Licence Course and she learnt alot  
 from it. She advised me that she has spoken to Jamie  
 Lawrence and [REDACTED] and made it clear that she is in  
 charge and they must allow her to run the premises as she  
 sees fit, and she has told them that if they continue to  
 interfere she will resign as DPS.  
 No further action required.

Visit tasked NO  
 LA Time Taken  
 LO Time Taken 80  
 Item Briefed  
 Representation/Objection No  
 Hearing No  
 Status COMPLETE

Content Type: Item  
 Created at 15/09/2015 09:57 by SMART Julie 50403  
 Last modified at 16/09/2015 12:24 by SMART Julie 50403

Close

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



## 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. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 19/09/2015 Time: 2315
OIS Ref.:	Crime No.:
<b>Name of premises (where applicable):</b> Shark Bar	
Address: Torquay	
<b>Brief summary / action taken:</b>	
Designated Premises Supervisor (DPS) on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): See below	
<input type="checkbox"/> Helpful <input checked="" type="checkbox"/> Unhelpful <input checked="" type="checkbox"/> Obstructive Other:	
Mandy Guy (Torbay Licensing) was on duty visiting various licensed premises and given the poor performance of Shark Bar recently myself and A/PS Giesens attended with her. Initially we were met by a male who said he was in charge - [REDACTED] When questioned further he decided he actually wasn't in charge and went back inside to work behind the bar. Jamie Lawrence then told us he was in charge, but he had been drinking so in fact had actually just stopped being in charge. He then offered [REDACTED] as being in charge, possibly. Lawrence then said he had been working the door (as he is SIA licensed) and had just stopped doing so before we arrived. He offered to go back on the door again, but as he was in charge he probably couldn't. He then remembered he had been drinking, so actually wasn't in charge (again) and certainly wouldn't work the door after drinking alcohol. So he was neither in charge nor working the door. Continued below...	
Submitted by: Name: Coe	Force No.: 11797
Signed: J Coe	Date: 20/09/2015 Time: 2315
<b>Officers present at inspection:</b>	
PS Coe	
A/PS Giesens	
Mandy Guy (Council Licensing)	
Matt (Council licensing) [REDACTED]	

10

# Licensed Premises Visit Checklist

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

## Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. Premises Licence (complete) produced to officers?  Yes  No  
(A constable can request to see full licence)

## Crime and Disorder:

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

## Public Safety:

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

## Any other information:

continued from above...

He then added that [redacted], the DPS, had gone home at 6pm as the busiest period for them is a Saturday afternoon and that's when [redacted] needs to be there not a Saturday night. [redacted] then confirmed that he was definitely in charge and confirmed the definitive nature of this statement by shrugging his shoulders and looking slightly perplexed.

It was then decided that they were closing at midnight anyway

In summary, it was embarrassing to watch the horrendous comedy of errors unfold between these three individuals as they struggled to give an answer to the simple question "who is in charge?" At various times one, all, none or some of them were responsible for the running of the premises. Mandy Guy highlighted several of their licensing conditions to the various in charge/not in charge people, and it was quite clear that these were coming as a complete surprise to all present



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SMART Julie 50403 ▾



Force Licensing Team &gt; Licensing Items - 2015 &gt; Shark Bar

Item Type	L10
Prem Name	Shark Bar
Date Rec'd	03/10/2015
Date Due	
Event Start Date	25/09/2015 23:00
Event End Date	
Submitting Officer	SARGENT Christopher 13650
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	The Terrace
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Premises/Persons of Interest
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	VISIT NIO - may be excessive drunkenness but yes and no box ticked. main concern no DPS, but Jamie Lawrence was designated person in charge & he was also the one and only door steward at the premise.
Comments	21/10/15 - Telephone call received from Dave Walker. He has attended premises today and served the 28 day notices on Jamie Lawrence and [REDACTED] wasn't happy about the situation but she was advised that she has had plenty of time to resolve the issues and now has another 28 days in which to do so. Dave also advised me that he has spoken to [REDACTED] and told him about the service of the notices. [REDACTED] stated he has concerns with the way the premises is being run and I told Dave that the existing licence is to be transferred to Jamie Lawrence and the [REDACTED] will apply for an identical licence to protect their interest in the property. No further action required at this time.
Visit tasked	NO
LA Time Taken	5



## Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
-----------	---------------	-------------

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 25/09/2015 Time: 2300
OIS Ref.: n/a	Crime No.: n/a
<b>Name of premises (where applicable):</b> SHARKS BAR, THE TERRACE, TORQUAY	
Address:	
<b>Brief summary / action taken:</b>	
Designated Premises Supervisor (DPS) on the premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): JAMIE LAWRENCE	
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:	
Submitted by: Name: SARGENT	
Signed: C.SARGENT	
Date: 03/10/15	Force No.: 13650
Time: 2200	
<b>Officers present at inspection:</b>	
PS 16622 LANGLEY	
PC 3650 SARGENT	
SC 75072 ROSE	



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# Licensed Premises Visit Checklist

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

## Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. 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: PA2870  
     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

## Any other informati

ONLY ONE CONCERN RAISED FROM THIS VISIT. THE DPS WAS NOT PRESENT BUT JAMIE LAWRENCE WAS THE DESIGNATED PERSON IN CHARGE. HE WAS ALSO ACTING AS THE ONE AND ONLY DOOR STAFF AT THE PREMISES AND WAS STOOD OUTSIDE. ALTHOUGH HELPFUL AND NOT A HUG FROM IT, HE WOULD HAVE HAD NO DIRECT SUPERVISION THE BAR. LICENCE INSPECTED AND DORR STAFF ONLY REQUIRED IF OPEN BEYOND 00:30HRS. THEY WERE CLOSING ON THIS NIGHT AND CLOSED AT 2330HRS.



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Please reply to: Ms Mandy Guy

Community Safety  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

[Redacted]  
Designated Premises Supervisor  
Shark Bar  
12/14 The Terrace  
Torquay  
TQ1 1RN

My ref: R:222113/AJG  
Your ref:  
Telephone: 01803 208025  
Website: Torbay.gov.uk  
Date: 15 October 2015

Dear

**Licensing Act 2003**

**Re: Premises Licence PL0433 Shark Bar, 12-14 The Terrace, Torquay TQ1 1BN**

I write with reference to my visit to the above premises at 23.15 on Saturday 19<sup>th</sup> September. I was accompanied on my visit by Matt Redmond, Licensing Enforcement Officer.

The purpose of the visit was not to undertake a full licensing inspection but to see how the premises was being managed. The following concerns were noted during the visit:-

**Management of the premises**

When we arrived we were informed that you had finished working at 18.00. I asked to speak to the person in charge in your absence. The responses we then received gave me great concern as there seemed to be a number of different people thinking that you had left them in charge.

We were initially met by [Redacted] who told us he had been left in charge and that he held a personal licence. Upon later investigation back in the office it was apparent that [Redacted] did not have a personal licence. A personal licence application for [Redacted] was received by our Department shortly after our visit confirming that at the time of the visit the information given was not true.

[Redacted] then returned inside the premises as Jamie Lawrence and [Redacted] then came outside to meet us. I asked the question again about who had been left in charge of the premises in your absence. Both Mr Lawrence and [Redacted] proceeded to say they had been left in charge. I can confirm after further discussion it was agreed [Redacted] would be the person that we would discuss any issues from the evening with. As discussed with you on the telephone after the visit, this situation is not acceptable. A premises with a late licence situated within Torquay's Cumulative Impact Area requires

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

strong management. There should be no confusion amongst staff about who is in charge when you are not at the premises.

**Door stewards**

When we arrived at the premises at 23.15 there was one doorman on the door who told us his name was [redacted]. I understand that you have a verbal agreement with the police that you will employ two door stewards from 22.00 until closing on Friday and Saturday nights. (This is referred to in the letter from the police dated 15<sup>th</sup> September 2015). We were informed you have ceased using [redacted] and that [redacted] was self employed and that this was his first evening working with you.

When I spoke to [redacted] he was not aware what time he was suppose to be finishing that evening. I did find that [redacted] was quite reluctant to answer any questions I asked him, although I am not sure if this was due to it being his first night and that he hadn't had a very thorough brief or if he felt he was not in a position to answer the questions. I would have expected as a minimum for a door steward to know what time he would be expected to work until.

Jamie Lawrence joined us outside with his SIA badge and informed us he had been on the door but had stopped working just before we arrived. When we arrived Mr Lawrence was drinking at the bar. As the designated premises supervisor it is your responsibility to ensure that there are the correct number of door stewards on and that they are aware of what time you expect them to work until to ensure they are fulfilling the licensing conditions and agreements you have with the police.

**Closing time**

When [redacted] you were closing the [redacted] and that the premises was going to close at 2.00 but now last orders would be at midnight. However we were going through the conditions of the licence at 23.52 when [redacted] suddenly announced he hadn't called last orders. Music was also still being played by the DJ at this time. The music was turned off at 23.55 and last orders called under the instruction of Mr [redacted]. I would like to refer you to condition 7, The Prevention of Public Nuisance, on page 6 of the premises licence "The premises shall remain open for at least one hour after the sale of alcohol is served (while patrons are on the premises) during which time patrons shall be dispersed gradually. Music shall be toned down at least one hour before the close of the premises."

There must be clear instruction to all staff about what time the premises is going to close so licence conditions can be complied with.

**Cellar**

The ceiling in the beer cellar upstairs was damaged and had mould growing on it. We were informed this was being refurbished, however we were told by one person that this was being done on the following Wednesday and by another that it was the following Friday. You must ensure the cellar is suitably repaired and maintained in good condition. Up to date COSHH paperwork, gloves and protective eyewear must also be available for staff handling hazardous chemicals. The carbon dioxide canisters must also be secured to prevent them falling over.

I can confirm a number of structural items highlighted in my previous letter had been dealt with. However we have still not received final confirmation that the electrics are now safe. This will be picked up by my colleague David Walker.

If you wish to discuss any of the items in this letter, please contact me on the above telephone number.

A copy of this letter has been forwarded to the Police for their information.

Yours sincerely



Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

[Redacted signature block]

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⚙️ ?

[Force Licensing Team](#) > [Licensing Items - 2016](#) > [Shark Bar Torquay](#)

Item Type	Vary DPS Premises Licence
Prem Name	Shark Bar Torquay
Date Rec'd	30/03/2016
Date Due	05/04/2016
Event Start Date	
Event End Date	
Submitting Officer	
Applicant Surname	Lawrence
Applicant First Name	Jamie John
Proposed DPS Surname	Lawrence
Proposed DPS First Name	Jamie John
Prem Street	12-14 The Terrace
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	TQ1 1BN
Premises risk rating	Premises/Persons of Interest
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	VDPs ino Jamie Lawrence, Personal Licence No. PA2870 Torbay DC.
Comments	Discussed this matter with Sgt Norsworthy. Despite my concerns re Jamie Lawrence due to issues with the premises being open over the Young Farmers Weekend, there have been no recent concerns. The current DPS is Jamie's step daughter and I am not confident that she is spending key periods at the premises. The licence has been transferred to Jamie but no new licence applicaton has been received from the [REDACTED]. In effect Jamie Lawrence will now be solely responsible for the premises. All of the concerns that I have identified appear to have been taken on board, and in light of this we have decided not to object to this application.
Visit tasked	NO
LA Time Taken	20

14

SharePoint

Newsfeed

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Sites

SMART Julie 50403



Force Licensing Team > Licensing Items - 2016 > Shark Bar

Item Type Other

Prem Name Shark Bar

Date Rec'd 12/04/2016

Date Due

Event Start Date 11/04/2016 17:00

Event End Date

Submitting Officer SMART Julie 50403

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street The Terrace

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Advised by Mandy Guy of Torbay Council of noise complaint and issues re persons stood outside drinking

Comments I attended premises at 0045 hrs on Sunday 24 April 2016 with Mandy Guy and Karl Martin. At that time the premises were closed to the public.  
No further updates re this matter. I will continue to monitor this premises.  
No further action required.

Visit tasked NO

LA Time Taken

LO Time Taken 120

Item Briefed Briefing Done

Representation/Objection No

Hearing No

14 a



14b



## Devon & Cornwall Police

Mr J J Lawrence  
Shark Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

13 April 2016

Dear Sir

**Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN**

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

At approximately 1700 hrs on Monday 11 April 2016, my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mrs Mandy Guy, Senior Licensing Officer of Torbay Council, as Torbay Council had received a complaint of loud music coming from your premises and numerous persons stood up drinking in the road.

As Mrs Smart and Mrs Guy approached your premises from The Terrace they could clearly hear loud music and as they drew closer to your premises this music was established to be coming from Shark Bar. Additionally they noticed about 6 males stood up smoking and drinking outside your premises, one of whom had a bottle in his hand. They also noticed that the windows and doors of your premises were wide open.



Mrs Smart and Mrs Guy then entered your premises and advised you of the complaint. They asked you to produce your Premises Licence but you were unable to do so. Section 57(2) of the Licensing Act 2003 states that the Premises Licence Holder must secure that the licence is kept at the premises. Section 57(4) states that the Premises Licence Holder commits an offence if he fails, without reasonable excuse, to comply with this requirement. In addition Section 57(5) states that a constable or authorised person may require the licence to be produced and Section 57(7) states that a person commits an offence if he fails, without reasonable excuse, to produce the licence.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk) 101

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Page 104



The Government Standard  
Stock code: SFG15



Mrs Smart then drew your attention to conditions 16 and 17 under the heading The Prevention of Crime and Disorder on your Premises Licence which state:

- 16. *Bottles must not be taken outside*
- 17 *Patrons must be seated in the outside side area*

I would advise you that failure to comply with the terms and conditions of a premises licence constitutes an offence under Section 136 of the Licensing Act 2003, and that 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 an unlimited fine, or to both.

Mrs Guy then asked you to produce a copy of your Pavement Cafe Permit, issued by Torbay Council in line with the requirements of Section 115 of the Highways Act 1980, but again you were unable to do so. I would take this opportunity to inform you that the Torbay Council Pavement Cafe Licensing Policy 2016-2021 states:

*Page 9 –*

*The area forming the Pavement Cafe must be clearly demarcated by way of barriers or other street furniture and/or planters in order to identify the agreed location and size of the Pavement Cafe area and to help guide persons with visual impairment around its use. Any items used as demarcation of the licensed area must be no less than 800mm in height.*

*Page 12 –*

*Where the premises sells alcohol by way of a Premises Licence granted under the Licensing Act 2003 a premises is prohibited from serving alcoholic and non-alcoholic drinks in glass bottles to persons using the Pavement Cafe areas at all times. The management must ensure bottled drinks are de-canted into suitable drinking vessels at point of sale.*

*Page 14 –*

*The Licence Holder/s shall, before exercising the privilege granted by this licence, place removable physical barriers within the perimeter of the area so indicated on the attached plan to the Licence which must be to the satisfaction of Officers of the Licensing and Public Protection Team, and shall ensure that such barriers are removed at the end of each daily period of use and at the expiry, surrender or revocation of this licence.*

*Page 21 –*

*The Licence Holder/s shall ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area (as per the Licence Plan).*

Page 21 –

*All customers using the Pavement Cafe will be required to be seated. Vertical drinking will not be permitted within the licensed area.*

Page 18 –

*The Licence Holder/s shall ensure that all drinking glasses in which drinks are served shall be of strengthened glass and no drink shall be served in a glass bottle from which it is intended or likely that a customer shall drink.*

Page 18 –

*The Licence Holder/s shall ensure that adequate supervision by means of a waiter/waitress service is provided over the permitted area during the times of operation.*

Page 19 –

*The Licence Holder/s shall ensure that a copy of the Pavement Cafe Licence and accompanying conditions is at all times on prominent display within the Pavement Cafe premise.*

*The Licence Holder/s shall produce this permission on demand when so required by an Authorised Officer of Torbay Council, a Police Officer or a Police Licensing Officer.*

It appears that you are not complying with the above requirements and I would advise you to liaise with Mr Karl Martin of Torbay Council in connection with this matter.

In relation to the noise complaint and noise levels witnessed by Mrs Smart and Mrs Guy, Mrs Guy referred you to condition 2 under the heading the Prevention of Public Nuisance on your premises licence which states:

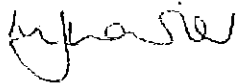
*A limiter shall be installed within the sound system and cannot be over ridden.*

Following discussions it was ascertained that your premises does have a noise limiter and Mrs Guy recommended that you liaise with Mr Karl Martin to ensure that it is set at an appropriate limit. Mrs Guy also gave you advice concerning monitoring noise levels from your premises to ensure that it does not cause annoyance or disturbance to persons in the area.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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.

~~Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart.~~

Yours faithfully



Superintendent M Lawler  
Territorial Policing & Partnership Department

14c

**SMART Julie 50403**

---

**From:** SMART Julie 50403  
**Sent:** 14 April 2016 11:12  
**To:** mandy.guy@torbay.gcsx.gov.uk  
**Subject:** SHARK BAR

---

Mandy

After discussing my letter to Shark Bar with you yesterday, I looked at the variation application they submitted on 17 June 2015 and note from the plan that the outside area isn't included on it. Therefore in my opinion Shark Bar isn't licensed to sell alcohol for consumption in the outside area.

Please can you look at your plans and let me know what you think.

Thanks

Julie Smart  
Police Licensing Officer  
01803 218900  
07921 933974

Please note that I do not work on Fridays.

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SMART Julie 50403



Force Licensing Team > Licensing Items 2016 > Shark Bar Torquay

Item Type Other  
 Prem Name Shark Bar Torquay  
 Date Rec'd 04/08/2016  
 Date Due  
 Event Start Date  
 Event End Date  
 Submitting Officer SMART Julie 50403  
 Applicant Surname  
 Applicant First Name  
 Proposed DPS Surname  
 Proposed DPS First Name  
 Prem Street The Terrace  
 Prem District  
 Prem Town Torquay  
 Prem County Devon  
 Prem Postcode  
 Premises risk rating  
 Hub Location EAST - Exeter  
 Logic outcome Fail  
 Licensing Office Torbay  
 Allocated To Julie SMART  
 Summary Information that a 16 year old female had been drinking in premises on 31/07/16.  
 Comments 28/09/16 Attended premises with Karl Martin. Gave Mr Lawrence Challenge 25 posters, Proof of Age CD-Rom, Age Verification Policy. Advised him to regularly train staff and ensure they request ID. Also advised him to have a refusals register.  
 Letter sent to Mr Lawrence on 06/10/16, copy attached and forwarded to Mandy Guy at Torbay Council.  
 No further action required.  
 Visit tasked NO  
 LA Time Taken  
 LO Time Taken 120  
 Item Briefed



15

**SMART Julie 50403**

---

**From:** HAWORTH Mike 11463  
**Sent:** 03 August 2016 08:06  
**To:** SMART Julie 50403  
**Cc:** DISNEY Clarissa 30589  
**Subject:** FW: Park Lane

---

Julie,

An update for you as requested.

Clarissa,

Good work [redacted] a concise report.

Cheers  
Mike

A/PS Mike Haworth  
Neighbourhood Team  
Torquay Police Station  
Devon & Cornwall Constabulary  
101 ex 41565

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**From:** DISNEY Clarissa 30589  
**Sent:** 02 August 2016 17:23  
**To:** HAWORTH Mike 11463  
**Subject:** Park Lane

Hui,

Went to see [redacted] about [redacted]. She said that she slipped under the railings that are on the outside of [redacted] and then went inside. She sat downstairs and the boy that she met out went to the bar and bought her drinks. Unfortunately she has no idea what time that was.

Interestingly prior to her going to [redacted] she went to Sharks Bar! She said that she and her friends went in there as there was no door staff on and she was able to order drinks at the bar herself.

[redacted] said that she was wearing a dark blue button blouse, grey jeans, pink handbag and blonde hair. On speaking with her today I do not believe that she looks 25 at all.; If she is made up she could pass for 18 but she seems so meek and mild I would still have thought that she would need to be I.D'd.

Thanks,

Clarissa ☺

**PCSO 30589 Clarissa Disney**  
*Chelston, Cockington & Livermead*

Devon & Cornwall Police  
Torquay Police Station  
[Clarissa.disney@devonandcornwall.pnn.police.uk](mailto:Clarissa.disney@devonandcornwall.pnn.police.uk)

(16)

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SMART Julie 50403 ▾

~~Force Licensing Team > Licensing Items - 2016 > Shark Bar Torquay~~

Item Type	L10
Prem Name	Shark Bar Torquay
Date Rec'd	24/08/2016
Date Due	
Event Start Date	24/08/2016 09:05
Event End Date	
Submitting Officer	THOMAS Trevor 15488
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	The Terrace
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Information received from reliable source that on the evening Monday 22nd August 2016, between 20.00-22:30hrs a group aged approx 16 were served alcohol whilst on the premises
Comments	Attended premises with Karl Martin on 28/09/16 and met with Mr Lawrence. Discussed underage issues. Gave him Challenge 25 posters, Proof of Age CD-Rom and Age Verification Policy. Advised him to ensure that staff receive regular training and request ID when customers look under 25. Also advised him to have a Refuals Register. Letter sent to Mr Lawrence on 06/10/16. Copy forwarded to Mandy Guy. Copy attached. No further action required.
Visit tasked	NO
LA Time Taken	6

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> The Shark Bar, The Terrace Torquay		
Address:		
Report type:	<input type="checkbox"/> Visit	<input type="checkbox"/> Incident <input checked="" type="checkbox"/> Other
OIS Ref.:	Crime No.:	
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
Information received from reliable source that on the evening of Monday 22 August 2016 between 200-2230 hours a group aged approx 16 years were served alcohol whilst on the premises		
Submitted by: Name: thomas	Date: 24/08/16	Force No.: 15488
Signed: trevor thomas		Time: 0905
<b>Action taken by Licensing Unit:</b>		
Licensing officer:		
Forwarded to Daily Tasking:		



# Licensed Premises Visit Checklist

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

**Officers present at inspection:**

**Administration:**

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

**Crime and Disorder:**

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

**Public Safety:**

- 1. CCTV on premises?  Yes  No  
 Incident captured?  Yes  No  
 Image quality?  Good  Poor  Other:  
 Working at time of visit?  Yes  No  
 Staff able to download?  Yes  No
- 2. Door staff on duty?  Yes  No If Yes, number:  
 SIA licensed?  Yes  No  
 Licence displayed?  Yes  No
- 3. Do the premises look overcrowded?  Yes  No
- 4. Method of checking the customer numbers:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

**Public Nuisance:**

- 1. Any noise or nuisance outside of premises?  Yes  No
- 2. Any smokers standing outside of premises?  Yes  No
- 3. Any excessive litter / debris outside of premises?  Yes  No

**Protection of Children:**

- 1. Any underage offences detected on the premises?  Yes  No
- 2. What proof of age policy is operated in the premises?
- 3. How is this publicised?
- 4. Do staff appear trained in proof of age?  Yes  No

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Force Licensing Team > Licensing Items - 2016 > Shark Grill Torquay

Item Type L10  
 Prem Name Shark Grill Torquay

Date Rec'd 17/09/2016

Date Due

Event Start Date 17/09/2016 01:15

Event End Date

Submitting Officer LEISK Adrian 14247

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street The Terrace

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating Premises/Persons of Interest

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary NOISE - officer in Fleet Street could clearly hear loud music from the Terrace, believed to be from Shark Grill. Called away to a fight so did not enter property.

Comments Attended premises on 28/09/16 with Karl Martin and met with Mr Lawrence. Discussed noise issues. Noise limiter not installed or set in accordance with the condition on the licence. Told Mr Lawrence that I will give him until 14 October 2016 to rectify matter or I will consider taking further action. Letter sent to him on 06/10/16 and copy forwarded to Mandy Guy, copy attached. No further action required.

Visit tasked NO

LA Time Taken 5

LO Time Taken 120

Item Briefed



## 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. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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:**  Visit  Incident  Other Information Date: 17/09/2016 Time: 0115

OIS Ref.: \_\_\_\_\_ Crime No.: \_\_\_\_\_

**Name of premises (where applicable):** SHARK BAR

Address: THE TERRACE, TORQUAY

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes  No

Name of DPS (or person in charge if no DPS):

Helpful  Unhelpful  Obstructive Other:

At 0115 hours whilst stood on FLEET STREET, TORQUAY outside of SHOEZONE in the company of a Special Constable I could clearly hear loud music coming from The TERRACE, TORQUAY. I walked around onto the TERRACE to see if there were any issues, believing the music to be coming from SHARK BAR. Stood on the corner outside of BANX I could see there were a few people stood outside who didn't appear to be causing issues at the time. At this time we were called by a member of the public to a food fight outside of 'STUFF YOUR FACE' and so I did not enter the property or speak with the DPS.

Submitted by: Name: Andrew DILLON

Force No.: 12961

Signed: Andrew DILLON

Date: 17/09/2016

Time: 1830

**Officers present at inspection:**

# Licensed Premises Visit Checklist

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

## Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. Premises Licence (complete) produced to officers?  Yes  No  
(A constable can request to see full licence)

## Crime and Disorder:

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

## Public Safety:

- 1. CCTV on premises?  Yes  No  
 Incident captured?  Yes  No  
 Image quality?  Good  Poor  Other:  
 Working at time of visit?  Yes  No  
 Staff able to download?  Yes  No
- 2. Door staff on duty?  Yes  No If Yes, number:  
 SIA licensed?  Yes  No  
 Licence displayed?  Yes  No
- 3. Do the premises look overcrowded?  Yes  No
- 4. Method of checking the customer numbers:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

## Public Nuisance:

- 1. Any noise or nuisance outside of premises?  Yes  No
- 2. Any smokers standing outside of premises?  Yes  No
- 3. Any excessive litter / debris outside of premises?  Yes  No

## Protection of Children:

- 1. Any underage offences detected on the premises?  Yes  No
- 2. What proof of age policy is operated in the premises?
- 3. How is this publicised?
- 4. Do staff appear trained in proof of age?  Yes  No

## Any other information:



# Devon & Cornwall Police

Mr J J Lawrence  
Shark Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity as [redacted] premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On [redacted] 1 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards on duty.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre [redacted] to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC\_Police



At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to [REDACTED]. He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with [REDACTED] and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked [REDACTED] if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and [REDACTED] finally admitted that it was locked in the safe.

Mrs Guy then advised [REDACTED] of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [REDACTED] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [REDACTED] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio activity and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

Noise Issues

On 28 September 2016 Mr Martin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that [REDACTED] months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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



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Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully

*M. Lawler*

Superintendent M Lawler  
Territorial Policing & Partnership Department

[REDACTED]

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Force Licensing Team > Licensing Items – Active > Shark Bar Torquay

Item Type	Visit - Multiagency
Prem Name	Shark Bar Torquay
Date Rec'd	02/12/2016
Date Due	
Event Start Date	01/12/2016 13:45
Event End Date	
Submitting Officer	SMART Julie 50403
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	The Terrace
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Multi agency visit re non compliance with condition re noise limiter
Comments	<p>■ SMART Julie 50403 (12/04/2017 15:50):</p> <p>1440 hrs 12/04/17 attended Shark Bar (now renamed The Terrace) with Sgt Norsworthy. As the noise limiter has been installed and the condition on the licence has been varied according to Karl Martin's wishes, Sgt Norsworthy issued the member of staff [redacted] with a Section 19 Cancellation Notice, a copy of which is attached.</p> <p>No further action required.</p> <p>■ SMART Julie 50403 (22/03/2017 13:14):</p> <p>A variation application with a condition that all live and recorded music will be played through the limiter has now been received. In light of this I will check with Karl Martin that he is satisfied, and then request Sgt Norsworthy to issue a S19 [redacted] ice.</p>

S19 Cancellation Notice Page 122

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☐ SMART Julie 50403 (01/03/2017 15:17):

~~28/02/17 discussed with Karl Martin. He indicated that he will write to Jamie Lawrence outlining that the condition on the licence needs amending before he is happy for the S19 Closure Notice to be cancelled. I suggested that he sets a time limit for the variation application to be submitted to try to expedite this matter.~~

☐ BUTLER James 16706 (22/02/2017 09:47):

Progress noted, I will cancel the 19 once we receive the application [REDACTED].

☐ SMART Julie 50403 (14/02/2017 14:25):

I am aware that Karl is currently off work sick, so I have emailed Gar O'Shea requesting an update re this matter. Copy email attached.

☐ SMART Julie 50403 (13/01/2017 15:09):

Discussed at partnership meeting on 12/01/17. Gary O'Shea indicated that he had discussed a variation with Chris Hart, Jamie Lawrence's solicitor, and he thought that it was a reasonable request to vary the noise limiter condition. Gary will discuss again with Chris and let me know what is going to happen in order that we can consider cancelling the Closure Notice.

☐ SMART Julie 50403 (14/12/2016 13:41):

Discussed with Karl Martin this morning. He said he is relatively happy that the premises are complying with the condition as the limiter has been installed and set by [REDACTED]. Karl is happy that [REDACTED] would've set it at an appropriate limit. However Karl said that any DJ attending could plug in their own speakers and it wouldn't go through the limiter. He said he was going to write to Jamie advising him that DJ's can't use their own equipment but is not satisfied that he will comply. I asked if he was happy for the S19 cancellation notice to be served and he stated that he was. I said that before I could arrange this I would need his confirmation in writing together with a copy of the letter.

Since the above discussion, the matter was discussed at the Intel meeting and Gary O'Shea recommended that Mr Lawrence apply for a variation of the licence condition to include that all music must go through the limiter. I agree that this course of action will result in a tighter licence condition so will not arrange S19 cancellation until this avenue has been pursued. Gary will discuss this matter with Chris Hart, Mr Lawrence's solicitor. If a variation is not forthcoming Gary considers that there is sufficient evidence to go for a review or we could pursue the S19 notice.

☐ SMART Julie 50403 (09/12/2016 09:28):

On 08/12/16 discussed this matter with Many Guy. Karl Martin is currently off work on sick leave and therefore he has not been able to assist with the setting of the noise limiter. Telephone call received from Jamie Lawrence on 08/12/16 who stated that he has now paid for [REDACTED].

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to install the limiter but he is currently working in Brighton so it hasn't been fitted but he was hopeful that it would be in by the end of 09/12/16. Advised Jamie that Karl Martin is currently on sick leave and cannot assist with setting the limiter, we would extend the S19 to 5 pm on Wednesday 14 December 2016.

SMART Julie 50403 (02/12/2016 11:07)

Attended premises with Sgt Norsworthy, Mandy Guy and Karl Martin. Established that no noise limited is installed and set as required by the condition on the licence. Sgt Norsworthy issued the member of staff [REDACTED] with a Section 19 Closure Notice and explained that Mr Lawrence has until 5 pm on Thursday 8 December to comply with the licence. Copy of notice is attached.

Premises to be visited again on 8th December.

Visit tasked NO  
LA Time Taken  
LO Time Taken 160  
Item Briefed  
Representation/Objection No  
Hearing No  
Status COMPLETE

Attachments Shark Bar Cancellation of Section 19 Notice.pdf  
SHARK BAR EMAIL TO GARY O'SHEA RE S19 NOTICE .msg  
Shark Bar [REDACTED] Closure Notice 011216.pdf

Version: 9.0  
Created at 02/12/2016 11:07 by: SMART Julie 50403  
Last modified at 12/04/2017 15:50 by: SMART Julie 50403

Close

19a

Form No.: L15  
Rev. 06/2010



Devon & Cornwall Police  
Building safer communities together

File No.:	Computer URN:	Minute No.:
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# Closure Notice

## Section 19 Criminal Justice and Police Act 2001

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or local authority to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a licence. (Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed.) Where a constable is satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve a notice in respect of the premises.

Date and time of the Closure Notice: 01/12/16 at 1.54 pm

Person making the Notice: Sgt 3671 Mike Nonsworthy  
Signature: *[Handwritten Signature]*

Name (if applicable) and address of the affected premises:  
Shark Bar, The Terrace, Torquay, Devon

Alleged unauthorised use of the premises:  
Noise limiter installed and set in conjunction with Temporary Council as required by the condition on the premises licence

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:  
Noise limiter to be installed and set as required by the licence

The person (if applicable) on whom the Closure Notice has been served:  
Name: *[Redacted]*  
Signature: *[Redacted]*

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## **Explanatory Notes**

A police officer, or an authorised officer from the local authority has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 ('The 2001 Act').

### **Section 19 of the 2001 Act – Closure Notices**

Where a police officer or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in breach of its licence conditions, he may serve under Sub Section (3) a notice in respect of the premises.

### **Section 20 of the 2001 Act – Closure Orders**

Your attention is drawn to Section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a closure order if the unlicensed sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months after the date on which this closure notice was served.

After an application for the Closure Order is made the Justice of the Peace may issue a summons requiring the applicant and also the persons or persons on whom the Closure Notice was served to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.

In accordance with the Magistrates' Court Act 1980 and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

### **Appeals – Section 24 of the 2001 Act**

An appeal against a decisions by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order can be made by an affected person to the Crown Court within 21 days.

### **Enforcement Powers and Offences - Section 24 of the 2001 Act**

It is an offence for a person, without reasonable excuse, to permit a premises to open in contravention of a Closure Order made by the Magistrates Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse fails to comply with any other terms of a Closure Order made by the court, or does an act, which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000 or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at any reasonable time, and to do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However when exercising this power the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officer from exercising these powers. Any persons convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both. Any person obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

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**SMART Julie 50403**

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**From:** SMART Julie 50403  
**Sent:** 14 February 2017 14:24  
**To:** Gary O'Shea (gary.o'shea@torbay.gov.uk)  
**Cc:** mandy.guy@torbay.gcsx.gov.uk; MARTIN Karl  
**Subject:** SHARK BAR

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Gary

As Karl is currently off sick I was wondering if you were able to provide me with an update re this premises. Currently there is a Section 19 Closure Notice in place in connection with there not being a noise limiter installed to Torbay Council's satisfaction.

Hopefully you will recall that we discussed the fact that Karl is now satisfied that the premises is currently complying, however he raised concerns about potential noise complaints should bands plug in their own equipment. I think you mentioned that you would be speaking to Chris Hart (Mr Lawrence's solicitor) about the premises applying for a variation to cover the Pavement Café Permit area and was going to mention them amending the wording of the relevant condition to future-proof it.

Can you please let me know what is happening as I can't close the item on my workload until the S19 Notice has been cancelled.

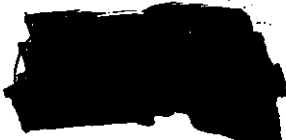
Thanks

Julie Smart  
Police Licensing Officer  
01803 218900  
07921 933974

[REDACTED]

[REDACTED]

19c



Devon & Cornwall Police  
building safer communities together

File No.:	Computer URN:	Minute No.:

### Cancellation of Closure Notice (Section 19 Criminal Justice and Police Act 2001)

Date and time of the Cancellation of Closure Notice: 12/04/17 at 1440hrs.  
 Officer making the Cancellation Notice: Sgt NORSWORTHY.  
 Signature:   
 Station: Headquarters.

Name of officer serving the Cancellation Notice: Sgt NORSWORTHY.  
 Station: Headquarters.  
 Date and time served: 12/04/17 at 1440 hrs.

Name (if applicable) and address of the affected premises: The Terrace, Formerly  
 Shark Bar, The Terrace Torquay.

Reasons (grounds) for cancelling the Closure Notice: Arised by Karl Martin  
 Toboy Council that noise limiter has been  
 installed and condition on the licence varied  
 which he is satisfied with.

The person (if applicable) on whom the Cancellation of Closure Notice has been served:  
 Name:   
 Signature:   
 Address: The Terrace Bar, The Terrace Torquay



20  
?

SharePoint

Newsfeed OneDrive Sites

SMART Julie 50403



Force Licensing Team > Licensing Items – Active > Terrace Bar Torquay

Item Type L10  
Prem Name Terrace Bar Torquay

Date Rec'd 22/04/2018

Date Due

Event Start Date 21/04/2018 23:00

Event End Date

Submitting Officer DINGLE John 12067

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Fight at premise, also both bar staff were in drink.

Comments ■ SMART Julie 50403 (04/05/2018 13:34):

Letter sent to PLH/DPS re this item and regarding the noise, male stood drinking a pint, non-compliance of pavement cafe permit and young primary school children at premises that I witnessed on 01/05/18.

Copy of letter sent to Torbay Council. Copy attached.

No further action required.

■ SMART Julie 50403 (02/05/2018 15:36):

It does not appear that Sgt Norsworthy has dealt with this in my absence. Re-allocated to myself.

■ COSBY Peter 55186 (23/04/2018 11:10):

Mike - for you to consider in event previous concerns that you may be aware of with Julie.

20

SMART Julie 50403

---

**From:** DINGLE John 12067  
**Sent:** 22 April 2018 06:32  
**To:** Licensing East  
**Subject:** The Terrace bar, Torquay

---

**Categories:** Jen

Good Morning

Police attended The Terrace bar, The Terrace, Torquay twice during the ENTE on 21/04/18 at approximately 2300 hours and 2330 hours. The DPS Jamie Lawrence was not on site and was left in the hands of [REDACTED]. Also working was a female bar staff member called [REDACTED]. Both [REDACTED] and [REDACTED] were in drink, there were no door staff and although I understand they are not obliged to have any in closing by midnight this still appears to be an issue.

Twice we were called via nitenet radio by the barstaff for violence at the bar both occasions involving all women. The main offender seemed to be a female called [REDACTED] who is the mother of [REDACTED] children. The keys to the premises were also lost/stolen at some point.

Regards  
John Dingle  
PS 2067

21

SharePoint

Newsfeed OneDrive Sites

SMART Julie 50403



Force Licensing Team > Licensing Items – Active > Terrace Bar Torquay

Item Type Other  
Prem Name Terrace Bar Torquay

Date Rec'd 01/05/2018

Date Due

Event Start Date

Event End Date

Submitting Officer SMART Julie 50403

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary At 4.55 pm on Tuesday 1 May 2018 I walk Fleet Walk (along the top level) when I noticed a male stood up outside this premises drinking a pint of what appeared to be alcohol. Music was very loud and primary school children outside and inside premises

Comments  SMART Julie 50403 (04/05/2018 13:35):  
Letter sent to PLH/DPS re the above matters and also 2 incidents involving women being violent on 21/04/18 when staff were also the influence of alcohol.  
Copy of letter sent to Torbay Council. Copy attached.  
No further action required.

Visit tasked NO

LA Time Taken

LO Time Taken 90

21a



# Devon & Cornwall Police

Mr J J Lawrence  
The Terrace Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

4 May 2018

Dear Sir

The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 21 April 2018 officers working on Night Time Economy Duty around the harbourside were twice requested to attend your premises, via Nitenet radio, at approximately 2300 hrs and 2330 hrs. At that time you were not on site and the premises were left in the management of Mr [REDACTED]. There was also a female member of staff on duty called [REDACTED]. Both [REDACTED] and [REDACTED] were under the influence of alcohol and there were no door stewards on duty.

On both occasions that officers attended, your staff reported violence at the premises involving women customers. The main offender seemed to be a female, who was established to be the mother of Mr [REDACTED]'s children. The keys to the premises were also lost or stolen at some point during the evening.

I would take this opportunity to remind you of condition 10 under the heading the Prevention of Crime and Disorder on your Premises Licence which states;

*On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then close after 00.30, SIA door supervisors shall be employed on the premises from 22.00 until close at a ratio*

**Contact the police**

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

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*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.*

I appreciate that if your premises were not intending to sell alcohol after midnight, or close after 0030 hrs, on the night in question, the provision of door stewards was not compulsory. However, I hope that you will bear the above 2 incidents in mind when carrying out your risk assessments over the next few months, particularly as the summer season is now approaching and it is likely that you may see an increase in customers attending your premises.

I also hope that you will take appropriate action in respect of the female identified as the instigator of the violence, such as banning her from your premises.

In relation to the matter of your staff being under the influence of alcohol, I would draw your attention to the attached letter, dated 6 October 2016, in which I refer to previous occasions where staff were under the influence of alcohol and suitable advice was given. I do hope that you will discuss this matter with your staff and ensure that they are in suitable state to carry out their responsibilities at all.

Furthermore, at approximately 1655 hrs on Tuesday 1 May 2018 my Police Licensing Officer, Mrs Smart, was walking along the upper level of the Fleet Walk Shopping Centre, where she could hear loud music. She established this was coming from your premises; in fact several people had stopped on the upper level of Fleet Walk and were looking across to The Terrace Bar, where several males and school children were stood outside. Mrs Smart noticed that at least one of these males was drinking what appeared to be a pint of alcohol.

I would take this opportunity to remind you of condition 17 under the heading the Prevention of Crime and Disorder on your Premises Licence, which states:

*Patrons must be seated in the outside area.*

I would also advise you that a standard condition on your Pavement Café Permit requires that all persons are seated when consuming alcohol and they should be supervised by waiter/waitress service.

For your information failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 36 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, 6 months imprisonment, or to both. Failure to comply with the terms and conditions of a Pavement Café Permit can result in the permit being revoked by Torbay Council.

Whilst your Premises Licence does not contain any conditions requiring the windows and doors to be closed if you are playing loud music during the day, I would remind you to ensure your staff monitor noise levels at all times so that it does not cause nuisance to neighbouring premises or a statutory nuisance.

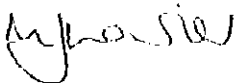
Whilst observing your premises Mrs Smart noted that there were several 'primary school' aged children immediately outside and inside your premises. As the ground floor of your premises is a pub offering wet sales only, I would ask you to consider whether you feel it is appropriate for children of this age to be in your premises if they are likely to be exposed to bad language, drunkenness or violence.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence and Pavement Café Permit, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler  
Head of Prevention Department

21a



Devon & Cornwall Police

Mr J J Lawrence  
Shark Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Sunday 31 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards on duty.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre but proceeded to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

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21a

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to . He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and finally admitted that it was locked in the safe.

Mrs Guy then advised of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*



Mrs Smart advised [redacted] that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [redacted] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [redacted] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

#### Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

#### Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio activity and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

#### Noise Issues

On 28 September 2016 Mr Marlin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

21a

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that some 5 months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

21a

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully

(s) M Lawler

Superintendent M Lawler  
Territorial Policing & Partnership Department

22



Please reply to: Ms Mandy Guy

Community Safety  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

Mr J Lawrence  
The Terrace Bar  
12/14 The Terrace  
Torquay  
TQ1 1BN

My ref: R:245120/AJG  
Your ref:  
Telephone: 01803 208025  
Website:  
Date: 7 June 2018

Dear Mr Lawrence,

**Licensing Act 2003**

**Premises Licence PL0433 The Terrace Bar, 12/14 The Terrace, Torquay TQ1 1BN**

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above Premises Licence.

On the 25th May 2018 at 18.15 I was approaching Hoopers on the Terrace, Torquay. I could hear music which as I proceeded down the Terrace towards your Premises it was very clear that it was your premises that the music was emanating from.

I went into the premises accompanied by my colleague Tara Harris, Executive Head Community Safety. I spoke to a lady at the bar and asked for you. She told me she was called [redacted] and that she was now running the bar. I explained I was not aware of any application to amend the licence and hence you were still the DPS and licence holder. I asked to see the licence although she was able to show me two copies of the licence summary on the wall, one which was out of date, she was unable to produce a copy of the licence. I was also concerned that she was unclear how to get hold of you.

We continued our conversation outside as it was too noisy to hear anything inside the premises due to the volume of the music. All the windows were wide open and the music was very loud outside the premises. [redacted] explained she had had a doorman on for the afternoon and they had removed someone from the premises. However she admitted she had not taken into account any of your neighbours being affected by the volume of the music. As you are aware your licence does not have a condition requiring you to close the doors and windows whilst playing music during the day but it is your responsibility to ensure you and your staff monitor noise levels to ensure they are not causing a nuisance to your neighbours.

I accessed your premises licence on my phone and went through the conditions with [redacted] and a gentleman who was at the bar with [redacted] when we arrived. I was told the jukebox goes through a noise limiter however the equipment being used at the time of my visit did not go through the noise limiter. Condition 9 in Annexe 2, Prevention of Public Nuisance on your premises licence states:-

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • **Page 140** • environmental protection and licensing • leisure, museums, libraries and arts

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

~~"A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter."~~

It is concerning to hear that at the time of my visit not only did the Ms [redacted] not know the conditions on the licence but that she also admitted it was only the juke box going through the noise limiter.

As I stood outside the premise talking to [redacted] I noted the people drinking were sat at tables however a number of people were standing in the road outside the premises. I asked [redacted] if she had a copy of the Pavement Café Permit. She was not able to produce the licence which is one of the conditions. Without the licence being available you cannot expect your staff to properly enforce the conditions.

I am disappointed to see that although you were written to by Superintendent Lawler on the 4<sup>th</sup> May 2018 regarding the noise and pavement café area, and also prior to this on the 6<sup>th</sup> October 2016, you do not seem to have taken any steps to improve the problems. I have enclosed copies of these letters for your information.

I would like to remind you that as DPS and licence holder it is your responsibility to ensure all conditions re complied with. Should you continue to not promote the licensing objectives you may have your licence reviewed.

I have sent a copy of this letter to the Police Licensing Department for their information.

Kind regards

Mandy

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

Yours sincerely

Ms Mandy Guy  
Senior Licensing Officer [redacted]  
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

22



# Devon & Cornwall Police

Mr J J Lawrence  
The Terrace Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

4 May 2018

Dear Sir

The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 21 April 2018 officers working on Night Time Economy Duty around the harbourside were twice requested to attend your premises, via Nitenet radio, at approximately 2300 hrs and 2330 hrs. At that time you were not on site and the premises were left in the management of [redacted]. There was also a female member of staff on duty called [redacted]. Both Mr [redacted] and [redacted] were under the influence of alcohol and there were no door stewards on duty.

On both occasions that officers attended, your staff reported violence at the premises involving women customers. The main offender seemed to be a female, who was established to be the mother of [redacted] children. The keys to the premises were also lost or stolen at some point during the evening.

I would take this opportunity to remind you of condition 10 under the heading the Prevention of Crime and Disorder on your Premises Licence which states;

*On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then close after 00.30, SIA door supervisors shall be employed on the premises from 22.00 until close at a ratio*

**Contact the police**

Emergency 1 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

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*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.*

I appreciate that if your premises were not intending to sell alcohol after midnight, or close after 0030 hrs, on the night in question, the provision of door stewards was not compulsory. However, I hope that you will bear the above 2 incidents in mind when carrying out your risk assessments over the next few months, particularly as the summer season is now approaching and it is likely that you may see an increase in customers attending your premises.

I also hope that you will take appropriate action in respect of the female identified as the instigator of the violence, such as banning her from your premises.

In relation to the matter of your staff being under the influence of alcohol, I would draw your attention to the attached letter, dated 6 October 2016, in which I refer to previous occasions where staff were under the influence of alcohol and suitable advice was given. I do hope that you will discuss this matter with your staff and ensure that they are in suitable state to carry out their responsibilities ~~at all~~.

Furthermore, at approximately 1655 hrs on Tuesday 1 May 2018 my Police Licensing Officer, Mrs Smart, was walking along the upper level of the Fleet Walk Shopping Centre, where she could hear loud music. She established this was coming from your premises; in fact several people had stopped on the upper level of Fleet Walk and were looking across to The Terrace Bar, where several males and school children were stood outside. Mrs Smart noticed that at least one of these males was drinking what appeared to be a pint of alcohol.

I would take this opportunity to remind you of condition 17 under the heading the Prevention of Crime and Disorder on your Premises Licence, which states:

*Patrons must be seated in the outside area.*

I would also advise you that a standard condition on your Pavement Café Permit requires that all persons are seated when consuming alcohol and they should be supervised by waiter/waitress service.

For your information failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 36 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, 6 months imprisonment, or to both. Failure to comply with the terms and conditions of a Pavement Café Permit can result in the permit being revoked by Torbay Council.

Whilst your Premises Licence does not contain any conditions requiring the windows and doors to be closed if you are playing loud music during the day, I would remind you to ensure your staff monitor noise levels at all times so that it does not cause nuisance to neighbouring premises or a statutory nuisance.

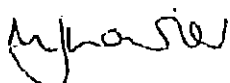
Whilst observing your premises Mrs Smart noted that there were several 'primary school' aged children immediately outside and inside your premises. As the ground floor of your premises is a pub offering wet sales only, I would ask you to consider whether you feel it is appropriate for children of this age to be in your premises if they are likely to be exposed to bad language, drunkenness or violence.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence and Pavement Café Permit, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler  
Head of Prevention Department



22



# Devon & Cornwall Police

Mr J J Lawrence  
Shark Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity as Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 2 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre but proceeded to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

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Police and Crime Commissioner for Devon and Cornwall  
Stock code: 51G15

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to [REDACTED]. He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with [REDACTED] and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked [REDACTED] if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and [REDACTED] finally admitted that it was locked in the safe.

Mrs Guy then advised [REDACTED] of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised [redacted] that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [redacted] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [redacted] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

#### Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

#### Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio actively and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

#### Noise Issues

On 28 September 2016 Mr Martin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that some months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully,

(S) [Signature]

[Redacted]

Superintendent M Lawler  
Territorial Policing & Partnership Department

[Redacted]

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**From:** SMART-Julie-50403  
**Sent:** 11 June 2018 11:58  
**To:** MARTIN Karl  
**Cc:** O'Shea, Gary; mandy.guy@torbay.gcsx.gov.uk  
**Subject:** THE TERRACE BAR, THE TERRACE, TORQUAY

---

Hi Karl

A PCSO has been in to see me this morning as the above premises has been causing noise nuisance over the weekend and we've received several complaints as below:

Saturday 14:52 hrs – Log 0534 of 09/06/18

An anonymous call was received from a male using mobile phone [REDACTED]  
The reporting person said they were driving past the premises and there were people stood in the road drinking so he/she asked them to move out the way but they became abusive. The reporting person feels they shouldn't be in the road drinking their drinks. The reporting person also said that he feels the music is playing ridiculously loud and can be heard from far away but he was unsure if this was something the police could assist with or whether they were breaking any licensing laws. The CCTV Control Room looked at the premises and could see people gathered outside and they continued to monitor.

Saturday 18:42 hrs – Log 0773 of 09/06/18

[REDACTED]  
He said that there are speakers outside The Terrace causing a nuisance. Police tried to ring Torbay Council but was informed that they have no duty licensing team on today. At 20:30 hrs a police unit attended and told them to shut the windows and turn the music down.

PCSO Rachael Greene told me that she attended the premises over the weekend (I don't know if in relation to the above or at a different time) and was trying to talk to someone outside Banx and had to shout at him due to the volume of noise from The Terrace Bar.

We were going to visit this premises last Wednesday but unfortunately I had to cancel as something else came up, but I think that was to discuss noise that Gary had witnessed.

Bearing in mind I only wrote to this premises on 4 May 2018 re a couple of incidents, noise and people stood up drinking, I'm very tempted to apply for a Review. I'm going to research what I have on the system for the premises and let you know what I think.

Kind regards

*Julie Smart*  
Alcohol Licensing  
Drug and Alcohol Harm Reduction  
Prevention Department  
Dorset, Devon and Cornwall Police Alliance

[Julie.smart@devonandcornwall.pnn.police.uk](mailto:Julie.smart@devonandcornwall.pnn.police.uk)  
01803 218900  
07921 933974  
Internal: 41400

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**SMART Julie 50403**

**From:** Sunley, Milly <Milly.Sunley@torbay.gov.uk>  
**Sent:** 15 June 2018 12:06  
**To:** SMART Julie 50403  
**Subject:** RE: THE TERRACE BAR

Hi Julie

If he attended he did not sign in so in our eyes he didn't attend and there's no proof that he did.

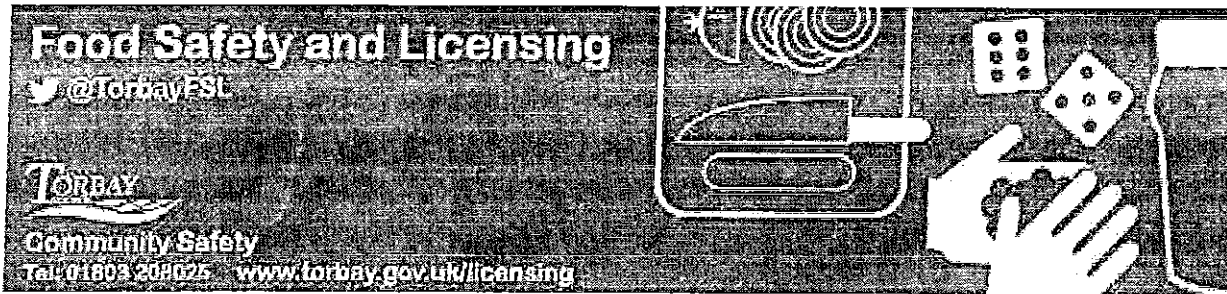
No one for April 2018  
 No one for Nov 2017  
 April 2016 - [redacted] for Shark Bar  
 Nov 2015 - [redacted] for Shark Bar (but gave Jamie's email)

No problem!

Milly

**Milly Sunley**  
**Licensing Support Officer**  
**Licensing & Public Protection**  
**Torbay Council**  
 Town Hall  
 Castle Circus  
 Torquay  
 TQ1 3DR  
 01803 208025

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**From:** SMART Julie 50403 [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]  
**Sent:** 15 June 2018 11:49  
**To:** Sunley, Milly <Milly.Sunley@torbay.gov.uk>  
**Subject:** RE: THE TERRACE BAR

Hi Milly

So from the below am I correct in saying he DIDN'T attend in April 2018, November 2017, April 2016 or November 2015? Are you able to tell from the attendance lists whether anyone else attended on behalf of The Terrace or Shark Bar on those dates?

Sorry to be a pain.

Thanks  
Julie

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**From:** Sunley, Milly [mailto:Milly.Sunley@torbay.gov.uk]  
**Sent:** 15 June 2018 11:27  
**To:** SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
**Subject:** RE: THE TERRACE BAR

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Hi Julie

Below are the dates of the forums he attended and in brackets are the premises he named:

- April 2017 (The Terrace Torquay)
- Nov 2016 (Shark Bar)
- April 2015 (Old Skools & Shark Bar)

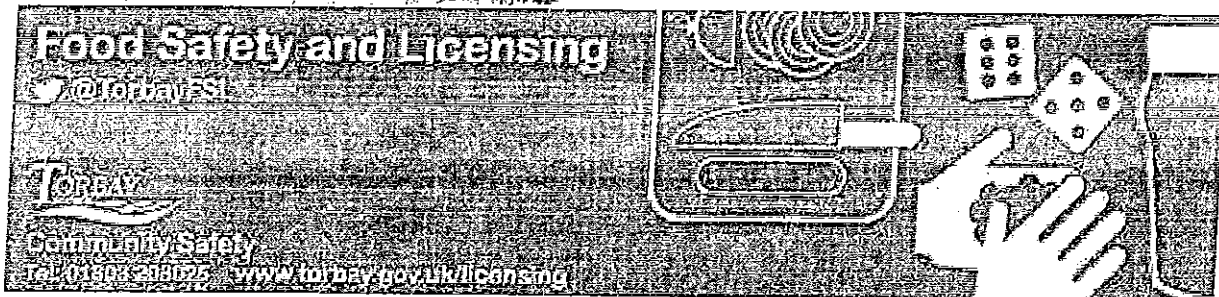


Do you want me to go back any further?

Milly

**Milly Sunley**  
**Licensing Support Officer**  
**Licensing & Public Protection**  
**Torbay Council**  
**Town Hall**  
**Castle Circus**  
**Torquay**  
**TQ1 3DR**  
**01803 208025**

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**From:** SMART Julie 50403 [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]  
**Sent:** 15 June 2018 11:15  
**To:** Sunley, Milly <Milly.Sunley@torbay.gov.uk>  
**Subject:** THE TERRACE BAR

Milly

Please can you have a look at your lists of attendees at the last 4 Licensing Forums and tell me if Jamie Lawrence was there. I've sent this to you as I know Mandy is very busy getting ready to go on leave.

If you could do this asap, I'd be very grateful.

Thanks



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Julie Smart  
Police Licensing Officer - Torbay  
01803 218900  
07921 933974

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In person: Police Enquiry Offices  
In an emergency always call 999

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Licensing Act 2003  
**Premises Licence**

**433**

LOCAL AUTHORITY



**Torbay Council**  
Licensing & Public Protection  
c/o Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**The Terrace Bar**

12/14 The Terrace, Torquay, TQ1 1BN.

Telephone 01803 390180

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors)	Monday to Sunday	10:00am	2:00am
E. Performance of live music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	Noon	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	1:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	Noon	Midnight
L. Late night refreshment (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00pm	2:00am

Licensing Act 2003  
**Premises Licence**

**433**

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

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	2:00am

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	10:00am	3:00am

**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**

Terrace Restaurant Torquay Limited	37 Shiphay Lane, Torquay, TQ2 7DU.
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**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

Terrace Restaurant Torquay Limited	10464455
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**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Jamie John LAWRENCE	18 Market Street, Torquay, Devon, TQ1 2AQ. Telephone 01803 201501
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**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. PA2870	Issued by Torbay
--------------------	------------------

*Stephen Cox*

Steve Cox  
Environmental Health Manager  
21 April 2017



**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 must 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:-
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (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 in a manner which carries a significant risk of undermining a licensing objective;
  - (d) 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;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
  
(3) 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 either:-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- 6) The responsible person must 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:-

**ANNEXES continued ...**

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**MANDATORY CONDITION: EXHIBITION OF FILMS**

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.

Where -

the film classification body is not specified in the licence, or

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.

**ANNEXES continued ...**

In the case of the aforementioned conditions  
“children” means persons aged under 18; and  
“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

**MANDATORY CONDITION: DOOR SUPERVISION**

Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.

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)

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.

In respect of premises in relation to-  
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  
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:-

“security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and

paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**ANNEXE 2**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**General**

1. The licensees shall continue to work closely with the police in all matters that shall arise.

**The Prevention of Crime and Disorder**

1. There must be a member of staff allocated to clear used glasses regularly and a system must be in place to deal with spillages.
2. As far as is practical, that persons on or leaving the Premises and using adjacent car parks and highways must be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by. This shall be done with the use of signage and staff asking them politely to be as quiet as possible.
3. Clear and conspicuous notices warning of potential criminal activity (example drink spiking) within the premises that may target patrons of the premises shall be displayed.
4. Bar staff must be suitably trained to prevent the sale of alcohol to under 18's.
5. Regular glass and bottle collection must be undertaken throughout the premises.
6. Patrons shall not be permitted to leave the premises with any glass or bottles which belong to the premises.
7. Premises shall have a clear drugs policy.
8. There shall be a policy to work closely with the police to prevent the consumption and supply of illegal drugs with the use of the Ion track itemiser, Drug Detection Machine and Passive Drugs Dog when available from the police and also the alertness and training of staff.
9. A CCTV system of an evidential standard shall be installed to the satisfaction of the police, and recordings shall be kept for a period of 14 days and the police to have access to recordings at any reasonable time.

**ANNEXES continued ...**

10. On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then closed after 00.30, SIA door supervisors shall be employed on the premises from 22.00 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.
11. All drinks shall be served in toughened, strengthened, polycarbonate or plastic glasses. No alcohol shall be served in glass bottles, from which it is intended or likely that a person shall drink, after 11.00pm.
12. The premises shall operate a Challenge 25 identification policy and will display appropriate signage at the entrance of the premises to this effect.
13. Free drinking water shall be available to customers at all times.
14. On every operational day when door supervision is required then those SIA door stewards employed in front of house duties shall wear high visibility reflective jackets for the entirety of their duty.
15. Representatives of Premises Management shall attend at least 2 meetings per calendar year of the Torquay Night-time Economy Forum.
16. Bottles must not be taken outside.
17. Patrons must be seated in the outside area.
18. Notices must be displayed on exit doors reminding patrons they are entering a No Drink Zone.

**Public Safety**

1. First Aid facilities shall be provided on the premises.

**The Prevention of Public Nuisance**

1. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.
2. A limiter shall be installed within the sound system and cannot be over ridden.
3. The Licensee must ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
4. Patrons shall be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly. An announcement shall be made prior to closing requesting patrons' cooperation in leaving the premises and vicinity as quietly and quickly as possible. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. Door staff shall be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimised.
6. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
7. The premises shall remain open for at least one hour after alcohol is served (while patrons are on the premises) during which time patrons shall be dispersed gradually. Music shall be toned down for at least one hour before close of the premises.
8. A senior member of staff (manager) shall assess the impact of any noise 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.
9. A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to



**ANNEXES continued ...**

bypass or override the limiter.

10. Doors and windows shall be kept closed during all performances of live music and karaoke.
11. Doors and windows shall be kept closed after 23.00hrs when playing recorded music.
12. Any live or recorded music at the premises shall be played through the noise limiter.

**The Protection of Children From Harm**

1. In the interests of protecting children from harm, children below the age of 18 shall be excluded from the premises after 9pm.

**ANNEXE 3**

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

**The Prevention of Crime and Disorder**

1. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.
2. There shall be no entry or re-entry to premises after 1.00am.
3. No persons shall be employed on the premises after 9.00pm who are under 18 years of age.

**The Prevention of Public Nuisance**

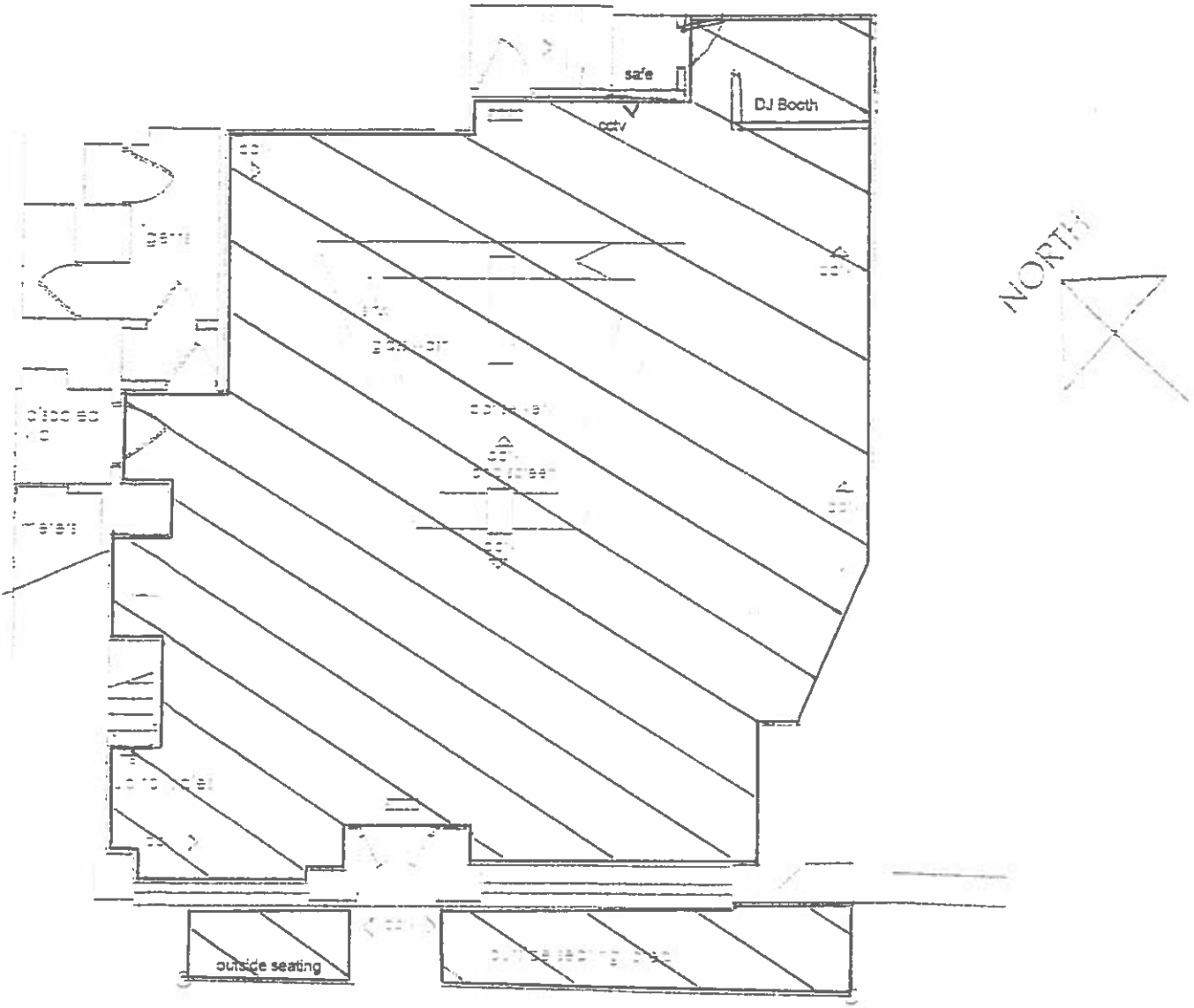
1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially 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 (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. Bottle skips and bins containing cans or bottles shall not be emptied outside after 11.00pm but shall be dealt with the next day during normal office hours.

**ANNEXE 4**

**PLANS**

Copy attached to Licence.

ANNEXE 4



The Terrace



Ground Floor Plan No. 12 The Terrace



LICENSED  
AREA

## Memorandum

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<b>To:</b> Licensing Team	<b>From</b> :	<b>Safeguarding and Reviewing Service</b>
<b>c.c</b>	<b>Contact</b> :	Faye McNiven
<b>c.c.</b>	<b>Ext</b> :	208432
<b>c.c</b>	<b>My Ref</b> :	FM
<b>For the attention of: Licensing</b>	<b>Your Ref</b> :	
	<b>Date</b> :	22/06/18

---

**Subject: Application for Review of Licence**

**Premises Name: The Terrace Bar**

**Address: 12/14 The Terrace, Torquay, TQ1 1BN**

- a) I have no comments to make on the above application
- b) The application does not meet the following licensing objectives:
- i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of nuisance

because:- (please list those aspects of the application or variation that give you reason for concern and why you have these concerns).

We are very concerned that there has been underage drinking and that a child under the age of 18 has been on the premises after 9pm, which is clearly in breach of the condition on the licence.

In addition to the existing condition on the licence where children under 18 are excluded from the premises after 9pm, we would like to see the following added to the licence:

- Challenge 25 Policy
- No children allowed on the premises unless accompanied by a responsible adult at all times.

*FH McNiven*

Signed:

Date: 22/06/18

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**DEVON &  
SOMERSET**  
FIRE & RESCUE SERVICE

**Glenn Askew**  
Chief Fire Officer

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**Mrs Julie Smart**  
Police Licensing Officer  
Torquay Police Station  
South Street  
Torquay  
TQ2 5AH

**Western Command**  
Devon South Group  
Torquay Headquarters  
Newton Road  
Torquay  
TQ2 7AD

---

Your ref :  
Our ref : BL207559/P  
Website : [www.dsfire.gov.uk](http://www.dsfire.gov.uk)

Date : 28 June 2018  
Please ask for : Paul Farmer  
Email : [pfarmer@dsfire.gov.uk](mailto:pfarmer@dsfire.gov.uk)

Telephone : 01803 653700  
Fax : 01803 653740  
Direct Telephone : 01803 653734

Dear Madam

**Licensing Act 2003**  
**Application for a Review of a Licence**  
**Re: The Terrace Bar 12-14 The Terrace Torquay TQ1 1BN**

Thank you for your letter dated 20 June 2018 with a copy of an Application for a Review of the licence for the above premises.

The Fire and Rescue Authority have inspected the premises and have the following observations to make in respect of this matter.

In accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005 a suitable and sufficient fire risk assessment was not available.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Farmer', written over a white background.

**Paul Farmer**  
Business Safety Officer

# Memorandum

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<b>To:</b>	<b>From</b>	: <b>Community Safety</b>
<b>c.c</b>	<b>Contact</b>	: Mr Karl Martin
<b>c.c.</b>	<b>Ext</b>	: 01803 208025
<b>c.c</b>	<b>My Ref</b>	: 1ZV SRU No: 245351/KJM
<b>For the attention of: Gary O'Shea</b>	<b>Your Ref</b>	:
	<b>Date</b>	: 18 <sup>th</sup> June 2018

---

**Premises Name & Address:** The Terrace Bar, 12-14 the Terrace, Torquay

**Subject:** Review application – Licensing Act 2003

- a) I have no comments to make on the above application
  
- b) The application does not meet the following licensing objectives:
  - i) Prevention of crime and disorder
  - ii) Protection of children from harm
  - iii) Public safety
  - iv) Prevention of public nuisance

1. The Terrace bar (PL0433), is a late night venue situated within the Cumulative Impact Area.
2. The premises despite its proximity to Fleet Street is flanked by residential accommodation and noise sensitive commercial enterprises. Please see appendix 1.
3. The Authority has investigated noise complaints emanating from the premises on more than 10 occasions in the last 10 years.
4. The primary complaint is about recorded or live music breakout from the building. Whilst the current PLH has not been in control of the premises for the majority of this time, the type of noise complaints received by the Authority are common to all operators.
5. Using licensing conditions as a measure to control noise have been attached to annex 2 of the premises licence, notably:-
  8. A senior member of staff (manager) shall assess the impact of any noise 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.

9. A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.
  10. Doors and windows shall be kept closed during all performances of live music and karaoke.
  11. Doors and windows shall be kept closed after 23.00hrs when playing recorded music.
  12. Any live or recorded music at the premises shall be played through the noise limiter.
- 
6. A noise limiter is a preferred method of controlling noise outbreak where a building has poor attenuation and the Terrace is such a premises. In addition all PLHs or lease holders of this premises have tended to use music as a way of advertising to would-be customers that they are open for trade.
  7. In April 2016 Ms Julie Smart, Police licensing Officer for Devon and Cornwall Police, informed me that a member of staff had told her there was no noise limiter.
  8. Despite being advised to contact myself by Ms Julie Smart as of May 2016 no contact had been made and therefore I visited the premises and spoke to a member of staff who tried to convince me a BT broadband router was the noise limiter. In June 2016 Mr Jamie Lawrence informed he had purchased a noise limiter but it was being kept in the safe.
  9. In September 2016 during a visit with Ms Smart to discuss noise complaints it was evident Mr Lawrence had still not installed the limiter in accordance with a condition of the licence.
  10. In December 2016 an s19 Closure Order was issued by the Police. A requirement of the notice was to comply with a condition relating to the noise limiter.
  11. In January 2017 a local noise consultant was employed by Mr Lawrence to install the limiter. The levels were set by the consultant and agreed by myself. It was noted the only viable sound limiter solution available to Mr Lawrence could allow a person to easily bypass the limiter if not appropriately managed.
  12. In November 2017 a series of noise complaints about the premises was received by the Authority and all concerned recorded music breaking out of the building. Most complaints related to excessive music during the day. During the investigation it transpired the venue at this time was being hired out for private parties and a DJ was allowed to bring their own equipment on site.
  13. The Live Music Act 2013 de-regulated Live and recorded music between the hours 8:00am -11:00pm. Consequently any condition relating to regulated entertainment is unenforceable during these times. Mr Lawrence was advised of this but advised it would be considered good practice to use the limiter at all times to avoid him causing a Statutory Nuisance.
  14. During routine visits with Police Licensing on 23<sup>rd</sup> June and again on the 29<sup>th</sup>, recorded music was observed being played at a volume higher than was set by the limiter. On the 23<sup>rd</sup> Door and windows were still open 20 minutes after a licence condition requires them to be closed.

15. Historically noise complaints are ad hoc in nature and the generally resolved quickly as it has often been management failings. This explains why the Authority in recent times has not been in an evidential position to consider enforcement action.
16. The existing conditions on the licence are suitable and should sufficiently adequately address the risk of noise breakout. Although good management is the crucial. The weakness is the exemptions allowed by the Live Music Act and I therefore ask members of the Licensing Committee to consider removing the exemption granted to the premises licence by the Live Music Act.

Mr Karl Martin  
**Public Protection Officer**  
**Torbay Council**



## Memorandum

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To: Licensing

From: Licensing Authority

FAO: Gary O'Shea  
Principal Officer Licensing and  
Public Protection

Contact: Mandy Guy

Ext : 8025

Ref:

Date: 17 July 2018

---

**Re: Review of Premises Licence PL0433 The Terrace Bar, 12-14 The Terrace,  
Torquay TQ1 1BN**

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I refer to the application for a Review of the Premises Licence in respect of the above named premises, submitted by Devon and Cornwall Police.

The premises currently has the benefit of Premises Licence PL0433 which was granted by Torbay Council on 24 November 2005. The premises operates as a bar which provides live and recorded music. There are no kitchen facilities at the premises so it does not provide any substantial food. It is situated within the Cumulative Impact Area at the bottom of The Terrace close to the junction with Fleet Walk. This area is part of Torquay's Late Night Economy.

I have made several visits to this premises since the 24 April 2015 when Mr Jamie Lawrence took over the running of the premises. As such I would like to support the Review submitted by the Police with the following information which relates to inspections I have done to the premises and information exchanged with Jamie Lawrence.

1. On the 24<sup>th</sup> April 2015 I was inspecting the Young Farmers event at the Riviera centre, Torquay with my colleague Shaun Rackley, Licensing Enforcement Officer. Whilst we were there we received some information about 12-14 The Terrace, Torquay, which at that time was called R & B's. The information stated that the premises had opened up for the Young Farmers and was not safe and had live electrical wires hanging out of the walls and that the paint on the walls was still wet. I left the Riviera Centre with Mr Rackley and we headed to R & B's. We arrived at the

premises at 23.20. When we arrived the Police were already at the premises and we introduced ourselves to Sergeant Carmen Desborough. We then met Mr Lawrence who claimed he was the new Designated Premises Supervisor (DPS). There were two other men with Mr Lawrence who said they were a shareholder and the Bar Manager.

During our inspection we found a number of breaches of Licensing, Food Hygiene and Health and Safety legislation. These included the bar being relocated without a change in the Premises Licence, no Nightnet radio, CCTV issues, no door staff, electrical issues, dangerous chemical storage, restricted access to the fire exit. All the details of the breaches are shown in *Letter A* attached to this memo.

It was apparent from what we saw at the premises that it had opened in a hurry without considering anyone's safety or compliance with the relevant legislation.

We also had concerns that Mr Lawrence said he was the DPS and that we didn't have any evidence of the application. However we later found out that he had submitted an application but it was rejected as it was wrong so on the night of the visit he was not authorised to be the DPS.

During this inspection it was difficult to communicate with Mr Lawrence as in my opinion he was in drink and he also got himself a drink from the bar whilst we were talking to him. This is not what we would expect to see from a person running a licensed premises. Before we left the premises Mr Lawrence agreed to close the bar and not to reopen it again over the weekend.

2. On the 27 April 2015 I met with Julie Smart, Police Licensing Officer, the 2 holders of the licence and Mr Lawrence. It was confirmed Mr Lawrence had been given the lease for the premises.

During this meeting we went through the issues from the inspection the 24 April 2015 and what work needed to be done. We also discussed that if the premises opened again before successfully obtaining a variation of the premises licence, or alternatively moving the bar back to the position on the premises licence plan, that it would be an offence under Section 136 of the Licensing Act 2003.

We also had a discussion about how the application for a variation to the premises licence and the variation to the DPS had been rejected as they were not correctly submitted. A letter was sent to the licence holders to confirm this. *Letter B*.

3. At 23.15 on 19 September 2015 I visited Shark Bar (name was changed from R&B'S in July 2015) which my colleague Matt Redmond, Licensing Enforcement Officer. We were accompanied by the Police. The purpose of the visit was to check how the premises was being managed.

The initial challenge when arriving at the premises was for the 3 people who I spoke to, one being Mr Lawrence, to decide who was actually running the premises that evening.

There was also confusion about what time they were closing, and the number of door staff that should be working. There was a clear lack of understanding of the conditions on the licence. There was also structural repairs needed in the cellar and we were given different answers as to when this was being repaired. A copy of the letter shown as *Letter C* goes into further detail on this visit.

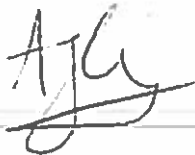
4. On the 11 April 2016 at 17.15 I visited Shark Bar with Julie Smart, Police Licensing Officer, as a result of a complaint about noise at the premises. The level of the music was excessive and could be heard as we approached the premises. We spoke to Mr Lawrence who was unable to provide a copy of the Premises Licence which is an offence under the Licensing Act 2003. Mr Lawrence was also unable to provide a copy of his Pavement Café Licence. There were a number of conditions of both the premises and Pavement Café Licence that were being breached. A letter detailing these breaches was written by Julie Smart. Shown as *Letter D*.

5. Another visit was carried out on Saturday 6 August 2016 at 22.00 by myself, Julie Smart, Sergeant Norsworthy and Gary O'Shea, Principle Officer Licensing and Public Protection. Mr Lawrence was not at the premises but once again the person left in charge was not clear on how to run the premises. As an example I asked about the noise limiter, which is a condition on the licence. I was initially told it was installed and working and then on further questioning I was told it was locked in the safe. To work the equipment needs to be correctly installed and set up not locked away in a safe. There were a number of other concerns that have been documented in the letter written by the Police. This is *Letter E*.

6. On the 25 May 2018 at 18.15 I was walking along The Terrace by Hoopers with a colleague Tara Harris, Executive Head Community Safety. We could hear some very loud music which as we continued we realised was coming from The Terrace Bar (name changed from Shark bar on 6 April 2018). We had finished work but the noise was so loud I decided to go into the premises. I couldn't see Mr Lawrence so I produced my ID and asked to speak to the person in charge. A lady told me she was now running the bar. I asked her to come outside as it was so loud I couldn't hear what she was saying. All the windows and doors were open so it was still difficult to have a conversation outside the premises. There was one doorman outside the premises. We had not received any applications to change the DPS so I asked her to contact Mr Lawrence but the lady didn't know how to get hold of him. They couldn't produce a copy of the Premises Licence or Pavement Café Licence and had no idea about the conditions on the licences. A letter was sent to Mr Lawrence regarding the issues and explaining how disappointed I was to see that he had not taken any notice of previous letters sent by Licensing or the Police. This is shown as *Letter F*.

7. I have received recent emails from Mr Lawrence in June and July 2018 explaining he is no longer the DPS or licence holder and that the company has been struck off on Companies House so he can no longer be responsible for the premises. However he has been informed he is still the DPS as no applications to change this have been accepted by the Licensing team and on Companies House the company who holds the licence for The Terrace Bar, for which is the sole Director is still active.

Even though numerous visits have been done to this premises, followed up with detailed letters it is disappointing to see that the management of this premises is still not at the standard that would be expected. As a result of this the Licensing Objectives are not being promoted.



---

Mandy Guy

Senior Licensing Officer

Torbay Council



Please reply to: Ms Mandy Guy

Community Safety

c/o Town Hall

Castle Circus

TORQUAY

Devon

TQ1 3DR

Mr

My ref: R:214890/AJG

Your ref:

Telephone: 01803 208025

Website:

Date: 20 May 2015

Torquay  
TQ

Dear Sirs,

Licensing Act 2003

Health and Safety at Work Act 1974

Food Safety and Hygiene (England) Regulations 2013

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB

I am writing to you with regard to the visit done by myself and Shaun Rackley, Licensing Enforcement Officer, to R & B's at 23.20 on Friday 24<sup>th</sup> April 2015. We visited the premises as we received information from a member of the public that they felt the premises was unsafe and should not be open. When we arrived at the premises there were already Police Officers, Sergeant 6633 Desborough and PC 6896 Cull, in attendance that also had concerns about public safety at the premises.

During this visit we spoke to Jamie Lawrence who claimed he was the new Designated Premises Supervisor, [REDACTED] a shareholder in Shark Bar and [REDACTED] the Bar Manger. There were customers in the premises during our visit and the bar was open to customers to purchase drinks including alcoholic drinks.

On Monday 27<sup>th</sup> April 2015 at 14.10 myself and Julie Smart, Police Licensing Officer, met with yourselves and Jamie Lawrence to discuss the breaches of legislation that had been noted. These were as follows:

Licensing

1. There were no door stewards at the premises as required by your premises licence when the premises remains open for the sale of alcohol after midnight on any Thursday, Friday or Saturday night. Jamie Lawrence informed me they were planning to stop selling alcohol at midnight and close by 12.30 so they didn't need door staff. However I highlighted to Mr Lawrence that there were over 5000 Young Farmers in town and as such there was an expectation that premises in Torquay Town Centre would be providing door staff. Mr Lawrence contradicted himself by telling me he was only allowing locals in and then that he would welcome in any Young Farmers that did turn up. I understand that you had spoken to

Mr Lawrence previously about door staff and had expected them to be employed at the premises over the Young Farmers weekend.

2. The premises did not have a Nitenet Radio and the CCTV was not working. We were told there had been a power issue with the CCTV but a Police Officer noted it was not plugged in. Both of these issues are breaches of your premises licence. Failure to comply with conditions on your premises licence constitutes an offence under Section 136 of the Licensing Act.
3. It was quite evident when we entered the premises that it was undergoing refurbishment and that it had been opened with the refurbishment only partly completed. This was evident not only from the smell of fresh paint and the paint with the roller that we found in the cupboard next to the men's toilets, but also from the number of half finished jobs. One of these was the new bar in the center of the premises. This bar was much larger than the previous bar which was at the side of the premises. The location of the bar and the removal of the disabled toilet were discussed with Mr Lawrence. He said he had submitted an application for the bar to be moved and also an application for him to be put on as the Designated Premises Supervisor. We informed Mr Lawrence that we had not received these applications. I can confirm when we returned to the office the applications had been received but were not able to be accepted as they were wrong. Further enquires revealed that [REDACTED] who was named as the Designated Premises Supervisor had thought she had been removed from the licence and was unaware of the premises being open. Therefore you were selling alcohol without the authorization of a Designated Premises Supervisor which is an offence.

---

4. There was a further offence under section 136 of the Licensing Act 2003 as the layout of the premises had been substantially changed without the licence being amended by the correct process of correctly submitting an application to vary the licence to reflect the changes.
5. There are a number of other conditions on the premises licence that were being breached during the inspection. However due to the concerns we had with regard to public safety only the main licensing issues were addressed on the evening. This was also in part due to the difficulty we were having communicating with Mr Lawrence as in my opinion he was heavily in drink. He did confirm he had been called to the premises from a celebration he was at in the Old Skools Bar. He also got himself a half pint of what appeared to be an alcoholic drink from behind the bar when we were talking to him.

#### Health and Safety

6. There were a number of electrical issues with the fixed wiring throughout the premises. Mr Lawrence offered to touch the wiring to prove it was not live however he was advised not to do this. One of the electrical sockets that was hanging off the wall had a working gaming machine plugged into it so was obviously live.

You must undertake an Electrical Installation Condition Report (EICR) in accordance with the Electricity at Work Regulations 1989. Any remedial items in this report must be remedied and a 'satisfactory' EICR report submitted to this department within 6 weeks.

7. There was no sign of any gas safety paperwork on site during my visit. The gas boiler in the cupboard off the ladies toilet appeared to be in a poorly maintained condition. You must ensure the gas system on site is inspected by a suitably qualified 'Gas Safe' engineer and a copy of their report forwarded to this department within 6 weeks.
8. There were chemicals stored in a haphazard manor throughout the premises including in the cupboard there the boiler is located. Chemicals must be stored in accordance with the

manufacturers' recommendation and away from potential sources of ignition.

9. The flooring throughout parts of the premises, including the bar and around the men's toilet were found to be uneven and constituted a tripping hazard. Floors must be of a sound construction and free from defect so as to prevent the risk of patrons injuring themselves.
10. Egress via the upstairs fire exit was restricted and there were a number of wires and miscellaneous items behind the door and on the stairs. This matter has been referred to the Devon and Somerset Fire Rescue Service.

### Food Hygiene

11. There was no water supply to the hot water tap at the wash hand basin behind the bar. A supply of hot and cold or suitably mixed water must be available for the hygienic washing of hands. This must be completed prior to the premises being opened.
12. The floor behind the bar had no floor covering and was unsealed. A washable and impervious floor covering must be provided.
13. The shelving behind the bar where the glasses were stored were bare wood causing the glasses to be dusty. The shelving must be suitably sealed to provide a washable and impervious surface that is easy to clean.

As you will understand from the breaches of legislation above and the discussion we had with you on the 27<sup>th</sup> April we have had to decide what further action to take in relation to the premises. After careful consideration and discussion with our Legal advisor and the Police it has been decided on this occasion not to take any legal action against you. This is mainly due to the cooperation eventually given on the evening by Mr Lawrence and [REDACTED] volunteering to close the premises and for your reassurance at the meeting on the 27<sup>th</sup> April that the issues would all be addressed. However should there be further breaches found in the future legal action will be considered and this letter will be used as evidence.

With regard to the opening of the premises we discussed a number of options. As the bar had been repositioned without authorisation by way of a correctly served and granted application we would need to receive either a variation to the premises licence or a new premises licence application. The new application was discussed as preferable to protect your interest in the business without the risk of losing the licence. Should you wish to leave the licence in your names you will need to ensure you have an involvement in the way the premises is run. The other option available to get the premises open again would be to put the bar back to its original position as shown on the existing plan.

An application for a Designated Premises Supervisor to be put on the licence must also be submitted prior to the premises opening. I suggest you give careful consideration to who you wish to fill this position.

A copy of this letter has been sent to Mr Lawrence for information for him and [REDACTED].

Should you wish to discuss any of the items in this letter please contact me via the above telephone number and quote the reference number above.

Yours sincerely

Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

cc Police Licensing (by email)  
cc Mr J Lawrence, C/O Shark Bar and Grill Ltd, The Old Skools Café Bar, 18-20 Market Street,  
Torquay TQ1 3AQ

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

---





Please reply to: Ms Mandy Guy  
 Community Safety  
 c/o Town Hall  
 Castle Circus  
 TORQUAY  
 Devon  
 TQ1 3DR

---

Mr

My ref: R:214890/AJG

Your ref:

Torquay  
 TQ

Telephone: 01803 208025

Website:

Date: 14 May 2015

---

Dear Sirs,

Licensing Act 2003

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB

I write with reference to the applications received by this department for a 'Variation to a Designated Premises Supervisor' to specify Jamie Lawrence as the Designated Premises Supervisor and an application to 'Vary a Premises Licence' in respect of R & B's. As discussed with you at a meeting with Jamie Lawrence and Julie Smart from Police Licensing, both these applications are invalid as copies were not served on the Police as required by the Licensing Act 2003.

As such the applications are now being returned to you. We did discuss about keeping the fee for when the application was correctly submitted. However since the application is now being completed by Chris Hart at Wollen Mitchelmore I am arranging for the money to be refunded, I can confirm £239 will be refunded to the cardholder who made the payment whom was Mr Jamie Lawrence. This will be arranged directly by our finance department and may take a couple of weeks to be processed.

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

Yours faithfully

Ms Mandy Guy  
 Senior Licensing Officer  
 Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

cc Jamie Lawrence, 18 Market Street, Torquay TQ1 3AQ  
 cc Julie Smart, Police Licensing (by email)



LETTER C

Please reply to: Ms Mandy Guy  
Community Safety  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

Miss  
Designated Premises Supervisor  
Shark Bar  
12/14 The Terrace  
Torquay  
TQ1 1RN

My ref: R:222113/AJG  
Your ref:  
Telephone: 01803 208025  
Website: Torbay.gov.uk  
Date: 13 October 2015

Dear Miss

**Licensing Act 2003**

**Re: Premises Licence PL0433 Shark Bar, 12-14 The Terrace, Torquay TQ1 1BN**

I write with reference to my visit to the above premises at 23.15 on Saturday 19<sup>th</sup> September. I was accompanied on my visit by Matt Redmond, Licensing Enforcement Officer.

The purpose of the visit was not to undertake a full licensing inspection but to see how the premises was being managed. The following concerns were noted during the visit:-

**Management of the premises**

When we arrived we were informed that you had finished working at 18.00. I asked to speak to the person in charge in your absence. The responses we then received gave me great concern as there seemed to be a number of different people thinking that you had left them in charge.

We were initially met by [redacted] who told us he had been left in charge and that he held a personal licence. Upon later investigation back in the office it was apparent that Mr [redacted] did not have a personal licence. A personal licence application for [redacted] was received by our Department shortly after our visit confirming that at the time of the visit the information given was not true.

[redacted] then returned inside the premises as Jamie Lawrence and [redacted] then came outside to meet us. I asked the question again about who had been left in charge of the premises in your absence. Both Mr Lawrence and [redacted] proceeded to say they had been left in charge. I can confirm after further discussion it was agreed [redacted] would be the person that we would discuss any issues from the evening with. As discussed with you on the telephone after the visit, this situation is not acceptable. A premises with a late licence situated within Torquay's Cumulative Impact Area requires

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

strong management. There should be no confusion amongst staff about who is in charge when you are not at the premises.

### **Door stewards**

When we arrived at the premises at 23.15 there was one doorman on the door who told us his name was [REDACTED]. I understand that you have a verbal agreement with the police that you will employ two door stewards from 22.00 until closing on Friday and Saturday nights. (This is referred to in the letter from the police dated 15<sup>th</sup> September 2015). We were informed you have ceased using Emerald Security and that [REDACTED] was self employed and that this was his first evening working with you.

When I spoke to [REDACTED] he was not aware what time he was suppose to be finishing that evening. I did find that [REDACTED] was quite reluctant to answer any questions I asked him, although I am not sure if this was due to it being his first night and that he hadn't had a very thorough brief or if he felt he was not in a position to answer the questions. I would have expected as a minimum for a door steward to know what time he would be expected to work until.

Jamie Lawrence joined us outside with his SIA badge and informed us he had been on the door but had stopped working just before we arrived. When we arrived Mr Lawrence was drinking at the bar. As the designated premises supervisor it is your responsibility to ensure that there are the correct number of door stewards on and that they are aware of what time you expect them to work until to ensure they are fulfilling the licensing conditions and agreements you have with the police.

### **Closing time**

When we asked [REDACTED] what time you were closing he informed us that the premises was going to close at 2.00 but now last orders would be at midnight. However we were going through the conditions of the licence at 23.52 when [REDACTED] suddenly announced he hadn't called last orders. Music was also still being played by the DJ at this time. The music was turned off at 23.55 and last orders called under the instruction of Mr [REDACTED]. I would like to refer you to condition 7, The Prevention of Public Nuisance, on page 6 of the premises licence "The premises shall remain open for at least one hour after the sale of alcohol is served (while patrons are on the premises) during which time patrons shall be dispersed gradually. Music shall be toned down at least one hour before the close of the premises."

There must be clear instruction to all staff about what time the premises is going to close so licence conditions can be complied with.

### **Cellar**

The ceiling in the beer cellar upstairs was damaged and had mould growing on it. We were informed this was being refurbished, however we were told by one person that this was being done on the following Wednesday and by another that it was the following Friday. You must ensure the cellar is suitably repaired and maintained in good condition. Up to date COSHH paperwork, gloves and protective eyewear must also be available for staff handling hazardous chemicals. The carbon dioxide canisters must also be secured to prevent them falling over.

I can confirm a number of structural items highlighted in my previous letter had been dealt with. However we have still not received final confirmation that the electrics are now safe. This will be picked up by my colleague David Walker.

If you wish to discuss any of the items in this letter, please contact me on the above telephone number.

A copy of this letter has been forwarded to the Police for their information.

Yours sincerely

Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

---

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

[REDACTED]



## Devon & Cornwall Police

Mr J J Lawrence  
Shark Bar  
12/14 The Terrace  
TORQUAY  
Devon  
TQ1 1BN

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

Telephone: 01803 218900

13 April 2016

Dear Sir

**Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN**

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

At approximately 1700 hrs on Monday 11 April 2016, my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mrs Mandy Guy, Senior Licensing Officer of Torbay Council, as Torbay Council had received a complaint of loud music coming from your premises and numerous persons stood up drinking in the road.

As Mrs Smart and Mrs Guy approached your premises from The Terrace they could clearly hear loud music and as they drew closer to your premises this music was established to be coming from Shark Bar. Additionally they noticed about 6 males stood up smoking and drinking outside your premises, one of whom had a bottle in his hand. They also noticed that the windows and doors of your premises were wide open.

Mrs Smart and Mrs Guy then entered your premises and advised you of the complaint. They asked you to produce your Premises Licence but you were unable to do so. Section 57(2) of the Licensing Act 2003 states that the Premises Licence Holder must secure that the licence is kept at the premises. Section 57(4) states that the Premises Licence Holder commits an offence if he fails, without reasonable excuse, to comply with this requirement. In addition Section 57(5) states that a constable or authorised person may require the licence to be produced and Section 57(7) states that a person commits an offence if he fails, without reasonable excuse, to produce the licence.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

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Mrs Smart then drew your attention to conditions 16 and 17 under the heading The Prevention of Crime and Disorder on your Premises Licence which state:

16. *Bottles must not be taken outside*

17 *Patrons must be seated in the outside side area*

I would advise you that failure to comply with the terms and conditions of a premises licence constitutes an offence under Section 136 of the Licensing Act 2003, and that 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 an unlimited fine, or to both.

Mrs Guy then asked you to produce a copy of your Pavement Cafe Permit, issued by Torbay Council in line with the requirements of Section 115 of the Highways Act 1980, but again you were unable to do so. I would take this opportunity to inform you that the Torbay Council Pavement Cafe Licensing Policy 2016-2021 states:

*Page 9 –*

*The area forming the Pavement Cafe must be clearly demarcated by way of barriers or other street furniture and/or planters in order to identify the agreed location and size of the Pavement Cafe area and to help guide persons with visual impairment around its use. Any items used as demarcation of the licensed area must be no less than 800mm in height.*

*Page 12 –*

*Where the premises sells alcohol by way of a Premises Licence granted under the Licensing Act 2003 a premises is prohibited from serving alcoholic and non-alcoholic drinks in glass bottles to persons using the Pavement Cafe areas at all times. The management must ensure bottled drinks are de-cantered into suitable drinking vessels at point of sale.*

*Page 14 –*

*The Licence Holder/s shall, before exercising the privilege granted by this licence, place removable physical barriers within the perimeter of the area so indicated on the attached plan to the Licence which must be to the satisfaction of Officers of the Licensing and Public Protection Team, and shall ensure that such barriers are removed at the end of each daily period of use and at the expiry, surrender or revocation of this licence.*

*Page 21 –*

*The Licence Holder/s shall ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area (as per the Licence Plan).*

*Page 21 –*

*All customers using the Pavement Cafe will be required to be seated. Vertical drinking will not be permitted within the licensed area.*

*Page 18 –*

*The Licence Holder/s shall ensure that all drinking glasses in which drinks are served shall be of strengthened glass and no drink shall be served in a glass bottle from which it is intended or likely that a customer shall drink.*

*Page 18 –*

*The Licence Holder/s shall ensure that adequate supervision by means of a waiter/waitress service is provided over the permitted area during the times of operation.*

*Page 19 –*

*The Licence Holder/s shall ensure that a copy of the Pavement Cafe Licence and accompanying conditions is at all times on prominent display within the Pavement Cafe premise.*

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*The Licence Holder/s shall produce this permission on demand when so required by an Authorised Officer of Torbay Council, a Police Officer or a Police Licensing Officer.*

It appears that you are not complying with the above requirements and I would advise you to liaise with Mr Karl Martin of Torbay Council in connection with this matter.

In relation to the noise complaint and noise levels witnessed by Mrs Smart and Mrs Guy, Mrs Guy referred you to condition 2 under the heading the Prevention of Public Nuisance on your premises licence which states:

*A limiter shall be installed within the sound system and cannot be over ridden.*

Following discussions it was ascertained that your premises does have a noise limiter and Mrs Guy recommended that you liaise with Mr Karl Martin to ensure that it is set at an appropriate limit. Mrs Guy also gave you advice concerning monitoring noise levels from your premises to ensure that it does not cause annoyance or disturbance to persons in the area.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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.

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Lawler', written in a cursive style.

Superintendent M Lawler  
Territorial Policing & Partnership Department

---





## Devon & Cornwall Police

Mr J J Lawrence  
 Shark Bar  
 12/14 The Terrace  
 TORQUAY  
 Devon  
 TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Sunday 31 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards on duty.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre but proceeded to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

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 Stock code: 5615

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to [REDACTED]. He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with [REDACTED] and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked [REDACTED] if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and [REDACTED] finally admitted that it was locked in the safe.

Mrs Guy then advised [REDACTED] of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised [REDACTED] that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [REDACTED] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [REDACTED] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

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#### Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

#### Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio activity and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

#### Noise Issues

On 28 September 2016 Mr Martin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that some 5 months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is 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. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler  
Territorial Policing & Partnership Department



LETTER F

Please reply to: Ms Mandy Guy  
Community Safety  
c/o Town Hall  
Castle Circus  
TORQUAY  
Devon  
TQ1 3DR

Mr J Lawrence  
The Terrace Bar  
12/14 The Terrace  
Torquay  
TQ1 1BN

My ref: R:245120/AJG  
Your ref:  
Telephone: 01803 208025  
Website:  
Date: 7 June 2018

Dear Mr Lawrence,

**Licensing Act 2003**

**Premises Licence PL0433 The Terrace Bar, 12/14 The Terrace, Torquay TQ1 1BN**

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above Premises Licence.

On the 25th May 2018 at 18.15 I was approaching Hoopers on the Terrace, Torquay. I could hear music which as I proceeded down the Terrace towards your Premises it was very clear that it was your premises that the music was emanating from.

I went into the premises accompanied by my colleague Tara Harris, Executive Head Community Safety. I spoke to a lady at the bar and asked for you. She told me she was called Andrea Harris and that she was now running the bar. I explained I was not aware of any application to amend the licence and hence you were still the DPS and licence holder. I asked to see the licence although she was able to show me two copies of the licence summary on the wall, one which was out of date, she was unable to produce a copy of the licence. I was also concerned that she was unclear how to get hold of you.

We continued our conversation outside as it was too noisy to hear anything inside the premises due to the volume of the music. All the windows were wide open and the music was very loud outside the premises. Ms Harris explained she had had a doorman on for the afternoon and they had removed someone from the premises. However she admitted she had not taken into account any of your neighbours being affected by the volume of the music. As you are aware your licence does not have a condition requiring you to close the doors and windows whilst playing music during the day but it is your responsibility to ensure you and your staff monitor noise levels to ensure they are not causing a nuisance to your neighbours.

I accessed your premises licence on my phone and went through the conditions with Ms Harris and a gentleman who was at the bar with Ms Harris when we arrived. I was told the jukebox goes through a noise limiter however the equipment being used at the time of my visit did not go through the noise limiter. Condition 9 in Annexe 2, Prevention of Public Nuisance on your premises licence states:-

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • environmental protection and licensing • leisure, museums, libraries and arts

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

"A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter."

It is concerning to hear that at the time of my visit not only did the Ms Harris not know the conditions on the licence but that she also admitted it was only the juke box going through the noise limiter.

As I stood outside the premise talking to Ms Harris I noted the people drinking were sat at tables however a number of people were standing in the road outside the premises. I asked Ms Harris if she had a copy of the Pavement Café Permit. She was not able to produce the licence which is one of the conditions. Without the licence being available you cannot expect your staff to properly enforce the conditions.

I am disappointed to see that although you were written to by Superintendent Lawler on the 4<sup>th</sup> May 2018 regarding the noise and pavement café area, and also prior to this on the 6<sup>th</sup> October 2016, you do not seem to have taken any steps to improve the problems. I have enclosed copies of these letters for your information.

I would like to remind you that as DPS and licence holder it is your responsibility to ensure all conditions re complied with. Should you continue to not promote the licensing objectives you may have your licence reviewed.

I have sent a copy of this letter to the Police Licensing Department for their information.

---

Kind regards

Mandy

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

Yours sincerely

Ms Mandy Guy  
Senior Licensing Officer  
Licensing and Public Protection

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*

*Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.*



## Devon & Cornwall Police

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

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

Telephone: 01803 218900

16 July 2018

Dear Sir/Madam

### **The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN**

I refer to Sergeant Norsworthy's application for a Review of the Premises Licence in respect of the above named premises, which was submitted on 20 June 2018. Premises Licence number PL0433 refers.

I now wish to provide you with further information in relation to this premises, as follows:

On Friday 22 June 2018 I received an email from Mr Jamie Lawrence, the Premises Licence Holder and DPS, which read as follows:

*hi Julie re review 6/6/18 application change dps was submitted for andrea harris and graham moore is in process of taking premises licence and probably dps as the terrace is now his business so a review will be taking place anyway ??? seems like a waste of time and money to be doing a further review at this time*

On Monday 25 June 2018 I responded to this email as follows:

*I am not aware of any applications to transfer the licence or vary the DPS having been submitted, and if they had been submitted correctly copies would have come to me. Therefore you are still legally liable for the premises. Despite you indicating that Andrea Harris and Graham Moore are in the process of taking the premises licence and becoming the DPS, it is apparent that several offences have taken place in the last couple of weeks/months (whilst you are responsible for the premises) and therefore should any applications be received for either of*

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)

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101

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*these people the police will object. I met Graham Moore last week and told him this. You will be notified of the date of the Review hearing by Torbay Council sometime after 4 July 2018.*

On Tuesday 26 June 2018 I received a further email from Mr Lawrence, as follows:

*thank you for your prompt reply I will investigate immediately*

At approximately 0025 hrs on the morning of Sunday 1 July 2018, I attended the premises in the company of PC 1463 Michael Haworth and Mr Karl Martin, your Public Protection Officer.

As we approached the premises we noticed that music was being played and the doors were wide open. Customers were still using the tables and chairs outside the premises despite the Pavement Café Permit for this area ceasing at 12 midnight. There was one male door steward on duty.

Myself, PC Haworth and Mr Martin then entered the premises and it was clear that recorded music was being played. I approached the manager, Mr Graham Moore, who was stood at the bar. I asked Mr Moore if he had read the Premises Licence since my last visit and Mr Moore said that he had. I asked Mr Moore what the licence says in respect of door stewards at the premises. Mr Moore said that the premises have to have one but when asked what else the licence says in relation to stewards Mr Moore stated he did not know. I then advised Mr Moore of the condition on the licence that requires any door steward on front of house duties to wear a high visibility jacket. Mr Moore then spoke to a male, who went to the rear of the premises and when he came back he produced a yellow high visibility jacket.

I asked Mr Moore what the licence says regarding the playing of recorded music within the premises but Mr Moore did not reply. I informed him that the licence requires all doors and windows to be kept closed after 2300 hrs when recorded music is being played and therefore the windows and doors should have been shut almost 1 ½ hours previously.

Mrs Smart asked Mr Moore why the tables and chairs were still outside with customers sat drinking at them when the Pavement Café Permit only allows the use of the outside area until midnight. Mr Moore did not reply.

Whilst I was attempting to discuss the above breaches with Mr Moore I became aware that he was consuming alcohol and I asked him if he was working. Mr Moore said that he was not and I accepted this, as he was stood the customer side of the bar. However I informed Mr Moore that as he had told me a week previously that he is now the manager of the premises I was surprised that he was not telling the member of bar staff to immediately address all the matters I had raised with him. Mr Moore did not respond to this and he did not speak to the member of staff.

Mr Martin told Mr Moore that as a Review of the Premises Licence had been applied for we were expecting to attend the premises to find that all licence conditions were being complied with. He further explained that the lack of any improvement in the management of the premises as a response to the Review application was a serious matter and the Licensing Authority would be informed of our visit.

Whilst I was talking to Mr Moore I was aware of a male who was talking to Mr Martin and PC Haworth. This male appeared to be staggering around. The male then spoke to me, taking his false teeth out to do so, advising me that his father had passed away two days previously. I offered this male my condolences and he continued talking to me but I was not able to understand what he was saying. His speech was slurred and his eyes were glazed, and I formed the opinion that this male was drunk. I then asked Mr Moore if he was aware that it is an offence to sell alcohol to a person who is drunk. Again Mr Moore did not respond.

Throughout my attempts to discuss the identified breaches with Mr Moore he remained expressionless. Due to my frustration that Mr Moore did not seem to appreciate the seriousness of failing to comply with the conditions on the licence, at one point I raised my voice when I addressed him but this prompted no reaction at all from Mr Moore. I found this very strange and am not convinced that he was actually taking in anything that I said to him.

I told PC Haworth and Mr Martin that it was obvious that Mr Moore was not going to take any action in respect of the matters I had attempted to discuss with him so there was no point in staying at the premises any longer. At the time of us leaving, approximately 10-15 minutes after having entered the premises, the doors and windows were still open, the door steward was still not wearing a high visibility jacket, despite one having been produced, and customers were still sat outside drinking, but they had now been joined by a further 2 females who were stood up drinking.

On Monday 2 July 2018 Mr Lawrence sent a further email to Mrs Smart, as follows:

*I have spoken to graham and suggested he speak to chris hart to ensure correct documentation he has also indicated he would like to arrange a meeting with you to seek a mutually acceptable solution*

As I advised Mr Lawrence that he was still legally responsible for the premises on Monday 25 June 2018, and as Mr Lawrence has indicated within this email that he has spoken to Mr Moore, I have assumed that Mr Moore has told Mr Lawrence about the visit on 1 July 2018 and therefore I have not responded to this email.

During the evening of Friday 6 July 2018 myself and Mr Martin were again carrying out licensed premises visits around the Torquay harbour area. At approximately 2320 hrs

we walked up Fleet Street in order to approach The Terrace Bar. At the junction of The Terrace and Fleet Street we were able to hear music and on looking at the front of The Terrace Bar we saw that the doors and windows were wide open. We saw two door stewards stood outside the premises, both wearing yellow high visibility jackets. We also noticed that there were no tables or chairs outside, but instead the Pavement Café Permit area was surrounded by "rope and pole" type barriers. We spoke to the door stewards who advised us that it had been their idea to use these barriers to form a smoking area to stop customers taking up a larger area outside the premises.

At the time of this visit, myself and Mr Martin did not enter the premises as we had no uniformed presence with us, and in any case if Mr Moore was present we were not confident that he would resolve any issues brought to his attention. On this occasion I do not know whether the music being played was live or recorded music, however I can advise you that the below two conditions are contained on the Premises Licence and relate to the 'prevention' of public nuisance:

*Doors and windows shall be kept closed during all performances of live music and karaoke.*

*Door and windows shall be kept closed after 2300 hrs when playing recorded music.*

As you will note from the above visits, there was a slight improvement in the level of compliance with the licence conditions on 6 July 2018 however one of the above conditions was not being complied with.

Should you require any further information, please do not hesitate to contact me on 01803 218900.

Yours faithfully



Julie Smart  
Police Licensing Officer