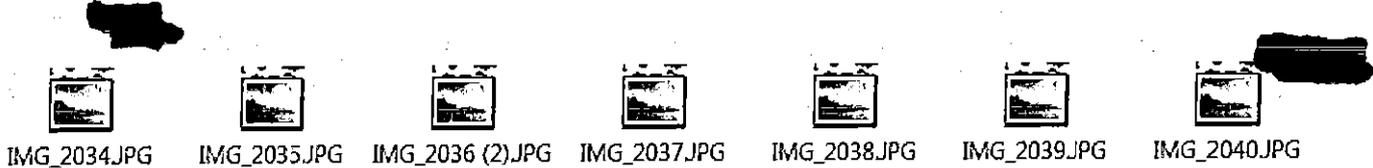


SMART Julie 50403

From: DESBOROUGH Carmen 16633
Sent: 25 April 2015 19:01
To: SMART Julie 50403
Cc: JENKINSON Simon 16475; COSTIN Louise 14364; CULL Nicholas 16896; ROBERTS Kevin 16363; BRUGGE Howard 15450
Subject: BREACH OF LICENCE - "SHARKS" aka "R&B's"

Importance: High



Hello Julie,

I apologise for this long winded email, but I think you will understand why once you start reading and view the photos!! Please bear with.....

On Friday 24th April, at approx 2300hrs, I was speaking with door staff at [redacted] when they refused entry to a male in drink. He became verbally aggressive and sent on his way.
 I could not get onto air to advise 900 so I asked the door staff to use their nite-net radio to advise.

CCTV Control Room

Approx 5minutes later, 900 advised that this male was approaching old "R&B's" and further advised there were no door staff and he could not raise on nite-net.
 A licensed premises check was conducted at the premises – now named "SHARKS"

**To say the list of breaches of licence and H&S issues were extensive is a little bit of an under-statement!!!
 It actually felt like this was a training exercise set up to see just how many you could get in!!**

Upon attendance, there were approximately 20 individual in the premises.
 The intoxication of paint fumes was extremely evident (paint was still drying from being applied that same day)

PC CULL asked the manager present, [redacted] for a copy of their licence. It failed to materialise. A Personal Licence was produced in the name of JAMIE LAWRENCE, followed by Premises licence summary in name of "R&B's".
 [redacted] informed that he they intended to close no later than 0030hrs.

Further examination of the premises included;

- No Nite-net
- CCTV was not turned on....*we were told it had been on, but the monitor had not been turned up – a customer advised they thought it had not connected until after we arrived*
- Behind the fire exit door and on the stairs leading up to the external exit, there was debris and wires causing an obstruction and should this exit have had to been used in an emergency, it would not have served its function and would have been very hazardous and inhibiting
- There were exposed electrical wires coming out of several walls and ceilings....*we were advised that these were safe??*
- The electrical sockets were unsafely detached from the walls....*we were told they were not live and yet the gambling machine was plugged in and on???*
- There were light sockets hanging from the wall – clearly functioning and the bulb resting very close to the wall, causing heat that it was unbearable to touch.
- There were 2 floor tiles missing from main public area..and a floor board not properly attached....

The men's toilets.....please just look at the photographs!!!

I informed the INSP BRUGGE who came to the scene and PC CULL contacted the Fire Safety officer. Unfortunately the FSO was in Exmouth on another job and could not attend there and then. Whilst we were present, licencing officers Mandy Guy and Shaun RACKLEY arrived having been tipped off about the concern of the condition of the premises.

Mandy and Shaun identified further breaches of their licence, including I believe, no hot water, the re-construction of the bar in the centre of the premises rather than along the side...

We persuaded the venue to close, which was at approx 0010hrs. Whilst conducting enquiries, JAMIE LAWRENCE arrived who was clearly in drink. He and another male [redacted] who claimed to be one of the managers of the company (also in drink) attempted to explain that everything was in order, they had made the appropriate applications to the council and had sent an email the previous day about the conditions/licence.

SHAUN was able to confirm there and then that no email had been received.

The men were left in no uncertain terms of their breaches of licence and the seriousness of the H&S concerns. Initially [redacted] stated he would have the issues rectified SAT MORNING so that they could open SAT EVENING. He was very strongly advised that even with safety addressed, there would be further breaches and the future of their licence seriously jeopardised.

When we left, we were assured [redacted] ises would not open again that weekend.

I arranged with SHAUN, that he was going to (on his day off) contact the DPS showing for the premises to advise, and if required I would request FSO to attend again SAT to have the premises closed down from the safety aspect.

As I write this (1900hrs SAT 25/04), I have received a message from SHAUN that he has contacted the current DPS who has provided **WRITTEN CONFIRMATION THEY NO LONGER WISH TO BE DPS, AND TO BE REMOVED WANTS TO BE REMOVED AS OF IMMEDIATE EFFECT THEREFORE NO ALCOHOL TO SOLD ON PREMISES....IF IT OPENS WILL BE FURTHER BREACHES TO REPORT.**

THE PREMISES HAS NOT OPENED YET...LATES/NIGHTS AND INSP JENKINSON WILL BE ADVISED OF UPDATE AND IF ANYTHING FURTHER HAPPENS YOU WILL BE FURTHER UPDATED.

There are a few more photographs that I will forward in another email.....PC CULL will submit L10. If you require anything in STMT please let us know. [redacted]

Can I just add and please feed-back that MANDY and SHAUN were fantastic and collectively, I believe Mr LAWRENCE and Mr [redacted] were left in no uncertain terms of the consequences of their actions and our stance on their irresponsibility to open in order to take advantage of this weekend. I understand that they will be submitting a report on all their findings.

[redacted] confirmed to us that they had opened to for the Young farmers Business.... JAMIE LAWRENCE, I found very arrogant, rude and flippant about the situation. He stated he had no intention to do business with YF, then added he didn't need door staff because of closing earlier. It was confirmed with him, that he was present during the meeting of licensees about this weekend and he knew other premises were employing extra door staff, yet he didn't feel he required. Then he said he would welcome the YP and they would deal themselves?? He was confident they were doing nothing wrong and everything was in order!! [redacted] was actually engaging and appeared to be the most 'sensible' out of all three of them and really willing to co-operate.

This really didn't feel right, I couldn't think of anything else we could do – if there is any legislation that we could have used in these circumstances, could you please advise, it would be very appreciative.

Kind regards

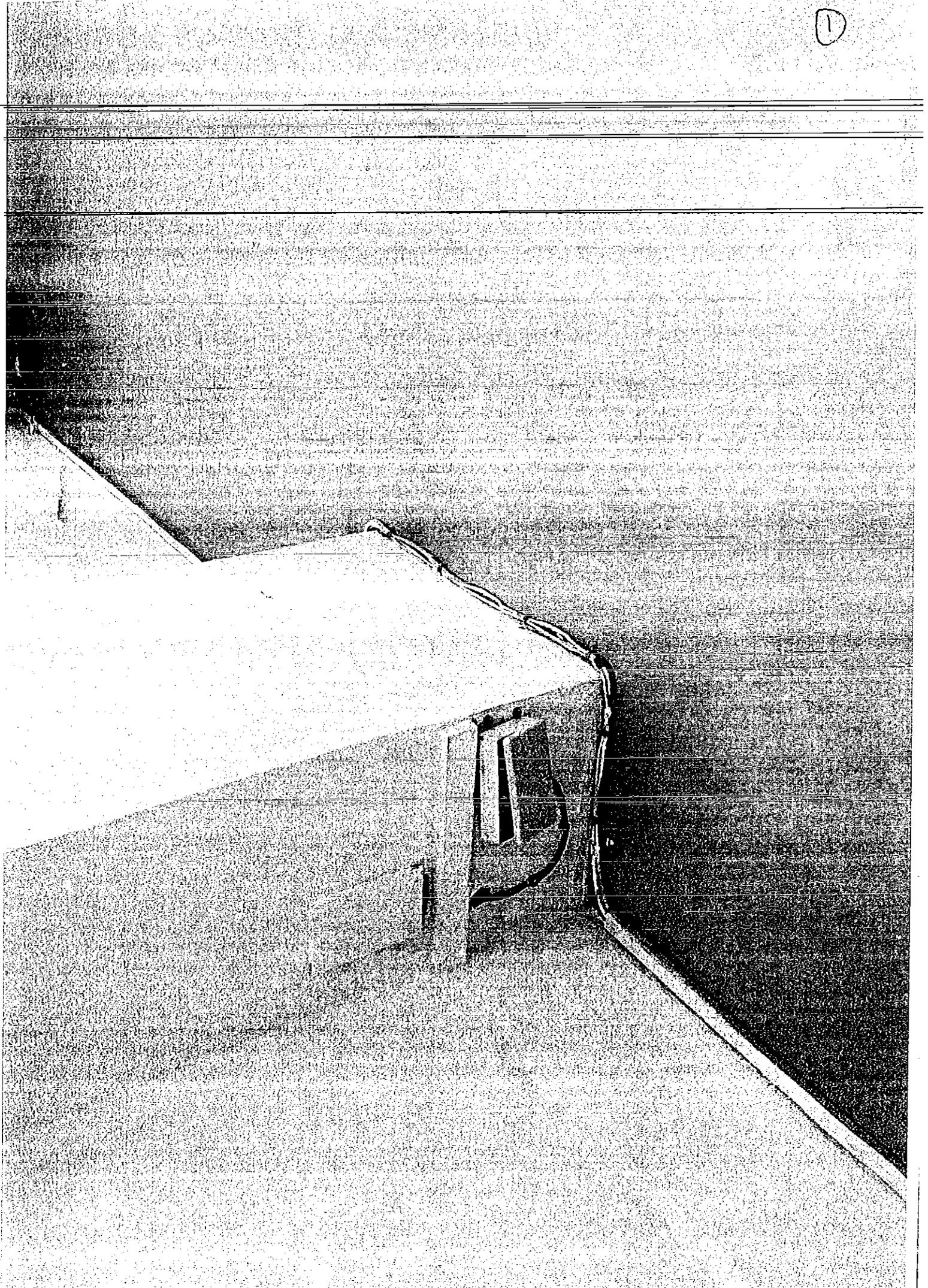
Carmen

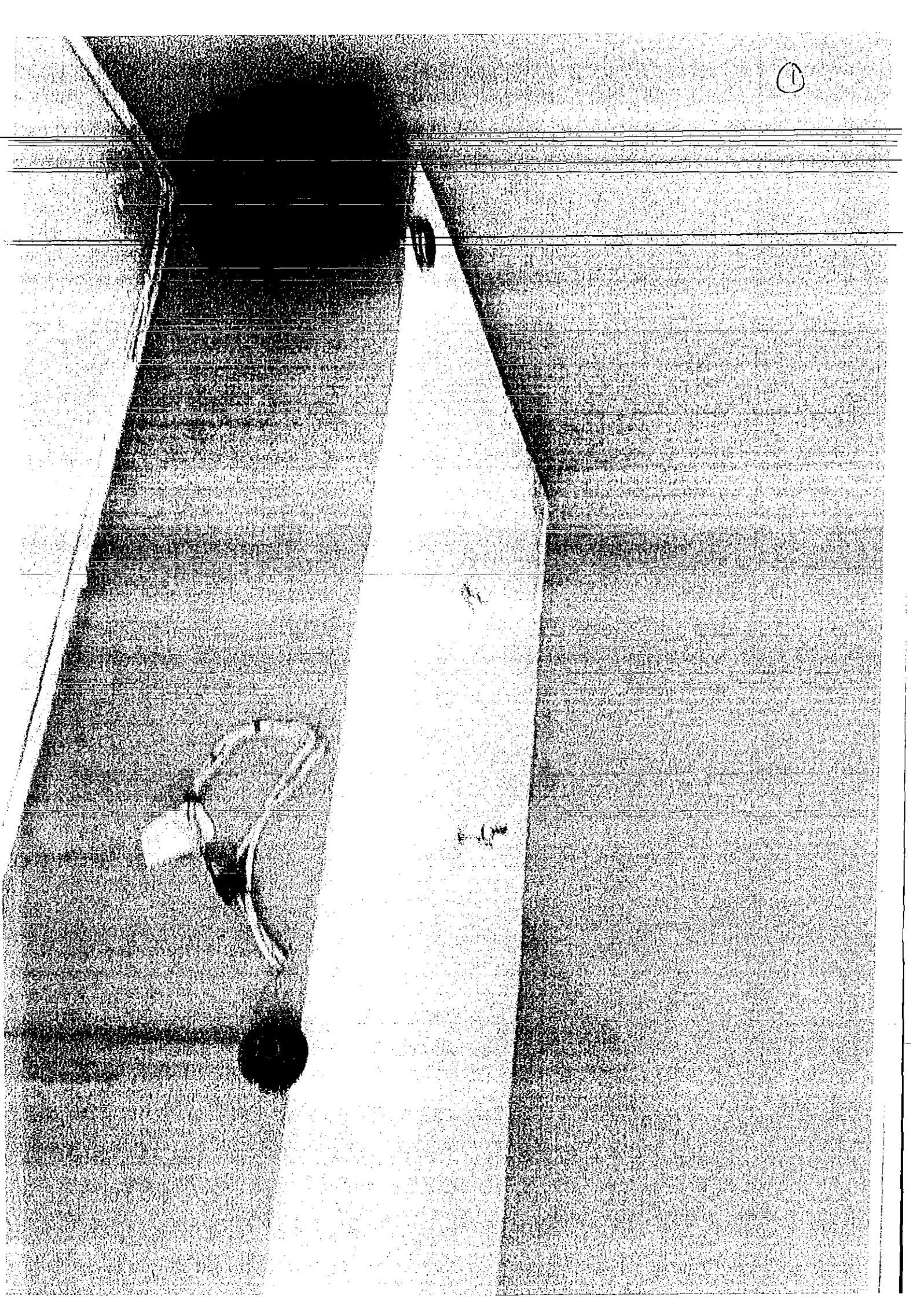
Sergeant 6633 Carmen Desborough
South Devon LPA (Torbay Patrol Crime Sergeant)
Torquay Police Station
Tel: [REDACTED] (int) [REDACTED] (ext)
Mobile: [REDACTED]
Mobex: [REDACTED]

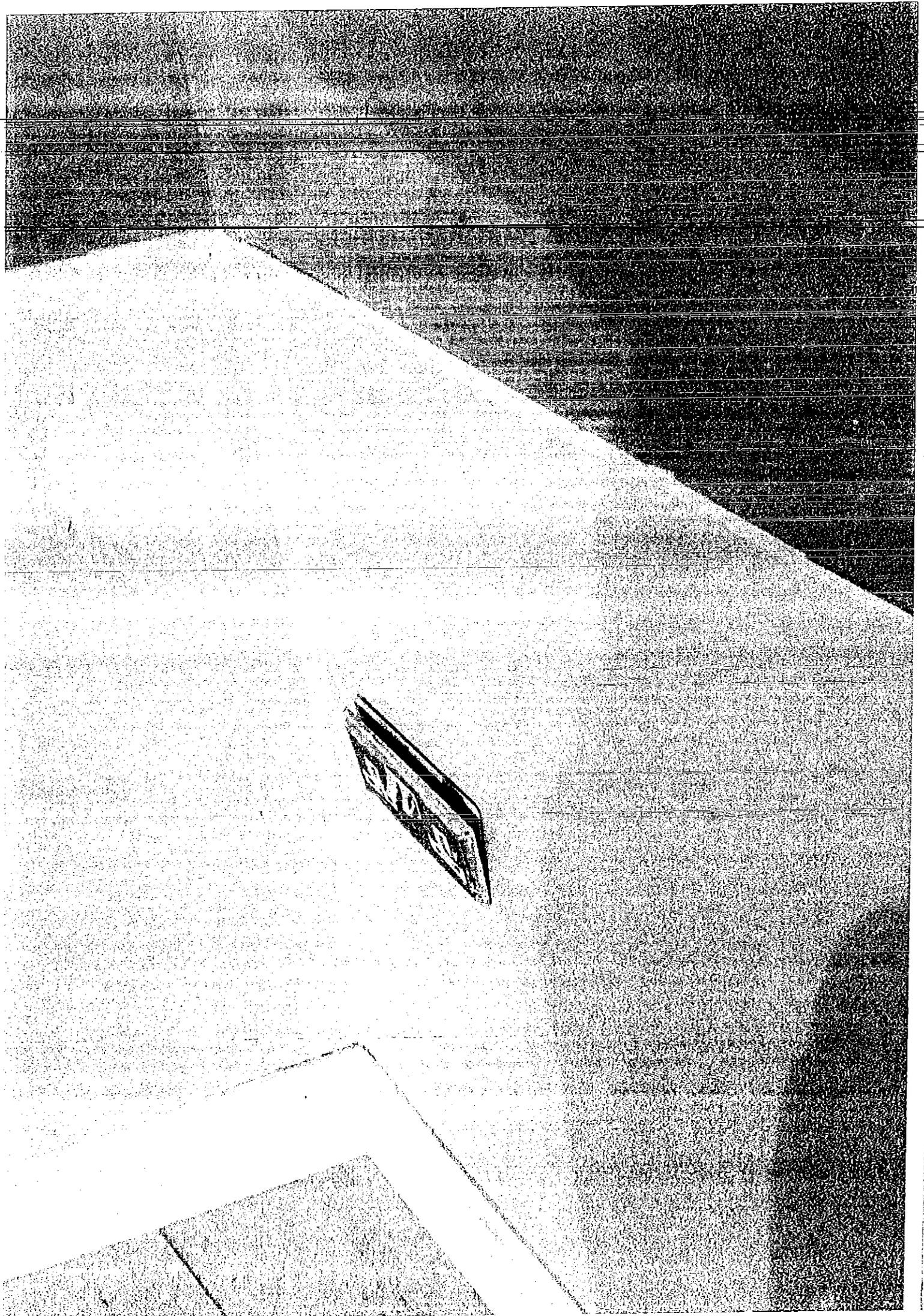
[REDACTED]



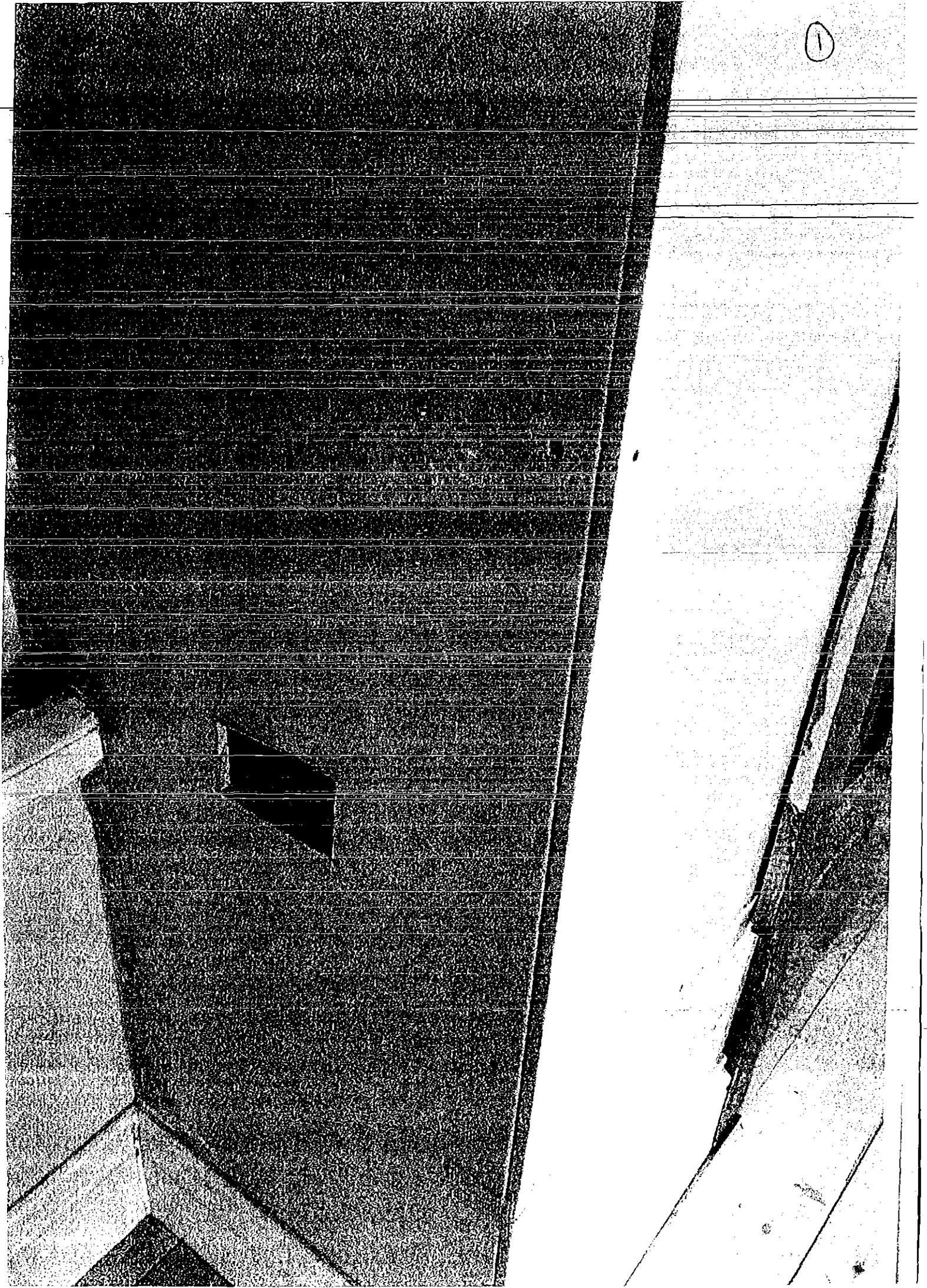
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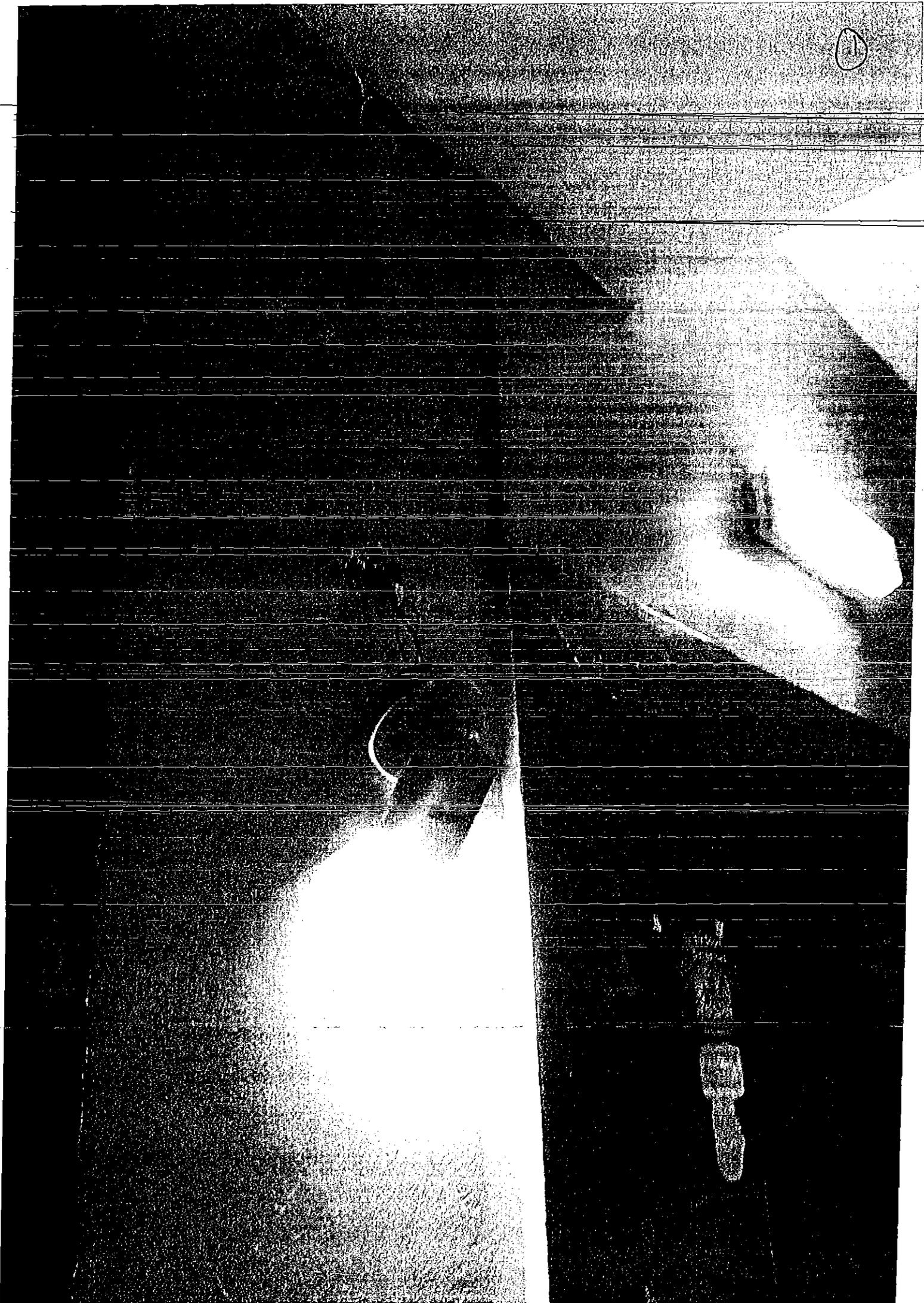


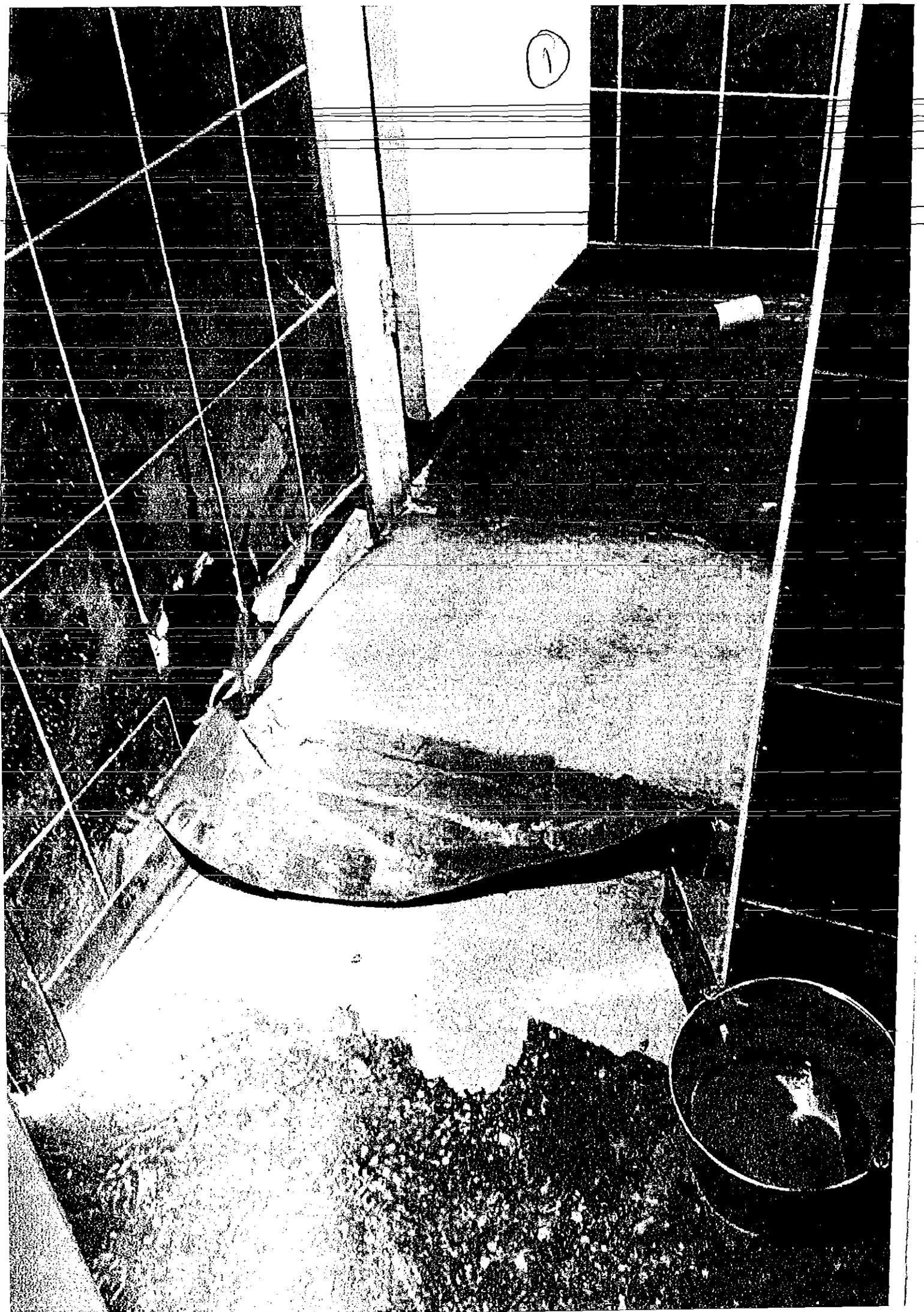


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SMART Julie 50403

From: DESBOROUGH-Carmen 16633
Sent: 25 April 2015 19:04
To: SMART Julie 50403
Cc: COSTIN Louise 14364; JENKINSON Simon 16475; CULL Nicholas 16896
Subject: R&B??



IMG_2041.JPG



IMG_2042.JPG



IMG_2044.JPG



IMG_2045.JPG



IMG_2046.JPG

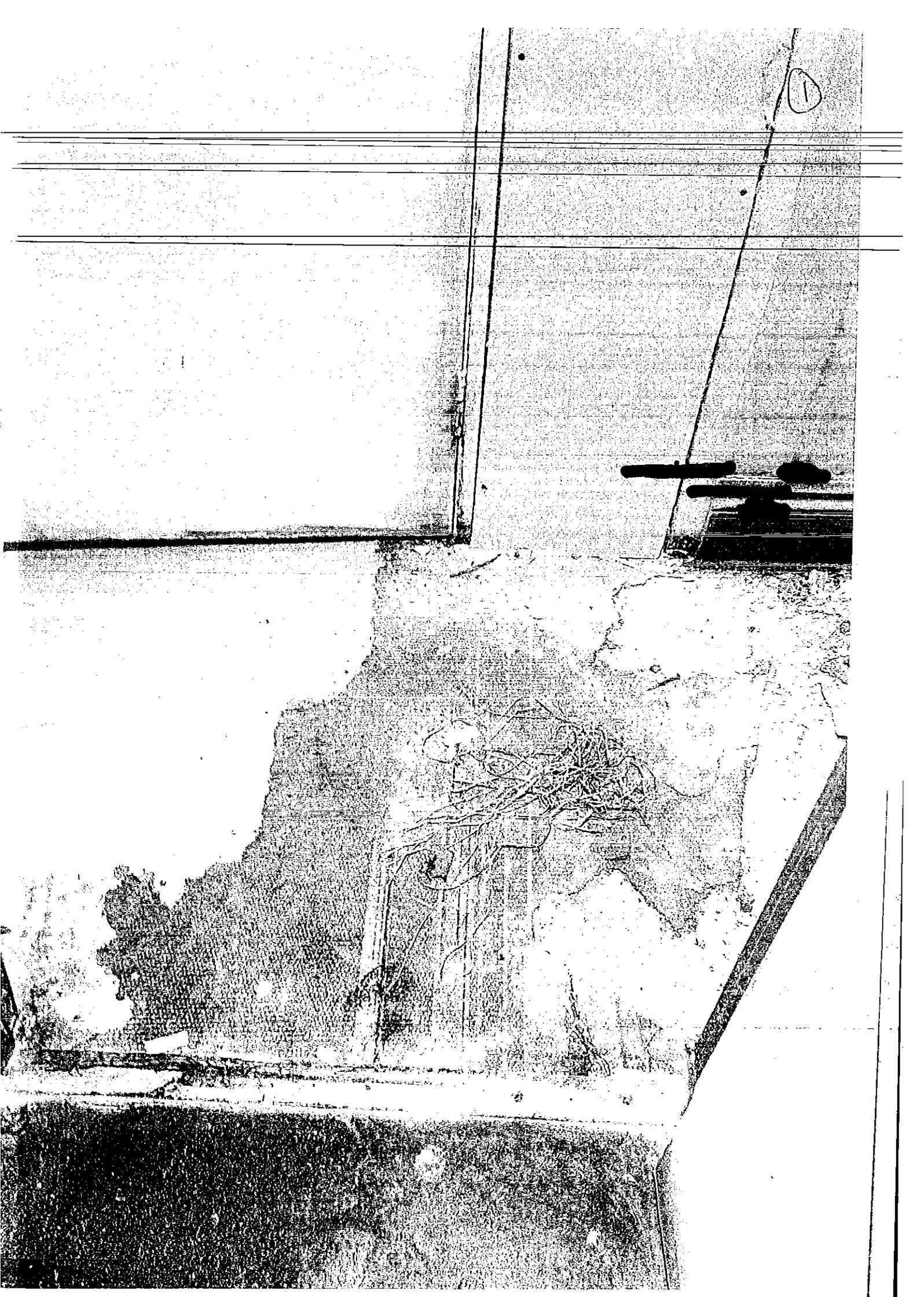


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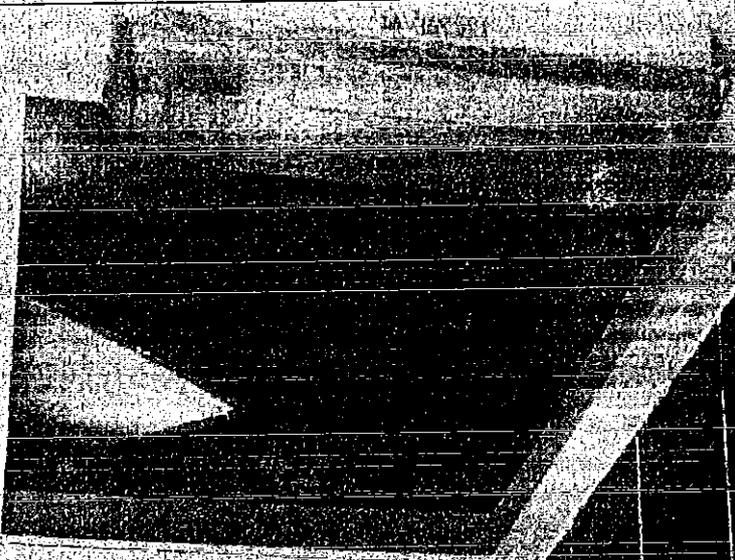


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Sergeant 6633 Carmen Desborough
South Devon LPA (Torbay Patrol Crime Sergeant)
Torquay Police Station
Tel: [REDACTED] (int) [REDACTED] (ext)
Mobile: [REDACTED]
Mobex: [REDACTED]



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£5.00 £5.00

FISH BOWLS

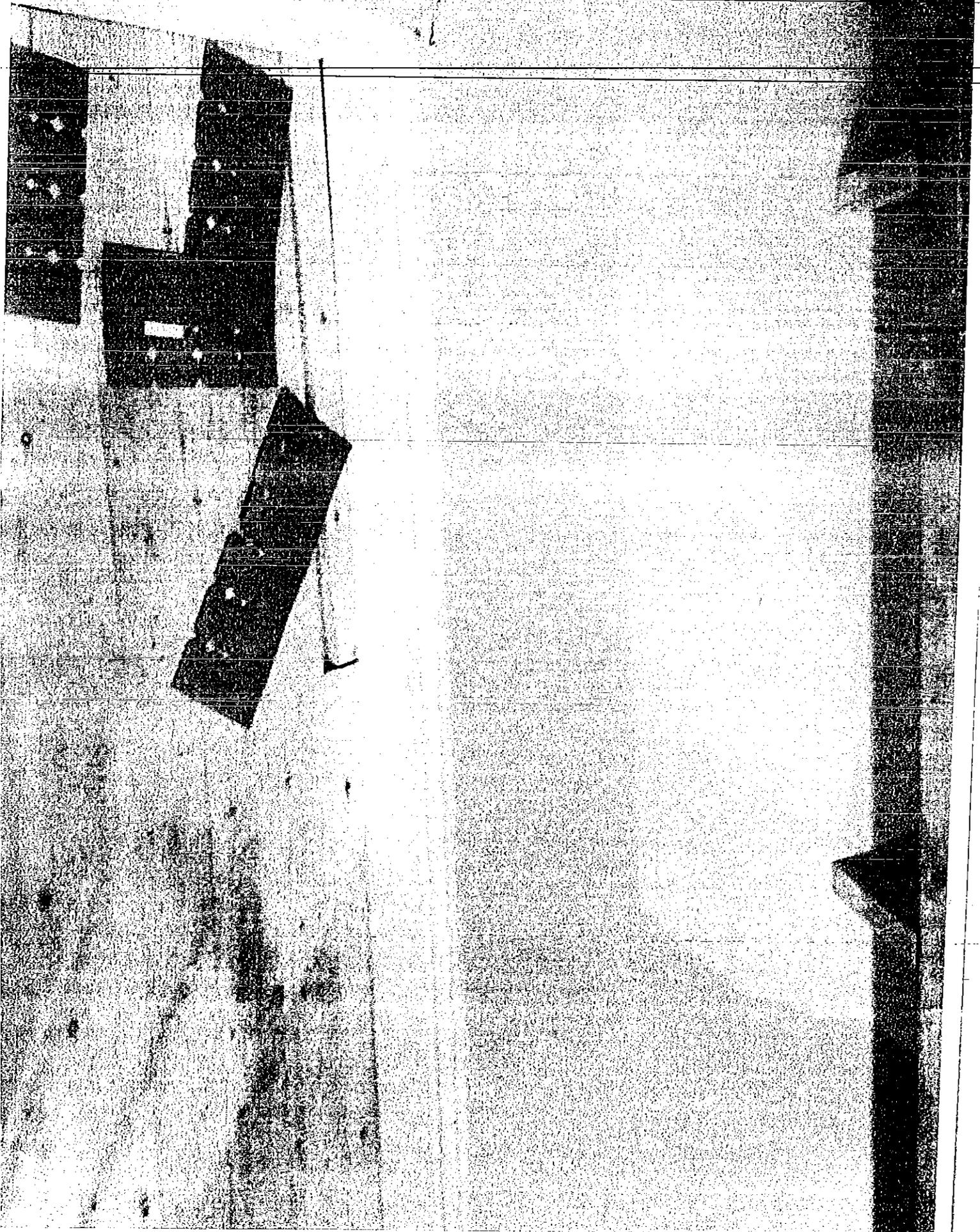
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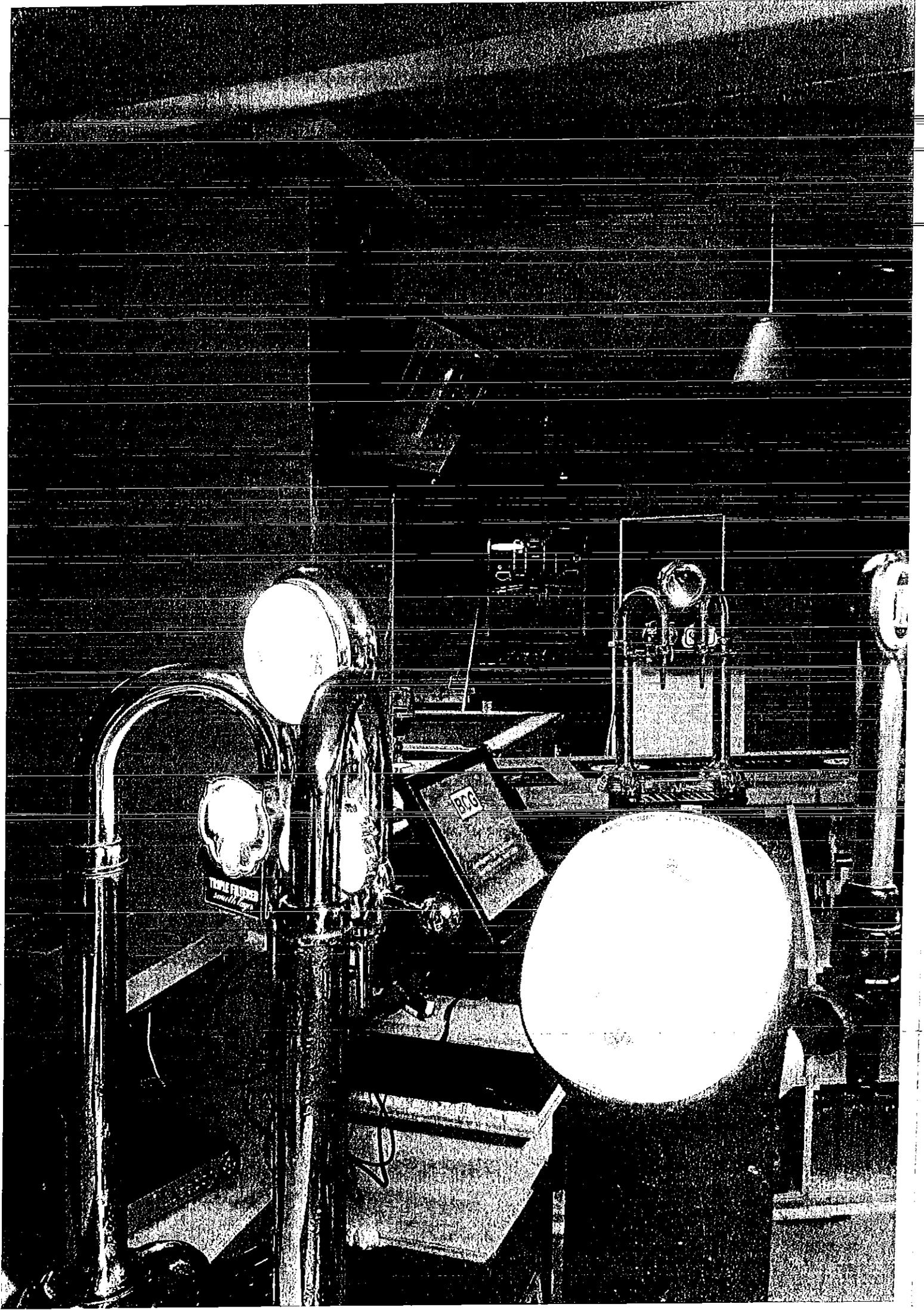
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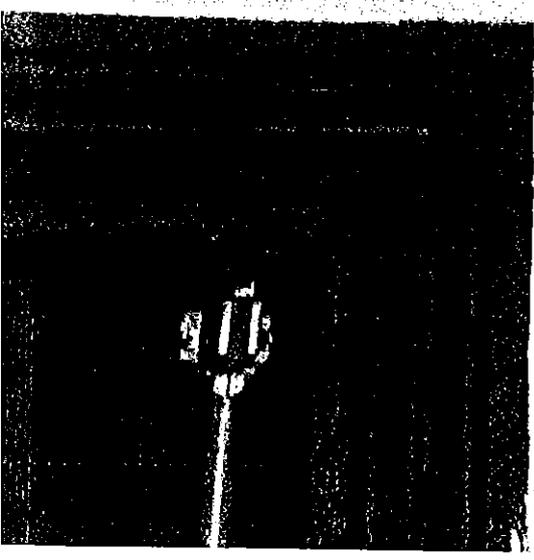
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Handwritten text on a small rectangular label, possibly a name tag or identification card, attached to a vertical line. The text is illegible due to the high contrast and grain of the scan.



1a

SMART Julie 50403

From: SMART Julie 50403
Sent: 28 April 2015 14:24
To: DESBOROUGH Carmen 16633
Cc: NORSWORTHY Michael 13671; COSTIN Louise 14364
Subject: FW: BREACH OF LICENCE - "SHARKS" aka "R&B's".....

Carmen

[REDACTED]

I visited R&B's yesterday afternoon with Mandy Guy and we met with the Premises Licence Holders, [REDACTED] and Mr Lawrence and made it perfectly clear to them that they are not to open the premises until all the concerns identified on Friday had been resolved to a satisfactory level. We also gave them advice on applying for a variation of the licence, to reflect the change of layout, and that we will seek legal advice as to whether they can open in the interim period or will have to wait until the licence is granted at the end of the 28 day consultation period (I will keep you updated re this).

It is now Mr Lawrence's intention to apply to be the Designated Premises Supervisor at the premises, however I have told [REDACTED], and [REDACTED] (solicitor who has been requested to act on their behalf) that if he applies I will object to this and use all the evidence from Friday night to demonstrate that he is not suitable to run a late night premises on Torquay harbourside due to his attitude and lack of responsibility.

I'd therefore be very grateful if you could put all the below matters into a detailed statement, and if you could put plenty of detail in re Mr Lawrence's level of drunkenness, attitude and lack of responsibility this would be really good evidence to hopefully convince the licensing committee that he shouldn't be responsible for the premises.

Regards

Julie

From: DESBOROUGH Carmen 16633
Sent: 25 April 2015 19:01
To: SMART Julie 50403
Cc: JENKINSON Simon 16475; COSTIN Louise 14364; CULL Nicholas 16896; ROBERTS Kevin 16363; BRUGGE Howard 15450
Subject: BREACH OF LICENCE - "SHARKS" aka "R&B's".....
Importance: High



IMG_2034.JPG



IMG_2035.JPG



IMG_2036 (2).JPG



IMG_2037.JPG



IMG_2038.JPG



IMG_2039.JPG



IMG_2040.JPG

[REDACTED]

Hello Julie,

[REDACTED]

I apologise for this long winded email, but I think you will understand why once you start reading and view the photos!! Please bear with.....

On Friday 24th April, at approx 2300hrs, I was speaking with door staff at [REDACTED], when they refused entry to a male in drink. He became verbally aggressive and sent on his way.

I could not get onto air to advise 900 so I asked the door staff to use their nite-net radio to advise.

Approx 5 minutes later, 900 advised that this male was approaching old "R&B's" and further advised there were no door staff and he could not raise on nite-net.

A licensed premises check was conducted at the premises – now named "SHARKS"

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Upon attendance, there were approximately 20 individual in the premises.

~~The intoxication of paint fumes was extremely evident (paint was still drying from being applied that same day)~~

PC CULL asked the manager present, [REDACTED] for a copy of their licence. It failed to materialise. A Personal Licence was produced in the name of JAMIE LAWRENCE, followed by Premises licence summary in name of "R&B's". [REDACTED] informed that he they intended to close no later than 0030hrs.

Further examination of the premises included;

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1a

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Can I just add and please feed-back that MANDY and SHAUN were fantastic and collectively, I [REDACTED] NICE and [REDACTED] were left in no uncertain terms of the consequences of their actions and our stance on their irresponsibility to open in order to take advantage of this weekend.

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[REDACTED]

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Kind regards

Carmen

[REDACTED]

Sergeant 6633 Carmen Desborough
South Devon LPA (Torbay Patrol Crime Sergeant)
Torquay Police Station
Tel: [REDACTED] (int) [REDACTED] (ext)
Mobile: [REDACTED]
Mobex: [REDACTED]



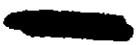
15

Please reply to: Ms Mandy Guy

Community Safety
c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR



My ref: R:214890/AJG
Your ref:
Telephone: 01803 208025
Website:
Date: 14 May 2015



Dear Sirs,

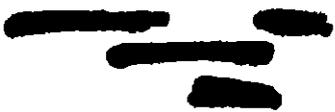
Licensing Act 2003

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB



I write with reference to the applications received by this department for a 'Variation to a Designated Premises Supervisor' to specify Jamie Lawrence as the Designated Premises Supervisor and an application to 'Vary a Premises Licence' in respect of R & B's. As discussed with you at a meeting with Jamie Lawrence and Julie Smart from Police Licensing, both these applications are invalid as copies were not served on the Police as required by the Licensing Act 2003.

As such the applications are now being returned to you. We did discuss about keeping the fee for when the application was correctly submitted. However since the application is now being completed by [redacted] I am arranging for the money to be refunded, I can confirm £239 will be refunded to the cardholder who made the payment whom was Mr Jamie Lawrence. This will be arranged directly by our finance department and may take a couple of weeks to be processed.



Should you need to contact us please quote the reference number above.

Yours faithfully

Ms Mandy Guy
Senior Licensing Officer
Licensing and Public Protection

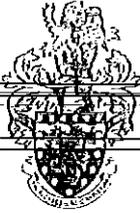
Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

cc Jamie Lawrence, 18 Market Street, Torquay TQ1 3AQ
cc Julie Smart, Police Licensing (by email)

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

1c



Devon & Cornwall Police
Building safer communities together



Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters



Telephone: 01803 218900

18 May 2015

Dear Sir

Rhythm and Blues, 12-14 The Terrace, Torquay, [REDACTED]

I write to you in your capacity as Premises Licence Holders of the above named premise, which has the benefit of a Premises Licence Number PL0433 issued by Torbay Council.

It has been brought to my attention that at approximately 2300 hours on Friday 24 April 2015 Sergeant 6633 Desborough and PC 6896 Cull attended your premise in relation to concerns raised by CCTV operatives that that they could not get any response from your premise via the Nitenet radio, when they had attempted to contact you with regards to a male who had caused problems in another licensed premise who was seen approaching your premise.

A short time after my officers arrival at your premise, Mrs Mandy Guy (Senior Licensing Officer, Torbay Council) and Mr Shaun Rackley (Licensing Enforcement Officer, Torbay Council) also arrived at your premise having been made aware of possible public safety concerns at your premise by a member of the public.

I would point out that from Friday 24 April 2015 to Monday 27 April 2015 the Riviera International Conference Centre was hosting the National Federation of Young Farmers Annual Conference and it was anticipated that over 5,500 young farmers would be frequenting the town centre throughout this period. This event had been widely publicised by the media and a letter was sent to licensed premises around the harbourside (including R&B's) by my Licensing Officer, Mrs Julie Smart.

julie.smart@devonandcornwall.pnn.police.uk



1c

On the arrival of my officers it was established that there were about 20 customers within the premise, who were consuming what appeared to be alcohol. Music was being played. The officers also noted that the premise had a "Sharks". A male identified himself as the manager and gave his name, [REDACTED] and [REDACTED] was then requested by PC Cull to produce the licence but he could not do so. I would remind you that failure to produce the licence when required to do so by a constable is an offence under Section 136 of the Licensing Act 2003.

It was further established that there was no Nitenet radio in use at the premise and that the CCTV system was not in operation as it was not plugged in. I would remind you that your premises licence contains conditions regarding both these matters and that failure to comply the conditions of the premises licence constitutes an offence under Section 136 of the Licensing Act 2003.

During discussions with [REDACTED] he produced a Personal Licence in the name of Mr Jamie Lawrence and stated that the premises were to close at 0030 hrs the following morning. At some point during my officers' visit, Mr Lawrence attended the premise in the company of a male named [REDACTED] and it was noted by my officers that Mr Lawrence was heavily in drink.

On Mr Lawrence's attendance he was adamant that he was the Designated Premises Supervisor for the premise, having submitted the relevant application to Torbay Council. As part of his duties, Mr Rackley is responsible for the processing of such applications and he informed Mr Lawrence that to his knowledge no such application had been received. However, it was established on Monday 27 April 2015 by Mr Rackley that an application had been served on Torbay Council some days earlier, however the form had not been correctly completed and a copy had not been served on the police as is required by the Licensing Act, and therefore the application was deemed invalid.

On Saturday 25 April 2015, enquiries were made with the outgoing DPS, [REDACTED] who stated that she believed that she had been replaced as DPS in February 2015 and that she had not given authority to Mr Lawrence to sell alcohol on her behalf. As such it is the opinion of the police that on Friday 24 April 2015 technically there was no DPS in respect of the premise and therefore no authority for the premise to sell alcohol, which again constitutes an offence under Section 136 of the Licensing Act 2003.

On attending the premise, Mrs Guy noted that the bar had been relocated within the premise, having been moved from a position against the right hand wall, as you look into the premise from the street, to a central position and that the disabled toilet had also been removed. A discussion took place concerning the fact that no variation

application had been received by Torbay Council and it was later clarified on Monday 27 April 2015 that despite an application having been submitted, the form had not been correctly completed or served on the police and therefore it too was deemed invalid. I would advise you that a person commits an offence if he carries on or attempts to carry on a licensable activity on or from the premise otherwise than under and in accordance with an authorisation (ie premises licence), and in circumstances where the premise does not resemble the plan attached to the licence, this again constitutes an offence under Section 136 of the Licensing Act 2003.

Mrs Guy discussed the Young Farmers Event with Mr Lawrence and asked him why there were no door stewards on duty at the time of her visit. Mr Lawrence stated that the licence does not require door stewards to be employed at the premise unless the premise sell alcohol after midnight and that he was not intending to do so. Mr Lawrence further stated that he was not intending to allow any young farmers into the premise, however when Mrs Guy asked what he would do if some young farmers wanted to enter, he stated that he would welcome them in. Mrs Guy then pointed out that a meeting had been held with all Premises Licence Holders and DPS' of harbourside licensed premises at which all were strongly advised by the police to employ door stewards throughout the day time and evening periods whilst the young farmers were visiting due to the large numbers that would be attending and the fact that in previous years when they have attended Torquay, they have displayed somewhat boisterous behaviour and there would be an increased likelihood of crime, disorder, anti-social behaviour and public nuisance.

In addition, Mrs Smart informs me that during discussions with you, you indicated that you had advised Mr Lawrence to ensure he employed door stewards for the Young Farmers weekend if he was intending on opening throughout this period, but he had not done so. Whilst Mr Lawrence is in fact correct in stating that door stewards were not required according to the terms of the premises licence, I am very concerned that Mr Lawrence did not appear to have given serious consideration to the impact that the young farmers could have had on the premise and that he did not heed your advice. However, I accept that on the attendance of my officers there were only 20 customers present who did not appear to be causing any concern.

An inspection of the premise was carried out by my officers, Mrs Guy and Mr Rackley and they expressed serious concerns in relation to the overall condition of the premises, as follows:

- 1) Very strong smell of paint fumes, with paint on the walls still wet and rollers/trays in a cupboard situated within the public area of the bar which was accessible to members of the public. The fire exit door and stairs leading up to a rear external fire exit were blocked by debris and wires causing an obstruction. Should this exit have had to be used in an emergency situation, my officers formed the opinion that it would not have served its function and would have been very

7c

hazardous. Exposed electrical wires were coming out of several walls and ceilings. Mr Lawrence volunteered to touch these wires to demonstrate that they were not live, but he was requested not to do so. Several electrical sockets were also hanging from the walls. My officers were told that these sockets were not live, yet it was noted that the gambling machine was plugged in and working. Light sockets were hanging from the wall, one of which had a bulb switched on which was resting on the wall. This bulb was within easy reaching distance and my officers indicate that the heat from the bulb was unbearable to touch. Two floor tiles were missing from the main public area and a floor board was not properly attached. The men's toilet was in a very poor state, with uneven flooring, a large trip hazard and a hole in the wall. No hot water behind bar for washing of hands. The bar was in the progress of being constructed. Various parts of the bar were of bare wood construction and Mrs Guy (who is a trained Food Hygiene Inspector) indicated they are not suitable for washing down as required by Food Hygiene Regulations. Tables and benches within the premises were of bare wood construction. These again were not capable of being thoroughly cleaned and had rough surfaces likely to cause splinters, catches on clothing etc.

Due to the level of concerns my officers had in respect of the above, they requested the attendance of Inspector Brugge at the premise and contact was subsequently made with the Fire Safety Officer, however he was already committed in Exmouth on another matter and could not attend.

Following lengthy discussions between all parties, Mr Lawrence was advised to close the premise until such time as all the health and safety concerns had been rectified and applications in respect of nominating a Designated Premises Supervisor and a variation to show the alterations to the internal layout of the premise had been submitted in accordance with the Licensing Act 2003.

As a result of my officers' visit to your premise, a detailed report, together with a number of photographs, was submitted to the Licensing Department and this will be kept on file for future reference. Within Sgt Desborough's report she indicates that she found Mr Lawrence to be very arrogant, rude and flippant about the situation and he appeared unwilling to co-operate with my officers but she does indicate that [REDACTED] displayed a more appropriate attitude and was willing to follow the advice given.

Mrs Smart has advised me that she met with you, Mr Lawrence and Mrs Guy at the premise during the afternoon of Monday 28 April 2015 when all the above matters were discussed and the offences outlined above were pointed out to you.

Mrs Smart has also informed me that she has discussed the role of Premises Licence Holder with you. Whilst I appreciate that you own the premises and lease it to tenants, but do not have an active role in the day to day management of the premises, I must point out that as Premises Licence Holder you are legally responsible for this premise

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and therefore it is in your interest to ensure that you nominate a Designated Premises Supervisor who has experience in the licensed trade, particularly as this premise has a late licence and is situated only a short distance from the harbourside area, and within the Torbay Council Cumulative Impact Area. Should you not wish to be actively involved in the management of the premises, you may of course Transfer the licence to a nominated person(s) or company, however this in itself does involve a risk that the licence may be surrendered or revoked leaving you with a premises that has no licence, or alternatively your tenants could apply for the grant of a new licence to run alongside your existing premises licence. Mrs Smart informs me that she has discussed these options with you and I would be grateful if you could give this matter further consideration.

At the current time I have been advised by Mrs Smart that Torbay Council have indicated that the premises can not open until a new DPS has been nominated and a suitable application (either a variation or new licence) showing the change of layout to the premises has been granted. Alternatively the bar could be moved back to the position as shown on the existing licence and then a variation or application for the grant of a new premises licence would not be necessary.

I must advise you that I am extremely disappointed by the number of concerns raised by my officers in relation to your premise, particularly as it appears that at least 5 offences under the Licensing Act 2003 have been identified. However, on this occasion, it has been decided that no further action will be taken against you in respect of this matter, but I must advise you that my officers will closely monitor your premise and if the circumstances warrant it, I will not hesitate in applying for a Review of your Premises Licence and/or seeking a prosecution for any offences committed. I do hope that you will address the concerns raised and that this course of action will not be necessary. However, should it be necessary to apply for a Review, this letter will be used as part of our evidence.

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

A copy of this letter has been forwarded to Mr Jamie Lawrence, C/O Shark Bar and Grill Ltd, The Old Skools Cafe Bar, 18-20 Market Street, Torquay, TQ1 3AQ, for his information and that of [REDACTED], who I believe is a director of this company.

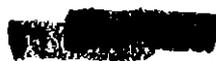
Should you wish to discuss any of the matters contained in this letter further, please do not hesitate to contact Mrs Smart.

Yours faithfully

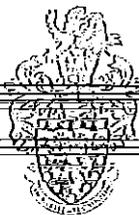
1c



Superintendent G Mayhew
LPA Commander



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Devon & Cornwall Police
Building safer communities together

Mr J Lawrence
C/O Shark Bar and Grill Ltd
The Old Skools Cafe Bar
18-20 Market Street
TORQUAY
TQ1 3AQ

Licensing Department
Devon and Cornwall Constabulary
Force Headquarters
[Redacted]
Telephone: 01803 218900

18 May 2015

Dear Sir

Rhythm and Blues, 12-14 The Terrace, Torquay, TQ1 1BN

Please find attached a letter that has been sent to [Redacted] Premises Licence Holders of the above named premise, as a result of the recent attendance of the police at the premise on Friday 24 April 2015.

As you have indicated that your company will be operating from this premise in the future, I trust that you will give the content of the letter your full consideration.

Should you wish to discuss this matter any further, please do not hesitate to contact my Police Licensing Officer, Mrs Julie Smart.

Yours faithfully

Superintendent G Mayhew
LPA Commander

julie.smart@devonandcornwall.pnn.police.uk

101 www.devon-cornwall.police.uk



Please reply to: Ms Mandy Guy

Community Safety

c/o Town Hall
Castle Circus
TORQUAY

Devon
TQ1 3DR

My ref: R:214890/AJG

Your ref:

Telephone: 01803 208025

Website:

Date: 20 May 2015

Dear Sirs,

Licensing Act 2003
Health and Safety at Work Act 1974
Food Safety and Hygiene (England) Regulations 2013

Re: Premises Licence PL0433 R & B's (to be renamed Shark Bar and Grill), 12 – 14 The Terrace, Torquay TQ1 1NB

I am writing to you with regard to the visit done by myself and Shaun Rackley, Licensing Enforcement Officer, to R & B's at 23.20 on Friday 24th April 2015. We visited the premises as we received information from a member of the public that they felt the premises was unsafe and should not be open. When we arrived at the premises there were already Police Officers, Sergeant 6633 Desborough and PC 6896 Cull, in attendance that also had concerns about public safety at the premises.

During this visit we spoke to Jamie Lawrence who claimed he was the new Designated Premises Supervisor, [REDACTED] a shareholder in Shark Bar and [REDACTED] the Bar Manger. There were customers in the premises during our visit and the bar was open to customers to purchase drinks including alcoholic drinks.

On Monday 27th April 2015 at 14.10 myself and Julie Smart, Police Licensing Officer, met with yourselves and Jamie Lawrence to discuss the breaches of legislation that had been noted. These were as follows:

Licensing

1. There were no door stewards at the premises as required by your premises licence when the premises remains open for the sale of alcohol after midnight on any Thursday, Friday or Saturday night. Jamie Lawrence informed me they were planning to stop selling alcohol at midnight and close by 12.30 so they didn't need door staff. However I highlighted to Mr Lawrence that there were over 5000 Young Farmers in town and as such there was an expectation that premises in Torquay Town Centre would be providing door staff. Mr Lawrence contradicted himself by telling me he was only allowing locals in and then that he would welcome in any Young Farmers that did turn up. I understand that you had spoken to

1d

Mr Lawrence previously about door staff and had expected them to be employed at the premises over the Young Farmers weekend

2. The premises did not have a Nitenet Radio and the CCTV was not working. We were told there had been a power issue with the CCTV but a Police Officer noted it was not plugged in. Both of these issues are breaches of your premises licence. Failure to comply with conditions on your premises licence constitutes an offence under Section 136 of the Licensing Act.
3. It was quite evident when we entered the premises that it was undergoing refurbishment and that it had been opened with the refurbishment only partly completed. This was evident not only from the smell of fresh paint and the paint with the roller that we found in the cupboard next to the men's toilets, but also from the number of half finished jobs. One of these was the new bar in the center of the premises. This bar was much larger than the previous bar which was at the side of the premises. The location of the bar and the removal of the disabled toilet were discussed with Mr Lawrence. He said he had submitted an application for the bar to be moved and also an application for him to be put on as the Designated Premises Supervisor. We informed Mr Lawrence that we had not received these applications. I can confirm when we returned to the office the applications had been received but were not able to be accepted as they were wrong. Further enquires revealed that Miss Iwona Mankowska who was named as the Designated Premises Supervisor had thought she had been removed from the licence and was unaware of the premises being open. Therefore you were selling alcohol without the authorization of a Designated Premises Supervisor which is an offence.
4. There was a further offence under section 136 of the Licensing Act 2003 as the layout of the premises had been substantially changed without the licence being amended by the correct process of correctly submitting an application to vary the licence to reflect the changes.
5. There are a number of other conditions on the premises licence that were being breached during the inspection. However due to the concerns we had with regard to public safety only the main licensing issues were addressed on the evening. This was also in part due to the difficulty we were having communicating with Mr Lawrence as in my opinion he was heavily in drink. He did confirm he had been called to the premises from a celebration he was at in the Old Skools Bar. He also got himself a half pint of what appeared to be an alcoholic drink from the bar when we were talking to him.

Health and Safety

6. There were a number of electrical issues with the fixed wiring throughout the premises. Mr Lawrence offered to touch the wiring to prove it was not live however he was advised not to do this. One of the electrical sockets that was hanging off the wall had a working gaming machine plugged into it so was obviously live.

You must undertake an Electrical Installation Condition Report (EICR) in accordance with the Electricity at Work Regulations 1989. Any remedial items in this report must be remedied and a 'satisfactory' EICR report submitted to this department within 6 weeks.
7. There was no sign of any gas safety paperwork on site during my visit. The gas boiler in the cupboard off the ladies toilet appeared to be in a poorly maintained condition. You must ensure the gas system on site is inspected by a suitably qualified 'Gas Safe' engineer and a copy of their report forwarded to this department within 6 weeks.
8. There were chemicals stored in a haphazard manor throughout the premises including in the cupboard there the boiler is located. Chemicals must be stored in accordance with the

1d

manufacturers' recommendation and away from potential sources of ignition.

9. ~~The flooring throughout parts of the premises, including the bar and around the men's toilet~~ were found to uneven and constituted a tripping hazards. Floors must be of a sound construction and free from defect so as to prevent the risk of patrons injuring themselves.
10. ~~Egress via the upstairs fire exit was restricted and there were a number of wires and~~ miscellaneous items behind the door and on the stairs. This matter has been referred to the Devon and Somerset Fire Rescue Service.

Food Hygiene

11. There was no water supply to the hot water tap at the wash hand basin behind the bar. A supply of hot and cold or suitably mixed water must be available for the hygienic washing of hands. This must be completed prior to the premises being opened.
12. The floor behind the bar had no floor covering and was unsealed. A washable and impervious floor covering must be provided.
13. The shelving behind the bar where the glasses were stored were bare wood causing the glasses to be dusty. The shelving must be suitably sealed to provide a washable and impervious service that is easy to clean.

As you will understand from the breaches of legislation above and the discussion we had with you on the 27th April we have had to decide what further action to take in relation to the premises. After careful consideration and discussion with our Legal advisor and the Police it has been decided on this occasion not to take any legal action against you. This is mainly due to the cooperation eventually given on the evening by [REDACTED] and [REDACTED] volunteering to close the premises and for your reassurance at the meeting on the 27th April that the issues would all be addressed. However should there be further breaches found in the future legal action will be considered and this letter will be used as evidence.

With regard to the opening of the premises we discussed a number of options. As the bar had been repositioned without authorisation by way of a correctly served and granted application we would need to receive either a variation to the premises licence or a new premises licence application. The new application was discussed as preferable to protect your interest in the business without the risk of losing the licence. Should you wish to leave the licence in your names you will need to ensure you have an involvement in the way the premises is run. The other option available to get the premises open again would be to put the bar back to it's original position as shown on the existing plan.

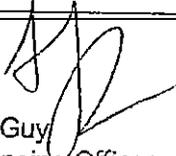
An application for a Designated Premises Supervisor to be put on the licence must also be submitted prior to the premises opening. I suggest you give careful consideration to who you wish to fill this position.

A copy of this letter has been sent to Mr Lawrence for information for him and

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Should you wish to discuss any of the items in this letter please contact me via the above telephone number and quote the reference number above.

Yours sincerely



Ms Mandy Guy
Senior Licensing Officer
Licensing and Public Protection

cc Police Licensing (by email)
cc Mr J Lawrence, C/O Shark Bar and Grill Ltd, The Old Skools Café Bar, 18-20 Market Street,
Torquay TQ1 3AQ

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2

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Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|-------------------------|---|
| Item Type | Other |
| Prem Name | Shark Bar |
| Date Rec'd | 20/07/2015 |
| 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 | |
| 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 call from [REDACTED] re after hours drinking/lock ins at Shark Bar |
| Comments | <p>20/08/15 - I have discussed the issue of after hours drinking with [REDACTED] and following receipt of further information concerning a member of staff, [REDACTED] drinking after hours in premises during the early hours of Sunday 16th and Monday 17th August 2015 he has been given firm words of advice and [REDACTED] has stated that his keys have been taken off him and he will no longer be responsible for locking up, he will only attend premises when working and not as a customer on days off, he will not drink on duty or whilst under the influence of any substances, and there will always be a Personal Licence Holder on duty.</p> <p>I have also discussed concerns regarding this premises with [REDACTED] and I am aware that they have met with Jamie and [REDACTED] and told them to 'pull their socks up'. In light of this, no further action to be taken at this time, but should further concerns/incidents come to my attention I will arrange a meeting with PLH and DPS at Torquay Police Station.</p> |

DPS

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Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type Other

Prem Name Shark Bar

Date Rec'd 20/07/2015

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

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 call from [redacted] re after hours drinking/lock ins at Shark Bar

Comments
 20/08/15 - I have discussed the [redacted] after hours drinking with [redacted] and following receipt of further information concerning a member of staff, [redacted] drinking after hours in premises during the early hours of Sunday 16th and Monday 17th August 2015 he has been given firm words of advice and [redacted] has stated that his keys have been taken off him and he will no longer be responsible for locking up, he will only attend premises when working and not as a customer on days off, he will not drink on duty or whilst under the influence of any substances, and there will always be a Personal Licence Holder on duty.
 I have also discussed concerns regarding this premises with [redacted] and I am aware that they have met with Jamie and [redacted] and told them to 'pull their socks up'. In light of this, no further action to be taken at this time, but should further concerns/incidents come to my attention I will arrange a meeting with PLH and DPS at Torquay Police Station.

DPS

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SharePoint

Newsfeed

OneDrive

Sites

SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|-----------------------------|---|
| Item Type | Other |
| Prem Name | Shark Bar |
| Date Rec'd | 03/08/2015 |
| Date Due | |
| Event Start Date | 31/07/2015 23:10 |
| Event End Date | |
| Submitting Officer | SMART Julie 50403 |
| Applicant Surname | |
| Applicant First Name | |
| Proposed DPS Surname | |
| Proposed DPS First Name | |
| Prem Street | The Terrace |
| 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 | Email received from Dave Richards re 03/08/15 assault at Shark Bar. |
| Comments | 20/08/15 - I am aware that [redacted] have met with [redacted] and Jamie in relation to recent incidents and therefore I am do not propose to take any further action at this time but will continue to monitor the premises. Should any further information/incidents come to my attention I shall call a meeting with [redacted] and [redacted] at Torquay Police Station. No further action at this time. |
| Visit tasked | NO |
| LA Time Taken | |
| LO Time Taken | 180 |
| Item Briefed | |
| Representation/Objection No | |
| Hearing | No |



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: 31/07/15 Time: 2330 |
| OIS Ref.: None | Crime No.: CR/053736/15 |
| Name of premises (where applicable): SHARKS BAR (Formerly R&B's) | |
| Address: 12 - 14 The Terrace, Torquay | |

Brief summary / action taken:

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

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

Helpful Unhelpful Obstructive Other:

Police were called to the bar by nite-net radio (by a nearby premises) to reports of a fight. Upon my arrival there was one seemingly unconscious male outside on the pavement. I was asked to attend to a second unconscious male within the bar area. The second casualty was kneeling in a pool of his own blood. It transpired he was the DJ [REDACTED] [REDACTED] was initially very hostile and making threats to seek retribution. So much so he was arrested to prevent a breach of the peace (and subsequently de-arrested 25 minutes later after eventually calming down). One would have to question his suitability to be working in a licensed premises (please see his nominal record - 311768). Similarly there was a second staff member (I did not get his name due to dealing with [REDACTED] who appeared to be possibly under the influence of drugs / NPS. He was incredibly animated and whilst recounting the event to somebody else was stood behind the bar shouting and appearing to re-inact what had happened, throwing

Submitted by: Name: _____ Force No.: _____
Signed: _____ Date: _____ Time: _____

Officers present at inspection:

Continued: numerous punches into the air. DPS was present and stated that the incident started due to a female barmaid starting an argument with a customer. DPS seemed unable to control the situation and whilst helpful after the event again I would have to question her suitability to run the premises. Following the event DPS's father (and the owner) arrived on scene. He was asked to turn off the CCTV but was unable to do so (apparently he forgot his glasses) and nobody else could do so either. Also worth noting that no door staff on duty.

Officers present: 16204 Gower, 14294 Quick, Insp Jenkinson (and others)

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
 Incident captured? Yes No
 Image quality? Good Poor Other: not yet viewed as whole hard drive needed seizing
 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:



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 checked="" type="checkbox"/> Visit <input type="checkbox"/> Incident <input type="checkbox"/> Other | Date: 31/07/15 Time: 2231hrs |
| OIS Ref.: | Crime No.: |
| Name of premises (where applicable): SHARK BAR | |
| Address: 12 The Terrace, Torquay | |
| Brief summary / action taken: | |
| Designated Premises Supervisor (DPS) on the premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Name of DPS (or person in charge if no DPS): Chloe FOX | |
| <input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other: | |
| Licensing visit due to no SIA doorstaff being present. Premises was visited by A/Insp JENKINSON, [redacted] was present as DPS. [redacted] was able to produce the license and explained that they had been let down by doorstaff and intended to close at 2330hrs that evening. [redacted] was present, working as a bar manager, he appeared uncomfortable with my presence and wouldn't leave me with [redacted] | |
| Submitted by: Name: A/Insp Simon Jenkinson | Force No.: 16475 |
| Signed: S Jenkison | Date: 06/08/15 Time: 1012hrs |
| Officers present at inspection: | |
| A/Insp 6475 Jenkinson. | |

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
Incident captured? Yes No
Image quality? Good Poor Other: Not Applicable
- 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: None
- 5. Radio system in use? Yes No
- 6. Tables / glasses kept tidy? Yes No
- 7. Smoking inside premises? Yes No

Public Nuisance:

- 1. Any noise 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? None
- 3. How is this publicised?
- 4. Do staff appear trained in proof of age? Yes No

Any other information:

_____ appears unable to cope with the management of the Shark Bar. _____ appears to hold a position of bar manager but is overbearing towards _____ appears to be intimidated by him. I am of the opinion that if the visit had not taken place then the bar would have been kept open beyond midnight.

3c

From: JENKINSON Simon 16475
Sent: 06 August 2015 09:52
To: SMART Julie 50403
Cc: GOWER Robert 16204
Subject: RE: R&B's CR/053736/15

Julie,

The place was a disaster, I don't think [REDACTED] is able to manage the issues that arose. The L10's will be submitted today by myself and Rob GOWER, we were too busy to do it before we finished nights. Rob GOWER is OIC for the assaults but I have some real concerns about the premises myself.

Regards

Si.

From: SMART Julie 50403
Sent: 05 August 2015 16:22
To: RICHARDS Dave 15378; JENKINSON Simon 16475
Subject: FW: R&B's CR/053736/15

Dave/Simon

I attended Shark Bar (formerly R&B's) this afternoon to discuss a couple of concerns with the DPS, [REDACTED], and whilst there discussed the incident on Friday night with her. She showed me their incident book which details 2 incidents that occurred within the space of 10 mins. The first incident involved a male stood just inside the front door who allegedly tried to assault [REDACTED] (Barman), who in turn punched the male to the face. In the incident book [REDACTED] claims he did this in self defence. Incident continued outside and the male was restrained by a door steward from Banx Bar. Police then attended. I don't think this incident was crimed.

Whilst police were dealing with the matter outside, a male called [REDACTED] then entered Shark Bar and assaulted the DJ, [REDACTED]. [REDACTED] stated that as a result of the incidents, she decided to close the premises.

Whilst I was at the premises [REDACTED] and [REDACTED] showed me the CCTV, but they were having difficulties operating the system. They told me that they had obtained a new hard drive (that is easier to operate) and were going to put that in tonight, but as I was concerned that they wouldn't be able to burn the footage off, I got them to do this whilst I was there and they gave me the hard drive with the above footage on. I've put the hard drive on Lee Langley's desk in the Sgt's Office for your attention.

The timings on the CCTV are not accurate, and the footage you need is from 0012 hrs on Saturday 01/08/15. When you get the CCTV on disk please can you let me have a copy so I can view it again and keep for future reference.

3c

If you have any information that may be useful from a licensing perspective please can you submit an L10.

Thanks

Julie

From: EDGECOMBE Kim 50017 **On Behalf Of** Licensing East
Sent: 04 August 2015 08:24
To: SMART Julie 50403
Subject: FW: R&B's CR/053736/15

Hi Julie

As discussed.

Kim

From: RICHARDS Dave 15378
Sent: 03 August 2015 15:08
To: Licensing East
Subject: FW: R&B's CR/053736/15

Can you shed any light on the issues at R&B's and whether as a result of the incident CCTV was seized for the night Fri 31st July when Bar shut down by Police
Many Thanks
Dave

From: RICHARDS Dave 15378
Sent: 03 August 2015 15:08
To: JENKINSON Simon 16473
Subject: R&B's CR/053736/15

HELPI

I have a crime on my workload for an assault ABH at R&B's on Fri evening
I understand you have the honour of closing the place down on Fri evening
Can you shed any light on the night and whether the assault was dealt with by anyone
What are the chances of retrieving CCTV for the night? This may be key to investigating this crime
Many Thanks
Dave RICHARDS
A Section Response TORQUAY

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Sites

SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|--------------------------|---|
| Item Type | Other |
| Prem Name | Shark Bar |
| Date Rec'd | 10/08/2015 |
| Date Due | |
| Event Start Date | 07/08/2015 21:25 |
| Event End Date | |
| Submitting Officer | SMART Julie 50403 |
| Applicant Surname | |
| Applicant First Name | |
| Proposed DPS Surname | |
| Proposed DPS First Name | |
| Prem 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 call from Dave Walker re his visit to premises. |
| Comments | Despite premises having been given 4-8 weeks to rectify electrical safety issues, this was not done within the relevant time and Dave Walker therefore issued an enforcement notice. Dave advised me that he was going to visit last week to see whether the work had been completed. Email received from Pete Cosby on Friday 27/11/15 indicating that Dave Walker had rang and informed him that the safety certificate is now satisfactory. Copy email attached. No further action required. |
| Visit tasked | NO |
| LA Time Taken | |
| LO Time Taken | 30 |
| Item Briefed | |
| Representation/Objection | No |
| Hearing | No |

4a

SMART Julie 50403

From: SMART Julie 50403
Sent: 10 August 2015 16:07
To: '(GCSX) Walker, Dave'
Subject: RE: Shark Bar

Thanks Dave

From: (GCSX) Walker, Dave [mailto:Dave.Walker@torbay.gcsx.gov.uk]
Sent: 10 August 2015 14:20
To: SMART Julie 50403
Cc: Guy, Mandy
Subject: Shark Bar

Julie, here is the info from Friday night and Today.

I visited initially at 9.20-9.30pm. No DPS was on site. I spoke with [REDACTED] the manager who said the electrical certificate was at Old Skool. I said I would look at it after 11pm and come back later.

I revisited at 11.20-30. The front door was open allowing music to break out, there was only 1 door steward on (when challenged [REDACTED] said he had phoned to say he was coming in late) and the electrical certificate was not available.

I attended again today from 11.50-12.40 during which time the electrician arrived to give them a quote. Inspection is being done Thursday and I have said I want the report (satisfactory or not) in my inbox on Friday. The guy calling the shots was [REDACTED] who is allegedly a builder.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

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SMART Julie 50403

From: COSBY Peter 55186
Sent: 27 November 2015 09:15
To: SMART Julie 50403
Subject: Sharks Bar

Hi Julie,

Dave Walker called to let us know that he has received the safety certificate for Sharks Bar and it is satisfactory. No further dealing with them.

Pete

55186 Pete COSBY
Alcohol Related Crime Reduction Officer
Devon and Cornwall Constabulary
Ext.41464 (External01803218946)
email: peter.Cosby@devonandcornwall.pnn.police.uk

Licensing Department (East), Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ
Tel: 01392 452225
Fax: 01392 452447
Email: licensingeast@devonandcornwall.pnn.police.uk

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Sites

SMART Julie 50403



Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|-------------------------|---|
| Item Type | Other |
| Prem Name | Shark Bar |
| Date Rec'd | 17/08/2015 |
| Date Due | [REDACTED] |
| Event Start Date | [REDACTED] |
| Event End Date | [REDACTED] |
| Submitting Officer | SMART Julie 50403 [REDACTED] |
| Applicant Surname | [REDACTED] |
| Applicant First Name | [REDACTED] |
| Proposed DPS Surname | [REDACTED] |
| Proposed DPS First Name | [REDACTED] |
| Prem Street | The Terrace |
| Prem District | [REDACTED] |
| Prem Town | Torquay |
| Prem County | Devon |
| Prem Postcode | [REDACTED] |
| Premises risk rating | [REDACTED] |
| Hub Location | EAST - Exeter |
| Logic outcome | Fail |
| Licensing Office | Torbay |
| Allocated To | Julie SMART |
| Item Report Summary | Information received re a fight in the premises on Saturday 15 August 2015 involving [REDACTED] and after hours drinking. [REDACTED] |
| Comments | <p>DPS 20/08/15 - Attended premises yesterday afternoon [REDACTED] met with [REDACTED] and Jamie Lawrence. CCTV was not ready and I asked [REDACTED] about this. She stated that she didn't burn any off as the incident wasn't captured. She showed me an area along the back wall of the premises where the incident occurred and I checked coverage on the monitor. One camera in the area is [REDACTED] by a speaker and I therefore requested them both to move the [REDACTED] camera to a better location. Also noted that there are 2 cameras situated on the wall at the other end of this location and I asked why one of these camera's had no image displayed on the monitor. Jamie Lawrence stated that it [REDACTED] wired in, and there are at least 2 other cameras not working. I was not able to see if this camera was/wasn't wired in and it crossed my mind that this seemed a bit suspicious bearing in mind the location of the incident but I am not able to prove anything. Requested both to rectify this matter asap to</p> |

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ensure good CCTV coverage and for all cameras to be displayed on monitor. [REDACTED] showed me the incident book and I noted that she had timed the incident at 0145 whereas it actually occurred at about 0045 hrs. She also showed me a door steward incident form which gave basic details. I then watched the incident on CCTV and a scuffle can be seen but detail could not be made out. I then watched from the end of this incident until 2.30 am and noted that once door stewards had got everyone out the door shutter was put down and only staff and their partners were present having a drink and cleaning. [REDACTED] and her partner then went left the premises and at about the same time a friend of [REDACTED] arrived. Footage shows these two males sat at the bar having a drink but I could not see any exchange of money or the till being used. I then informed [REDACTED] that further information had been received that indicates [REDACTED] and others were drinking in the premises until about 3.00 am. [REDACTED] stated that she had watched the CCTV from Monday morning and this is true but she stated that no sales took place. I then watched this footage and whilst [REDACTED] does appear to use the till at one point I could not see what he was doing. [REDACTED] stated that the group of about 5/6 people were in there until about 4.30 am but I only watched footage up to 3.30 am and they were sat chatting/playing pool/messing around. It appears that music was being played throughout this time as the disco lights were working and [REDACTED] pointed out that [REDACTED] was at the music controls on occasions. The door shutter was also down. She also said that they had been smoking in the premises and I advised her that that smoking at any time is illegal as the premises are a public place and she could be liable for a fine. As a result of viewing this footage I am satisfied that the premises were not open to the public and alcohol sales were not taking place so there has been no breach of licence conditions or offences. However I advised [REDACTED] that should people leaving the premises cause noise or disorder, then she would still be liable. [REDACTED] and Jamie stated that as a result of them viewing this footage they had given firm words of advice to [REDACTED] on Monday. They have taken the keys off him and he will no longer be in the premises at any time other than when he is working there and is not to attend on his days off. He will [REDACTED] be responsible for locking up. [REDACTED] stated that if he puts a foot wrong they will consider sacking him and Jamie confirmed this. [REDACTED] stated that [REDACTED] has now completed his Personal Licence Course so there will always be a Personal Licence Holder in duty at the premises. Discussion re door stewards, Jamie and another have now passed the course and will be applying for their badges. Advised them to seek advice from [REDACTED] and the SIA to ensure that the premises are operating within the SIA requirements. [REDACTED] stated she has discussed stewards with [REDACTED] and he is happy for 1 to be outside and 1 inside. Discussed persons banned from the premises and recommended that they print off images from their CCTV and put them in a folder or on a wall for viewing by staff only. [REDACTED] said she has now started providing briefings to door stewards and bar staff when they come on duty to ensure they are aware of their duties/responsibilities and give them updates on what has recently occurred at the premises.

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As a result of this meeting the information provided to me is true but no offences were detected and [REDACTED] and Jamie are now aware that [REDACTED] is a problem and have taken steps to ensure there is no repeat of him and his friends drinking in the premises after hours. I am aware that [REDACTED] have met with [REDACTED] and Jamie in relation to recent incidents and therefore I am do not propose to take any further action at this time but will continue to monitor the premises. Should any further information/incidents come to my attention I shall call a meeting with [REDACTED] and [REDACTED] at Torquay Police Station. No further action at this time.

Visit tasked NO
 LA Time Taken [REDACTED]
 LO Time Taken 180 [REDACTED]
 Item Briefed [REDACTED]
 Representation/Objection No [REDACTED]
 Hearing No [REDACTED]
 Status COMPLETE

Content Type: Item
 Created at 19/08/2015 11:16 by SMART Julie 50403
 Last modified at 20/08/2015 10:36 by SMART Julie 50403

Close [REDACTED]

[REDACTED]



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: Visit Incident Other Date: 05/09/15 Time: 0045

OIS Ref.: _____ Crime No.: _____

Name of premises (where applicable): Shark bar

Address: The Terrace, Torquay

Brief summary / action taken:

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

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

Helpful Unhelpful Obstructive Other: _____

I attended the venue as the night time economy supervisor in Torquay. It was relatively quite and i took the time to speak with the door staff. To my suprise the door staff started to tell me that even they believed the venue should be closed down and it was an unsafe enviroment. As we were talking a male came out of the pub quickly followed by a female who was screaming and swearing at the male. I learnt that the female was the DPS [REDACTED] was noticeably drunk. She confirmed that she was the only DPS for the premises but stated it was her night off so she was having a drink. Having confirmed with [REDACTED] that there was no other DPS present and she was not in a fit state I suggested she close immediately. This was at 0045 hours. [REDACTED] returned inside turned the music off and the bar was immediately closed and customers asked to leave. [REDACTED] and the male continued to cause a scene outside until the male ([REDACTED]) was arrested to prevent a breach of the peace.

Submitted by: Name: Dingle

Force No.: 12067

Signed: John Dingle

Date: 05/09/15

Time: 0500

Officers present at inspection:

A/ps 2067 Dingle, PC Sargent 3650 [REDACTED]

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: two
 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:

The door person that I spoke to namely [redacted] was very helpful and it is to his credit that without being asked he voiced concerns about the DPS and premises to me.

The DPS seems oblivious to her responsibilities and in my opinion is unfit for the task.

It was noticeably a different atmosphere in Shark bar compared to the rest of the town this evening. Door staff raised concerns that the people that drink there think it is completely acceptable to drink to excess. Several of the customers that had to leave when Shark bar closed were later spoken to by police again. There was also at least two males being sick outside the premises that confirmed to me that is where they had been drinking. It is apparent that the doorstaff have no confidence in the management and I was told by them that it had not been the first incident that evening that the DPS was directly involved in.

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SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2015 > Shark Bar

Item Type Other

Prem Name Shark Bar

Date Rec'd 08/09/2015

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

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 Noise complaint re loud music

Comments Email to Mandy Guy now attached.

Visit tasked NO

LA Time Taken

LO Time Taken 30

Item Briefed

Representation/Objection No

Hearing No

Status COMPLETE

Attachments SHARK BAR EMAIL TO MANDY WITH LETTERS RE MEETING 050915 .msg
Shark Bar PLH and DPS re Meeting 050915.pdf

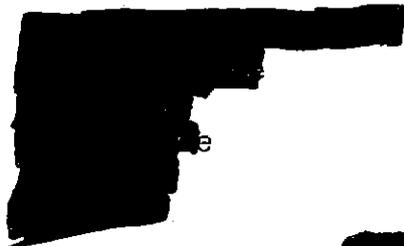
Content Type: Item

Created at 08/09/2015 12:20 by: SMART Julie 50403

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Devon & Cornwall Police
Building safer communities together



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

Telephone: 01803 218900

15 September 2015

Dear Sirs

Shark Bar, 12-14 The Terrace, Torquay, Devon

I write to you in your capacity of Premises Licence Holder of the above premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

I have been advised that at 2.00 pm on Wednesday 9 September 2015 you attended Torquay Police Station, together with your Designated Premises Supervisor, [redacted], and met with Mrs Julie Smart (Police Licensing Officer) and Sgt 3671 Mike Norsworthy (Licensing Sergeant for Devon) to discuss police concerns in relation to your premises.

Mrs Smart advises me that Mrs Mandy Guy, Torbay Council Licensing Enforcement Officer, was unable to attend the meeting but information held by Torbay Council was passed to Mrs Smart in order that it could be brought to your attention.

I shall now refer to the concerns raised with you:

Electrical Safety Certificate

Mrs Smart drew your attention to a letter sent to you by Torbay Council dated 20 May 2015 in which Mrs Guy requested that you submit a satisfactory Electrical Installation Condition Report (EICR) to her department within 6 weeks of the letter. This letter was sent to you in respect of serious concerns regarding the safety of your premises which were identified by the police and Torbay Council on 24 April 2015.

As your EICR had not been received by Torbay Council within the requested time, this

julie.smart@devonandcornwall.pnn.police.uk



was [redacted] tested on a number of occasions by various members of Torbay Council staff and they were repeatedly informed that the premises had a satisfactory EICR but it was not available at the premises for viewing.

On Friday 7 August 2015 Mr David Walker (Public Safety Officer for Torbay Council) visited Shark Bar and spoke to Mr [redacted] who advised him that the safety certificate was at the Old Skools Bar and Mr [redacted] indicated that he would get it. Mr Walker wished to attend again later that evening. Mr Walker subsequently re-attended between 2320 and 2330 hrs that night and Mr [redacted] had not collected the certificate. Mr Walker again attended the premises between [redacted] 10 and 1240 hours on Monday 10 August 2015 and during that time an electrician arrived to give the management of the premises a quote. An EICR was subsequently forwarded to Mr Walker on Friday 14 August 2015 however this report identified 25 items requiring action, and the management of your premises were subsequently advised to complete this work within 8 weeks and forward a satisfactory EICR on completion of the work.

I am disappointed that the EICR was not forthcoming within the required time period and that staff at your premises appear to have been providing false information to Torbay Council. I trust that this matter is now in hand.

Assault on Door Steward at Banx Bar, Torquay

Between 2120 to 2140 hours on 22 August 2015 a female who had left Sharks Bar was refused entry at Banx Bar due to her level of intoxication. This female then caused issues outside and was restrained by stewards, during the course of which she bit the left wrist of the door steward employed by Banx Bar.

I have been advised that [redacted] stated that this female was allowed entry to Shark Bar by the door stewards, but was refused service at the bar. Whilst I accept that this may be the case I request that you ensure that your door stewards refuse entry to any person they consider drunk. Miss [redacted] also stated that this female is now banned from your premises and requested advice re this matter. Mrs Smart informs me that on 20 August 2015 she attended Shark Bar and discussed the issue of banning persons from the premises with Mr Lawrence and Miss [redacted]. At that time she suggested obtaining images of individuals who had caused issues within the premises, or who are banned from the premises, from your CCTV system and making these available to all staff and door stewards, but not members of the public. Mrs Smart again suggested that Miss [redacted] take this course of action at the meeting on 9 September 2015 and I hope that she will now give consideration to the advice given.

Incident at 0045 hours on the morning of Saturday 5 September 2015

APS Dingle and PC Sargent attended Shark Bar at the above time in order to carry out a routine visit. Whilst talking to your door stewards a male came out of the premises quickly followed by a female who was screaming and swearing at the male. It was established that this female was in fact [redacted] your DPS, who the officers stated

was noticeably drunk. Due to my officers concerns regarding the suitability of Miss [redacted] to adequately manage the premises in a drunken state they requested Miss [redacted] to voluntarily close the premises, which she agreed to do. Shortly after closing the premises Miss [redacted] and the male continued to cause a scene outside the premises and the male was subsequently arrested to prevent a breach of the peace.

I have been advised that Miss [redacted] apologised for her actions on the night in question and stated that whilst she was at the premises and had consumed a large quantity of alcohol, she was not on duty at the time and Mr [redacted] was actually running the bar. However, Miss [redacted] further advised that she was not happy with the suitability of some of the customers within the premises who had been allowed entry that night by Mr [redacted] as she has introduced a 'dress code' that clearly was not being complied with.

In addition, Mrs Smart advised you that despite [redacted] having a verbal agreement with the police that she will employ two door stewards from 10.00 pm to closing times on Friday and Saturday nights, she had been informed that on Friday 5 September 2015 Mr [redacted] had sent one door steward home indicating that his services were not required. It is apparent that [redacted] subsequently became aware of this situation and requested that the door steward immediately return to the premises.

Whilst I am grateful for the positive action taken by [redacted], it is apparent that she is repeatedly being undermined by a member of staff. Advice was given regarding this matter and it was pointed out the DPS and Premises Licence Holders must have confidence that their staff are complying with their requirements at all times, particularly when the DPS is not on duty at the premises.

A discussion took place concerning Mr Lawrence's role at the premises. Mrs Smart pointed out as far as the police are concerned, Mr Lawrence (a director of Shark Bar and the step-father of Miss [redacted] and Mr [redacted] (her staff), have no legal position in respect of the Premises Licence and ultimately you and [redacted] are responsible for the management of the premises. Whilst we accept that [redacted] is in a difficult position as she is employed by [redacted] y-father, she must be able to stand up to him and make her own decisions in relation to the premises. Miss [redacted] indicated that she had not met with yourselves since she took over at the premises and she was therefore advised to liaise with you on a regular basis. [redacted] also indicated that she is willing to complete the BIIAB Level 3 Award for Designated Premises Supervisor and I am grateful that she is prepared to undertake additional training.

Within APS Dingle's report he indicates that in his opinion there was a noticeably different atmosphere in Shark Bar compared to the rest of town that night and following the closure of the premises, several customers who left were later spoken to by the police concerning their conduct.

[redacted]

A discussion took place concerning how your premises can attract a different customer base and Mrs Smart indicated that a dress code as already implemented by [redacted] is a good starting point, but the professional management of the [redacted] and presentation of staff and strict policies on admissions, drunkenness and behaviour will greatly assist.

Complaint from Local Business re Noise

Torbay Council have received a complaint from a local business concerning loud [redacted] causing a disturbance to their staff during the day and that the doors and windows were open. Mr Karl Martin of Torbay Council attended the premises recently and discussed this matter with Mr Lawrence, who initially stated that the premises do not provide entertainment during the day, but then stated that a children's party had been held at the premises which had been a bit rowdy.

[redacted] confirmed that a children's party had been held at the premises but stated that she had monitored the noise levels from the street. [redacted] stated that she has attended a nearby accountants and apologised for any disturbance caused. In relation to noise nuisance, I recommend that you speak to Mr Martin for advice and assistance in relation to this matter.

Mrs Smart advised you that due to police concerns regarding your premises, Shark Bar has now been identified as a 'Premises of Concern' and she handed you a letter outlining this, which indicates that the police expect significant improvement in the management of the premises or a Review may be applied for, but I hope that this will not be necessary.

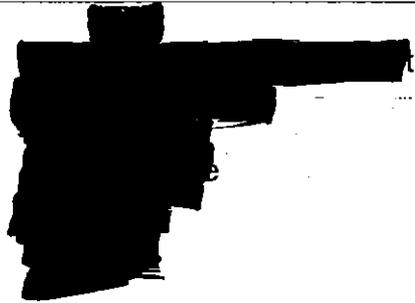
At the conclusion of the meeting you indicated that you and Miss [redacted] will meet with Mr Lawrence to discuss all the above matters with him and appropriate action will be taken where necessary.

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

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

G Mayhew – Superintendent
LPA Commander – South Devon



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

Telephone: 01392 452225

9 September 2015

Dear Sirs

Shark Bar, 12/14 The Terrace, Torquay - Notification of Concern

Due to the large number of issues at your premises since April 2015 in relation to the Licensing Objectives the Promotion of Public Safety and the Prevention of Crime and Disorder, your premises has been identified as being of concern by Devon and Cornwall Police.

The licensing officer for your area, Mrs Julie Smart, has met with your DPS, [redacted] on several occasions to discuss these issues with her and provided her with advice and assistance wherever possible. Mrs Smart has also discussed these matters with yourselves.

You are advised that a lack of significant improvement in your premises may result in further action being taken in relation to your licence to provide Licensable Activities. A copy of this letter will remain on your file and a copy sent to the Licensing Authority for their records.

If you have any further queries please do not hesitate to contact the licensing team on the number above or our email address below.

Yours sincerely

Phil Kennedy

Superintendent Phil KENNEDY
Local Policing and Partnerships

8



Devon & Cornwall Police

Building safer communities together

Miss [REDACTED]
Designated Premises Supervisor
Shark Bar
12/14 The Terrace
TORQUAY
TQ1 1BN

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

Telephone: 01803 218900

15 September 2015

[REDACTED]

Dear Madam

Shark Bar, 12-14 The Terrace, Torquay, Devon

I write to you in your capacity of Designated Premises Supervisor of the above premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

I have been advised that at 2.00 pm on Wednesday 9 September 2015 you attended Torquay Police Station, together with [REDACTED] (Premises Licence Holders) and met with Mrs Julie Smart (Police Licensing Officer) and Sgt 3671 Mike Norsworthy (Licensing Sergeant for Devon) to discuss police concerns in relation to your premises.

Mrs Smart advises me that Mrs Mandy Guy, Torbay Council Licensing Enforcement Officer, was unable to attend the meeting but information held by Torbay Council was passed to Mrs Smart in order that it could be brought to your attention.

I shall now refer to the concerns raised with you:

Electrical Safety Certificate

Mrs Smart drew your attention to a letter sent to [REDACTED] by Torbay Council dated 20 May 2015 in which Mrs Guy requested that a satisfactory Electrical Installation Condition Report (EICR) be submitted to her department within 6 weeks of the letter. This letter was sent in respect of serious concerns regarding the

julie.smart@devonandcornwall.pnn.police.uk



safety of your premises which were identified by the police and Torbay Council on 24 April 2015. A copy of this letter was also forwarded to Mr Jamie Lawrence and I have been advised that this took place before you were appointed as DPS. [REDACTED]

As the EICR had not been received by Torbay Council within the requested time, this was requested on a number of occasions by various members of Torbay Council staff and they were repeatedly informed that the premises had a satisfactory EICR but it was not available at the premises for viewing.

On Friday 7 August 2015 Mr David Walker (Public Safety Officer for Torbay Council) visited Shark Bar and spoke to [REDACTED] who advised him that the safety certificate was at the Old Skools Bar and [REDACTED] indicated that he would get it if Mr Walker wished to attend again later that evening. Mr Walker subsequently re-attended between 2320 and 2330 hrs that night and [REDACTED] had not collected the certificate. Mr Walker again attended the premises between 1150 and 1240 hours on Monday 10 August 2015 and during that time an electrician arrived to give the management of the premises a quote. An EICR was subsequently forwarded to Mr Walker on Friday 14 August 2015 however this report identified 25 items requiring action, and the management of your premises were subsequently advised to complete this work within 8 weeks and forward a satisfactory EICR on completion of the work.

I am disappointed that the EICR was not forthcoming within the required time period and that staff at your premises appear to have been providing false information to Torbay Council. I trust that this matter is now in hand.

Assault on Door Steward at Banx Bar, Torquay

Between 2120 to 2140 hours on 28 August 2015 a [REDACTED] female who had left Sharks Bar was refused entry at Banx Bar due to her level of intoxication. This female then caused issues outside and was restrained by stewards, during the course of which she bit the left wrist of the door steward employed by Banx Bar.

I have been advised that you stated that this female was allowed entry to Shark Bar by the door stewards, but was refused service at the bar. Whilst I accept that this may be the case I request that you ensure that your door stewards refuse entry to any person they consider drunk. You also stated that this female is now banned from your premises and requested advice re this matter. Mrs Smart informs me that on 20 August 2015 she attended Shark Bar and discussed the issue of banning persons from the premises with you and Mr Lawrence. At that time she suggested obtaining images of [REDACTED] issues within the premises, or who are banned from the premises, from your CCTV system and making these available to all staff and door stewards, but not members of the public. Mrs Smart again suggested that you take this course of action at the meeting on 9 September 2015 and I hope that you will now give consideration to the advice given.

Incident at 0045 hours on the morning of Saturday 5 September 2015

APS Dingle and PC Sargent attended Shark Bar at the above time in order to carry out a routine visit. Whilst talking to your door stewards a male came out of the premises quickly followed by a female who was screaming and swearing at the male. It was established that this female was in fact you, and the officers stated that you were noticeably drunk. Due to my officers concerns regarding your suitability to adequately manage the premises in a drunken state they requested you to voluntarily close the premises, which you agreed to do. Shortly after closing the premises you and the male continued to cause a scene outside the premises and the male was subsequently arrested to prevent a breach of the peace.

I have been advised that you have apologised for your actions on the night in question and stated that whilst you were at the premises and had consumed a large quantity of alcohol, you were off duty at the time and [REDACTED] was actually running the bar. However, you further indicated that you were not happy with the suitability of some of the customers within the premises who had been allowed entry that night by [REDACTED] as you have introduced a 'dress code' that clearly was not being complied with.

In addition, Mrs Smart advised you that despite you having a verbal agreement with the police that you will employ two door stewards from 10.00 pm to closing times on Friday and Saturday nights, she had been informed that on Friday 5 September 2015 [REDACTED] had sent one door steward home indicating that his services were not required. It is apparent that you subsequently became aware of this situation and requested that the door steward immediately return to the premises.

Whilst I am grateful for your positive action, it is apparent that you are repeatedly being undermined by a member of staff. Advice was given regarding this matter and it was pointed out the DPS and Premises Licence Holders must have confidence that their staff are complying with their requirements at all times, particularly when the DPS is not on duty at the premises.

A discussion took place concerning Mr Lawrence's role at the premises. Mrs Smart pointed out as far as the police are concerned, Mr Lawrence (a director of Shark Bar and your step-father) and [REDACTED] (bar staff), have no legal position in respect of the Premises Licence and ultimately you and the Premises Licence Holders are responsible for the management of the premises. Whilst we accept that you are in a difficult position as you are employed by your step-father, you must be able to stand up to him and make your own decisions in relation to the premises. You indicated that you had not met with the Premises Licence Holders since you took over at the premises and you were therefore advised to liaise with them on a regular basis. You also indicated that you are willing to complete the BIIAB Level 3 Award for Designated Premises Supervisor and I am grateful that you are prepared to undertake additional training.

Within APS Dingle's report he indicates that in his opinion there was a noticeably different atmosphere in Shark Bar compared to the rest of town that night and following the closure of the premises, several customers who left were later spoken to by the police concerning their conduct.

A discussion took place concerning how your premises can attract a different customer base and Mrs Smart indicated that a dress code as already implemented by you is a good starting point, but the professional management of the premises, the conduct and presentation of staff and strict policies on admissions, drunkenness and acceptable behaviour will greatly assist.

Complaint from Local Business [REDACTED]

Torbay Council have received a complaint from a local business concerning loud music causing a disturbance to their staff during the day and that the doors and windows were open. Mr Karl Martin of Torbay Council attended the premises recently and discussed this matter with Mr Lawrence, who initially stated that the premises do not provide entertainment during the day, but then stated that a children's party had been held at the premises which had been a bit rowdy.

You confirmed that a children's party had been held at the premises but stated that you had monitored the noise levels from the street. You stated that you have attended a nearby accountants and apologised for any disturbance caused. In relation to noise nuisance, I recommend that you speak to Mr Martin for advice and assistance in relation to this matter.

Mrs Smart advised you that due to police concerns regarding your premises, Shark Bar has now been identified as a 'Premises of Concern' and she handed you a letter outlining this, which indicates that the police expect significant improvement in the management of the premises or a Review may be applied for, but I hope that this will not be necessary.

At the conclusion of the meeting you indicated that you and the Premises Licence Holders will meet with Mr Lawrence to discuss all the above matters with him and appropriate action will be taken where necessary.

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

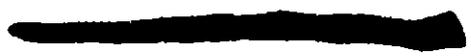
Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully



A handwritten signature in black ink, appearing to be 'G Mayhew'.

G Mayhew – Superintendent
I.P.A Commander – South Devon



[REDACTED]
Designated Premises Supervisor
Shark Bar
12/14 The Terrace
TORQUAY
TQ1 1BN

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

Telephone: 01392 452225

9 September 2015

Dear Sirs

Shark Bar, 12/14 The Terrace, Torquay - Notification of Concern

Due to the large number of issues at your premises since April 2015 in relation to the Licensing Objectives the Promotion of Public Safety and the Prevention of Crime and Disorder, your premises has been identified as being of concern by Devon and Cornwall Police.

The licensing officer for your area, Mrs Julie Smart, has met with you on several occasions to discuss these issues and has provided you with advice and assistance wherever possible. Mrs Smart has also discussed these matters with the Premises Licence Holders [REDACTED]

You are advised that a lack of significant improvement in your premises may result in further action being taken in relation to your licence to provide Licensable Activities. A copy of this letter will remain on your file and a copy sent to the Licensing Authority for their records.

If you have any further queries please do not hesitate to contact the licensing team on the number above or our email address below.

Yours sincerely

Phil Kennedy

Superintendent Phil KENNEDY
Local Policing and Partnerships

licensingeast@devonandcornwall.pnn.police.uk

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Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|-------------------------|---|
| Item Type | Other |
| Prem Name | Shark Bar |
| Date Rec'd | 15/09/2015 |
| 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 | |
| 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 | CR/64125/15 - Robbery. Victim and suspects had been in Shark Bar prior to incident. |
| Comments | <p>Attended premises yesterday and discussed this incident with [REDACTED] and [REDACTED] (DJ). [REDACTED] stated that he knows [REDACTED] and saw him and 2 others go into the toilet together a couple of times and the 2 males kept asking [REDACTED] to go outside. [REDACTED] said that he told [REDACTED] if he went outside with them he was probably going to be beaten up as that is the 'vibe' he picked up. [REDACTED] stated the police have been in contact and arranged for him to attend the station to provide a statement. [REDACTED] stated that the CCTV has already been burnt off and provided to police. With regards to the issue of groups of men visiting the toilet together, the toilet is a short distance from the bar and within view and [REDACTED] stated that if staff become aware of this type of activity they will go in and ask what is going on and eject people if they think it is drug related.</p> <p>I advised [REDACTED] that I had received a phone call from [REDACTED] indicating that she successfully completed the BII Designated Premises Supervisors course and asked if she</p> |



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: Visit Incident Other Date: 19/09/2015 Time: 2315

OIS Ref.: _____ Crime No.: _____

Name of premises (where applicable): Shark Bar

Address: Torquay

Brief summary / action taken:

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

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

Helpful Unhelpful Obstructive Other: _____

Mandy Guy (Torbay Licensing) was on duty visiting various licensed premises and given the poor performance of Shark Bar recently myself and A/PS Giesens attended with her.

Initially we were met by a male who said he was in charge - [REDACTED] When questioned further he decided he actually wasn't in charge and went back inside to work behind the bar. Jamie Lawrence then told us he was in charge, but he had been drinking so in fact had actually just stopped being in charge. He then offered [REDACTED] as being in charge, possibly. Lawrence then said he had been working the door (as he is SIA licensed) and had just stopped doing so before we arrived. He offered to go back on the door again, but as he was in charge he probably couldn't. He then remembered he had been drinking, so actually wasn't in charge (again) and certainly wouldn't work the door after drinking alcohol. So he was neither in charge nor working the door. Continued below...

Submitted by: Name: Coe

Force No.: 11797

Signed: J Coe

Date: 20/09/2015

Time: 2315

Officers present at inspection:

PS Coe

A/PS Giesens

Mandy Guy (Council Licensing)

Matt (Council licensing) [REDACTED]

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
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: one
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:

continued from above...

He then added that [redacted], the DPS, had gone home at 6pm as the busiest period for them is a Saturday afternoon and that's when [redacted] needs to be there not a Saturday night. [redacted] then confirmed that he was definitely in charge and confirmed the definitive nature of this statement by shrugging his shoulders and looking slightly perplexed.

It was then decided that they were closing at midnight anyway

In summary, it was embarrassing to watch the horrendous comedy of errors unfold between these three individuals as they struggled to give an answer to the simple question "who is in charge?" At various times one, all, none or some of them were responsible for the running of the premises.

Mandy Guy highlighted several of their licensing conditions to the various in charge/not in charge people, and it was quite clear that these were coming as a complete surprise to all present



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Force Licensing Team > Licensing Items - 2015 > Shark Bar

| | |
|-------------------------|--|
| Item Type | L10 |
| Prem Name | Shark Bar |
| Date Rec'd | 03/10/2015 |
| Date Due | |
| Event Start Date | 25/09/2015 23:00 |
| Event End Date | |
| Submitting Officer | SARGENT Christopher 13650 |
| Applicant Surname | |
| Applicant First Name | |
| Proposed DPS Surname | |
| Proposed DPS First Name | |
| Prem Street | The Terrace |
| Prem District | |
| Prem Town | Torquay |
| Prem County | Devon |
| Prem Postcode | |
| Premises risk rating | Premises/Persons of Interest |
| Hub Location | EAST - Exeter |
| Logic outcome | Fail |
| Licensing Office | Torbay |
| Allocated To | Julie SMART |
| Item Report Summary | VISIT NIO - may be excessive drunkenness but yes and no box ticked. main concern no DPS, but Jamie Lawrence was designated person in charge & he was also the one and only door steward at the premise. |
| Comments | 21/10/15 - Telephone call received from Dave Walker. He has attended premises today and served the 28 day notices on Jamie Lawrence and [REDACTED] wasn't happy about the situation but she was advised that she has had plenty of time to resolve the issues and now has another 28 days in which to do so. Dave also advised me that he has spoken to [REDACTED] and told him about the service of the notices. [REDACTED] stated he has concerns with the way the premises is being run and I told Dave that the existing licence is to be transferred to Jamie Lawrence and the [REDACTED] will apply for an identical licence to protect their interest in the property. No further action required at this time. |
| Visit tasked | NO |
| LA Time Taken | 5 |



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: Visit Incident Other Date: 25/09/2015 Time: 2300

OIS Ref.: n/a Crime No.: n/a

Name of premises (where applicable): SHARKS BAR, THE TERRACE, TORQUAY

Address:

Brief summary / action taken:

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

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

Helpful Unhelpful Obstructive Other:

Submitted by: Name: SARGENT Force No.: 13650

Signed: C.SARGENT Date: 03/10/15 Time: 2200

Officers present at inspection:

PS 16622 LANGLEY
PC 3650 SARGENT
SC 75072 ROSE



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: PA2870
- 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 informati

ONLY ONE CONCERN RAISED FROM THIS VISIT. THE DPS WAS NOT PRESENT BUT JAMIE LAWRENCE WAS THE DESIGNATED PERSON IN CHARGE. HE WAS ALSO ACTING AS THE ONE AND ONLY DOOR STAFF AT THE PREMISES AND WAS STOOD OUTSIDE. ALTHOUGH HELPFUL AND NOT A HUG FROM IT, HE WOULD HAVE HAD NO DIRECT SUPERVISION THE BAR. LICENCE INSPECTED AND DORR STAFF ONLY REQUIRED IF OPEN BEYOND 00:30HRS. THEY WERE CLOSING ON THIS NIGHT AND CLOSED AT 2330HRS.



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Please reply to: Ms Mandy Guy

Community Safety
c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

[Redacted]
Designated Premises Supervisor
Shark Bar
12/14 The Terrace
Torquay
TQ1 1RN

My ref: R:222113/AJG
Your ref:
Telephone: 01803 208025
Website: Torbay.gov.uk
Date: 15 October 2015

Dear

Licensing Act 2003

Re: Premises Licence PL0433 Shark Bar, 12-14 The Terrace, Torquay TQ1 1BN

I write with reference to my visit to the above premises at 23.15 on Saturday 19th September. I was accompanied on my visit by Matt Redmond, Licensing Enforcement Officer.

The purpose of the visit was not to undertake a full licensing inspection but to see how the premises was being managed. The following concerns were noted during the visit:-

Management of the premises

When we arrived we were informed that you had finished working at 18.00. I asked to speak to the person in charge in your absence. The responses we then received gave me great concern as there seemed to be a number of different people thinking that you had left them in charge.

We were initially met by [Redacted] who told us he had been left in charge and that he held a personal licence. Upon later investigation back in the office it was apparent that [Redacted] did not have a personal licence. A personal licence application for [Redacted] was received by our Department shortly after our visit confirming that at the time of the visit the information given was not true.

[Redacted] then returned inside the premises as Jamie Lawrence and [Redacted] then came outside to meet us. I asked the question again about who had been left in charge of the premises in your absence. Both Mr Lawrence and [Redacted] proceeded to say they had been left in charge. I can confirm after further discussion it was agreed [Redacted] would be the person that we would discuss any issues from the evening with. As discussed with you on the telephone after the visit, this situation is not acceptable. A premises with a late licence situated within Torquay's Cumulative Impact Area requires

Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

strong management. There should be no confusion amongst staff about who is in charge when you are not at the premises.

Door stewards

When we arrived at the premises at 23.15 there was one doorman on the door who told us his name was [redacted]. I understand that you have a verbal agreement with the police that you will employ two door stewards from 22.00 until closing on Friday and Saturday nights. (This is referred to in the letter from the police dated 15th September 2015). We were informed you have ceased using [redacted] and that [redacted] was self employed and that this was his first evening working with you.

When I spoke to [redacted] he was not aware what time he was suppose to be finishing that evening. I did find that [redacted] was quite reluctant to answer any questions I asked him, although I am not sure if this was due to it being his first night and that he hadn't had a very thorough brief or if he felt he was not in a position to answer the questions. I would have expected as a minimum for a door steward to know what time he would be expected to work until.

Jamie Lawrence joined us outside with his SIA badge and informed us he had been on the door but had stopped working just before we arrived. When we arrived Mr Lawrence was drinking at the bar. As the designated premises supervisor it is your responsibility to ensure that there are the correct number of door stewards on and that they are aware of what time you expect them to work until to ensure they are fulfilling the licensing conditions and agreements you have with the police.

Closing time

When [redacted] you were closing the [redacted] and that the premises was going to close at 2.00 but now last orders would be at midnight. However we were going through the conditions of the licence at 23.52 when [redacted] suddenly announced he hadn't called last orders. Music was also still being played by the DJ at this time. The music was turned off at 23.55 and last orders called under the instruction of Mr [redacted]. I would like to refer you to condition 7, The Prevention of Public Nuisance, on page 6 of the premises licence "The premises shall remain open for at least one hour after the sale of alcohol is served (while patrons are on the premises) during which time patrons shall be dispersed gradually. Music shall be toned down at least one hour before the close of the premises."

There must be clear instruction to all staff about what time the premises is going to close so licence conditions can be complied with.

Cellar

The ceiling in the beer cellar upstairs was damaged and had mould growing on it. We were informed this was being refurbished, however we were told by one person that this was being done on the following Wednesday and by another that it was the following Friday. You must ensure the cellar is suitably repaired and maintained in good condition. Up to date COSHH paperwork, gloves and protective eyewear must also be available for staff handling hazardous chemicals. The carbon dioxide canisters must also be secured to prevent them falling over.

I can confirm a number of structural items highlighted in my previous letter had been dealt with. However we have still not received final confirmation that the electrics are now safe. This will be picked up by my colleague David Walker.

If you wish to discuss any of the items in this letter, please contact me on the above telephone number.

A copy of this letter has been forwarded to the Police for their information.

Yours sincerely

Ms Mandy Guy
Senior Licensing Officer
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

[Redacted]

[Redacted]

[Redacted]

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⚙️ ?

[Force Licensing Team](#) > [Licensing Items - 2016](#) > [Shark Bar Torquay](#)

| | |
|-------------------------|---|
| Item Type | Vary DPS Premises Licence |
| Prem Name | Shark Bar Torquay |
| Date Rec'd | 30/03/2016 |
| Date Due | 05/04/2016 |
| Event Start Date | |
| Event End Date | |
| Submitting Officer | |
| Applicant Surname | Lawrence |
| Applicant First Name | Jamie John |
| Proposed DPS Surname | Lawrence |
| Proposed DPS First Name | Jamie John |
| Prem Street | 12-14 The Terrace |
| Prem District | |
| Prem Town | Torquay |
| Prem County | Devon |
| Prem Postcode | TQ1 1BN |
| Premises risk rating | Premises/Persons of Interest |
| Hub Location | EAST - Exeter |
| Logic outcome | Fail |
| Licensing Office | Torbay |
| Allocated To | Julie SMART |
| Item Report Summary | VDPs ino Jamie Lawrence, Personal Licence No. PA2870 Torbay DC. |
| Comments | Discussed this matter with Sgt Norsworthy. Despite my concerns re Jamie Lawrence due to issues with the premises being open over the Young Farmers Weekend, there have been no recent concerns. The current DPS is Jamie's step daughter and I am not confident that she is spending key periods at the premises. The licence has been transferred to Jamie but no new licence applicaton has been received from the [REDACTED]. In effect Jamie Lawrence will now be solely responsible for the premises. All of the concerns that I have identified appear to have been taken on board, and in light of this we have decided not to object to this application. |
| Visit tasked | NO |
| LA Time Taken | 20 |

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Force Licensing Team > Licensing Items - 2016 > Shark Bar

Item Type Other

Prem Name Shark Bar

Date Rec'd 12/04/2016

Date Due

Event Start Date 11/04/2016 17:00

Event End Date

Submitting Officer SMART Julie 50403

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street The Terrace

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 Advised by Mandy Guy of Torbay Council of noise complaint and issues re persons stood outside drinking

Comments I attended premises at 0045 hrs on Sunday 24 April 2016 with Mandy Guy and Karl Martin. At that time the premises were closed to the public.
No further updates re this matter. I will continue to monitor this premises.
No further action required.

Visit tasked NO

LA Time Taken

LO Time Taken 120

Item Briefed Briefing Done

Representation/Objection No

Hearing No

14 a



14b



Devon & Cornwall Police

Mr J J Lawrence
Shark Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

13 April 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

At approximately 1700 hrs on Monday 11 April 2016, my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mrs Mandy Guy, Senior Licensing Officer of Torbay Council, as Torbay Council had received a complaint of loud music coming from your premises and numerous persons stood up drinking in the road.

As Mrs Smart and Mrs Guy approached your premises from The Terrace they could clearly hear loud music and as they drew closer to your premises this music was established to be coming from Shark Bar. Additionally they noticed about 6 males stood up smoking and drinking outside your premises, one of whom had a bottle in his hand. They also noticed that the windows and doors of your premises were wide open.

Mrs Smart and Mrs Guy then entered your premises and advised you of the complaint. They asked you to produce your Premises Licence but you were unable to do so. Section 57(2) of the Licensing Act 2003 states that the Premises Licence Holder must secure that the licence is kept at the premises. Section 57(4) states that the Premises Licence Holder commits an offence if he fails, without reasonable excuse, to comply with this requirement. In addition Section 57(5) states that a constable or authorised person may require the licence to be produced and Section 57(7) states that a person commits an offence if he fails, without reasonable excuse, to produce the licence.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us  DevonAndCornwallPolice  DC_Police



The Government Standard
Stock code: SFG15

Mrs Smart then drew your attention to conditions 16 and 17 under the heading The Prevention of Crime and Disorder on your Premises Licence which state:

- 16. *Bottles must not be taken outside*
- 17 *Patrons must be seated in the outside side area*

I would advise you that failure to comply with the terms and conditions of a premises licence constitutes an offence under Section 136 of the Licensing Act 2003, and that a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Mrs Guy then asked you to produce a copy of your Pavement Cafe Permit, issued by Torbay Council in line with the requirements of Section 115 of the Highways Act 1980, but again you were unable to do so. I would take this opportunity to inform you that the Torbay Council Pavement Cafe Licensing Policy 2016-2021 states:

Page 9 –

The area forming the Pavement Cafe must be clearly demarcated by way of barriers or other street furniture and/or planters in order to identify the agreed location and size of the Pavement Cafe area and to help guide persons with visual impairment around its use. Any items used as demarcation of the licensed area must be no less than 800mm in height.

Page 12 –

Where the premises sells alcohol by way of a Premises Licence granted under the Licensing Act 2003 a premises is prohibited from serving alcoholic and non-alcoholic drinks in glass bottles to persons using the Pavement Cafe areas at all times. The management must ensure bottled drinks are de-cantered into suitable drinking vessels at point of sale.

Page 14 –

The Licence Holder/s shall, before exercising the privilege granted by this licence, place removable physical barriers within the perimeter of the area so indicated on the attached plan to the Licence which must be to the satisfaction of Officers of the Licensing and Public Protection Team, and shall ensure that such barriers are removed at the end of each daily period of use and at the expiry, surrender or revocation of this licence.

Page 21 –

The Licence Holder/s shall ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area (as per the Licence Plan).

Page 21 –

All customers using the Pavement Cafe will be required to be seated. Vertical drinking will not be permitted within the licensed area.

Page 18 –

The Licence Holder/s shall ensure that all drinking glasses in which drinks are served shall be of strengthened glass and no drink shall be served in a glass bottle from which it is intended or likely that a customer shall drink.

Page 18 –

The Licence Holder/s shall ensure that adequate supervision by means of a waiter/waitress service is provided over the permitted area during the times of operation.

Page 19 –

The Licence Holder/s shall ensure that a copy of the Pavement Cafe Licence and accompanying conditions is at all times on prominent display within the Pavement Cafe premise.

The Licence Holder/s shall produce this permission on demand when so required by an Authorised Officer of Torbay Council, a Police Officer or a Police Licensing Officer.

It appears that you are not complying with the above requirements and I would advise you to liaise with Mr Karl Martin of Torbay Council in connection with this matter.

In relation to the noise complaint and noise levels witnessed by Mrs Smart and Mrs Guy, Mrs Guy referred you to condition 2 under the heading the Prevention of Public Nuisance on your premises licence which states:

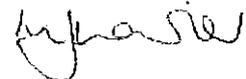
A limiter shall be installed within the sound system and cannot be over ridden.

Following discussions it was ascertained that your premises does have a noise limiter and Mrs Guy recommended that you liaise with Mr Karl Martin to ensure that it is set at an appropriate limit. Mrs Guy also gave you advice concerning monitoring noise levels from your premises to ensure that it does not cause annoyance or disturbance to persons in the area.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise 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 you wish to discuss this matter further, please do not hesitate to contact Mrs Smart.~~

Yours faithfully



Superintendent M Lawler
Territorial Policing & Partnership Department

14c

SMART Julie 50403

From: SMART Julie 50403
Sent: 14 April 2016 11:12
To: mandy.guy@torbay.gcsx.gov.uk
Subject: SHARK BAR

Mandy

After discussing my letter to Shark Bar with you yesterday, I looked at the variation application they submitted on 17 June 2015 and note from the plan that the outside area isn't included on it. Therefore in my opinion Shark Bar isn't licensed to sell alcohol for consumption in the outside area.

Please can you look at your plans and let me know what you think.

Thanks

Julie Smart
Police Licensing Officer
01803 218900
07921 933974

Please note that I do not work on Fridays.

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SharePoint

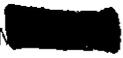
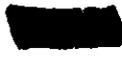
Newsfeed OneDrive Sites

SMART Julie 50403



Force Licensing Team > Licensing Items 2016 > Shark Bar Torquay

Item Type Other
 Prem Name Shark Bar Torquay
 Date Rec'd 04/08/2016
 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 The Terrace
 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
 Summary Information that a 16 year old female had been drinking in premises on 31/07/16.
 Comments 28/09/16 Attended premises with Karl Martin. Gave Mr Lawrence Challenge 25 posters, Proof of Age CD-Rom, Age Verification Policy. Advised him to regularly train staff and ensure they request ID. Also advised him to have a refusals register.
 Letter sent to Mr Lawrence on 06/10/16, copy attached and forwarded to Mandy Guy at Torbay Council.
 No further action required.
 Visit tasked NO
 LA Time Taken
 LO Time Taken 120
 Item Briefed



15

SMART Julie 50403

From: HAWORTH Mike 11463
Sent: 03 August 2016 08:06
To: SMART Julie 50403
Cc: DISNEY Clarissa 30589
Subject: FW: Park Lane

Julie,

An update for you as requested.

Clarissa,

Good work [redacted] a concise report.

Cheers
Mike

A/PS Mike Haworth
Neighbourhood Team
Torquay Police Station
Devon & Cornwall Constabulary
101 ex 41565

From: DISNEY Clarissa 30589
Sent: 02 August 2016 17:23
To: HAWORTH Mike 11463
Subject: Park Lane

Hui,

Went to see [redacted] about [redacted]. She said that she slipped under the railings that are on the outside of [redacted] and then went inside. She sat downstairs and the boy that she met out went to the bar and bought her drinks. Unfortunately she has no idea what time that was.

Interestingly prior to her going to [redacted] she went to Sharks Bar! She said that she and her friends went in there as there was no door staff on and she was able to order drinks at the bar herself.

[redacted] said that she was wearing a dark blue button blouse, grey jeans, pink handbag and blonde hair. On speaking with her today I do not believe that she looks 25 at all.; If she is made up she could pass for 18 but she seems so meak and mild I would still have thought that she would need to be I.D'd.

Thanks,

Clarissa ☺

PCSO 30589 Clarissa Disney
Chelston, Cockington & Livermead

Devon & Cornwall Police
Torquay Police Station
Clarissa.disney@devonandcornwall.pnn.police.uk

(16)

SharePoint

Newsfeed

OneDrive

Sites

SMART Julie 50403 ▾

~~Force Licensing Team > Licensing Items - 2016 > Shark Bar Torquay~~

| | |
|-------------------------|--|
| Item Type | L10 |
| Prem Name | Shark Bar Torquay |
| Date Rec'd | 24/08/2016 |
| Date Due | |
| Event Start Date | 24/08/2016 09:05 |
| Event End Date | |
| Submitting Officer | THOMAS Trevor 15488 |
| Applicant Surname | |
| Applicant First Name | |
| Proposed DPS Surname | |
| Proposed DPS First Name | |
| Prem Street | The Terrace |
| 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 | Information received from reliable source that on the evening Monday 22nd August 2016, between 20.00-22:30hrs a group aged approx 16 were served alcohol whilst on the premises |
| Comments | Attended premises with Karl Martin on 28/09/16 and met with Mr Lawrence. Discussed underage issues. Gave him Challenge 25 posters, Proof of Age CD-Rom and Age Verification Policy. Advised him to ensure that staff receive regular training and request ID when customers look under 25. Also advised him to have a Refuals Register. Letter sent to Mr Lawrence on 06/10/16. Copy forwarded to Mandy Guy. Copy attached. No further action required. |
| Visit tasked | NO |
| LA Time Taken | 6 |

Licensed Premises Visit Checklist

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

Officers present at inspection:

Administration:

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

Crime and Disorder:

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

Public Safety:

- 1. CCTV on premises? Yes No Working at time of visit? Yes No
Incident captured? Yes No Staff able to download? Yes No
Image quality? Good Poor Other:
- 2. Door staff on duty? Yes No If Yes, number:
SIA licensed? Yes No Licence displayed? Yes No
- 3. Do the premises look overcrowded? Yes No
- 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

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SharePoint

Newsfeed

OneDrive

Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items - 2016 > Shark Grill Torquay

Item Type L10
 Prem Name Shark Grill Torquay

Date Rec'd 17/09/2016

Date Due

Event Start Date 17/09/2016 01:15

Event End Date

Submitting Officer LEISK Adrian 14247

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem Street The Terrace

Prem District

Prem Town Torquay

Prem County Devon

Prem Postcode

Premises risk rating Premises/Persons of Interest

Hub Location EAST - Exeter

Logic outcome Fail

Licensing Office Torbay

Allocated To Julie SMART

Item Report Summary NOISE - officer in Fleet Street could clearly hear loud music from the Terrace, believed to be from Shark Grill. Called away to a fight so did not enter property.

Comments Attended premises on 28/09/16 with Karl Martin and met with Mr Lawrence. Discussed noise issues. Noise limiter not installed or set in accordance with the condition on the licence. Told Mr Lawrence that I will give him until 14 October 2016 to rectify matter or I will consider taking further action. Letter sent to him on 06/10/16 and copy forwarded to Mandy Guy, copy attached. No further action required.

Visit tasked NO

LA Time Taken 5

LO Time Taken 120

Item Briefed



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: Visit Incident Other Information Date: 17/09/2016 Time: 0115

OIS Ref.: _____ Crime No.: _____

Name of premises (where applicable): SHARK BAR

Address: THE TERRACE, 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:

At 0115 hours whilst stood on FLEET STREET, TORQUAY outside of SHOEZONE in the company of a Special Constable I could clearly hear loud music coming from The TERRACE, TORQUAY. I walked around onto the TERRACE to see if there were any issues, believing the music to be coming from SHARK BAR. Stood on the corner outside of BANX I could see there were a few people stood outside who didn't appear to be causing issues at the time. At this time we were called by a member of the public to a food fight outside of 'STUFF YOUR FACE' and so I did not enter the property or speak with the DPS.

Submitted by: Name: Andrew DILLON

Force No.: 12961

Signed: Andrew DILLON

Date: 17/09/2016

Time: 1830

Officers present at inspection:



Devon & Cornwall Police

Mr J J Lawrence
Shark Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity as [redacted] premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On [redacted] 1 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards on duty.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre [redacted] to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

Contact the police

Emergency 101

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC_Police



The Government Standard
Stock code: SF615

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to [REDACTED]. He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with [REDACTED] and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked [REDACTED] if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and [REDACTED] finally admitted that it was locked in the safe.

Mrs Guy then advised [REDACTED] of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *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.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [redacted] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [redacted] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio activity and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

Noise Issues

On 28 September 2016 Mr Martin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that [REDACTED] months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise 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 concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully

M Lawler

Superintendent M Lawler
Territorial Policing & Partnership Department

[REDACTED]

[REDACTED]

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SharePoint

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Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items – Active > Shark Bar Torquay

| | |
|-------------------------|--|
| Item Type | Visit - Multiagency |
| Prem Name | Shark Bar Torquay |
| Date Rec'd | 02/12/2016 |
| Date Due | |
| Event Start Date | 01/12/2016 13:45 |
| Event End Date | |
| Submitting Officer | SMART Julie 50403 |
| Applicant Surname | |
| Applicant First Name | |
| Proposed DPS Surname | |
| Proposed DPS First Name | |
| Prem Street | The Terrace |
| 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 | Multi agency visit re non compliance with condition re noise limiter |
| Comments | <p>■ SMART Julie 50403 (12/04/2017 15:50):</p> <p>1440 hrs 12/04/17 attended Shark Bar (now renamed The Terrace) with Sgt Norsworthy. As the noise limiter has been installed and the condition on the licence has been varied according to Karl Martin's wishes, Sgt Norsworthy issued the member of staff [REDACTED] with a Section 19 Cancellation Notice, a copy of which is attached.</p> <p>No further action required.</p> <p>■ SMART Julie 50403 (22/03/2017 13:14):</p> <p>A variation application with a condition that all live and recorded music will be played through the limiter has now been received. In light of this I will check with Karl Martin that he is satisfied, and then request Sgt Norsworthy to issue a S19 [REDACTED] ice.</p> <p><i>S19 Closure Notice</i></p> |

(19)

☐ SMART Julie 50403 (01/03/2017 15:17):

~~28/02/17 discussed with Karl Martin. He indicated that he will write to Jamie Lawrence outlining that the condition on the licence needs amending before he is happy for the S19 Closure Notice to be cancelled. I suggested that he sets a time limit for the variation application to be submitted to try to expedite this matter.~~

☐ BUTLER James 16706 (22/02/2017 09:47):

Progress noted, I will cancel the 19 once we receive the application [REDACTED].

☐ SMART Julie 50403 (14/02/2017 14:25):

I am aware that Karl is currently off work sick, so I have emailed Gar O'Shea requesting an update re this matter. Copy email attached.

☐ SMART Julie 50403 (13/01/2017 15:09):

Discussed at partnership meeting on 12/01/17. Gary O'Shea indicated that he had discussed a variation with Chris Hart, Jamie Lawrence's solicitor, and he thought that it was a reasonable request to vary the noise limiter condition. Gary will discuss again with Chris and let me know what is going to happen in order that we can consider cancelling the Closure Notice.

☐ SMART Julie 50403 (14/12/2016 13:41):

Discussed with Karl Martin this morning. He said he is relatively happy that the premises are complying with the condition as the limiter has been installed and set by [REDACTED]. Karl is happy that [REDACTED] would've set it at an appropriate limit. However Karl said that any DJ attending could plug in their own speakers and it wouldn't go through the limiter. He said he was going to write to Jamie advising him that DJ's can't use their own equipment but is not satisfied that he will comply. I asked if he was happy for the S19 cancellation notice to be served and he stated that he was. I said that before I could arrange this I would need his confirmation in writing together with a copy of the letter.

Since the above discussion, the matter was discussed at the Intel meeting and Gary O'Shea recommended that Mr Lawrence apply for a variation of the licence condition to include that all music must go through the limiter. I agree that this course of action will result in a tighter licence condition so will not arrange S19 cancellation until this avenue has been pursued. Gary will discuss this matter with Chris Hart, Mr Lawrence's solicitor. If a variation is not forthcoming Gary considers that there is sufficient evidence to go for a review or we could pursue the S19 notice.

☐ SMART Julie 50403 (09/12/2016 09:28):

On 08/12/16 discussed this matter with Many Guy. Karl Martin is currently off work on sick leave and therefore he has not been able to assist with the setting of the noise limiter. Telephone call received from Jamie Lawrence on 08/12/16 who stated that he has now paid for [REDACTED].

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to install the limiter but he is currently working in Brighton so it hasn't been fitted but he was hopeful that it would be in by the end of 09/12/16. Advised Jamie that Karl Martin is currently on sick leave and cannot assist with setting the limiter, we would extend the S19 to 5 pm on Wednesday 14 December 2016.

SMART Julie 50403 (02/12/2016 11:07)

Attended premises with Sgt Norsworthy, Mandy Guy and Karl Martin. Established that no noise limited is installed and set as required by the condition on the licence. Sgt Norsworthy issued the member of staff [REDACTED] with a Section 19 Closure Notice and explained that Mr Lawrence has until 5 pm on Thursday 8 December to comply with the licence. Copy of notice is attached.

Premises to be visited again on 8th December.

Visit tasked NO
LA Time Taken
LO Time Taken 160
Item Briefed
Representation/Objection No
Hearing No
Status COMPLETE

Attachments Shark Bar Cancellation of Section 19 Notice.pdf
SHARK BAR EMAIL TO GARY O'SHEA RE S19 NOTICE .msg
Shark Bar [REDACTED] Closure Notice 011216.pdf

Version: 9.0
Created at 02/12/2016 11:07 by: SMART Julie 50403
Last modified at 12/04/2017 15:50 by: SMART Julie 50403

Close

[REDACTED]

19a

Form No.: L15
Rev. 06/2010



Devon & Cornwall Police
Building safer communities together

| | | |
|-----------|---------------|-------------|
| 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: 01/12/16 at 1.54 pm

Person making the Notice: Sgt 3671 Mike Nonsworthy
Signature: *[Handwritten Signature]*

Name (if applicable) and address of the affected premises:
Shark Bar, The Terrace, Torquay, Devon

Alleged unauthorised use of the premises:
Noise limiter installed and set in conjunction with Torbay Council as required by the condition on the premises licence

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:
Noise limiter to be installed and set as required by the licence

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

Explanatory Notes

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 obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

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SMART Julie 50403

From: SMART Julie 50403
Sent: 14 February 2017 14:24
To: Gary O'Shea (gary.o'shea@torbay.gov.uk)
Cc: mandy.guy@torbay.gcsx.gov.uk; MARTIN Karl
Subject: SHARK BAR

Gary

As Karl is currently off sick I was wondering if you were able to provide me with an update re this premises. Currently there is a Section 19 Closure Notice in place in connection with there not being a noise limiter installed to Torbay Council's satisfaction.

Hopefully you will recall that we discussed the fact that Karl is now satisfied that the premises is currently complying, however he raised concerns about potential noise complaints should bands plug in their own equipment. I think you mentioned that you would be speaking to Chris Hart (Mr Lawrence's solicitor) about the premises applying for a variation to cover the Pavement Café Permit area and was going to mention them amending the wording of the relevant condition to future-proof it.

Can you please let me know what is happening as I can't close the item on my workload until the S19 Notice has been cancelled.

Thanks

Julie Smart
Police Licensing Officer
01803 218900
07921 933974

[REDACTED]

[REDACTED]

19c



Form No.: L15b Rev. 12/2012 (white)



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: 12/04/17 at 1440hrs.

Officer making the Cancellation Notice: Sgt NORSWORTHY.

Signature:

Station: Headquarters.

Name of officer serving the Cancellation Notice: Sgt NORSWORTHY.

Station: Headquarters.

Date and time served: 12/04/17 at 1440 hrs.

Name (if applicable) and address of the affected premises: The Terrace, formerly Shark Bar, The Terrace Torquay.

Reasons (grounds) for cancelling the Closure Notice: Arised by Karl Martin, Torbay Council that noise limiter has been installed and condition on the licence varied which he is satisfied with.

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

Name:

Signature:

Address: The Terrace Bar, The Terrace Torquay

20
?

SharePoint

Newsfeed OneDrive Sites

SMART Julie 50403



Force Licensing Team > Licensing Items – Active > Terrace Bar Torquay

Item Type L10
Prem Name Terrace Bar Torquay

Date Rec'd 22/04/2018

Date Due

Event Start Date 21/04/2018 23:00

Event End Date

Submitting Officer DINGLE John 12067

Applicant Surname

Applicant First Name

Proposed DPS Surname

Proposed DPS First Name

Prem 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 Fight at premise, also both bar staff were in drink.

Comments

- SMART Julie 50403 (04/05/2018 13:34):
Letter sent to PLH/DPS re this item and regarding the noise, male stood drinking a pint, non-compliance of pavement cafe permit and young primary school children at premises that I witnessed on 01/05/18.

Copy of letter sent to Torbay Council. Copy attached.

No further action required.
- SMART Julie 50403 (02/05/2018 15:36):
It does not appear that Sgt Norsworthy has dealt with this in my absence. Re-allocated to myself.
- COSBY Peter 55186 (23/04/2018 11:10):
Mike - for you to consider in event previous concerns that you may be aware of with Julie.

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SMART Julie 50403

From: DINGLE John 12067
Sent: 22 April 2018 06:32
To: Licensing East
Subject: The Terrace bar, Torquay

Categories: Jen

Good Morning

Police attended The Terrace bar, The Terrace, Torquay twice during the ENTE on 21/04/18 at approximately 2300 hours and 2330 hours. The DPS Jamie Lawrence was not on site and was left in the hands of [REDACTED]. Also working was a female bar staff member called [REDACTED]. Both [REDACTED] and [REDACTED] were in drink, there were no door staff and although I understand they are not obliged to have any in closing by midnight this still appears to be an issue.

Twice we were called via nitenet radio by the barstaff for violence at the bar both occasions involving all women. The main offender seemed to be a female called [REDACTED] who is the mother of [REDACTED] children. The keys to the premises were also lost/stolen at some point.

Regards
John Dingle
PS 2067

21

SharePoint

Newsfeed OneDrive Sites

SMART Julie 50403 ▾



Force Licensing Team > Licensing Items – Active > Terrace Bar Torquay

| | |
|-------------------------|---|
| Item Type | Other |
| Prem Name | Terrace Bar Torquay |
| Date Rec'd | 01/05/2018 |
| 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 | |
| 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 [REDACTED] |
| Item Report Summary | At 4.55 pm on Tuesday 1 May 2018 I walk [REDACTED] Fleet Walk (along the top level) when I noticed a male stood up outside this premises drinking a pint of what appeared to be alcohol. Music was very loud and primary school children outside and inside premises [REDACTED] |
| Comments | <p>SMART Julie 50403 (04/05/2018 13:35):</p> <p>Letter sent to PLH/DPS re the above matters and also 2 incidents involving women being violent on 21/04/18 when staff were also the influence of alcohol.</p> <p>Copy of letter sent to Torbay Council. Copy attached.</p> <p>No further action required.</p> |
| Visit tasked | NO |
| LA Time Taken | |
| LO Time Taken | 90 |

21a



Devon & Cornwall Police

Mr J J Lawrence
The Terrace Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

4 May 2018

Dear Sir

The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 21 April 2018 officers working on Night Time Economy Duty around the harbourside were twice requested to attend your premises, via Nitenet radio, at approximately 2300 hrs and 2330 hrs. At that time you were not on site and the premises were left in the management of Mr [REDACTED]. There was also a female member of staff on duty called [REDACTED]. Both [REDACTED] and [REDACTED] were under the influence of alcohol and there were no door stewards on duty.

On both occasions that officers attended, your staff reported violence at the premises involving women customers. The main offender seemed to be a female, who was established to be the mother of Mr [REDACTED]'s children. The keys to the premises were also lost or stolen at some point during the evening.

I would take this opportunity to remind you of condition 10 under the heading the Prevention of Crime and Disorder on your Premises Licence which states;

On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then close after 00.30, SIA door supervisors shall be employed on the premises from 22.00 until close at a ratio

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC_Police



The Government Standard
Stock code: SF615

of 1 supervisor per 100 customers. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Thursday, Friday, Saturday or Sunday.) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.

I appreciate that if your premises were not intending to sell alcohol after midnight, or close after 0030 hrs, on the night in question, the provision of door stewards was not compulsory. However, I hope that you will bear the above 2 incidents in mind when carrying out your risk assessments over the next few months, particularly as the summer season is now approaching and it is likely that you may see an increase in customers attending your premises.

I also hope that you will take appropriate action in respect of the female identified as the instigator of the violence, such as banning her from your premises.

In relation to the matter of your staff being under the influence of alcohol, I would draw your attention to the attached letter, dated 6 October 2016, in which I refer to previous occasions where staff were under the influence of alcohol and suitable advice was given. I do hope that you will discuss this matter with your staff and ensure that they are in suitable state to carry out their responsibilities at all.

Furthermore, at approximately 1655 hrs on Tuesday 1 May 2018 my Police Licensing Officer, Mrs Smart, was walking along the upper level of the Fleet Walk Shopping Centre, where she could hear loud music. She established this was coming from your premises; in fact several people had stopped on the upper level of Fleet Walk and were looking across to The Terrace Bar, where several males and school children were stood outside. Mrs Smart noticed that at least one of these males was drinking what appeared to be a pint of alcohol.

I would take this opportunity to remind you of condition 17 under the heading the Prevention of Crime and Disorder on your Premises Licence, which states:

Patrons must be seated in the outside area.

I would also advise you that a standard condition on your Pavement Café Permit requires that all persons are seated when consuming alcohol and they should be supervised by waiter/waitress service.

For your information failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 36 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, 6 months imprisonment, or to both. Failure to comply with the terms and conditions of a Pavement Café Permit can result in the permit being revoked by Torbay Council.

Whilst your Premises Licence does not contain any conditions requiring the windows and doors to be closed if you are playing loud music during the day, I would remind you to ensure your staff monitor noise levels at all times so that it does not cause nuisance to neighbouring premises or a statutory nuisance.

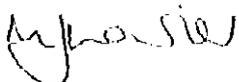
Whilst observing your premises Mrs Smart noted that there were several 'primary school' aged children immediately outside and inside your premises. As the ground floor of your premises is a pub offering wet sales only, I would ask you to consider whether you feel it is appropriate for children of this age to be in your premises if they are likely to be exposed to bad language, drunkenness or violence.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence and Pavement Café Permit, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Head of Prevention Department

21a



Devon & Cornwall Police

Mr J J Lawrence
Shark Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Sunday 31 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards on duty.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre but proceeded to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC_Police



The Constable's Office
Stock code: SF615

21a

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to . He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and finally admitted that it was locked in the safe.

Mrs Guy then advised of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *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.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised [redacted] that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [redacted] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [redacted] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio activity and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

Noise Issues

On 28 September 2016 Mr Marlin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

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I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that some 5 months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not been set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter.

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise 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 concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

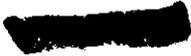
21a

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully

(s) M Lawler

Superintendent M Lawler
Territorial Policing & Partnership Department





Please reply to: Ms Mandy Guy

Community Safety
c/o Town Hall
Castle Circus
TORQUAY
Devon
TQ1 3DR

Mr J Lawrence
The Terrace Bar
12/14 The Terrace
Torquay
TQ1 1BN

My ref: R:245120/AJG
Your ref:
Telephone: 01803 208025
Website:
Date: 7 June 2018

Dear Mr Lawrence,

Licensing Act 2003

Premises Licence PL0433 The Terrace Bar, 12/14 The Terrace, Torquay TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above Premises Licence.

On the 25th May 2018 at 18.15 I was approaching Hoopers on the Terrace, Torquay. I could hear music which as I proceeded down the Terrace towards your Premises it was very clear that it was your premises that the music was emanating from.

I went into the premises accompanied by my colleague Tara Harris, Executive Head Community Safety. I spoke to a lady at the bar and asked for you. She told me she was called [redacted] and that she was now running the bar. I explained I was not aware of any application to amend the licence and hence you were still the DPS and licence holder. I asked to see the licence although she was able to show me two copies of the licence summary on the wall, one which was out of date, she was unable to produce a copy of the licence. I was also concerned that she was unclear how to get hold of you.

We continued our conversation outside as it was too noisy to hear anything inside the premises due to the volume of the music. All the windows were wide open and the music was very loud outside the premises. [redacted] explained she had had a doorman on for the afternoon and they had removed someone from the premises. However she admitted she had not taken into account any of your neighbours being affected by the volume of the music. As you are aware your licence does not have a condition requiring you to close the doors and windows whilst playing music during the day but it is your responsibility to ensure you and your staff monitor noise levels to ensure they are not causing a nuisance to your neighbours.

I accessed your premises licence on my phone and went through the conditions with [redacted] and a gentleman who was at the bar with [redacted] when we arrived. I was told the jukebox goes through a noise limiter however the equipment being used at the time of my visit did not go through the noise limiter. Condition 9 in Annexe 2, Prevention of Public Nuisance on your premises licence states:-

-
- Schools and services for children and young people • social care and housing • recycling, waste disposal and clean streets • community safety • roads and transportation • town planning • tourism, harbours and economic regeneration • consumer protection and licensing • leisure, museums, libraries and arts

If you require this in a different format or language, please contact me.

~~"A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter."~~

It is concerning to hear that at the time of my visit not only did the Ms [REDACTED] not know the conditions on the licence but that she also admitted it was only the juke box going through the noise limiter.

As I stood outside the premise talking to [REDACTED] I noted the people drinking were sat at tables however a number of people were standing in the road outside the premises. I asked [REDACTED] if she had a copy of the Pavement Café Permit. She was not able to produce the licence which is one of the conditions. Without the licence being available you cannot expect your staff to properly enforce the conditions.

I am disappointed to see that although you were written to by Superintendent Lawler on the 4th May 2018 regarding the noise and pavement café area, and also prior to this on the 6th October 2016, you do not seem to have taken any steps to improve the problems. I have enclosed copies of these letters for your information.

I would like to remind you that as DPS and licence holder it is your responsibility to ensure all conditions re complied with. Should you continue to not promote the licensing objectives you may have your licence reviewed.

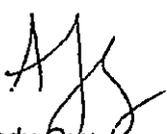
I have sent a copy of this letter to the Police Licensing Department for their information.

Kind regards

Mandy

Should you need to contact us please quote the reference number above.

Yours sincerely


Ms Mandy Guy
Senior Licensing Officer [REDACTED]
Licensing and Public Protection

Please note that, apart from personal details subject to the Data Protection Act, information contained in this letter may be divulged to members of the public under the Freedom of Information Act 2000.

22



Devon & Cornwall Police

Mr J J Lawrence
The Terrace Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

4 May 2018

Dear Sir

The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 21 April 2018 officers working on Night Time Economy Duty around the harbourside were twice requested to attend your premises, via Nitenet radio, at approximately 2300 hrs and 2330 hrs. At that time you were not on site and the premises were left in the management of [redacted]. There was also a female member of staff on duty called [redacted]. Both Mr [redacted] and [redacted] were under the influence of alcohol and there were no door stewards on duty.

On both occasions that officers attended, your staff reported violence at the premises involving women customers. The main offender seemed to be a female, who was established to be the mother of [redacted] children. The keys to the premises were also lost or stolen at some point during the evening.

I would take this opportunity to remind you of condition 10 under the heading the Prevention of Crime and Disorder on your Premises Licence which states;

On any Thursday, Friday, Saturday and Sunday night that the premises remain open for the sale of alcohol after midnight and then close after 00.30, SIA door supervisors shall be employed on the premises from 22.00 until close at a ratio

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@devonandcornwall.pnn.police.uk 101

Follow us DevonAndCornwallPolice DC_Police



The Government Standard
Stock code: 5615

of 1 supervisor per 100 customers. (This condition shall also apply on Christmas Eve and New Years Eve when they do not fall on a Thursday, Friday, Saturday or Sunday.) On all other occasions, the premises licence holder shall risk assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.

I appreciate that if your premises were not intending to sell alcohol after midnight, or close after 0030 hrs, on the night in question, the provision of door stewards was not compulsory. However, I hope that you will bear the above 2 incidents in mind when carrying out your risk assessments over the next few months, particularly as the summer season is now approaching and it is likely that you may see an increase in customers attending your premises.

I also hope that you will take appropriate action in respect of the female identified as the instigator of the violence, such as banning her from your premises.

In relation to the matter of your staff being under the influence of alcohol, I would draw your attention to the attached letter, dated 6 October 2016, in which I refer to previous occasions where staff were under the influence of alcohol and suitable advice was given. I do hope that you will discuss this matter with your staff and ensure that they are in suitable state to carry out their responsibilities ~~at all~~.

Furthermore, at approximately 1655 hrs on Tuesday 1 May 2018 my Police Licensing Officer, Mrs Smart, was walking along the upper level of the Fleet Walk Shopping Centre, where she could hear loud music. She established this was coming from your premises; in fact several people had stopped on the upper level of Fleet Walk and were looking across to The Terrace Bar, where several males and school children were stood outside. Mrs Smart noticed that at least one of these males was drinking what appeared to be a pint of alcohol.

I would take this opportunity to remind you of condition 17 under the heading the Prevention of Crime and Disorder on your Premises Licence, which states:

Patrons must be seated in the outside area.

I would also advise you that a standard condition on your Pavement Café Permit requires that all persons are seated when consuming alcohol and they should be supervised by waiter/waitress service.

For your information failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 36 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, 6 months imprisonment, or to both. Failure to comply with the terms and conditions of a Pavement Café Permit can result in the permit being revoked by Torbay Council.

Whilst your Premises Licence does not contain any conditions requiring the windows and doors to be closed if you are playing loud music during the day, I would remind you to ensure your staff monitor noise levels at all times so that it does not cause nuisance to neighbouring premises or a statutory nuisance.

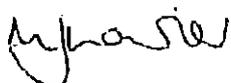
Whilst observing your premises Mrs Smart noted that there were several 'primary school' aged children immediately outside and inside your premises. As the ground floor of your premises is a pub offering wet sales only, I would ask you to consider whether you feel it is appropriate for children of this age to be in your premises if they are likely to be exposed to bad language, drunkenness or violence.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence and Pavement Café Permit, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should any further concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Head of Prevention Department

22



Devon & Cornwall Police

Mr J J Lawrence
Shark Bar
12/14 The Terrace
TORQUAY
Devon
TQ1 1BN

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

Telephone: 01803 218900

6 October 2016

Dear Sir

Shark Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN

I write to you in your capacity as Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0433 issued by Torbay Council.

The below matters have been brought to my attention:

On Saturday 2 July 2016 a 16 year old female stated that she had attended your premises in the company of 2 other females, and she purchased and consumed alcohol. This female indicated that she attended your premises as she knew that there would be no door stewards.

On 19 August 2016 a male was ejected from the Green Ginger. This male was spoken to by the police and told to leave the town centre but proceeded to your premises where he walked straight in. There were no door staff present at the time he entered your premises. This male was heavily intoxicated, very unsteady on his feet, his speech was very slurred and he was aggressive towards members of the public. His appearance was approximately 5'10" tall, slim build with scruffy stubble facial hair. He was wearing a black leather jacket and blue jeans.

On Monday 22 August 2016 between 2000 and 2230 hours a group of 16 year old males state that they were served and consumed alcohol within your premises. This information has been provided by a reliable source.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@devonandcornwall.pnn.police.uk 101

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Police and Crime Commissioner for Devon and Cornwall
Stock code: 51615

At 0115 hrs on the morning of Saturday 17 September 2016 one of my officers was stood in Fleet Street, outside of Shoezone, in the company of a Special Constable, when he could clearly hear loud music coming from The Terrace. He walked around onto The Terrace to see if there were any issues, believing the music to be coming from your premises. Unfortunately as he approached your premises he was called by a member of the public to a fight outside another premises so he was unable to enter your premises to discuss the matter with the staff.

At 2220 hours on the evening of Saturday 6 August 2016 herself, Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) and Mr Gary O'Shea (Principal Licensing Officer of Torbay Council) were on duty. Whilst walking up Fleet Street they heard loud music being played and stopped outside the sandwich kiosk to try to identify where this noise was coming from. Having listened for a few moments it was apparent that this noise was coming from your premises. These persons then walked up to your premises and on approaching noticed that doors and windows were wide open. On approaching the premises there were 2 door stewards on duty but both appeared 'pre-occupied' entertaining female customers and having selfies taken, rather than observing who was entering the premises. Mrs Smart, Mrs Guy and Mr Shea, then entered your premises and spoke to [REDACTED]. He was asked to go outside your premises in order that discussions could take place without the need to raise voices due to the volume of music being played.

Mrs Guy discussed the conditions on the licence with [REDACTED] and he stated that he thought the windows and doors had to be closed at midnight. Mrs Guy informed him that the licence indicates they must be closed at 11.00 pm. Mrs Guy asked [REDACTED] if the premises had a noise limiter installed and he initially stated that there was one installed at the premises and it was set to 100 db, but as the conversation progressed it became apparent that there was no limiter installed and [REDACTED] finally admitted that it was locked in the safe.

Mrs Guy then advised [REDACTED] of various conditions contained within the Premises Licence in respect of a noise limiter, as follows:

- *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.*
- *A limiter shall be installed within the sound system and cannot be over ridden.*
- *A limiter shall be installed on the PA system and the level set and agreed by Torbay Council. It must not be possible to bypass or override the limiter.*

Mrs Smart advised [REDACTED] that herself, Mrs Guy and Mr O'Shea had been able to enter Shark Bar without any interaction with the door stewards, who appeared distracted from their duties. Mr O'Shea has advised Mrs Smart that he spoke to two females who were talking to the door stewards and in his opinion they were heavily intoxicated but were allowed entry to the premises.

Mrs Smart noticed during her discussions with [REDACTED] that his breath smelt of alcohol and advised him that as he had indicated he was in charge of the premises he should not consume any more alcohol. For your information [REDACTED] did not appear drunk, but Mrs Smart has discussed the matter of staff consuming alcohol whilst working at the premises with you on a number of occasions. Whilst they are not doing anything illegal, it is imperative that staff have a clear head in order to deal with any incidents or issues arising.

On Wednesday 28 September 2016 my Police Licensing Officer, Mrs Julie Smart, and Mr Karl Martin, Public Protection Officer of Torbay Council attended your premises and met with you. At that time Mrs Smart discussed the above matters with you.

Underage Issues

Mrs Smart provided you with Challenge 25 posters, a CD-Rom for No ID No Sale, and a Torbay Council Age Verification Policy. She also gave you advice concerning the need to regularly provide training to bar staff on this matter and ensure they ask for ID when required. She also recommended that you keep a Refusals Register.

Nitenet Radio

Mrs Smart advised you that it is imperative that when door stewards are not on duty, a member of your bar staff has use of the Nitenet Radio in order that they can monitor radio actively and refuse entry/service to persons who have obviously caused issues elsewhere in the town centre. Mrs Smart further advised you that your Premises Licence contains a condition that the premises will join and maintain membership of the Nitenet Radio Communications Scheme but it does not state any times when the radio must be used, and therefore it should be used whenever the premises are carrying out licensable activities.

Noise Issues

On 28 September 2016 Mr Martin discussed the issue of the noise limiter with you and it was apparent that you had purchased one but it was locked in the safe and you indicated that there had been no noise limiter installed in the premises since you took over in April 2015.

I would take this opportunity to remind you of a letter I sent to you on 11 April 2016 in relation to a noise complaint in respect of your premises. At that time it appears that Mrs Smart and Mrs Guy discussed the noise limiter with you and at that time they were under the impression following discussions with you, that a limiter was installed at the premises but it was not set to a suitable limit agreed by Torbay Council. I am therefore extremely disappointed that some months later, Mrs Smart, Mrs Guy and Mr Martin have had to have similar discussions with you concerning noise outbreak and the limiter has still not set up satisfactorily.

I would take this opportunity to remind you that failure to comply with the conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, or to 6 months imprisonment, or to both.

Mrs Smart has advised me that as you indicated that there were going to be some minor changes to the layout of the premises, she has told you that you have until Friday 14 October 2016 to comply with the noise limiter condition. Should you not be complying with the requirement after this date, I will instruct my officers to take further action in respect of this matter. I do hope that you will take advantage of the opportunity that Mrs Smart has given you to rectify this matter."

In respect of the layout changes you are to undertake I recommend that you discuss these with either Mrs Guy or Mr O'Shea of Torbay Council, who will advise you as whether this matter can be dealt with by way of a minor or full variation.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise 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 concerns in relation to your premises come to my attention, I will consider applying for a Review of your licence and this letter will be used as part of our evidence. I do hope that this will not be necessary.

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

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart on 01803 218900.

Yours faithfully,

(S) [Signature]

[Redacted]

Superintendent M Lawler
Territorial Policing & Partnership Department

[Redacted]

[Vertical lines]

From: SMART-Julie-50403
Sent: 11 June 2018 11:58
To: MARTIN Karl
Cc: O'Shea, Gary; mandy.guy@torbay.gcsx.gov.uk
Subject: THE TERRACE BAR, THE TERRACE, TORQUAY

Hi Karl

A PCSO has been in to see me this morning as the above premises has been causing noise nuisance over the weekend and we've received several complaints as below:

Saturday 14:52 hrs – Log 0534 of 09/06/18

An anonymous call was received from a male using mobile phone [REDACTED]. The reporting person said they were driving past the premises and there were people stood in the road drinking so he/she asked them to move out the way but they became abusive. The reporting person feels they shouldn't be in the road drinking their drinks. The reporting person also said that he feels the music is playing ridiculously loud and can be heard from far away but he was unsure if this was something the police could assist with or whether they were breaking any licensing laws. The CCTV Control Room looked at the premises and could see people gathered outside and they continued to monitor.

Saturday 18:42 hrs – Log 0773 of 09/06/18

[REDACTED]
He said that there are speakers outside The Terrace causing a nuisance. Police tried to ring Torbay Council but was informed that they have no duty licensing team on today. At 20:30 hrs a police unit attended and told them to shut the windows and turn the music down.

PCSO Rachael Greene told me that she attended the premises over the weekend (I don't know if in relation to the above or at a different time) and was trying to talk to someone outside Banx and had to shout at him due to the volume of noise from The Terrace Bar.

We were going to visit this premises last Wednesday but unfortunately I had to cancel as something else came up, but I think that was to discuss noise that Gary had witnessed.

Bearing in mind I only wrote to this premises on 4 May 2018 re a couple of incidents, noise and people stood up drinking, I'm very tempted to apply for a Review. I'm going to research what I have on the system for the premises and let you know what I think.

Kind regards

Julie Smart
Alcohol Licensing
Drug and Alcohol Harm Reduction
Prevention Department
Dorset, Devon and Cornwall Police Alliance

Julie.smart@devonandcornwall.pnn.police.uk
01803 218900
07921 933974
Internal: 41400

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SMART Julie 50403

From: Sunley, Milly <Milly.Sunley@torbay.gov.uk>
Sent: 15 June 2018 12:06
To: SMART Julie 50403
Subject: RE: THE TERRACE BAR

Hi Julie

If he attended he did not sign in so in our eyes he didn't attend and there's no proof that he did.

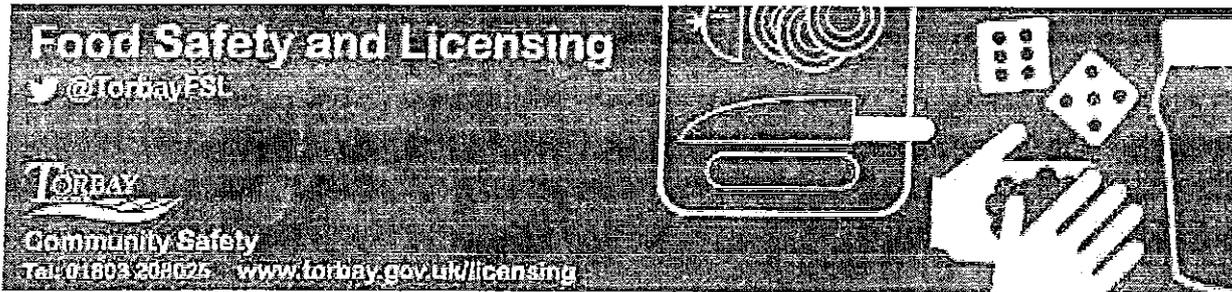
No one for April 2018
No one for Nov 2017
April 2016 - [REDACTED] for Shark Bar
Nov 2015 - [REDACTED] for Shark Bar (but gave Jamie's email)

No problem!

Milly

Milly Sunley
Licensing Support Officer
Licensing & Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR
01803 208025

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From: SMART Julie 50403 [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]
Sent: 15 June 2018 11:49
To: Sunley, Milly <Milly.Sunley@torbay.gov.uk>
Subject: RE: THE TERRACE BAR

Hi Milly

So from the below am I correct in saying he DIDN'T attend in April 2018, November 2017, April 2016 or November 2015? Are you able to tell from the attendance lists whether anyone else attended on behalf of The Terrace or Shark Bar on those dates?

Sorry to be a pain.

Thanks
Julie

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From: Sunley, Milly [mailto:Milly.Sunley@torbay.gov.uk]
Sent: 15 June 2018 11:27
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: RE: THE TERRACE BAR

Hi Julie

Below are the dates of the forums he attended and in brackets are the premises he named:

- April 2017 (The Terrace Torquay)
- Nov 2016 (Shark Bar)
- April 2015 (Old Skools & Shark Bar)

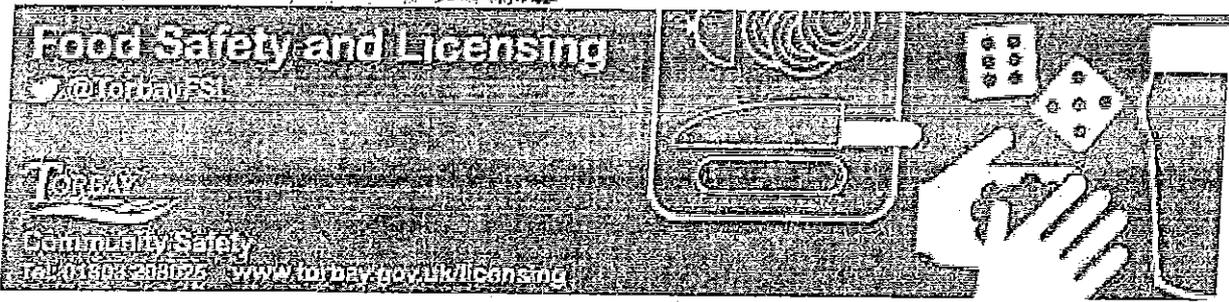


Do you want me to go back any further?

Milly

Milly Sunley
Licensing Support Officer
Licensing & Public Protection
Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR
01803 208025

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From: SMART Julie 50403 [mailto:Julie.SMART@devonandcornwall.pnn.police.uk]
Sent: 15 June 2018 11:15
To: Sunley, Milly <Milly.Sunley@torbay.gov.uk>
Subject: THE TERRACE BAR

Milly

Please can you have a look at your lists of attendees at the last 4 Licensing Forums and tell me if Jamie Lawrence was there. I've sent this to you as I know Mandy is very busy getting ready to go on leave.

If you could do this asap, I'd be very grateful.

Thanks

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Julie Smart
Police Licensing Officer - Torbay
01803 218900
07921 933974

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In person: Police Enquiry Offices

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