



## 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

24 March 2016

Dear Sir/Madam

### **The Bolton Hotel, New Road, Brixham, TQ5 8LT**

I refer to an application for the Variation of a Premises Licence in respect of the above named premises, submitted by TLT Solicitors on behalf of the applicant, Punch Taverns plc.

For your information, the Bolton Hotel currently has the benefit of Premises Licence Number PL0445 issued by Torbay Council.



The Bolton Hotel is situated at a busy junction within Brixham Town Centre. The surrounding area consists of a mixture of business and residential properties. The premises is currently licensed for the sale of alcohol until midnight on Mondays to Thursdays and 1.00 am on Fridays and Saturdays. The premises must close 30 minutes after the last sale of alcohol. The applicant is seeking within this variation application to extend the sale of alcohol by an additional 1 ½ hrs on Friday and Saturday nights until 2.30 am the following day, with the premises closing 30 minutes thereafter, ie 3.00 am. The premises has a capacity of 170 persons.



The Bolton Hotel is situated a short distance away from Jackz Bar, Parkham Road, Brixham. Jackz Bar is licensed for the sale of alcohol until 2.00 am every day of the week, closing at 3.00 am. At the current time Jackz Bar and the Bolton Hotel are the only premises in Brixham Town Centre with Premises Licences authorising the sale of alcohol after midnight.

### **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



The Government Standard  
Stock code: SF615

The police have examined the application and consider that the applicant has not given sufficient consideration to the Torbay Council Licensing Statement of Principles 2016-2021 as the proposed operating schedule is lacking in detail. As you will see from the boxes contained on Page M of the application form, the applicants have not outlined any additional measures they intend to take to ensure the Licensing Objectives are met. It is therefore apparent that they have not identified any additional risks associated with their proposed operation and they do not consider that allowing persons to consume alcohol for an additional 1 ½ hrs within their premises, prior to leaving at 3.00 am, will impact in any way on the Licensing Objectives.

I now outline below a number of matters contained within the current Premises Licence that the police consider are not acceptable for a premises now seeking a licence authorising the sale of alcohol until 2.30 am on Fridays and Saturdays:

1. Condition 5 under the heading The Prevention of Crime and Disorder on Page 7 refers to drug prevention matters. The Torbay Council Licensing Statement of Principles 2016 (page 14) recommends that premises have a written Drugs Policy. What does the premises intend to do in respect of illegal drugs and psychoactive substances?
2. Condition 1 under the heading the Prevention of Crime and Disorder on page 8 of the application refers to the employment of SIA door stewards. This condition states that they shall be employed from 10.00 pm until closing time. What will the ratio of door stewards to customers be? Will a female steward be employed? Have the applicants considered the layout of the premises when determining how many stewards will be employed? Will a Door Steward Register be maintained? Page 38 of the Licensing Statement of Principles deals with this matter.
3. Conditions 2 and 3 under the heading the Protection of Children from harm on page 8 of the licence relate to no unaccompanied children being allowed on the premises and no children allowed on the premises after 2100 hrs. Under the Licensing Act 2003, children are those persons under the age of 16 years. Whilst the police are satisfied with these conditions, what measures does the applicant propose to take in respect of 16 and 17 year olds? Are they to be allowed entry to the premises throughout licensing hours and how will they ensure that are not sold or supplied alcohol?
4. Condition 5 under the heading the Protection of Children from Harm on page 9 of the application, refers to staff training in relation to age related sales. Will all staff involved in the sale of alcohol be required to hold the BIIAB Level 1 Award in Responsible Alcohol Retailing as indicated within the Licensing Statement of Principles (page 17)? What training records does the premises management hold in relation to staff training?



5. Conditions 4 and 5 under the heading Protection of Children from harm on page 9 of the licence relate to age related sales. The Torbay Council Licensing Statement of Principles 2016 (page 21) recommends the adoption of a Challenge 25 Policy. The police do not consider that conditions 4 and 5 on the licence are adequate for a premises selling alcohol until 2.30 am.
6. What training will be provided to staff so that they understand the requirements of both the Premises Licence and the broad provisions of the Licensing Act 2003? Again, will they be required to hold the BIIAB Level 1 Award in Responsible Alcohol Retailing?
7. Condition 3 under the heading The Prevention of Public Nuisance on page 8 of the licence states "there shall be a managed customer departure at busy times". What exactly does this mean? Does the premises have a written Dispersal Policy and if so what does it state?
8. Neither the application or the Premises Licence give any information in relation to smokers. What is the premises policy in relation to smokers? Where will they be located and how will they be managed?

In Part 3 of the application, within the box where the applicant gives a brief description of the nature of the proposed variation, I would refer you to the final sentence "All other licensable hours, activities, including the currently permitted times for the upstairs area of the premises, and conditions are to remain unchanged." I am not aware that the 'upstairs area' of the Bolton Hotel is included within the Premises Licence, perhaps the applicants could provide some clarification in respect of this.

In respect of the current management of the premises, Mr Stephen Close has been the Designated Premises Supervisor of the Bolton Hotel since June 2015 and since that time the police have been satisfied with Mr Close's management of the premises.

For your information, the Premises Licence Holder, Punch Taverns plc, do not have a role in the day to day management of the premises. In fact Punch Taverns plc have appointed a holding company known as Pub Solutions to manage this premises, and it appears to be Pub Solutions who are responsible for selecting managers for the premises. Pub Solutions also have no involvement in the day to day management of the premises but in the past a representative of this company has been present at meetings to discuss police concerns or particular incidents.

Since 2007 there have been 8 variations of DPS at the Bolton Hotel and it does not appear that Punch Taverns plc and/or Pub Solutions can find a suitable DPS who is committed to spending a long period of time at the premises. It is the opinion of the police that some of the previous DPS's at this premises have not been suitable to

manage the premises and the police have had many meetings at the premises in the last 10 years in an effort to improve the management of the premises. Due to this the police have concerns that should this application be granted, Mr Close may leave the premises and we may continue to see a regular change of DPS which will have serious implications on the management of the premises, leading to adverse effects on the Licensing Objectives. I have attached a sheet outlining the numerous changes of DPS at the premises for your information.

At the present time in Brixham Town Centre, the majority of licensed premises close 00.30 am on Friday and Saturday nights (see sheet attached). The Bolton Hotel can currently close at 1.30 am on Fridays and Saturdays and Jackz Bar can close at 3.00 am. This provides a staggered dispersal from licensed premises at closing time. Should this application be granted, customers will leave the Bolton Hotel at the same time as those leaving Jackz Bar, which could result in approximately 300 persons out on the street. This will undoubtedly have an impact on noise nuisance, anti social behaviour and disorder within the area and as police resources during the early hours of the morning are already stretched, I have serious concerns about the management of these individuals which must be the responsibility of the premises. Should you be minded to grant this application, I would request that door stewards remain on duty at the Bolton Hotel until all persons have left the area, but I would point out that even if door stewards are on duty this is unlikely to prevent incidents and noise issues from occurring.

Also attached for your information are copies of Forms L10 received by the Licensing Department since July 2013, together with details of crimes and logs at the Bolton Hotel and in the surrounding roads. Please note that in respect of New Road, Fore Street and Bolton Street, we have been unable to break this information down to the immediate vicinity of the Bolton Hotel. However it is my opinion that these roads are dispersal routes from the town centre and therefore customers leaving the Bolton Hotel will use these routes to go home.

I would refer you to the below paragraph which is contained within page 40 of the Licensing Statement of Principles:

*'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'*



Although this premises currently operates until 1.30 am on Friday and Saturday nights, they are now seeking to extend their hours until 3.00 am on these nights, which carries a significant risk of impacting on the Licensing Objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance. As the premises are situated in an area consisting of both business and residential properties and the applicant has not given any consideration to the increased risk or proposed any mitigation measures, the police consider that this paragraph is applicable.

In conclusion, the police object to this application on the grounds that the granting of it will impact on the existing levels of crime and disorder and public nuisance both at the premises and in the area and, as the applicant has not identified any additional measures they propose to implement to ensure that the premises can satisfactorily meet the Licensing Objectives, the police respectfully request that the Licensing Authority refuse this application.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler  
Territorial Policing & Partnership Department

