

Dear MXXXX

We act for and on behalf of Punch Taverns the premises licence holders at the Bolton Hotel.

The application is listed for determination on Thursday at 9.30am. I have rung today (Tuesday) to endeavour to speak to you, your colleague kindly left a message.

It would be helpful to know if we are first on on Thursday (I do not know if you have any other matters listed that day?) as I am likely to be coming from Cardiff that morning.

I have now had the opportunity to consider the representations and to take instructions from our client.

Although we will be providing some additional information and evidence on email tomorrow I do not have an email address for either the Superintendent who has sent in the representation nor his colleague, J S, who I anticipate is the licensing officer.

I am guessing that K M contact details are [k.m@torbay.gov.uk](mailto:k.m@torbay.gov.uk) but I would be grateful if you would confirm.

### **Designated Premises Supervisors**

Both the police and the officer seek to invite the committee to refuse the application in part because of the history of designated premises supervisors not being in situ particularly long at these premises.

That, I anticipate, is a point taken, ironically, because it appears that the existing manager has run the premises in an exemplary fashion. S C took over as manager and DPS in June of 2015 and we are unaware of any concerns, issues or problems arising from his management of the premises.

Indeed, as far as I can see, albeit only briefly referenced in the representations from the officers, there is no any evidence on which they can rely to complain about the existing operation.

Paragraph 20 of Mr M's representation states "the Bolton Hotel has been the subject of a disproportionately high number of noise complaints in the last 10 years and although in recent years the department has not received any noise complaints there is a tangible risk new noise complaints will be received if the application is granted".

He goes on to state "this is further compounded by the high turnover of managers, of whom some are better at managing in line with the licensing objectives than others".

As far as we are aware, and confirmation that the premises has not been the subject of any noise complaints "in recent years" would appear to corroborate, our submission is that Mr C is one of the managers who is "better at managing in line with the licensing objectives than others".

Prior to Mr C SB was the previous manager who took over on 10 July 2013. The police logs reference concerns about the premises (we will write about that separately later) appear to focus on this period of management.

S had expressed an interest in running another of our client's management team's premises and her departure occurred because her career progressed.

We do not accept that in any way can be said to be a black mark against the premises. It is of course right that there appears to have been a change of manager in 2007, 2009 and three in 2010. If, as we anticipate, both the Police and the Environmental Officer base, in part, their representation on the turnover of managers 5 or more years ago (and more) then so be it.

We would respectfully suggest that is a fair indicator that there is no a great deal that can be said against the existing or recent operation.

If the licensing committee are persuaded that a high volume change of management 6, 7, 8 or 9 years ago is a material consideration to this application then no doubt they will articulate that within the reasons given for refusal, but we would respectfully suggest that would be an extraordinary conclusion just as we respectfully submit its a somewhat extraordinary submission.

Of course, we would all like to have management teams that were secure for many years, if not decades, but that is simply not reality, save for the most occasional exceptions.

We would respectfully suggest to the licensing committee that they would want to carefully consider the evidence as it relates to S C and although the previous incumbent may help inform the general picture (and we do not suggest that it is unfair in any way for the committee to consider that period) the degree to which reliance should be placed upon the history effectively diminishes with time.

We trust that this brief note may assist the committee with the submissions that we will be making on Thursday and can be circulated accordingly.

Best wishes.

Yours sincerely

Matthew Phipps

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Head of Licensing England and Wales

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Dear MXXXX

Further to my earlier email about the designated premises supervisor I thought it would also be helpful to the committee to pick up on a couple of other matters referenced in the representations from Mr MXXXX and from the Police.

As you will see from the police representation questions are asked about the degree to which the premises has trained it's staff and management and so I hope the following may assist.

The Managing Directors of Pub Solutions, the management company that operates the Bolton Hotel, R I and I B, along with their operations director, C G, are all FBII registered.

R I is a qualified NVQ Level 4 trainer. None of the above take their responsibilities lightly, Pub Solutions has been trading successfully for almost a decade without anyone previously suggesting that they lack an understanding of the licensed trade.

Indeed it is worthy of observation that the questions around training have not arisen in connection with the operation of the premises under the stewardship of S C the current DPS.

Whilst we appreciate that this application to vary the licence seeks late hours, good management, is we would suggest, just that, good management, whether it be at 2.00pm or 2.00am.

Notwithstanding that, S C the DPS has held his NCPLH for over 15 years. Additionally he has first aid qualifications, health and hygiene qualifications, has completed a cellar management course, has received training on fire safety and is, himself, SIA qualified.

S C's fire safety training was a full day training course with the Fire Brigade and he now trains all his staff on fire safety procedures.

In May 2015 Mr I spent a full day training all members of staff on customer care and service and this is followed up on a regular basis, as and when needed, for new members of staff.

S C has also attended a 2 day training course addressing illegal drugs, recognising the signs of drug use and how to handle and dispose of drug paraphernalia. Each member of staff is trained by S, on site, who imparts all of this knowledge as soon as new employment begins.

S's fiancée, A Y, who also works at the premises, benefits from the following:-

NCPLH held for 6 years.

First aid training.

Health and safety qualified.

Health and hygiene trained.

The premises also operates a Challenge 25 Policy and has a number of signs displayed around the premises to this effect.

We trust this may be of assistance and no doubt these points can be developed in front of the licensing committee tomorrow.

Best wishes.

Yours sincerely

Matthew Phipps

Partner - Leisure & Retail

Head of Licensing England and Wales

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