

# WITNESS STATEMENT

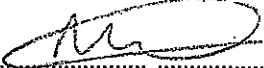
Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Matthew Clive Brett** ..... URN: 


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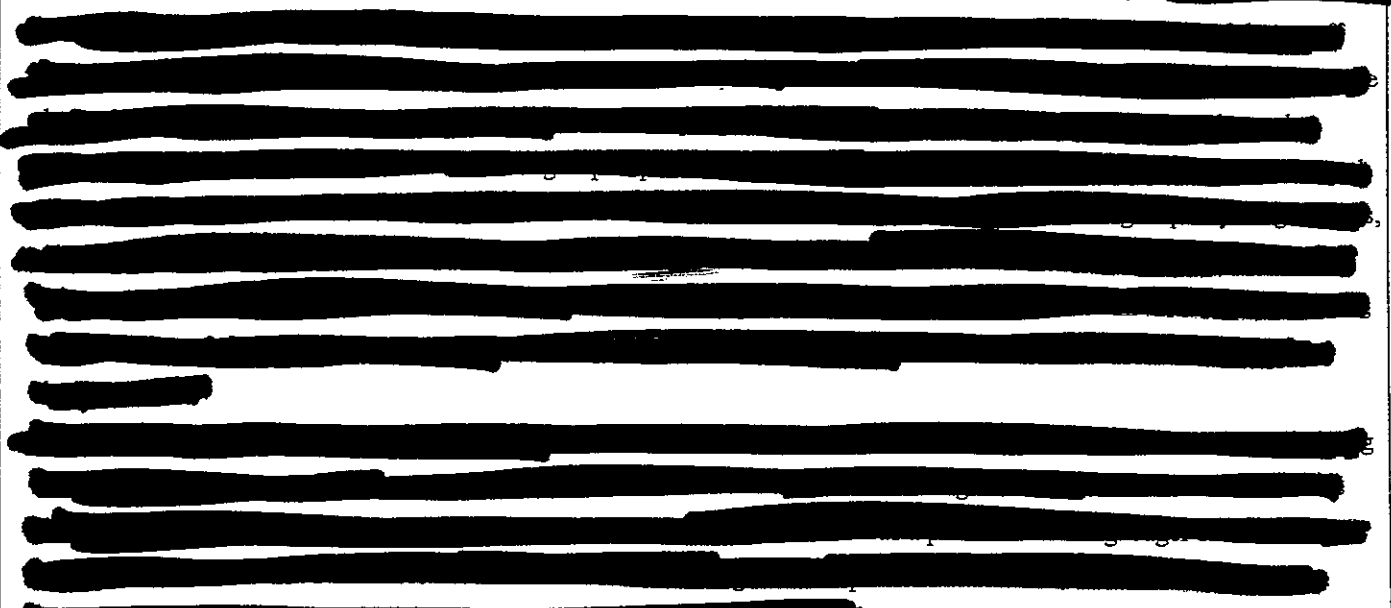
Age if under 18  Over 18..... (if over 18 insert 'over 18') Occupation: **Police Constable 6948** .....

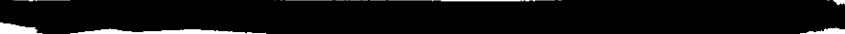
This statement (consisting of: .... **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

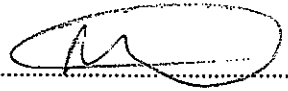
Signature: .....  ..... Date: **21/04/2012**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 6948 Brett of the Devon and Cornwall Constabulary. On the evening of Friday 20<sup>th</sup> April 2012 between 22:00 – 02:00 hrs, I was on duty in plain clothes conducting licensed premises checks in the harbourside area of Torquay in relation to Operation Ambassador in company with DC 664 Vallins and DC 5731 Stabb. 



 We next attended Cafe Mambo on the Strand. There were two members of staff at the entrance we passed through the entrance walking up the stairs to the first floor bar area. The area was busy and difficult to pass. We made our way to the balcony area where there was a dedicated member of staff checking those entering the balcony. We then made our way to the second floor bar and on to the third floor bar where a female member of door staff used a clicker to record us entering. I observed no incident of note while within the bar. As we exited I could see a male in front of me swigging from a bottle of red wine. As he approached the exit a member of staff stopped him from leaving with the bottle. Once on the pavement I noticed a member of staff in discussion with a large male wearing a pink shirt. The discussion seemed to revolve around the male being refused entry. After a short time this male was seen to leave in a taxi.

Signature: .....  ..... Signature witnessed by: .....

[Redacted content]

Signature: ..... Signature witnessed by: .....

2004/5

# WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **DC 5731 Stabb** ..... URN: 

<b>50</b>	<b>FT</b>		
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 5731**.....

This statement (consisting of: .... **1**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Detective Constable 5731 Stabb of the Devon and Cornwall Constabulary currently based at Torquay Police Station. On 20<sup>th</sup> April 2012 I was on duty in plain clothes working 2300 hours to 0300 hours. At that time in company of PC Brett and DC Vallins I attended the following locations;

The Green Ginger, Fleet Walk, Torquay

Mambo's, 7 The Strand, Torquay

The Yacht, 19 Victoria Road, Torquay

At 2345 hours I entered Mambos, no counter was used by doorstaff to monitor numbers except for the top floor where a female member of doorstaff was counting persons in and out and restricting entry to certain persons although it was not clear how those restrictions are set out.

A member of doorstaff was monitoring persons on the first floor balcony, upon leaving I witnessed doorstaff challenging a male attempting to leave with alcohol.

Signature: ..... Signature witnessed by: .....

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.

<b>Name of premises:</b> Mambo	
Address: The Strand, Torquay	
Report type: <input type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 1125 Time: 27/04/12 PM
OIS Ref.:	Crime No.:
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
Visited premises in company with Mandy GUY of Torbay Council.	
<p>Door steward on duty at front door. Entered premises and went to first floor. Area was extremely busy, no door stewards visible in this area. We pushed through the crowd and went through the door onto the first floor balcony, where a door steward was present. I identified myself to the steward and asked how many people were present on the balcony. He stated that he did not know. I asked him how many persons are allowed on the balcony at one time. Again he stated he did not know. I told him that I was aware there should be no more 60 people, and suggested that he started counting. We agreed that there were 45 persons. I also explained that the steward must ensure that all persons around the outer edge of the balcony are seated. The duty manager, Chris, was present and I explained to him that the steward must know exactly how many persons are on the balcony and recommended that clickers are used. He then went into the premises and returned a short time later with a clicker. Mrs GUY and myself then went to the second floor. This area was busy but not as crowded as the first floor, but again a door steward was not visible. We then carried out a quick visit to the third floor, which was very quiet and persons were using the outside area. On returning to second floor, met with Nathan TOWERSEY, DPS. Door steward present. Asked door steward how many persons were present on that floor, and he stated 90. I asked how he knew, and he said he counts in his head. Matter discussed with Nathan. Mandy GUY raised issues of 3<sup>rd</sup> floor terrace being used after 2300 hrs in breach of planning consent</p>	
Submitted by: Name: SMART	Force No.: 50403
Signed: J K Smart	Date: 02/05/12 Time: 1100
<b>Action taken by Licensing Unit:</b>	
<p>1400 01/05/12 - Met with Nathan TOWERSEY, DPS. Issue of overcrowding of first floor discussed. Nathan stated that due to the shape of the bar, the area gets congested as people don't move around to the far left side. I told Nathan that I had previously raised concerns re the shape of the bar causing congestion at the meeting on 08/12/11, and it was apparent that the levelling of the floor had not made a significant improvement in customer flow. Nathan stated capacity for first floor is 150 (including 60 on balcony). Discussion re how stewards monitor and deal with incidents on first floor. Discussion re lack of stewards on first and second floor during my visit and lack of knowledge of steward on balcony re conditions/capacity. I told Nathan that all door stewards should be in possession of clickers to control numbers, I also warned him to ensure that they do not exceed their capacities and that he must ensure the door stewards are briefed re these matters and aware of conditions on the licence before they commence duty</p>	
Licensing officer: J K Smart	
Forwarded to Daily Tasking:	

**Officers present at inspection:**

Mandy GUY, Torbay Council

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
 Name of DPS (or person in charge if no DPS): Nathan TOWERSEY  
 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
4. Method of checking the customer numbers: Clicker on entry. Head count within premises
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? Challenge 21
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No



Head Office  
2nd Floor Offices  
Harbour Point  
Victoria Parade  
Torquay TQ1 2BD  
Tel: 01803 294880

ring Hub East - 2012-05-02 01:25

Superintendent J Nye  
Licensing Department (East)  
Devon and Cornwall Police HQ  
Middlemoor  
Exeter, Devon EX2 7QQ

28 April 2012

Dear Sir

I write to you in my capacity as Director of Lifestyle Enterprises (UK) Ltd, who are the Premises Licence holders of Mambo/Beach Hut, 7 Strand Torquay, TQ1 2AA.

I refer to your letter of 4 April 2012 and the subsequent response dated 8 April from our Designated Premises Supervisor, Nathaniel Towersey.

As responsible operators, we take our obligations under the Licensing Act very seriously and I am writing to inform you that steps are being taken to address your recent concerns.

I would be grateful if you could arrange for your Crime Prevention Officer to contact me as soon as is possible with a view to visiting Mambo to carry out an assessment of the premises and our existing procedures, and to offer advice on any further measures we could take to assist in the reduction of incidents - in particular thefts from within.

We will continue to welcome uniform police visits to our premises at any time and, as we have always done in the past, we are happy for your officers to use the knife arch and drug testing equipment at our premises, providing other premises in the harbour side also participate.

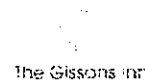
Your records will show that the owners, management and staff of Mambo have always worked closely with the local Police and the Licensing Department in the past and are keen to continue this close working relationship in the future.

I look forward to hearing from you in due course.

Julie Eyre  
Director

Lifestyle Enterprises (UK) Ltd

Devon and Cornwall Constabulary  
2 - MAY 2012  
East Licensing Hub



fasteddies-poolhall.co.uk www.tigerbills.co.uk www.bombaybills.co.uk www.appleandparrot.co.uk www.lifestyleeventsuk.com www.cafemambo.co.uk www.thegissons.co.uk

Mambo, Apple & Parrot, Hooks, Tiger Bills, Bombay Bills, The Gissons, Fast Eddies, The Rooftop Lifestyle Events, Lifestyle Enterprises & Lifestyle Venues are all trading names of The Lifestyle Hospitality Group Ltd | Registered address: 2nd Floor Offices, Harbour Point, Victoria Parade, Torquay TQ1 2BD  
VAT No 997 3158 64 | Company Registration No. 07150528 (England)

**From:** DUKES Nicola 55799  
**Sent:** 17 May 2012 17:33  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Hi Julie,

I have just been to see Nathan the DPS and Mambo's and one of his staff (Emily) regarding the issues at the premises.

I have had a long chat with them about things and the steps they can take to try and reduce/prevent incidents from occurring. They had a few concerns and I have said that I would pass these back to you.

- They are happy to have a follow up visit regarding the quality of their CCTV once they have spoken to their boss and looked to replace the existing recording devices.
- They have said they feel they do not know what to do for the best when they catch people stealing or have people that have had too much to drink, as if they call us, especially if they catch someone stealing the police are not interested. They also said that they do not think there are any police about at their busiest times (Wednesday nights are now a very busy night). They would ideally like some patrols around on a wed night – they do understand the pressure the police are under. Basically they seem to have a good reputation with the police when the NET Team were around but they see a different officer everytime and feel that we aren't interested in doing anything if they catch people and it almost goes against them if they phone us.
- Pubwatch – they said this hasn't really go off the ground and wondered what was going on with this – I didn't know so said I would check with you. basically they were hoping that it would mean they could have some photo's of banned people/known handbag thieves and they would be banned from all the licensed premises but it doesn't seem to be working that way.
- They wanted to know if there was any pattern to the thefts as they said that previously when they had met with the police certain days/times were worse so they could review their CCTV and see if any particular people were attending the premises etc. They feel that since December it has decreased. Also they wanted to know whether it was coats too as people usually keep bags/phones with them.

I have discussed the CCTV at the premises with them and explained that they need to review their system and try and get all the camera's operating off of one recording device – this will require their existing devices to be upgraded. They currently have 3 hard drives and two monitors. I have stressed that they need to ensure that the quality of the CCTV is good when it is recorded too. It seems this is not currently the case. I have also told them to consider some infra red camera's for the areas of the premises that are not as well lit.

I have discussed a cloakroom with them, and they are happy to give this a go – we did discuss ways to encourage people to use this, such as not making it too costly and perhaps even a voucher for money off food/drink if people use it (not sure how this would sit with their license but just need to get people to use it rather than leave their stuff around). They did say that people don't tend to use these things in the summer so they weren't sure how successful it would be. They would also like to get a camera to cover this area before they start so as to protect customers belongings and the member of staff manning it.

I have also recommended that they try to block up the DJ booth where people are hanging coats with some clear toughened panels. This will remove the opportunity for people to leave belongings

here and hopefully encourage them to use the cloakroom. If the panel are clear they can display posters etc here and it also still provides a view for management/DJ/Doorstaff.

I have left them some posters about not leaving valuables unattended and also some handbag cards for the tables/bar area which they will put up. I have also asked them to get the doorstaff to tell people not to leave bags/phones unattended when they come in.

I reviewed the crimes that have been occurring and the latest thefts were all from unattended phones/wallets/bags either left on chairs or on the bar area. A couple of the phones were from back pockets (but these could have been lost rather than stolen). It's a difficult one as we cannot make customers take responsibility for their belongings – just try and encourage it.

I am happy to pop over and have a chat to you about this and do a follow up joint visit if you want, as they have been talking about maybe us doing some training with their staff? – just let me know.

Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 16 May 2012 11:22  
**To:** DUKES Nicola 55799  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Nicola

Unfortunately I won't be able to attend with you due to work commitments/rest days. I do not know whether there is a pattern to these thefts, it's just the huge number of them taking place. Apparently people were leaving their belongings on the floor by DJ booth and they have been told to put signs up asking customers not to do this. Back at the beginning of the year they were looking at installing lockers for customers to use, but this plan is not now going ahead, but Julie Eyre did tell me a few weeks ago they are thinking of opening up a cloakroom.

I think the CCTV at the premises is poor. The building is currently covered by 3 separate systems, and the hard drive on one of these has recently been changed, but DS Yarwood told me yesterday that they are unable to provide CCTV for a glassing incident that occurred there on 9 May 2012, which is a breach of the condition on their licence, and a matter that I will be dealing with. I have also been informed that the quality of CCTV recordings is also very poor. Additionally, I have been told that there is only one monitor which is in a locked room. Would it assist if they had monitors behind each bar in order that staff can see exactly what is going on as I think this may assist in the prevention of crime and disorder? This is an area that I am hoping to get them to tighten up on, but I admit that I don't know much about CCTV so would also be grateful for any advice you can give on this.

Regards

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details:



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

Tel: 01392 452225

Fax: 01392 452447

Email: [licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)

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**From:** DUKES Nicola 55799  
**Sent:** 16 May 2012 10:43  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Yes no problem – I have some posters that they could display and I am aware that they have door staff so they could also be asked to remind people when they come in.

You are welcome to come along too – but I will let you know what I have recommended once I have seen the premises. Are there any particular times/days when the thefts occur? And do you know if they have managed to identify anyone from their CCTV?

Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 16 May 2012 10:34  
**To:** DUKES Nicola 55799  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Thanks Nicola. Can you send me details of what you have recommended after your visit, so I can see if there is anything that I could apply as a condition on their licence to ensure they take positive action in this respect.

Regards

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details:

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

Tel: 01392 452225

Fax: 01392 452447

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**From:** DUKES Nicola 55799  
**Sent:** 16 May 2012 10:32  
**To:** SMART Julie 50403  
**Subject:** RE: RE MAMBO, TORQUAY RESTRICTED

Hi Julie,

No problem – I have just spoken to Julie Eyre with a view to seeing her this week. She is going to call me back and let me know which day is best for her but it will be either Thursday or Friday of this week.

Many Thanks  
Nicola

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**From:** SMART Julie 50403  
**Sent:** 15 May 2012 14:20  
**To:** DUKES Nicola 55799  
**Subject:** RE MAMBO, TORQUAY RESTRICTED

Nicki

For several months I have been working very closely with the above premises regarding the levels of crime and disorder at their premises. They also experience high levels of thefts, particularly of handbags and mobile phones. In an effort to assist them to reduce this, please can you make contact with the premises and offer them suitable advice. Please contact either Julie Eyre on [REDACTED] or Nathan Towersey on [REDACTED]

Can you let me know when you have done this please.

Thanks

Julie Smart  
Torbay Police Licensing Officer  
Tel: 01803 208111

[Click on this to see all TENS in your area](#)

From 24 October 2011 Licensing Teams will be working within a new structure, please note our new contact details:

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

Tel: 01392 452225

Fax: 01392 452447

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.

<b>Name of premises:</b> MAMBO'S	
Address: THE STRAND TORQUAY	
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 03/05/2012 Time: 0158
OIS Ref.: 48 03/05/2012	Crime No.: FT/12/3227
<b>Brief summary / action taken (if not recorded elsewhere):</b>	
<p>MALE OFFENDER OFFENDER PUSHED PASSED THE AGGRIEVED ON DANCE FLOOR NUDGING HIM          AGGRIEVED CONFRONTED OFFENDER WHO THEN SHOVED A GLASS INTO AGGRIEVEDS          FACE CAUSING GLASS TO SMASH AND EMBED IN HIS NECK CAUSING INJURY. AFTER THE OFFENCE HAD          BEEN COMMITTED MALE RAN FROM THE SCENE AND GOT INTO A TAXI. TAXI COMPANY WAS IDENTIFIED          ASWELL AS THE DROP OFF LOCATION. THE OFFENDER WAS LATER ARRESTED.</p>	
Submitted by: Name: LAING	Force No.: 16955
Signed:	Date: 04/05/2012 Time: 0400
<b>Action taken by Licensing Unit:</b>	
Licensing officer:	
Forwarded to Daily Tasking:	

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.

<b>Name of premises:</b> MAMBO		
Address: THE STRAND TORQUAY		
Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 05/05/12 Time: 0150	
OIS Ref.:	Crime No.:	
<b>Brief summary / action taken (if not recorded elsewhere):</b>		
<p>TWO HEAVILY INTOXICATED FEMALES WHO WERE STAGGERING ALL OVER THE PAVEMENT, SWAYING AND FALLING OVER IN THE STREET APPROACHED BY MALE LEAFLET DISTRIBUTOR AND GIVEN A LEAFLET PROMOTING DRINKS IN THE VENUE DESPITE BEING CLEARLY DRUNK.</p> <p>THESE FEMALES THEN WALKED PAST TWO DOORSTAFF AT MAMBOS AND WERE NOT ASKED FOR ID OR STOPPED AND REFUSED ENTRY FOR CLEARLY BEING FAR TO DRUNK TO ENTER THE PREMISES. OFFICERS THEN INFORMED DOORSTAFF OF THE PRESENCE OF THE TWO FEMALES AND THE FACT THAT THEY WERE CLEARLY FAR TO DRUNK AS WERE SWAYING AND FALLING OVER IN THE STREET DIRECTLY OUTSIDE OF THE DOOR.</p> <p>THE TWO FEMALES WERE SPOKEN TO BY POLICE PREVIOUSLY AS WERE SEEN RUNNING IN THE ROAD BOTH WERE FOREIGN AND DID NOT UNDERSTAND ENGLISH, NO DETAILS TAKEN OF THE TWO FEMALES DUE TO THIS. BOTH FEMALES LOOKED TO BE CLEARLY UNDER THE AGE OF 21. BOTH SMELT OF INTOXICATING LIQUOR, STAGGERING AND SWAYING FALLING OVER HAVING TO HOLD ONTO RAILS TO WALK AND EYES RED A BLURRED.</p>		
Submitted by: Name: PC FREEBORN	Force No.: 2814	
Signed: TOBY FREEBORN	Date: 05/05/12	Time: 0320
<b>Action taken by Licensing Unit:</b>		
Licensing officer:		
Forwarded to Daily Tasking:		

**Officers present at inspection:**

PC FREEBORN 2814  
PC OWENS 2804

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
 Name of DPS (or person in charge if no DPS): NOT CHECKED  
 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: 2 AT FRONT DOOR  
 SIA licensed?  Yes  No Licence displayed?  Yes  No
3. Do the premises look overcrowded?  Yes  No
4. Method of checking the customer numbers: CLICKERS
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? DOORSTAFF MEANT TO CHECK ID, NOT ON THIS INCIDENT
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No

### WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Toby FREEBORN** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ... **2**..... pages 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 anything in it which I know to be false, or do not believe to be true.

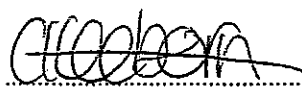
Signature:  ..... Date: **21/05/2012** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am PC 2814 Toby FREEBORN of Devon and Cornwall Police. I am currently stationed at Torquay Police station as a uniformed police constable. On the 5<sup>th</sup> May 2012 I was on patrol in full uniform on TORQUAY Harbourside dealing with the nighttime economy in the area. I was in company of PC 2804 OWENS. At approximately 0150hours I witnessed two females staggering along the pavement at The Strand TORQUAY. I approached these two females as one of them had got onto her hands and knees and was crawling along the pavement. They were shouting out loud, I could not understand what they were saying. It quickly became apparent to me that they were extremely drunk, due to them smelling of intoxicating liquor, their eyes being glazed and them staggering along the street. It became apparent that these females did not understand English. They were walking from the area of the clock tower towards the taxi rank on the harbour side of The Strand. Due to the direction of their travel I presumed that they were making their way towards the taxi rank in order to get a taxi home and I decided to watch them from a distance to ensure that they did in fact get a taxi home.

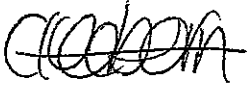
As they walked along The Strand, they were approximately 20metres ahead of me, they were approached by a leaflet distributor who was handing out flyers for MAMBOS and he passed the two females a leaflet advertising MAMBOS. As they were walking I could see them clearly swaying and I could hear them shouting, one of the females was being held up by the other one.

The two females then took the leaflet and looked at it and walked straight past the two male members of doorstaff who were stood at the front door of MAMBOS. They were not stopped or asked for any form of ID. Due to the behaviour that I had witnessed I spoke to one of the male doormen and made him aware of the presence of the two females and the fact that they were clearly far to drunk to be allowed entry into the premises. The doorman stated that he was unaware that they had walked past and he had not seen them walk along the pavement to the premises.

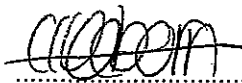
Signature:  ..... Signature witnessed by: .....

The doorman then told the two females that they were not allowed into MAMBOS and they both then walked across the road and got into a taxi.

I would describe these two females as being in their late teens about 18 to 20 years old, both with dark hair.



Signature:



Signature witnessed by: .....



# Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 05/05/12 Time: 2315
OIS Ref.:	Crime No.:
Name of premises (where applicable): Café Mambo	
Address: The Strand, Torquay	

**Brief summary / action taken (if not recorded elsewhere):**

Check conducted at premises by DC Briggs and DS Stock, as part of Op Ambassdor.

A covert check was conducted at the premises and the officers were asked to stand in a queue as the door stewards were operating a one in/one out system and appeared to be using click counters to record the number of customers entering and leaving. Door stewards were seen to check ID of other customers. Inside the premises the first floor was extremely busy, making it virtually impossible to move one side of the bar area. The dancefloor area merged with normal customers, and I witnessed a number of very minor exchanges between customers due to accidental drink spillages. This was a clear concern for the officers as without easy movement an emergency situation would be very difficult to control safely. When moving to the second floor bar and dance area this was virtually empty (less than 15 customers) which seemed to be a poor distribution of persons present, considering the bar was working a one in/one out system, indicating capacity had been reached. Door stewards were polite and visible throughout the bar areas. In the men's toilets on the first floor there was an IC3 male working in the toilets offering aftershave sprays and hand tissues in exchange for payment/donations. Fivers seen on pavement outside of club. distributors nearby.

Submitted by: Name: James Stock

Force No.: 15597

Signed: JS

Date: 09/05/12

Time: 1310

**Action taken by Licensing Unit:**

Licensing officer:

Forwarded to Daily Tasking:



**Officers present at inspection:**

DS Stock, DC Briggs

**Administration:**

1. Designated Premises Supervisor (DPS) on the premises?  Yes  No  
 Name of DPS (or person in charge if no DPS): N/K  
 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
4. Method of checking the customer numbers: Click counter
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? Yes
3. How is this publicised?
4. Do staff appear trained in proof of age?  Yes  No

### WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **James STOCK**..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of .... **3**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: **JS** ..... Date: **10/05/12** .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am James STOCK, a detective sergeant in the Devon and Cornwall Constabulary, currently based within the Public Protection Unit at Torquay.

On Saturday 5<sup>th</sup> May 2012 I worked with DC 5841 BRIGGS on a covert deployment as part of Op Ambassador, a licensing operation being conducted in Torquay.

*This part of his statement  
does not relate to Nambo.*

him walk upstairs and when I finished in the toilets I checked the bar area but the male was not present and I did not see him again throughout the evening.

We then moved on to CAFÉ MAMBO on THE STRAND, TORQUAY. We had to queue to gain entry and they appeared to be working on a one in/one out system using click counters. I also saw them check ID of customers entering before us. The door stewards were present and DC BRIGGS identified a male with them as the DPS for CAFÉ MAMBO.

The first floor area was extremely busy and felt unsafe due to the crowding. It was nearly impossible to move across the bar area from one side to the other. The dance floor area merged with bar customers and I witnessed a number of very minor exchanges between customers due to accidental drink spillages caused by the overcrowding.

This was a clear concern for me as without easy movement an emergency situation would be very difficult to control safely. When moving to the second floor bar and dance area this was virtually empty (less than fifteen customers) which seemed to be a poor distribution of persons present, considering the bar was working a one in/one out system, indicating capacity had been reached. Door stewards were polite and visible throughout the bar areas. In the men's toilets on the first floor there was an IC3 male working in the toilets offering aftershave sprays and hand tissues in exchange for payment/donations. The upper floor bar/club area was checked and they did not allow us to take drinks from the second floor area upstairs. This upper area was not particularly busy and appeared well staffed.

I also saw flyers on the pavement outside of MAMBO's and I saw a number of flyer distributors handing out leaflets to members of the public. A number of these were discarded immediately, some on to the pavement.

*This part of PC STOCKS  
Statement does not  
relate to Mambo.*

Signature: JS ..... Signature witnessed by. ....

This part of Statement  
does not relate to Nonbo.

Signature: JS ..... Signature witnessed by: N/A.....



# Alcohol / Licensing Information Form

File No.:	ft/12/3527	Computer URN:		Minute No.:	
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To be completed for any alcohol related 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.

Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 10/5/2012 Time: 0135hrs
OIS Ref.: not reported	Crime No.: ft/12/3527
<b>Name of premises (where applicable):</b> Cafe Mambo	
Address: The Strand Torquay	

**Brief summary / action taken (if not recorded elsewhere):**

On Thursday the 10<sup>th</sup> May 2012 an incident occurred where a 19 year old male was the subject of a S18 Grievous Bodily Harm With Intent. The victim was [REDACTED]. At approximately 0140 hrs [REDACTED] was with friends in the 2<sup>nd</sup> floor dance area, dancing with a girl. Mr [REDACTED] observed an argument between a group of females and close by and as a result an unknown male smashed a glass over Mr [REDACTED] head. He was dazed and walked over to his friends who told him his head was bleeding. He noticed a large amount of blood on his orange polo shirt. The "bouncer" called Chris took him to a staff area and the "manager" cleaned his wounds with antiseptic wipes. He said after cleaning the cuts that they were "not too bad". They took Mr [REDACTED] T shirt off and gave him a clean top to wear. The manager asked whether Mr [REDACTED] wanted the male arrested which he declined to do as he had been told the wounds were not too bad. the "manager" said " this made it easier for them because they have less paperwork". Chris, at some point said "its fair enough people hitting each other but no one should be glassed" Mr [REDACTED] then called his mum who, seeing the wounds, took him to hospital at around 0230hrs. His head was X rayed, three internal dissolvable stitches and 1 eight external stitches, were inserted into his head, bruising was noted on his left shoulder, and a small cut. On Tuesday the 14<sup>th</sup> of May 2012 Mr [REDACTED] reported the matter to police. There had been no report of disorder from Cafe mambo and

Submitted by: Name: C G Yarwood Force No.: 6100

Signed: \_\_\_\_\_ Date: 22/5/12 Time: 1400

**Action taken by Licensing Unit:**

Licensing officer:  
Forwarded to Daily Tasking:

Continued) created. Police visited the club and found entries in the incident book relating to 0140hrs 10/5/12. They requested CCTV but discovered that the facility had been switched off at 10.33pm on the 9<sup>th</sup> of May 2012, thus the majority of cameras were switched off. What remains is still being extracted to assist the investigation. The switching off was covered by a technician who stated he could not train all staff in its use quickly enough and as a result staff had inadvertently disabled the machine. A fact to which they were still oblivious over 24 hours later.

It was also discovered that the staff had thrown away the T shirt they seized from Mr [REDACTED] and this cannot be recovered so any forensic evidence is lost.

Two entries appear in the club accident report book

1. Nathan Towsey Area Manager, states he was made aware of a man [REDACTED] who had been hit. I administered First Aid with sanitised wipes then plasters. Advised [REDACTED] he may need further attention. Found the male who assaulted him and asked if he wanted to call the police. States that he told [REDACTED] friend he may need medical attention. [REDACTED] then left.
2. Chris Phillips  
Who stated that he found [REDACTED] who stated a man had Glassed Him, first aid as above, and finishes male left "no further action required by door staff.

The police were never informed despite crime number FT/12/3227 a GBH glassing in the club on the 3<sup>rd</sup> of May 2012 7 days prior to this glassing, and the 14<sup>th</sup> serious assault in mambos this year.

On this occasion the staff had called an ambulance and carried out essential first aid until the arrival of police and ambulance. Clearly the correct procedure was known to Mr Towsey and Mr Phillips but they chose not to inform either authority on this occasion and I speculate that this was a deliberate cover up in order to try to protect their licence.

#### **a) The Reduction of Crime and Disorder.**

The staff are required to assist police to reduce crime and disorder at every opportunity. I suggest they have at best failed to do so and at worst deliberately concealed a GBH/ Glassing from the authorities. The log entries above minimise the serious nature of this assault. Mr Towsey does not even mention a glass even though he administered first aid, and there was glass, (later removed by the hospital staff) sticking out of the large cuts to Mr [REDACTED]. He advised Mr [REDACTED] he MAY need further treatment but failed to call or cause to be called, an Ambulance. Mr Towsey and Mr Phillips destroyed forensic evidence either by design or through ignorance, by clearing up the glass and disposing of the T shirt worn by Mr [REDACTED]. They then placed the suspect in front of the witness, in a completely inappropriate fashion and asked the dazed and intimidated victim to make a charging decision. On Mr [REDACTED] declining, they then released the suspect, presumably so he could dispose of any other forensic material they had missed at the club. As a consequence of their bodging the CCTV, and failing to record the name of the suspect on either Incident form (even though the name was known to them),

police had to make repeated calls to the managers and waste even more time to obtain the name, and still have no image of the named suspect.

This is a disgrace, and exposes both serious shortfalls in training, of doorstaff and managers, and their management of serious crime, but demonstrates why exactly THIS club above all others has such a poor record in terms of disorder and theft on their premises.

### **B) Public Safety**

Their behaviour in this area is a disgrace and should this become the focus of the local media I believe Police and Local Authority alike will be criticised for not bringing the premises swiftly to book and either closing them on public safety grounds, or achieving immediate swathing constraints on their business hours, and the policing of the premises. The staff have deliberately minimised the seriousness of this attack in the hope that the police would never find out that it had happened. Evidence of this is on their own incident reports, slapdash, inaccurate, missing information, misleading completely lacking in care. They have been incredibly lucky in terms of the injuries to this Lukemia sufferer. They have no hesitation in assuming the role of Law enforcement, Health service, Courts to protect their interests and this has demonstrably happened here. The police service cannot take the risk that in the coming weeks, with the Olympics, Purple Flag, Summer tourism, this will not happen again with serious consequences for Health and Safety. Based on our own statistics another serious assault WILL take place in this period, but whether we will be informed is another matter. Cafe Mambo are aware of the situation having been officially warned by Licencing officer Julie Smart, and yet I have seen no evidence either from crime statistics or from Intelligence submitted by Local Officers that there is any improvement in their behaviour in fact quite the contrary.

On these grounds an expedited review should be required to address the immediate risk to Public Safety and escalation of Crime and Disorder in these premises.

# WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of **Christopher Yarwood** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Staff** .....

This statement (consisting of: .... **7**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: **C Yarwood**..... Date: **28/05/12**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Acting Detective Inspector Chris Yarwood of the Criminal Investigation Department at Torquay Police Station. On the 30<sup>th</sup> of March 2012 as a result of meetings with colleagues on Local Policing Partnership bearing in mind the busy forthcoming summer in which there would be celebrations for HM The Queen's Diamond Jubilee, the Olympic Torch relay and the Olympic Games, it was decided that C.I.D would run Operation Ambassador. Operation Ambassador aimed to support the Local Crime Strategy, the limited police resources and help maintain The Purple Flag status by reducing crime and disorder, anti-social behaviour, and serious violent crime on the Harbourside of Torquay so that the law abiding public are able to enjoy the facilities which Torquay offers and feel protected.

During Operation Abassador officers were deployed in plain clothes to visit a number of similar Harbourside clubs on a Friday and Saturday night and to observe the way the premises were managed. An Operational Order was constructed on each occasion with objectives set an example of which is:

**Operation Ambassador: 5<sup>th</sup> May 2012**

**Information**

Licensing offences are suspected on licenced premises on the Harbour side area of Torquay, specifically:

1. The serving and sale of intoxicating Liquor to persons under the age of 18 years.
2. The serving and sale of intoxicating liquor to persons who are drunk.
3. Breaches of Fire Regulations in respect of how many persons are safely allowed on premises.
4. Enforcement of an age verification policy in respect of persons believed to be under the age of 18 years by the responsible person i.e. door staff and bar staff.

Also

Signature: ..... Signature witnessed by: .....



The Prevention of Crime and Disorder

- 5. Permitting entry or re entry to premises after 0200 hours where the premises are open until 0300hrs.
- 6. The responsible management of drinks promotions.

The Protection of Children from Harm

- 7. The identification of young persons who appear to be under the age of 21.

The Prevention of Public Nuisance

- 8 Door staff shall monitor the immediate vicinity of the premises and take steps to ensure people leave quietly and don't disturb residents.

**Intention**

To deploy officers from CID in plain clothes to gather intelligence and detect offences on Torbay Harbour side in relation to Licensed Premises .... The premises in question are:

JD's,  
Cafe Mambo,  
Bohemia  
The Venue  
Park Lane

For the intelligence gathered to be submitted via L10, Intel Submission and/or MG11 witness statement.

**Method.**

Two officers from CID are to carry out general observations in public places to establish whether licensing offences are taking place. Officers are to remain in public place both on and off licensed premises. On Saturday officers will deploy in Venue and Bohemia They will communicate (sensitive information) supported by LPST Officers. Normal licensing visits will then resume.

**Administration**

ADI YARWOOD (SIO) A/DS TAPLEY (OIC), policy book entry, incidental expenses, verbal briefing and debrief after deployment by ADI Chris Yarwood. These are none intrusive observations which do not invade the privacy of any individual or individuals, not covertly watching or listening as a result of information on any section of the community, and are not directed against any known group or known target.

**Communication**

Signature: ..... Signature witnessed by: .....

Mobile Phone, airwave radio. PS Kevin Roberts LPST Ground Commander.

**Risk Assessment.**

Officers will carry identification and will disclose that they are police officers if challenged or in the interest of safety. They will be in contact with LPST officers on the harbour side, and are able to secure assistance from those officers, or offer assistance if circumstances dictate it is safe to do so.

**Human Rights.**

The rights of the public particular to a private life and to a fair trial have been considered and are covered in this briefing document. Collateral Intrusion is minimised as officers are restricted to movements which are available to all members of the public.

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The above is an example and there have been additional deployments, for example during the Young Farmers' weekend a Passive Drugs Dog was used on the Harbourside to check those queuing to enter premises in order to gather intelligence on whether "Class A" drugs may be being trafficked. Where appropriate, the intelligence found on these occasions was submitted via the form L10 which were then passed to the Licensing Officer, Julie Smart, for action.

There have been sixteen officer deployments since the 30<sup>th</sup> of March 2012. The deployments have been at the following premises: Green Ginger, JD's, Cafe Mambo, Bohemia, The Venue, Park Lane, The Yacht, and the Apple and Parrot. Two written warning have been issued by Julie Smart as a result of the observations of officers: one to the Yacht on the 28<sup>th</sup> of April 2012, and one to Cafe Mambo earlier in the year on the 4<sup>th</sup> of April 2012. The work is ongoing and an intelligence picture continues to be built on crime and disorder.

At the end of April 2012 I met with intelligence officers and officers from the Covert Authorities Unit to ensure that the tactics used in Operation Ambassador were lawful, proportionate, necessary, and complied with precedents set on previous similar police operations into the night time economy in the City of Plymouth and town of Newquay. A review was also carried out into reported crime inside the clubs being visited and work was carried out by Force Analyst Mrs Hilton.

Throughout the period of deployments to licensed premises Cafe Mambo stood out from all the others for their record on Violent Crime, and Theft. On violent crime Cafe Mambo has been the location of seven offences of Assault occasioning Actual Bodily Harm, five offences of Causing Grievous Bodily Harm (s.20 Offences Against the Persons Act (Wounding)), and three offences of causing Grievous Bodily Harm With Intent (s.18 Offences Against the Persons Act). These are offences which cause serious harm and can result in permanent scarring. They are potentially life threatening and are in the main the result of glassings. The number of offences which have been recorded this year (since January 2012) already exceeds the reported incidents for the same period in 2011. In addition, there have been twenty eight thefts reported on the premises in 2012.

Signature: ..... Signature witnessed by: .....

101  
~~103~~

Cafe Mambo has a poor track record in comparison with other licensed premises, for example Green Ginger has had one minor assault this year and no reported thefts. There have been no reported thefts from Bohemia, or Venue. Yacht has had a single incident of indecent assault on the premises. In my opinion all of these establishments are comparable with Cafe Mambo.

It may be significant that Cafe Mambo has no cloakroom facilities. The thefts may, therefore, be due to the restricted vision of staff on the three floors, and the fact that people leave their valuables on tables, and chairs whilst dancing. The number of people on the premises is in my view significant. A number of officers have reported that the premises are often crowded –in particular the area of the the first floor bar. The crowding of this and other areas results in people banging in to each other which in turn leads to assaults taking place. Allowing drunks to enter (as evidenced below) as well as persons under the age of 18 (again evidenced below) is also in my opinion a cause in Cafe Mambo’s statistics for violence and theft being higher than elsewhere.

I am in possession of a number of statements from officers deployed into Cafe Mambo during Operation Ambassador and the observations of the officers support my comments above. For example, on 13<sup>th</sup> April 2012 DC SHARDLOW was deployed and at 0040hrs entered cafe mambo. He noted that there was one doorman and lots of people were entering unchecked -i.e. there were no identification checks. The door staff did not count how many people were entering or leaving. The bar was busy and it was difficult to understand how the security could watch what was going on due to the number of people. As he left the bar a drunk, argumentative male tried to gain entry and was told to go and get some food and sober up. This male was seen to leave (somewhat reluctantly) and come back three minutes later with some Pizza which he ate it in front of the door staff who then allowed him entry. The male was still in an intoxicated state. This was corroborated by DC Vallins.

On the same night observations were again carried out outside the premises at 0220hrs. Officers noted heavily intoxicated persons leaving the club with one male swearing loudly that he was going to “fucking kill” the door staff. This male removed his shirt and kicked the bin outside the club before being removed by a group of others.

On the 20<sup>th</sup> of April 2012, DC Stabb records at 2345hrs when he entered Cafe Mambo no counter was used by the door staff except on the top floor where a female was counting people in and out. This was corroborated by PC Brett who states that the first floor bar was very busy and difficult to pass. He observed that as they went to leave he could see a male in front of him swigging from a bottle of red wine but this was taken from him before he left the premises.

On the fifth of May 2012 PC Freeborn observed two females staggering along the pavement. He noted they were extremely drunk. As they walked past Cafe Mambo they were handed a flyer leaflet advertising Mambos. They took the leaflet and walked straight past the two male members of door staff who were stood on the front door. They were not stopped or asked for any form of I.D. PC Freeborn spoke to the door staff and told them the females were too drunk to be allowed into the premises. The doorman stated that he was unaware they had walked past and had not seen them enter the premises. The doorman then located the females and asked them to leave.

In relation to allowing persons under the age of 18 years on the premises (thus breaching the license conditions) this is historically a difficult area to evidence. There have been two recent events, however,

Signature: ..... Signature witnessed by: .....

which prove beyond doubt that Cafe Mambo are allowing underage persons onto their premises, meaning that they have failed to check identification. It is also clear that those persons are either drunk, when they enter, or drinking on the premises.

The first of the two incidents occurred on the 28<sup>th</sup> of March 2012 between 23.15hrs and 23.45hrs on the dance floor. A 17yr old reported that he had been drinking (confirmed by the investigating officer) and that when on the dance floor an unknown male had assaulted him by coming up and head butting him in an unprovoked assault. He reported that he had examined his nose which was bleeding and had complained to door staff who detained his assailant. The suspect, also 17 years old, was arrested in the club by PC Newton at 0200hrs. PC Newton's statement records "I formed the opinion that he was drunk. His eyes were glazed, he was unsteady on his feet, and his breath smelt of intoxicating liquor." He stated that the suspect had a driving licence in his possession belonging to his older brother who looked nothing like him. When interviewed in connection with a Fraud Act Offence (fake ID), and ABH the suspect stated he had not used the ID to enter the club. The CCTV did not assist and so in the absence of independent witnesses the case was finalised.

These individuals were unknown to each other so on this night at least two people under the age of 18 were in Cafe Mambo. Both had been drinking, one was drunk, and as a result there was a fight resulting in injury.

On the 3<sup>rd</sup> of May 2012 a GBH glassing occurred in the premises on the dance floor. Both parties were known to each other, both were adults, and as a result a suspect was arrested and is currently on bail pending completion of enquiries and a charging decision. In this incident police were called by Ambulance staff with the log reading "male has been glassed aged 22yrs offender has run off." The investigation has, however, been hampered by poor CCTV necessitating the seizure of the hard drive on that occasion. It should be noted that the investigation of another allegation of assault (crime reference FT/12/2628 (GBH) dated 9<sup>th</sup> of April 2012) has been hampered by the inadequacies of the coverage of the CCTV system.

I now turn to crime FT/12/3227, a serious incident of violence which has resulted in this application for summary review of the premises license and the certificate from Superintendent Nye that in his opinion the premises are associated with serious crime and serious disorder.

On Thursday the 10<sup>th</sup> May 2012 an incident occurred where a 19 year old male was the subject of an offence of s.18 wounding (causing Grievous Bodily Harm With Intent). At about 0140 hrs, the victim, [redacted] was with friends in the 2<sup>nd</sup> floor dance area, dancing with a girl. Mr [redacted] observed an argument between a group of females who were close by and shortly afterwards an unknown male smashed a glass over Mr [redacted] head. Mr [redacted] was dazed and walked over to his friends who told him his head was bleeding. He noticed a large amount of blood on his orange polo shirt and he approached door staff. The "bouncer" called Chris (later named as Chris Phillips door staff) took him to a staff area and the "manager" (later named as Nathan Towersey) cleaned his wounds with antiseptic wipes. After cleaning the cuts Towersey told [redacted] that they were "not too bad". They took Mr [redacted] t-shirt off and gave him a clean top to wear. The manager asked whether Mr [redacted] wanted the male arrested and Mr [redacted] said no because he had been told that the wounds were not too bad. The "manager" said this made it easier for them because they have less paperwork.

Signature: ..... Signature witnessed by: .....

Chris, at some point said "its fair enough people hitting each other but no one should be glassed". Mr [redacted] left the club and then called his mum who, seeing the wounds, took him to hospital at around 0230hrs. His head was X rayed, two dissolvable stitches, and a further 11 stitches, were inserted into his head, bruising was noted on his left shoulder along with a small cut. On Tuesday the 14<sup>th</sup> of May 2012 Mr [redacted] reported the matter to police some four days after the original incident. There had been no report of disorder from Cafe mambo and thus was no police log created relating to 0140hrs 10/5/12.

The investigating officers requested CCTV but were told that the Club had discovered that the facility had been switched off at 10.33pm on the 9<sup>th</sup> of May 2012, thus the majority of cameras were switched off. What remains is still being extracted to assist the investigation but as a result the Police have to invest unnecessary time and resources in an attempt to recover evidence from Mambo's CCTV which should be easily available and accessible. The switching off was explained by a technician who stated via e-mail that he could not train all staff in its use quickly enough and as a result staff had inadvertently disabled the machine a fact to which they were still oblivious over 12 hours later. It was also discovered that the staff had thrown away the T shirt they seized from Mr [redacted]. The throwing away of the t-shirt and broken glass means that any forensic evidence is lost.

Two entries appear in the club accident report book

1. Nathan Towersley Area Manager, states he was made aware of a man [redacted] who had been hit. I administered First Aid with sanitised wipes then plasters. Advised [redacted] he may need further attention. Found the male who assaulted him and asked if he wanted to call the police. States that he told [redacted] friend he may need medical attention. [redacted] then left.
2. Chris Phillips states that he found [redacted] who stated a man had glassed him, first aid as above, and finishes male left "no further action required by door staff.

Cafe Mambo is required to assist police to reduce crime and disorder at every opportunity. It appears to me that they have failed to do so at best and at worst have deliberately concealed a GBH/Glassing from the authorities. The log entries set out above minimise the serious nature of this assault since Mr Towersley does not even mention a glass even though he administered first aid, and there was glass, (later removed by the hospital staff) sticking out of the large cuts to Mr [redacted]. Whilst he advised [redacted] that he may need further treatment, Mr Towersley failed to call an Ambulance or have one called. Whether through ignorance or design Mr Towersley and Mr Phillips then destroyed forensic evidence by clearing up the glass and disposing of the T shirt worn by Mr [redacted]

It simply beggars belief that they placed the suspect in front of the dazed and intimidated victim who had sustained a head injury and asked that victim if he wanted the police. To have then released the suspect without recording his name in the Club's accident report book (even though he was known to them) and thus destroying any chance of police recovering forensic material from him, is of grave concern. This concern is compounded by the Club not then reporting the incident. The police only became aware of the assault when, five days later, the victim attended the police station and made a complaint. Only then were the police able to investigate the crime and as described below the police have had to make repeated calls to the managers and waste further time to obtain the suspect's name.

Signature: ..... Signature witnessed by: .....

Initially police spoke to Sharon Rogers a company manager, and asked for co operation in supplying the name of the offender. Police then spoke to Nathan Towersley, the Designated Premises Supervisor who stated he would make enquiries of his staff. A few days later he informed police that Mr Phillips had recorded the name and supplied the name of a suspect who was not known on police indices. Enquires continued to locate the male and during the evening of the 19th of May police attended Mambo's intending to speak to Mr Phillips. They spoke to a Mr Spence (door staff) who stated that he was present when the incident took place, and had recorded the details of the suspect who had been on a works night out with friends when the glassing took place. Details of the suspect were then supplied including a place of work where the suspect could be located -another licensed premises.

On finally being able to make checks on the Suspect, it was revealed that his date of birth is 20<sup>th</sup> August 1994 making him 17 years old. Officers have made efforts to arrest him and enquiries continue. The fact that the suspect is under age and in the club, in breach of Mambo's licence conditions has, I believe, clouded the judgement of their staff. In my opinion it is because the Suspect was 17 that no ambulance was called, no report filed with the police, that the suspect was not detained and no forensic evidence preserved. This behaviour borders on Perverting the Course of Justice and I have asked my staff to investigate this, such has been the damage caused to enquiries into a serious assault. Whether gross incompetence, or a deliberate cover up, the actions of the the staff at Cafe Mambo when dealing with [redacted] was, in my view, disgraceful.

It is this particular incident, taken with the other matters outlined above which has informed the decision to seek summary review of the premises license. This is the second incident of glassing at the same premises within a week and it follows other similar incidents of violence which are compounded by the concerns outlined above. The case of [redacted] is, however, of particular concern. If staff at Cafe Mambo were prepared to act as they did with a vulnerable 19 year old who was the victim of a glassing, there is very real concern as to whether other incidents have gone unreported and whether future incidents will be brought to the attention of the Police.

The coming weeks and months are likely to be very busy with celebrations to mark HM The Queen's Diamond Jubilee, as well as the Olympics. Torquay and the Harbourside is a popular tourist and 'clubbing' destination and achieving The Purple Flag and maintaining that status in my opinion means that action needs to be taken to prevent further serious crime and serious disorder which, sadly, is associated with Cafe Mambo. In my opinion the licence should be suspended until such time that the threat of serious crime and serious disorder is sufficiently reduced. I appreciate that this will impact upon the club at a busy time but my responsibility is to protecting the public and that cannot be achieved without significant changes.

I believe that the minimum requirements to reduce the risk posed include installing a CCTV recording system which covers not only all of the club but which also provides good quality images and is easy to use. I also believe that there needs to be a requirement to use plastic or similar type of drinking vessel (i.e. non-glass), comprehensive training to staff on the law (i.e. not allowing under 18's into the premises and challenging them for ID) as well as crime recording and prevention (i.e. reporting matters to the police and how to preserve a crime scene). I also believe that cloak rooms need to be installed as this will reduce the high levels of theft. A fixed capacity limit set and effective management of the numbers of customers on each floor would also reduce the frequency with which patrons bump into each other and end up either as the victim or perpetrator of an assault.

Signature: ..... Signature witnessed by: .....

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# WITNESS STATEMENT

Criminal Procedure Rules, r 27.1(1); Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Statement of [REDACTED] ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **SHOP WORKER**.....

This statement (consisting of: .... **3**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **16/05/2012**.....

Tick if witness evidence is visually recorded  (supply witness details on rear) I am the above named person and I live at the address given to the Police with my mum.

This statement is made in relation to an incident whereby I was the victim of a glassing to my face, inside Mambo's club in Torquay.

The incident happened in the early hours of Thursday 10<sup>th</sup> May 2012. I had been out for the evening with friends from work, we visited Torquay and went to Mambo's Club on The Strand. Mambo's is a nightclub. It is arranged on three floors. There is a downstairs bar and staff area, a middle floor and a top floor with a bar, dance area and balcony.

I am a regular in Mambos probably on average once a week. I know some of the staff in there by name and they know me although I don't think by name.

I have suffered with leukaemia in the past and am now in remission and because of this and my bone marrow transplant in 2007 my memory can sometimes be a bit vague. I am recalling this incident the best I can. This is what I remember only and not what I have been told by others.

In this statement I will refer to the following people, [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. All of us work together in Sainsburys at Paignton and have known each other for about a year now.

We all decided that we would go out to celebrate [REDACTED] 18<sup>th</sup> birthday on the evening of Wednesday 9<sup>th</sup> May 2012. Myself and [REDACTED] met at [REDACTED]'s house where we had a couple of drinks. I had three shots of vodka with summerfruit juice.

We left to go to Mambo's and arrived there at about 10pm in the evening although I am not really sure about the time. At Mambo's we met with [REDACTED] and [REDACTED]. As the night progressed I can remember buying myself a vodka and coke which was on a buy one get one free offer. I can remember that I had

Signature: ..... Signature witnessed by: .....

about £20 on me that night and some loose change and I only spent the loose change during that evening.

At the time, I was wearing a bright orange Ralph Lauren polo shirt, jeans and footwear which I can't remember. I am 5'6 tall, stocky build with short brown hair. I am cleanshaven and have no piercings or tattoos.

During the evening we were all on the dancefloor and at one point I can remember that I was dancing with a girl that I do know, but don't know her name. I have met her before at Mambo's. She is taller than me and has black hair which she wore in a pony tail. She is of chubby build.

I decided at some point that I would dance on the pole that is situated on the dancefloor on the top floor and is often used by people whilst dancing.

I became aware of suddenly being hit by liquid as if someone had thrown a drink over me. I then heard the girl I had been dancing with arguing with another female who I would describe as smaller than me, skinny build with longish hair down to her neck. I can't remember what they were arguing about or what was being said. A guy then became involved in this argument, again I don't recall what was being said. I remember him coming towards me. I pushed him lightly back then the next thing I remember is another male, who was stood behind the male that was arguing, swing his fist at me whilst holding a glass beaker. This smashed into my forehead causing the glass to smash between his hand and my head. This male I am positive was wearing a white T shirt with black writing on.

I was totally dazed, I can remember walking to [REDACTED] and [REDACTED] and [REDACTED] looking at me in a funny way and saying "Your heads bleeding".

At this point I could see my t shirt was ripped and I had blood all over it.

The next thing I remember is a bouncer called Chris coming over to me and took me down stairs to the staff area with the girl I had previously been dancing with. In the staff area, the manager was also there. This manager began to clean me up using antiseptic wipes. He took my T shirt off and gave me a clean top to wear. I can remember that the male who assaulted me was at some point brought into the room where I was, along with the girl that had been arguing. The manager said to me "I can get him arrested, do you want him arrested?" He also said after cleaning my cuts that they weren't too bad and he thought they were ok. I said I did not want him arrested because of what the manager had said about my cuts.

At some point whilst my cuts were being cleaned, the head doorman called Spence came in.

When I said that I didn't want the male arrested, the manager said that this makes it easier for them because they have less paperwork.

Signature: ..... Signature witnessed by: .....



I can remember Chris at one point saying "Its fair enough people hitting each other, but noone should be glassed".

At this point the male who had hit me and the female were taken from the room. I then went outside to find my friends. The only person I know to have witnessed the incident is [REDACTED] and the female I was with who's name I don't know.

I telephoned my mum and she came to Torquay and picked me up. She took me to the hospital, arriving at about 0230hrs and I had my head X rayed and had to have glass removed from my wounds. I ended up with two inner dissolvable stitches and eleven surface stitches to the wound situated on the left front of my head. I left the hospital after my treatment at about 7.40am.

I also have two bruises to my left shoulder and a small cut.

I would like to say I have never been in trouble before, I am still shocked over what has happened. I can't believe I went out to celebrate my friends 18<sup>th</sup> birthday and someone assaulted me for no reason at all.

The incident itself happened very quickly. I am unsure of times as I was having a good night out with friends and was not paying attention to what time it was.

Signature: ..... Signature witnessed by: .....

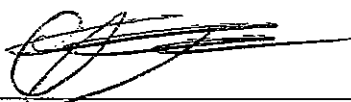
DAY AND DATE	10.5.12
TIME OF INCIDENT	01.40
FULL NAME OF PERSON FILLING OUT THIS FORM	Nathaniel Towsesey
STAFF POSITION	Area Manager
IS PERSON MALE OR FEMALE?	M
DETAILED DESCRIPTION OF PERSON - CLOTHING, SHOES, HAIR, AGE, ETC.	dark short hair, 5"6 large build, orange T-shirt, Ryan.
DETAILS OF OTHER PERSONS IN GROUP OR WITNESSES	Chris Phillips
TIME OF ENTRY TO MAMBO	?
OTHER VENUES VISITED BEFORE MAMBO	?
WHERE EXACTLY DID THE INCIDENT TAKE PLACE? MARK ON FLOOR PLAN	Club dance floor / kitchen fire exit.
A DETAILED DESCRIPTION OF INCIDENT (CONTINUE ON ADDITIONAL SHEET IF NECESSARY)	I was made aware of a man [redacted] who had cuts to his head. He said he had been hit. I administered first aid with sanitizer wipers, then plasters. I advised him he may
WAS ANYBODY HURT? IF YES, WHO?	Yes, [redacted]
IF YES, WHAT SPECIFIC PART OF THE BODY WAS INJURED? (LEFT/RIGHT, ETC)	Forehead, cuts.
HAS A PHOTO BEEN TAKEN OF INJURY & ASSOCIATED FACTORS (EG, SHOES) ALSO LOCATION IF APPLICABLE	Yes. on my iPhone.
WHO PROVIDED FIRST AID?	Me.
ACCIDENT REPORT BOOK REF. NO.	/
HAS THE INJURED SIGNED AND DATED THE ACCIDENT REPORT AT PARTS 3.2 & 4? IF NOT WRITE WHY OR DECLINED TO SIGN	/
DOES PERSON APPEAR INTOXICATED?	no, but dizzy due to head injury
IF YES, TO WHAT LEVEL?	

IS AN AMBULANCE CALLED?	/
WHAT TIME WAS IT CALLED?	/
WHAT TIME DID IT ARRIVE?	/
IS THE ACCIDENT RIDDOR REPORTABLE?	<u>JULIE/CLARE</u>
WERE POLICE CALLED?	/
WHO CALLED THEM & AT WHAT TIME?	/
WHAT TIME DID THE POLICE ARRIVE?	/
IS CCTV SEIZED BY THE POLICE? (PLEASE ASSURE THAT OFFICIAL POLICE RECEIPT IS ATTACHED TO THIS REPORT)	/
WERE ANY ARRESTS MADE?	/
IF ANY WITNESSES PLEASE PROVIDE FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS IN THE SPACE PROVIDED, WITH SIGNATURE AND DATE.	/
OTHER STAFF WITNESSES COMPLETE SUPPORTING REPORTS MUST BE COMPLETED BY ALL STAFF INVOLVED	Chris Phillips
SIGNATURE OF WHO FILLED OUT REPORT	N. Towersey
PRINT NAME.	N. Towersey
MANAGER'S SIGNATURE	N. Towersey
PRINT NAME	N. Towersey
IF FIRM INCIDENT REPORTED TO JULIE &	

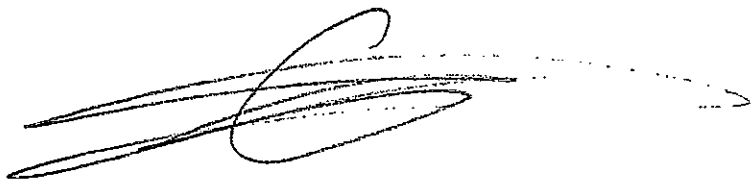
need further attention at A+E but the bleeding had stopped. We found a male with the description [REDACTED] gave us of who assaulted him. He seemed reasonably sure it was the person who assaulted him. I asked him if he wanted us to call the police, [REDACTED] said no, 'he was not a grass'. I said we would get him arrested if he knew it was the male and he wanted to press charges. [REDACTED] refused any police action and wanted to find his friend. We [REDACTED] escorted the possible assailant off the premises and I found [REDACTED] friends who said they would take him home. I told them he had sustained head injuries and may need further medical attention.

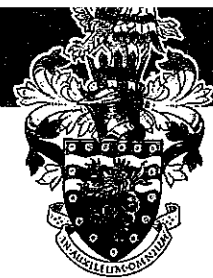
N. [REDACTED]

DAY AND DATE	Thursday 10/May/12.
TIME OF INCIDENT	01-40
FULL NAME OF PERSON FILLING OUT THIS FORM	CHRIS PHILLIPS
STAFF POSITION	DOOR STAFF
IS PERSON MALE OR FEMALE?	MALE
DETAILED DESCRIPTION OF PERSON - CLOTHING, SHOES, HAIR, AGE, ETC.	ORANGE T-SHIRT, 5'11" Jeans dark hair
DETAILS OF OTHER PERSONS IN GROUP OR WITNESSES	
TIME OF ENTRY TO MAMBO	—
OTHER VENUES VISITED BEFORE MAMBO	—
WHERE EXACTLY DID THE INCIDENT TAKE PLACE? MARK ON FLOOR PLAN	CLUB
A DETAILED DESCRIPTION OF INCIDENT (CONTINUE ON ADDITIONAL SHEET IF NECESSARY)	REPP PAGE
WAS ANYBODY HURT? IF YES, WHO?	YES
IF YES, WHAT SPECIFIC PART OF THE BODY WAS INJURED? (LEFT/RIGHT, ETC)	FORHEAD
HAS A PHOTO BEEN TAKEN OF INJURY & ASSOCIATED FACTORS (EG, SHOES) ALSO LOCATION IF APPLICABLE	NO
WHO PROVIDED FIRST AID?	NATHAN
ACCIDENT REPORT BOOK REF. NO.	
HAS THE INJURED SIGNED AND DATED THE ACCIDENT REPORT AT PARTS 3.2 & 4? IF NOT WRITE WHY OR DECLINED TO SIGN	
DOES PERSON APPEAR INTOXICATED?	NO
IF YES, TO WHAT LEVEL?	NO

	NO
WAS AN AMBULANCE CALLED?	NO
WHAT TIME WAS IT CALLED?	—
WHAT TIME DID IT ARRIVE?	—
IS THE ACCIDENT RIDDOR REPORTABLE?	<u>JULIE/CLARE</u>
WERE POLICE CALLED?	NO
WHO CALLED THEM & AT WHAT TIME?	—
WHAT TIME DID THE POLICE ARRIVE?	—
WAS CCTV SEIZED BY THE POLICE? (PLEASE ENSURE THAT OFFICIAL POLICE RECEIPT IS ATTACHED TO THIS REPORT)	—
WERE ANY ARRESTS MADE?	NO
FOR ANY WITNESSES PLEASE PROVIDE FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS IN THE SPACE PROVIDED, WITH SIGNATURE AND DATE.	—
OTHER STAFF WITNESSES SEPARATE SUPPORTING REPORTS MUST BE COMPLETED BY ALL STAFF INVOLVED	NATHAN
SIGNATURE OF WHO FILLED OUT REPORT	 C. Phillips
PRINT NAME.	
DUTY MANAGER'S SIGNATURE	P. CANALEY
PRINT NAME	PH
CONFIRM INCIDENT REPORTED TO JULIE &	

Approx 01:40 I was alerted to male described who was injured on the dance floor, I went over and asked the male to follow me downstairs, I alerted Nathan to the staff corridor who gave male described first aid. I found out that male in a white t-shirt had tripped him. We asked injured male if he would like to press charges, he declined and wanted to leave, male in white left premises and injured male left. No further action required by door staff.





**DEVON & CORNWALL  
CONSTABULARY**

Our ref:

Your ref:

The Officer in Charge  
Devon Fire and Rescue Service  
Fire Station  
Newton Road  
TORQUAY  
TQ2 7AD

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

15 May 2012

Telephone: 01803 208111

Dear Sir

**Re: Mambo, 7 The Strand, Torquay**

Over the past month, police officers have been carrying out an operation in Torquay focussing on all licensed premises in the harbourside/town centre area.

During the course of this operation, several police officers have carried out visits to the above named premises to view their operation and provide feedback to me on various licensing matters. As a result of this, I am now in possession of two separate reports where officers have raised concerns regarding the number of persons present on the first floor of the premises, causing serious overcrowding.

In addition to this, I was working during the evening of Friday 27 April 2012, in the company of Mrs Mandy Guy, Senior Licensing Officer for Torbay Council, and had cause to visit Mambo at approximately 11.00 pm. At this time we also witnessed that the first floor bar of Mambo was extremely busy, to the extent that we had to push through crowds of people in order to pass the bar and reach the outside balcony. Furthermore, I consider that this level of overcrowding may pose a potential for risk to life should a serious incident or fire occur within the premises, requiring immediate evacuation.

Despite leaving several telephone messages with various members of staff at the fire station, I have not received any contact from yourselves, and am therefore writing to you to draw your attention to these concerns.

Having discussed this matter at length with Detective Sergeant Chris Yarwood, of Torquay CID, who is responsible for the operation, he would be delighted if one of your officers could accompany his staff on a visit to the premises, during a Friday or Saturday evening, in order to view the situation first hand. DS Yarwood is contactable



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on 07966 774354.

I trust that you will take any action you deem necessary in respect of this matter and if you wish to discuss this further with me, please do not hesitate to contact me on 01803 208111 or 07894 176952.

Yours faithfully

Julie Smart  
Torbay Police Licensing Officer