



**DEVON & CORNWALL
CONSTABULARY**

Our ref:

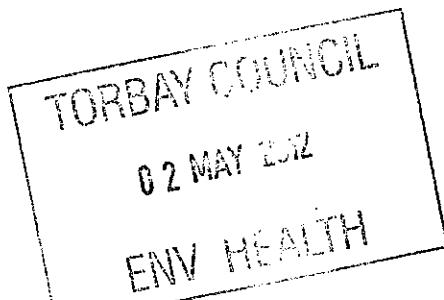
Your ref:

Torbay Council Licensing Department
First Floor
Roebuck House
Abbey Road
TORQUAY
TQ2 53J

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

Telephone: 01392 452225

1 May 2012



Dear Sir/Madam

Re: Rhythm and Blues, 12-14 The Terrace, Torquay

I refer to an application made by Mr Ian Swift and Mr Paul Swift, the Premises Licence Holders of the above named premises, to Vary the Designated Premises Supervisor into the name of Mr Karol Lapa.

For your information, Rhythm and Blues (R&B's) is situated within your Cumulative Impact Area and currently has a Premises Licence (No PL0433) which allows the sale of alcohol between 10.00 am and 2.00 am Mondays to Sundays, with the premises closing at 3.00 am each day.

The nominated DPS, Mr Lapa, is currently the Designated Premises Supervisor of Pub Alibi, 113 St Marychurch Road, Torquay, a position he has held since 19 October 2010 and the Lansdowne Inn, 24 South Street, Torquay, where he has held this position since 7 July 2011.

Additionally, Mr LAPA also runs premises known as P & K Market, 15 Lucius Street, Torquay and between 25 February 2011 and 3 November 2011 he was the Designated Premises Supervisor at this premises. During this period Mr Lapa applied to become the DPS at the Lansdowne Inn however the police felt that Mr Lapa should not be DPS on three licensed premises within Torbay and subsequently agreed not to object to his application to become DPS at the Lansdowne Inn provided he gave us a written assurance that he would Vary the DPS in respect of P & K Market within a period of 2 months, ie before 22 August 2011. Unfortunately, Mr Lapa failed to do this, the police had to remind him to progress this matter and he eventually relinquished the position of DPS at P & K Market on 3 November 2011. (Copy of assurance letter and notes of conversation with Mr Lapa from police file are attached).



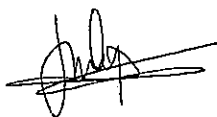
With regards to Rhythm and Blues, police officers attended the premises at 2340 hours on 21 April 2012 as they had been informed by a male that the premises was open and that the licence indicated that there was no nominated DPS. Unfortunately, after obtaining brief details of the staff member present, my officers were called away to deal with an operational matter. However, my Licensing Officer, Julie Smart, has established that although the premises were legally entitled to operate as an application to Vary the DPS with immediate effect had been made, a number of licence conditions had been breached. She subsequently advised staff that the premises should not be carrying out any licensable activities until all the conditions stipulated on the licence could be complied with and verbally warned the staff at the premises of the offences committed. Written warning letters have been forwarded to both the Premises Licence Holders and Mr Karol Lapa, the nominated DPS (copies attached).

The police consider that licensed premises within the Cumulative Impact Area need a consistent level of firm management in order to ensure that the licensing objectives are met. In this instance, I do not believe that Mr Lapa can adequately supervise and manage three licensed premises on a day to day basis, particularly one within the CIA, and this is apparent as offences under the Licensing Act 2003 have already been committed.

Based on these facts, the police object to the application to Vary the DPS under Section 37(5) of the Licensing Act 2003.

Should you require any further information, please contact Julie Smart of my Licensing Department.

Yours faithfully



Superintendent J Nye
Geographic Superintendent - Torbay



Mr K Lapa
14 Waterloo Road
TORQUAY
Devon
TQ1 3AY

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

22 June 2011

Dear Sir/Madam

Re: The Lansdowne Inn, South Street, Torquay, Devon, TQ2 5AA

Following discussions with Neil Stanlake and Julie Smart of the Police Licensing Department at Pub Alibi on Wednesday 22 June 2011, I understand that the police will not object to myself being appointed as DPS of the The Lansdowne Inn, Torquay providing that I make arrangements for an alternative DPS to be nominated in respect of my premises known as P & K Market Ltd, 15 Lucius Street, Torquay.

I hereby confirm that within a period of 2 months from the date of this letter, ie before 22 August 2011, I will ensure that my wife, Anna LAPA, obtains a Personal Licence and is appointed as Designated Premises Supervisor at P & K Market Ltd, 15 Lucius Street, Torquay.

Yours faithfully

K Lapa
K. Lapa
22/06/2011

12/9/11. Spoke to DPS Karol LAPA re assurance given as per his letter in file @ minute 8 da 22/6/11 re DPS position @ PK Market Off Licence in Lucins St, TDY. Mr LAPA apologised and stated the delay in this matter was due to problems & delays with his wife's CRB check & completion of her Personal Licence course. He assured me that an application would be forthcoming within 2 weeks, & a Review of the Premises Licences at all 3 of his premises (Pub Abbi, Lansdowne Inn & PK Market) could well follow.

[Signature] 58311
12/9/11.

File No.:	Computer URN:	Minute No.:
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To be completed for any incident or for information on any licensed premises. This form to be submitted to the Licensing Unit as soon as possible. **Nominal and / or intelligence MUST be submitted via Source and Covert Intelligence System (CIS).**

- Licensing objective:**
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Name of premises: R and B's	
Address: THE TERRACE TORQUAY	
Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 21/04/12 Time: 2340HRS
<input type="radio"/> CIS Ref.: N/A	Crime No.: N/A

Brief summary / action taken (if not recorded elsewhere):
 ON SATURDAY 21ST APRIL 2012 WHILST ON PATROL APPROACHED BY A MALE WHO STATED THAT R AND B'S WAS OPEN AND ON THE COUNCIL LICENSING WEBSITE IT IS SHOWN AS HAVING NO DPS. ATTENDED PREMISES SPOKE WITH OWNER DAVE JEFFERIES WHO STATED THAT THE DPS WAS THE FEMALE WHO RUNS ALIBI IN PLAINMOOR. NO FURTHER INFORMATION GAINED AS HAD TO LEAVE QUICKLY DUE TO OTHER OPERATIONAL MATTERS

Submitted by: Name: NICK HEALEY	Force No.: 11164
Signed: N.HEALEY	Date: 22/04/12 Time: 1750HRS

Action taken by Licensing Unit:

Licensing officer:
 Forwarded to Daily Tasking:

Licensed Premises Visit Checklist

Any information from these checks to be included in 'Brief summary' overleaf.

Officers present at inspection:

Administration:

1. Designated Premises Supervisor (DPS) on the premises? Yes No
Name of DPS (or person in charge if no DPS):
 Helpful Unhelpful Obstructive Other:
2. Premises Licence (summary displayed)? Yes No
(It should be displayed in the public area)
3. Premises Licence (complete) produced to officers? Yes No
(A constable can request to see full licence)

Crime and Disorder:

1. Any violence inside / outside premises? Yes No
2. Any public order inside / outside premises? Yes No
3. Any evidence of drugs found inside / outside premises? Yes No
4. Any drinks promotions in operation at time of visit? Yes No
5. Any evidence of excessive drunkenness? Yes No

Public Safety:

1. CCTV on premises? Yes No Working at time of visit? Yes No
Incident captured? Yes No Staff able to download? Yes No
Image quality? Good Poor Other:
2. Door staff on duty? Yes No If Yes, number:
SIA licensed? Yes No Licence displayed? Yes No
3. Do the premises look overcrowded? Yes No
- Method of checking the customer numbers:
5. Radio system in use? Yes No
6. Tables / glasses kept tidy? Yes No
7. Any smoking inside premises? Yes No

Public Nuisance:

1. Any noise or nuisance outside of premises? Yes No
2. Any smokers standing outside of premises? Yes No
3. Any excessive litter / debris outside of premises? Yes No

Protection of Children:

1. Any underage offences detected on the premises? Yes No
2. What proof of age policy is operated in the premises?
3. How is this publicised?
4. Do staff appear trained in proof of age? Yes No

Our ref:

Your ref:



**DEVON & CORNWALL
CONSTABULARY**

Mr Ian Anthony Swift

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

26 April 2012

Telephone: 01392 452225

Dear Sir

Re: Rhythm & Blues, 12/14 The Terrace, Torquay

I write to you in your capacity as Premises Licence Holder of the above named premises.

Following a visit to the above premises by my Licensing Officer, Julie Smart, on Tuesday 24 April 2012 and various discussions between herself, Mr Dave Jefferies and MRS Communications, it is apparent that Rhythm and Blues has been open to public when certain conditions on the Premises Licence were not being complied with. I now enclose a copy of a warning letter that I have today forwarded to Mr Lapa, DPS, which I hope will be self-explanatory.

If you wish to discuss this matter, please do not hesitate to contact Julie Smart on the above telephone number.

A copy of this letter has been forwarded to Torbay Council Licensing Department for their information.

Yours faithfully

A handwritten signature in black ink, appearing to be 'J Nye', written over a horizontal line.

Superintendent J Nye
Geographic Superintendent - Torbay



Our ref:

Your ref:



**DEVON & CORNWALL
CONSTABULARY**

Mr Paul Andrew Swift
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

26 April 2012

Telephone: 01392 452225

Dear Sir

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Superintendent J Nye
Geographic Superintendent - Torbay





**DEVON & CORNWALL
CONSTABULARY**

Our ref: Lic/Tor/jks

Your ref:

Mr K Lapa
Rhythm & Blues
12/14 The Terrace
TORQUAY
TQ1 1BN

Licensing Department (East)
Devon and Cornwall Police HQ
Middlemoor
Exeter, Devon EX2 7HQ

26 April 2012

Telephone: 01392 452225

Dear Sir

Rhythm & Blues, 12/14 The Terrace, Torquay

I write to you in your capacity as Designated Premises Supervisor, of the above named premises, following a police visit to your premises on Saturday 21 April 2012 at approximately 2340 hrs.

At this time the officers attending were under the impression that there was no Designated Premises Supervisor (DPS) specified on the licence, as the premises had been closed for a period of time. However, I can confirm that Torbay Council accepted a copy of your Vary DPS application on Friday 20 April 2012 and that as you had ticked the 'immediate effect' box, you are legally deemed to be the DPS.

However, following a visit to the premises by my Licensing Officer, Julie Smart, at approximately 1500 hrs on Tuesday 24 April 2012, discussions with your business partner, Mr Dave Jefferies, and her subsequent telephone contact with MRS Communications, it has been established that certain conditions contained within the Premises Licence (number 433, issued by Torbay Council on 30 August 2011), have not been complied with, namely:

1. The premise shall operate a Challenge 25 identification policy and will display appropriate signage at the entrance of the premises to this effect.
2. A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.
3. Premises shall join and maintain membership of the Nitenet Radio Communications Scheme.

I must warn you that failure to comply with the conditions of the Premises Licence constitutes an offence under Section 136(1) of the Licensing Act 2003 as follows:

- 1) *A person commits an offence if –*
 - a. *He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or*
 - b. *He knowingly allows a licensable activity to be so carried on.*



Subsection 4 of Section 136 of the Licensing Act 2003, also states:

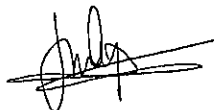
"A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both."

As Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises are run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

I must advise you that my officers will monitor your premises and if further offences are evident, I will not hesitate in applying for a Review of your Premises Licence and/or seeking a prosecution for any offences committed. I do hope that you will address the concerns raised and that this course of action will not be necessary. However, should it be necessary to apply for a Review, this letter will be used as part of our evidence.

A copy of this letter has been sent to, the Premises Licence Holders, Mr Ian Swift and Mr Paul Swift, and to the Torbay Council Licensing Department for their information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Nye', with a horizontal line drawn through it.

Superintendent J Nye
Geographic Superintendent - Torbay