



Wednesday, 30 January 2019

## **LICENSING SUB-COMMITTEE**

A meeting of **Licensing Sub-Committee** will be held on

**Thursday, 7 February 2019**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### **Members of the Committee**

Councillor Pentney

Councillor Sykes

Councillor Thomas (J)

---

**A prosperous and healthy Torbay**

---

For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207087**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

[www.torbay.gov.uk](http://www.torbay.gov.uk)

# LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Licensing Act 2003 – An application for a Review of a Premises Licence for Jolly Judge, 168-170 Union Street, Torquay TQ2 5QP**

(Pages 3 - 150)

To consider an application for a Review of a Premises Licence in respect for Jolly Judge, 168-170 Union Street, Torquay.



Public Agenda Item: **Yes**

Title: **Jolly Judge, 168-170 Union Street, Torquay TQ2 5QP**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **7 February 2019**

Contact Officer: **Mandy Guy**

☎ Telephone: **01803 208124**

✉ E.mail: **Licensing@torbay.gov.uk**

---

## 1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of a Premises Licence. The Premises is in the Cumulative Impact Area.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”.
- 1.4 Under regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

*forward thinking, people orientated, adaptable - always with integrity.*

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

## **2. Introduction**

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above.

A brief description of the Review is as follows:

The application has been submitted by the Police and concerns matters relating to the Licensing Objective "The Prevention of Crime and Disorder".

The grounds for Review as stated in the application are as follows:-

There has been an increase of incidents, crime and disorder at this premises since Mr McCabe became the Licence Holder, coupled with evidence of drunkenness and poor management by persons nominated as DPS/staff.

Details of the application are shown in Appendix 1.

A copy of the current licence, including the plan of the premises is attached as Appendix 2.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

We have received a representation from the Licence Holder in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 3.

We have also received a Representation from an Interested Party in relation to the Licensing Objective "The Prevention of Crime and Disorder". This is shown as Appendix 4.

There have been no Representations from other Responsible Authorities or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the

Representations and the procedure to be followed at the hearing.

- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
- (a) the Applicant for the Review,
  - (b) the holder of the Premises Licence, or
  - (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the Appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
  - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

**Steve Cox**  
**Environmental Health Manager (Commercial)**

### **Appendices**

Appendix 1	Application for Review
Appendix 2	A copy of the Premise Licence
Appendix 3	Representation from the Licence Holder
Appendix 4	Representation from an Interested Party

### **Documents available in members' rooms**

None

### **Background Papers:**

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2016-2021.



**LICENSING ACT 2003**

**APPLICATION FOR THE REVIEW  
OF A PREMISES LICENCE OR  
CLUB PREMISES CERTIFICATE**

**NOTIFICATION**

*Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.*

*Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.*

*You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, [www.torbay.gov.uk](http://www.torbay.gov.uk)*

**Completed forms should be returned to:**

**Environmental Health Manager (Commercial)**

**Torbay Council**

**Community Safety**

**C/O Torquay Town Hall**

**Castle Circus**

**Torquay**

**TQ1 3DR**

**Contact Details:**

**Tel: 01803 208025**

**Web: [www.torbay.gov.uk](http://www.torbay.gov.uk)**

**Email: [licensing@torbay.gov.uk](mailto:licensing@torbay.gov.uk)**

**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 Julie SMART, Police Licensing Officer for the Torbay area

*(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> Jolly Judge 168-170 Union Street	
<b>Post town</b> Torquay	<b>Post code (if known)</b> TQ2 5QP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr David McCabe
--

<b>Number of premises licence or club premises certificate (if known)</b>  PL0429
---

**Part 2 - Applicant details**

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority  
(please read guidance note 1, and complete [A] or [B] below)
  
- 2) a responsible authority (please complete [C] below) X
  
- 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 ✓ yes

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**

<b>Name and address</b> Devon and Cornwall Police Police Station South Street TORQUAY Devon
<b>Telephone number (if any)</b> 01803 218900
<b>E-mail address (optional)</b> Julie.smart@devonandcornwall.pnn.police.uk

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

- |   |                                 |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety                        | X                               |
| 3) the prevention of public nuisance    |                                 |
| 4) the protection of children from harm |                                 |

**Please state the ground(s) for review (please read guidance note 2)**

There has been an increase of incidents, crime and disorder at this premises since Mr McCabe became the Premises Licence Holder, coupled with evidence of drunkenness and poor management by persons nominated as the DPS/staff.

**Please provide as much information as possible to support the application (please read guidance note 3)**

The Premises Licence for the Jolly Judge was granted on 24 November 2005 by way of conversion from the Licensing Act 1964.

On 19 October 2015 Mr David McCabe transferred the licence to himself, and on 4 May 2015 Mr McCabe nominated himself as the DPS.

In November 2015 I was contacted by the DPS of another licensed premises in Torquay, who asked me if it would be possible for him to also be the DPS of the Jolly Judge. He told me that the new tenants of the Jolly Judge did not have a Personal Licence. I advised this person that as the Jolly Judge and his licensed premises are both within the CIA, I would object to him being the DPS at two licensed premises.

On 11 January 2016 I was advised of an incident at the premises on 5 January 2016 where a female was refusing to leave. From the log in relation to this incident it appears that the female eventually left and she was subsequently barred from the premises. From the computer record in relation to this incident you will see that I identified the premises as being low risk, stating that the premises does not come to my attention on a regular basis and it appeared that the premises had dealt with this incident correctly. (Log 493/05/01/16) The computer record is attached at pages 1-2.

On 7 October 2016 Mr McCabe nominated Mr Leon Kings as DPS of the Jolly Judge and this application was subsequently granted.

At approximately 1700 hours on 16 December 2016 an incident occurred at the premises. A call was put out over the Nitenet radio by someone at the Jolly Judge requesting for police assistance with a lady who they were concerned about. PCSO Disney attended this incident and noted on arrival that a female was outside the premises after having been inside and reportedly having been served with one drink. PCSO Disney noted that other customers stated that this female had been served more than this. The female had a history of alcohol abuse and the staff at the Jolly Judge reported that she had been in the toilet for some time and when she re-appeared she seemed extremely intoxicated and was therefore ejected from the premises. The female refused to move away and hence police assistance was requested. PCSO Disney said it was clear that this female had consumed more than one drink and she was advised by someone that the female had been in the premises since 1530 hours that day. PCSO Disney's report is at pages 3-4.

As a result of this incident on 22 December 2016 I sent an email to the DPS, Mr Leon Kings, and Mr McCabe requesting that they download the CCTV footage of this incident and hand it in to Torquay Police Station. I also asked them to ensure that staff monitor the levels of drunkenness at the premises and customers are refused service before becoming too drunk. A copy of this email is at page 5.

Unfortunately due to computer issues my workload item in respect of this matter does not contain any information of relevance but I can advise you that I did receive a copy of the CCTV footage, which is referred to in my visit to the premises on 16 March 2017.

On 23 February 2017 I received a report from PC 17073 Ledsam in relation to an incident she attended at the premises on 22 February 2017 concerning log 520 of 22/02/17. At that time a female had been drinking in the premises who started causing some issues at approximately 1615 hrs. This female had been bought drinks by a male companion so bar staff were apparently unaware that the drinks were for this female. The female then picked up a glass and attempted to swing it at the DPS, but she or the glass was grabbed by her male companion. The female then shouted a lot of abusive and homophobic insults at the DPS. The female was subsequently arrested as she was in breach of a Criminal Behaviour Order. PC Lesam's report is at pages 6-7.

At 1230 hours on 16 March 2017 I attended the premises with Mrs Mandy Guy, Torbay Council Senior Licensing Officer, and we met with Mr Kings, the DPS. Mr Kings advised us that he is aware of

concerns in relation to the female involved in the above incident and he banned her from the premises. He was advised to keep an eye on the female's associates who also cause concern for the police, public and council and he stated he would do so.

I discussed the CCTV system with Mr Kings and advised him that the CCTV he had supplied to me in respect of the incident on 16 December 2016 was sent to our Video Processing Unit however they could not get it to work. Mr Kings showed me the CCTV system which had 6 cameras and clear images, and told me that he had got a Nitenet radio. I was pleased that Mr Kings was taking his responsibilities seriously. Notes concerning my attendance at the Jolly Judge on 16 March 2017 are attached at page 8.

On 10 April 2017 I received an email from Mr Kings who wished to see me due to his concerns about drug use at the premises and he wanted some advice in relation to a new CCTV system he was intending to install at the premises. I attended the premises shortly after receiving this email and discussed these matters with Mr Kings.

On 10 May 2017 I received a report from PC 17090 Langmead concerning an incident at the Jolly Judge at 1730 hours that day (Log 764 of 10/05/17). The report indicates that a male had been drinking in the pub who was very rude to others, he then started a fight outside the pub with a stranger, and then with the staff when he was asked to leave. PC Langmead indicated that staff were very helpful and acted correctly, but she indicated that only the manager can view and download the CCTV and as the manager was away she was not able to view the CCTV. As a result of this incident 3 crimes CR/035784/17, CR/035788/17 and CR/035786/17 were recorded. PC Langmead's report is at pages 9-10.

The following day, 11 May 2017 I received a telephone message from Mr Kings advising me that he had left the premises, was no longer the DPS and that he had not given anyone authority to sell alcohol on his behalf. As a result of that telephone message I emailed Mr Kings advising him of an incident at the premises the previous night. He emailed me back indicating that he was out of the country, having left the Jolly Judge on 4 May 2017. A copy of these emails is at pages 11-12.

As a result of Mr Kings advising me that he was no longer responsible for the premises, I rang Mr McCabe and advised him that Mr Kings had left and there was therefore no one with authority to sell alcohol at the premises and offences were being committed. Mr McCabe told me that he has a Personal Licence so would go on the licence as the DPS. At the same time I advised Mr McCabe of the incident at the premises on 10 May 2017. I asked Mr McCabe to download the CTV and he told me that he would visit the premises that evening to do so.

On Monday 15 May 2017 myself and Sgt Norsworthy attended the Jolly Judge as no Vary DPS application had been received. On entering there were several customers present and alcohol was being sold. Sgt Norsworthy was not satisfied that there was a DPS in day to day control and management of the premises as required by a mandatory condition on the licence, so he issued the member of staff present with a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001. Copy attached at pages 13-14.

Later that day I spoke to Mr McCabe and advised him of the service of the Section 19 Closure Order. He told me that he had posted a Vary DPS application to the Police and Torbay Council the week before and therefore he considered that he did have a DPS in place. I advised him that until the applications and payment had been received, the applications were not valid. Mr McCabe indicated that he would be attending the premises that night, ie 15 May 2017, to meet a prospective DPS, Mr Winter Frost, and he said he would probably submit a new application nominating Mr Frost as his DPS. I advised him to do so via the internet but he said he couldn't get that system to work properly so he would do hard copy applications. I advised him to post the Council's application and cheque through the door and to deliver the Police copy of the application to Torquay Police Station. The following morning I checked the post at Torquay Police Station but no application had been received.

Later that day I received an email from a police call handler asking me to contact Mr Frost which I subsequently did. Mr Frost advised me that he was the DPS at the White Swan in Crediton and I

therefore told him that as the Jolly Judge is within the Torbay Council Cumulative Impact Area I would object to him being the DPS unless he could confirm that he had been removed as the DPS at the White Swan. I told him to contact Mr McCabe to sort this matter out. My computer record concerning the issue of the Section 19 Closure Notice is attached at pages 15-17.

On 25 May 2017 I emailed Mr McCabe advising him that I still hadn't received the CCTV footage in relation to the incident at the Jolly Judge on 10 May 2017. I also gave him advice concerning removing Mr Frost as DPS from the White Swan in Crediton. This email is contained at page 18.

On 25 May 2017 an application to vary the DPS of the Jolly Judge to Mr Winter Frost was accepted by Torbay Council.

On 26 May 2017 between 2300 and 2330 hours an incident occurred at the Jolly Judge which was believed to have been of a domestic nature. This incident was reported to the police by use of the Nitenet radio. As a result of this incident a male was bitten to the shoulder and punched in the face (CR/040965/17 refers) and a 17 year old female was pushed (CR/040967/17 refers). The suspect was interviewed by the police during which he indicated that he had consumed 17 jager bombs at the Jolly Judge. He said that he and his partner had a verbal argument within the pub which resulted in them going upstairs to the flat above the pub where the argument continued. Mr Frost and [REDACTED] were both present during this argument and the suspect and [REDACTED] ended up having a tussle.

On 9 June 2017 a letter was sent to Mr McCabe outlining police concerns in relation to his premises. A copy of this is at pages 19-21 and you will note that at that time the CCTV in respect of the incident on 10 May 2017 had still not been received by myself.

On 14 June 2017 myself and Sgt Norsworthy attended the Jolly Judge at 1610 hours and as Sgt Norsworthy was satisfied that there was a DPS in day to day management and control of the premises he issued a Cancellation of Closure Notice under Section 19 of the Criminal Justice and Police Act 2001. A copy of this is at page 22.

On 18 June 2017 PC 15272 Radmore submitted a report concerning an incident she attended at the Jolly Judge at approximately 2242 hours on 17 June 2017 (Log 1266 17/06/17). This incident related to a call received by the police from a female who indicated that she had been threatened with a gun. This female said that she was singing karaoke within the premises when other persons started 'booing' her. She said that a female then grabbed her around her throat and tried to strangle her. A male then came along and said "If you don't leave I've got a gun, a baracka, upstairs and I'm not afraid to use it". She indicated that the male who threatened her was working behind the bar. Police attended and spoke to [REDACTED]. As a result of their discussions the officers were satisfied that there was no firearm and noted that the female was heavily intoxicated. PC Radmore's report is at pages 23-24.

On Tuesday 20 June 2017 the police received a telephone call from Mr Frost at 1952 hours indicating that he had received threats directed at his brother (Log 954 of 20/06/17). Mr Frost said that the male making the threats had left the premises but came back asking for his brother and said that he wanted him at the premises within an hour, when he will return and that if his brother wasn't at the premises at that time "You don't know what is going to happen". As the male who made these threats was no longer at the premises the police did not attend.

At 2115 hours on Tuesday 20 June 2017 the police received a telephone call from a female who indicated that a potential breach of the peace was about to occur. (Log 1070 of 20/06/17). The female stated that outside the premises one male was shouting at another. It was established that one of these parties was [REDACTED]. Police did not attend, but asked the Town Centre CCTV Control Room to monitor the incident. The police were advised shortly after that both parties had separated and walked off.

At approximately 0335 hours on Sunday 25 June 2017 a telephone call was received by the police from a male who indicated that he had just been evicted from the premises after being man-handled by bar staff and he raised concerns regarding a female still inside (Log 180 of 25/06/17). This male alleged that the premises were having a lock-in and were still serving alcohol after 0300 hours. The male was

advised to contact the police when sober if he wished to make a complaint of assault and the log was tagged for the attention of the Licensing Department.

As a result of the incidents between 17 June and 25 June 2017, myself and Sgt Norsworthy attended the premises on 27 June 2017 and discussed these incidents with the DPS, Mr Winter Frost. We advised him that all incidents seemed to be linked to his brother, [REDACTED], and he was advised to speak to his brother re these concerns and ensure further incidents do not occur.

On 28 June 2017 letters were sent to Mr McCabe and Mr Frost in relation to incidents at the premises on 25 May, 26 May, 17 June, 20 June x 2, 25 June and 27 June 2017. The letter also advised them that the status of the Jolly Judge had been raised to a 'Target premises' and as such it would be the subject of increased monitoring. They were advised that a Review of the Premises Licence would be considered should further incidents occur. Copies of these letters are contained at pages 25-32.

On 2 August 2017 I received an email from Mrs Guy informing me that the Torbay Council Licensing Team had received a complaint of noise, rooms above the pub being sub-let, concerns regarding the removal of a wall from the flats above the premises and a strong smell of cannabis. As a result of this information I forwarded this email to PC Lee Collings who was already dealing with concerns in relation to the flats above the Jolly Judge. A copy of Mrs Guy's email is not attached as it would identify the source of the complaint.

On 5 August 2017 Sgt Norsworthy was on duty and attended the premises at 0015 hours. At this time he stood outside watching the premises and noted there were still 7 people drinking within and they were very loud. At 0037 hours he saw the last person leave the premises, shouting at the top of their voice. He entered and spoke to a barman who went and got Mr Frost and his brother from upstairs. Sgt Norsworthy explained that 0030 hours is 0030 hours and not 0037 hours, and as the premises are now a Target they should be making sure that they closed exactly on time if not earlier. Sgt Norsworthy also point out that the barman had made no attempt to quieten the customers as they left, and he was actually stood in the doorway letting them out as they shouted "Shut up bitch" about ten times. A copy of Sgt Norsworthy's email is not attached as it contains information concerning other licensed premises.

At approximately 4.30 pm on Tuesday 22 August 2017 myself and Karl Martin attended the premises. On approach there were about 8 people outside in the seating area drinking but all appeared in order. On this occasion Mr Frost was not present so we then left. However on getting back into the car we discussed the type of customer in the premises and the fact that we both felt intimidated and uneasy in there.

On 3 September 2017 I received a report concerning a domestic incident where the offender for a criminal damage and common assault had fled the scene and was suspected to have gone to the Jolly Judge (Log 858 of 02/09/17). Police attended and spoke to [REDACTED] who initially appeared helpful. He told the police that the suspect had gone to the pub, washed his hands and then climbed out a window and left the premises via the rear gate. He showed officers this supposed route and the officers then left. [REDACTED] suggested that he knew the offender, but not that well. Further address checks were carried out nearby and information was received that [REDACTED] and the offender were actually best friends. Officers then returned to the Jolly Judge and a thorough search of the premises was conducted. [REDACTED] was reluctant to let officers into parts of the property, there were lots of locked doors and confusing spaces. Whilst officers were searching the offender appeared onto Higher Union Lane, from the back gate of the Jolly Judge. He was challenged by officers and fled back into the pub grounds. He fled onto the roofs of the properties nearby which caused a large scale emergency services incident involving thousands of pounds of equipment including negotiators, the helicopter, a HART ambulance team and the fire service. He was eventually talked down and dealt with. It was obvious that [REDACTED] had been harbouring this individual. As a result of this incident 3 crimes were recorded, these being CR/75169/17, CR/75173/17 and CR/75494/17 and the Fire Service were notified of police concerns regarding the flats above the pub. A report concerning this incident is at pages 33-34.

In September 2017 I had two weeks annual leave but when I returned to work I researched this premises and found several logs and crimes in relation to this premises. I discussed the premises with

Mr Karl Martin, Public Protection Officer of Torbay Council, who advised me that Mr Frost had attended the council officers whilst I was on leave and indicated that he would not be opening for the foreseeable future, until his brother had left.

On 27 September 2017 I received a telephone message from Mr McCabe in which he advised me that he had served a notice on [REDACTED] but he needed to get a County Court Possession Order in order to evict him. He advised me that [REDACTED] and Mr Frost did not have permission to trade from the premises. My computer record is attached at pages 35-36.

On 6 November 2017, the police received a Vary DPS application from Mr McCabe who wished to nominate [REDACTED] as DPS. [REDACTED] is well known to myself as at that time he ran The Terrace Bar, Torquay. I spoke to Mr McCabe and [REDACTED] and advised them that if they wished to continue with this application the police would object on the grounds that the Jolly Judge and Terrace Bar are both within the Torbay Council Cumulative Impact Area and I had concerns about [REDACTED] ability to manage two licensed premises. As a result of my concerns Mr McCabe did not proceed with this application.

On 27 November 2017 Mr McCabe submitted a Vary DPS application to nominate Mr David Edwards as the DPS, and this application was subsequently granted. At this time I hoped that, as Mr Frost and his brother, [REDACTED], had left the premises, the police would see an improvement in the management of the Jolly Judge, but unfortunately this did not turn out to be the case.

On 26 February 2018 I was copied into an email that Mrs Guy sent to Mr Edwards and McCabe following a visit she made to the premises on 8 February 2018. This email refers to 3 letters that were handed to Mr Edwards concerning Mr Edwards' correct address which needed to be updated on both his Personal Licence and the Premises Licence and an application for a Gaming Machine permit. The email also referred to an out of date licence being displayed on the premises, and there being no refusals register on the premises. A copy of this email is at page 37.

On 25 June 2018 I became aware of an incident at the Jolly Judge at approximately 2220 hours on 22 June 2018. (Log 1061 of 22/06/18 and CR/55521/18). This incident was a large fight involving 20 persons with 2 people being knocked unconscious. The manager of the Jolly Judge indicated that it was the victims of the incident who actually caused the problem. Initially one of the unconscious persons did not wish to pursue a complaint of assault but subsequently changed his mind.

At 2145 hrs on the evening of Saturday 30 June 2018 I attended the premises in the company of PC Mike Haworth and Mr Martin. The DPS, Mr David Edwards, was present together with a male he introduced as the duty manager, [REDACTED]. I discussed the incident with Mr Edwards and he stated that it occurred on [REDACTED] the manager's last day and he knew something had happened but he wasn't at the premises at the time. [REDACTED] showed us the CCTV hard drive and monitor which had been relocated within the premises. He told us that Tamar Gaming were going to be put in a monitor behind the bar to aid supervision and I told him that I was happy about that. I asked if a police officer had been in contact with regards to the CCTV of the incident and was advised that they hadn't heard from anyone. I informed Mr Edwards that I would let him know the date and time of the incident so that he could download the footage.

At 1300 hrs on 2 July 2018 I sent Mr Edwards a text message as follows "Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know what it is ready for collection. Thanks Julie Smart Police Licensing".

On 9 July 2018 I noted that I had not received any response from Mr Edwards as a result of my text message.

On 16 July 2018 I telephoned Mr Edwards and asked him if the CCTV was ready but he told me that Tamar Gaming had deleted all footage when they upgraded the CCTV system. I asked Mr Edwards if he knows the [REDACTED] who may have been involved in the fight and he said he was the previous manager, but he didn't have a contact number for him. However, he told me that [REDACTED] would have

his name and number. At this time Mr Edwards told me that [REDACTED] was no longer leasing the premises from Mr McCabe and wasn't involved in the business, but that [REDACTED] was now leasing the premises from Mr McCabe.

On 16 July 2018 letters were sent to Mr McCabe and Mr Edwards concerning the incident on 22 June 2018. This letter requested that a minor variation be submitted to strengthen the condition on the licence in relation to CCTV and, as the licence had not been updated for some time, to include a Challenge 25 policy and prohibit persons under the age of 18 attending the premises after 2100 hours. The letter requested that this variation be submitted by no later than Monday 6 August 2018. A copy of this letter is at pages 38-43.

From my computer notes (pages 44-47) you will see that [REDACTED] rang me on 24 July 2018 and apologised for failing to provide the CCTV that I requested on 2 July 2018. He said that he and his uncle, Mr John Sampson, were running the pub and that Mr John Sampson would be completing the BII course, but in the meantime Mr Edwards would remain as DPS. He said that in relation to the minor variation he was happy to do this and I told him to speak to Mr Edwards and Mr McCabe as they are responsible for the premises.

Within my computer notes you will see that on 6 August 2018 I received a telephone call from Mr McCabe who did not want a condition that no under 18's could be in the premises after 2100 hrs as he sometimes attends the premises with his daughter, but he proposed no under 18's in there are 2200 hours to which I agreed. He stated in relation to the CCTV system, the company who installed the system now have a system that means they store all recorded footage so he did not anticipate any future CCTV issues.

On 15 August 2018 the minor variation application requested was received and subsequently granted.

On 15 September 2018 I received an email from PC 15762 McClure concerning an assault at the Jolly Judge (Log 1071 of 14/09/18). PC McClure states that the assault was a fairly minor common assault between two drunk parties. The issues identified at the premises though were that the suspect was stood behind the bar. Officers spoke to someone they believed to be the DPS, and this person was identified as Mr John Sampson. He told officers that, as he is elderly and has a liver condition, he doesn't drink himself so he spends the evening "out the front drinking tea" and that he had not witnessed anything. PC McClure asked him about the suspect being behind the bar and he said that he doesn't work there but sometimes collects glasses.

Mr John Sampson said that he has put the money into purchasing the pub but that it is his nephew, [REDACTED], who is supposed to be running it but he was not there. Mr Sampson was unable to play the CCTV. Whilst the officers were making their enquiries [REDACTED] woke up and came down to the pub as he lives in the flat above. He was very angry about what had been happening and was co-operative with police.

[REDACTED] showed the officers the CCTV which showed the suspect behind the bar serving people and drinking himself, contrary to what Mr John Sampson had told them. The suspect was behind the bar with a female who [REDACTED] identified as his sister, but he told officers that she should not have been behind the bar either. There did not appear to be any other staff in the pub and it was just them helping themselves. PC McClure states that suspect was obviously incredibly drunk but had been behind the bar serving other customers. This report is at page 48.

On 13 October 2018 I received a report from PC 17041 Bratcher who had completed a licensing check at the premises at 2300 hours on 12 October 2018. At that time [REDACTED], who she believed to be the DPS, was intoxicated. Mr Edwards, the DPS, was also present and showed officers his Personal Licence. Mr John Sampson claimed to be a licence holder but he did not have his licence to show officers. A copy of the licence was on the wall although it was a black and white copy. PC Bratcher's report is at page 49.

On 22 October 2018 I received an email from PC 17016 Harvey who said that he had pulled up outside the Jolly Judge the day before to check some CCTV from another premises, but as he did so he saw a

male being forcibly ejected from the pub. He entered and it transpired that the ejected male had slapped his ex-partner. There were only 5 or 6 people in the pub, however on initially entering no one was behind the bar. After a couple of minutes Mr John Sampson arrived. He could not remember the name of the DPS and had to be reminded by a customer that it was "Eddy". The officer commented that generally there seemed like no control and no one in charge of the premises.

I subsequently checked our computer systems and found that crime CR/98432/18 had been recorded in relation to a common assault at the premises at approximately 1845 hours on 21 October 2018, and the crime indicated that both parties were heavily in drink at the time of the incident. PC Harvey's email is at page 50.

In relation to PC Harvey's comment that Mr John Sampson could not remember the name of the DPS, I find this concerning and this raises concerns that the DPS, Mr Edwards, may not be at the premises on a regular or frequent basis.

On 25 October 2018 I received an email from PC 17097 Hazlewood concerning a report of 20 people fighting within the premises which spilled out onto the street (Log 921 of 24/10/18). On officers arrival there was no fight in the street but officers went inside the pub and there was evidence of a physical altercation. There were numerous people inside who were highly intoxicated, together with a female who had some facial injuries but she refused to engage with police and just kept repeating "I pay your wages". People were stating there had been a fight but no one wanted to give officers any further details.

Eventually one person was located who could work the CCTV, so this was reviewed by officers. The footage showed a fight involving between 10-15 people. The officer commented that it was just one big melee with pockets of fighting throughout the pub. There was a female outside the pub (who had previously been drinking inside) who was asleep after drinking too much. She couldn't walk, speak or function as she was so drunk. A copy of this email is at page 51.

As a result of the above reports I conducted further research and located a log on 27 October 2018, in relation to a 999 call received at 2228 hrs from a male who stated that a male at the premises was being aggressive and causing issues (Log 875 of 27/10/18). The caller said that the male was at the front of the pub causing a lot of hassle. At 2235 hours officers arrived at the premises and the male was told to leave the area.

At 2249 hours that same day a further 999 call was received concerning an incident at the Jolly Judge. The caller indicated that there was a disturbance on-going and the female caller was trying to be discreet whilst requesting police attendance (Log 897 of 27/10/18). Loud males were shouting and fighting with each other. At 2302 hours officers arrived at the premises and there was no disorder but a member of staff said that a male and his partner were causing issues. However nobody would actually state what this meant. The male and his partner were asked to leave by police, which they did.

At 11.00 am on Thursday 1 November 2018 Mr David McCabe, Premises Licence Holder, and Mr David Edwards, DPS, attended Torquay Police Station at the request of myself and Inspector Stevens (Sector Inspector for Torquay). Mr John Sampson also attended this meeting despite not being invited and having no legal position at the premises. At this meeting I gave Mr McCabe and Mr Edwards a document that I had prepared outlining the incidents that had occurred at the premises since Mr Edwards became the DPS. I ran through this document and told them that there is a lack of management and control at the premises. I also advised Mr McCabe that since he took over as Premises Licence Holder at the premises, there had been an increase in the amount of crimes recorded at the premises, coupled with an increase in police logs, and thus there had been an increase in the demand for police attendance. Inspector Stevens advised them both that they should regard this meeting as a final warning and they were told that if further incidents came to our attention we would apply for a Review of the Premises Licence. As a result of that meeting letters were sent to Mr McCabe and Mr Edwards on 6 November 2018. Copies of the letters and document referred to are contained at pages 52-67.

On 10 December 2018 I received an email from PC 17016 Harvey concerning an incident he attended at the premises on 9 December 2018. (Log 679 of 10/12/18). The log indicated that a male and female had been fighting in the premises. On arrival the pub only contained one female, 2 unknown males who were playing pool and a male called John who PC Harvey says is usually behind the bar. This male is believed to be Mr John Sampson. Broken glass was being swept up by [REDACTED] who PC Harvey believed to be in charge of the premises. The male offender had left the premises but was arrested a short time later.

PC Harvey viewed the CCTV which showed a fight breaking out between the male who was arrested and another male who was playing pool, resulting in him having ripped clothing. The female tried to break the fight up, whilst Mr John Sampson went to ring the police. Whilst Mr John Sampson was absent from behind the bar, the female went around and helped herself to what looked like some spirit. The female was then grabbed by the male and pulled to the floor resulting in a further fight, with the unknown male going to defend the female.

The male was extremely drunk when he was arrested and the officer states that he would certainly have been very intoxicated when he would have been served drinks in the Jolly Judge.

PC Harvey stated that [REDACTED] was helpful in allowing the officers to view CCTV, was keen to co-operate and he mentioned the problems that the Jolly Judge has had. PC Harvey states at the bottom of his report that he submitted a report a few weeks ago (22 October 2018) about disorder at the same pub and felt it was chaotic and out of control. He said that he had the same feeling on attending on 9 December 2018. A copy PC Harvey's email is at page 68.

In relation to the incident on 10 December 2018 the male and female involved in this incident are the same couple who were involved in an incident at the premises on 27 October 2018 (log 897). As a result of the incident on 27 October 2018 it appears that the DPS has not taken any steps to ban the individuals involved and had he done so, the incident on 10 December 2018 would not have occurred.

Whilst looking for the log in relation to PC Harvey's report I found log 1015 of 09/12/18 which relates to a 999 call received at 2347 hours on the evening of 9 December 2018. At that time the caller stated that a male was being aggressive outside the Jolly Judge and that he needed the police. On further questioning the caller hung up. At 0002 hrs on 10 December 2018 police attended the premises and spoke to an extremely drunk and agitated male making it very difficult to communicate. This male claimed that someone had taken his house keys and a female's phone which was left on the bar in the premises. He wanted to view the CCTV but the manager couldn't work it. Officers noted that the pub was closed and the male was advised to call 101 if he wished to make a complaint. The male was extremely annoyed when officers explained that they could not facilitate CCTV viewing.

I also found log 0009 of 10/12/18 regarding another incident involving the drunk male subject of the above log. This log relates to a female who contacted the police at 0005 hrs on 10 December 2018 via the 999 system concerning a male who was outside demanding his keys and threatening everyone. She indicated that officers had recently attended and spoke to the male. Unfortunately on this occasion the police were unable to attend.

As a result of the incidents that have occurred since 1 November 2018, that being the day that Mr McCabe and Mr Edwards were given a final warning, I have discussed the management of this premises with Inspector Stevens, and we are both consider that a Review of the Premises Licence for the Jolly Judge is necessary as it is clear that the licensing objective, the Prevention of Crime and Disorder is not being met.

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

No

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the 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 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

*J Smart*

Date

14/12/18

Capacity Police Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

Julie Smart  
Police Licensing Officer  
Torquay Police Station  
South Street

**Post town**

Torquay

**Post Code**

TQ2 5AH

**Telephone number (if any)** 01803 218900

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** julie.smart@devonandcornwall.pnn.police.uk

**Notes for Guidance**

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



SharePoint

Newsfeed

OneDrive

Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2016 > Jolly Judge Torquay

Item Type	Correspondence
Prem Name	Jolly Judge Torquay
Date Rec'd	11/01/2016
Date Due	
Event Start Date	05/01/2016 16:30
Event End Date	
Submitting Officer	
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	168 Union Street
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	TQ2 5QP
Premises risk rating	
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Female refusing to leave - DCP-20160105-0493
Comments	Log indicates that premises have barred female. Premises is low risk and does not come to my attention on a regular basis. From log it appears that the premises dealt with this incident correctly. No further action required at this time, but I will monitor the premises.
Visit tasked	NO
LA Time Taken	5
LO Time Taken	15
Item Briefed	
Representation/Objection	No
Hearing	No
Status	COMPLETE





3

# Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
-----------	---------------	-------------

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	<b>Date:</b> 16/12/16 <b>Time:</b> 17:00
<b>OIS Ref.:</b>	<b>Crime No.:</b>
<b>Name of premises (where applicable):</b> Jolly Judge	
<b>Address:</b> Union Street TORQUAY	

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes  No

Name of DPS (or person in charge if no DPS):

Helpful  Unhelpful  Obstructive **Other:**

Call over store net from JOLLY JUDGE requesting police assistance for a lady who they were concerned about. Female called [REDACTED] was outside of the premises after being inside and reportedly being served one drink (other customers state that she had been served more). Female has a history of alcohol abuse and staff member at JOLLY JUDGE reported that she had been in the toilet for some time and when she reappeared she seemed extremely intoxicated and was ejected from the premises. Female refused to move away from the premises. When we arrived it was clear that female had consumed more than one drink. It was also mentioned that she had been in the premises since 1530 after appearing in court.

Submitted by: Name: PCSO 30589 DISNEY

Force No.: 30589

Signed: C.Disney

Date: 16/12/16

Time: 21:38

**Officers present at inspection:**

# Licensed Premises Visit Checklist

4

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

## Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. 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:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

## Public Nuisance:

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

## Protection of Children:

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

## Any other information:

**SMART Julie 50403**

---



**From:** SMART Julie 50403  
**Sent:** 22 December 2016 12:17  
**To:** [REDACTED], McCabe David [REDACTED]  
**Subject:** JOLLY JUDGE INCIDENT ON 16 DECEMBER 2016

Leon/Dave

I've received a report from PCSO Disney concerning her attendance at the Jolly Judge on 16/12/16 at 1700 hrs to deal with a drunk female.

I would be grateful if you could turn off the CCTV for this incident, from 1530 hrs to 1715 hrs on 16/12/16, and hand it in at the Torquay Police Station Enquiry Office in an envelope addressed to me.

In the meantime, I would ask you to ensure that staff at the premises monitor levels of drunkenness and ensure that customers are refused service before becoming too drunk.

Thanks

Julie Smart  
Police Licensing Officer  
01803 218900  
07921 933974





# Licensed Premises Visit Checklist

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

### Officers present at inspection:

Inspection not conducted due to arresting [redacted] and escorting to custody

### Administration:

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

### Crime and Disorder:

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

### Public Safety:

- 1. CCTV on premises?  Yes  No  
 Incident captured?  Yes  No  
 Image quality?  Good  Poor  Other:  
 Working at time of visit?  Yes  No  
 Staff able to download?  Yes  No
- 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:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

### Public Nuisance:

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

### Protection of Children:

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

SharePoint

Newsfeed OneDrive Sites SMART Julie 50403

Force Licensing Team &gt; Licensing Items – Active &gt; Jolly Judge Torquay

Item Type L10

Prem Name Jolly Judge Torquay

Date Rec'd 23/02/2017

Date Due 22/02/2017

Event Start Date

Event End Date

Submitting Officer LEDSAM Jodi 17073

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street Union Street

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary L10 as attached refers - LOG 520 CR/013326/17 [REDACTED] in drink and behaving antisocially.

Comments  SMART Julie 50403 (16/03/2017 15:16):

1230 hrs 16/03/17 attended premises with Mandy Guy and met with DPS, Mr Kings. Discussed this incident and he said that he is aware of concerns regarding [REDACTED] and she is now banned from the premises. Advised him to keep an eye on her associates as they also cause concern for police, public and the council, and he stated he will do so. He has now got a radio for use on Storennet and Nitenet which I think it is very positive and demonstrates that he is taking his responsibilities seriously. I explained that the CCTV he recently supplied to me wouldn't work after processing by VPU and he showed me the system, which comprised of 6 cameras with very clear images. Some cameras were displaying in black and white and he seemed a bit concerned about this but I indicated that they switch depending on lighting levels and provided the images are clear, which they are, I would not be concerned about the lack of colour.





# Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
-----------	---------------	-------------

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	<b>Date:</b> 10/05/2017 <b>Time:</b> 17:30
<b>OIS Ref.:</b> 764 10/05/2017	<b>Crime No.:</b> CR/035784/17 CR/035788/17 CR/035786/17
<b>Name of premises (where applicable):</b> Jolly JUDGE	
<b>Address:</b> 168-170 Union St, Torquay TQ2 5QP	

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes    No

Name of DPS (or person in charge if no DPS): LUKE HOWARTH

Helpful    Unhelpful    Obstructive   Other:

<b>Submitted by: Name:</b> Amie LANGMEAD	<b>Force No.:</b> 17090
<b>Signed:</b> A.LANGMEAD	<b>Date:</b> 10/05/2017 <b>Time:</b> 22:26

**Officers present at inspection:**

PC 3345 Ben Balsdon  
PC 7045 Rob HARVEY

# Licensed Premises Visit Checklist

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

10

## Administration:

1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
2. 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  
Incident captured?  Yes  No  
Image quality?  Good  Poor  Other: not viewable  
Working at time of visit?  Yes  No  
Staff able to download?  Yes  No
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:
5. Radio system in use?  Yes  No
6. Tables / glasses kept tidy?  Yes  No
7. Any smoking inside premises?  Yes  No

## Public Nuisance:

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

## Protection of Children:

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

## Any other information:

Male drinking in pub was very rude to other users, he started a fight outside the pub with a stranger and then with the staff when asked to leave.

Staff very very helpful and did everything right.

only manager can view and download CCTV as the manger was away CCTV was not available to be viewed

**SMART Julie 50403**

**From:** Leon Kings  
**Sent:** 11 May 2017 13:40  
**To:** SMART Julie 50403  
**Subject:** Re: Drug issue

Hi Julie,

Sorry for yet another email.

You may also wish to find out IF the pub has been trading where the takings have gone. I am out of the County so am unaware of anything going on, I did however contact CCTV last week to ask if the pub was open but he stated it was out of his view but he would ask Police to investigate, you can confirm this with the CCTV operator.

As I stated I left the pub at 10am on the 4th and handed my keys to [REDACTED] who does not work at the pub but lives upstairs. A notice was placed on the window stating the pub was closed, if this has been removed it was without my permission.

The stock which was left was due to be left to David McCabe as payment towards the rent arrears which only amounted to £900 this would have included at least 12 barrels plus spirits plus drinks in the fridges.

Regards

Leon

---

**From:** Julie.SMART@devonandcornwall.pnn.police.uk  
**Sent:** 11 May 2017 08:34  
**To:** 'Leon Kings'  
**Subject:** RE: Drug issue

Hi Leon

I've picked up your voicemail message indicating that you are no longer DPS at the Jolly Judge and that you believe staff may be selling alcohol at the premises without your authority. Last night there was an incident at the premises, and I need to do a visit there, however I need something in writing from you indicating the date that you left the premises and relinquished authority.

Please can you let me have this asap by responding to this email. I shall then pass this information on to the Licensing Authority for their records.

Thanks

Julie

**From:** [REDACTED] [mailto:[REDACTED]] On Behalf Of Leon Kings

**Sent:** 10 April 2017 21:53

**To:** SMART Julie 50403

**Subject:** Drug issue

Hi Julie,

Any chance you can pop in at some point. I'm noticing some drug powder on the floor a bit too much for my liking.

I have arranged for a brand new camera system, but feel some extra advice may be needed.



12 

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

\*\*\*\*\*  
Contact Devon & Cornwall Police on [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk)  
Textphone 18001 101 for the deaf, hard of hearing or speech impaired  
Always call 999 in an emergency  
\*\*\*\*\*

Devon and Cornwall Police aims to serve the communities of Devon and Cornwall and help inspire greater confidence in the Police. For more information please visit our website at [www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk)  
\*\*\*\*\*

This e-mail is intended for the named individual(s) only and may contain information which is protected in law. If you have received this e-mail in error, you may not read, copy, disseminate or otherwise deal with it. In this case, please delete the e-mail and contact the sender immediately.

Internet e-mail is not secure. Therefore Devon and Cornwall Police does not accept legal responsibility for the contents or distribution of this message including file attachments. Any views or opinions presented are solely those of the author and do not necessarily represent those of Devon and Cornwall Police. All reasonable efforts have been made to check that any attached software or other material is free of computer viruses, but Devon and Cornwall Police accepts no responsibility for any damage, howsoever arising, as a result of their transmission to the recipient's computer or network.  
\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---



File No.:	Computer URN:	Minute No.:
-----------	---------------	-------------

# Closure Notice

## Section 19 Criminal Justice and Police Act 2001

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or local authority to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a licence. (Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed.) Where a constable is satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve a notice in respect of the premises.

Date and time of the Closure Notice: 15 MAY 2017 1515 hrs

Person making the Notice: SGT 3671 MIKE NORSWORTHY  
Signature:

Name (if applicable) and address of the affected premises:  
JOLLY JUDGE, 108-170 UNION STREET, TORQUAY

Alleged unauthorised use of the premises:  
DPS MR LEDN KINGS HAS SENT EMAIL TO POLICE ADVISING THAT HE LEFT THE PREMISES ON 04-05-17. MR HICABE WAS ADVISED OF THIS BY POLICE LICENSING OFFICER, JULE SMART, ON THURSDAY 11-05-17. NO VARY DPS APPLICATION HAS BEEN RECEIVED BY POLICE OR TORBAY COUNCIL.

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:  
VARY ~~TO~~ DPS APPLICATION REQUIRED, WITH IMMEDIATE EFFECT.

The person (if applicable) on whom the Closure Notice has been served:  
Name:   
Signature:

## Explanatory Notes

14

A police officer, or an authorised officer from the local authority has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 ('The 2001 Act').

### Section 19 of the 2001 Act – Closure Notices

Where a police officer or an authorised officer from the local authority is satisfied that any premises are ~~being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in~~ breach of its licence conditions, he may serve under Sub Section (3) a notice in respect of the premises.

### Section 20 of the 2001 Act – Closure Orders

Your attention is drawn to Section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a closure order if the unlicensed sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months after the date on which this closure notice was served.

After an application for the Closure Order is made the Justice of the Peace may issue a summons requiring the applicant and also the persons or persons on whom the Closure Notice was served to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.

In accordance with the Magistrates' Court Act 1980 and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

### Appeals – Section 24 of the 2001 Act

An appeal against a decisions by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order can be made by an affected person to the Crown Court within 21 days.

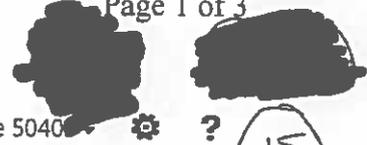
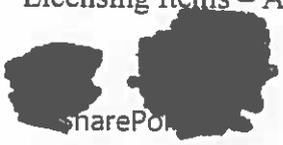
### Enforcement Powers and Offences - Section 24 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to open in contravention of a Closure Order made by the Magistrates Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse fails to comply with any other terms of a Closure Order made by the court, or does an act, which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000 or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at any reasonable time, and to do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However when exercising this power the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officer from exercising these powers. Any persons convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.



SharePoint

Newsfeed OneDrive Sites

SMART Julie 50403



Force Licensing Team > Licensing Items – Active > Jolly Judge Torquay

Item Type Other

Prem Name Jolly Judge Torquay

Date Rec'd 12/05/2017

Date Due

Event Start Date

Event End Date

Submitting Officer

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street Union Street

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Telephone message received from Mr Lyons indicating that he had left the premises, was no longer DPS and had not given anyone authority to sell on his behalf.

Comments

- SMART Julie 50403 (15/06/2017 09:37):  
At 1610 hrs on Wed 14/06/17 myself and Sgt Norsworthy attended premises and Sgt Norsworthy served [redacted] with a S19 Cancellation Notice.  
  
No further action required.
- SMART Julie 50403 (09/06/2017 12:09):  
A Vary DPS application has now been received and will be granted by Torbay Council.  
  
S19 Cancellation Notice needs to be served, so I will get Sgt Norsworthy to do that on his return from annual leave.

■ SMART Julie 50403 (16/05/2017 09:39):

15/05/17 - Discussed this matter with Karl Martin of Torbay Council. He worked on Saturday night and said he got to the Jolly Judge at about 11.45 pm. At that time it appeared that the premises were closed however there were 4 or 5 people in the premises, with lights on, and these people appeared to be drinking tea. He did enter the premises.

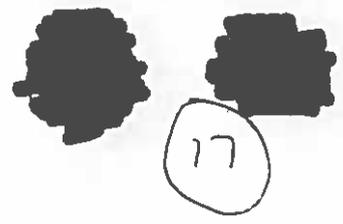
At 1515 hrs yesterday afternoon myself and Sgt Norsworthy attended the premises. On entering there was a male sat outside with a dog and a pint glass that appeared to contain an alcoholic drink. On entering there were about 6 persons inside all consuming what appeared to be alcoholic drinks. The member of staff, [redacted] was spoken to and said that [redacted] was in charge but he was not at the premises at that time. The situation of Mr Lyons leaving was outlined and he said that Mr McCabe had done the paperwork to put [redacted] in charge. It was explained that the council and ourselves had not received any paperwork despite Mr McCabe being advised to do this last Thursday. Mr [redacted] was therefore served with a S19 Closure Notice, copy attached, and warned that offences under the licensing act would be committed if alcohol was sold at the premises. He said that he would close the premises.

When I got back to the office I spoke to Mr McCabe and he said that he had posted the Vary DPS applications to the police and Torbay Council last week and therefore he considered that he did have a DPS in place. I advised him that until the applications and payment had been received, the applications were not valid. Mr McCabe indicated that he would be attending the premises again last night (Mon 15/05/17) to meet a proposed DPS, Mr Winter Frost, and he would probably submit new applications in his name. I advised him to do so via the internet but he said he can't get that to work properly and would do paper applications. I advised him to post the Council's application and cheque through the door and to deliver our copy of the application to Torquay Police Station.

This morning I have checked and there is no application at the station.

I have received an email from our call handler to ring Mr Winter Frost on [redacted]. I have just spoken to him and he confirmed that he would be taking over at the Jolly Judge. He said that the council's copy of the application and the fee had been posted through the door but the police copy hadn't been delivered to Torquay Police Station. I told him that until the police had received our copy they were not authorised to sell, but could do so once it had been served on us. I further advised Mr Frost that I am aware he is the current DPS at the White Swan in Crediton and as the Jolly Judge is within our CIA, we would object unless he came off the White Swan licence. He said that he would. I told him that the S19 Cancellation Notice would not be served until I am satisfied that this is the case, and therefore he should ensure that Mr McCabe sorts this matter out asap.

I have discussed this matter with Sgt Norsworthy and he satisfied with the action taken.



■ SMART Julie 50403 (12/05/2017 14:03):

On receipt of this message, I emailed Mr Lyons requesting him to put this in writing to me. He emailed me back to the effect that he left the premises on 04/05/17.

L10 received re an incident at the premises on the evening of 10/05/17 whereby a male was arrested for 2 x ABH and a public order offence.

Yesterday afternoon I spoke to the PLH David McCabe and asked if he was aware his DPS had left. He stated he didn't know, but he did not sound convincing. I advised him of the incident and requested that he attend the premises to burn the CCTV footage off. I told him that offences were being committed as alcohol was being sold when there was no DPS at the premises. He said that he has a personal licence and would go on as DPS, so I advised him to do an online application yesterday afternoon to ensure the situation was resolved asap.

I emailed Mandy Guy, Gary O'Shea and Karl Martin asking them to advise me if they receive this application and have just spoke to Gary re this matter. He is checking the current situation.

Visit tasked NO

LA Time Taken

LO Time Taken 90

Item Briefed

Representation/Objection No

Hearing No

Status COMPLETE

Attachments Jolly Judge Email from Mr Lyons re resignation as DPS 040517 .msg  
Jolly Judge S19 Cancellation of Closure Notice.pdf  
Jolly Judge S19 Closure Notice 150517.pdf

Version: 4.0

Created at 12/05/2017 14:03 by SMART Julie 50403

Last modified at 15/06/2017 09:37 by SMART Julie 50403

Close





**From:** SMART Julie 50403  
**Sent:** 25 May 2017 12:53  
**To:** MCCABE David [REDACTED]  
**Subject:** JOLLY JUDGE CCTV

David

Just a reminder that I still haven't received the CCTV footage requested in relation to the 3 crimes recorded at your premises at about 1730 hrs on 10 May 2017.

Please can you ensure that this footage is burnt off and handed in at Torquay Police Station (marked for my attention) by Friday afternoon.

In relation to the Vary DPS of the Jolly Judge to Mr Winter Frost I believe Mandy Guy has refused your application and given you advice to submit a correctly completed application today. I would take this opportunity to remind you that you also need to submit a Vary DPS application in respect of the White Swan at Crediton, by no later than midday on Friday. Whilst I appreciate that the White Swan might not be open at the moment, I need to either see that you have submitted a Vary DPS into someone else's name, which will remove Mr Frost, or if this is not possible, I would ask that you email the Licensing Team at Mid Devon District Council, [licensing.east@devonandcornwall.pnn.police.uk](mailto:licensing.east@devonandcornwall.pnn.police.uk) and myself advising that Mr Frost is no longer DPS at your premises and requesting his name is removed from the licence forthwith.

If this is not forthcoming I will object to your Vary DPS to Mr Frost, as we are not satisfied with him managing 2 premises at the same time, particularly as the Jolly Judge is within our Cumulative Impact Area.

Regards

Julie Smart  
Police Licensing Officer  
01803 218900  
07921 933974





Devon & Cornwall Police

19

Mr David McCabe  
[REDACTED]  
[REDACTED]  
Devon  
[REDACTED]

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

Telephone: 01803 218900

9 June 2017

Dear Sir

**The Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

On Thursday 11 May 2017 my Police Licensing Officer, Mrs Julie Smart, picked up a voicemail message on her office telephone from your then Designated Premises Supervisor, Mr Leon Kings, in which he advised her that he was no longer at the premises and wished to be removed as the DPS. An exchange of emails then took place between Mrs Smart and Mr Kings, within which Mr Kings stated that he left the Jolly Judge on Thursday 4 May 2017 and had not been responsible for the premises since that date, having given the keys to the occupant of the flat above the premises and placing a notice on the door indicating that the premises were closed until future notice.

On Thursday 11 May 2017 Mrs Smart also received a report from an officer who indicated that at approximately 1730 hrs on Wednesday 10 May 2017 an incident occurred at the Jolly Judge whereby officers attended and dealt with a male who had been causing problems inside. As a result of this incident the male was arrested for 3 offences, these being 2 x assault occasioning Actual Bodily Harm (CR/035784/17 and CR/035786/17) and a public order offence of using threatening/abusive/insulting words or behaviour to cause harassment or alarm (CR/035788/17). This male has now been charged with two offences and will appear at court in due course.

Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC\_Police





Later that afternoon Mrs Smart telephoned you and asked whether you were aware that your DPS had left the premises seven days ago. You indicated that you were not aware that Mr Kings had left and Mrs Smart advised you that offences were being committed as alcohol was being sold at your premises when there was no DPS in day to day management or control of the premises. Mrs Smart further advised you not to sell any alcohol at your premises until a Vary DPS application had been submitted. At that time you informed Mrs Smart that you have a Personal Licence and she suggested that you apply on-line that afternoon to ensure the situation was resolved as soon as possible. In addition Mrs Smart advised you of the incident at your premises on 11 May 2017 and requested that you provide CCTV footage of the incident.

On Saturday 13 May 2017 Mr Karl Martin, Public Protection Officer of Torbay Council, was working when he passed your premises at about 11.45 pm. At that time it appeared to him that your premises were closed, however he noted that there were approximately 4 or 5 persons within the premises, which had the lights on, and these persons appeared to be drinking tea. He formed the opinion that these persons were staff who were having a cup of tea after the premises had closed.

At 1515 hours on 15 May 2017, Mrs Smart, together with Sgt Mike Norsworthy, Licensing Sergeant for Devon, attended your premises and noted that there was 1 person outside your premises and approximately 6 persons inside consuming what appeared to be alcoholic drinks. It was established that none of the males present was Mr Kings. Sgt Norsworthy therefore issued a male member of bar staff with a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001, as he was not satisfied that the mandatory condition on your Premises Licence in respect of the requirement to have a DPS was being met.

On returning to Torquay Police Station that day, Mrs Smart spoke to you concerning this matter and you indicated that you had posted a Vary DPS application to the police and Torbay Council the week before and therefore you were of the opinion that you had a DPS in place. Mrs Smart advised you that until the applications and payment had been received, the application was not considered valid. At that time you indicated that you would be attending the premises that night to meet a prospective tenant and after that meeting you would probably submit a Vary DPS into that person's name.

Mrs Smart advises me that on 16 May 2017 a male called Mr Winter Frost attended Torquay Police Station to deliver a Vary DPS application in respect of your premises. As your premises now has a DPS, Sgt Norsworthy will attend and issue a Section 19 Cancellation Notice as soon as he returns from leave.

I would take the opportunity to point out that despite you informing Mrs Smart that you had posted copies of a Vary DPS application to Torquay Police Station and Torbay Council sometime prior to 15 May 2017, to date these applications have not been received by the police or by the council.

In respect of the incident on 10 May 2017, Mrs Smart advises me that on each occasion she has spoken to you she has requested that you provide the CCTV footage of this incident. Furthermore on 25 May 2017 she sent you an email requesting that you burn the CCTV footage off and hand it in at Torquay Police Station in an envelope marked for her attention. To date this footage has still not been received.

I would take this opportunity to remind you of condition 1 under Annexe 2, Conditions Consistent with the Operating Schedule, General, on your Premises Licence, which states "*CCTV must be provided and maintained in good working order*". Whilst this condition does not state that copies of CCTV will be provided to the police, I consider that as your licence contains a condition regarding the provision of CCTV, it is natural to assume that relevant footage of any incidents subject of a police investigation will be provided within a reasonable time period. I therefore ask that you ensure that CCTV is provided when requested in the future. Should you fail to provide CCTV in relation to any future incidents, I will consider taking further action in respect of this matter.

At this point I would advise you of a further incident which occurred at your premises at approximately 2300 hrs on Friday 26 May 2017 when two persons were assaulted sustaining injuries (CR/040965/17 and CR/040967/17 refer). On this occasion CCTV has been viewed by my officers but it does not cover the assaults and is of no evidential value, however the investigation into this matter is continuing.

On discussing your premises with Mrs Smart, she informs that since you took over as Premises Licence Holder on 19 October 2015 your premises has come to her attention on a more frequent basis, there has been an increase in crimes recorded at your premises, together with an increase in logs requiring police assistance. As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.



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

Yours faithfully

A handwritten signature in blue ink, appearing to read 'M Lawler', positioned below the 'Yours faithfully' text.

Superintendent M Lawler  
Alliance Prevention Department

22



Devon & Cornwall Police  
Building safer communities together

File No.:		Computer URN:		Minute No.:	
-----------	--	---------------	--	-------------	--

### Cancellation of Closure Notice (Section 19 Criminal Justice and Police Act 2001)

Date and time of the Cancellation of Closure Notice: .....

Officer making the Cancellation Notice: SGT 3671 MIKE NORSWORTHY

Signature: [Signature]

Station: LICENSING EAST. HQ

Name of officer serving the Cancellation Notice: SGT 3671 MIKE NORSWORTHY

Station: LICENSING EAST. HQ

Date and time served: 1610 HRS 14/06/17

Name (if applicable) and address of the affected premises: JOLLY JUDGE, 168-170 UNION STREET, TORQUAY

Reasons (grounds) for cancelling the Closure Notice: NEW DPS HAS BEEN APPOINTED

The person (if applicable) on whom the Cancellation of Closure Notice has been served: MR [Redacted]

Name: [Redacted] Signature: [Signature]

Address: JOLLY JUDGE, 168-170 UNION STREET, TORQUAY





## Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
-----------	--	---------------	--	-------------	--

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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>Report type:</b> <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	<b>Date:</b> 17/06/17 <b>Time:</b> 2242
<b>OIS Ref.:</b> 1266 17/06/17	<b>Crime No.:</b> NA
<b>Name of premises (where applicable):</b> THE JOLLY JUDGE	
<b>Address:</b> UNION STREET TORQUAY	

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes  No

Name of DPS (or person in charge if no DPS): WINTER FROST/ TYGOR EASTON

Helpful  Unhelpful  Obstructive **Other:**

**[REDACTED] WAS DESCRIBED BY PC 1676 HOLT AS BEING INTOXICATED**

<b>Submitted by: Name:</b> RADMORE	<b>Force No.:</b> 15272
<b>Signed:</b> S.RADMORE	<b>Date:</b> 18/06/17 <b>Time:</b> 01:57

**Officers present at inspection:**

PC 12163 MARKS

# Licensed Premises Visit Checklist

24

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

## Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. 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:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

## Public Nuisance:

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

## Protection of Children:

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

## Any other information:

WHEN ASKED TO PRODUCE LICENCE PC MARKS STATES THE DPS WAS UNABLE TO DO THIS. STATING IT WAS IN THE POST AND HE HAD AN EMAIL FROM LICENCING DEPARTMENT STATING HE HAD A TEMPORARY ONE IN PLACE. PC HOLT STATED ~~XXXXXXXXXX~~ SEEMED UNDER THE INFLUENCE OF ALCOHOL AND STATED HIS BROTHER WINTER WAS MANAGING THE PUB THAT EVENING

25



# Devon & Cornwall Police

Mr David McCabe  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

Telephone: 01803 218900

28 June 2017

Dear Sir

**The Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

I would draw your attention to my previous letter to you, dated 9 June 2017, in which I refer to there being an increase in crimes and logs recorded in respect of your premises. Mrs Smart has advised me that since writing to you your premises has come to her attention on a number of occasions. As a result of this she and Sgt Mike Norsworthy (Licensing Sergeant for Devon) attended the Jolly Judge at approximately 1530 hours yesterday afternoon, Tuesday 27 June 2017, where they met with your Designated Premises Supervisor, Mr Winter Frost, to discuss their concerns. During discussions it was established that you lease the premises to Mr Frost and his brother, [REDACTED]. I would now draw your attention to the below matters:

**Thursday 25 May 2017**

Your application to the Vary the DPS to Mr Winter Frost was accepted by Torbay Council.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice



**Friday 26 May 2017**

An incident occurred between 2300 and 2330 hrs which is believed to have been of a domestic nature. As a result of this incident a male was bitten to the shoulder and punched in the face (CR/040965/17 refers) and a 17 year old female was pushed (CR/040967/17 refers). The suspect has been interviewed by the police during which he indicates that he consumed about 17 jager bombs at your premises. He said that he and his partner had a verbal argument within the pub which resulted in them going upstairs to the flat above the pub where the argument continued. Mr Frost and [REDACTED] were both present during this argument and the suspect and [REDACTED] ended up having a tussle. Enquiries into these matters are continuing.

**Saturday 17 June 2017**

Telephone call received by the police at 2342 hrs from a female who indicated that she had been threatened with a gun. This female said that she was singing karaoke within the premises when other persons starting 'booing' her. She said that a female then grabbed her around her throat and tried to strangle her. A male then came along and said "If you don't leave I've got a gun, a baracka upstairs and I'm not afraid to use it". She indicated that the male who threatened her was working behind the bar.

Police attended and spoke to [REDACTED]. As a result of their discussions they were satisfied that there was no firearm at the premises and noted that the female was heavily intoxicated. Log DCP-20170617-1266 refers.

**Tuesday 20 June 2017**

Telephone call received by the police at 1952 hours from Mr Frost who indicated that he had received threats directed at his brother. Mr Frost said that the male making the threats had left the premises but came back asking for his brother and said that he wants him at the premises within an hour, when he will return and that if his brother wasn't at the premises at that time "You don't know what is going to happen".

As the male who made the threats was no longer at the premises, the police did not attend. Log DCP-20170620-0954 refers.

**Tuesday 20 June 2017**

Telephone call received by the police at 2115 hours from a female who indicated that a potential breach of the peace was about to occur. The female stated that outside your premises one male was shouting at another. It was established that one of these parties was Mr [REDACTED]. Police did not attend, but requested the Town Centre CCTV Room to monitor the incident. We were advised shortly after that both parties had separated and walked off. Log DCP-20170620-1070 refers.

**Sunday 25 June 2017**

Telephone call received by the police at 0335 hours by a male who indicated that he had just been evicted from the premises after being man-handled by bar staff and he raised concerns regarding a female still inside. This male alleged that the premises were having a lock-in and were still serving alcohol after 0300 hours. The male was advised to contact the police when sober if he wished to make a complaint of assault and the log was tagged for the attention of the Licensing Department and then closed. Log DCP-20170625-0180 refers.

**Tuesday 27 June 2017**

Telephone call received by the police at 0326 hours by a male complaining of noise from the premises. He indicated that he had walked to the premises where the music was "blazing". He said that a very drunk male answered the door and started kicking off. This male took the phone off of the reporting person whilst the police call taker was on the phone and he started making threats to the caller. The caller managed to get away but was quite scared as the male was acting in an aggressive manner and made threats to beat him up in the morning. Log DCP-20170627-0095 and CR/051532/17 refer.

All the above matters were discussed with your DPS, Mr Frost, who was aware of all these incidents with the exception of the incident during the early hours of Tuesday 27 June 2017. In respect of the allegation of after-hours drinking at the premises, Mr Frost stated that this took place within the private accommodation of the premises. In respect of the incident on 27 June 2017 Mr Frost said that he had stayed at his girlfriends for the night but his brother would have been at the premises.

It was pointed out to Mr Frost that the majority of the above incidents appear to involve his brother, [REDACTED]. He was therefore advised to discuss the police concerns with [REDACTED] and he was informed that we hope to see an improvement in the management of the premises.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that you lease your premises to persons who you consider are suitable to run a licensed premises in such a way so as to promote the Licensing Objectives and that the DPS is also suitable for such a role. I would therefore recommend that you give further consideration to this.

As Premises Licence Holder I would also remind you that it is your responsibility to ensure that your premises is run in accordance with the hours and conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Due to the concerns raised above, your premises is

28

now classed as a Target Premises and as such it will be subject to increased monitoring by police officers and my Police Licensing Department. I must advise you that should further incidents come to my attention I may consider applying for a Review of your Premises Licence, but I hope that you will take positive action in respect of the concerns raised and that this course of action will not be necessary.

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

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

Yours faithfully



Superintendent M Lawler  
Alliance Prevention Department

29



# Devon & Cornwall Police

Mr Winter Frost  
Designated Premises Supervisor  
The Jolly Judge  
168-170 Union Street  
TORQUAY  
TQ2 5QP

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

Telephone: 01803 218900

28 June 2017

Dear Sir

**The Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

My Police Licensing Officer, Mrs Julie Smart, has advised me of an increase in the number of complaints recorded at your premises since you took over as DPS. As a result of this she and Sgt Mike Norsworthy (Licensing Sergeant for Devon) attended the Jolly Judge at approximately 1530 hours yesterday afternoon, Tuesday 27 June 2017, where they met with you to discuss their concerns. During discussions it was established that you and your brother, Mr [REDACTED], jointly lease the premises from Mr David McCabe. I would now draw your attention to the below matters:

**Thursday 25 May 2017**

Mr McCabe's application for you to be nominated as DPS was accepted by Torbay Council.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice

DC\_Police



**Friday 26 May 2017**

An incident occurred between 2300 and 2330 hrs which is believed to have been of a domestic nature. As a result of this incident a male was bitten to the shoulder and punched in the face (CR/040965/17 refers) and a 17 year old female was pushed (CR/040967/17 refers). The suspect has been interviewed by the police during which he indicates that he consumed about 17 jager bombs at your premises. He said that he and his partner had a verbal argument within the pub which resulted in them going upstairs to the flat above the pub where the argument continued. You and [REDACTED] were both present during this argument and the suspect and [REDACTED] ended up having a tussle. Enquiries into these matters are continuing.

**Saturday 17 June 2017**

Telephone call received by the police at 2342 hrs from a female who indicated that she had been threatened with a gun. This female said that she was singing karaoke within the premises when other persons starting 'booing' her. She said that a female then grabbed her around her throat and tried to strangle her. A male then came along and said "If you don't leave I've got a gun, a baracka upstairs and I'm not afraid to use it". She indicated that the male who threatened her was working behind the bar.

Police attended and spoke to Mr [REDACTED]. As a result of their discussions they were satisfied that there was no firearm at the premises and noted that the female was heavily intoxicated. Log DCP-20170617-1266 refers.

**Tuesday 20 June 2017**

Telephone call received by the police at 1952 hours from you indicating that you had received threats directed at your brother. You said that the male making the threats had left the premises but came back asking for your brother and said that he wants him at the premises within an hour, when he will return and that if your brother wasn't at the premises at that time "You don't know what is going to happen".

As the male who made the threats was no longer at the premises, the police did not attend. Log DCP-20170620-0954 refers.

**Tuesday 20 June 2017**

Telephone call received by the police at 2115 hours from a female who indicated that a potential breach of the peace was about to occur. The female stated that outside your premises one male was shouting at another. It was established that one of these parties was Mr [REDACTED]. Police did not attend, but requested the Town Centre CCTV Room to monitor the incident. We were advised shortly after that both parties had separated and walked off. Log DCP-20170620-1070 refers.

**Sunday 25 June 2017**

Telephone call received by the police at 0335 hours by a male who indicated that he had just been evicted from the premises after being man-handled by bar staff and he raised concerns regarding a female still inside. This male alleged that the premises were having a lock-in and were still serving alcohol after 0300 hours. The male was advised to contact the police when sober if he wished to make a complaint of assault and the log was tagged for the attention of the Licensing Department and then closed. Log DCP-20170625-0180 refers.

**Tuesday 27 June 2017**

Telephone call received by the police at 0326 hours by a male complaining of noise from the premises. He indicated that he had walked to the premises where the music was "blazing". He said that a very drunk male answered the door and started kicking off. This male took the phone off of the reporting person whilst the police call taker was on the phone and he started making threats to the caller. The caller managed to get away but was quite scared as the male was acting in an aggressive manner and made threats to beat him up in the morning. Log DCP-20170627-0095 and CR/051532/17 refer.

All the above matters were discussed with you and you indicated that you were aware of all these incidents with the exception of the incident during the early hours of Tuesday 27 June 2017. In respect of the allegation of after-hours drinking at the premises, you stated that this took place within the private accommodation of the premises. In respect of the incident on 27 June 2017 you said that you had stayed at your girlfriends for the night but your brother would have been at the premises.

It was pointed out to you that the majority of the above incidents appear to involve your brother, [REDACTED]. You were therefore advised to discuss the police concerns with your brother and you were informed that we hope to see an improvement in the management of the premises.

As Designated Premises Supervisor I would also remind you that it is your responsibility to ensure that your premises is run in accordance with the hours and conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Due to the concerns raised above, your premises is now classed as a Target Premises and as such it will be subject to increased monitoring by police officers and my Police Licensing Department. I must advise you that should further incidents come to my attention I may consider applying for a Review of the Premises Licence, but I hope that you will take positive action in respect of the concerns raised and that this course of action will not be necessary.

32

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

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

Yours faithfully



Superintendent M Lawler  
Alliance Prevention Department



# Alcohol / Licensing Information Form

File No.:	Computer URN:	Minute No.:
-----------	---------------	-------------

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. 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: 03/09/2017 Time: 1900-2200
OIS Ref.: DCP-20170902-0858	Crime No.: CR/75169, 75173 & 75494/17
Name of premises (where applicable): JOLLY JUDGE	
Address: 168-170 Union Street, Torquay TQ2 5QP, England	

**Brief summary / action taken:**

Designated Premises Supervisor (DPS) on the premises?  Yes  No

Name of DPS (or person in charge if no DPS): Tygor EASTON, 16/01/1979

Helpful  Unhelpful  Obstructive Other:

Police were called to a report of a domestic incident where the offender for a criminal damage and common assault had fled the scene and was suspected to have gone to the Jolly Judge. Police attended and spoke to [REDACTED] who initially appeared to be helpful. He told officers that the suspect ([REDACTED]) had come to the pub, washed his hands and then climbed out of a window and left the premises via the rear gate. He showed officers this supposed route and a cursory look around part of the upstairs to the premises and then officers left. He suggested that he knew [REDACTED] but not that well. Further address checks were conducted nearby and information was received that [REDACTED] and [REDACTED] were actually best friends. Officers returned to the Jolly Judge and a thorough search was conducted of the premises. [REDACTED] was reluctant to let offices into parts of the property, there were lots of locked doors and confusing spaces. Whilst officers were searching [REDACTED] appeared onto HIGHER UNION LANE( cont...)

Submitted by: Name: \_\_\_\_\_ Force No.: \_\_\_\_\_  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Officers present at inspection:**

13650, 15378, 16141, 15259

# Licensed Premises Visit Checklist

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

### Administration:

- 1. Premises Licence (summary displayed)?  Yes  No  
(It should be displayed in the public area)
- 2. 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:
- 5. Radio system in use?  Yes  No
- 6. Tables / glasses kept tidy?  Yes  No
- 7. Any smoking inside premises?  Yes  No

### Public Nuisance:

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

### Protection of Children:

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

### Any other information:

(...) from the back gate of the JOLLY JUDGE. He was challenged by officers and fled back into the pub grounds. He fled onto roofs of the properties nearby which caused a large scale emergency services incident involving thousands of pounds of equipment including negotiators, helicopter, HART ambulance teams and Fire brigade. He was eventually talked down and subsequently dealt with for breaching CBO. [REDACTED] has been harbouring him. Officers made [REDACTED] aware that he would likely be dealt with for obstruct police

The premises has also been reported to Fire as there are concerns regarding the exit points for residents.

35

SharePoint

Newsfeed OneDrive Sites SMART Julie 50403 ⚙ ?

Force Licensing Team > Licensing Items – Active > Jolly Judge Torquay

Item Type Other  
 Prem Name Jolly Judge Torquay  
 Date Rec'd 02/08/2017  
 Date Due  
 Event Start Date  
 Event End Date  
 Submitting Officer SMART Julie 50403  
 Applicant Surname  
 Applicant First Name  
 Proposed DPS Surname  
 Proposed DPS First Name  
 Prem Street Union Street  
 Prem District  
 Prem Town Torquay  
 Prem County Devon  
 Prem Postcode  
 Premises risk rating  
 Hub Location EAST - Exeter  
 Logic outcome Fail  
 Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Complaint received via Mandy Guy re noise, rooms being sub-let, smell of cannabis and removal of a wall.

Comments

- SMART Julie 50403 (27/09/2017 11:40):  
 Telephone message received from Mr McCabe in which he advises that he has served a notice on ██████████ but as he is a resident he needs to get a County Court Possession Order in order to evict him. He didn't say whether this applies to Winter Frost (the DPS) also. However, he did say that ██████████ and Winter do not have permission to trade from the premises.  
  
 No further action to be taken at the current time however I will continue to keep an eye on the premises.
- SMART Julie 50403 (20/09/2017 11:33):  
 L10 received re an incident at premises where it appears that ██████████ was intentionally harbouring a wanted male from the police.

36

I have researched the logs and crimes covering the period I have been on leave and there are several for this premises.

[REDACTED]

[REDACTED] this crime indicates that Mr McCabe has evicted 'them', ie Easton and Frost.

I have discussed this matter with Karl Martin who indicated that Frost attended the council offices whilst I was on leave and indicated that he wouldn't be opening for the foreseeable future, until his brother had left. I drove past the premises yesterday afternoon at about 3.30 pm but it was closed.

I will contact Mr McCabe to establish the current situation from him.

■ SMART Julie 50403 (24/08/2017 09:25):

Visited premises at approximately 4.30 pm on Tuesday 22/08/17 with Karl Martin. On approach there were about 8 people outside in the seating area drinking but all appeared in order. On entering the premises was very busy with about 20 people in there. Again all appeared in order. On speaking to the barman Mr Frost was not present so we left the premises. On getting back in the car both Karl and myself discussed the type of customer in the premises and the fact that we both felt intimidated and uneasy in there.

■ SMART Julie 50403 (11/08/2017 12:19):

I put this premises on Briefing for the weekend of 4th and 5th August 2017, and also sent an email to Lee Collings so that he can try to deal with the non-licensing issues. I discussed this matter with Lee at the beginning of the week and I've given him Mr McCabe's contact details. The premises were also discussed at the fortnightly licensing meeting and Insp Jenkinson will ask officer to pay attention to this premises.

Sgt Norsworthy attended the premises on 05/08/17. Customers were 7 minutes late leaving and he noticed that they were making a lot of noise and not being told to leave quietly by staff. Copy emails attached.

Visit tasked	NO
LA Time Taken	
LO Time Taken	60
Item Briefed	Briefing Done
Representation/Objection	No
Hearing	No
Status	COMPLETE
Attachments	Jolly Judge Email from Mandy with details of a complaint .msg LICENSING BRIEFING FOR WEEKEND OF 45 AUGUST 2017.msg Licensing Visits Sat 5th August Torquay Email from Sgt Norsworthy.msg

SMART Julie 50403

From: Guy, Mandy <mandy.guy@torbay.gcsx.gov.uk>  
Sent: 26 February 2018 16:55  
To: david mccabe; davidedwardst  
Cc: SMART Julie 50403  
Subject: Jolly Judge

Dear Mr McCabe and Mr Edwards,

I write with reference to the visit by myself and Milly Sunley, Licensing Support Officer on the 8th February carried out in the presence of Mr Edwards. As requested by Mr Edwards I have listed below what was discussed and also provided and update on what has been completed.

During the visit we handed over 3 letters to Mr Edwards. Two of these were addressed to Mr McCabe and referred to the premises licence requiring updating with Mr Edwards correct address and the second included an application for a gaming machine permit. The third letter for Mr Edwards referred to the personal licence address requiring updating.

With regards to the incorrect addresses it is an offence under section 33 and 127 of the Licensing Act 2003 not to inform the Licensing Authority of the changes. We have now received the updated details for the premises licence and I hope Mr Edwards had informed the Licensing Authority who issued his personal licence of the changes.

At the time of the visit there were 3 gaming machines at the premises, two of which were turned on. We were informed the third machine had been sold. As there was no current gaming notification at the premises Mr Edwards was asked to turn off the machines until the application had been completed and submitted by Mr McCabe. I can confirm the gaming notification is now in place and I understand the third machine has been removed from the premises. Should you wish to have three machines at the premises in the future you will need to apply to have a gaming machine permit. However if you remain with two machines there is no need to do anything further unless the licence holder changes.

During the visit we also went through the licence conditions with Mr Edwards. There was not a copy of the up to date licence on display at the premises, the licence on display was a photocopy of the previous licence dated 21 June 2017. Now a new licence has been sent after you updated the address details you must ensure the summary is on display. The rest of the licence, or a certified copy, must also be available on the premises at all times. Section 57 Licensing Act 2003. You should ensure that both of you are aware of the conditions of this licence and comply with them.

There was no refusals register at the premises. A refusal register should be provided as part of your age verification policy, annexe 1, point 5 of your premises licence.

Although you had a CCTV system which appeared to be working at the time of our visit Mr Edwards was not aware how to operate it. As the DPS of the premises it is important that Mr Edwards is able to operate the CCTV system.

I have copied Julie Smart from Police Licensing into this email for her information.

If you have any questions regarding this email or the licence please do not hesitate to come back to me.

Kind regards

Mandy



38



# Devon & Cornwall Police

Mr David McCabe

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

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

Telephone: 01803 218900

16 July 2018

Dear Sir

Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP

I am writing to you in your capacity of Premises Licence Holder of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

At 2221 hrs on Friday 22 June 2018 police received a phone call from a person who reported that there was a large group of approximately 20 people fighting outside your premises, and that 2 individuals were unconscious on the floor.

At 2228 hrs police officers arrived at the scene and it was established that the fight emanated from a party at your premises, as your manager called [REDACTED] was leaving. As a result of that incident two individuals have reported that they were assaulted during the fight, CR/55521/18 and CR/060639/18 refer.

At 2145 hrs on the evening of Saturday 30 June 2108 Mrs Julie Smart, my Police Licensing Officer, attended your premises in the company of PC Mike Haworth and Mr Karl Martin, Public Protection Officer of Torbay Council. At that time your Designated Premises Supervisor, Mr Dave Edwards, was present, although he indicated that he was not working, and he stated that his manager, [REDACTED], was on duty.

PC Haworth asked Mr Edwards and [REDACTED] to produce the full copy of the Premises Licence, however they were unable to do so.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice

DC Police  
**Page 64**



██████████ showed Mrs Smart and Mr Karl a CCTV monitor, situated in an area behind the kitchen. He explained that they are having an additional monitor installed behind the bar and a company called Tamar Gaming would be attending the premises in due course to install this.

Mrs Smart discussed the above fight with Mr Edwards and ██████████ however they both stated that they were not on duty at the time. Mrs Smart informed Mr Edwards that she would forward him details of the date and time of the incident in order that the relevant CCTV footage could be downloaded to assist with the police investigation.

At 1300 hrs on Monday 2 July 2018 Mrs Smart sent Mr Edwards the below text message:

*"Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know when it is ready for collection. Thanks Julie Smart Police Licensing."*

At 1410 hrs on Monday 16 July 2018, as Mrs Smart had not heard from your DPS, she rang him and asked him whether the CCTV footage was ready for collection. Mr Edwards informed Mrs Smart that Tamar Gaming had been to the premises to install the new monitor and they had wiped all footage from the hard drive, including the footage for this incident.

I am extremely disappointed to hear that, despite being advised of the date and time of this incident on the Monday following Mrs Smart's visit, Mr Edwards did not download this footage before any changes to the system were made. I am sure that if he had advised Tamar Gaming of the importance of this footage, they would have downloaded it for him or ensure that it was retained on the hard drive.

I would take this opportunity to remind you a condition contained within Annexe 2 "General" of your Premises Licence which states "CCTV must be provided and maintained in good working order". Whilst I accept that your licence does not require you to provide the police with footage when requested, I am of the opinion that where a premises has a CCTV system which is referred to within the licence, it is appropriate that the police receive footage whenever requested. I am therefore not satisfied that your premises is currently meeting the Licensing Objective, "The Prevention of Crime and Disorder". I therefore request that you apply for a minor variation to remove the existing CCTV condition and replace with the below condition by no later than Monday 6 August 2018:

*A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate to the satisfaction of the police and throughout all times the premises are open to the public, with monitors behind the bar and a recording system. All recordings must*

*be kept for a minimum of 14 days, during which time the police shall have access and be provided within downloaded images within 7 days of any request. The premises must ensure that they have sufficient disks or memory sticks available for this purpose at the premises at all times.*

As it appears that your licence has not been updated for some time, I would also request that you add the below conditions to your licence, within the same minor variation, as I am not satisfied with the existing conditions in relation to the Protection of Children from Harm:

*The premises shall operate a Challenge 25 Policy and any person who appears under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.*

*No persons under the age of 18 years shall be on the premises after 2100 hours except when consuming a table meal with an appropriate adult, in which case they shall leave the premises by no later than 2200 hours.*

During Mrs Smart's telephone conversation with Mr Edwards on 16 July 2018 he told her that he had discussed the absence of the Premises Licence with you, but to date you have not sent him the licence.

I would take this opportunity to advise you that failing to produce the full copy of the Premises Licence, or a certified copy, is an offence under Section 57 of the Licensing Act 2003, and a person found guilty of such an offence is liable to a fine not exceeding level 2 on the standard scale. I hope that you will take immediate action in respect of this matter.

As Premises Licence Holder I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further incidents of this nature come to my attention, or your fail to apply for the minor variation as requested, I shall consider applying for a Review of your Premises Licence but I hope that this will not be necessary.

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

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

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



41



# Devon & Cornwall Police

Mr Dave Edwards  
Designated Premises Supervisor  
The Jolly Judge  
168-170 Union Street  
TORQUAY  
TQ2 5QP

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

Telephone: 01803 218900

16 July 2018

Dear Sir

**Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

At 2221 hrs on Friday 22 June 2018 police received a phone call from a person who reported that there was a large group of approximately 20 people fighting outside your premises, and that 2 individuals were unconscious on the floor.

At 2228 hrs police officers arrived at the scene and it was established that the fight emanated from a party at your premises, as your manager called [REDACTED] was leaving. As a result of that incident two individuals have reported that they were assaulted during the fight, CR/55521/18 and CR/060639/18 refer.

At 2145 hrs on the evening of Saturday 30 June 2108 Mrs Julie Smart, my Police Licensing Officer, attended your premises in the company of PC Mike Haworth and Mr Karl Martin, Public Protection Officer of Torbay Council. At that time you were present, although you indicated that you were not working, but your manager, [REDACTED] was on duty.

PC Haworth asked you and [REDACTED] to produce the full copy of the Premises Licence, however you were unable to do so.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC\_Police



[redacted] showed Mrs Smart and Mr Karl a CCTV monitor, situated in an area behind the kitchen. He explained that you are having an additional monitor installed behind the bar and a company called Tamar Gaming would be attending the premises in due course to install this.

Mrs Smart discussed the above fight with you and [redacted] however you both stated that you were not on duty at the time. Mrs Smart informed you that she would forward you details of the date and time of the incident in order that the relevant CCTV footage could be downloaded to assist with the police investigation.

At 1300 hrs on Monday 2 July 2018 Mrs Smart sent you the below text message:

*"Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know when it is ready for collection. Thanks Julie Smart Police Licensing."*

At 1410 hrs on Monday 16 July 2018, as Mrs Smart had not heard from you, she rang you and asked you whether the CCTV footage was ready for collection. You informed Mrs Smart that Tamar Gaming had been to the premises to install the new monitor and they had wiped all footage from the hard drive, including the footage for this incident.

I am extremely disappointed to hear that, despite being advised of the date and time of this incident on the Monday following Mrs Smart's visit, you did not download this footage before any changes to the system were made. I am sure that if you had advised Tamar Gaming of the importance of this footage, they would have downloaded it for you or ensured that it was retained on the hard drive.

I would take this opportunity to remind you a condition contained within Annexe 2 "General" of your Premises Licence which states "CCTV must be provided and maintained in good working order". Whilst I accept that your licence does not require you to provide the police with footage when requested, I am of the opinion that where a premises has a CCTV system which is referred to within the licence, it is appropriate that the police receive footage whenever requested. I am therefore not satisfied that your premises is currently meeting the Licensing Objective, "The Prevention of Crime and Disorder". I have therefore requested that Mr McCabe, your Premises Licence Holder, applies for a minor variation to remove the existing CCTV condition and replace with the below condition by no later than Monday 6 August 2018:

*A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate to the satisfaction of the police and throughout all times the premises are open to the public, with monitors behind the bar and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided within downloaded images within 7 days of any request. The premises must ensure that they have sufficient disks or memory sticks available for this purpose at the premises at all times.*

As it appears that your licence has not been updated for some time, I would also request that you add the below conditions to your licence, within the same minor variation, as I am not satisfied with the existing conditions in relation to the Protection of Children from Harm:

*The premises shall operate a Challenge 25 Policy and any person who appears under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.*

*No persons under the age of 18 years shall be on the premises after 2100 hours except when consuming a table meal with an appropriate adult, in which case they shall leave the premises by no later than 2200 hours.*

During Mrs Smart's telephone conversation with you on 16 July 2018 you told her that you have discussed the absence of the Premises Licence with Mr McCabe but to date you have not been sent the licence.

I would take this opportunity to advise you that failing to produce the full copy of the Premises Licence, or a certified copy, is an offence under Section 57 of the Licensing Act 2003, and a person found guilty of such an offence is liable to a fine not exceeding level 2 on the standard scale. I hope that you will take immediate action to ensure the Premises Licence is located at the premises.

As Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further incidents of this nature come to my attention, or Mr McCabe fails to apply for the minor variation as requested, I shall consider applying for a Review of your Premises Licence but I hope that this will not be necessary.

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

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

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



44

SharePoint

Newsfeed

OneDrive

Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items – Active > Jolly Judge Torquay

Item Type L10  
 Prem Name Jolly Judge Torquay  
 Date Rec'd 25/06/2018  
 Date Due  
 Event Start Date 22/06/2018 22:20  
 Event End Date  
 Submitting Officer SMART Julie 50403  
 Applicant Surname  
 Applicant First Name  
 Proposed DPS Surname  
 Proposed DPS First Name  
 Prem Street Union Street  
 Prem District  
 Prem Town Torquay  
 Prem County Devon  
 Prem Postcode  
 Premises risk rating  
 Hub Location EAST - Exeter  
 Logic outcome Fail  
 Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary Log 1061 22/06/18 and CR/55521/18 refer to a large fight involving 20 persons, with 2 being knocked unconscious.

Comments ■ SMART Julie 50403 (15/08/2018 09:04):

The minor variation has now been received and it is in accordance with the agreement between myself and Mr McCabe. No further action required.

■ SMART Julie 50403 (06/08/2018 11:49):

Telephone call received from David McCabe who did not want a condition that no under 18's could be in the premises after 2100 hrs as he sometimes attends with his daughter, but he proposed no under 18's in there after 2200 hrs which I have agreed with him. He further indicated that in relation to the CCTV system, the company who installed the system now have a system that means they store all recorded footage so he does not anticipate future CCTV issues. He said that he will now submit the minor variation.

45

■ SMART Julie 50403 (25/07/2018 09:31):

[REDACTED]

■ SMART Julie 50403 (24/07/2018 08:25):

Telephone call received from [REDACTED] He said that he and his brother John are running [REDACTED] the premises and he apologised for the lack of CCTV blaming it and the incident on the previous management of the pub, despite Mr Edwards and he being there when I discussed the matter on 30 June 2018. He said that his uncle John is going to do the BII exam but Mr Edwards will remain as DPS for the time being. He said in relation to the minor variation he is happy to do so and I told him that he needs to speak to Mr Edwards and Mr McCabe as they are responsible for the premises and Mr McCabe will need to submit the application.

■ SMART Julie 50403 (16/07/2018 15:55):

I have checked the above crime and linked crime, and enquiries are still on-going. I have rung Dave Edwards and asked him if the CCTV is ready but he told me that Tamar Gaming deleted all footage when they upgrading the CCTV system. I find that hard to believe as I was informed that they were only installing a monitor behind the bar. I asked Dave if he knows the [REDACTED] who may have been involved in the fight and he said he was the previous manager, but he doesn't have a contact number for him, and he told me that [REDACTED] will have his name and number.

I asked if [REDACTED] was still leasing the premises from Mr McCabe and Dave said he isn't involved in the business anymore and that [REDACTED] now leases the premises from Mr McCabe.

I have updated the crimes CR/55521/18, 60639/18 and 55646/18 re lack of CCTV and provided [REDACTED] telephone number.

I have sent letters to the PLH and DPS re this fight, the lack of CCTV and failure to produce the Premises Licence. I have requested Mr McCabe the PLH to submit a minor variation before Monday 6 August 2018 to remove the existing CCTV condition and replace with a more suitable one, and to

46

include 2 further conditions re under 18's as I do not feel that this is an appropriate premises for them to be in after 2100 hrs. Copies of the letters have been sent to Gary O'Shea and Mandy Guy. Copy attached.

Will now wait to see if the minor variation is submitted.

■ SMART Julie 50403 (09/07/2018 11:22):

To date no response received from Dave Edwards regarding my text message.

■ SMART Julie 50403 (02/07/2018 14:02):

I attended this premises at 2145 hrs on the evening of Saturday 30 June 2018 in the company of Pc Mike Haworth and Karl Martin. DPS Dave Edwards was present, and duty manager was [REDACTED]. Discussed this incident and Dave stated that it was [REDACTED] the manager's last day and he knew something had happened but he wasn't at the premises. [REDACTED] showed us the CCTV hard drive and monitor which has been relocated within the premises. He told us Tamar Gaming are going to put in a monitor behind the bar to aid supervision and I told him that I was happy about that. I asked whether any police officer had been in contact with regard to the CCTV and was advised that they hadn't heard from anyone. I informed Dave that I would let him know the date and time of the incident so that they could download the footage.

I have now sent the below text message to Dave

"Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know when it is ready for collection. Thanks Julie Smart Police Licensing".

At the time of my visit, PC Haworth asked to see the Premises Licence but this could not be produced.

I have updated the crime with the above information.

I will now await contact from the DPS and view CCTV when it is available.

As the Premises Licence could not be produced I will send a letter to the DPS/PLH and if further issues are identified I will include this with the letter. A further concern in relation to this premises is the fact that [REDACTED] leases the premises from Mr McCabe and I have recently applied for a Review in respect of his other premises, The Terrace Bar.

■ SMART Julie 50403 (25/06/2018 14:57):

Crime indicates that there are 2 victims, both were very much in drink and there is no CCTV of the incident. The manager of the Jolly Judge indicated that it was the victims who were causing problems. Initially the victim [REDACTED] was uncooperative with police and did not want matter progressed but his mother, [REDACTED], wished to pursue her complaint. On 25/06/18 [REDACTED] rang police to indicate that they now both want the matter investigated. Crime indicates that she advised police that [REDACTED] was

47

assaulted by the landlord [REDACTED] and [REDACTED] stated she was  
floored by 3 unknown females.

Visit tasked NO

LA Time Taken

LO Time Taken 60

Item Briefed

Representation/Objection No

Hearing No

Status COMPLETE

Attachments JOLLY JUDGE EMAIL TO TORBAY COUNCIL WITH  
LETTERS RE INCIDENT AND LACK OF CCTV .msg  
JOLLY JUDGE MINOR VARIATION.msg

Version: 8.0

Created at 25/06/2018 14:57 by SMART Julie 50403

Last modified at 15/08/2018 09:04 by SMART Julie 50403

PRINTING

Close

**SMART Julie 50403**

**From:** MCCLURE Edward 15762  
**Sent:** 15 September 2018 02:51  
**To:** Licensing Team  
**Cc:** RICHARDS Tamzin 16120  
**Subject:** Jolly Judge, Torquay

**Categories:** [REDACTED]

Good Morning,

I am just letting you know about log 1071-14092018 which was a report of an assault at THE JOLLY JUDGE, TORQUAY.

The assault was a fairly minor common assault between two drunk parties. The issues identified at the premises though were that the Suspect was stood behind the bar. From speaking with the DPS, an elderly chap called JOHN JAMES SAMPSON (Tel: [REDACTED]), he initially told me that as he is elderly and has a liver condition he doesn't drink himself so he spends the evening 'OUT THE FRONT DRINKING TEA' and that he had not witnessed anything. I asked the DPS about the Suspect being behind the bar and he said that he doesn't work there but sometimes collects glasses.

JOHN said that he has put the money into purchasing the pub but that it is his Nephew [REDACTED] who is supposed to be running it but that he was not there. JOHN was unable to play the CCTV to show us what had happened. Whilst we were making out enquiries [REDACTED] woke up and came down to the Pub as he lives in the flat above, he was very angry about what had been happening in the Pub and was co-operative with Police.

He showed us the CCTV of the incident which showed that the Suspect was behind the bar serving people and drinking himself, contrary to what JOHN had told us. The Suspect was behind the bar with a female with [REDACTED] identified as his Sister but he told us that she should not have been behind the bar either. There did not appear to be any other Staff on in the Pub and it was just them helping themselves. The Suspect was obviously incredible drunk but had been behind the bar serving other customers.

We pressed on ANDREW about what a state the Pub was as there did not appear to be anyone in charge and there was just lots of drunken people helping themselves. We informed him that we would be making this report to yourselves.

Kind Regards,

**PC 5762 Ed McClure**  
**Torquay Police Station**  
Best ways to contact Devon and Cornwall Police  
In person: Police Enquiry Offices  
In an emergency always call 999

Figure 1

Figure 2

Figure 3

49

## SMART Julie 50403

---

**From:** BRATCHER Abigail 17041  
**Sent:** 13 October 2018 06:40  
**To:** Licensing East  
**Cc:** BOWDEN Victoria 17159  
**Subject:** Jolly Judge - Torquay

**Categories:** Kim

Hi

PC 7159 BOWDEN completed a Licensing check at the above location at 2300 hours on 12/10/18. The DPS [REDACTED] was intoxicated at the time of the visit. He had a license holder present, David Owen EDWARDS, BPL No 0677 which was issued on 20/12/10. His brother John SAMPSON also claimed to be a License holder although he did not have his license to show officers.

The copy of the license was on the wall although it was a black and white copy.

Also of note, shortly after the visit to Jolly Judge officers were called to [REDACTED] where two people were assaulted.

Thanks

PC 7041 Abigail BRATCHER

B Section | Torquay Response | Devon and Cornwall Police

☎ Telephone: 101

✉ Email: [abigail.bratcher@devonandcornwall.pnn.police.uk](mailto:abigail.bratcher@devonandcornwall.pnn.police.uk)



50

**SMART Julie 50403**

---

**From:** HARVEY Robert 17016  
**Sent:** 22 October 2018 22:57  
**To:** Licensing Team  
**Subject:** Jolly Judge pub in Torquay

**Categories:** Vicki

Good evening,

I pulled outside of the Jolly Judge pub in Torquay yesterday to check some CCTV across the road,

As I did I saw a male forcibly ejecting male from the pub.

On entering the pub it transpired the ejected male had slapped his ex partner.

There were only 5 or 6 people inside the pub however on initially entering no-one behind the bar.

After a couple of minutes an older male called – John SAMPSON arrived.

He initially couldn't remember the DPS name and had to be reminded by a patron that it was 'eddy'.

There just generally seemed no control and no-one in charge.

I don't believe this is the first report about the issues around who is in charge of the pub,

Kind regards,

PC 7016 Rob HARVEY  
Torquay Police Station - C Section Response



DEVON & CORNWALL  
CONSTABULARY

17016@devonandcornwall.pnn.police.uk drink

21/10/18 1845 hrs.  
CR/98432/18  
recorded.  
Common Ass: both  
parties heavily in  
drink



51

## SMART Julie 50403

---

**From:** HAZLEWOOD Jenny 17097  
**Sent:** 25 October 2018 00:37  
**To:** Licensing East  
**Subject:** Log 921 24/10/18

**Categories:** Vicki

Hi,

Could I make you aware of the above log? It was attended by PC DYMOND-TOOZE, PC CORBIDGE, PC LABAJO and myself.

Police were called to this log after a report of a 20 person fight which had spilled out into the street.

On arrival, there was no fight in the street, but we went inside the pub (which was closed but contained about 25 people drinking inside) and there was evidence there had been a physical altercation.

There were numerous people who were highly intoxicated, there was a female who had some facial injuries, but she refused to engage with police and just kept repeating, 'I PAY YOUR WAGES'. People were stating there had been a fight, but no one wanted to give us any further details.

The owner was located and the DPS. Eventually found one person who could work the CCTV, so this was reviewed by police. A fight was viewed on the footage with between 10-15 people involved. It was just one big melee really, with pockets of fighting throughout the pub.

There was a female outside the pub (who had been previously drinking inside) who was asleep outside the pub after drinking too much. She couldn't walk, speak or function as she was too drunk.

Aware that this has is another one of numerous incidents at the JOLLY JUDGE of late.

Body worn cameras were used for this and I believe the officers who were utilising this are going to try to send you the footage.

Kind regards,  
Jenny

Jenny Hazlewood  
PC 17097  
C Section  
Devon and Cornwall Police



52



# Devon & Cornwall Police

Mr D McCabe  
[REDACTED]  
[REDACTED]  
[REDACTED]

Licensing Department  
Devon and Cornwall Police  
Police Station  
South Street  
TORQUAY TQ2 5AH

Telephone: 01803 218900

6 November 2018

Dear Sir

**Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Premises Licence Holder of the above named premises which has the benefit of Premises Licence Number PL0429, issued by Torbay Council.

At 11.00 am on Thursday 1 November 2018, you attended Torquay Police Station, in the company of Mr David Edwards (DPS of the Jolly Judge) and Mr John Sampson (leaseholder of the Jolly Judge), where you met with Inspector Ian Stevens (Torquay Sector Inspector) and Mrs Julie Smart (Police Licensing Officer).

Mrs Smart asked you to state your role at the premises and you advised her that you are the freeholder. Mr Edwards said that he is employed by Mr Sampson as the DPS and he said that Mr John Sampson leases the premises from Mr McCabe.

Mrs Smart gave yourself and Mr Edwards copies of a document she had prepared in relation to police concerns in respect of your premises. She ran through this document with you, stating that it is apparent that there is a lack of management and control at the premises. A copy of this document is attached for your information.

Mr Edwards said that from now on he will be at the premises on Friday and Saturday nights to make sure that there are no further incidents. Mrs Smart pointed out that not all the incidents have occurred on Friday and Saturday nights and firm management is required whenever the premises are open. She also told him that he should have been

### Contact the police

Emergency 999

Non-emergency ☎ [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk) 101

Follow us [DevonAndCornwallPolice](https://www.facebook.com/DevonAndCornwallPolice)

[DC\\_Police](https://twitter.com/DC_Police)



The Government Standard  
Stock code: SFG15

managing the premises in a more responsible manner since the day he took over as DPS. Mr Edwards accepted this and assured Mrs Smart and Insp Stevens that the premises will be better managed in the future.

Mr Edwards raised concerns regarding drinks promotions available at other licensed premises in the area which he believed had led to an increase of incidents at the Jolly Judge. Mrs Smart told Mr Edwards that the police will deal with any issues arising from those premises, but that he needs to focus his attention on the management of his premises and take greater responsibility for assessing the suitability of individuals to enter and purchase alcohol.

Mr Sampson said that he had completed his BII Personal Licence Course and would be obtaining a Personal Licence from Torbay Council. I can confirm that a check of the Torbay Council Licensing Public Register shows that this has now been granted. It was confirmed that [REDACTED] who also works at the premises, does not hold a Personal Licence and Insp Stevens suggested that it would be a good idea for [REDACTED] to also undertake some training. You indicated that you support this course of action.

Insp Stevens warned yourself and Mr Edwards that you should consider this meeting as a final warning and he told you that should any further incidents occur, which raise concerns in respect of the management of the premises, the police will apply for a Review of your licence, but we hope that that course of action would not be necessary.

Mrs Smart pointed out to you that since you took over as Premises Licence Holder in October 2015 our records show that there has been an increase in the amount of crime recorded at your premises, coupled with an increase in police logs (calls to the police from members of the public) thus increasing the demand for police attendance. You were advised that should a Review be applied for, this information will form part of our evidence.

Mrs Smart further advised you that should Mr Edwards leave the role as DPS in the future, you should take steps to ensure that any person leasing the premises or nominated as the DPS has experience of managing a licensed premises and you must be satisfied that he/she is suitable to carry out this role.

Insp Stevens advised you that your premises will be closely monitored by police officers, not only to identify any further concerns at the premises but to support Mr Edwards and his staff in sending out a message that inappropriate behaviour by customers will not be tolerated.

54

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

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

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

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



JOLLY JUDGE, TORQUAY

DATE	PLH	DPS	CONCERN
27/11/17	David McCabe	David Edwards	Vary DPS application to Mr Edwards.
08/02/17			<p>Mandy Guy of Torbay Council visited premises. She handed 3 letters to Mr Edwards – 2 were for Mr McCabe and referred to the premises licence requiring updating with Mr Edwards correct address and the 2<sup>nd</sup> included an application for a gaming machine permit. The 3<sup>rd</sup> letter for Mr Edwards referred to his Personal Licence address requiring updating. Warned re them committing offences under Section 33 and 127 of the LA 2003. Three gaming machines in premises, despite there being no gaming machine notification for premises. Advised they could only have 2 under a notification and they would have to get rid of one of them. No copy of Premises Licence at premises, licence on display was a photocopy – offences under section 57 of LA 2003. No refusals register which should be being used as part of age verification policy. CCTV working but Mr Edwards didn't know how to use it. All these matters contained in an email Mrs Guy sent to Mr McCabe and Mr Edwards.</p> <p>As a result of this visit, Mrs Guy told Mrs Smart that Mr Edwards had become DPS because he was homeless and been told that he would live in a flat above premises if he went on the licence as DPS.</p>
22/06/18			Log 1062 of 22/06/18. Large fight, 20 persons involved, with 2 people being knocked unconscious.
30/06/18			Julie Smart attended premises with PC Mike Haworth and Karl Martin. Mr Edward's present, together with new manager [REDACTED]. No concerns identified and Mrs Smart said would send Mr Edwards a message of date and times required

			for them to produce the CCTV. Text message sent.
16/07/18			No contact received from Mr Edwards. Julie Smart rang him and discussed CCTV. He said that the footage had been deleted by a company installing a monitor behind the bar!! Asked what [REDACTED] involvement was at the premises and Mr Edwards advised that [REDACTED] now leases premises from Mr McCabe. Letters sent to Mr McCabe and Mr Edwards re issues since 22/06/18 and requesting minor variation to strengthen CCTV condition and prohibit under 18's in premises after 2100 hrs.
24/07/18			Telephone call received from [REDACTED] He said he and his brother were going to be running the premises. He apologised for lack of CCTV. He said his uncle John would be doing the Bill course and become DPS but Mr Edwards would remain until this takes place. Mrs Smart requested a minor variation of licence to improve CCTV condition and restrict times children allowed in premises. Mr McCabe rang Mrs Smart on 06/08/18 and did not want a condition that no under 18's could be in premises after 2100 hrs but agreed on 2200 hrs.
25/07/18			Safeguarding concerns raised re child living at premises
14/09/18			Log 1071 14/09/18 assault between two drunk parties. Suspect was stood behind the bar. Officers spoken to an elderly male called John Sampson who said he was the DPS. He said that he is elderly and has a liver condition so he doesn't drink and spends the evening 'out the front drinking tea' and that he hadn't witnessed anything. He was asked about the suspect being behind the bar and said that he doesn't work at the premises but sometimes collects glasses. John was unable to play the CCTV. Whilst

			officers were making enquiries [redacted] came down to the pub from his flat above, he was very angry about what had been happening and was co-operative with police. He showed officers the CCTV which showed the suspect behind the bar serving people and drinking himself contrary to what John had told them. The suspect was behind the bar with a female who [redacted] identified as his sister but he told police that she should not have been behind the bar either. There didn't appear to be any staff on duty just people helping themselves. The suspect was 'incredibly drunk' but behind the bar serving customers.
12/10/18			Officers carried out routine visit to premises. [redacted] who was believed to be the DPS was intoxicated. Mr Edwards was present. John Sampson was claiming to be the licence holder although he did not have a licence to show them. There was a copy of the licence on the wall but this was black and white.
21/10/18			CR/98432/18 crime report in relation to an assault at premises where both parties were heavily in drink.
22/10/18			Officer was outside the Jolly Judge dealing with another matter when he saw a male being forcibly ejected from the pub. He went in and it transpired that the ejected male had slapped his ex-partner. There were only 5 to 6 people in the pub but initially on entering there was no one behind the bar. A male called John Sampson then arrived. He initially couldn't remember the name of the DPS and was reminded by a customer that it was 'Eddy'. Officer commented that "generally seemed no control and no one in charge".
24/10/18			Report received re log 921 24/10/18 which was reported as 20 persons

			<p>fighting which spilled out onto the street. 4 officers attended. On arrival no fight in street but when they went inside (about 25 people drinking therein) there was evidence that there had been a physical altercation. Numerous people were highly intoxicated and a female with some facial injuries but she refused to engage with police. People stated there had been a fight but no one wanted to give further details. The 'owner' was located and the DPS. Eventually officers found one male who could operate CCTV so this was viewed and showed a fight involving 10-15 people. It was just one big melee with pockets of fighting throughout the pub. There was a female outside the pub (who had previously been drinking inside) and she was asleep outside having been drinking too much. She couldn't walk, speak or function as she was so drunk.</p>
27/10/18			<p>Log 0875 of 27/10/18. At 2228 hrs 999 call received from someone inside premises saying that there was a male being aggressive and causing issues and this male was looking for trouble. Officers attended and male left the area.</p>
27/10/18			<p>Log 0897 of 27/10/18. At 2249 hrs 999 call received re it 'kicking off' in premises with loud males shouting, arguing and fighting. Call taker could hear a disturbance in the background and the caller was trying to be discrete asking for police attendance. Officers arrived and a member of staff identified a male who had been causing issues but nobody would actually state what the issues were. Male and his partner were asked to leave.</p>
30/10/18			<p>Police attended premises with Mr Rob Kelly of Torbay Council housing team and due to concerns requested attendance of fire service. Fire Prohibition Notice served on flats above premises. Mr Edwards</p>

59

			made comments to officers that he wasn't being paid to be DPS, but was allowed to live above free of charge.
--	--	--	--



60



# Devon & Cornwall Police

Mr David Edwards  
Designated Premises Supervisor  
Jolly Judge  
170 Union Street  
TORQUAY  
TQ2 5QP

Licensing Department  
Devon and Cornwall Police  
Police Station  
South Street  
TORQUAY TQ2 5AH

Telephone: 01803 218900

6 November 2018

Dear Sir

**Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP**

I am writing to you in your capacity of Designated Premises Supervisor of the above named premises which has the benefit of Premises Licence Number PL0429, issued by Torbay Council.

At 11.00 am on Thursday 1 November 2018, you attended Torquay Police Station, in the company of Mr David McCabe (Premises Licence Holder of the Jolly Judge) and Mr John Sampson (leaseholder of the Jolly Judge), where you met with Inspector Ian Stevens (Torquay Sector Inspector) and Mrs Julie Smart (Police Licensing Officer).

Mrs Smart asked Mr McCabe to state his role at the premises and he advised her that he is the freeholder. You then said that you are employed by Mr Sampson as the DPS and you said that Mr John Sampson leases the premises from Mr McCabe.

Mrs Smart gave yourself and Mr McCabe copies of a document she had prepared in relation to police concerns in respect of your premises. She ran through this document with you, stating that it is apparent that there is a lack of management and control at the premises. A copy of this document is attached for your information.

You said that from now on you will be at the premises on Friday and Saturday nights to make sure that there are no further incidents. Mrs Smart pointed out that not all the incidents have occurred on Friday and Saturday nights and firm management is required whenever the premises are open. She also told you that you should have

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice

DC Police



been managing the premises in a more responsible manner since the day you took over as DPS. You accepted this and assured Mrs Smart and Insp Stevens that the premises will be better managed in the future.

You then raised concerns regarding drinks promotions available at other licensed premises in the area which you believe have led to an increase of incidents at the Jolly Judge. Mrs Smart told you that the police will deal with any issues arising from those premises, but that you need to focus your attention on the management of your premises and take greater responsibility for assessing the suitability of individuals to enter and purchase alcohol.

Mr Sampson said that he had completed his BII Personal Licence Course and would be obtaining a Personal Licence from Torbay Council. I can confirm that a check of the Torbay Council Licensing Public Register shows that this has now been granted. It was confirmed that Mr Andrew Sampson, who also works at the premises, does not hold a Personal Licence and Insp Stevens suggested that it would be a good idea for Mr Andrew Sampson to also undertake some training. Mr McCabe indicated that he supports this course of action.

Insp Stevens warned yourself and Mr McCabe that you should consider this meeting as a final warning and he told you that should any further incidents occur, which raise concerns in respect of the management of the premises, the police will apply for a Review of your licence, but we hope that that course of action would not be necessary.

Insp Stevens advised you that your premises will be closely monitored by police officers, not only to identify any further concerns at the premises but to support you and your staff in sending out a message that inappropriate behaviour by customers will not be tolerated.

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

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

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

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



63

JOLLY JUDGE, TORQUAY

DATE	PLH	DPS	CONCERN
27/11/17	David McCabe	David Edwards	Vary DPS application to Mr Edwards.
08/02/17			<p>Mandy Guy of Torbay Council visited premises. She handed 3 letters to Mr Edwards – 2 were for Mr McCabe and referred to the premises licence requiring updating with Mr Edwards correct address and the 2<sup>nd</sup> included an application for a gaming machine permit. The 3<sup>rd</sup> letter for Mr Edwards referred to his Personal Licence address requiring updating. Warned re them committing offences under Section 33 and 127 of the LA 2003. Three gaming machines in premises, despite there being no gaming machine notification for premises. Advised they could only have 2 under a notification and they would have to get rid of one of them. No copy of Premises Licence at premises, licence on display was a photocopy – offences under section 57 of LA 2003. No refusals register which should be being used as part of age verification policy. CCTV working but Mr Edwards didn't know how to use it. All these matters contained in an email Mrs Guy sent to Mr McCabe and Mr Edwards.</p> <p>As a result of this visit, Mrs Guy told Mrs Smart that Mr Edwards had become DPS because he was homeless and been told that he would live in a flat above premises if he went on the licence as DPS.</p>
22/06/18			Log 1062 of 22/06/18. Large fight, 20 persons involved, with 2 people being knocked unconscious.
30/06/18			Julie Smart attended premises with PC Mike Haworth and Karl Martin. Mr Edward's present, together with new manager Andrew Sampson. No concerns identified and Mrs Smart said would send Mr Edwards a message of date and times required



			for them to produce the CCTV. Text message sent.
16/07/18			No contact received from Mr Edwards. Julie Smart rang him and discussed CCTV. He said that the footage had been deleted by a company installing a monitor behind the bar!! Asked what [REDACTED] involvement was at the premises and Mr Edwards advised that [REDACTED] now leases premises from Mr McCabe. Letters sent to Mr McCabe and Mr Edwards re issues since 22/06/18 and requesting minor variation to strengthen CCTV condition and prohibit under 18's in premises after 2100 hrs.
24/07/18			Telephone call received from [REDACTED]. He said he and his brother were going to be running the premises. He apologised for lack of CCTV. He said his uncle John would be doing the BII course and become DPS but Mr Edwards would remain until this takes place. Mrs Smart requested a minor variation of licence to improve CCTV condition and restrict times children allowed in premises. Mr McCabe rang Mrs Smart on 06/08/18 and did not want a condition that no under 18's could be in premises after 2100 hrs but agreed on 2200 hrs.
25/07/18			Safeguarding concerns raised re child living at premises
14/09/18			Log 1071 14/09/18 assault between two drunk parties. Suspect was stood behind the bar. Officers spoken to an elderly male called John Sampson who said he was the DPS. He said that he is elderly and has a liver condition so he doesn't drink and spends the evening 'out the front drinking tea' and that he hadn't witnessed anything. He was asked about the suspect being behind the bar and said that he doesn't work at the premises but sometimes collects glasses. John was unable to play the CCTV. Whilst



			officers were making enquiries [redacted] came down to the pub from his flat above, he was very angry about what had been happening and was co-operative with police. He showed officers the CCTV which showed the suspect behind the bar serving people and drinking himself contrary to what John had told them. The suspect was behind the bar with a female who [redacted] identified as his sister but he told police that she should not have been behind the bar either. There didn't appear to be any staff on duty just people helping themselves. The suspect was 'incredibly drunk' but behind the bar serving customers.
12/10/18			Officers carried out routine visit to premises. [redacted] who was believed to be the DPS was intoxicated. Mr Edwards was present. John Sampson was claiming to be the licence holder although he did not have a licence to show them. There was a copy of the licence on the wall but this was black and white.
21/10/18			CR/98432/18 crime report in relation to an assault at premises where both parties were heavily in drink.
22/10/18			Officer was outside the Jolly Judge dealing with another matter when he saw a male being forcibly ejected from the pub. He went in and it transpired that the ejected male had slapped his ex-partner. There were only 5 to 6 people in the pub but initially on entering there was no one behind the bar. A male called John Sampson then arrived. He initially couldn't remember the name of the DPS and was reminded by a customer that it was 'Eddy'. Officer commented that "generally seemed no control and no one in charge".
24/10/18			Report received re log 921 24/10/18 which was reported as 20 persons

			fighting which spilled out onto the street. 4 officers attended. On arrival no fight in street but when they went inside (about 25 people drinking therein) there was evidence that there had been a physical altercation. Numerous people were highly intoxicated and a female with some facial injuries but she refused to engage with police. People stated there had been a fight but no one wanted to give further details. The 'owner' was located and the DPS. Eventually officers found one male who could operate CCTV so this was viewed and showed a fight involving 10-15 people. It was just one big melee with pockets of fighting throughout the pub. There was a female outside the pub (who had previously been drinking inside) and she was asleep outside having been drinking too much. She couldn't walk, speak or function as she was so drunk.
27/10/18			Log 0875 of 27/10/18. At 2228 hrs 999 call received from someone inside premises saying that there was a male being aggressive and causing issues and this male was looking for trouble. Officers attended and male left the area.
27/10/18			Log 0897 of 27/10/18. At 2249 hrs 999 call received re it 'kicking off' in premises with loud males shouting, arguing and fighting. Call taker could hear a disturbance in the background and the caller was trying to be discrete asking for police attendance. Officers arrived and a member of staff identified a male who had been causing issues but nobody would actually state what the issues were. Male and his partner were asked to leave.
30/10/18			Police attended premises with Mr Rob Kelly of Torbay Council housing team and due to concerns requested attendance of fire service. Fire Prohibition Notice served on flats above premises. Mr Edwards

67

			made comments to officers that he wasn't being paid to be DPS, but was allowed to live above free of charge.
--	--	--	--



SMART Julie 50403

From: HARVEY Robert 17016  
Sent: 10 December 2018 23:39  
To: Licensing Team  
Cc: STEVENS Ian 15440  
Subject: Jolly Judge in Torquay

Categories: [REDACTED]

Hello Licensing,

We attended the Jolly Judge pub in Torquay last night – Log 679 of 10/12/18

The report alleged that [REDACTED] and [REDACTED] had been fighting in the pub

On arrival the pub only contained [REDACTED] and 2 other unknown males playing pool, the older male called John who is usually behind the bar was also present.

Broken glass was being swept up by [REDACTED] who I believe is in charge?

[REDACTED] had left the pub and was arrested for breaching an order a short time later.

From watching the CCTV which [REDACTED] allowed us to view it showed a fight breaking out between [REDACTED] and one of the males playing pool resulting in him having ripped clothing.

[REDACTED] tried to break the fight up and while John went out to ring the police.

Whilst he was absent from behind the bar [REDACTED] went around and helped herself to what looked like some spirit.

[REDACTED] was then grabbed by [REDACTED] and pulled to the floor resulting in a further fight with the unknown male as he came to defend [REDACTED]

[REDACTED] was extremely drunk when he was arrested he would have certainly been very intoxicated when he would have been served drinks in the Jolly Judge

There is a family link I believe with [REDACTED] and [REDACTED] which im not 100% sure of, but the attitude seemed to be that they could do what they liked which maybe a hangover from [REDACTED] and [REDACTED] having gained/quickly lost the license for the [REDACTED]

[REDACTED] was helpful in allowing us to view the CCTV and was keen to co-operate and mentioned the problems that the Jolly Judge has had – I am unsure if he was present during the initial fracas however I believe not.

I submitted an email a few weeks ago about disorder in the same pub and felt it was chaotic and out of control, I had the same feeling on attending this evening.

Kind regards,

A/PS 7016 Rob HARVEY



69



**DEVON & CORNWALL**  
**CONSTABULARY**

✉ [17016@devonandcornwall.pnn.police.uk](mailto:17016@devonandcornwall.pnn.police.uk)



JOLLY JUDGE CRIMES 2016 TO 14/10/2018

2018 x 7

CR/098748/18	24/10/2018 23:30	25/10/2018 00:15	COMMON ASSAULT
CR/098432/18	21/10/2018 18:45	21/10/2018 18:50	COMMON ASSAULT
CR/085141/18	14/09/2018 23:00	14/09/2018 23:05	ASSAULT BY BEATING
CR/055521/18	22/06/2018 22:22	22/06/2018 22:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/060639/18	22/06/2018 22:22	22/06/2018 22:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/055646/18	22/06/2018 22:22	22/06/2018 22:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/030149/18	10/04/2018 00:35	10/04/2018 00:45	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM

2017 x 12

CR/099228/17	14/11/2017 17:10	14/11/2017 17:15	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/079227/17	11/09/2017 00:00	11/09/2017 23:59	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/074634/17	28/08/2017 00:01	31/08/2017 23:59	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/053968/17	29/06/2017 22:00	29/06/2017 23:00	HARASSMENT - BREACH OF A RESTRAINING ORDER ON CONVICTION
CR/051532/17	27/06/2017 03:20	27/06/2017 03:30	USE THREATENING/ABUSIVE/INSULTING WORDS/BEHAVIOUR WITH INTENT TO CAUSE FEAR/PROVOKE VIOLENCE
CR/040965/17	26/05/2017 23:00	26/05/2017 23:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/040967/17	26/05/2017 23:00	26/05/2017 23:30	COMMON ASSAULT
CR/055786/17	10/05/2017 18:54	10/05/2017 19:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/055788/17	10/05/2017 18:45	10/05/2017 19:00	USE THREATENING / ABUSIVE / INSULTING WORDS / BEHAVIOUR TO CAUSE HARASSMENT / ALARM / DISTRESS
CR/035784/17	10/05/2017 18:45	10/05/2017 19:00	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/013326/17	22/02/2017 16:15	22/02/2017 16:45	BREACH A CRIMINAL BEHAVIOUR ORDER
CR/021216/17	22/02/2017 16:15	22/02/2017 16:30	OBSTRUCT / RESIST A CONSTABLE IN EXECUTION OF DUTY

2016 x 5

CR/074802/16	21/10/2016 16:05	21/10/2016 16:05	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/056984/16	15/08/2016 22:00	16/08/2016 13:30	BURGLARY DWELLING - WITH INTENT TO STEAL
CR/038750/16	11/06/2016 22:45	11/06/2016 22:47	COMMON ASSAULT
CR/001073/16	05/01/2016 13:00	05/01/2016 13:30	ASSAULT A PERSON THEREBY OCCASIONING THEM ACTUAL BODILY HARM
CR/001092/16	05/01/2016 13:00	05/01/2016 13:30	COMMON ASSAULT

97



**2015 x 3**

CR/064510/15	15/09/2015 14:45	15/09/2015 16:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/021507/15	29/03/2015 23:00	30/03/2015 03:27	BURGLARY DWELLING - WITH INTENT TO STEAL
CR/003769/15	16/01/2015 16:35	16/01/2015 17:40	COMMON ASSAULT

**2014 x 1**

CR/064766/14	11/01/2014 20:00	11/01/2014 21:00	THEFT - OTHER - INCLUDING THEFT BY FINDING
--------------	------------------	------------------	--

**2013 x 2**

CR/108447/13	27/08/2013 21:00	27/08/2013 21:10	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - BUILDING NOT DWELLING
CR/066791/13	22/02/2013 18:00	30/06/2013 09:00	THEFT - OTHER - INCLUDING THEFT BY FINDING

**2012 x 2**

CR/116422/12	18/11/2012 01:00	18/11/2012 11:53	THEFT - OTHER - INCLUDING THEFT BY FINDING
CR/064747/12	25/04/2012 21:30	25/04/2012 22:57	COMMON ASSAULT

P

**2011 x 1**

CR/009033/11	21/10/2011 22:20	21/10/2011 22:25	THEFT - OTHER - INCLUDING THEFT BY FINDING
--------------	------------------	------------------	--

1

**2010 x 1**

CR/064344/10	03/03/2010 20:45	03/03/2010 20:48	COMMON ASSAULT
CR/070828/10	09/02/2010 18:30	09/02/2010 18:45	CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER

**2009 x 1**

CR/072450/09	02/05/2009 21:20	02/05/2009 21:25	COMMON ASSAULT
--------------	------------------	------------------	----------------

**2008 x 1**

CR/079651/08	06/04/2008 00:01	06/04/2008 08:30	CRIMINAL DAMAGE TO PROPERTY UNDER £5000 - OTHER
--------------	------------------	------------------	---

**2007 x 1**

CR/091689/07	25/10/2007 23:30	26/10/2007 03:15	DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - BUILDING NOT DWELLING
--------------	------------------	------------------	--



2006 x 1

CR/091213/06

04/02/2006 03:45

04/02/2006 04:05

DESTROY / DAMAGE PROPERTY OF A VALUE UNKNOWN - BUILDING NOT DWELLING

72



**THE JOLLY JUDGE**

**LOGS AT THE PREMISES SINCE 22/11/12**

DATE & TIME	LOG NO	DAY	DESCRIPTION OF INCIDENT
<b>2012 x 2</b>			
22/11/12 1447 hrs	0533	Thurs	Aggressive male ejected from premises but caused problems outside. Male eventually left area.
31/12/12 2306 hrs	0811	Mon	Report of a fight. Police attended. No other information available.
<b>2013 X 4</b>			
17/05/13 1609 hrs	0555	Fri	Concern for a drunk male covered in blood who was outside premises, but not served. Police attended and male was at bus stop waiting to go home.
22/05/13 2340 hrs	0915	Wed	Male kicking back door. Police attended. Male had left prior to police arrival.
27/08/13 2112 hrs	0979	Tues	Male with a knife at premises. Criminal damage caused to the pub and male was making threats to kill. Police attended but male had left area.
29/08/13 2150 hrs	1018	Tues	Male assaulted. He said he went to pub and was told that he was barred. He alleged that he was dragged out of pub and thrown to the floor where he was kicked repeatedly. Enquiries revealed that no crime had taken place and male was offender in relation to Log 0979.
<b>2014 X 3</b>			
23/04/14 1820 hrs	0599	Wed	Ambulance requested assistance with male who needed assistance and was seriously intoxicated, and had fallen over outside the premises. Officers assisted. No information in relation to where this male had been drinking.
20/09/14 2226 hrs	1015	Sat	Report of underage drinking at premises. Matter referred to Licensing.
29/11/14 1600 hrs	0596	Sat	Member of staff at premises reported that she was receiving unwanted texts from a person.
<b>2015 X 7</b>			
01/01/15 0808 hrs	0537	Thurs	Caller assaulted by girlfriend, said his head was bleeding. Police arrival and female seen within premises, lying on floor unresponsive, she eventually got up. Male opened door and said he did not wish to pursue a complaint of assault. Domestic incident.

16/01/15 1641 hrs	0423	Fri	Female member of staff reported her boyfriend had taken her keys and stolen her phone. Domestic related incident.
30/03/15 0329 hrs	0052	Mon	Caller had been out for evening, but returned to pub and found a computer had been stolen and the till open with paperwork scattered on the floor.
29/04/15 1731 hrs	0518	Wed	Female refusing to leave. Female eventually left area.
27/07/15 1832 hrs	0660	Mon	Female in premises complaining that male is taunting her. Police attended and dealt with matter.
27/07/15 1900 hrs	0685	Mon	Duplicate call re above matter.
05/08/15 1459 hrs	0458	Wed	Further call re above matter which was an on-going issue.

**2016 X 16**

05/01/16 1632 hrs	0493	Tues	Problems with a female kicking off in the pub. Staff managed to get female out and barred her.
02/02/16 1537 hrs	0461	Tues	Suspect for theft was at premises. Police attended and deal with matter.
25/02/16 1258 hrs	0336	Thurs	Breach of bail. Reporting person was in premises and a person who was stalking her followed her in breach of his bail condition. Female left and went home.
15/04/16 0125 hrs	0038	Fri	Caller of neighbouring property reported youths outside shouting and screaming. Caller also made complaint re noise from premises.
14/05/16 2304 hrs	1069	Sat	Staff reported ex-landlord threatening to smash pub up. Male left area prior to police arrival.
03/06/16 1944 hrs	0789	Fri	Caller reported that there might be disorder later that night as staff were having a problem with ex-landlord who was refusing to leave the flat above the premises.
23/06/16 1735 hrs	0701	Thurs	Reporting person is staff at premises and reported that he was receiving threatening texts.
16/07/16 0006 hrs	0007	Sun	Female assaulted. Offender left premises.
11/07/16 0052 hrs	0038	Mon	Staff contacted CCTV as there were noises coming from managers flat but the manager was away and had not given permission to anyone to go up there.
25/07/16 1554 hrs	0607	Mon	Alleged sexual assault. Officers dealt with matter.
16/08/16 1435 hrs	0511	Tues	Burglary overnight.
03/11/16 2307 hrs	0844	Thurs	Silent 112 call. Sound of music in background. Call taker kept ringing back and landlord eventually advised that all was in order and attendance was not required.
06/11/16 2027 hrs	0671	Sun	Male and female having an argument. Male arrested.
15/11/16 2016 hrs	0745	Tues	Male threatening staff. Police attended and male arrested for possession of a bladed article.
26/11/16 1654 hrs	0673	Sat	Staff reported suspected drink driver.
27/12/16 2218 hrs	0831	Tues	Caller was at premises and spoke to a steward, advising them that she was looking for her partner who had left the home address and had mental health issues. Steward contacted police.

**2017 X 16**

20/01/17 0010 hrs	0009	Fri	Male detained. No further information available.
22/02/17 1617 hrs	0520	Wed	Female at premises causing nuisance. Arrested for breach of Criminal Behaviour Order.
28/03/17 1836 hrs	0648	Tues	Fight at premises. Landlord dealt with matter and police attendance not required.
26/04/17 0007 hrs	0006	Wed	Male feeling suicidal. Police attended and dealt with matter.
06/05/17 1300 hrs	0397	Sat	Report of missing person. Male eventually located and was ok.
10/05/17 1900 hrs	0764	Wed	Landlord assaulted. Male dealt with.
20/05/17 0143 hrs	0077	Sat	Fire alarms sounding.
17/06/17 2342 hrs	1266	Sat	Threats with a gun. Police attended and dealt with matter.
20/06/17 1952 hrs	0954	Tues	Reports of threats to brother. Police did not attend.
20/06/17 2115 hrs	1070	Tues	Potential breach of peace, 2 males arguing and shouting. Both parties eventually left area.
23/08/17 1554 hrs	0673	Wed	Male holding a knife outside pub. Police attended. Not as thought, male was assisting person next door who had locked himself out to try to get into premises.
05/09/17 2210 hrs	0995	Tues	Males pulled up in car and were banging on the pub door, shouting and making a lot of noise. Police attended but no one there.
30/09/17 0329 hrs	0158	Sat	Person passing premises reported that a male kicked the door open and a male and female then went inside. Pub was closed but it was established that [redacted] was living above premises and had entered as described, he showed police a tenancy agreement indicating his right of entry.
15/10/17 1852 hrs	0817	Sun	[redacted] reported that landlord had changed the locks and he had to kick the door in to gain entry.
15/10/17 1852 hrs	0818	Sun	Report that ex-tenant had turned up and kicked doors in. Landlord said that he hadn't heard from his tenant for 2 weeks so assumed he had left and changed locks.
23/10/17 1548 hrs	0529	Mon	Mr Frost rang police complaining that his brother had re-opened the pub after being evicted and was selling alcohol whilst not covered by the licence. Referred to licensing.

**2018 X 13**

27/03/18 1610 hrs	0516	Tues	Concern for welfare of an individual believed to be at premises. Male not at premises.
10/04/18 0109 hrs	0047	Tues	Female rang 999 but difficult to understand what she was saying. No further information available.
16/06/18 2120 hrs	0894	Sat	Female asking for police, said she wants to kill herself. The female had been in the premises and landlord had kicked her out after she tried to slit her wrists. Landlord was laughing in background. Police attended and dealt with the female. Whilst they were there the landlord was laughing excessively loudly very close to this female.
13/10/18 1725 hrs	0764	Sat	Male refusing to leave. Established male left and attendance was not required.

12

14/10/18 2040 hrs	0945	Sun	Female said that a male had tried to strangle her. Female stated that landlord was drunk. Female was heavily intoxicated. She stated that [redacted] is her brother and he grabbed her by the throat and threw her out of the pub. Officers attended and gave the female advice. [redacted] spoken to and CCTV viewed. Officers stated he was a little in drink but he said he wasn't working but he had been asked to go in and remove some rowdy family members. Officers said CCTV showed the female being guided out using reasonable force.
24/10/18 2322 hrs	0921	Wed	Caller reported 20 plus people fighting in premises and using pool cues. The fight spilled out onto the street. Officers attended and people sent on their way. CCTV watched and shows an assault and "there was stuff going on everywhere".
27/10/18 2228 hrs	0875	Sat	Male at premises being aggressive and causing issues. Male was just leaving as police arrived. He was told to leave the area.
27/10/18 2249 hrs	0897	Sat	Duplicate call as above.
03/11/18 0931 hrs	0296	Sat	Concern re welfare of a child.
20/11/18 2309 hrs	0911	Tues	Caller reported a female about to drink drive. Police attended and spoke to female who was working in premises. She was not in drink and there were no concerns.
09/12/18 2347 hrs	1015	Sun	Male caller stating that a male was being aggressive at premises and police were needed. Police attended. Male outside extremely drunk and agitated making it very difficult to communicate. He claimed that someone had taken his house keys and a mobile phone which was left on the bar.
10/12/18 0005 hrs	0009	Mon	Drunk male as above back outside wanting his keys and threatening people. CCTV monitored and male eventually left.
10/12/18 1758 hrs	0681	Mon	Report that male had assaulted his girlfriend and another male. Police attended and told a male and female to leave. These were same persons in premises on 27/10/18. Concerns re lack of control passed to Licensing.



# Devon & Cornwall Police

Licensing Department  
Torbay Council  
C/O Torquay Town Hall  
Castle Circus  
TORQUAY  
TQ1 3DR

Licensing Department  
Devon and Cornwall Police  
Police Station  
South Street  
TORQUAY TQ2 5AH

Telephone: 01803 218900

10 January 2019

Dear Sir/Madam

## Application for a Review of the Premises Licence at The Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP

I refer to the Review application submitted by Mrs Smart at 1303 hours on Friday 14 December 2018. I would take this opportunity to advise you that immediately after Mrs Smart served the Review application on the Premises Licence Holder, Mr McCabe, and all Responsible Authorities, she became aware of an application to appoint Mr Dave Edwards (the DPS of the Jolly Judge) as the DPS of another licensed premises within Torquay.

Later that day Mrs Smart was informed by Miss Milly Sunley (Torbay Council Licensing Team) that she had received a vary DPS application in respect of the Jolly Judge, however the form was not correctly completed and it was therefore rejected.

On Wednesday 19 December 2018 the police received a vary DPS application in respect of the Jolly Judge in which Mr McCabe nominated Mr John Sampson as DPS. Mrs Smart subsequently objected to this application on the grounds that Mr Sampson has been responsible for the management of the Jolly Judge since at least 30 June 2018 and since that date there have been numerous incidents and concerns in relation to the unsatisfactory management of this premises.

As Mr McCabe attended Torquay Police Station on 1 November 2018 and received a copy of the Review application at 1303 hours on Friday 14 December 2018, he would have been fully aware of the police concerns in relation to the management of his premises by Mr Sampson when he submitted his application to Torbay Council. However he does not appear to have taken any of this into consideration when

Contact the police

Emergency 999

Non-emergency  [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

 101@dc.police.uk  101

Follow us  DevonAndCornwallPolice

 DC\_Police

 DCPolice



The Government Standard  
Stock code 5F615

assessing Mr Sampson's suitability to be DPS.

Please find attached a copy of our objection to the application to nominate Mr Sampson as the DPS. I would be grateful if you could include this with our Review application and supporting documents.

Should you require any further information or assistance, please do not hesitate to contact my Licensing Officer, Mrs Julie Smart, on telephone number 01803 218900.

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



## Devon & Cornwall Police

Licensing Department  
Torbay Council  
C/O Torquay Town Hall  
Castle Circus  
TORQUAY  
TQ1 3DR

Licensing Department  
Devon and Cornwall Police  
Police Station  
South Street  
TORQUAY TQ2 5AH

Telephone: 01803 218900

20 December 2018

Dear Sir/Madam

### Application to Vary the Designated Premises Supervisor in respect of The Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP

I refer to an application to Vary the DPS of the above named premises into the name of Mr John Sampson. This application was submitted by Mr David McCabe, the Premises Licence Holder, on 19 December 2018. The applicants have requested this application to have immediate effect.

The proposed DPS, Mr John Sampson, is known to Mrs Julie Smart, my Police Licensing Officer. She has informed me that Mr Sampson leases the Jolly Judge from Mr McCabe and information suggests that he has been involved in the management of this premises since at least 30 June 2018. I can advise you that on 14 December 2018 the police applied for a Review of the Premises Licence in respect of the Jolly Judge as the Prevention of Crime and Disorder Licensing Objective is not being met.

I will now detail below all the incidents and police concerns regarding the Jolly Judge since Mr Sampson has been involved in its management:

At 2145 hrs on the evening of Saturday 30 June 2018 Mrs Smart attended the Jolly Judge in the company of PC Mike Haworth and Mr Martin. The former DPS, Mr Edwards, was present together with a male he introduced as the manager. This male is Mr [REDACTED], Mr John Sampson's nephew. Mrs Smart discussed an incident with Mr Edwards and he stated that it occurred on a previously manager's last day and he knew something had happened but he wasn't at the premises at the time. Mr [REDACTED] showed Mrs Smart the CCTV hard drive and monitor which had been relocated within the premises. He told Mrs Smart that Tamar Gaming were going

#### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@dc.police.uk 101

Follow us DevonAndCornwallPolice

DC\_Police

DCPolice



to be put in a monitor behind the bar to aid supervision and Mrs Smart told him that she was happy about that. Mrs Smart asked if a police officer had been in contact with regards to the CCTV of the incident and was advised that they hadn't heard from anyone. Mrs Smart informed Mr Edwards that she would let him know the date and time of the incident so that he could download the footage.

At 1300 hrs on 2 July 2018 Mrs Smart sent Mr Edwards a text message as follows "Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know what it is ready for collection. Thanks Julie Smart Police Licensing".

On 9 July 2018 Mrs Smart noted that she had not received any response from Mr Edwards as a result of my text message.

On 16 July 2018 Mrs Smart telephoned Mr Edwards and asked him if the CCTV was ready but he told her that Tamar Gaming had deleted all footage when they upgraded the CCTV system. Mrs Smart asked Mr Edwards if he knows the previous manager who may have been involved in the fight and he said he knew him, but he didn't have a contact number for him.

On 16 July 2018 a letter was sent to Mr Edwards concerning the incident on 22 June 2018. Pages 1-3.

On 24 July 2018 Mr [REDACTED], who Mrs Smart met on 30 June 2018, rang her and apologised for failing to provide the CCTV that she requested on 2 July 2018. He said that he and his uncle, Mr John Sampson, were leasing the premises from the Premises Licence Holder but that Mr Edwards would remain as DPS.

On 15 September 2018 Mrs Smart received an email from PC 15762 McClure concerning an assault at the Jolly Judge (Log 1071 of 14/09/18). PC McClure states that the assault was a fairly minor common assault between two drunk parties. The issues identified at the premises though were that the suspect was stood behind the bar. Officers spoke to someone they believed to be the DPS, an elderly chap called Mr John James Sampson. He told officers that, as he is elderly and has a liver condition, he doesn't drink himself so he spends the evening "out the front drinking tea" and that he had not witnessed anything. PC McClure asked him about the suspect being behind the bar and he said that he doesn't work there but sometimes collects glasses.

Mr John Sampson said that he has put the money into purchasing the pub but that it is his nephew, [REDACTED], who was supposed to be running it but he was not there. He was unable to play the CCTV. Whilst the officers were making their enquiries Mr [REDACTED] woke up and came down to the pub as he lives in the

flat above. He was very angry about what had been happening and was co-operative with police.

Mr [REDACTED] showed the officers the CCTV which showed the suspect behind the bar serving people and drinking himself, contrary to what Mr John Sampson had told them. The suspect was behind the bar with a female who Mr [REDACTED] identified as his sister, but he told officers that she should not have been behind the bar either. There did not appear to be any other staff in the pub and it was just them helping themselves. PC McClure states that the suspect was obviously incredibly drunk but had been behind the bar serving other customers. PC McClure's email is at page 4.

On 13 October 2018 Mrs Smart received a report from PC 17041 Bratcher who had completed a licensing check at the premises at 2300 hours on 12 October 2018. At that time Mr [REDACTED], who she believed to be the DPS, was intoxicated. Mr Edwards, the DPS, was also present and showed officers his Personal Licence. Mr John Sampson also claimed to be a licence holder but he did not have his licence to show officers. A copy of the premises licence was on the wall although it was a black and white copy. PC Bratcher's report is contained at page 5.

On 22 October 2018 Mrs Smart received an email from PC 17016 Harvey who said that he had pulled up outside the Jolly Judge the day before to check some CCTV from another premises, but as he did so he saw a male being forcibly ejected from the pub. He entered and it transpired that the ejected male had slapped his ex-partner. There were only 5 or 6 people in the pub, however on initially entering no one was behind the bar. After a couple of minutes Mr John Sampson arrived. He could not remember the name of the DPS and had to be reminded by a customer that it was "Eddy". The officer commented that generally there seemed like no control and no one in charge of the premises. PC Harvey's email is at page 6.

Mrs Smart subsequently checked our computer systems and found that crime CR/98432/18 had been recorded in relation to a common assault at the premises at approximately 1845 hours on 21 October 2018, and the crime indicated that both parties were heavily in drink at the time of the incident.

In relation to PC Harvey's comment that Mr John Sampson could not remember the name of the DPS, Mrs Smart found this concerning and this raises concerns that the DPS, Mr Edwards, may not have been at the premises on a regular or frequent basis.

On 25 October 2018 Mrs Smart received an email from PC 17097 Hazlewood concerning a report of 20 people fighting within the premises which spilled out onto the street (Log 921 of 24/10/18). On officers arrival there was no fight in the street but officers went inside the pub and there was evidence of a physical altercation. There were numerous people inside who were highly intoxicated, together with a female who

had some facial injuries but she refused to engage with police and just kept repeating "I pay your wages". People were stating there had been a fight but no one wanted to give officers any further details.

Eventually one person was located who could work the CCTV, so this was reviewed by officers. The footage showed a fight involving between 10-15 people. The officer commented that it was just one big melee with pockets of fighting throughout the pub. There was a female outside the pub (who had previously been drinking inside) who was asleep after drinking too much. She couldn't walk, speak or function as she was so drunk. PC Hazlewood's email is at page 7.

As a result of the above reports Mrs Smart conducted further research and located a log on 27 October 2018, in relation to a 999 call received at 2228 hrs from a male who stated that a male at the premises was being aggressive and causing issues (Log 875 of 27/10/18). The caller said that the male was at the front of the pub causing a lot of hassle. At 2235 hours officers arrived at the premises and the male was told to leave the area.

At 2249 hours that same day a further 999 call was received concerning an incident at the Jolly Judge. The caller indicated that there was a disturbance on-going and the female caller was trying to be discreet whilst requesting police attendance (Log 897 of 27/10/18). Loud males were shouting and fighting with each other. At 2302 hours officers arrived at the premises and there was no disorder but a member of staff said that a male and his partner were causing issues. However nobody would actually state what this meant. The male and his partner were asked to leave by police, which they did.

At 11.00 am on Thursday 1 November 2018 the Premises Licence Holder, and Mr David Edwards, DPS, attended Torquay Police Station at the request of Mrs Smart and Inspector Stevens (Sector Inspector for Torquay). Mr John Sampson was also in attendance despite not being invited to the meeting and holding no legal position at the premises. At this meeting Mr McCabe and Mr Edwards was given a document that Mrs Smart had prepared outlining the incidents that had occurred at the premises since he became the DPS. Mrs Smart ran through this document and told them that there is a lack of management and control at the premises. Inspector Stevens advised them that they should regard this meeting as a final warning and they were told that if further incidents came to our attention we would apply for a Review of the Premises Licence. As a result of that meeting a letter was sent to Mr McCabe and Mr Edwards on 6 November 2018. A copy of that letter was not sent to Mr John Sampson as he held no legal position at the premises, but as he was present throughout the meeting he was aware of all matters discussed.

On 10 December 2018 Mrs Smart received an email from PC 17016 Harvey concerning an incident he attended at the premises on 9 December 2018. (Log 679 of 10/12/18).

The log indicated that a male and female had been fighting in the premises. On arrival the pub only contained one female, 2 unknown males who were playing pool and an older male called John who is usually behind the bar. This male is believed to be Mr John Sampson. Broken glass was being swept up by ██████████ who PC Harvey believed to be in charge of the premises. This male is believed to be Mr ██████████. The male offender had left the premises but was arrested a short time later.

PC Harvey viewed the CCTV which showed a fight breaking out between the male who was arrested and another male who was playing pool, resulting in him having ripped clothing. The female tried to break the fight up, whilst John went to ring the police. Whilst John was absent from behind the bar, the female went around and helped herself to what looked like some spirit. The female was then grabbed by the male and pulled to the floor resulting in a further fight, with the unknown male going to defend the female.

The male was extremely drunk when he was arrested and the officer states that he would certainly have been very intoxicated when he would have been served drinks in the Jolly Judge.

PC Harvey states at the bottom of his report that he submitted a report a few weeks ago (22 October 2018) about disorder at the same pub and felt it was chaotic and out of control. He said that he had the same feeling on attending on 9 December 2018. A copy PC Harvey's email is attached at page 8.

In relation to the incident on 10 December 2018 the male and female involved in this incident are the same couple who were involved in an incident at the premises on 27 October 2018 (log 897). As a result of the incident on 27 October 2018 it appears that the management of the Jolly Judge have not taken any steps to ban the individuals involved and had they done so, the incident on 10 December 2018 would not have occurred.

Whilst looking for the log in relation to PC Harvey's report Mrs Smart found log 1015 of 09/12/18 which relates to a 999 call received at 2347 hours on the evening of 9 December 2018. At that time the caller stated that a male was being aggressive outside the Jolly Judge and that he needed the police. On further questioning the caller hung up. At 0002 hrs on 10 December 2018 police attended the premises and spoke to an extremely drunk and agitated male making it very difficult to communicate. This male claimed that someone had taken his house keys and a female's phone which was left on the bar in the premises. He wanted to view the CCTV but the manager couldn't work it. Officers noted that the pub was closed and the male was advised to call 101 if he wished to make a complaint. The male was extremely annoyed when officers explained that they could not facilitate CCTV viewing.

Mrs Smart also found log 0009 of 10/12/18 regarding another incident involving the drunk male subject of the above log. This log relates to a female who contacted the police at 0005 hrs on 10 December 2018 via the 999 system concerning a male who was outside demanding his keys and threatening everyone. She indicated that officers had recently attended and spoke to the male. Unfortunately on this occasion the police were unable to attend.

Police records indicate that Mr John Sampson has an unhealthy relationship with alcohol and he himself admitted to officers on 15 September 2018 that he has a liver condition. Whilst Mr Sampson has not previously held a position of responsibility in relation to the Jolly Judge, he is a leaseholder and therefore should have taken responsibility to ensure that the premises complies with the requirements of the law and in a manner that promotes the Licensing Objectives.

I am of the opinion that Mr Sampson does not possess the necessary skills, experience or character necessary to run the Jolly Judge in a responsible and professional manner. I therefore request that, in line with Section 39 (3)(b) of the Licensing Act 2003, you reject this application on the grounds that this is necessary for the promotion of the crime prevention objective.

Should you require any further information or assistance, please do not hesitate to contact my Licensing Officer, Mrs Julie Smart, on telephone number 01803 218900.

Yours faithfully



Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance



## Devon & Cornwall Police

Mr Dave Edwards  
Designated Premises Supervisor  
The Jolly Judge  
168-170 Union Street  
TORQUAY  
TQ2 5QP

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

Telephone: 01803 218900

16 July 2018

Dear Sir

Jolly Judge, 168-170 Union Street, Torquay, Devon, TQ2 5QP

I am writing to you in your capacity of Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0429 issued by Torbay Council.

At 2221 hrs on Friday 22 June 2018 police received a phone call from a person who reported that there was a large group of approximately 20 people fighting outside your premises, and that 2 individuals were unconscious on the floor.

At 2228 hrs police officers arrived at the scene and it was established that the fight emanated from a party at your premises, as your manager called Mick was leaving. As a result of that incident two individuals have reported that they were assaulted during the fight, CR/55521/18 and CR/060639/18 refer.

At 2145 hrs on the evening of Saturday 30 June 2018 Mrs Julie Smart, my Police Licensing Officer, attended your premises in the company of PC Mike Haworth and Mr Karl Martin, Public Protection Officer of Torbay Council. At that time you were present, although you indicated that you were not working, but your manager, Mr [REDACTED], was on duty.

PC Haworth asked you and [REDACTED] to produce the full copy of the Premises Licence, however you were unable to do so.

### Contact the police

Emergency 999

Non-emergency [www.devon-cornwall.police.uk/reportcrime](http://www.devon-cornwall.police.uk/reportcrime)

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC\_Police



By Government Standard  
Stock code: SF615

██████████ showed Mrs Smart and Mr Karl a CCTV monitor, situated in an area behind the kitchen. He explained that you are having an additional monitor installed behind the bar and a company called Tamar Gaming would be attending the premises in due course to install this.

Mrs Smart discussed the above fight with you and ██████████ however you both stated that you were not on duty at the time. Mrs Smart informed you that she would forward you details of the date and time of the incident in order that the relevant CCTV footage could be downloaded to assist with the police investigation.

At 1300 hrs on Monday 2 July 2018 Mrs Smart sent you the below text message:

*"Hi Dave. The date of the incident that we require CCTV for is 22 June 2018 between 2215 and 2300 hrs, ie 10.15 pm to 11.00 pm. Please can you download all footage for this time frame and let me know when it is ready for collection. Thanks Julie Smart Police Licensing."*

At 1410 hrs on Monday 16 July 2018, as Mrs Smart had not heard from you, she rang you and asked you whether the CCTV footage was ready for collection. You informed Mrs Smart that Tamar Gaming had been to the premises to install the new monitor and they had wiped all footage from the hard drive, including the footage for this incident.

I am extremely disappointed to hear that, despite being advised of the date and time of this incident on the Monday following Mrs Smart's visit, you did not download this footage before any changes to the system were made. I am sure that if you had advised Tamar Gaming of the importance of this footage, they would have downloaded it for you or ensured that it was retained on the hard drive.

I would take this opportunity to remind you a condition contained within Annex 2 "General" of your Premises Licence which states "CCTV must be provided and maintained in good working order". Whilst I accept that your licence does not require you to provide the police with footage when requested, I am of the opinion that where a premises has a CCTV system which is referred to within the licence, it is appropriate that the police receive footage whenever requested. I am therefore not satisfied that your premises is currently meeting the Licensing Objective, "The Prevention of Crime and Disorder". I have therefore requested that Mr McCabe, your Premises Licence Holder, applies for a minor variation to remove the existing CCTV condition and replace with the below condition by no later than Monday 6 August 2018:

*A CCTV system, capable of providing images of an evidential standard in all lighting conditions, particularly with regard to facial recognition, shall operate to the satisfaction of the police and throughout all times the premises are open to the public, with monitors behind the bar and a recording system. All recordings must be kept for a minimum of 14 days, during which time the police shall have access and be provided with downloaded images within 7 days of any request. The premises must ensure that they have sufficient disks or memory sticks available for this purpose at the premises at all times.*

3



As it appears that your licence has not been updated for some time, I would also request that you add the below conditions to your licence, within the same minor variation, as I am not satisfied with the existing conditions in relation to the Protection of Children from Harm:

*The premises shall operate a Challenge 25 Policy and any person who appears under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.*

*No persons under the age of 18 years shall be on the premises after 2100 hours except when consuming a table meal with an appropriate adult, in which case they shall leave the premises by no later than 2200 hours.*

During Mrs Smart's telephone conversation with you on 16 July 2018 you told her that you have discussed the absence of the Premises Licence with Mr McCabe but to date you have not been sent the licence.

I would take this opportunity to advise you that failing to produce the full copy of the Premises Licence, or a certified copy, is an offence under Section 57 of the Licensing Act 2003, and a person found guilty of such an offence is liable to a fine not exceeding level 2 on the standard scale. I hope that you will take immediate action to ensure the Premises Licence is located at the premises.

As Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further incidents of this nature come to my attention, or Mr McCabe fails to apply for the minor variation as requested, I shall consider applying for a Review of your Premises Licence but I hope that this will not be necessary.

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

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

Yours faithfully

Superintendent J Hawley  
Head of Prevention Department  
Devon & Cornwall and Dorset Police Alliance

SMART Julie 50403

(4)



From: MCCLURE Edward 15762  
Sent: 15 September 2018 02:51  
To: Licensing Team  
Cc: RICHARDS Tamzin 16120  
Subject: Jolly Judge, Torquay

Categories: [REDACTED]

Good Morning,

I am just letting you know about log 1071-14092018 which was a report of an assault at THE JOLLY JUDGE, TORQUAY.

The assault was a fairly minor common assault between two drunk parties. The issues identified at the premises though were that the Suspect was stood behind the bar. From speaking with the DPS, an elderly chap called JOHN JAMES SAMPSON (Tel: [REDACTED]), he initially told me that as he is elderly and has a liver condition he doesn't drink himself so he spends the evening 'OUT THE FRONT DRINKING TEA' and that he had not witnessed anything. I asked the DPS about the Suspect being behind the bar and he said that he doesn't work there but sometimes collects glasses.

JOHN said that he has put the money into purchasing the pub but that it is his Nephew [REDACTED] who is supposed to be running it but that he was not there. JOHN was unable to play the CCTV to show us what had happened. Whilst we were making out enquiries [REDACTED] woke up and came down to the Pub as he lives in the flat above, he was very angry about what had been happening in the Pub and was co-operative with Police.

He showed us the CCTV of the incident which showed that the Suspect was behind the bar serving people and drinking himself, contrary to what JOHN had told us. The Suspect was behind the bar with a female with [REDACTED] identified as his Sister but he told us that she should not have been behind the bar either. There did not appear to be any other Staff on in the Pub and it was just them helping themselves. The Suspect was obviously incredibly drunk but had been behind the bar serving other customers.

We pressed on [REDACTED] about what a state the Pub was as there did not appear to be anyone in charge and there was just lots of drunken people helping themselves. We informed him that we would be making this report to yourselves.

Kind Regards,

PC 5762 Ed McClure  
Torquay Police Station  
Best ways to contact Devon and Cornwall Police  
In person: Police Enquiry Offices  
In an emergency always call 999

(S)



**SMART Julie 50403**

---

**From:** BRATCHER Abigail 17041  
**Sent:** 13 October 2018 06:40  
**To:** Licensing East  
**Cc:** BOWDEN Victoria 17159  
**Subject:** Jolly Judge - Torquay  
  
**Categories:** Kim

Hi

PC 7159 BOWDEN completed a Licensing check at the above location at 2300 hours on 12/10/18. The DPS [REDACTED] was intoxicated at the time of the visit. He had a license holder present, David Owen EDWARS, BPL No 0677 which was issued on 20/12/10. His brother John SAMPSON also claimed to be a License holder although he did not have his license to show officers.

The copy of the license was on the wall although it was a black and white copy.

Also of note, shortly after the visit to Jolly Judge officers were called to [REDACTED] where two people were assaulted.

Thanks

PC 7041 Abigail BRATCHER  
B Section | Torquay Response | Devon and Cornwall Police  
☎ Telephone: 101  
✉ Email: [abigail.bratcher@devonandcornwall.pnn.police.uk](mailto:abigail.bratcher@devonandcornwall.pnn.police.uk)



**SMART Julie 50403**

---

**From:** HARVEY Robert 17016  
**Sent:** 22 October 2018 22:57  
**To:** Licensing Team  
**Subject:** Jolly Judge pub in Torquay  
  
**Categories:** Vicki

Good evening,  
I pulled outside of the Jolly Judge pub in Torquay yesterday to check some CCTV across the road,  
As I did I saw a male forcibly ejecting male from the pub.  
On entering the pub it transpired the ejected male had slapped his ex partner.  
There were only 5 or 6 people inside the pub however on initially entering no one behind the bar.  
After a couple of minutes an older male called – John SAMPSON arrived.  
He initially couldn't remember the DPS name and had to be reminded by a patron that it was 'eddy'.  
There just generally seemed no control and no-one in charge.  
I don't believe this is the first report about the issues around who is in charge of the pub,  
Kind regards,

PC 7016 Rob HARVEY  
Torquay Police Station - C Section Response



DEVON & CORNWALL  
CONSTABULARY

17016@devonandcornwall.pnn.police.uk

21/10/18 1845 hrs.  
CR/98432/18  
Recorded.  
Common Ass both  
parties heavily in  
drink

SMART Julie 50403

---



From: HAZLEWOOD Jenny 17097  
Sent: 25 October 2018 00:37  
To: Licensing East  
Subject: Log 921 24/10/18

Categories: Vicki

Hi,

Could I make you aware of the above log? It was attended by PC DYMOND-TOOZE, PC CORBIDGE, PC LABAJO and myself.

Police were called to this log after a report of a 20 person fight which had spilled out into the street.

On arrival, there was no fight in the street, but we went inside the pub (which was closed but contained about 25 people drinking inside) and there was evidence there had been a physical altercation.

There were numerous people who were highly intoxicated, there was a female who had some facial injuries, but she refused to engage with police and just kept repeating, 'I PAY YOUR WAGES'. People were stating there had been a fight, but no one wanted to give us any further details.

The owner was located and the DPS. Eventually found one person who could work the CCTV, so this was reviewed by police. A fight was viewed on the footage with between 10-15 people involved. It was just one big melee really, with pockets of fighting throughout the pub.

There was a female outside the pub (who had been previously drinking inside) who was asleep outside the pub after drinking too much. She couldn't walk, speak or function as she was too drunk.

Aware that this has is another one of numerous incidents at the JOLLY JUDGE of late.

Body worn cameras were used for this and I believe the officers who were utilising this are going to try to send you the footage.

---

Kind regards,  
Jenny

Jenny Hazlewood  
PC 17097  
C Section  
Devon and Cornwall Police

From: HARVEY Robert 17016  
Sent: 10 December 2018 23:39  
To: Licensing Team  
Cc: STEVENS Ian 15440  
Subject: Jolly Judge in Torquay

Categories: [redacted]

Hello Licensing,

We attended the Jolly Judge pub in Torquay last night – Log 679 of 10/12/18

The report alleged that [redacted] and [redacted] had been fighting in the pub

On arrival the pub only contained [redacted] and 2 other unknown males playing pool, the older male called John who is usually behind the bar was also present.

Broken glass was being swept up by Andrew who I believe is in charge?

[redacted] had left the pub and was arrested for breaching an order a short time later.

From watching the CCTV which Andrew allowed us to view it showed a fight breaking out between [redacted] and one of the males playing pool resulting in him having ripped clothing.

[redacted] tried to break the fight up and while John went out to ring the police.

Whilst he was absent from behind the bar [redacted] went around and helped herself to what looked like some spirit.

[redacted] was then grabbed by [redacted] and pulled to the floor resulting in a further fight with the unknown male as he came to defend [redacted]

[redacted] was extremely drunk when he was arrested he would have certainly been very intoxicated when he would have been served drinks in the Jolly Judge

There is a family link I believe with [redacted] and [redacted] which im not 100% sure of, but the attitude seemed to be that they could do what they liked which maybe a hangover from [redacted] and [redacted] having gained/quickly lost the license for the [redacted]

[redacted] was helpful in allowing us to view the CCTV and was keen to co-operate and mentioned the problems that the Jolly Judge has had – I am unsure if he was present during the initial fracas however I believe not.

I submitted an email a few weeks ago about disorder in the same pub and felt it was chaotic and out of control, I had the same feeling on attending this evening.

Kind regards,

A/PS 7016 Rob HARVEY

Licensing Act 2003  
**Premises Licence**

**429**

LOCAL AUTHORITY



**Torbay Council**  
Licensing & Public Protection  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR



Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Jolly Judge**

168-170 Union Street, Torquay, Devon, TQ2 5QP.

Telephone 01803 290 480

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00am	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

David McCabe

79 Molesworth Road, Stoke, Plymouth, Devon, PL1 5PG.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL**

David EDWARDS

Jolly Judge, 170 Union Street, Torquay, Devon, TQ2 5QP.

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL**

Licence No. BLP0677

Issued by Blaby

Steve Cox  
Environmental Health Manager (Commercial)  
4 September 2018

## ANNEXES

## ANNEXE 1

## MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
  - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-

  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

## ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Minimum Drinks Pricing**

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**ANNEXE 2****CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. A CCTV capable of providing images of an evidential standard shall operate throughout all times that the premises are open to the public with monitor behind the bar and a recording system. All recordings must be kept for a minimum of 14 days during which time the police shall be provided with downloaded images within 7 days of request. The premises must ensure that they have sufficient disks or memory sticks available for this purpose.

**The Prevention of Crime and Disorder**

**ANNEXES continued ...**

1. Membership in Pub Watch must be continued.
2. Staff must be properly trained.
3. Cheap drink promotions are prohibited.

**Public Safety**

1. Fire equipment must be checked annually.
2. The completed work must comply with planning and building regulation approvals.

**The Prevention of Public Nuisance**

1. None

**The Protection of Children from Harm**

1. Children must be accompanied by an adult.
2. Children must stay within the dining area.
3. Soft drinks including water shall be available whenever the premises is open to the public.
4. The premises shall operate a Challenge 25 Policy and any person who appears to be under the age of 25 shall be required to produce an approved form of photographic identification as outlined in the Torbay Council Licensing Statement of Principles.
5. No persons under the age of 18 shall be in the Licensed Area after 22:00 hours.

**Restrictions transferred from the On Licence**

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

**Credit Sales**

**ANNEXES continued ...**

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

**ANNEXE 3****CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY****General**

None

**The Prevention of Crime and Disorder**

None

**Public Safety**

None

**The Prevention of Public Nuisance**

1. Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are:
  - (a) Before 23:00- Noise emanating from the premises will not be clearly distinguishable above other noise
  - (b) After 23:00- Noise emanating from the premises will not be distinguishable above background levels of noise.
  - (c) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
2. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the premises not accessible to the public.
3. Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employee therein in accordance with current standards.
4. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
5. The placing of refuse, such as bottles, in receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
6. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
7. Doors and windows will be kept shut during entertainment. To reduce noise break out. A management scheme will be in place to ensure this situation remains.

**ANNEXES continued ...**

8. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
9. An announcement will be made prior to closing requesting patrons cooperation in leaving the premises and the vicinity as quietly and quickly as possible.
10. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
11. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment to ensure levels of noise have not increased.
12. Provision of mechanical ventilation and air conditioning system will not allow break out from the premises or cause a nuisance by its operation.
13. Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum
14. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
15. Bottle skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal office hours.
16. The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00hr.
17. Cooking, noxious or persistent smells from the premises will not cause a nuisance to nearby properties and the premises must be properly vented.
18. When food for consumption off the premises is sold, adequate waste receptacles for use by the patrons will be provided in the local vicinity. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid.
19. Facilities for depositing litter and the collection of litter generated by patrons will be available and maintained, where outside areas are provided for the use of patrons.

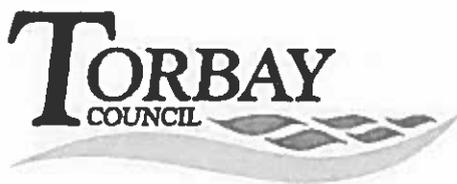
**The Protection of Children from Harm**

None

**ANNEXE 4****PLANS**

Copy attached to Licence.

## LOCAL AUTHORITY



**Torbay Council**  
Licensing & Public Protection  
Town Hall  
Castle Circus  
Torquay  
TQ1 3DR

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Jolly Judge**

168-170 Union Street, Torquay, Devon, TQ2 5QP.

Telephone 01803 290 480

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00am	Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.	11:00am	Midnight

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.		

## WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

David McCabe

79 Molesworth Road, Stoke, Plymouth, Devon, PL1 5PG.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

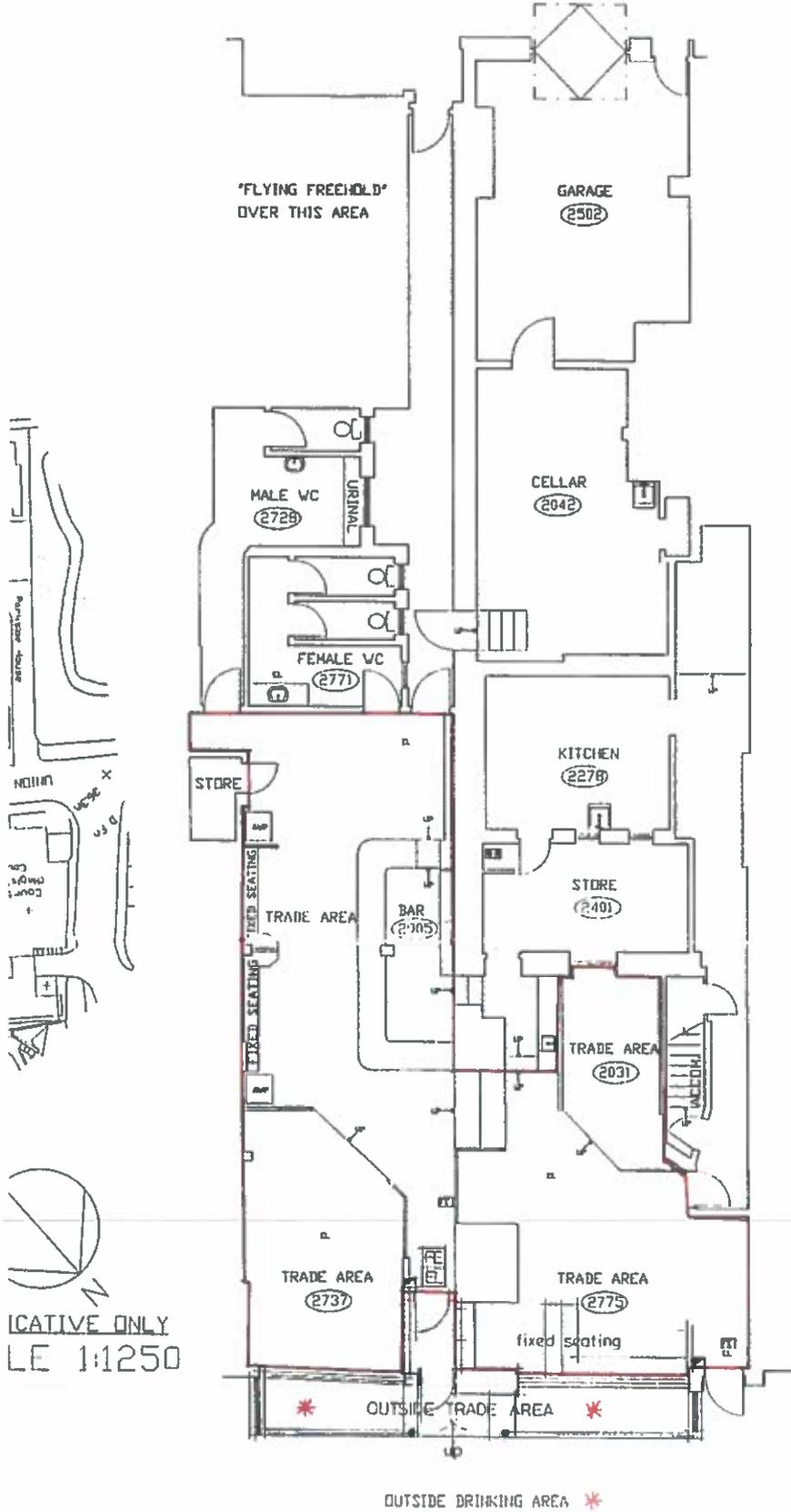
**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

David EDWARDS

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

Access is restricted only under the terms of the Licensing Act 2003.

Steve Cox  
Environmental Health Manager (Commercial)  
4 September 2018



- LEGEND**
- 2600 CEILING HEIGHT
  - WINDOW
  - FP FIRE PLACE
  - DOOR
  - TOILET
  - URINAL
  - WASH HAND BASIN
  - BOILER
  - FIRE EXIT
  - EMERGENCY LIGHT
  - DISTRIBUTION BOARD
  - FIRE ALARM CALL POINT
  - BELL SOUNDER
  - SMOKE DETECTOR
  - HEAT DETECTOR
  - FIRE BLANKET
  - FIRE EXTINGUISHER CO<sub>2</sub>
  - FIRE EXTINGUISHER FOAM
  - FIRE EXTINGUISHER WATER
  - FIRE EXTINGUISHER POWDER
  - \* SPRINKLER OUTLETS
  - DRY RISER
  - WET RISER
  - STEPS
  - SINK UNIT
  - AMUSEMENT WITH PRIZES
  - BAR FLAP
- Area licensed for the supply of alcohol and provision of regulated entertainment
- \* Consumption of alcohol only

INDICATIVE ONLY  
SCALE 1:1250

Proposed plan .

BUILDING SURVEYED AREA = 279.57 SQ. M

SCALE 1:100  
GROUND FLOOR

<b>QUAY</b>	<b>DESIGN ASSOC LTD</b> ARCHITECTURAL INTERIORS
	45 EGREMONT ROAD EXMOUTH EX8 1RX TEL: 01395 269677 FAX: 01395 260286
CLIENT: ENTERPRISE INNS PLC	
JOB & SHEET CONTENT: JOLLY JUDGE, 168 - 170 UNION STREET, TORQUAY EXISTING AND PROPOSED PLANS	
SCALE	1 : 100
DATE	MARCH 2008
DRAWING NO: 07/1430 102	

Guy, Mandy

**From:** [REDACTED]  
**Sent:** 11 January 2019 19:51  
**To:** Guy, Mandy  
**Subject:** FW: Review application for Jolly Judge, 168-170 Union Street, Torquay

Good afternoon

I would like to submit the following representations to the Licensing Sub Committee in respect of the Review Application.

It is accepted that there have been far too many incidents involving calls to the Police to attend the above premises between May and November 2018. Unfortunately, apart from one letter dated 16th July 2018, I was not aware of the list of Police attendances at the premises until I was asked to attend a meeting at Torquay Police Station on 1st November 2018.

The majority of these incidents were primarily due to the failure in management of the DPS, Mr David Edwards and the bar manager Mr Andrew Sampson.

Both these individuals have now left the premises and a new DPS with extensive experience in running licensed premises with national pub companies has been appointed who has the authority to manage the premises in a professional manner. Proper control of the staff and the management and records at the premises are now being kept, with written logs of incidents and refusals. I am confident that with the new management in place that we now have the premises under proper supervision.

With regard to the incidents that took place in the 3 months of 2017 when Mr Winter Frost was the tenant and DPS, although Mr Frost is an experienced DPS and capable of managing a licensed premises correctly, his brother Mr [REDACTED] became involved in the running of the premises and the management became unacceptable.

I informed Mr Frost and Mr [REDACTED] that they were to no longer open the Premises with immediate effect, although I could not make Mr [REDACTED] Leave the property because he claimed to be living there and called the Police when I went there to change the locks. The premises remained closed for 3 months until Mr [REDACTED] left. The fact that I had voluntarily closed the premises is confirmed within pages 35 and 36 of the police submissions.

Prior to this the premises had been run for some considerable time by Mr Leon Kings who is an experienced publican and there were very few problems from when I became the premises licence holder in October 2015 and I believe no more than occur at licensed premises within the Torquay Cumulative Impact Area.

[REDACTED]  
Premises Licence Holder

**Wollen Michelmores**  
SOLICITORS  
(Incorporating Toller Beattie)

Our Ref : GMLJ/KWA/SAM3706/0001  
Your Ref :

Devonshire House  
Riverside Road  
Pottington Business Park  
Barnstaple  
EX31 1QN  
Telephone: 01271 341000  
Fax: 01271 344445  
www.wollenmichelmores.co.uk

**Torbay Council**  
**Licensing and Public Protection Team**  
**c/o Town Hall**  
**Castle Circus**  
**Torquay TQ1 3DR**

By e-mail only to [mandy.guy@torbay.gov.uk](mailto:mandy.guy@torbay.gov.uk)

10 January 2019

Dear Sirs

**Review of Premises Licence, The Jolly Judge, 168-170 Union Street, Torquay TQ2 5QP**

We are instructed to make a representation in connection with the review of the above Licence on behalf of our client, **John James Sampson** of [REDACTED] who has, since the 11<sup>th</sup> July 2018, been the owner of the business operated from the pub and has a legal Licence in respect of the premises from **David McCabe** who is, we believe, the freehold owner of the premises.

The extent of our client's interest in the building is limited to the ground floor trading and business area and the cellar beneath. Accommodation and premises above the ground floor are not his responsibility.

Our client accepts that he was naive in taking on the pub and did not have the relevant experience of running licenced premises, although he does hold a Personal Licence. His naivety and inexperience came to the fore following Mr David McCabe's application for Mr Sampson to be the Designated Premises Supervisor in place of Mr Edwards, a person who Mr Sampson had "inherited" from Mr McCabe, on the 19<sup>th</sup> December 2018.

Our client has now engaged the services of Ms Diane Dixon who is also the holder of a Personal Licence, as the Bar Manager he has given her the necessary management authority so that she can fully undertake the role of DPS at The Jolly Judge. Mr McCabe has been asked to submit an application for her to be DPS and additional information about her expertise and experience is being submitted to their Police to facilitate the investigations and assessments of the application.

Our client believes that with Ms Dixon's active involvement in the business the pub will be run in a correct manner with all of the licencing obligations and conditions observed properly at all times

so that what has been a history of objectional and poor behaviour by customers, and in certain cases, those involved in management and poor administration of the business as a whole will be brought fully under control and that the adverse incidents will not recur.

Whilst not nominated as DPS, Ms Dixon became actively involved in the day to day management of the pub and since then, so far as our client is aware, there has been a significant reduction in adverse incidents at the pub, as he has been operating the business with Ms Dixon's support and guidance. At the same time, Mr Sampson has been closing the pub earlier in the evening.

Our client is willing to give undertakings to the Committee to maintain the earlier closing time (since he is not in a position to volunteer to vary conditions), and if those undertakings are accepted, will ensure they are observed at all times. Should Mr McCabe also offer undertakings with regard to the operation of the premises our client will give consideration to offering the same undertakings (subject to having received legal advice)

Our client hopes that the Licencing Committee will permit the Premises Licence to remain in force so that he has a short but reasonable period of time to demonstrate that the premises can be run properly and in an orderly fashion, and in strict compliance with the terms of the Premises Licence.

Yours faithfully

**WOLLEN MICHELMORE LLP**

Guy, Mandy

---

**From:** [REDACTED]  
**Sent:** 29 January 2019 11:44  
**To:** Guy, Mandy  
**Subject:** FW: The Jolly Judge Torquay

Good Morning

Could you please add the below e mails to my representations for the hearing scheduled for Thursday 7th February 2019.

Kind regards

---

**From:** SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
**Sent:** 29 January 2019 10:54  
**To:** david mccabe  
**Cc:** [REDACTED]  
**Subject:** RE: The Jolly Judge Torquay

Good morning

Thank you for sending me the below. As you and Diane are responsible for the management of the Jolly Judge, it is up to you to decide how best to ensure the licensing objectives are met. If you feel the below measure will improve the management of the premises then perhaps you need to try it and assess whether it works or not.

I am aware that you have been trying to contact me by phone. I have just returned from leave and have 3 hearings to deal with tomorrow and several meetings at the end of the week. Unfortunately I therefore do not have time to meet or discuss the below matter with you. As the Review hearing for your premises is to take place next week Thursday, I suggest you bring a copy of your email to the hearing so you can advise the Licensing Authority of the action you have taken.

Kind regards  
Julie

---

**From:** [REDACTED]  
**Sent:** 18 January 2019 15:35  
**To:** SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>  
**Cc:** [REDACTED]  
**Subject:** The Jolly Judge Torquay

Good Afternoon,

I would like to confirm my discussions with the DPS Diane Dixon regarding our proposals to improve the standard of management at the above premises.  
We would propose to only open whilst the DPS is present on site to enable her to keep firm control of the management of the premises.  
To enable the DPS to have a reasonable length working day this would be likely to involve closing in the afternoons.

I would be grateful if you could let me have your thoughts on whether this would be acceptable to you, or if you would like a meeting with us both please let me know.

Both myself and the DPS want to put a stop to the mismanagement that has occurred at the premises and which has caused so many problems for all concerned . We feel that this will put the required control measures in place.

Kind regards

**[REDACTED]**

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

\*\*\*\*\*  
This e-mail is intended for the named recipient(s) only and may contain privileged information, which is protected in law. If you have received this e-mail in error, please contact the sender to advise them and delete this e-mail. Unauthorised use, disclosure, copying or distribution is prohibited.  
\*\*\*\*\*

E-mail should not be regarded as a secure means of communication, we take all reasonable steps to ensure that e-mails are protected from malware, but cannot accept liability for any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.  
\*\*\*\*\*

For more information, or to contact us, please visit us at [www.devon-cornwall.police.uk](http://www.devon-cornwall.police.uk) or [www.dorset.police.uk](http://www.dorset.police.uk) or e-mail [101@devonandcornwall.pnn.police.uk](mailto:101@devonandcornwall.pnn.police.uk) or [101@dorset.pnn.police.uk](mailto:101@dorset.pnn.police.uk)