



Devon & Cornwall Police

Building safer communities together

Licensing Team
Torbay Council
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Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01392 452225

15 April 2014

Dear Sir/Madam

Seamus O'Donnells, 28 Victoria Parade, Torquay, Devon

I refer to an application for the Review of the Premises Licence in respect of the above premises.

Having considered the application, the police are satisfied that the premises are currently meeting the Licensing Objective "The Prevention of Crime and Disorder" and therefore are not making representation in relation to this matter.

However, since December 2012 my Police Licensing Officer, Mrs Julie Smart, has been working with the Premises Licence Holders to alleviate police concerns regarding overcrowding issues in one particular area of the premises. Mrs Smart has informed me that the Premises Licence Holders have taken positive action to improve this situation and in an attempt to improve customer flow and a more even distribution of customers within the premises, the steps they have implemented may have attributed to the noise issues subject of this review application.

Mrs Smart has provided a statement outlining the police concerns, and action taken by the Fire Service and Premises Licence Holders regarding the overcrowding issue and I respectfully request that when considering any measures you deem appropriate in relation to the Review, you bear in mind any possible impact that these measures may have on customer distribution within the premises.

A copy of Mrs Smart's statement is attached for your information.

licensingeast@devonandcornwall.pnn.police.uk



101



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The Government Standard

Although Mrs Smart does not have any issues or concerns she would like to raise at the hearing, she will attend in order to answer any queries you may have.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'C. Armes'.

Superintendent C Armes
LPA Commander

Witness Statement

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

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Statement of: **Mrs Julie Karen Smart**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Licensing Officer**

This statement (consisting of5..... 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: **J K Smart**Date: **14/04/2014**

I am a Police Licensing Officer for the Devon and Cornwall Constabulary, stationed at Torquay, and I have held this position since September 2008.

I am aware that an application has been made by a local resident requesting a Review of the Premises Licence in respect of premises known as Seamus O'Donnells, 28 Victoria Parade, Torquay, TQ1 2BD, on the grounds that the premises are not meeting the licensing the objective, the prevention of public nuisance. Over the past 5 ½ years I have had occasion to liaise with the management of Seamus O'Donnells on numerous occasions, particularly in relation to overcrowding issues at the premise, and therefore submit this statement for the information of the Licensing Committee.

For your information Seamus O'Donnells has the benefit of Premises Licence Number PL0422 issued by Torbay Council. The current Premises Licence Holders for this premise are Mrs Lesley Ann BUTCHERS and Mr Stephen Graham Paul BUTCHERS, a position they have held since November 2012. Mrs BUTCHERS is also the Designated Premises Supervisor for the premises, having held this position since October 2010.

The premise is located within the Torbay Council Cumulative Impact Area and the building comprises of two storeys. The Premises Licence covers both floors of the premises, the ground floor area is generally known as Seamus O'Donnells, whereas the first floor is known as "Back to the 80's" and is split into two separate rooms with a bar in between. I shall refer to these rooms as Room 1 (situated at the front of the building) and Room 2 (situated at the rear of the building). At the far end of Room 2 there is a bar and a corridor leading to the male and female toilets and a fire exit.

On 1 December 2012 DC 747 SHARDLOW visited "Back to the 80's" at approximately 2330 hours whilst conducting duties under Operation Ambassador (a police operation focussing on the management of licensed premises within Torbay). Following his visit he submitted a Licensing Form L10, which states that in his opinion the location was extremely overcrowded with nearly all of the clientele being located in one room on the dance floor with the pool table room empty. At the time of his visit no music was provided in Room 1, which contained a pool table, and Room 2 provided music and dancing facilities.

Signature: **J K Smart**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of **Mrs Julie Karen Smart**-----

Around this time I recall discussing this matter with several other police officers who also expressed concerns regarding overcrowding in Room 2 of "Back to the 80's".

At 0025 hours on 9 December 2012 I attended "Back to the 80's" in the company of Mrs Mandy GUY, Senior Licensing Officer of Torbay Council. At the time of our visit I noted that Room 1 was very quiet with only a few customers inside, however Room 2 I would describe as being seriously overcrowded. Mrs GUY and myself had to push our way through the crowd, some of whom had drinks in their hands, in order to get to the bar, and in doing so I noticed a large amount of broken glass all over the floor. At the time of my visit it was apparent that any customer wishing to use the toilets would also have to push their way through this room in order to do so. It was also noted that as it was so overcrowded there was no separation between those customers stood around chatting/drinking and those dancing and that this would result in customers bumping into each other with drinks which could lead to potential conflict between customers. Whilst at the premises myself and Mrs GUY outlined our concerns to Mr and Mrs BUTCHERS.

On 11 December 2012 I emailed Mr John MONAGHAN and Mr Mark COTTELL, Fire Officers with the Devon and Somerset Fire Service, outlining the police concerns that overcrowding was a potential issue at the premises and requested their urgent assistance with this matter.

On 17 December 2012 Mr COTTELL sent me an email in which he indicated that he had visited the premises and carried out a Fire Safety Check. He further stated that he had paced out Room 2, which had been cleared of all furniture, and estimated it to be approximately 80m square with 3 exits, therefore, with an occupancy figure of 0.5m square per person, the capacity for Room 2 could be 160.

Mr COTTELL also indicated that he had been informed that Mr and Mrs BUTCHERS restrict the capacity for "Back to the 80's" to a maximum of 180 over both rooms and that their stewards are trained to evacuate the building. Mr COTTELL further stated he had no concerns from a fire or evacuation point of view.

At approximately 1100 hours on 20 December 2012 myself and PC Nick HEALEY attended Seamus O'Donnells and met with Mr and Mrs BUTCHERS. At that meeting we had lengthy discussions concerning an increase in levels of crime and disorder at the premises, the overcrowding of Room 2, noise complaints and other licensing issues. Regarding the overcrowding issue I pointed out to Mr and Mrs BUTCHERS that there is a condition on the Premises Licence which states they must risk assess where there is a risk of overcrowding and take remedial action to deal with this. Mrs BUTCHERS then showed us Room 2 and pointed out that all tables and chairs had been removed from the room and shelving had been put up around the room for drinks etc. She also told me that all glasses, except pint glasses, were being replaced with polycarbonate vessels and she was awaiting delivery. She also showed me several removable platforms that are located in various positions within Room 2 which the stewards will stand on to ensure they have adequate supervision of customers. In addition she stated all

Signature: **J K Smart**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of **Mrs Julie Karen Smart**

internal door stewards had been supplied with fluorescent SIA badge holders to make them more identifiable to customers. Mr and Mrs BUTCHER's raised at this meeting the possibility of providing music in Room 1 in an attempt to ensure a more even distribution of customers within "Back to the 80's" and I advised her to liaise with the Environmental Protection Officers of Torbay Council regarding this matter. At this time I was impressed by the swift and positive action that Mr and Mrs BUTCHERS had taken in an attempt to alleviate the police concerns.

At 1500 hours on 8 April 2013 myself and Mr Karl MARTIN, Environmental Health Officer for Torbay Council, visited Seamus O'Donnells and had lengthy discussions with Mr and Mrs BUTCHERS regarding the provision of music in Room 1 in an attempt to reduce the overcrowding of Room 2. During discussions it was agreed that music would not be provided in Room 1 until Mr MARTIN and Mr CARPENTER (Noise Consultant) had had opportunity to carry out an assessment from the adjacent premises. At this time Mrs BUTCHERS stated that the premises were currently reviewing their Fire Risk Assessment and that it was likely that the capacity would be increased from 180 to 230, thus meaning approximately 115 in each room. At that time I explained that I would not wish for the overall capacity to be much more than this as the use of Room 1 for the provision of music was being discussed in an attempt to reduce the numbers in Room 2, and on the grounds of prevention of crime and disorder it was important to relieve the overcrowding issue despite the fact that the Fire Service and Risk Assessments may allow more persons based on fire evacuation.

On 27 April 2013 DC 6984 BRETT visited "Back to the 80's" at approximately 2330 hours, again whilst conducting duties under Operation Ambassador. Following his visit he submitted a Licensing Form L10, which states "Upon entering it became immediately apparent that the bar was severely overcrowded. At the top of the stairs was complete gridlock. After persevering to get as far as the bar at the top of the stairs, I could see that the front room was in fact almost empty. Nearly all customers were pushing forward into the main room. Having visited the premises several times, this is a regular occurrence at the doorway. There was a high vis wearing member of staff at this door but it was unclear how numbers were being managed. As far as I am aware, the fire exit is to the rear of the main room. I would question how the premises could be evacuated if this exit needed to be used as you could not even get into the room, let alone make progress through to the fire exit. I am aware that the premises has been visited by the Fire service recently but I remain concerned that there is insufficient provisions at the club in relation to crowding. We gave up even trying to get into the main bar and upon exiting saw more customers walking up the stairs. I have no idea why they were allowed entry as the security staff at the top of the stairs were clearly aware of the 'bottleneck'. Upon us exiting, more customers were allowed entry. Uniform officers were made aware of the situation". This report was drawn to the attention of Mrs BUTCHERS.

Signature: **J K Smart**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Mrs Julie Karen Smart

At 0035 hours on 11 May 2013 I attended the premises in the company of Mrs Karen ELLICOTT and Mr Shaun RACKLEY, Licensing Officers for Torbay Council. On this occasion Room 2 appeared extremely busy to me but I did not feel that it was seriously overcrowded as was my opinion in December 2012. I noted that there were 9 persons within Room 1 at the time of this visit.

On 5 June 2013 I raised the overcrowding of "Back to the 80's" at a Licensing multi-agency partnership meeting held at Torquay Police Station. At this meeting Mr COTTELL stated that he was still awaiting new Risk Assessments from the assessor but would update me when he had received them. He did however indicate that it was likely that the capacity for the premises would be increased and that from a fire perspective there was nothing he could do regarding this. Following this meeting within my computer records I have made reference to this matter, indicating that the police should continue to monitor the premises and should there be an increase in crime/disorder at the premises we should seek to negotiate separate room capacities based on this issue.

On 9 October 2013, again at the Licensing multi-agency partnership meeting, "Back to the 80's" was discussed. Mr COTTELL stated he had received the new Risk Assessments and was satisfied with them. In terms of capacity due to the layout of the premises and 3 fire escape routes he stated that the premises could actually hold substantially more persons than their risk assessment allows.

On 19 March 2014 an application for the Review of the Premises Licence in respect of Seamus O'Donnells was received by the Devon and Cornwall Police.

At 1030 hours on 1 April 2014 I attended Seamus O'Donnells in the company of Mrs GUY. At that time we viewed the premises in conjunction with the plan and Mr and Mrs BUTCHERS outlined the changes being made to the premises, which consists of the removal of the upstairs kitchen in order to provide toilets which can be accessed by either Room 1 or Room 2, and the creation of a 'quiet' room for customers to sit and chat. In my opinion these alterations will greatly improve customer flow within the premises, in particular providing access to the toilets from both rooms, and this will assist in the reduction of overcrowding in Room 2. Whilst at the premises Mrs GUY advised Mr and Mrs BUTCHERS that they will need to apply for a variation outlining the alterations to the layout of the premises and discussed the Review application with them.

I have researched the crimes linked to Seamus O'Donnells between 1 April 2013 and 1 April 2014 and can state there are a total of 7 crimes linked to the premises (3 x ABH, 2 x criminal damage, 1 x burglary and 1 x non crime domestic incident). I consider this level of crime to be very low in comparison with other late night licensed premises situated around Torquay harbourside.

Furthermore the premise has been subject of visits by officers conducting duties under Operation Ambassador since April 2013 but since that date there have been no reports highlighting overcrowding as a potential issue at this premise.

Signature: J K SmartSignature Witnessed by: N/A

Witness Statement

Continuation of Statement of **Mrs Julie Karen Smart**

In conclusion the police consider that the premises are meeting the Licensing Objective "The Prevention of Crime and Disorder", the Fire Service have indicated that they are satisfied with the Risk Assessments and capacity for the premise and it appears that Mr and Mrs Butchers are managing the capacity in Room 2 and are continuing to identify improvements to the premises that will assist in customer flow and therefore reduce overcrowding/pinch points within the premise. I feel it is unfortunate that whilst endeavouring to alleviate the police concerns it appears that the provision of music in Room 1 and the creation of the new toilet area may have caused noise nuisance to residents. In conclusion, the police do not consider that any action is required by the Licensing Committee in relation to the Prevention of Crime and Disorder objective. This statement has been submitted purely to bring this matter to the attention of the Licensing Committee with a respectful request that it can be borne in mind when considering the application for Review, to ensure that there is no knock-on effect from any measures deemed appropriate at the hearing.

Signature: **J K Smart**

Signature Witnessed by: **N/A**