



## Devon & Cornwall Police

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TORQUAY  
TQ1 3DR

Licensing Department East  
Devon and Cornwall Constabulary  
Force Headquarters  
EXETER  
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Telephone: 01803 218900

5 April 2016

Dear Sir/Madam

**The Lime Tree, 9/11 Dartmouth Road, Paignton, Devon, TQ4 5AA**

I refer to an application for the Variation of a Premises Licence in respect of the above named premises, submitted by Flint Bishop LLP on behalf of the applicant, Star Pubs and Bars Limited.

For your information, the Lime Tree currently has the benefit of Premises Licence Number PL0411 issued by Torbay Council.

The police have been advised that in relation to the existing Premises Licence PL0411, unfortunately a mistake has been made in relation to the permitted hours for the sale of alcohol. It has been confirmed by Flint Bishop LLP and Torbay Council Licensing Department that the licence actually allows the sale of alcohol between 11.00 am and midnight on Mondays to Thursdays, 9.00 am and 2.00 am on Fridays and Saturdays, and from noon to midnight on Sundays. The premises are also licensed for the provision of late night refreshment until 2.00 am on Fridays and Saturdays and the performance of live and recorded music but live music must cease at midnight each day, whereas recorded music can be played until midnight on Sundays to Thursdays and until 2.00 am on Fridays and Saturdays. The premises must close 30 minutes after these activities cease, ie 12.30 am Sundays to Thursdays and 2.30 am on Friday and Saturday nights.

This variation application has therefore been considered in conjunction with the above confirmed timings and not those illustrated on the Premises Licence which  
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accompanied the application form.

This variation application seeks to extend the provision of live and recorded music, late night refreshment and the sale of alcohol until 4.00 am every day of the week, with the premises closing at 4.30 am every day of the week. Furthermore it seeks to extend the time at which all licensable activities can commence from 9.00 am on Fridays and Saturdays, 11.00 am on Mondays to Thursdays, and noon on Sundays, to 8.00 am every day of the week.

For your information, the Lime Tree is situated at a busy junction within Paignton Town Centre. The surrounding area consists of a mixture of business and residential properties.

Prior to the submission of this application, the police were not consulted by Star Pubs and Bars Limited or Flint Bishop LLP concerning their proposed application, as they are strongly recommended to do within the Torbay Council Licensing Statement of Principles 2016-2021.

The police have examined the application and consider that the applicant has not given sufficient consideration to the Torbay Council Licensing Statement of Principles 2016-2021. As you will see from the boxes contained on Page M of the application form, the applicants have not outlined any additional measures they intend to take to ensure the Licensing Objectives are met. It is therefore apparent that they have not identified any additional risks associated with their proposed operation and they do not consider that allowing persons to consume alcohol for an additional 2 hrs on Fridays and Saturdays, or 4 hrs on Sundays to Thursdays, within their premises, prior to leaving at 4.00 am, will impact in any way on the Licensing Objectives.

It is the opinion of the police from our vast experience of dealing with licensed premises that those premises where alcohol sales cease at or around midnight occasionally come to the attention of police but generally do not impact on the Licensing Objections. Premises authorised to sell alcohol until 2.00 am may impact on the licensing objectives, particularly the Prevention of Crime and Disorder and the Prevention of Public Nuisance, but with suitable management and policies in place most of these concerns can be addressed. However in respect of premises which are authorised to sell alcohol until 4.00 am the risks significantly increase and irrespective of any conditions imposed on the licence, there is an extremely high likelihood of crime, disorder, anti-social behaviour and public nuisance issues.

In relation to this premises, it is the opinion of the police that whilst some of the conditions contained within the existing Premises Licence are appropriate for a premises which is authorised to sell alcohol until 2.00 am on two days of the week, they are not appropriate for a premises authorised to sell alcohol until 4.00 am every day of the week.

I now outline below a number of matters contained within the current Premises Licence that the police believe require further consideration in line with your Licensing Statement of Principles 2016-2021:

1. Condition 1 under the heading Annexe 3 The Prevention of Crime and Disorder relates to CCTV. The police consider that this condition is suitable but would request that when the CCTV system is inoperative the police and Licensing Authority be informed as soon as possible and immediate steps are taken to put the equipment back into action.
2. Condition 2 under the heading Annexe 3 The Prevention of Crime and Disorder. Whilst the police considered that this condition was acceptable and proportionate when the premises extended their closing time to 2.00 am on Friday and Saturday nights, we do not consider that a ratio of 1 steward per 100 persons is now appropriate. From experience it is apparent that premises where there are less than 100 persons present often only employ 1 steward who will be unable to check ID's and assess an individual's suitability to enter, ensure customers outside in the seating area behave in an appropriate manner whilst also monitoring internal areas of the premises and dealing with any incidents. Has the applicant carried out a risk assessment to identify any key areas within the premises which will affect the number of door stewards required? Will a female door steward be employed? Will all door stewards on 'front of house' duties wear a yellow high visibility jacket to ensure they are easily identifiable on CCTV? Will door stewards remain on duty after the premises have closed to assist with dispersing customers from the area in a quiet and orderly manner? Page 38 of the Licensing Statement of Principles deals with this matter. In addition, the police note that condition 6 on page 5 of the licence conflicts with the door stewarding condition on page 6 of the licence.
3. Condition 2 under the heading The Protection of Children from Harm within Annexe 2 indicates that the premises will operate a Challenge 21 Scheme. The Torbay Council Licensing Statement of Principles 2016-2021 (page 21) recommends the adoption of a Challenge 25 Policy.
4. Condition 1 under the heading the Protection of Children from Harm within Annexe 2 indicates that employees must be trained on underage sales procedures and policies. Will the premises comply with the recommended criteria outlined in paragraph e on page 22 of the Licensing Statement of Principles?

5. Condition 1 under the heading the Prevention of Crime and Disorder on page 5 of the licence relates to membership of the LVA (Licensed Victuallers Association). There is no LVA in Paignton, but the police would expect the premises to join and actively participate in local licensing meetings with the Police and Licensing Authority, by providing details of any individuals involved in violence or potential violence on the premises.
6. Condition 2 under the heading General The Prevention of Crime and Disorder on page 5 of the licence relates to an incident logging system being maintained. Does this meet the requirements outlined on page 38 of the Licensing Statement of Principles?
7. Condition 3 under the heading General The Prevention of Crime and Disorder on page 5 of the licence relates to all employees receiving drug awareness training. Again is this documented? Does the premises have a written drugs policy as recommended on page 14 of your policy?

In addition to the above, the applicants do not appear to have considered the below matters.

- a) What training will be provided to staff so that they understand the requirements of both the Premises Licence and the broad provisions of the Licensing Act 2003? Will they be required to hold the BIIAB Level 1 Award in Responsible Alcohol Retailing as recommended on page 17 of your policy?
- b) Bearing in mind this application is to extend the sale of alcohol by an additional 2 hours on Fridays and Saturdays, and an additional 4 hours on all other nights, what measures has the applicant considered in relation to identifying drunkenness within the premises? Has a breath-box been considered?
- c) What is the capacity of the premises?
- d) Will large numbers of person leaving the premises at the same time impact on nuisance issues to local residents?
- e) Does the premises have a Dispersal Policy and if so, what does it say?

For your information, the Premises Licence Holder, Star Pubs and Bars Limited, do not have a role in the day to day management of the premises. In fact Star Pubs and Bars Limited have appointed a holding company known as Pub Solutions to manage this premises, and it appears to be Pub Solutions who are responsible for selecting managers for the premises. Pub Solutions also have no involvement in the day to day management of the premises.

Since November 2014 there have been 6 variations of DPS at the Lime Tree and it does not appear that Star Pubs and Bars Limited and/or Pub Solutions can find a suitable DPS who is committed to spending a long period of time at the premises. The police have had to work closely with all previous supervisors of this premises in order to prevent and reduce crime and disorder in this particular area of the town during Friday and Saturday nights.

The Lime Tree has recently been closed to allow for some internal redecoration to take place and the premises re-opened on Friday 19 March 2016. On Thursday 24 March 2016 Mr Peter Cosby, my Police Licensing Officer, attended the premises in order to discuss this variation application with the DPS, Miss T. W., however on his attendance it was established that Miss W. had left the premises and no longer had any involvement in its management. Star Pubs and Bars Limited therefore were required to submit a Vary DPS application with immediate effect in order to allow alcohol sales to continue over the Easter period. The new DPS is Mr S.

Due to the constantly changing management of the premises, the police have concerns that should this application be granted, Mr S. may leave the premises and we may continue to see a regular change of DPS which will have serious implications on the management of the premises. I have attached a sheet outlining the numerous changes of DPS at the premises for your information.

I have also attached for your information copies of Form L10's received by the Licensing Department since January 2013, together with details of crimes and logs at the Lime Tree and the surrounding roads. These roads are Dartmouth Road, Commercial Road and Gerston Road. In respect of Commercial Road this consists of commercial premises, whereas Gerston Road consists entirely of terraced residential properties. These roads will be the dispersal routes from the premises and Gerston Road will be used by those customers attending Station Square in order to go to the taxi rank and/or takeaways. Furthermore a search of the police Unifi system shows that Gerston Road consists of approximately 100 addresses, the majority of which are residential properties.

I would refer you to the below paragraph which is contained within page 40 of the Licensing Statement of Principles:

*'There will be an assumption however that Licensed Premises in residential areas, or where there is proximity to residential properties, will only be allowed to undertake Licensable Activities until 11pm unless detailed consideration and mitigation measures have been proposed to address those concerns. A simple application with no supporting material can be expected to be refused, where relevant representations have been received.'*

Although this premises is currently licensed until 2.00 am on Friday and Saturday nights, they are now seeking to extend their hours for licensable activities until 4.00 am every day of the week, which carries a significant risk of impacting on the Licensing Objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance. As the premises are situated in an area consisting of both business and residential properties and the applicant has not given any consideration to the increased risk or proposed any mitigation measures, the police consider that this paragraph is applicable.

In conclusion, the police object to this application on the grounds that the granting of it will impact on the existing levels of crime and disorder and public nuisance both at the premises and in the area and, as the applicant has not identified any additional measures they propose to implement to ensure that the premises can satisfactorily meet the Licensing Objectives, the police respectfully request that the Licensing Authority refuse this application.

Should you require any further information, please do not hesitate to contact my Licensing Officer, Peter Cosby on 01803 218964.

Yours faithfully



Superintendent M Lawler  
Territorial Policing & Partnership Department

**LIME TREE, 9/11 DARTMOUTH ROAD, PAIGNTON – PL0411**

**HISTORY OF PREMISES:**

|          |                       |  |
|----------|-----------------------|--|
| 28/08/14 | Transfer              | Premises Licence transferred to Star Pubs and Bars Limited<br>DPS Timothy Glen Bradshaw  |
| 19/11/14 | Change of Supervisor  | To <del>Emma Louise Corbett</del>  |
| 09/02/15 | Change of Supervisor  | To Ms <del>Rachel Lyall</del>  |
| 04/03/15 | Change of Supervisor  | To <del>Sarah Whitaker</del>   |
| 18/06/15 | Change of Supervisor  | To Mr <del>Lyndon James Shaw</del>   |
| 14/10/15 | Change of Supervisor  | To Miss <del>Tanya Adams</del>   |
| 15/02/16 | Minor Variation       | Changes to plan, opening at 8.00 am with no amendment to licensable activities and to remove embedded restrictions that were no longer appropriate |
| 18/03/16 | Variation application |  |
| 30/03/16 | Change of Supervisor  | To <del>James Bradshaw</del>   |

## LIME TREET, PAIGNTON

### CRIMES AT THE PREMISES SINCE 28/08/14

|              |                  |                  |       |   |
|--------------|------------------|------------------|-------|---|
| CR/017411/15 | 01/08/2014 00:00 | 31/01/2015 23:59 |       | THEFT - OTHER - INCLUDING THEFT BY FINDING                      |
| CR/120497/14 | 02/10/2014 12:00 | 07/11/2014 12:30 |       | THEFT - OTHER - INCLUDING THEFT BY FINDING                      |
| CR/008084/15 | 04/02/2015 01:30 | 04/02/2015 10:15 | Wed   | BURGLARY DWELLING - WITH INTENT TO STEAL                        |
| CR/053824/15 | 01/08/2015 23:20 | 01/08/2015 23:25 | Sat   | ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM    |
| CR/055507/15 | 09/08/2015 01:00 | 09/08/2015 02:00 | Sun   | CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - BUILDING NOT DWELLING |
| CR/078470/15 | 12/11/2015 17:30 | 12/11/2015 17:45 | Thurs | COMMON ASSAULT  |
| CR/078463/15 | 12/11/2015 17:30 | 12/11/2015 17:45 | Thurs | CRIMINAL DAMAGE TO PROPERTY VALUED UNDER £5000                  |
| CR/005928/16 | 28/01/2016 13:53 | 28/01/2016 14:00 | Thurs | COMMON ASSAULT  |
| CR/010273/16 | 14/02/2016 23:40 | 14/02/2016 23:50 | Sun   | THEFT FROM THE PERSON OF ANOTHER                                |

### LOGS AT THE PREMISES SINCE 28/08/14

| DATE     | TIME | LOG NO | DAY   | DESCRIPTION OF INCIDENT   |
|----------|------|--------|-------|---|
| 17/09/14 | 1844 | 0710   | Wed   | Ambulance service contacted police re alleged domestic assault at premises.   |
| 01/11/14 | 0037 | 0063   | Sat   | Male in drink contacted police to report that door steward at premises had been abusive towards him   |
| 07/11/14 | 1246 | 0320   | Fri   | DPS contacted police to advise that a recent audit has shown that money is down and she is being threatened by the company auditor and representatives to terminate her contract and requesting police attendance. Pub Solutions reported theft – CR/120497/14 above relates. |
| 28/12/14 | 2317 | 0810   | Sun   | Caller reported that a drunk person on a mobility scooter nearly ran her over.  |
| 10/01/15 | 1706 | 0510   | Sat   | Very confused caller stated he was in premises and concerned re his mental health.  |
| 04/02/15 | 1134 | 0247   | Wed   | DPS reported that entry had been gained to her upstairs flat and CCTV hard drive had been stolen – CR/008084/15 above refers.   |
| 12/03/15 | 0028 | 0017   | Thurs | Drunk 22 year old male kicking off (verbal). Reported by ambulance service.   |
| 30/05/15 | 1317 | 0400   | Sat   | DPS reported that an incident had occurred at premises the previous night but victim did not want to  |



|          |      |      |       |  |   |
|----------|------|------|-------|--|---|
|          |      |      |       |  | make a complaint. DPS provided information regarding the incident and her concerns re the individual involved.  |
| 01/08/15 | 1407 | 0544 | Sat   |  | Female reported that the previous night she was in the premises when her husband also attended in breach of his bail conditions.  |
| 01/08/15 | 2339 | 1070 | Sat   |  | CCTV Operator reported disorder at the premises. Officers attended and dealt with matter – CR/053824/15 refers.   |
| 03/08/15 | 1210 | 0303 | Mon   |  | Caller reported continued harassment from ex-wife. Log 0544 of 01/08/15 refers.   |
| 10/09/15 | 2344 | 0861 | Thurs |  | CCTV operator reported possible fight on-going. Officers attended, all parties separated but likely to kick off again. Some customers then left. No offences.             |
| 22/09/15 | 1557 | 0505 | Tues  |  | Message received via Nitenet that a banned male was outside threatening to come back in.  |
| 17/10/15 | 0212 | 0070 | Sat   |  | Caller reported a possible drink driver. Vehicle collided with another and parked up near the Lime Tree.  |
| 12/11/15 | 1734 | 0593 | Thurs |  | Reports of someone smashing up the pub. Male picked up a bar stool and its hit some optics. Male and female in premises had had a domestic argument. CR/078463/15 refers. |
| 05/01/16 | 2039 | 0674 | Tues  |  | Caller reported a sighting of a possible gun in a car.  |
| 07/01/16 | 2320 | 0784 | Thurs |  | Incident with a Stanley knife, male left with head injury. Offender made off.   |
| 09/01/16 | 0004 | 0009 | Sat   |  | Male refused entry and now kicking off and banging on windows.  |
| 28/01/16 | 1354 | 0373 | Thurs |  | Assault, offender on scene. CR/005928/16 refers   |
| 11/02/16 | 1402 | 0382 | Thurs |  | Male off his head on floor on pavement behind the Lime Tree. Male located, not causing any problems and left area.  |
| 23/02/16 | 0410 | 0056 | Tues  |  | Concern for vulnerable male who has run off from caller.  |

**CRIMES IN SURROUNDING AREA BETWEEN 0000 AND 0600 HRS – 28/08/14 TO 29/03/16**

**GERSTON ROAD, PAIGNTON**

|              |                  |                  |       |   |
|--------------|------------------|------------------|-------|---|
| CR/013999/15 | 28/02/2015 00:30 | 28/02/2015 01:30 | Sat   | COMMON ASSAULT                                  |
| CR/088278/15 | 24/12/2015 01:00 | 24/12/2015 03:00 | Thurs | RAPE A WOMAN 16 YEARS OF AGE OR OVER - SOA 2003 |
| CR/008303/16 | 07/02/2016 05:00 | 07/02/2016 05:30 | Sun   | COMMON ASSAULT                                  |

**COMMERCIAL ROAD, PAIGNTON**

|              |                  |                  |     |   |
|--------------|------------------|------------------|-----|---|
| CR/111786/14 | 04/10/2014 02:05 | 04/10/2014 02:10 | Sat | DRIVER MOTOR VEHICLE WHEN ALCOHOL ABOVE LIMIT |
|--------------|------------------|------------------|-----|---|

**DARTMOUTH ROAD, PAIGNTON**

|              |                  |                  |     |  |   |
|--------------|------------------|------------------|-----|--|---|
| CR/124541/14 | 22/11/2014 00:15 | 22/11/2014 00:25 | Sat | USE THREATENING / ABUSIVE / INSULTING WORDS                      | Male refused to leave bus, location on Dartmouth Rd not known |
| CR/012457/15 | 21/02/2015 04:05 | 21/02/2015 04:12 | Sat | COMMON ASSAULT   | At junction with Fisher Street                                |
| CR/015681/15 | 07/03/2015 00:01 | 07/03/2015 01:00 | Sat | DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT               | At junction with Clennon Rise                                 |
| CR/015801/15 | 07/03/2015 00:50 | 07/03/2015 02:00 | Sat | POSSESS A CONTROLLED DRUG OF CLASS B - CANNABIS / CANNABIS RESIN | At junction with Clennon Rise                                 |
| CR/039183/15 | 05/06/2015 00:05 | 06/06/2015 00:35 | Fri | POSSESS KNIFE BLADE / SHARP POINTED ARTICLE IN A PUBLIC          | At junction with Louville Road                                |
| CR/084420/15 | 05/12/2015 00:01 | 05/12/2015 00:15 | Sat | ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM     | In taxi, location on Dartmouth Rd not known                   |
| CR/083698/15 | 05/12/2015 01:15 | 05/12/2015 01:20 | Sat | DRIVE MOTOR VEHICLE WHEN ALCOHOL LEVEL ABOVE LIMIT               | Location on Dartmouth Rd not known                            |

**CRIME IMMEDIATELY OUTSIDE LIME TREE**

|              |                  |                  |       |        |  |
|--------------|------------------|------------------|-------|--------|--|
| CR/002411/16 | 07/01/2016 11:00 | 07/01/2016 11:20 | Thurs | AFFRAY | Two males had been playing pool in the Lime Tree. Fight occurred outside premises. |
|--------------|------------------|------------------|-------|--------|--|

**LOGS FOR SURROUNDING AREA BETWEEN 0000 TO 0600 HRS – 28/08/14 TO 29/03/16**

**GERSTON ROAD**

| DATE     | TIME | LOG NO | DAY | DESCRIPTION OF INCIDENT   |
|----------|------|--------|-----|---|
| 16/08/15 | 0405 | 0164   | Sun | Caller stated 5 youths in street being very noisy and squaring up to each other   |
| 21/02/16 | 0227 | 0122   | Sun | Ambulance service reported first responder on scene trying to deal with a patient but a fight has broken out. Patient is a 21 yr old male possible intoxicated but severe abdominal pain. On police arrival all others had left area. |

**COMMERCIAL ROAD**

No logs

**DARTMOUTH ROAD**

| DATE     | TIME | LOG NO | DAY   | DESCRIPTION OF INCIDENT  |
|----------|------|--------|-------|--|
| 20/02/16 | 0429 | 0160   | Sat   | PC 10755 reported concern for vulnerable male located near Waterside Shops.                        |
| 19/02/16 | 0002 | 0005   | Fri   | Assault. Male located in bus station who said he had been assaulted and robbed near Winner Street. |
| 12/02/16 | 0550 | 0084   | Fri   | Report of a vagrant male being very drunk and staggering around by railway station                 |
| 03/08/15 | 0420 | 0091   | Mon   | Single vehicle road traffic collision at junction of Hookhills Drive and Saltern Road              |
| 14/06/15 | 0145 | 0087   | Sun   | Off duty PC report possible drink driver near Quaywest   |
| 10/06/15 | 0129 | 0030   | Wed   | Suspicious male reported by ambulance service near Cherrybrook                                     |
| 16/05/15 | 0547 | 0219   | Sat   | Caller reported males by train track throwing rocks near Goodrington                               |
| 12/03/15 | 0007 | 0006   | Thurs | Caller reported male in wheelchair being quite aggressive to people outside the Lime Tree          |

|          |      |      |       |   |
|----------|------|------|-------|---|
| 07/03/15 | 0100 | 0047 | Sat   | Road traffic collision  |
| 23/12/14 | 0223 | 0061 | Tues  | Vehicle crashed into central bollard, 4 people got out and ran towards Paignton town centre   |
| 30/11/14 | 0548 | 0271 | Sun   | 2 lads acting in a suspicious manner outside Jack Sears House   |
| 18/09/14 | 0338 | 0103 | Thurs | Caller came across a drunk male who was unsteady on his feet and offered assistance by walking male to train station however male became aggressive |
| 29/08/14 | 0323 | 0110 | Fri   | Caller reported male lying on fence, appeared totally trashed, unable to walk, trying to get to Maple Court near Waterside Pub                      |