

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Superintendent James NYE

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Paddy's Bar and Restaurant 107 Winner Street	
<b>Post town</b> Paignton	<b>Post code (if known)</b> TQ3 3BP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Patrick Joseph WALSH and Sandra Ann WALSH
--

<b>Number of premises licence or club premises certificate (if known)</b> Premises Licence No 459
--

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Devon and Cornwall Constabulary PO Box 1 PAIGNTON Devon TQ3 2YF
Telephone number (if any) 01803 841327
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

The grounds for the review are:

Numerous incidents of crime and disorder and drunkenness of customers linked to the premises, together with police concerns re the suitability of the DPS to manage premises in a responsible manner and co-operate fully with police during the course of their enquiries.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

16/02/10 - A drunk female was assaulted in Palace Avenue, Paignton. The three female offenders for this crime were eventually located in Paddy's Bar and all three were described as 'very drunk'. According to witnesses, there was a disturbance initially in the pub which spilled out onto the street. During the course of the assault the victim was dragged along the pavement, held down by a female whilst being kicked in the head and hit on the head with a stiletto shoe by the other female offenders.

05/06/10 - Assault on the premises whereby a male has hit another male with a pint glass causing serious injuries. Those involved were drunk. DPS and staff assisted police at the scene.

07/06/10 - Assault on the premises whereby a male received an injury to his right ear. Aggrieved would not co-operate with police or provide any statement or details of offender. CCTV of the incident was available but Mr WALSH unable to burn footage onto a disc.

11/06/10 - Male arrested for being drunk and disorderly directly outside the premises. It transpired he had been drinking in Paddy's Bar and was the subject of a Drinking Banning Order at 2 pubs in Torquay.

18/06/10 - Police called to premises regarding a male customer refusing to leave. Police attended and male removed.

13/08/10 - Police called to premises following a report of a fight inside. On arrival the offender had made off from the scene and the victim refused to co-operate with police. CCTV was checked and was found to be of poor quality and as a result vital evidence was not available. Numerous customers in the premises refused to assist police enquiries. DPS was not present at the time of this incident.

05/11/10 - Female arrested outside her home address in Queen Elizabeth Drive, Paignton, for being drunk and incapable. She was taken to Torbay Hospital for assesment and detained overnight. Female is an alcoholic and stated that she had been drinking all evening at Paddy's Bar. DPS seen following this incident and agreed she had been drinking heavily at his premises. He was warned re serving drunks.

21/11/10 - Charity box stolen from within premises. On police arrival four persons were present in the bar and all were described as 'intoxicated'. Mr WALSH arrived at the premises to operate the CCTV system and he was also described as 'heavily intoxicated'. During the course of the police investigation, difficulties were experienced by the investigating officer to access and view CCTV. CCTV was very poor quality and two offenders could clearly be seen but due to the poor quality could not be identified. Consequently this crime remains undetected. Furthermore, Mr WALSH and his staff could not download CCTV images and provide police with a copy.

23/11/10 - Aggressive, drunken male refused service of alcohol by bar staff and he then assaulted a member of staff. Police called, male arrested and charged with assault.

09/12/10 - Licensing Form L10 received from PC Le Messurier raising concerns regarding the provision of CCTV from Paddy's Bar in relation to an incident that occurred at the premises on 23/11/10 (see above). Mr Walsh was described as extremely unhelpful and showed no urgency in providing the CCTV footage. He

stated he did not know how to download from the system and did not know how to get in contact with his CCTV suppliers. CCTV was eventually provided on 16/01/11.

14/01/11 - Superintendent R BAKER wrote a letter to Mr WALSH concerning CCTV issues and Mr WALSH being drunk on his premises.

16/01/11 - Copy email received from Carrie BABBAGE (Torbay Council Licensing Officer) concerning complaints of after hours drinking, disorder, noise and public nuisance issues from a local resident.

16/01/11 - Police attended an incident at the premises at 0039 hrs, following a complaint from a resident that the DPS of Paddy's Bar was taking pictures and videoing them on his mobile phone through the premises windows. On police arrival it was established that the mobile phone did not have a camera, but Mr WALSH could not account for his actions and was clearly very intoxicated. Initially Mr WALSH refused police admittance to his premises and was very anti-police in his attitude.

24/01/11 - Meeting at Paignton Police Station between Superintendent J NYE, Mr WALSH, Neil Stanlake (Police Licensing Officer) and Julie Smart (Police Licensing Officer). Police concerns re the management of Paddy's Bar raised with Mr WALSH and he was warned that further action will be taken if the concerns were not addressed and that his premises would be closely monitored for the foreseeable future. Following the meeting a letter was sent to Mr WALSH re-iterating the matters discussed.

31/01/11 - Police attended the premises during a routine visit. DPS present but the officer formed the opinion that he was drunk and not in a fit state to run his premises.

05/02/11 - Local police officer carried out routine check of premises and noticed numerous persons smoking in the rear area of the bar. The officer did not consider that this area was compliant with the Smoke-free (Premises and Enforcement) Regulations 2006.

15/02/11 - Routine visit by police officer who spoke to the DPS and although she did not consider he was drunk, she formed the opinion that he had been drinking heavily.

23/02/11 - Neil Stanlake, Police Licensing Officer, attended premises and requested the DPS to provide a specimen copy of CCTV. DPS subsequently provided this but still the quality and images are not to evidential standard.

28/02/11 - At the request of the police a council officer attended the premises to inspect the provisions at the premises for smokers. The officer did not consider that the area designated for smokers complied with the requirements of the law.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

**If you have made representations before relating to this premises please state what they were and when you made them**



Please tick yes

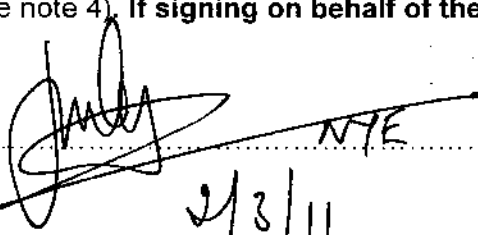
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

2/3/11

Capacity Superintendent

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Neil Stanlake  
Police Licensing Officer  
Licensing Department  
Devon and Cornwall Constabulary  
PO Box 1

**Post town**  
Paignton

**Post Code**  
TQ3 2YR

**Telephone number (if any)** 01803 841327

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.