

From: [GIFFORD Olivia 31386](#)
To: [Cottell, Carrie](#); [Hind, Rachael](#)
Cc: [Licensing](#)
Subject: Official/Sensitive: The Old Coaching Inn, Brixham - Review
Date: 04 March 2024 20:21:25
Attachments: [image001.png](#)
[image003.jpg](#)
[image002.png](#)
[image004.jpg](#)
[Old Coaching Inn Review - Supporting Documentation .docx](#)
[Exhibit OG.01 - Premise Licence.pdf](#)
[The Old coaching inn fore street Brixham.msg](#)
[The Old Coaching Inn Brixham.msg](#)
[Brixham Evening Night Time Economy Forum.msg](#)
[Exhibit OG.07 - Video Timeline v2.xlsx](#)
[Exhibit OG.09 - MG 11 PC 7113 RANDALL - The Old Coaching Inn.docx](#)
[Exhibit OG.10 - LO Statement.docx](#)

Good Evening both,

On behalf of Devon & Cornwall Police, I would like to make the following representation in the above matter.

I consider the operation of the business to undermine the Licensing Objective, "The Prevention of Crime and Disorder".

Please find the attached paperwork including my statement in the position of Alcohol Licensing Officer, in which I outline my concerns and recommendations. Storm Logs and Occurrences mentioned in the Summary of evidence will be sent over following redaction.

Kind regards,

Olivia Gifford

Licensing Officer (Torbay) 31386
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
olivia.gifford@devonandcornwall.pnn.police.uk

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Police Summary of Evidence


Evidence	Date/Time	Notes
Exhibit OG.01	N/A	Premise Licence
Exhibit OG.02	22/10/2023 11:59	Email received from PCSO Karl Copik 30544 passing on a report from a Police Surgery regarding Underage Sales at The Old Coaching Inn.
Exhibit OG.03 Requires Redaction	04/11/2023 22:40	Storm Log Transcript – DCP-20231104-922.
Exhibit OG.04 Requires Redaction	04/11/2023 22:40	Occurrence report - 50230292238
Exhibit OG.05	09/11/2023 10:41	Police Email to DPS Miss Lesley Warner following visit on 07/11/2023 at 12:00.
Exhibit OG.06	09/11/2023 10:42	Police Email to DPS Miss Lesley Warner inviting her to join local safety scheme.
Exhibit OG.07	Created 01/03/2024	Video Transcript
Exhibit OG.08 Requires Redaction	09/12/2023 23:12	Storm Log Transcript - DCP-20231209-0959
Exhibit OG.09	19/12/2023 23:47	Statement from PC Peter Randall 17113
Exhibit OG.10	04/03/2023	Statement from Police Licensing Officer Olivia Gifford 31386.

URN:

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Statement of: **Olivia GIFFORD**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Alcohol Licensing Officer**

This statement (consisting of6..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Date: **04/03/2024**

I am the above-named person; I am employed as a Alcohol Licensing Officer by Devon and Cornwall Police. I have been in this role since April 2023 and have been employed by Devon and Cornwall Police in various roles for a total of 4 years and 6 months. My geographical area of responsibility is Torquay, Paignton & Brixham.

I make this statement in relation to review proceedings instigated by Torbay Council regarding a licensed premise named The Old Coaching Inn, situated in Fore Street, Brixham. The Old Coaching Inn currently has the benefit of premise licence PL0899 granted by Torbay Council on 30th June 2017 (Exhibit OG.01). The Premise Licence is held in the name of The Old Coaching Inn Brixham Limited. As provided by Companies House (gov.uk), the named Directors for The Old Coaching Inn Brixham Limited are Roland Keith Butler and Lesley Jane Warner. Lesley Jane Warner is the named Designated Premise Supervisor.

The Old Coaching Inn came to the attention of the Police Licensing Department on 22/10/2023, when I received an email from PCSO Karl Copik 30544 (Exhibit OG.02) outlining concerns raised by a local resident at a Police Surgery. The resident preferred to remain anonymous, informing police that during the week prior The Old Coaching Inn had shown a rugby match, during which various persons under the age of 18 were present and drinking alcohol within the premise. The resident added that a female who appeared to be under the age of 18 was receiving romantic advances from an adult male and they had concerns for her safety. No date or time relating to the incident was provided by the resident.

As part of my role, I work closely with Torbay Council's Licensing Department and became aware that they had received a noise complaint relating to the premise. Rachael Hind and I planned a joint visit to address both issues. To arrange the visit, I spoke with Mr Roland Butler. During the call, Mr Butler advised me that they have seen an increase of younger customers, particularly those who came to watch the Rugby and that they had seen an increase in incidents. However, he denied selling alcohol to anyone under the age of 18 and reassured me that they follow a Challenge 25 policy. Mr Butler also

advised that he was unsure about the future of the premise as they were experiencing some financial difficulties.

On 04/11/2023 at 22:39:33, Police log DCP-20231104-0922 (Exhibit OG.03) was generated in response to a call from a member of the public. Shortly after connecting the line cleared, and the call was logged as "Abandoned". However, the call taker noted sounds of a disturbance on the play back. Call back attempts were unsuccessful. At 22:53:21, an update was added to log that another call was received from another member of the public, reporting multiple people fighting and injured at the Old Coaching Inn. Details were unfortunately scarce as the reporting person had re-entered the pub and could not be heard. Upon Police attendance, violence was not ongoing and those involved in the incident had dispersed. Attending officers were able to view footage provided by a customer, having recorded part of the incident on their phone. As a result, a common assault crime was recorded (50230292238 – Exhibit OG.04) and contact made with the father of the victim who confirmed that he was safe and well. The victim was not supportive of prosecution, so the crime was filed with No Further Action.

Rachael Hind and I conducted a joint visit to the premise on 07/11/2023 at 12:00hrs. Upon arrival, it was noted that Mr Butler was attaching new Challenge 25 posters to the walls in the entrance of the premise. Miss Warner and Mr Butler were keen to share the history of the premise with us, advising that they initially purchased the building 12 years ago, and that they had intended to run the business as a Hotel/B&B though they had not yet had the financial means to renovate the rooms to facilitate this. At the time of visiting, Mr Butler & Miss Warner advised that the premise was only open on Friday and Saturday nights. They also advised that they ran another business in Norwich. According to Companies House this business is Refresh Express Ltd, for which Miss Lesley Warner & Mr Roland Butler are both directors. Refresh Express Ltd appears to be linked to a café near to Norwich Bus Station.

During the visit, we discussed the incident which occurred on 04/11/2023 and Miss Warner recalled that the suspect had been walking past the premise, spotted the victim through the window and came into The Old Coaching Inn specifically to attack the victim. Other customers were able to assist with separating the males. Miss Warner and Mr Butler felt that the incident was difficult to prevent as it had occurred so quickly, however they did accept that having a member of door staff available would have helped. It is noted that the only calls to police were the two made by members of the public, no call to Police was made by staff at The Old Coaching Inn.

Miss Warner and Mr Butler acknowledged that they had seen an increase in rowdy/violent behaviour within the premise and cited the cause of this as the increase in younger customers. They described a few incidents whereby under 18s had attempted to get their friends to make a proxy sale but were adamant that they had not served any alcohol to anyone under the age of 18. Miss Warner described an incident where she had felt fearful to challenge a group of customers whom she felt were not suitable to be in the premise, and mentioned further instances where she had been close to ejecting customers who

were behaving unacceptably. We discussed at length that the use of SIA Door Supervisors would address these issues.

Following the visit, Rachael Hind and I, both outlined our respective concerns and made recommendations. Exhibit OG.05 is the email sent to Miss Warner on 09/11/2023 in which I summarise the topics discussed during our visit and make recommendations to utilise an SIA Door Supervisor as well as introducing Incident Logs and Refusal Logs to support their statements that they are managing underage sales and incidents effectively. Exhibit OG.06 is an email sent to Miss Warner, inviting her to participate in a local safety scheme, whereby Brixham based licensees can share concerns or problematic customers with other venues. Miss Warner did not respond to either email, though I am aware of correspondence between Miss Warner and Rachael Hind, using the same email address.

The above-mentioned correspondence refers to an email sent to Rachael Hind on 07/11/2023 whereby Miss Warner seeks clarification about the timings for which licensable activity is permitted and when the premise should be closed by. Despite clarification being sent to her on 08/11/2023 outlining that alcohol must not be served past midnight, and that all customers must have left the premise by 00:30hrs, the CCTV control room relayed information that customers were leaving the premise at 00:48hrs on 12/11/2023. I am aware of a warning email sent to Miss Warner, by Rachael Hind on 15/11/2023, and the subsequent email thread between them. I noted that Lesley cited their insurance policy as a reason why they could not employ SIA Door Supervisors. I am not aware of any such barrier in the context of any other premise, being that additional security measures would enhance levels of safety within the premise. In the correspondence with Rachael Hind, Miss Warner makes reference to two underage females who over the course of several weeks had repeatedly attempted to enter the premise, she attributes some of the noise issues to these two females. In her reply, Rachael Hind encouraged Miss Warner to provide me with CCTV images of the females so that this can be investigated by Police Colleagues from both a nuisance and safeguarding perspective. Miss Warner was given my contact information via business card at our visit and at no point has she contacted me or to my knowledge, the local policing team regarding these females.

At this time, I was not confident that the Old Coaching Inn would close on time, nor was I confident in the managements ability to address difficult customers. As such I asked Police Officers from the local Neighbourhood Team to visit to further assess the premise and to reinforce previous advice where appropriate. PC Peter Randall 17113 facilitated this visit on the 09/12/2023. Later that evening Torbay Council received a further complaint regarding noise at The Old Coaching Inn, with mention of glasses being taken outside and of two females in particular who had been problematic. On 10/12/2023, Miss Warner emailed Rachael Hind informing her of the difficult night they had had the night before where she notes particular concern for a male whom made threats of violence towards her and a female who tried to smash the window with a crutch. Miss Warner later requested an update and provided log number DCP-20231209-0959 as a record of her report to Police. Exhibit OG.08 is the Storm Log transcript of

Miss Warner's call to Police, which has been recorded as abandoned following call backs with no response. I understand that Miss Warner did make calls to PC Randall, however he was off duty at the time.

Rachael Hind shared a series of videos with me which were recorded by one of the noise complainants and showed several incidents of disorder involving customers of The Old Coaching Inn, taking place on the pavement area outside. The videos were recorded on the evening of 09/12/2023 into the morning of 10/12/2023. The angle of recording shows the front door of the premise and a portion of the pavement in front of it. Exhibit OG.09 is a transcript of the videos in which I have highlighted specific moments of concern. The videos show more than one incident of disorder occurring outside the premise, some involving the same individuals. I would expect an effectively managed premise to have ejected and moved on any problem individuals, and where that was not possible for whatever reason, I would expect the staff on duty at the premise to call 999 to ask for Police assistance.

My main concerns in review of the footage are the following:

- Breach of Condition 2.10 of the Premise Licence "*Violent or aggressive behaviour towards staff or customers will not be tolerated. Individuals displaying an aggressive demeanour shall be asked to leave / escorted from the premises*". Multiple individuals involved in disorder were able to re-gain entry to the premise afterwards. Rowdy and aggressive behaviour of customers able to continue outside, unchallenged by staff.
- Breach of Condition 2.9 of the Premise Licence "*Customers shall not be permitted to leave the premises with their glasses.*" Female is seen in the footage to bring a glass outside, which is subsequently used to throw at someone through the main front doors.
- Another customer asks a group of males arguing to move on the road, seemingly on behalf of Miss Warner. I have concerns about the risk to customers being put in a position of control without the relevant SIA accreditation.
- I observed that many of the customers in the footage did appear to be of a younger crowd, which was also the main demographic of customer who were at the centre of incidents.
- Advice given to invest in SIA Door Supervisors was not heeded, and as such, incidents of disorder were able to occur. This is not in keeping with the Licensing Objective to Prevent Crime & Disorder.

Upon review of the footage, Rachael Hind & I agreed to arrange to meet Miss Warner and Mr Butler as a matter of urgency. Such request was made on 11/12/2023 however they were away for the rest of the week and advised that they planned to close The Old Coaching Inn for the foreseeable future. Miss Warner was advised of the abandoned call and asked to make contact with Police via 101 should she wish to complete her report. PC Randall revisited The Old Coaching Inn on 19/12/2023, to review CCTV and follow up on Miss Warner's call to him, see Exhibit OG.09.

It is my professional opinion that the management at The Old Coaching Inn, Brixham have not successfully upheld the Licensing Objective to Prevent Crime and Disorder. Miss Warner & Mr Butler did not action recommendations made by Devon and Cornwall Police as a Responsible Authority and as a result further disorder and nuisance occurred. Premise licence conditions were ignored and staff did not take appropriate action to call, and speak to Police when the situation warranted.

In such cases where the management of a licensed premise is not effective, it would be appropriate to suggest removal of the DPS. However, as the DPS is also a director of the limited company that is named as the Premise Licence Holder, I feel that this would have little impact upon the general management of the business.

Should the business continue to run with its current operational model, I would recommend that the committee consider amendments to the Premise Licence as follows:

- *Amendment to Licensable activity timings:* for sale by retail of alcohol to conclude at 23:00hrs, with closing time reduced to 23:30hrs.

- *Additional condition:* The number of SIA registered door supervisors shall be in attendance at the premises in the following numbers, days & times listed below:
Monday, Tuesday, Wednesday, Thursday and Sunday – Door supervisor numbers to be risk assessed by the DPS and/or Premises Licence Holder.
Friday and Saturday – As standard, a minimum of 1 SIA Door supervisor will be on duty from 20:00 hours until close on Friday and Saturday nights. Thereafter, the number of SIA licensed door supervisors employed shall be in accordance with 1:100 ratio of door supervisors to customers.
DPS and/or the premises licence holder will be responsible for conducting dynamic risk assessments for the requirement of additional door staff especially during busy periods, public holidays, or any other events such as sporting events or festivals.

- *Additional condition:* The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:
 - (i) Full name
 - (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
 - (iii) The date and time they began their duty
 - (iv) The date and time they completed their duty
 - (v) The full details of any agency through which they have been allocated to work at the premises if appropriate

The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.

The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

- *Additional Condition:* An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:
 - the date and time of refusal
 - the reason for refusal
 - details of the person refusing the sale
 - description of the customer
 - any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

- *Additional Condition:* A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

Miss Warner has indicated that in the future the aim is to run the premise as a Hotel/B&B. Should this be the case, I would instead request consideration for a variation of the conditions on the licence to accurately reflect the intended operation of the business and actively promote the licensing objectives.

In whichever capacity the Old Coaching Inn functions in the future, I would further recommend that management collaborate with the Policing Licensing Team on a mutually agreed upon action plan to improve practice and the safety of the premise.

You are here » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 13:01 on 13 February 2024

The Old Coaching Inn

61 Fore Street, Brixham, Devon, TQ5 8AG

Premises Licence PL0899 from from 30/06/2017 to indefinite**Licence holder(s)**

Full Name:	The Old Coaching Inn Brixham Limited
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Designated Premises Supervisor

Full Name:	Miss Lesley Jane Warner
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Permitted Activities

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

Premises Open Hours Granted

	Time From	Time To
Monday to Sunday	08:00	00:30

Activities - Times Granted

	Time From	Time To
B. Exhibition of films (Indoors)		
Monday to Sunday	08:00	00:00
C. Indoor sporting event		
Monday to Sunday	10:00	00:00
E. Performance of live music (Indoors)		
Monday to Sunday	10:00	00:00
F. Playing of recorded music (Indoors)		
Monday to Sunday	10:00	00:00
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)		
Monday to Sunday	10:00	00:00
L. Late night refreshment (Indoors)		
Monday to Sunday	23:00	00:30
M. The sale by retail of alcohol for consumption ON and OFF the premises		
Monday to Sunday	09:00	00:00

Additional Conditions

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (i) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (ii) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: EXHIBITION OF FILMS

1) Where the film classification body is specified in the licence, admission of children must be restricted in accordance with any recommendation made by that body.

2) Where -

(i) the film classification body is not specified in the licence, or

(ii) the relevant licensing authority has notified the holder of the licence that this condition applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In the case of the aforementioned conditions

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None.

The Prevention of Crime and Disorder

1. There shall be a 30 minute extension of opening hours after the end of the sale of alcohol as the last drink shall be consumed less quickly, with access to the pub's toilet facilities.
2. Staff shall be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in 'drugs awareness' as part of their induction.
3. Persons who are identifiably a threat to public disorder shall be refused service.
4. CCTV shall be in place and operational at all times while the premises is trading.
5. The pavement cafe area shall be cordoned off using a banner and post system.
6. All customers must be seated whilst occupying the pavement cafe area.
7. The pavement cafe area will be monitored continuously by staff throughout the day and evening. All tables shall be cleared of empties on a regular basis whether tables are occupied or not.
8. All bottled drinks served to customers sitting in the pavement cafe area shall be decanted into appropriate glassware.
9. Customers shall not be permitted to leave the premises with their glasses.
10. Violent or aggressive behaviour towards staff or customers will not be tolerated. Individuals displaying an aggressive demeanour shall be asked to leave / escorted from the premises.
11. Staff shall be trained to be vigilant in case of potentially volatile situations.
12. CCTV equipment will be maintained to the satisfaction of the Chief of Police. Recorded images will be retained for 30 days and made available to the Police on request at any reasonable time. If the CCTV equipment becomes inoperative at any time the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
13. There will be no alcohol drinks promotions whatsoever. The hotel will introduce a generic loyalty scheme to reward customers.

Public Safety

1. Health and Safety Risk Assessments shall be carried out and reviewed regularly.
2. The fire safety measures, with which the premises are provided, shall be maintained in good working order, and their adequacy shall be determined on a regular basis, by the carrying out of a fire risk assessment, as required by, and in accordance with the Fire Precautions (Workplace) Regulations.
3. The safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, the premises shall therefore undertake to maintain a safe occupancy level.
4. Tables and chairs will be stored inside the building and will be positioned in the pavement cafe area at 10:00 hrs and will be brought inside by 21:30 hrs every day.

The Prevention of Public Nuisance

1. The sale of alcohol shall not be required to be ancillary to the sale of food at any time during opening hours.
2. Live music shall end at 00.00 except on New Years Eve and New Years Day.
3. Recorded music volume shall be reduced to background level during the wind down period to create a mood change.
4. A notice shall be placed prominently at the exits asking customers to leave quietly.
5. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise shall not be audible within any noise sensitive premises with windows open for normal ventilation especially after 11pm. The criteria applied, from boundary to nearest residential property are:-
 - (i) Before 11pm - Noise emanating from the premises shall not be clearly distinguishable above other noise.

(ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.

(iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.

6. Amplified live music and karaoke until 00.00 hrs shall be limited to not more than three evenings per week.
7. Recorded music shall be played until 00.00 hrs, after which music shall be turned down to incidental background music.
8. Doors and windows shall be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.
9. The volume of amplified music used in connection with entertainment provided shall at all times be under the control of the Licensee/Management and controlling mechanism shall be operated from a part of the premises not accessible to the public.
10. As far as is practical, that persons on or leaving the Premises shall be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by.
11. Cooking, noxious or persistent smells from the premises shall not cause a nuisance to nearby properties and the premises must be properly vented.
12. The mechanical extract system installed within the kitchen shall operate in a manner so as not to cause a noise or odour.
13. Kitchen extract filters shall be cleaned regularly to minimise the impact of cooking smells on neighbours.
14. All windows shall be kept closed after 00.00.
15. The premises will display appropriate signage stating the the tables and chairs will be brought in by 21:30hrs and last orders for refreshments in this area will be called at 21:10.
16. Clear signage will be displayed requesting that customers keep the noise to a respectable level at all times and requesting customers to be quiet when leaving the premises.
17. No noise of any kind shall be amplified outside of the premises.
18. Smoking shall be permitted in a designated area of the pavement cafe area with appropriate signage displayed.

The Protection of Children from Harm

1. The premises shall adopt a Challenge 25 scheme and staff will ask for photographic identification if there is any doubt about an individual's age. Appropriate signage shall be displayed at the entrance of the premises.
2. Identification that shall be accepted are: A valid passport, photographic driving licence or approved identification card carrying PASS logo.
3. Children shall be permitted in all the public areas.
4. Amusement Machines with Prizes shall be sited where supervision is available to prevent minors playing them.
5. Any person under the age of 16 years shall be accompanied by a responsible adult.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4

PLANS

Copy attached to Licence.

Premises Plans

- Page 1 of 1

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From: [COPIK Karl 30544](#)
To: [Licensing Team](#)
Cc: [HONEYBALL Daniel 17442](#); [RANDALL Peter 17113](#); [VEITCH Lisa 30084](#); [MACKIE Charlotte 30767](#)
Subject: The Old coaching inn, fore street, Brixham
Date: 22 October 2023 11:59:27

At Police street surgery yesterday male didn't want to give details reports underaged drinking at this location, im sure ive read intel before about the same thing at this location, he stated last week rugby was being played and numerous under aged youths were inside drinking, a female under 18 was clearly having

Advances interest paid to her from an adult, rp is concerned they are advertising for a party on Halloween

Licensing are you aware of any previous intel on this location please ?

Do you want the Neighbourhood team to visit

Kind regards

Karl

From: [GIFFORD Olivia 31386](#)
To: [REDACTED]
Subject: The Old Coaching Inn, Brixham
Attachments: [image001.png](#)
[image003.jpg](#)
[image002.png](#)
[image004.jpg](#)
[Incident_Log_Template.docx](#)
[Refusal_Log_Template.pdf](#)

Good Morning,

Thank you for your time on Tuesday, it was great to meet you both.

I wanted to take an opportunity to summarise the visit from a Policing perspective.

I asked to meet you to discuss a report that The Old Coaching Inn had been serving alcohol to individuals under the age of 18 years old. You assured me that that was not the case, that you have a Challenge 25 policy in place, that you ask customers for ID and that you eject those who are not of legal drinking age, including those who try to make a proxy sale. You advised that the only permanent staff members are yourselves and that casual staff who are employed for events are trained appropriately, although you did not have a training record to evidence this.

You did not have a refusal register or incident log at the time of the visit, but this is something that you were open to starting. As such please see some templates which can be used, alternatively you can find already printed books online. I strongly advise that you implement these logs and train any casual staff to use them, as this will be evidence of your Due Diligence should further complaints arise. This can also be applied to noise monitoring. Without these logs, it may appear to Responsible Authorities that you had not taken appropriate action to prevent contravention of the Licensing Objectives and could have an unfavourable impact on any future licence reviews.

You both mentioned that you have had some issues over the last few months with rowdy/violent behaviour of customers, younger crowds sneaking in trying to be served or asking their friends to buy alcohol for them and loudness of customers as they are leaving the premise. An incident was described whereby Lesley stated that she had felt fearful to challenge a group of customers who were not welcome in the pub. Another incident recently occurred in which a male entered the premise to physically attack a customer and Police were called to assist. You also described several incidents in which the behaviour of customers had become problematic and that you had been close to ejecting them. While a level of disruptive behaviour is expected in the night-time economy, I do feel that all the above could be mitigated by using a member of SIA Doorstaff. We discussed the tactic of employing door staff for a set period to hard reset the clientele coming into the pub and to set the tone of the premise moving forward. As a reminder, Lesley, it is your responsibility as the DPS to risk assess whether you feel that door staff are required and would be you that is held accountable should an incident occur whereby you had not taken appropriate measures to Prevent Harm within the premise (as per the Licensing Act 2003 objectives).

At this time, I am unable to definitely confirm whether or not underage sales have taken place within your premise. However, I will remind you that Trading Standard Test Purchase operations and Police Licensing visits are likely to be imminent within the next few months. The penalty for a premise caught serving alcohol to someone under 18 years of age is an **unlimited** fine.

With the doom and gloom part over, I do wish you the best with whatever you decide to do in with the pub in the future. With mention of using the rear space for more live music events etc, I had a thought on my way home. I wondered whether you had considered reaching to community groups like Brixham Folk Club and inviting them to use the space.

We also have an Evening and Night-time economy Whatsapp group due to start in Brixham soon, I will send you a separate email regarding this with the details should you wish to participate.

Kind regards,

Olivia Kempton

Licensing Officer (Torbay) 31386

Alcohol Licensing Dept

Devon, Cornwall and Isles of Scilly

olivia.kempton@devonandcornwall.pnn.police.uk

Tel: 07921933974

From: [GIFFORD Olivia 31386](mailto:GIFFORD.Olivia.31386)
To: [REDACTED]
Subject: Brixham Evening & Night Time Economy Forum
Attachments: [image001.png](#)
[image003.jpg](#)
[image002.png](#)
[image004.jpg](#)

Good Morning,

I am writing to you as I have been in conversation with the various premises in Brixham and found that there is an appetite for a Pubwatch type scheme or similar. Many licensees are keen to be able to communicate with each other especially with regards to problematic individuals, safety concerns and trends that affect the day to day running of your businesses. With the festive period looming in the near future, I wondered whether it may be helpful to have a forum which supports this.

What is the plan?

- The proposal is to form a Whatsapp group, as the settings can be applied to uphold Data Protection legislation and is a simple way of facilitating communication.
- This Whatsapp group can be used to share descriptions or images or troublesome customers to warn your neighbouring premises, to highlight particular issues or good practice, to share information to improve the safety of customers and staff working in the night time economy.

Next Steps

- If you are interested in participating in this forum, please respond to this email and provide the information requested in the form below. This can be sent in any format, though the form can be copied/pasted for your ease.
- I am asking businesses to be mindful of who they would like to represent them in the Whatsapp group. There is no limit to how many people can represent each business, though ideally representatives should hold some level of responsibility e.g. DPS, Manager, Team Leader etc – this ensures that content shared in the forum is appropriate and prevents it from becoming a source of gossip!

Name of Business/Premise			
Representatives	Name	Role	Mobile Number

Please note that by responding with the relevant contact information, you are consenting to this data being shared to create the Whatsapp group only. It will not be used for any other purpose. Please familiarise yourself with Whatsapp' terms and conditions should you have concerns. I, nor any other Police representatives will be actively managing the group to ensure fairness, however information shared in the forum will help to inform Local Police of issues or individuals which are impacting the trade. This is your forum to share matters of concern, to warn other premises about problem persons and to share good practice. Any volunteers for admin support would be greatly appreciated.

If you are no longer in post, please let me know and I'll remove you from the contact list to save hassling you again.

Happy to receive any comments/feedback.

With Kind regards,

Olivia Kempton

Licensing Officer (Torbay) 31386
Alcohol Licensing Dept
Devon, Cornwall and Isles of Scilly
olivia.kempton@devonandcornwall.pnn.police.uk

Video Timeline					
Exhibit Ref	Original Ref	Time	Chronological Order	Min/Secs	Description
Exhibit.Video.01	WA0001		1	00:01	3-5 people stood outside, some appear to be leaving/some movement in and out of shot. Low level background noise, with a few voices coming through louder over the top e.g. sound of a female shouting inside the premise. Front double doors both open.
Exhibit.Video.02	WA0002		2	00:05	Female with crutch audible above noise of several groups talking, heard to shout "these F***** C***s". 10 people stood at the front of the building. Both doors open.
				00:14	Female with crutch seen to walk out of the shot of the camera whilst shouting "I will F***** (inaudible)". Inaudible shouting is then heard for a few further seconds.
				01:04	Complainant heard to say "they're drinking outside as well". Another voice says "Are they?". Replies "Mm." Female seen to put a glass on the table outside.
				01:10	Female voice (approx 18-30yrs) heard shouting "F*** off outside" x3. A female wearing brown trousers comes from within the premise to the double front doors, she walks with purpose, pointing at someone off camera and appears agitated in her demeanour. Behind her is a person in a green coat and hat, who appears to follow her out of the door. This person matches the description of Mr Butler, one of the licence holders. The agitated female then walks past Mr Butler and back into the premise at 01:27, followed by another female in a green skirt who is heard to make a growling sound which indicated anger or aggression. Mr Butler then stands facing the premise with their back to the camera, appearing to observe the commotion as people come in and out of the premise.
				01:38	One of the double doors is closed by someone who appears to remain behind the door.
				01:50	Female runs to the open door shouting "where is she". She looks for and acknowledges someone, then walks into the premise as if making towards them. The sound of male and female shouting emanates from the premise.
				02:24	Female with green trousers leaves the premise with a drink in her hand, and places the empty glass on the windowsill to the right of the front doors.
				02:33	Mr Butler walks past the female in brown trousers while looking at his phone and goes back inside the premise at 02:41
				02:41	Female in the brown trousers shouts "F*** off" and throws the empty glass through the open door. She then repeats "and what" 11 times, some inaudible shouting and then "carry on your f***** tramp"
				02:50	Another female who appeared to be waiting for someone at the front door, can be heard telling her to calm down and steers the female with an open palm away from the front door. A male follows her and is seen to gesture a headbutt towards the female who threw the glass, though this appears to be more as a threat than an intention to connect. The group move away from the front door.
				02:54	Miss Warner seen to step out of the front door and look towards the group who are arguing off camera.
				03:14	Miss Warner steps back inside the premise and out of sight from the front door. Note that arguing can still be heard, though not in view of the camera.
				03:23	A female at the front door heard audibly above background noise shouting "lets go" to someone who is inside.
				04:05	Female with brown trousers that threw the glass, runs up to the front door and shouts "get out now". Is able to walk back inside.
				04:19	Three people, including the female in the brown trousers appear to be walked to the front door by Miss Warner, the second door is shut behind them. The group continue to shout as they walk away, can audibly hear: "move" "down here" "I'll (inaudible) you another time you stinking b*****" "what you staring at you s***, what you staring at?" "come here then" "and what"
				04:51	Mr Butler comes out of the front door onto the pavement and walks out of shot in the direction of the group.
Exhibit.Video.03	WA0003		3	00:01	Two people arguing (not audible, however body language suggests a confrontation) outside the closed front doors to the premise. A group come out of one of the doors and several people appear to lunge towards the person facing the premise, who is then pushed out towards the pavement and away from the pub. The sounds of a scuffle can be heard, though the group move out of the view of the camera.
				00:25	Camera moves to see further down the street as the group seem to usher a male away, a male is seen to double palm push this male from behind telling him "F*** off, go".
				00:57	Various members of the group involved in the altercation are able to re-enter the premise. Including a male wearing a very distinctive yellow coat.
				01:15	Sounds of a female shouting
				01:30	Female with crutches returns, heard shouting "they're all sat up in the pub yeah, you silly c***s", and seen waving her crutch above her head. She hits the door with the crutch, then a female enters the frame behind her and kicks the door. They both leave the frame to the right, but can be heard shouting. Much of this is inaudible as they are talking over each other, one female is heard to say "I'm going to get nicked anyway, I glassed a man about 40 minutes ago". "I'll put the window through and what" is also heard.
				01:59	Female with crutches is back in the frame, heard to say "they are letting all the undes 18..." which is interrupted by the female in the brown trousers telling her to "move". Mostly inaudible shouting.
				02:30	Female heard shouting "you're all underage".
				02:38	Female with fur hood picks up an object from the table outside the front door (possibly a bottle) and walks off to the right out of shot. Sound of glass smashing out of camera frame at 02:50.
				02:47	Female with crutches returns into frame, she is holding her phone up as if she is filming the pub. She shouts obscenities and threats until 03:59. She also says the word "underage" several times, though much of the sentences are inaudible.
				02:50	Sound of glass smashing out of camera frame
		23:06		04:43	Complainant confirms that the time is 23:06
				04:47	Group of between 6-12 outside the premise until . Background level talking, with several of the group shouting over the top.
				06:27	Female in brown trousers heard to shout "open that f***** door now".
				06:30	Female in brown trousers bangs on left front window shouting " :".
				06:45	Female in fur hood bangs on window
Exhibit.Video.04	WA0004		4	00:06	Group of 4 approach the front door. Male knocks on the door. Door opens, group, plus another male enter the premise.
		23:16		00:30	Complainant's Alexa says "it is 11:16pm"
				00:34	Miss Warner leans her out of the door appearing to look down the street towards the Co-op, then goes back inside and shuts the door at 00:42
Exhibit.Video.05	WA0005		5	00:06	Sounds of disorder which are muffled, sound of shouting. Unclear whether this is coming from within the premise, or further up the street.
Exhibit.Video.06	WA0006	23:28	6	00:01	Complainant's Alexa says "it is 11:28pm". Sound of background talking noise at a fairly reasonable level.
Exhibit.Video.07	WA0007		7	00:02	Male knocks on the front door.
		23:30		00:13	4 people exit, male enters.
				00:40	Complainant's Alexa says "it's 11:30pm".
Exhibit.Video.08	WA0008		8	00:01	Sound of something metallic hitting the floor and someone shouting "oi" off camera
				00:04	Miss Warner steps out of the front door, looks down the street towards the Co-op. Steps back inside. One of the front doors is slightly ajar, and the level of noise is noticeably louder compared to in WA0006
		23:34		00:31	Complainant's Alexa says "it's 11:34pm". Some people leaving the premise, a few more entering.
Exhibit.Video.10	WA00011		9	00:01	3 people enter the shot from the left, two females wait by the front door. At one point they appear as if they are obscuring their faces from whoever is at the door, until their male friend goes into the premise, and they follow. The male approached the window first and appeared to communicate with someone inside. Another male enters the frame from the right, knocking on the door. A fifth male approaches from the right also.
		23:44		00:22	Complainant's Alexa says "11:44pm"
				00:32	All 5 people enter the premise.
				00:37	Door closes behind.
Exhibit.Video.09	WA0009	00:32	10	00:08	Complainant's Alexa says "it's 12:32am". Door ajar, with one male stood in the doorway, and another on the pavement. They appear to be inaudibly talking.
				00:25	Male in the doorway tells the other "f*** off home you *insert homophobic slur*. Both males use some verbal towards each other and a third appears in the doorway to join them e.g. "F*** off then" "keep walking" "(inaudible) kill my family" "I didn't mean that, I already apologised to you". "Don't ever say that again about my family" "Why would you say that though" "(inaudible) be (inaudible) dead mate" "never ever (inaudible)"
				01:04	Three customers leave, the hover around the altercation taking place. Miss Warner is seen at the door with it slightly ajar.
				01:18	Miss Warner is seen to make a movement with her wrist which appears to beckon over one of the males. He appears to be between 35-50, stocky build, wearing a hat. He comes back towards the door where they briefly converse. The male addresses the group shouting "boys, boys. Move up move up", gesturing with his hand away from the premise.
				01:51	The males have taken a few steps away from the premise and are quieter. However, a heated conversation can be detected over the background noise of people leaving.
				01:55	There are approximately 6-9 males milling around, various threats heard "Shut up I'll bang you out you c***". "I'll f*****ing batter the f***** s*** out of you" "F*** off" "I'll bang you out shout up"
				02:14	Male in black walks toward the front door as he shouts back someone off camera ""I'll f*****ing batter the f***** s*** out of you. (Inaudible) F***** silly c***." An walks back into the premise.
				02:40	Around this time the rest of the group who are still engaging with someone off camera, begin to walk away from the premise towards New Rd.
				03:02	Miss Warner seen to hand out lollipops as customers leave.
				03:40	Complainant's Alexa says "12:36am". Note that the premise should have been empty and closed at 12:30am.
				03:42	Group of 6-8 people congregate around the front door, talking loudly. Neither Miss Warner or Mr Butler
				03:54	Female heard asking person holding the camera "have they asked them to move on?", camera operator replies "No".
				04:01	People continuing to leave the premise - including the male involved in the earlier altercation with the yellow coat.
				04:04	Miss Warner comes out of the front door and begins to ask customers to move on. There is still a large group consisting of at least 8 people in the last frame at 05:36.

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

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Statement of: **Peter Randall**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 17113**

This statement (consisting of2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: **PC 17113 RANDALL**Date: **13/02/2024**

I am Police Constable 17113 PETER RANDALL and I am currently based at Brixham Police Station. I am making this statement regarding licencing checks I conducted at THE OLD COACHING INN, 61 FORE STREET, BRIXHAM, TQ5 8AG.

From notes I made at the time I can say that on Saturday 9th & Tuesday 19th December 2023, I attended THE OLD COACHING INN and spoke to the DPS/owners, Lesley WARNER and Roland BUTLER.

During my visit on 9th December, I discussed closing times, the associated noise and the age of patrons. WARNER showed me a number of posters she had put up regarding 'ID 25' and notices to respect the neighbours. WARNER came across as a responsible DPS. I did not see BUTLER on this occasion.

On 19th December, I was informed by Licensing Officer 31386 GIFFORD, that there had been a disturbance at THE OLD COACHING INN on the evening of 9th December, and that WARNER had provided a police log reference number.

I returned to the premises and saw both WARNER and BUTLER on this occasion. WARNER described how they had had a male in the premises that had become abusive towards patrons and had been ejected but kept returning. And how later, a group of females had come in who had accused two males of spiking their drinks and had become disorderly.

I viewed various pieces of CCTV footage from both incidents. The footage showed WARNER trying to deal with all incidents on her own. BUTLER was apparently working behind the bar. My

Signature: **PC 17113 RANDALL**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of **Peter Joseph Randall**

overall impression was that WARNER was not assertive enough in dealing with either the male or group of females. The male was able to return to the central area of the premises and WARNER can be seen asking him to leave and he ignores her. He was eventually lawfully ejected by other patrons.

The same male had also caused trouble at the nearby BLUE ANCHOR public house. However, the way staff there dealt with the male is in stark contrast, in that they called the police early on and told the male that police were on their way. The result being that the male apologised and left their premises.

The second incident with the group of females was more a problem of numbers. WARNER was completely outnumbered and all she could do was close the door on the group, and they were free to kick the door and bang on the windows. WARNER has called 999 but the call failed to get through. The police sent a text with the log reference number that WARNER gave to LO GIFFORD, but it doesn't appear that she has tried to call 999 again. This has allowed disorder to continue unchallenged. I later checked my work phone and found that I had a missed call from WARNER late on 9th, so it appears she has tried to call an off-duty officer instead of calling 999 back.

I went through the footage with both WARNER and BULTER and explained how the presence of door staff would have negated virtually all the problems they experienced that night. WARNER and BUTLER said they were going to close the bar area for the time being and concentrate on opening the bed & breakfast side of the business.

Signature: **PC 7113 RANDALL**

Signature Witnessed by: **N/A**