



Our ref: Lic/Dev/njs

Your ref:

TORBAY COUNCIL
 LICENSING DIVISION
Acaunen
 28 MAR 2011

OFFICER	UNIT	PHONE	DOOR

160247

DEVON & CORNWALL
CONSTABULARY

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Torbay Council
Roebuck House
Abbey Road
TORQUAY
TQ2 5EJ

Licensing Department
Devon and Cornwall Constabulary
PO Box 1
PAIGNTON TQ3 2YF

28 March 2011

Telephone: 01803 841327

Dear Sir/Madam

Re: The Old Brewery, Lower Ellacombe Church Road, Torquay

I refer to the above premises and an application for the Review of the Premises Licence made by Mr Gareth Fudge of Torbay Council Licensing and Public Protection Team.

The police wish to make the following representation:

These premises have been managed by Mr Sean Martin since November 2007, who since that date has been the Designated Premises Supervisor (DPS). Since that time, a number of joint visits between the Police and Council have been carried out at the premises and on every occasion, issues regarding the conduct and management of the premises have arisen. Subsequently, letters were sent to Mr Martin by Torbay Council and the Police have copies of these letters, but the police understand that Mandy Guy from your Licensing Department will produce these letters at the Hearing.

Since 13 March 2009, Mr Martin has also been DPS of a licensed premise in Poole, Dorset, known as The Woodman Public House, and to date still holds that position. This means he is the DPS at both The Woodman and The Old Brewery. For information, the Woodman in Poole is licensed to sell alcohol until midnight seven days a week, with all other licensable activities until 2 am seven days a week.

At 11.35 pm on Friday 11 February 2011, Neil Stanlake, one of my Police Licensing Officers, carried out plain clothes observations on The Old Brewery in Ellacombe Church Road and observed several customers from within, come outside the front door to smoke. At least two of these smokers were seen to be drinking from pint glasses and were generally noisy, although not disorderly. Whilst Neil was carrying out his observations, he was not aware of any other noisy premises in the vicinity.



As the premises are only licensed to sell alcohol until 11.00 pm, and should close by 11.20 pm, Neil summoned uniform officers to attend and with them, he entered the premises, whereupon he found at least half a dozen people still drinking alcohol. The DPS was not present at this time, but a male barman, Mr Mark Reynolds, was advised to collect the drinks and close the premises, which he did.

On 24 February 2011 Mr Martin emailed my Licensing Department regarding Neil Stanlake's visit on 11 February 2011 (copy attached).

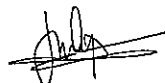
At about 12.20 am on Saturday 5 March 2011, Neil Stanlake again visited Lower Ellacombe Church Road, and carried out observations directly outside the Old Brewery. It was clear that there were still people inside, as they could be heard laughing but the level of noise from within was not excessive and no music could be heard.

Uniform officers were requested to attend and again Neil entered the premises to find that the DPS was not present but the barman, Mark Reynolds, was present together with five persons, who were all under the influence of alcohol. Mr Reynolds immediately stated that all five persons were personal friends of his. They were all drinking alcohol but there was no evidence of after hours sales. Mr Reynolds was advised that the premises should close and the five persons present were requested to leave quietly.

There was no evidence of any private parties or other generated noise in the area of Lower Ellacombe Church Road at the time.

Should you wish to seek clarification regarding the above, please do not hesitate to contact Neil Stanlake of my Licensing Department, who intends to be present at the Review Hearing, and can expand on the above if required.

Yours faithfully



Superintendent J Nye
Geographic Superintendent – Torbay