



LICENSING ACT 2003

APPLICATION FOR THE REVIEW

OF A PREMISES LICENCE OR

CLUB PREMISES CERTIFICATE

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C/O Torquay Town Hall

Castle Circus

Torquay

TQ1 3DR

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: 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

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

Name of premises licence holder or club holding club premises certificate (if known) Terrace Restaurant Torquay Limited

Number of premises licence or club premises certificate (if known) PL0433

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

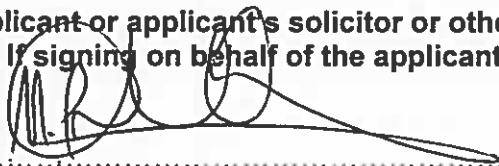
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.