

SR0 160199

TORBAY COUNCIL

09 MAR 2011

E.H. & C.P. BUSINESS UNIT

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 Superintendent James NYE

(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 Tor Abbey Inn 80 Belgrave Road | |
| Post town Torquay | Post code (if known) TQ2 5HZ |

| |
|--|
| Name of premises licence holder or club holding club premises certificate (if known) Punch Taverns Plc |
|--|

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|--|
| Number of premises licence or club premises certificate (if known) Premises Licence No 420 |
|--|

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 Constabulary PO Box 1 PAIGNTON Devon TQ3 2YF |
| Telephone number (if any) 01803 841327 |
| E-mail address (optional) |

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The grounds for the review are:

Since 2001 the current DPS, Rodger HARPER, and his partner have run these premises.

Numerous incidents of crime and disorder and drunkenness of customers linked to the premises, together with police concerns re the suitability of the DPS to manage premises in a responsible manner and co-operate fully with police during the course of their enquiries.

Local residents regularly complaining regarding the conduct of the premises and noise.

Please provide as much information as possible to support the application
(please read guidance note 2)

24/05/09 - Large scale fight at the premises, resulting in serious head injuries to a male and involved numerous drunken persons, who were clearly seen on CCTV footage outside the premises drinking from bottles and glasses during the fracas. The offender was convicted at Exeter Crown Court in February 2010 and was sentenced to 5 years imprisonment.

Following this incident, the Police Superintendent instructed close monitoring of these premises by way of a Problem Solving Plan (FT/09/4170). Local residents were spoken to by the Neighbourhood Beat Officer, but no one was willing to assist due to fear of reprisals.

03/09/09 - Police called to a very drunk male lying in Belgrave Road near to the premises. The male had to be taken to Torbay Hospital and it was confirmed that he had been drinking within The Tor Abbey.

Following this incident, the premises were made subject of further close monitoring by way of an Op Grennall Log (149 04/09/09).

15/10/09 - Officers attended the premises following a hoax '999' call. Whilst at the premises they noticed two males sitting at the bar, who appeared drunk. These males were seen approximately an hour later leaving the premises, they were spoken to by the same officers. They denied having been in the Tor Abbey, but were clearly heavily under the influence of alcohol.

28/11/09 - Following a serious assault on a male who had been drinking at the premises, intel was received indicating the use of cocaine on the premises by customers and the DPS.

16/01/10 - Local residents reported a fight in Belgrave Road, Torquay, near to the premises at 0040 hours. Police enquiries did not reveal any evidence of any licensing breaches and it could not be established if the fight was related to The Tor Abbey.

03/06/10 - Complaints from local residents about the conduct of the premises, in particular noise and persons drinking on the street. DPS advised and matter passed to Torbay Council Environmental Health Department.

01/01/11 - Serious outbreak of disorder within the premises, involving the DPS and staff, during which the DPS is seriously assaulted by three males. Police called and numerous concerns raised, including drunkenness, unauthorised licensable activities taking place and smoking within the premises. Enquiries into this matter are still ongoing and the offenders have not been located.

20/02/11 - Report of a disturbance in Belgrave Road near to the Tor Abbey Inn. Officers attended and two groups of very intoxicated females were involved in a confrontation. The landlord of the premises was spoken to by police officers and stated that the persons involved had not come from his premises. Local residents were spoken to by the Police Licensing Officers and they stated that those involved had come from within the premises, which was later confirmed by the DPS.

07/03/11 - Police called to the premises at 2342 hours following a report of a disturbance. On arrival a male was located covered in blood from an injury sustained within. Injured person refused to pursue the matter and some minor damage to an internal window was dealt with by way of civil redress at the request of the DPS.

For information, local residents have, for some time, been complaining about the conduct of the Tor Abbey Inn, but in all cases these residents have been reluctant to assist the police or council in a positive manner. The local Neighbourhood Beat Officer has engaged with them and obtained at least one community impact hearsay witness statement outlining their concerns.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this 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

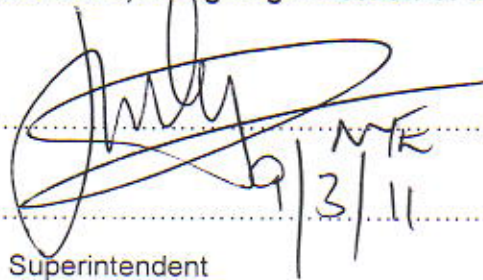
Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity


9/3/11 MK
Superintendent

| | |
|---|-----------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Neil Stanlake Police Licensing Officer Licensing Department Devon and Cornwall Constabulary PO Box 1 | |
| Post town Paignton | Post Code TQ3 2YR |
| Telephone number (if any) 01803 841327 | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

Notes for Guidance

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