



Devon & Cornwall Police

Licensing Team
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TORQUAY
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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

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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