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Committee Administrator
Sarah Lees, Member Services Officer
Tel: 01884 234310
E-Mail: slees@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

LICENSING SUB-COMMITTEE B

A MEETING of the **LICENSING SUB-COMMITTEE B** will be held in the Exe Room, Phoenix House, Tiverton, on Friday 30 January 2015 at 2.00 pm

KEVIN FINAN

Chief Executive

Thursday 15 January 2015

This meeting will be audio recorded

Councillors: R J Chesterton, D R Coren and M A Lucas

A G E N D A

MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 Apologies and Substitute Members**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 Chairman - Election**
To elect a Chairman for the meeting.
- 3 Review of the Premises Licence of Tomato Cafe / Bar, Tiverton**
(Pages 3 - 194)
An application has been received from Devon and Cornwall Police to review the premises licence of Tomato Café / Bar, Tiverton. The Council is obliged to hold a hearing to determine such an application.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member

Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Mayoralty Room on the first floor of the Town Hall or the Exe Room in Phoenix House is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or if you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees, Member Services Officer on:

Tel: 01884 234310

E-Mail: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

AGENDA ITEM

LICENSING SUB COMMITTEE
30 January 2015

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

REVIEW OF PREMISES LICENCE OF TOMATO CAFÉ / BAR

REASON FOR REPORT

1. An application has been received from Devon and Cornwall Police to review the premises licence of Tomato Café / Bar, Tiverton.
2. The Council is obliged to hold a hearing to determine such applications.

RECOMMENDATIONS

1. That the Licensing Sub Committee determines this application in accordance with the licensing objectives

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	A decision that does not stand up to potential challenge in the Magistrates' Court could leave the Council open to a costs order.
Legal	Decisions must be lawful
Risk Assessment	If the decision is not properly and reasonably made it could be subject to appeal

CONSULTATION CARRIED OUT WITH:

1. The process of applying for a review of a licence under the Licensing Act 2003 is prescribed by regulation and requires the applicant to copy the application to all of the responsible authorities. These are the police, fire service, Weights and Measures, body responsible for health and safety (Environmental Health in this case), Environmental Health for nuisance, the planning authority, the body responsible for child protection, the health authority and the licensing authority itself.
2. On receipt of the application the licensing authority is obliged to advertise it by displaying a notice prominently on the Council offices and at the premises so passers by may read it. A notice must also go on the Council's website.

1.0 INTRODUCTION

- 1.1 The Licensing Act 2003 introduced a new concept into licensing legislation – that of a review and it is a key part of the licensing process. At any stage following the grant of a premises licence, a responsible authority such as the Police or Environmental Health, or any other person, such as a resident living in the vicinity of the premises, may ask a licensing authority to review a licence because of a matter arising in connection with one or more of the licensing objectives. The licensing objectives are:
- the prevention of crime and disorder
 - public safety
 - the protection of children from harm
 - the prevention of public nuisance
- 1.2 The applicant for the review must copy the application to the licence holder and all of the responsible authorities. The licensing authority must then advertise the review by way of a notice on the Council offices and at the premises in question. A notice must also go on the Council's website. Any of the responsible authorities and any other interested parties then have 28 days to make any representations.
- 1.3 Representations can be positive or negative and must be made in writing. They can be amplified at the hearing (which the licensing authority must hold) or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be made at the hearing.

2.0 PREMISES AND HISTORY

- 2.1 Tomato Café / Bar is a single floor premises on William Street, Tiverton, Devon, EX16 6BJ.
- 2.2 The premises licence was converted and varied in 2005 during the introduction of the Licensing Act. Mr Ahmad Babolhavaeji has been both the Premises Licence holder and the Designated Premises Supervisor since before this time.
- 2.3 A copy of the current premises licence is attached to this report as Annexe 1. It contains details of the licensable activities authorised, the times permitted and the conditions to which the premises must operate.
- 2.4 A copy of the current plan for the premises is attached to this report as Annexe 2.
- 2.5 The premises licence has had a number of variations since 2005. The following two are highlighted as they directly relate to points raised in the current review application.
- 2.6 In August 2013 a minor variation application was submitted and subsequently granted. Prior to submission it was discussed between the applicant (Mr Ahmad Babolhavaeji) and both the Police and Licensing Authority. The minor variation application requested the following:
- Amendment of CCTV conditions in accordance with Mid Devon requirements
 - Amendment of age verification policy in accordance with Mid Devon Policy
 - Amendment of the plan in order to remove the first floor area from the premises licence
 - Amendment and clarification of the SIA door supervisor conditions
 - Addition of condition to stop customers from drinking outside after 11pm. This was supplemented with an accompanying plan which highlighted the outside area and stated *'Area set aside for consumption up to 23:00 hours'*.

- 2.7 In November 2014 a minor variation application was submitted and subsequently refused. It requested the removal and in some cases replacement of conditions which it stated was to make them 'clear, proportionate and enforceable'. This was an application submitted in conjunction with advice from Tom Jones, Licensing Officer of Mid Devon District Council. The application is summarised below.

The following conditions requested to be removed:

- *SIA registered door supervisors will be employed at the premises from 23:30 hrs to the close of the premises on Fridays and Saturdays. This will include Christmas Eve and New Year's Eve.*
- *The licensed area will be marked with a permanent red line (in relation to the outside are)*
- *No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23:00 hrs.*
- *The only drinks permitted outside will be served in polycarbonate glasses and no bottles will be served outside.*
- *The outside furniture will provide a maximum of 12 covers and will be of the type where the seats are attached to the tables.*
- *All of the outside furniture will be removed from the area by 23:00 Monday to Sunday.*

The following conditions to be added:

- *SIA registered door supervisors on duty at the premises from 23:00 hrs to the close of the premises on Fridays, Saturdays, Christmas Eve and New Year's Eve.*
- *All drinks will be provided to the customer in plastic or paper containers after 23.00 hours until close of business that day.*
- *All tables and chairs will be removed from the area marked on the plan as 'additional seating area' by 23:00 hours Monday to Sunday*

- 2.8 The decision to refuse this minor variation was essentially a result of objections from the Police and Environmental Health which questioned the impact of allowing consumption outside the premises after 23:00 hours in an undefined area.

- 2.9 It is important to note that the decision to refuse this minor variation application has no bearing on the current application to review the premises licence. Each application must be judged on its own merits and the minor variation process operates under a specific set of criteria which is different to other licensing decisions. Firstly, the test is a strict one - where there is any doubt as to the possible effect of any part of the variation on the licensing objectives the licensing authority has no choice but to refuse the application in its entirety. Secondly, the decision is one delegated to officers.

3.0 REVIEW APPLICATION SUBMITTED BY DEVON AND CORNWALL POLICE

- 3.1 The application to review was received by the Licensing Authority on 10 December 2014. It included some supporting documents (referenced as Appendix A – F) and all of this is attached as Annexe 3. The review states that it relates to the following licensing objectives:

- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
- 3.2 As part of the supporting documents are statements from Jane Alford-Mole (Inspector, Devon & Cornwall Police) and Lesley Carlo (Licensing Officer, Devon & Cornwall Police). Parts of both of these contain information on what the review is essentially requesting. For ease they are reproduced below.
- 3.3 Jane Alford-Mole: *'I would ask that with any review consideration is given that Mr Babolhavaeji has conditions placed on him that the premises close at midnight. I am concerned that during the Winter months patrons will mainly stay inside due to the cold and rain but again in the Spring and Summer, persons will be outside and the area outside will become crowded again and unmanageable. A roped area would be suitable for the Winter months'.*
- 3.4 Lesley Carlo: *'I would therefore encourage the Committee to consider a reduction in the licensed hours at this venue and consider a condition that increases the number of doorstaff at Tomato, with doorstaff starting earlier in the evening to monitor customers entering the venue. This would restrict the entry to persons who were drunk which in turn would have a positive effect on the licensing objectives'.*
- 3.5 Alongside the application to review the Police provided a spreadsheet which contained 57 points documenting visits and communications they have had with the premises since August 2013. These were only in summary form and documents in support of this spreadsheet (i.e. L10 police licensing inspection reports) were received by the Licensing Authority on 6 January 2015 and subsequently forwarded to the licence holder, Mr Babolhavaeji, and his legal representative on 7 January 2015. This is an important evidential bundle as it is in essence the 'meat on the bone'. They are circulated to members of the sub-committee as Annexe 4 to this report in order for them to be examined.

4.0 RESPONSIBLE AUTHORITIES

- 4.1 The application to review is copied to all of the responsible authorities by the applicant and they may make representations.
- 4.2 No representations were received from other responsible authorities.

5.0 OTHER PERSONS

- 5.1 The Licensing Act allows 'other persons' to make representations provided they are relevant to one or more of the licensing objectives. Representations may be positive or negative in that they can either be in support of the application to review or alternatively, in support of the premises subject of the review.
- 5.2 The Licensing Authority received eight positive representations in support of the premises. These are attached as Annexes 5 – 12.
- 5.3 They essentially request that the licence times are not changed. Amongst them, they go on to state how the premises in their view is working to promote the licensing objectives.
- 5.4 Some of the representations mention the closing time for Tomato Café / Bar alongside Remedies. This is another premises in Tiverton which is located on Gold Street. For the benefit of the sub-committee these premises have the same closing times on Friday and

Saturday. For both, the sale of alcohol must stop at 02:30 and the premises must be shut by 03:00.

6.0 LICENCE-HOLDER RESPONSE

- 6.1 The licence holder's legal representative has responded to the application on his behalf and this is attached at Annexe 13.
- 6.2 It provides a comment in response to each of the 57 points raised by the Police in the spreadsheet which accompanied the application to review. It goes on to state, amongst other things, that there is no credible reason for the Police to seek closure of the premises at midnight, that the premises licence holder has taken steps to promote the licensing objectives and that the licence needs to be changed so it is practical and understandable.
- 6.3 Further comments will be provided by the licence holder's legal representative and these will be circulated to the sub-committee and the Police once they are received.

7.0 LICENSING POLICY

- 7.1 The Licensing Act requires the Council as the Licensing Authority to formally adopt a policy setting out how it will deal with its duties under the Act. That policy must be reviewed every five years and this Council formally adopted the current policy on 18 December 2013 and it came into effect 7 January 2014.
- 7.2 Members must have regard to the policy when making their decision. A copy will be available at the hearing and it is also available on the Council's website here: <http://www.middevon.gov.uk/CHttpHandler.ashx?id=21330&p=0>. It contains the following pieces of information.
- 7.3 The Licensing Authority has a duty to carry out its licensing functions with the aim of promoting the four licensing objectives. (Paragraph 3.1)
- 7.4 The overriding principle adopted by this Authority will be that each application will be determined on its merits. (Paragraph 5.3.1)
- 7.5 The central purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community. The Authority will expect applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises. (Paragraph 4.1.4)
- 7.6 Any application for a review should be treated seriously. Responsible authorities will aim to give licensees early warning of any concerns identified at a premises, and talk to the licence or certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. (Paragraph 9.2.2)
- 7.7 When considering a review of a premises licence or club premises certificate, the Authority will expect the applicants for the review to provide evidence of infringements of licensing regulations, failure to comply with licence conditions and/or of failure to promote the licensing objectives. (Paragraph 9.2.4)

- 7.8 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. (Paragraph 9.2.5)

8.0 GOVERNMENT GUIDANCE

- 8.1 Licensing authorities must also have regard to the Government Guidance issued under Section 182 of the Licensing Act and the current version is that which was issued by the Home Office in October 2014. A copy will be available at the hearing and it can also be viewed here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/363262/GuidanceS182web.pdf. It includes the following:
- 8.2 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. (Paragraph 9.12)
- 8.3 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. (Paragraph 11.10)

9.0 DETERMINATION

- 9.1 The procedure that will be followed at the hearing is attached at Annexe 14.
- 9.2 Government Guidance issued under Section 182 of the Licensing Act states:
- 9.3 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (Paragraph 9.42)
- 9.4 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. (Paragraph 11.17)
- 9.5 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing

authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. (Paragraph 11.18)

9.6 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence. (Paragraph 11.19)

9.7 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. (Paragraph 11.20).

9.8 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence. (Paragraph 11.23)

9.9 Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives. If consideration is being given to amending or attaching conditions, the following extract of Section 182 guidance must be taken in to account.

9.10 The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;

- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format. (Paragraph 1.16)

10.0 ADDITIONAL INFORMATION

10.1 The licensing authority has sent the applicant, licence holder's legal representative and all of those who have made representations a notice of hearing. As part of this notice the licensing authority may specify any particular points which it requires clarification on for the hearing.

10.2 In this case, the following was requested from the Police:

Any additional information / evidence you are able to add which is in support of the relevant points that you have already made in your representation. It would be useful if you could also state clearly what specific conditions / amendments you wish to see to the premises licence.

10.3 The following was requested of the licence holder's legal representative:

Any additional information / evidence you are able to add which is in support of the relevant points that you have already made in your representation. You have mentioned in your response that the licence needs to be changed so that it is practical and understandable. It would be useful if you could state clearly what specific conditions / amendments you wish to see to the premises licence in order to achieve this.

11.0 TIMESCALE

11.1 If Members are unable to make a decision at the conclusion of the hearing they have a further five working days to come to a decision. Once that decision has been formally notified to all parties to the hearing they have 21 days in which to appeal to the Magistrates' Court

11.2 The determination will not take effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.

12.0 CIRCULATION OF REPORT

- 12.1 This report and all of its annexes have been circulated hard copy to the applicant, the licence holder, the licence holder's legal representative and members of the sub-committee.
- 12.2 Other parties who have made representations have been sent a hard copy of the report and Annexe 14 (procedure for hearings). They can access the additional Annexes at the following web page: <http://www.middevon.gov.uk/index.aspx?articleid=5482>.

Contact for any more information	Tom Keating (01884) 244618 Lead Licensing Officer
Background Papers	MDDC Licensing Policy & S.182 Guidance
File Reference	Licensing/reviews/Tomato
Circulation of the Report	Premises licence holder Review Applicant Any other Persons who made representations

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Licensing Act 2003
Premises Licence

MDV PR0064

LOCAL AUTHORITY



Licensing Section
 Mid Devon District Council
 Phoenix House
 Phoenix Lane
 TIVERTON
 DEVON
 EX16 6PP

Part 1 - Premises Details

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

Tomato Cafe / Bar

1 William Street, Tiverton, Devon, EX16 6BJ.

Telephone 01884 253545

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Thursday	5:00pm	Midnight
	Friday and Saturday	5:00pm	1:00am
	Sunday	5:00pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Wednesday	8:00am	12:30am
	Thursday	8:00am	2:30am
	Friday and Saturday	8:00am	3:00am
	Sunday	8:00am	12:30am
I. Late night refreshment (Indoors)	Monday to Wednesday	8:00am	1:00am
	Thursday	8:00am	2:30am
	Friday and Saturday	8:00am	3:00am
	Sunday	8:00am	12:30pm
	Christmas Eve	8:00am	3:00am
	New Years Eve	8:00am	3:00am
	Bank Holiday Sunday	8:00am	3:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Wednesday	8:00am	Midnight
	Thursday	8:00am	2:00am
	Friday and Saturday	8:00am	2:30am
	Christmas Eve	8:00am	2:30am
	New Years Eve	8:00am	2:30am
	Bank Holiday Sunday	8:00am	2:30am

Licensing Act 2003
Premises Licence

MDV PR0064

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Wednesday	8:00am	12:30am
Thursday	8:00am	2:30am
Friday and Saturday	8:00am	3:00am
Christmas Eve	8:00am	3:00am
New Years Eve	8:00am	3:00am
Bank Holiday Sunday	8:00am	3:00am

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

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

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

Ahmad Babolhavaej
a.babol@live.co.uk

The Flat, 52a Bampton Street, Tiverton, Devon, EX16 6AH.

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

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

Ahmad BABOLHAVAej

The Flat, 52a Bampton Street, Tiverton, Devon, EX16 6AH.

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

Licence No. MDV PE0266

Issued by Mid Devon

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The supply of alcohol is prohibited: -

- a) At a time when there is no designated premises supervisor, or,
- b) At a time when the designated premises supervisor does not hold a personal licence.
- c) Every supply of alcohol shall be made or authorised by the holder of a personal licence.

Any person carrying out security activities on these premises must be licensed by the Security Industry Authority.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children-

- (a) games or activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

ANNEXES continued ...

A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity /entertainment.

Management will control the sound levels of the music/entertainment.

2 SIA registered door supervisors will be employed at the premises from 23:30 hrs to the close of the premises on Fridays and Saturdays. This will include Christmas Eve and New Years Eve.

CCTV will be installed, operated and maintained to the satisfaction of the Chief Officer of Police and Licensing Authority. This will be achieved by compliance with the document: CCTV Systems installed within licensed premises in Mid Devon - Operational requirement Analysis Reference: Version 6 - September 2013 - Tomato Café / Bar.

The CCTV agreement, within the Operational Requirement document, will be signed and dated by the premises licence holder or a person authorised to sign on behalf of the premises licence holder.

The signed CCTV agreement and the completed CCTV operational requirement document or a true copy of the document/s will be maintained at the premises available for inspection by a police office or an authorised officer of the licensing authority at any reasonable time.

OUTSIDE AREA

The licensed area will be marked with a permanent red line.

The outside furniture will provide a maximum of 12 covers and will be of the type where the seats are attached to the tables.

All of the outside furniture will be removed from the area by 23:00 Monday to Sunday.

The only drinks permitted outside will be served in polycarbonate glasses and no bottles will be served outside.

No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23:00 hrs.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The premises licence-holder will adopt the NITENET radioalert system as long as the system is in place.

ANNEX 4 - PLAN OF LICENSED PREMISES

See attached plan.

Signature of Authorised Officer

LOCAL AUTHORITY



Licensing Section
 Mid Devon District Council
 Phoenix House
 Phoenix Lane
 TIVERTON
 DEVON
 EX16 6PP

Premises Details

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

Tomato Cafe / Bar

1 William Street, Tiverton, Devon, EX16 6BJ.

Telephone 01884 253545

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Thursday	5:00pm	Midnight
	Friday and Saturday	5:00pm	1:00am
	Sunday	5:00pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Wednesday	8:00am	12:30am
	Thursday	8:00am	2:30am
	Friday and Saturday	8:00am	3:00am
	Sunday	8:00am	12:30am
I. Late night refreshment (Indoors)	Monday to Wednesday	8:00am	1:00am
	Thursday	8:00am	2:30am
	Friday and Saturday	8:00am	3:00am
	Sunday	8:00am	12:30pm
	Christmas Eve	8:00am	3:00am
	New Years Eve	8:00am	3:00am
	Bank Holiday Sunday	8:00am	3:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Wednesday	8:00am	Midnight
	Thursday	8:00am	2:00am
	Friday and Saturday	8:00am	2:30am
	Christmas Eve	8:00am	2:30am
	New Years Eve	8:00am	2:30am
	Bank Holiday Sunday	8:00am	2:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Wednesday	8:00am	12:30am
Thursday	8:00am	2:30am
Friday and Saturday	8:00am	3:00am
Christmas Eve	8:00am	3:00am
New Years Eve	8:00am	3:00am
Bank Holiday Sunday	8:00am	3:00am

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

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Ahmad Babolhavaej

The Flat, 52a Bampton Street, Tiverton, Devon, EX16 6AH.

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

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

Ahmad BABOLHAVAej

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

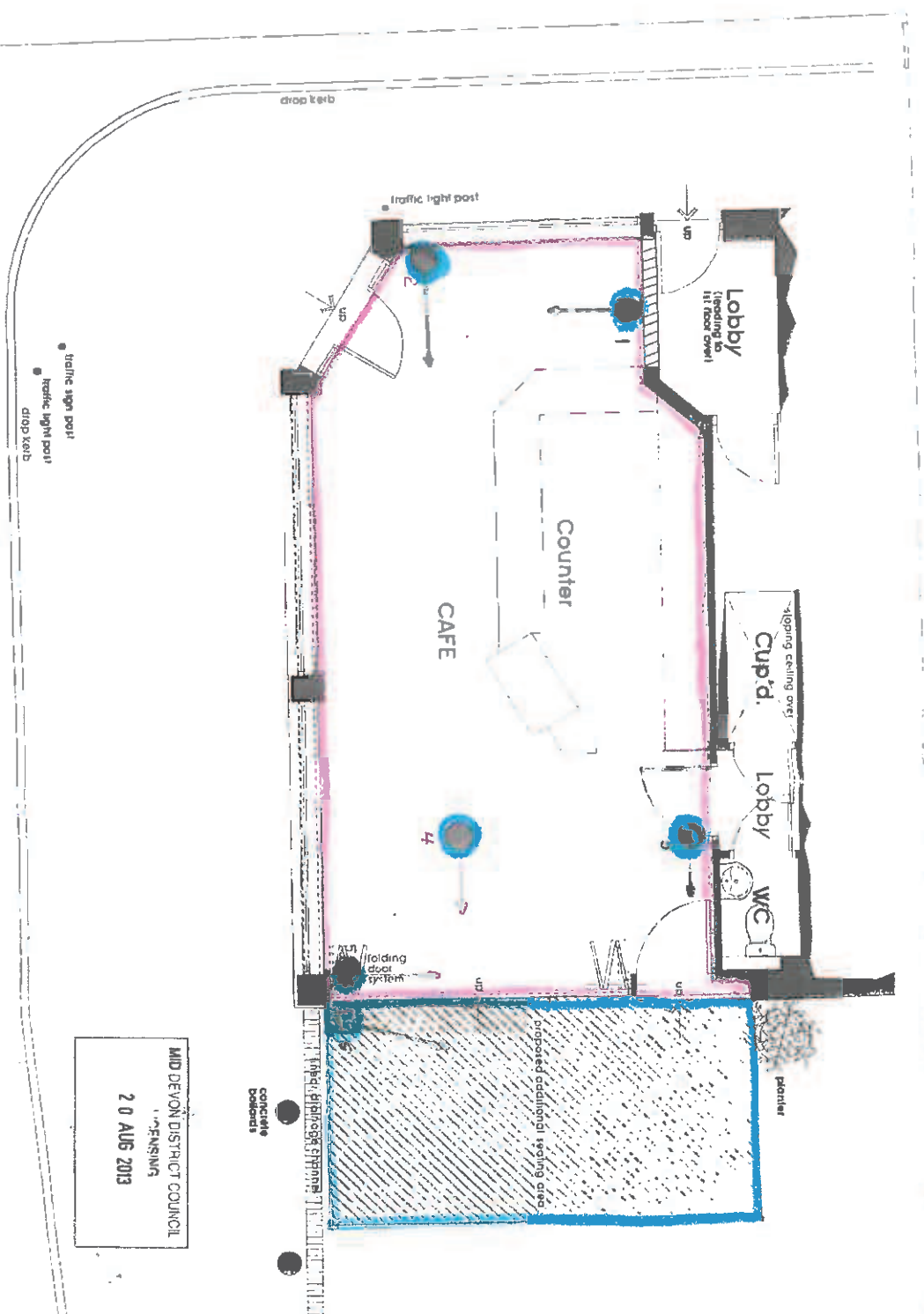
Not applicable

Signature of Authorised Officer

Reason: **Minor variation**

Result Date:
Number:
Date expires:

Notes:



MID DEVON DISTRICT COUNCIL
LICENSING
20 AUG 2013

**concrete
billboards**

= Area not available for consumption up to 23.00 hours

NO licenseable activities in this area after 23.00 hours

_____ = All licenseable activities within this area

CCTV Camera Position

08-2133-001A

MID DEVON DISTRICT COUNCIL
LICENSING
10 DEC 2014



Licensing Authority
Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon EX16 6PP
Tel: 01884 244617/8/9

Licensing Act 2003

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

CHECKLIST	Please tick ✓ yes
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I **Inspector Jane Alford-Mole**
(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Tomato Cafe/Bar 1 William St	
Post town Tiverton	Post code (if known) EX16 6BJ
Name of premises licence holder or club holding club premises certificate (if known) Mr Ahmad BABOLHVAEJI	
Number of premises licence or club premises certificate (if known) MDV PR0064	

Part 2 - Applicant details

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

x

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

☐

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

Please tick ☒ yes

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

Surname

First names

I am 18 years old or over

Please tick ☒ yes
☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Inspector Jane Alford-Mole Devon and Cornwall Police Licensing Department (East) Police HQ Middlemoor EXETER EX2 7HQ
Telephone number (if any)
E-mail address (optional) licensingeast@devonandcornwall.pnn.police.uk

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

- | Please tick one or more boxes | Please tick one or more boxes ✓ |
|---|---------------------------------|
| Please tick one or more boxes | <input type="checkbox"/> |
| 1) the prevention of crime and disorder | x |
| 2) public safety | x |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

A review of the premises licence is sought on the grounds that the premises are not promoting the following licensing objectives: the prevention of crime and disorder, public safety and the prevention of public nuisance.

Grounds for review:

A continued disregard for the existing premises licence conditions, in particular the conditions relating to use of the outside licensed area. Evidence exists of a continued breach of these conditions. These licensing breaches are impacting on Policing in the town causing crime, disorder and public nuisance.

The objectives set out in the action plan of October 2014 have not been met.

Attempts to work in partnership with Mr Babolhavaeji have failed. Guidance offered by Police on how better to manage and control the outside area was initially taken on board but has since been met with a refusal to co-operate. Mr Babolhavaeji has then submitted a minor variation to remove the conditions that we seek to enforce.

Mr Babolhavaeji and his doorstaff have shown an unwillingness or inability to control customers at these premises. This is leading to disorder and nuisance.

There is a high level of drunkenness at the premises.

We suggest therefore that despite Police recommendations the premises is still not taking adequate steps to meet the licensing objectives.

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

Documents are attached as follows:

Appendix A - Spreadsheet detailing visits and contact with the premises. Copies of all L10 licensing reports will be submitted prior to a hearing.

Appendix B – Supporting statement from Inspector Jane Alford-Mole, Mid Devon Sector Inspector. Also attached is a statement from Inspector Alford-Mole dated 05/05/2013 which details previous issues at Tomato.

Appendix C – Supporting statement from Licensing Officer Lesley Carlo.

Appendix D – Plan of the licensed premises.

Appendix E – Letter and action plan dated 1 October 2014

Appendix F - Copy of the Minor Variation objection letter dated 18 November 2014

Further documentation in support of the review, including copies of L10 licensing reports will be submitted in due course.

--

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

Please tick ☒ yes
☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

--

CHECKLIST

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

Jane Alford - mole Insp S932

Date 09/12/14

Capacity Mid Devon Sector Inspector, Devon and Cornwall Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Lesley CARLO, Licensing Officer, Licensing Hub East, Police Headquarters, Middlemoor	
Post town Exeter	Post Code EX2 7HQ
Telephone number (if any) 01392 452225	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensingeast@devonandcornwall.pnn.police.uk	

Notes for Guidance

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

TOMATO, 1 WILLIAM ST, TIVERTON

Spreadsheet to details visits and contacts relating to Tomato since August 2013.
Routine and Police Officer visits are shown in black, licensing contact or visits are shown in red.

DATE	TIME	LOG/CRIME REF	L10	DETAILS
20/08/2013		Minor Variation		Minor Variation submitted to MDDC by Mr Babolhavaeji. This was submitted in response to Police and MDDC concerns regarding the management of the premises. The minor variation included the following measures: 1. The plan of the premises was amended to remove the first floor licensed area leaving the ground floor only to be licenced. The plan clearly shows a specific outside area (highlighted in blue) marked for consumption of alcohol. This plan is submitted as Appendix D 2. A condition that indicates no drinks shall be taken outside after 23:00.
14/09/2013	23:12		Y	Routine visit: All in order
18/10/2013	01:33			Routine visit: One member of doorstaff was not displaying a SIA badge. He advised officer it had been lost. He could not provide any other form of ID. DPS was spoken to DPS was spoken to and stated he would contact Night Owl Security in the morning to ensure that the same male was not on the door again until he could produce his badge.
20/10/2013	01:50		Y	Routine visit: One door supervisor seen to be working without a SIA badge. When questioned he stated that he lost his badge and was awaiting a replacement. The male was identified as the same doorstaff identified on 18/10. Subsequent checks with the SIA confirmed that he held a valid badge.
24/10/2013				Telephone conversation between Licensing Sgt Mike Norsworthy and Mr Babolhavaeji. DPs had not been aware that door supervisor had lost his badge. Mr Babolhavaeji stated that he had contacted Night Owl Security and advised them not to send the same door supervisor unless he had received his new badge.

6	26/11/2013				Visit to premises by Licensing Officer to discuss the need for vigilance over the Christmas period. DPS not present at time of visit. Follow up letter despatched on 09/12/14
7	08/12/2013	01:00		Y	Officers attended the premises following disorder. Approximately 40-50 persons inside the premises. DPS present and helpful, working behind the bar. Doorstaff were shown how to use the NiteNet radio as they were on the wrong channel. Officer has noted that doorstaff seems unsure of their duties. Concerns re the doorstaff were raised with the DPS.
8	08/12/2013	01:05		Y	Officers attended premises at request of doorstaff as one member of the public was refusing to leave following disorder. Officer has stated that doorstaff appeared to lack confidence and appeared unsure what to do next. DPs present behind bar, not spoken to by Police at the time of the visit.
9	08/12/2013	02:30		Y	Officers called to the premises for a second time on this evening at request of doorstaff for 'urgent assistance'. When officers arrived 2 minutes later all was calm. Officer noted that he was left with the impression that Police were being used as a 'comfort blanket' by doorstaff whilst carrying out their routine duties.
10	14/12/2014	01:30		Y	Disorder outside of Tomato - male being argumentative after being refused entry to the bar. He was arrested for being drunk and disorderly
11	02/03/2014	02:00		Y	Doorstaff refused entry to a male as banned from the premises. Officers were called to assist. Male was heavily under the influence of alcohol, subsequently arrested for drunk and disorderly. Positive action by doorstaff who officers described as pro police and helpful.
12	04/04/2014	23:30		Y	Premises called for assistance as drunk female suspected of possessing cannabis, had become aggressive when challenged by doorstaff. Female had left the area when officers arrived. Officers have noted that doorstaff appear to struggle when dealing with any kind of incident and that Police units are getting regularly called via 999 to find the incidents are minor.
13	03/05/2014	01:15	Crime ABH CR/057942/14	Y	Officers called following request for assistance from doorstaff who stated one male had been 'knocked out' inside the premises. On arrival the male was conscious although intoxicated. He had a cut and swelling below the eye. He stated he had been assaulted but would not co operate with Police or ambulance staff. Refused to go to hospital.

Review Tomato Tiverton

14	11/05/2014	03:10	log 0137	Y	Police were called to an altercation involving two groups of males. Reports initially stated that a Turkish group of males produced a knife and made off in a vehicle. Vehicle stopped and males searched with negative result. Reporting males had left the area.
15	13/05/2014	23:45		Y	Report from Officer stating Tomato is regularly placing tables and chairs outside the location partially blocking the walkway from Bampton St through to the car park. On one occasion during the day the whole area was blocked with tables, chairs and people drinking alcohol.
16	31/05/2014	01:00	log 85	Y	<p>Report of a male outside venue causing disorder, he was already barred from the premises and could not therefore gain entry . On Police arrival there were approx 50 persons outside the bar on the paved area. Given large numbers further Police resources were requested. The male was spoken to, very much in drink. Told to leave the area which he did. Officers has noted the following issues</p> <ol style="list-style-type: none"> 1. Doorstaff seems unsure who was on the banned list for the premises. 2. Loud music being played with doors and windows open. DPS turned this down upon request. 3. Officers noted that doorstaff seemed unable to cope with the numbers and potential volatility. Large number of drunk persons noted IN and around the premises. During the hour that the Officer was outside he saw only ONE male refused entry for being drunk and TWO ejected for the same. Officer also noted that he and a colleague entered the premises following an incident inside and had to point this out to a door supervisor who appeared oblivious to it. 4. It was noted there was a lot of spilled liquid on the floor and tables had uncollected glasses on them. 5. Numerous fast food containers and cigarette butts strewn on the paved area outside the premises.

2014
Review Tomato Tiverton

17	03/06/2014				Licensing Officer visit to the premises to discuss concerns with DPS. Mr Babolhavaeji told me that [REDACTED] was no longer on the Pubwatch banned list but he was banned from that individual premises only and had therefore not been allowed entry. Licensing Officer highlighted the issues raised on recent L10 reports regarding the effectiveness of the doorstaff at Tomato. We feel they are not proactive or strong enough when dealing with incidents. DPS denied that this is the case. DPS was asked to take the comments on board and consider if further instruction needs to be given to the doorstaff to clarify their responsibilities.
18	28/06/2014	02:00		Y	Routine visit: large number of persons in the square outside Tomato. None were drinking. The main doors were open and very loud amplified music was playing. Some minor disorder. DPS turned down music and shut the door when asked to do so.
19	18/07/2014	23:30		Y	Premises quite busy, no offences seen. Doorstaff seen to challenge male attempting to come outside with a glass.
20	01/08/2014	22:45		Y	Routine visit: Patrols of the town, approx 30+ customers outside the premises outside of defined paved area, under the covered tunnel smoking. Approx 20 of those had glass bottles and glasses of alcohol outside defined perimeter. Landlord approached and stated he hadn't noticed and moved all customers back into the premises and within defined area.
21	02/08/2014	01:40		Y	Routine visit: Male was unable to walk due to intoxication and amount drunk within premises. Subsequently fell when trying to be removed by a friend knocking himself out. Ambulance called.
22	08/08/2014	20:30		Y	Routine visit: All in order
23	10/08/2014	03:01	log 0170	Y	Report of twenty persons arguing and fighting outside premises - nothing found on police arrival
24	25/08/2014	00:50	log 0035	Y	Log phoned in by member of the public reporting loud music
25	14/09/2014	01:30	Crime Criminal Damage CR/106870/14	Y	Male refused entry to premises as had been asked to leave earlier in the evening. Became frustrated and punched the window causing damage.

26	18/09/2014				Meeting between Insp Alford-Mole, PC Tim Soper and Licensing Officer to discuss the ongoing issues at Tomato. Matters discussed were: disorder, ineffective doorstaff, noise from music and from customers and use of the outside area after 23:00 and outside of the demarked area. It was agreed that Inspector Alford-Mole would visit the premises to discuss with the DPS and seek an action plan to resolve these issues.
27	20/09/2014				Visit to premises by Insp Alford-Mole. Discussed the need to monitor the use of the outside area and suggestion was made to provide a rope barrier to clearly demark the area. This would then clearly define which persons outside were customers of Tomato.
28	21/09/2014	01:55	Y		Routine visit: loud music could be heard coming from the premises as far away as the Bank. Also aggressive male ejected from premises made threats to doorstaff.
29	22/09/2014				Email received by Insp Alford-Mole from Mr Babolhavaejj advising he has spoken to the doorstaff company and emphasised how they should be more vigilant. Also confirming that the outside area would be roped off as suggested.
30	23/09/2014				Visit to premises by Licensing Officer to discuss L10 reports to date. Discussion highlighted issues with disorder and the outside area being used after 23:00. It was agreed that an action plan would be created to tackle the issues at the premises.
31	27/09/2014	23:40	Y		Routine visit: During late night patrol, several visits made to the area - pub busy but no drinking outside or problems reported. Two doorstaff monitoring customers. All in order.
32	01/10/2014				Letter sent to Mr Babolhavaejj enclosing an action plan and a copy of the Police booklet 'Your licence Your Responsibility'. Copies are attached as Appendix E
33	11/10/2014	14:40	log 0552	Y	Passing motorist advised argument in premises between customers and staff. DPS was ejecting males and informed officers they would be banned from his premises.
34	17/10/2014	23:30			Outside of premises checked by Licensing Officer whilst on licensing visits within Tiverton. Five persons were observed in demarked outside area (it was raining at the time), none had drinks.

2014
Review Tomato Tiverton

35	24/10/2014	22:00		Y	Routine visit: Officers attended premises and found customer drinking alcohol from glasses outside - this is a breach of the licence conditions. Officers witnessed DPS then transfer drinks to polycarbonate vessels at their request. DPS noted that there was confusion with the licence and the council had visited him regarding the matter. He stated he was working with MDDC Licensing Department to change the conditions as he believes they are incorrect.
36	26/10/2014	01:45	Log 0124. Crime GBH CR/117675/14	Y	Disorder within the premises involving numerous males. When a door supervisor intervened he was hit with a glass. One male involved in the disorder was in fact already banned from the premises due to previous incidents. This had been confirmed by the DPS during a conversation with the Licensing Officer on 03/06/14
37	31/10/2014	22:45		Y	Scaffolding present around premises - customers seen to climb on the scaffold and hang from it doing 'pull ups'
38	01/11/2014	01:00		Y	Officers attendance requested by door supervisors. On arrival they were greeted by persons complaining about the attitude and conduct of doorstaff. It took Police attendance to diffuse the situation. It was noted there were glasses outside on the pavement.
39	01/11/2014	02:00		Y	Officers saw a very drunk female outside Tomato, she was later seen on Gold St sat on the floor. She was staggering and fell over several times. She refused help. She could not communicate very well due to being so heavily in drink. When Officers saw her again she had gained entry to Tomato.
40	01/11/2014	19:00		Y	Routine visit: to check if any drink promotions or events. Premises quiet, five customers inside.
41	02/11/2014	00:20	log 0037. Crime Assault CR/119102/14	Y	Male on the Pubwatch banned list was refused entry to the premises. A female was being removed by doorstaff at the time. Male became involved in disorder outside. When Police intervened the male struck out several time before being restrained and arrested. DPS present and provided a statement.
42	04/11/2014				Visit to premises by Inspector Alford-Mole and Licensing Officer Lesley Carlo. DPS was invited to a meeting at Tiverton Police Station to discuss recent incidents at the premises. DPS showed us the items he intended to order on line to demark the outside area.

43	05/11/2014				Email received from Mr Babolhavaeji stating that after taken advice he does not believe he needs to rope barrier. The email also asked that someone from MDCC Licensing team be present at the meeting.
44	06/11/2014				Email send by Licensing Officer to Mr Babolhavaeji regarding the meeting and advising him that a review of the premises licence would now be prepared.
45	06/11/2014	21:00	Y		When PCSO visited premises he noted that there were three persons outside drinking from glass bottles and a glass. When this was highlighted to DPS he asked them to come inside.
46	07/11/2014	23:55	Y		It was noted by officers that the red line demarking the outside licensed area was unidentifiable due to no natural light and the pavement being wet. Some confusion re a person inside who may have been on the Pubwatch banned list (it was later confirmed that the was NOT banned). Officer also highlighted to DPS that his doorstaff should be monitoring customers who are urinating in the area to the rear of a nearby premises.
47	08/11/2014	23:30	Y		Routine visit: DPs present and helpful. Approximately 30 customers inside, two door staff on duty. All in order.
48	10/11/2014				Email from Mr Babolhavaeji enclosing a copy of a letter he received from Tom Jones at MDCC regarding conditions attached to the licence. The letter advises him that there is no requirement that customer remain within the marked area. Letter also refers to other conditions.
49	11/11/2014				Minor Variation submitted to MDCC by Mr Babolhavaeji
50	12/11/2014				Pre arranged visit to premises by Licensing Officer and PC Tim Soper to discuss all L10 reports since action plan had been put in place. Refer to statement from Licensing Officer for further information.
51	18/11/2014				Minor Variation objection letter sent to MDCC. Attached at Appendix F
52	21/11/2014	21:30	Y		Routine visit: Three drunk males existing premises
53	21/11/2014	22:45	Y		Routine visit: Two people observed outside drinking. Officer confirmed that one of the two was using a pint GLASS. The other drink was in polycarbonate.

Review Tomato Tiverton

	22/11/2014	20:11		Y	Routine visit: three persons sat outside at tables drinking from glasses. PCSO noted that he knew them to be glasses due to the sound they made when placed on the tables.
55	29/11/2014	01:00		Y	Routine visit: all in order
56	06/12/2014	02:00		Y	Officers attended when flagged down by doorstaff. Approximately 30 persons outside the venue. One male who had been ejected from Tomato was intoxicated, unsteady on his feet and slurring his speech. Others became involved, Officer called for additional Police assistance. Disorder grew resulting in the male being captor sprayed by Inspector Alford-Mole. Further Police units attended resulting in a total of five police cars and twelve Officers. The Inspector has noted that doorstaff appeared inadequate and did not assist police.
57	06/12/2014	02:00		Y	Second report relating to the same incident of disorder. Doorstaff were not helpful during the arrest of violent offenders who were arrested for public order offenses. These persons had been customers of tomato and had become disorderly outside the premises.

Witness Statement

APPENDIX B

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Statement of: **Jane Alford-Mole**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Inspector 15938**

This statement (consisting of4..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Jane Alford - mole (INS 5938)

Date: **02/12/2014**

I am Police Sector Inspector 5938 Jane Alford-Mole of the Devon and Cornwall Constabulary currently stationed within the area of Mid Devon. Within my role I have Supervision of almost 70 Officers within Tiverton, Cullompton and Crediton. I have held the post of Inspector since February 2014, previous to this I was the Sergeant of Tiverton Police Station and I had held this post since January 2013. My previous role as a Sergeant was within the busy City Centre of Plymouth. I have spent most of my career as well as other things Policing the Evening and Night Time Economy within the area of Union Street, The Barbican and The Hoe in Plymouth, an area which is extremely busy and therefore I feel I have experience and excellent knowledge of Licensing issues, offences relating to Alcohol related violence, Public Order and Anti Social Behaviour.

On arrival in Tiverton in January 2013 I was made aware of a premises of concern named Tomato Cafe/Bar within the area of Bampton Street, Tiverton. The previous Sergeant Paul Roberts and local Officers had submitted Licensing Forms to the Police Licensing Department in relation to a Drinking Competition that had been held at the premises and supported by the owner Mr Ahmad Babolhavaeji, I will refer to the Owner in this statement as Adam, he is known within the Tiverton Community as this. Following enquiries into this by local Officers Adam was invited to Tiverton Police Station to be interviewed under caution by the Licensing Officer Anna Bridgeman and Acting Police Sergeant Michael Martini. Adam admitted the allegations and consequently received a Caution and agreed to take part in the well supported and well run local Pubwatch.

Following this intervention with Adam his premises appeared to improve. I was quite aware that in fact the issues around the Licensing objectives were not on a grand scale as opposed to many Public Houses within the Cities, however Tiverton is a Market Town and the numbers and disorders would be extremely relative to the Community and would cause a bigger impact because of the surrounding residential areas and perception by the public. Unlike bigger cities where it would be usual to have many

Signature:

Jane Alford - mole

Signature Witnessed by: **N/A**

INS 5938

Witness Statement

Page 2 of 4

Continuation of Statement of Jane Alford-Mole

Public Houses next to each other, with clubs also adjacent Tiverton has restaurants, shops and a more Community feel and would be suitable for families to walk and feel safe. Again it is also relative to the number of Police Officers available to be able to Police incidents in a small town unlike the larger Cities where more resources would be available. Tomato did improve for a while and then in May 2013 I was on duty covering the Evening Night Time Economy, it would be usual for me to check all Licensed premises at this time to ensure that Designated Persons, persons outside and inside are keeping to the Licensing Objectives and persons present are out enjoying themselves and not causing any problems to others. My attention was alerted to Tomato following a call from the Pubwatch Radio, this was from a female doorstaff member. A disorder had occurred but it had been dispersed. I completed a comprehensive Police Statement following this evening. I had noted that there were large members of the Public present outside the premises smoking and drinking within a large area outside of the premises and those present were not controlled to the location directly outside of the pub. In fact this was confirmed by doorstaff as 106 people present. I attach this statement as exhibit JAM/1. You will see that the Licensing objectives were breached:- Prevention of Public Nuisance, the prevention of Crime and Disorder and Public Safety. Following this a meeting was called with Adam, the local Mid Devon District Council Licensing Officer Marjorie Parish (now retired), Police Licensing Officer Barry Sleight and Myself. This took place in July 2013 and Adam was given the opportunity to complete a Minor Variation application with conditions to ensure that the Licensing Objectives were met. These were very clear and Adam who was at the meeting agreed and said that he understood, this was all put in writing and officiated, Adam signed. Again things improved at Tomato for sometime. Occasionally there were incidents but a vast improvement on previously. The Doorstaff were consistent and co operative as was Adam.

At this stage I would say that I have always worked with Adam and have been extremely fair as I would be with any Designated Person/Owner/Licensee, I understand in these times of austerity how hard it is for businesses to keep going and I would always support local businesses but I also have a responsibility to the local Community. If any premises were causing me concern I would take initial action by speaking with the Designated Person informally and I have done this on occasion with other premises. This has always worked and the Designated Person has put things in place to everyone's satisfaction.

Following the Minor Variation being approved and conditions set again things improved for a while but recently have deteriorated to a concerning level. Officers who were working would make me aware of issues at the premises and breaches of his license. Formal Forms were being submitted. Again breaches of Adam's license and the Licensing objectives. It was clear that this needed to be addressed, as Sector Inspector of Mid Devon it is my responsibility to keep the public safe and secure, to ensure

Signature:

Jane Alford-Mole
Insp.
5938

Signature Witnessed by: N/A

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RESTRICTED (when complete)

Witness Statement

Page 3 of 4

Continuation of Statement of Jane Alford-Mole

those who wish to go out and enjoy an evening are not disrupted by those wishing to cause misery and mayhem. Officers have recorded incidents of persons within the premises being allowed to take their bottles, glasses outside the premises on a regular basis, I have actually seen this myself on many occasions and have actually called Adam out to note these events. In general persons intoxicated and causing ASB outside of the premises. Also, general drunkenness of customers. Adam and doorstaff being unable to identify those who are his patrons outside to those who have just come up to the location to mix with the patrons and then a disorder occurs, needing my Officers to sort out the aftermath. This is not a one off this has become a very regular occurrence. It is my belief that Adam is able to run his premises efficiently up until Midnight and then he is unable to control due to the layout of the bar. There have also been complaints from Officers and retailers regarding patrons of the Tomato Bar due to persons being outside using the car park and back exits/entrances as a public toilet, persons urinating and vomiting. This was confirmed when I visited a Funeral Director next to Tomato who had been called out to a death late at night and had gone to the premises and had to clean out the rear doorway due to fresh vomit. Again Officers comment on persons from Tomato urinating in these locations due to being outside.

I have spoken to Adam on occasions giving him advice, for example saying that within larger Towns and Cities having a roped off area to distinguish between his patrons and those who are not. A roped area with plastic style stands and nylon strapping, even lightweight aluminium would work, again large premises use these, it would be rare for them to be used as weapons. This works because Doorstaff have a better control of their customers. If there is disorder away from this area Police can deal with these issues without it being connected to their premises. Adam initially was in agreement with this, however he has decided not to do this. His red line marking I have always told him is inadequate for the purpose, persons do not notice a line on the floor. I still would have a concern about the Tomato area even if controlled as the area is relatively small and would be difficult to control within warmer months due to overcrowding.

I see a pattern with Adam that he will be held to task, improve, be co operative and after a time he will breach his license, the actions from his premises deteriorate, become unacceptable, he becomes unhappy with the local Police who have to address these incidents and then he states that he is being picked on, when this in reality is not the case. As Police Officers we all have to be fair and impartial. We do not have these issues with any other premises. Our intelligence department have raised a tasking for Officers to attend the location, this would be due to the number of incidents and concerns by Officers. I have never received a complaint that I have been unfair, in fact quite the opposite that I have good knowledge of the premises within my area, but I am fair.

Signature:

Jane Alford-Mole
 Insp.
 5438

Signature Witnessed by: N/A

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Continuation of Statement of Jane Alford-Mole

I would ask that with any review consideration is given that Mr Babolhavaeji has conditions placed on him that the premises close at Midnight. I am concerned that during the winter months Patrons will mainly stay inside due to the cold and rain but again in the Spring and Summer, persons will be outside and the area outside will become crowded again and unmanageable. A roped area would be suitable for the winter months. As Sector Inspector for Mid Devon it is my duty for Officers to be placed where there is demand, this premises has continued to have an impact on my Policing and resourcing which I am find is of an unacceptable level.

Signature:

Jane Alford - moleSignature Witnessed by: N/A

05/2012

Insp
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Witness Statement

Page 1 of 4

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Statement of: **Jane Alford-Mole**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **PS 15938**

This statement (consisting of4..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:

Date: **05/05/2013**

I am Police Sergeant 5938 Jane Alford-Mole of the Devon and Cornwall Constabulary currently stationed at Tiverton Police Station.

On Sunday 5th May 2013 at approximately 0220hrs I was on duty covering Operation Sentinal , an Operation dedicated to The Evening and Night Time Economy. I was in full uniform covering the call sign of K101N with my colleagues in a marked Police Van. PC 6725 Michael MARTINI, PC 4967 Saren ISAAC and SPC 74924 Joshua PAGE.

During this time I received a call via the Pubwatch Radio from a female member of doorstaff who was working at Tomato this female I know as Clare TURLEY. Clare reported there was an ongoing disorder. At this time we were approximately 2 minutes away. On arrival I could see there had been some sort of incident but it had been dispersed. All Officers named above were present outside The TOMATO Bistro/Bar, Bampton Street, TIVERTON. I would describe the atmosphere as being tense.

Approximately an hour previously the Operational Sentinal Van had passed and I could see large numbers of persons outside the bar smoking and drinking and the persons did not appear to be detained to the direct premises outside of the Pub. I did make mention of this to my colleagues and said I would submit a licensing report that evening.

Following arriving at Tomato for the disorder I could see that there were over 100 persons in and out of the location. There appeared to be more patrons outside the premises than in the premises. I asked the female how many persons were counted and she said 106. The music was very loud and as I looked in through the large windows, I could see the Owner Ahmad Babolhavaeji , although I know him as Adam, standing to the left side of the bar area. Tomato is a small premises, its frontage is that off large glass panelled windows, it has a left exit/entrance and a right exit/entrance with a large bar area which covers

Signature:

Signature Witnessed by: **N/A**

Witness Statement

Page 2 of 4

Continuation of Statement of Jane Alford-Mole

almost the right and left side of the premises. To the left side of the bar is a flight of stairs and these stairs leads to another upstairs bar area. Adam was dancing and singing with two other males either side of him. At this time the female security doorstaff Clare said to me that she was concerned as there were two doors and with only two doorstaff supervising they were not able to control the two exit/entrances and the upstairs. She also said that there had been live music all evening and this had started before they had started their shift which was at 2200hrs. She said at 0120hrs she had approached Adam and said that his Live Music Conditions were until 0100hrs and the band were still playing, Adam had allegedly told her to mind her own business. Following this and the concerns I walked into the premises and saw a female bar member and a male bar member. I asked the female who was managing the bar and who was the Designated Person or License Premises holder. The female said she did not understand, she appeared foreign and she got a young male. The male said he was in Managing the Bar. I asked to see the License Summary to which he showed me it clearly displayed on the wall inside the bar area. I had a look at this and could not see the conditions for the door staff so I asked to see the Full Premises License. At this time Adam came behind me. I smiled at Adam and said I need to see your Full Premises License with your detailed conditions on. He said "ITS BEHIND YOU". I said "No thats your summary, I said you should have one here". He said "I HAVENT GOT IT". I said "What time does your Door staff come on duty"? He said 2200hrs. I asked him what time the band started and finished, he said "JANE WHAT'S YOUR PROBLEM? We moved outside away from the loud music. When I got outside the premises Adam became extremely irrate. In my opinion he was drunk. His breath smelt of intoxicating liquor, he was unsteady on his feet. He said in a loud way "JANE, JANE, DO YOU WANT ME DOWN THE STATION LIKE YOU DID LAST TIME, DID YOU LIKE TO SEE ME SWEAT LIKE LAST TIME". I believe he was referring to the voluntary interview in January when he was questioned at Tiverton Police Station. He said "WHAT IS THIS ALL ABOUT JANE, WHY ARE YOU PICKING ON ME"? I said "Adam, I have not seen you since our last meeting at the Police Station, I have been to other licensed premises this evening and other licensees have been co operative. He started to grab his own fists and circled them in his hands. He said "WHY ARE YOU ALL HERE 5 OF YOU, TO INTIMIDATE ME AND MY CUSTOMERS". I said "There are four Officers here and we are here because it is busy, we were called to a fight by your doorstaff". He said "MY DOORSTAFF SHOULDNT HAVE CALLED YOU". I SAID "Yes they should have, they have done exactly the right thing, they have a duty and that really concerns me that you are saying otherwise". At this time he became more agitated and was raising his voice at me and continued to say I was picking on him and that we were trying to intimidate him. At this time I said "Adam, I am saying nothing more to you, I am concerned at your behaviour and because you are behaving in this way I would suggest that you do not talk to me anymore, you are being argumentative and obstructive". By this time the premises had closed and he took the doorstaff inside the premises just inside the entrance to the right door. I then could hear

Signature: _____

Signature Witnessed by: N/A

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Witness Statement

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Continuation of Statement of Jane Alford-Mole

him shouting at the doorstaff but I could not hear words said. I could see him pointing and shouting. There were customers outside and I felt it was shocking that a licensee could resort to this behaviour when he had customers outside who had been drinking and could see what was going on. I could see inside the door the female Doorstaff member becoming upset. She came outside with the male doorstaff member who I know as Darryl SMITH. the female was distressed and crying, she had tears coming down her cheeks and she was calling someone on her phone, she got through and was trying to get her words out but was too distressed to talk properly and handed the phone to her male colleague. Both the staff said Adam had shouted about them calling the Police and because of this had said "GET OUT AND DONT COME BACK". In effect they had been sacked because they had been conscientious. The female then proceeded to tell me that she knew she was going to get sacked as earlier on she had questioned him about the Live Music times.

Whilst waiting for me to return to the Tomato, both PC ISAAC and PC MARTINI were trying to disperse groups that were building up for a fight outside the premises. There was no one else present now the doorstaff had gone and Adam was standing by the door and did not intervene or tell anyone to leave. Police were calming the situation.

PC ISAAC told me that she had observed a female who was the female bar staff I had spoken to earlier. PC ISAAC told me that Adam had spoken to her in a foreign language and then the female started to take pictures of Officers on her phone. PC ISAAC had asked her why she was doing this. PC ISAAC told me that Adam had said "ITS NONE OF YOUR BUSINESS, AND GET OUT OF MY RED BOX". The red box is the cordon area outside of the right exit/entrance area. Known as the smoking area. PC ISAAC told me that Adam had said he did not have to tell her names of any members of his staff, at this point he was getting irrate and grinding his jaw. PC ISAAC also told me that Adam had said to her "F██K OFF WHAT ARE YOU DOING HERE". When asked again why there were photos being taken PC ISAAC said Adam had said "YOU WILL F██KING SEE", TELL JANE YOUR BITS AND PIECES" as she was writing in her Pocket Note Book. He then said "YOU SHOULD GET OUT OF HERE. PC ISAAC said that she had replied "I don't have to move. This was in front of members of the public and customers who had been in the Tomato previously. PC ISAAC had told me that one of the members of public had even questioned and challenged Adam because of the way he was speaking to PC ISAAC.

As I returned from talking to doorstaff he was sweeping the floor outside and PC ISAAC said he was murmuring "F██K YOU".

Signature: _____

Signature Witnessed by: N/A

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Witness Statement

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Continuation of Statement of Jane Alford-Mole

I would also like to add that myself and PC Michael MARTINI observed customers attending the Pizza shop opposite buying food, leaving the outside of the Tomato with drinks and returning outside the Tomato with their drinks in hand.

On leaving the location at approximately 0320hrs I said to PC ISAAC and PC MARTINI that I would expect Adam to contact me in the morning as he would realise he should not have behaved in that way. When I arrived in work this afternoon at 1500hrs I opened an email from Adam requesting a meeting with me. I have not replied to that email.

The Licensee could not produce a full license with conditions when asked to do so. He was obstructive, rude and would not listen to words said. He was rude to other Officers present and was not in control of the premises. The doorstaff were extremely concerned about the direction from the licensee before they were dismissed, they did not feel supported. In the words of the doorstaff it was run like a "Shambles". They were unable to control the amount of people outside of the premises and upstairs within the premises. When we arrived at the Tomato and following the proceeding interactions with the licensee and premises I was deeply concerned and considered obtaining Inspectors authority for a Section 161 Closure. This was due to the likelihood of disorder which had happened, was likely to happen if the premises remained open that evening. Due to the time of night it was closing time and therefore this was unnecessary.

Signature: _____

Signature Witnessed by: N/A

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Witness Statement

APPENDIX C

Page 1 of 4

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Statement of: **Lesley CARLO**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Licensing Officer**

This statement (consisting of4..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **09/12/2014**

I am the above named person employed by Devon & Cornwall Police as Licensing Officer 54798. I have worked in this position since 2004. I have worked in this role in Exeter, Teignbridge and South Hams.

Since August 2013 I have been Licensing Officer for East Devon & Mid Devon.

My role requires me to monitor and enforce licensing legislation. As part of this role I am responsible for the monitoring of incidents and intelligence pertaining to licensed premises, and to offer advice and carry out enforcement where there are breaches or offences in the law.

In August 2013 when I initially took on responsibility for premises in Mid Devon I became aware of Tomato Cafe/Bar. The previous Licensing Officer Barry Sleight informed me that I would shortly receive a Minor Variation for these premises. The Minor Variation would be submitted by Mr Babolhavaeji in response to Police and Licensing Authority concerns regarding previous incidents at this venue. I was informed that if Mr Babolhavaeji did not submit the variation as had been discussed then a review of the premises would be sought by Police.

The Minor variation was received in August 2013. It included conditions that restricted the licensed area to the ground floor (the first floor was removed as a licensed area). The new plan clearly indicated that consumption of alcohol outside would be restricted to the area marked in blue on the plan. A copy of the plan has been submitted as Appendix D. The variation also stated that drinks would not be taken outside after 23:00. The condition on the licence is worded as follows 'no customers will be permitted to take

Signature: _____

Signature Witnessed by: **N/A**

Witness Statement

Page 2 of 4

Continuation of Statement of Lesley CARLO

open containers of alcoholic or soft drinks from the building after 23:00. This condition was added to sit alongside an existing condition which states 'The only drinks permitted outside will be served in polycarbonate glasses and no bottles will be served outside'. There is also a condition which indicates 'the licensed area will be marked with a permanent red line'. This condition relates to the outside seating area. The purpose of these conditions is to ensure that any drinkers outside remain under the control of staff at Tomato within the designated area where they can clearly be viewed from inside the venue. Without these conditions any customers would be allowed to consume these drinks anywhere and could take open pint glasses or bottles and walk away with these. Customers would also be able to drink outside until closing (which is 03:00 at weekends). This is likely to cause an increase in noise.

Routine checks by Police Officers on Tomato have evidenced that some of these conditions are not being complied with. This is a regular occurrence. It has recently been suggested by Mr Babolhavaeji that these conditions are confusing and unenforceable. However, I believe the intention of the conditions attached to the licence is clear. The intention is that this premise operates as a 'cafe' with an outside seating area which may be used by customers until 23:00. After that time it is a bar and consumption of alcohol is confined to the inside of the venue.

On 11 November Mr Babolhavaeji submitted a Minor Variation application in which he sought to amend the wording on some of these conditions and remove others altogether. He was aiming to remove the very conditions that we had been working with him to enforce.

As Police Licensing Officer I objected to this minor variation as I felt that the removal of the demarcation of the outside area and the removal of the conditions that stopped drinks being taken outside after 23:00 would have a negative impact on the licensing objectives. My objection is submitted as Appendix F. I am aware that Environmental Health Officer Ian Winter also submitted an objection to this application. As a result of these objections the Licensing Authority refused the application.

Signature: Signature Witnessed by: N/A

05/2012

Witness Statement

Page 3 of 4

Continuation of Statement of Lesley CARLO

When Police Officers visit a licensed premises they will submit a licensing report known as an L10 to the Licensing Officer. As part of my role I will collate these reports and follow up any breaches of licence conditions.

L10s from Officers have indicated that there is regularly disorder at this venue. The disorder is sometimes within and sometime outside the venue. There are also incidents of drunkenness and violence at Tomato. Police Officers have reported that they do not feel that the doorstaff employed at the venue have control of the customers, either inside or outside of this venue. Doorstaff appear to lack knowledge and do not appear confident to deal with difficult customers.

03/06/14 - I visited the premises to discuss the L10 reports with Mr Babolhavaeji that indicated his doorstaff were not being effective and appeared to lack the ability to control customers at Tomato. Mr Babolhavaeji denied this. I asked Mr Babolhavaeji to ensure that his doorstaff understood their responsibilities.

23/09/14 - I visited the premises to discuss further L10 reports with Mr Babolhavaeji. I highlighted reports that indicated persons had again been taking drinks outside for consumption outside of the designated area. This is not being controlled by members of staff. I advised Mr Babolhavaeji that in order to work with him to resolve the problems at the premises we would suggest an action plan. This would clearly highlight the issues and the action that was required to resolve them. Mr Babolhavaeji agreed that he would co-operate with Police. Progress would be reviewed in four weeks. Mr Babolhavaeji was advised that unless an improvement was seen at the premises it would be my intention to seek a review of the premises licence. My letter and action plan are submitted with this review (Appendix E).

Despite my best efforts to work with Mr Babolhavaeji we have continued to see incidents relating to glasses outside, disorder, drunk persons inside the premises and an overall lack of control of these premises by the DPS and the doorstaff. This has been shown during a recent incident at the premises at

Signature: Signature Witnessed by: N/A

05/2012

Witness Statement

Page 4 of 4

Continuation of Statement of Lesley CARLO

02:00 on 06/12/14 the attending officer has stated 'doorstaff were not helpful during arrest of violent offenders who were arrested for public order offenses and resisted. These persons had been customers of Tomato and had become disorderly outside the premises'. The incident resulted in one male being captor sprayed by police and several arrests were made. Twelve Police Officers attended the disorder.

Whilst Mr Babolhavaeji has co-operated with an action plan and has been polite and helpful throughout the process, nothing has changed at Tomato. Incidents of disorder and incidents showing lack of control over customers continue. There has been no improvement.

On a positive note Mr Babolhavaeji has regularly attended Pubwatch meetings and banned known trouble makers from his premises. However on at least one occasion a person who was banned from Tomato has been allowed into the premises and has been involved in disorder which has led to one door supervisor sustaining injury after being hit with a glass.

I have worked with Mr Babolhaveji for several months now to try to promote the licensing objectives. The objectives set out in the action plan have not been met. It appears he has not taken any additional steps to prevent crime and disorder or to prevent public nuisance. The safety of members of the public is being compromised inside and outside of this venue as Mr Babolhaveji has shown his staff and doorstaff are not able to manage this licensed premise. It is of note that two of the larger incidents of disorder on 26/10/14 and 06/12/14 have occurred after 01:00 and it is clear that staff are struggling to control the venue at this later hour.


I would therefore encourage the committee to consider a reduction in the licensed hours at this venue and consider a condition that increases the number of doorstaff at Tomato, with doorstaff starting earlier in the evening to monitor customers entering the venue. This would restrict the entry to persons who were drunk which in turn would have a positive effect on the licensing objectives.

Signature: Signature Witnessed by: N/A

Not drawing to be used in conjunction with any other drawings. This drawing is to be used for the purpose of the planning application only. It is not to be used for any other purpose. The client is responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided.

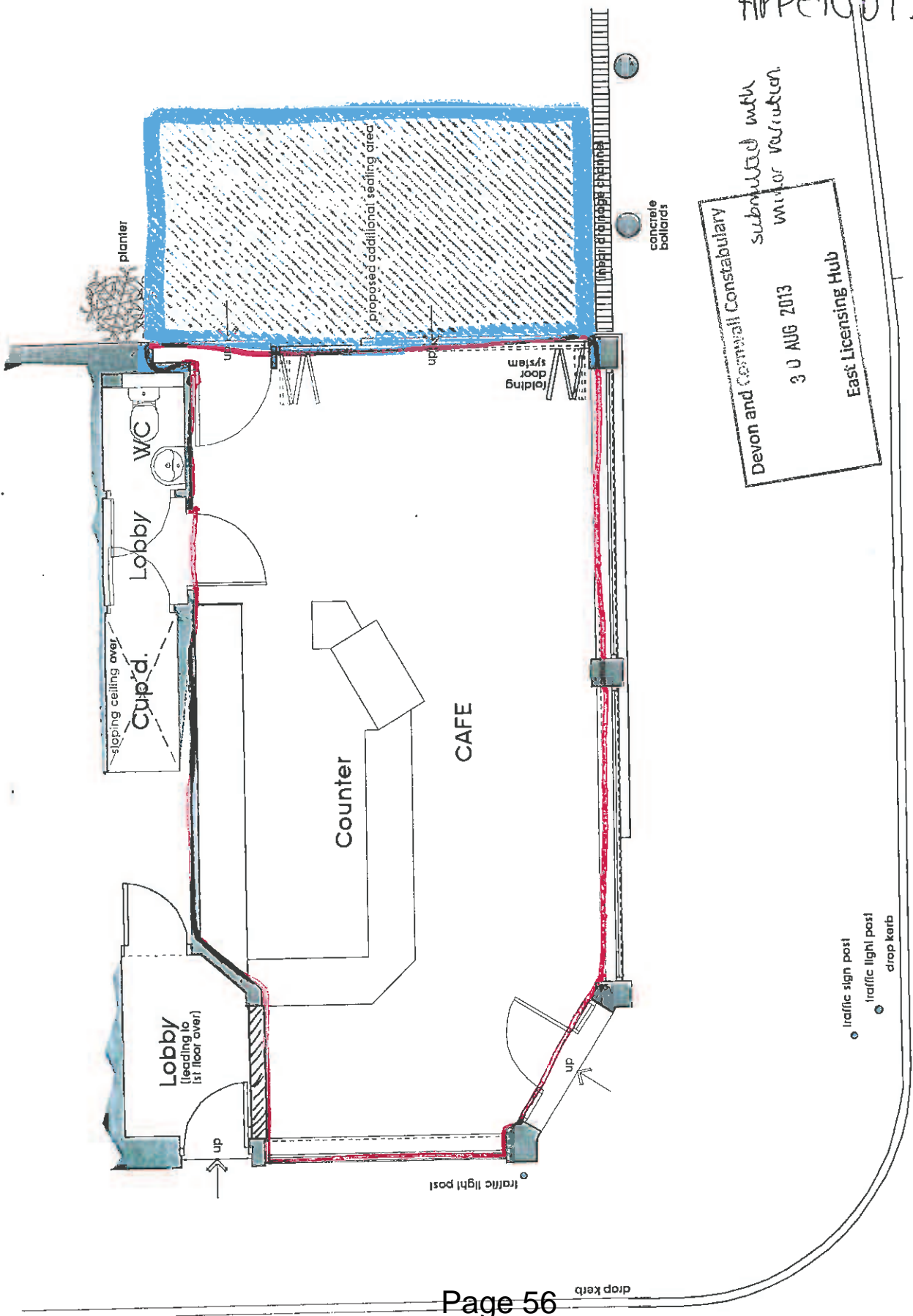
= Area
set aside for
consumption up to
23.00 hours.
No licensable activities
in this area after
23.00 hours.

= Licensable
activities indoors within
this area only

client changes	19.11.08
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RandelBurton	
ARCHITECTS	
the studio - 7 William Street - Tiverton Devon - EX16 6BJ t 01884 254465 f 01884 243451 e studio@randelburton.co.uk	
	
CLIENT: Mr Babalhaveel	
PROJECT: 1 William Street, Tiverton, EX16 6BJ	
DRG. TITLE: Ground Floor Plan	
date: Aug. 08, scale: 1:60	
JOB NO: 08-2133-001A	

APPENDIX D

Devon and Cornwall Constabulary
30 AUG 2013
submitted with
minor variation
East Licensing Hub



Ground Floor Plan

Mr A Babolhavaeji
Tomato
1 William St
TIVERTON
EX16 6BJ

Licensing Dept (East)
Devon & Cornwall Police HQ
Middlemoor
EXETER
EX2 7HQ

1 October 2014

Dear Mr Babolhavaeji

**Premises Licence – Tomato
Action Plan**

Further to my visit to your premises on 23 September and your conversation with Inspector Alford-Mole on 20 September I now attach an action plan.

We have already discussed the issues highlighted within the action plan and the proposals I have listed stem from the email you sent to Inspector Alford-Mole on 22 September.

Your licence has been granted subject to certain conditions. At present the conditions relating to the use of the outside area are not being met. It is our intention to continue with licensing checks at your premises over the coming weeks. Should there be no improvement in the operation of the premises it will be our intention to seek a review of the premises licence.

I have enclosed a booklet entitled "Your Licence Your Responsibilities" which offers guidance which may be of assistance to you.

Should you wish to discuss this matter further please do not hesitate to contact me on 01392 452225.

Yours sincerely

Lesley Carlo
Licensing Officer – East & Mid Devon

Tomato – Action Plan

To ensure the premises are promoting the licensing objectives and to implement improvements to the management of the outside drinking area.
All proposals will be implemented by 20/10/2014

Issue	Proposal
The external licensed area is not clearly demarcated. Customers are spreading out to the surrounding paved area, blocking access on occasions	Either a clear line or rope barrier will be in place to define the area. Adam to ensure customers stay within the permitted area with their drinks
Drinks are being taken from the premises after 2300	Doorstaff to be vigilant to ensure this does not happen. Doorstaff will start at 2300 to manage this effectively
Customers are not leaving the vicinity of the premises at closing time	Doorstaff to be more visible at closing time and proactively encourage customers to leave. Doorstaff to remain on duty until all customers have left
Loud music can be heard coming from these premises	Adam to monitor the noise level and liaise with Environmental Health to clarify what constitutes a reasonable level of noise from the premises
Premises open beyond permitted hours	Adam to ensure all staff are aware of licensed hours and to ensure these are complied with, without exception.

Lead Licensing Officer
Mid Devon District Council
Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Licensing Dept (East)
Devon & Cornwall Police HQ
Middlemoor
EXETER
EX2 7HQ

18 November 2014

Dear Sir

Minor Variation – Tomato, William St, Tiverton
Police Objection

I write in response to the above application which seeks to amend and remove conditions attached to the premises licence.

After considering the application it is my opinion that the removal of the specific conditions referred to in the application will adversely affect the promotion of the licensing objectives. The amendment will impact on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

This Minor Variation suggests that the existing conditions are unclear and subjective however the intention of the conditions relating to the outside area are very clear. Consumption of soft drinks and alcohol will be allowed in this area until 23:00. It is very clear from the plan attached to the premises licence (submitted along with the minor variation in 2013) that consumption of alcohol and soft drinks is to be confined to the area edged in blue on the plan.

The conditions attached to this licence were last amended when a minor variation was submitted by Mr Babolhavaeji in August 2013. The nature of the premises has not changed since this date. The 2013 minor variation was submitted following discussions with both the Police and the Licensing Authority. Mr Babolhavaeji is now suggesting (page 6 of the current application) that the previous minor variation submitted in 2013 was flawed and that conditions have appeared on this licence that should not be there. This is not the case. The conditions relating to no drinks outside after 23:00 was offered by Mr Babolhavaeji on the minor variation submitted in August 2013 following discussions with his legal advisor at Ashfords Solicitors. The condition was offered in order to promote the licensing objectives and therefore remains relevant today.

Following the multi agency meeting on 16 September, at which member of the MDDC Licensing Team were present, both Ian Winter and I raised concerns about Tomato and indicated that we would be looking to take enforcement action should we not see an improvement at this venue. The Police concerns included the apparent lack of control of the outside area and the inability of door staff to control the premises in general. This is a matter that I have discussed with Mr Babolhavaeji on several occasions. Following discussions with myself and Inspector Alford-Mole in September Mr Babolhavaeji agreed to further demark this outside area by way of a rope barrier. The aim of this would be to clearly define the area and allow customers to be better monitored by staff and door supervisors. Please refer to Inspector Alford-Mole's email to you dated 20 September which confirms these intentions. The advice we have offered Mr Babolhavaeji was designed to promote the licensing objectives. Tom Jones' letter to Mr Babolhavaeji dated 21 October undermines this advice and tells the Premises Licence Holder that he need take no such action. When referring to the rope barrier the letter states '*there is no requirement for this in your licence, there is no requirement that customer remain within the marked red area*' However, the plan of the premises clearly demarks this area only for consumption. Drinks cannot be taken outside of this area. In my opinion the correct course of action is to continue to ensure these conditions are enforced, not to remove them from the licence altogether.

To remove the conditions relating to the demarcation of the outside area and to remove the condition that prohibits open containers of alcohol or soft drinks outside after 23:00 will allow groups of customers to drink outside until the premises closes. On a Friday or Saturday this could be as late as 03:00. There will also be no control over where these customers consume alcohol and therefore it will be impossible for staff and doorstaff to monitor and control these individuals when they are spread over a larger area. This will increase the risk of crime and disorder in an area that staff are already struggling to control.

In support of our objection may I draw your attention to the following Guidance issued under Section 182 of the Licensing Act 2003:

8.48 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.

Further guidance is offered in 9.12 which indicates that '*the police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective*'

May I also refer you to Section 41B:

(3) If the authority considers that-

(a) the variation proposed in the application could not have an adverse effect on the promotion of any of the licensing objectives or

(b) if more than one variation is proposed, none of them, whether considered separately or together could have such an effect,

it must grant the application.

The footnote to this section in Patterson's Licensing Acts 2014 (page 362) states '*the test is a strict one, where doubt exists as to the possible effect the authority is obliged to refuse. In all other cases the application must be granted.*'

The above guidance, coupled with our previous indication that the Police have some very serious concerns about the running of this venue and the inability of Mr Babolhavaeji and his staff to promote the licensing objectives should lead you to refuse the minor variation application. You will be aware from my email dated 6 November, which pre-dates this minor variation application, that it is our intention to now seek a review of this premises licence and it is therefore inconceivable that a minor variation be granted to remove conditions that the Premises Licence Holder has repeatedly shown he has been unable to comply with which in turn is leading to disorder and nuisance at Tomato.

Should you wish to discuss this matter further please do not hesitate to contact me on 01392 452225.

Yours sincerely

Lesley Carlo
Licensing Officer – East & Mid Devon

2

DEVON & CORNWALL
CONSTABULARY

Licensed Premises Report

Form No. 110
Rev 11/2009

Yellow

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

Licensing objectives:

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

Name of premises:	TOMATOE BAR.		
Address:	BAMPTON STREET, TIVERTON.		
Report type:	<input checked="" type="checkbox"/> Visit	<input type="checkbox"/> Incident	<input type="checkbox"/> Other
CIS Ref.:	Crime No.:		
Brief summary / action taken (if not recorded elsewhere):			
No action all in order, all conditions complied with.			
Devon and Cornwall Constabulary			
18 SEP 2013			
Head Licensing Unit			
Submitted by: Name: PC ISAAC			
Signed: Peter Isaac		Force No. 14967	
Date: 14/9/13		Time: 23.12	

Action taken by Licensing Unit:

Licensing Officer:

Page 66

Forwarded to Daily Tasking:

Licensed Premises Visit Checklist

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

Officers present at inspection:

PC McCORMACK 310

Administration:

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

Crime and Disorder:

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

Public Safety:

1. CCTV on premises? ☒ Yes ☐ No Working at time of visit? ☒ Yes ☐ No
Incident captured? ☐ Yes ☐ No Staff able to download? ☒ Yes ☐ No
Image quality? ☒ Good ☐ Poor ☐ Other:
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: Sight
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 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? 18
Challenge 21
Poster
3. How is this publicised?
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

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

Licensing objectives:

- The prevention of crime and disorder;
- The prevention of public nuisance; and
- The protection of children from harm.

Name of premises: TOMATO BAR
Address: RAMPTON STREET, TIVERTON

Report type: ☒ Visit ☐ Incident ☐ Other

OIS Ref.: Crime No.:

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

I attended TOMATO BAR at 01:33 hours all was in order so issued at time of visit. I could only see 1 door staff member outside the premises. He was displaying an SIA badge on his arm. I asked to speak with the DPS who came out. I asked him why he only had 1 door staff on as his conditions are that he have 2 at all times. A male then appeared and said he was the other door staff member. He did not have any SIA badge on him displayed. I asked him why to which he said I have lost it it is in the post. He could not produce any form of ID to me. He gave me details of KRIS GEE DOB 08.01.1992. I informed him that he must have the SIA badge visible or some form of ID. The DPS said he would ring Night and Security in the morning to inform them of this and ensure that this male was not at the door until he can produce the SIA badge.

Submitted by: Name: WPC 15AAC Force No: 4967
Signed: Jaren Isacc Date: 18/10/13 Time: 01:40

Action taken by Licensing Unit:

Devon and Cornwall Constabulary

21 OCT 2013

East Licensing Hub

Licensing Officer:
Forwarded to Daily Tasking:

E

Licensed Premises Visit Checklist

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

Officers present at inspection:

74599

Administration:

1. Designated Premises Supervisor (DPS) on the premises? ☒ Yes ☐ No

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

☒ Helpful ☐ Unhelpful ☐ Obstructive ☐ Other:

2. Premises Licence (summary displayed? ☒ Yes ☐ No
(It should be displayed in the public area)

3. Premises Licence (complete) produced to officers? ☒ Yes ☐ No
(A constable can request to see full licence)

Crime and Disorder:

1. Any violence inside / outside premises? ☐ Yes ☒ No

2. Any public order inside / outside premises? ☐ Yes ☒ No

3. Any evidence of drugs found inside / outside premises? ☐ Yes ☒ No

4. Any drinks promotions in operation at time of visit? ☐ Yes ☒ No

5. Any evidence of excessive drunkenness? ☐ Yes ☒ No

Public Safety:

1. CCTV on premises? ☒ Yes ☐ No Working at time of visit? ☒ Yes ☐ No

Incident captured? ☐ Yes ☐ No Staff able to download? ☒ Yes ☐ No

Image quality? ☐ Good ☐ Poor ☐ Other

2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2

SIA licenced? ☒ Yes ☐ No

Licence displayed? ☐ Yes ☒ No 1 not

3. Do the premises look overcrowded? ☐ Yes ☒ No

4. Method of checking the customer numbers: Sight

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 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? ask 21

3. How is this publicised? Poster

4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:



4

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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:** 20/10/13 **Time:** 0150

CIS Ref.: **Crime No.:**

Name of premises (where applicable): TOMATO BAR Bampton Street Tiverton

Address:

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

Submitted by: Name: PC McCormack

Force No.: 10310

Signed: Date:

Time:

Officers present at inspection:

None.

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: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☐ Yes ☒ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: visual check
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? Door staff checking
3. How is this publicised?
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

Two doorstaff on duty in uniform, black trousers, white shirts and ties with company log on them. One door staff displaying SIA badge on sleeve, other without. When questioned about this he stated that he had lost it and hadn't had a replacement through yet. Showed SIA paperwork in Kristopher GEE valid until 2015 with a valid British passport in the same name with photo of male.



7

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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:** 08/12 Time: 0100hrs

CIS Ref.:

Crime No.:

Name of premises (where applicable): Tomato

Address: Tiverton

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

Following an incident where two (tall males) ended up on the floor within Tomato, became irrate and ejected. When spoken to they said they somehow ended up on the floor and one had clothing ripped. Details were taken of the male. Inside were approximately 40-50 persons. Adam was very busy but came to speak with me as I wished to check his CCTV. He told me that he had seen a male he only knows as [redacted] pick on the two tall men. Adam would have showed me the CCTV but because of his account and the male [redacted] getting ejected there was no need to disrupt him from serving behind the bar. There was no complaint but we will try to follow up who [redacted] is. The doorstaff were shown how to work NightNet radio (they were on the wrong channel) They are Nightowl and appeared very usnure of how to work the doors. They asked Police to eject a male who was a problem inside? They called Urgent assistance twice on the Nightnet radio for minor incidents. I did raise my concerns regarding doorstaff issues with the DP's

Submitted by: Name: Jane Alford-Mole

Force No.: 5938

Signed:

Date: 08/12/13

Time: 1800

Officers present at inspection:

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:
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:

PC Soper was due to attend Doorwatch and I had briefed him as to telling doorstaff that if an incident occurs and it is urgent they should be calling 999. My concern is that if Officers are out of Radio frequency at another location or dealing with something else they are putting themselves in a difficult position with relying on the Nite Net radio to attract Police attention although it serves its purpose for themselves and for minor non urgent calls to Police. (PC Soper was unable to attend the Doorwatch meeting at the last minute and he was working that evening on his own).



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 8/12/13 Time: 0105

CIS Ref.:

Crime No.:

Name of premises (where applicable): Tomato

Address: 1 William Street, Tiverton.

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:

Two doorstaff working at premis called a nearby Police officer for urgent help inside. When the officer entered the premis he was informed by the doorstaff that one member of public was refusing to leave following some form of disorder.

One member of door staff was asking the male to leave but as he refused there appeared a lack of confidence or knowledge as to what to do next. I was left with the impression that the member of public was dictating the outcome of the incident as opposed to the door staff.

Police officers escorted the male from the building using minimal force.

the DPS was on site but serving behind the bar. He was not spoken to by Police at that time.

Submitted by: Name: ROBERTS

Force No.: 14053

Signed: N. ROBERTS

Date: 8/12/13

Time: 1715

Officers present at inspection:

PS 4053 ROBERTS

PC 6974 TAPP



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 VIEWED
Working at time of visit? ☒ Yes ☐ No
Staff able to download? ☐ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: NOT CHECKED
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.:	
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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: 8/12/13 Time: 0230

CIS Ref.: Crime No.:

Name of premises (where applicable): Tomato

Address: 1 William Street, Tiverton.

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:

Two doorstaff working at premis used the internal radio system to call for 'urgent assistance' from Police. When I arrived, some 2 minutes later, all was calm both inside and out. One member of door staff informed me that a fight had occurred inside the premis and two males had been ejected. There was no ongoing disorder and no assistance was actually required.

No reports of assault were made to Police.

I was left with the impression that Police were being used as a comfort blanket by the door staff whilst carrying out their routine duties.

PS was on site but not spoken to by me although I do understand that the NTL for the area sgt Alford-Mole did speak with him.

Submitted by: Name: ROBERTS

Force No.: 14053

Signed: N. ROBERTS

Date: 8/12/13

Time: 1715

Officers present at inspection:

PS 4053 ROBERTS
PC 6974 TAPP
PS 5938 ALFORD-MOLE

P

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 VIEWED
Working at time of visit? ☒ Yes ☐ No
Staff able to download? ☐ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: NOT CHECKED
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:



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Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 14/12/13 Time: 01.30
CIS Ref.: KT13/21/38	Crime No.:
Name of premises (where applicable): Tomato's	
Address: Bampton Street, Tiverton	
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):	
<input type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Y Other:	
the incident happened outside the TOMATO'S bar, [REDACTED] was outside being loud as he was refused entry to the bar. [REDACTED] had been asked earlier in to evening to leave the town centre by other officers. When we arrived at the scene my colleague 15776 asked [REDACTED] on 3 occasions to leave the area. [REDACTED] refused and began to swear at the officer. [REDACTED] told 15776 to "FUCK OFF" At this point he was arrested for DND at 01.30 14/12/2013	
Submitted by: Name: SC SMITH	Force No.: 74161
Signed: Paul Smith	Date: 14.12.13 Time: 02.10
Officers present at inspection:	
15776 PC SOPER	

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: none
Working at time of visit? ☐ Yes ☒ No
Staff able to download? ☐ Yes ☒ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: counter
5. Radio system in use? ☒ Yes ☐ No
6. Tables / glasses kept tidy? ☒ Yes ☐ No
7. Any smoking inside premises? ☐ Yes ☒ No

Public Nuisance:

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

Protection of Children:

1. Any underage offences detected on the premises? ☐ Yes ☒ No
2. What proof of age policy is operated in the premises? doorstaff checking
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.:	
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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: 0200hrs Time: 02032014

CIS Ref.: No log

Crime No.: KT/14/313

Name of premises (where applicable): TOMATO PUB

Address: BAMPTON STREET, TIVERTON

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

Doorstaff had refused entry to [REDACTED] as he was banned from the premises.

[REDACTED] argued and remonstrated with doorstaff and refused to leave the area.

Police Officer was flagged down and [REDACTED] was told to leave - however he did not listen and became obstructive and abusive to Officer. He was heavily under the influence of alcohol and in Officers opinion also possibly under the influence of drugs due to his erratic behaviour.

Officer attempted to issue a Section 27 dispersal notice but [REDACTED] did not take kindly to this and threatened to fight Officers - he was subsequently arrested for being drunk and disorderly.

He actively resisted arrest and was taken to the floor and restrained in handcuffs.

He also made threats to hurt Officers and attempted to bite them as he was placed in the Police Van.

Submitted by: Name: PC Carl SANDY

Force No.: 11585

Signed:

Date: 02032014

Time: 2115

Officers present at inspection:

PC 1669 SEARLE.

PS 1193 MACFADDEN.

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: unknown
Working at time of visit? ☐ Yes ☐ No
Staff able to download? ☐ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
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 doorstaff at TOMATO were really pro Police and helpful.

For consideration of [REDACTED] being placed on the Mid Devon banning list.



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 04/04/14 Time: 2330

UJS Ref.: n/a

Crime No.: n/a

Name of premises (where applicable):

Address: TOMATO BAR, BAMPTON ST, TIVERTON

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:

Vey drunk female on premises suspected of possessing cannabis, when challenged by doorstaff became aggressive, Police called. On arrival female had left the premises, area search, no trace

Submitted by: Name: SOPER

Force No.: 15776

Signed: SOPER

Date: 06/04/14

Time: 1439HRS

Officers present at inspection:

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:
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☒ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: DOOR STAFF ON MAIN ENTRANCE
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? DRIVING LICENSE/ ID CHECKS
3. How is this publicised?
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

Doodstaff at the location appear to struggle when dealing with any kind of incident. Police are regulary called to the location and when attend, the incident and people involved have gone. Police units are regulary getting called using the 999 system and using emergency eqpt to get there, and finding the incident was very minor.

Staff are also letting persons on the Pubwatch banned list, in the premises.



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 3/5/14 Time: 0115
JIS Ref.: 55 of 3/5/14	Crime No.: KT/14/
Name of premises (where applicable): Tomato Bar	
Address: Bampton Street, Tiverton.	

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

Doorman ADAMS flagged down Police outside stating that there had been an assault inside the premises. He stated that one male had been 'knocked out'. The victim was fully conscious on Police arrival, although intoxicated. He had a cut and swelling below his left eye. He stated that he had been assaulted and did not know why, and refused to engage with Police. He was with friends, some of who were obstructive and would not give their details or give any helpful information to Police. The offender was not identified at the time and no complaint made by the victim or his friends. The victim was seen by ambulance and refused to attend hospital despite the wishes of ambulance staff, he signed the paperwork of the paramedic to this effect. Details were taken for criming, however it is strongly believed that the victim will not support any Police action. Although witnessing the aftermath the doorman ADAMS did not witness the actual assault.

Submitted by: Name: BERRY

Force No.: 10581

Signed:

Date: 03/05/14

Time: 0210

Officers present at inspection:

PC 1647 Mayhew

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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: unknown
Working at time of visit? ☒ Yes ☐ No
Staff able to download? ☐ Yes ☒ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: U/K
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: Unknown
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:

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Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 110514 Time: 0310
OIS Ref.: 137	Crime No.: N/A
Name of premises (where applicable): TOMATO BAR	
Address: BAMPTON STREET, EXETER	

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:

POLICE WERE CALLED TO AN ALTERCATION INVOLVING TWO GROUPS OF MALES REPORTS INITIALLY STATED THAT THE TURKISH GROUP OF MALES PRODUCED A KNIFE BUT HAD MADE OFF IN A VEHICLE THE VEHICLE WAS STOPPED ALL THREE MALES SEARCHED AND VEHICLE WITH A NEGATIVE RESULT THE REPORTING MALES LEFT THE AREA. NFA

Submitted by: Name: SOPER

Force No.: 15776

Signed: PC5776

Date: 11/05/14

Time: 1520HRS

Officers present at inspection:

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:
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: DOORMAN
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:

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Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 13/05/2014 Time: 2345

CIS Ref.: Crime No.:

Name of premises (where applicable): TOMATO BAR

Address: BAMPTON ST, TIVERTON

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:

TOMATO BAR IS REGULARLY PLACING TABLES AND CHAIRS OUTSIDE THE LOCATION PARTIALLY BLOCKING THE WALKWAY FROM BAMPTON ST THROUGH TO THE CARPARK THE TABLES ON ONE OCCASSION DURING THE DAY THE WHOLE AREA WAS BLOCKED WITH TABLES, CHAIRS AND PEOPLE ALL DRINMING ALCOHOL

Submitted by: Name: SOPER

Force No.: 15776

Signed: PC 5776

Date: 15/06/14

Time: 1847

Officers present at inspection:

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:
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.:	
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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: 31/05/2014 Time: 01:00
OIS Ref.: Log 85/31052014 Crime No.:	
Name of premises (where applicable): Tomato (previously Cafe 1939)	
Address: 1 William Street, Tiverton EX16 6BJ	

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 Unable to provide clarification or further info for this incident but when asked to turn music down did so. Other:

Initial log was report of a [REDACTED] fighting people outside on police arrival there was a group of approximately 50 people outside the bar, on the paved area. No ongoing disorder and no one was able to provide any further details, given the large numbers of people further resources were requested. [REDACTED] was spoken to, he was very much in drink, very unsteady on his feet and he was told to leave the area which he did. I stayed outside the location and a number of issues became apparent;

Submitted by: Name: Martini	Force No.: 16725
Signed: Michael Martini	Date: 31/05/2014 Time: 19.00

Officers present at inspection:

11335 Roberts

[REDACTED]

[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: Not checked due to numbers outside premises
Working at time of visit? ☐ Yes ☐ No
Staff able to download? ☐ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☒ Yes ☐ No
4. Method of checking the customer numbers: n/k
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:

1. [REDACTED] was believed to be on the Pubwatch banned list, he was together with a number of other nominals who have also recently been on the banned list, including one [REDACTED] who is currently banned. When I asked the doorstaff for a copy of the banned list to clarify dates, they were unable to provide one stating that the last one they had seen was dated 2013, it was only after further investigation from officers that clarification was obtained.
2. On police arrival there was a deejay in the corner of the downstairs bar with laptop, amplifier and very large speakers, the door and windows at the premises were open and noise levels were very high and given the layout of the surrounding streets sound was travelling along them, log 59/31052014 was signed to Goldy's on Newport Street which is around the corner, reporting loud music but there was no music being played there just at Tomato. I pointed out the loud music to the DPS who did turn it down considerably.
3. There were two doorstaff at the premises who were on the door and inside the premises, they appeared unable to cope at times with the numbers and potential volatility. There were a large number of drunk people in and around the premises and during the visit I only saw one male refused entry

for being drunk and two ejected for the same. At one point doorstaff requested police assistance in removing two females as they were "doing his head in", there was an incident inside where some glasses were knocked over and the beginnings of a scuffle, myself and PS 1335 Roberts entered to see what was happening and I had to point out to one of the doorstaff that there was an incident as he was oblivious to it. There were a large number of customers leaving/trying to leave with full bottles or glasses of alcohol and the doorstaff spent a lot of time getting these items from customers, although I did remove alcohol from 3 people they had missed.

- 4 The inside of the premises had a lot of spilled liquid on the floor and all of the tables had uncollected glasses on them.
- 5 There were numerous fast food containers and cigarette butts strewn on the paved area outside the premises.



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 28/06/2014 Time: 02:00

OIS Ref.: Crime No.:

Name of premises (where applicable): Tomato (previously Cafe 1939)

Address: 1 William Street, Tiverton EX16 6BJ

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:

Visit to premises as there was a large number of people in the square outside, none were drinking but the main doors were open and very loud amplified music was playing, lots of people were there dancing and some minor disorder. The DPS when asked did turn down the music and shut the doors, I did ask to see a copy of the full license to clarify the conditions regarding playing of music but he stated that he didn't know what I was talking about as he'd never received one! I pointed out that he needed a full copy of his license and he said that he would contact MDDC to clarify.

Submitted by: Name: Martini

Force No.: 16725

Signed: Michael Martini

Date: 28/06/2014

Time: 23.50

Officers present at inspection:

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 checked due to numbers outside premises
Working at time of visit? ☐ Yes ☐ No
Staff able to download? ☐ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: n/k
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.:	
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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: 180714 Time: 2330

OIS Ref.: Crime No.:

Name of premises (where applicable): Tomato's

Address: Bampton Street, Tiverton

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:

Two door staff outside. Quite busy inside. No offences seen. Lots of smokers outside none inside. Door staff seen to challenge male smoker attempting to come outside with drink in glass.

Submitted by: Name: howley

Force No.: pc 4738

Signed: pc 4738 howley

Date: 19072014

Time: 0147

Officers present at inspection:

74924 Joshua PAGE

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:
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:



Force Licensing Team

This Site: Force Licensing Tea



Force Licensing Team > L10 - Direct entry > Tomato

L10 - Direct entry: Tomato

[New Item](#) | [Edit Item](#) | [Delete Item](#) | [Alert Me](#) | [Version History](#)

Prem Name	Tomato
Incident date	01/08/2014 22:45
Submitting Officer	ROBERTS Paul 11335
Prem Street	Bampton Street
Prem District	
Prem Town	Tiverton
Prem County	Devon
Hub Location	EAST - Devon inc. Torbay
Incident Summary	DISORDER, GLASS, BREACH OF CONDITION(?)
Premises Contact	Adam
Licensing Office	East and Mid Devon
Allocated to	Lesley CARLO
Incident details and comments	<p>CARLO Lesley 54798 (13/08/2014 15:29): Item created for action.</p> <p>BRIDGMAN Anna 54789 (07/08/2014 11:48): address and entry formatted</p> <p>BRIDGMAN Anna 54789 (07/08/2014 11:28): Patrols of the town, approx 30+ customers outside the premises outside of defined paved area, under the covered tunnel smoking. Approx 20 of those had glass bottles and glasses of alcohol outside defined perimeter. Landlord approached and stated he hadn't noticed and moved all customers back into the premises and within defined area.</p> <p>ROBERTS Paul 11335 (02/08/2014 06:37): DPS cooperative, but clearly not monitoring where his customers were taking their drinks.</p>
Status	COMPLETE
LA Time Taken	
LO Time Taken	

Version: 4.0

Created at 02/08/2014 06:37 by ROBERTS Paul 11335

Last modified at 13/08/2014 15:29 by CARLO Lesley 54798



Force Licensing Team

This Site: Force Licensing Tea



Force Licensing Team > L10 - Direct entry > Tomato

L10 - Direct entry: Tomato

[New Item](#) | [Edit Item](#) | [Delete Item](#) | [Alert Me](#) | [Version History](#)

Prem Name	Tomato
Incident date	02/08/2014 01:40
Submitting Officer	ROBERTS Paul 11335
Prem Street	Bampton Street
Prem District	
Prem Town	Tiverton
Prem County	Devon
Hub Location	EAST - Devon inc. Torbay
Incident Summary	DRUNKENESS, DISORDER
Premises Contact	DPS not spoken to as dealing with male and ambulance, then called to another job.
Licensing Office	East and Mid Devon
Allocated to	Lesley CARLO
Incident details and comments	<p>CARLO Lesley 54798 (13/08/2014 15:35): Item created.</p> <p>BRIDGMAN Anna 54789 (07/08/2014 11:48): address and entry formatted</p> <p>BRIDGMAN Anna 54789 (07/08/2014 11:27): Male stood in street, extremely drunk and abusive. Abusive to police, asked to move on, friends/family came out of Tomato Bar, male wanted to go back in, family agreed that he was drunk, male stated he was having fun to which family said "thats before the last 10 pints". Male subsequently fell when trying to be removed by a friend, knocking himself out and ambulance called.</p> <p>ROBERTS Paul 11335 (02/08/2014 06:42): Male was unable to walk due to intoxication and amount drunnnk within premises.</p>
Status	COMPLETE
LA Time Taken	
LO Time Taken	

Version: 4.0

Created at 02/08/2014 06:42 by ROBERTS Paul 11335

Last modified at 13/08/2014 15:35 by CARLO Lesley 54798

Licensed Premises Visit Checklist

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

Officers present at inspection: 74161 SMITH 12621 HEATH.	
Administration:	
1. 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): ADAM AD BAZOLCHAUREJI <input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other.	
2. Premises Licence (summary displayed)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (It should be displayed in the public area)	
3. Premises Licence (complete) produced to officers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (A constable can request to see full licence)	
Crime and Disorder:	
1. Any violence inside / outside premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Any public order inside / outside premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Any evidence of drugs found inside / outside premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Any drinks promotions in operation at time of visit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Any evidence of excessive drunkenness? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Public Safety:	
1. CCTV on premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Working at time of visit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Incident captured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Staff able to download? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Image quality? <input checked="" type="checkbox"/> Good <input type="checkbox"/> Poor <input type="checkbox"/> Other	
2. Door staff on duty? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, number: SIA licensed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Licence displayed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. Do the premises look overcrowded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4. Method of checking the customer numbers: COUNTER.	
5. Radio system in use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. Tables / glasses kept tidy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. Any smoking inside premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Public Nuisance:	
1. Any noise or nuisance outside of premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Any smokers standing outside premises? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2.	
3. Any excessive litter / debris outside of premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Protection of Children:	
1. Any underage offences detected on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. What proof of age policy is operated in the premises? 18+	
3. How is this publicised? FLYERS.	
4. Do staff appear trained in proof of age? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Any other information: THIS TOOK PLACE 20.30 8/8/14 ONLY 6 PEOPLE PRESENT	

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 10/08/2014 Time: 03:00
OIS Ref.: DCP-20140810-0170	Crime No.:
Name of premises (where applicable): Tomato bar	
Address: Bampton street tiverton	

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:

unknown I10 taken from log

Submitted by: Name: PCSO 30011 Howells

Force No.: 30011

Signed:

Date: 11/08/2014

Time: 0830

Officers present at inspection:

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:
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:

OBJECT(S) VIEWED
R/P STATES ABOUT 20 PERSONS ARGUING - BEFORE CALL WERE HAVING A FIGHT BUT R/P
STATES CALMED A BIT BUT MAY KICK OFF AGAIN
Vulnerable/At Risk=N
SOP(s) VIEWED Call Type\VIOLENCE.mht
Priority Transfer To EDRAD From Terminal MOW80 Priority Control
MOER42 For Control
NO WEAPONS SEEN - R/P STATES IT IS CALMING DOWN NOW WITH PASTORS SPLITTING THE
GROUP UP
R/P CANT NAME ANY MAIN OFFENDERS - AS ON LINE PEOPLE ARE SLOWLY MAKING THERE
WAY OFF - R/P STILL FEELS A UNIT WOULD BE USEFUL
KU20N - JUST DRIVEN PAST THIS AND THERE IS NO FIGHT - GROUPS HAVE DISPERSED - NO
ASSAULTS
NPT TAG ADDED:

Transfer To CLOSE DRCT From Terminal MOER42 Forced Control
Transfer Accepted At Terminal CLOSE_DRCT Forced Control

NO VIOLENCE - MORE ASB

Warning: Dispatch time target about to be breached

Failure to hit Dispatch time target

INCIDENT TRANSFERRED

DCP-20140810-0170: TRANSFER TO DQ FROM TERMINAL APPSERVER FOR ACTION

Transfer because timer expired

FROM MOW55

2 MORE CALLS RE: THIS SAYING THIS IS DEFINITELY A FIGHT

24

60



Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 25/08/14 Time: 00.50

OIS Ref.: 0035 25/08/14

Crime No.: N/A

Name of premises (where applicable): TOMATO BAR

Address: BAMPTON ST, TIVERTON

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:

LOG REPORTED BY MEMBER OF PUBLIC: ON GOING ISSUES WITH LOUD MUSIC IN EARLY HOURS OF MORNING, THE R/P DOES NOT BELIEVE THE PREMISES SHOULD EVEN BE OPEN AT THIS TIME OF DAY ON A SUNDAY EVENING/ MONDAY MORNING.

Submitted by: Name: SOPER

Force No.: 15776

Signed: 5776

Date: 03/09/14

Time: 0820

Officers present at inspection:

N/A

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:
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:

THIS INFO WAS PROVIDED BY A MEMBER OF PUBLIC WHO LIVES OPPOSITE THE LOCATION AND STATES THIS IS AN ON GOING ISSUE WUTH THIS PREMISES. IIT WOULD APPEAR FROM THE REPORT THAT THIS HAPPENED ON A SUNDAY EVENING AND MAY BE IN CONTRAVENTION OF THE LICENSE?



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 14/09/2014 Time: 0130

OIS Ref.:

Crime No.: CR/106870/14

Name of premises (where applicable): TOMATO BAR

Address: 1 WILLIAM STREET, TIVERTON, EX16 6BJ

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

MALE AND GROUP OF HIS FRIENDS, WERE REFUSED ENTRY TO ESTABLISHMENT DUE TO BEING ASKED TO LEAVE EARLIER IN THE NIGHT. MALE BECAME FRUSTRATED AND PUNCHED THE WINDOW FRAME BUT CAUSED DAMAGE TO THE GLASS INSTEAD.

MALE OFFENDER REMORSEFUL AS HAD NOT INTENDED TO DAMAGE THE GLASS AND OFFERED FULL PAYMENT TO OWNER IMMEDIATELY.

OFFENDER PAID FULL COST OF DAMAGE AND WAS DEALT WITH BY WAY OF RESOTRATIVE JUSTICE.

Submitted by: Name: PC EARLS

Force No.: 11985

Signed: 1985 EARLS

Date: 15/09/2014

Time: 2225

Officers present at inspection:

PC 1985 EARLS

PS 1335 ROBERTS

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: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: COUNTER
5. Radio system in use? ☒ Yes ☐ No
6. Tables / glasses kept tidy? ☒ Yes ☐ No
7. Any smoking inside premises? ☐ Yes ☒ No

Public Nuisance:

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

Protection of Children:

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

Any other information:



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 21/09/14 Time: 01:55 and 02:15

UIS Ref.: Crime No.:

Name of premises (where applicable): TOMATO

Address: BAMPTON STREET

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

At approximately 01:55, loud music could be heard from 'Tomato' on Bampton Street, Tiverton. We detected the noise from 'The Bank' Public House on Bampton Street, approximately 100 metres from Tomato. We could hear guitar riffs and drum beats clearly from where we were stood.

At approximately 02:15, door staff at 'Tomato' informed us that a male was ejected from the premises for aggressive behaviour. This male was pointed out as being [REDACTED] Upon leaving, a male accomplice called [REDACTED] stated that he would return after the door staff had finished their shift and 'arve them up'. [REDACTED] also made threats. Both males then left the premises.

Both incidents have been recorded in my Pocket Notebook.

Submitted by: Name: R. G. CLATWORTHY

Force No.: 74599

Signed: R.G.Clatworthy

Date: 21/09/14

Time: 02:53

Officers present at inspection:

SC Insp. R. CLATWORTHY
SC Ashley WINTERBOTTOM
PC Adrian Tapp
PC Neil Kemp

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:
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:

CARLO Lesley 54798

From: ALFORD-MOLE Jane 15938
Sent: 23 September 2014 08:50
To: CARLO Lesley 54798
Subject: FW: Letter NOT PROTECTIVELY MARKED

Hi Lesley

I had asked Adam to put it in an Action Plan format.

Can I ask you to get hold of him and liaise with him the points raised were as per my previous email to you.

I am at TTCG and People Management all day and meetings all day tomorrow.

Would you mind?

Thanks

Jane

T/Inspector Jane Alford-Mole
Tiverton/Crediton/Cullompton
Internal: 300660
External: 01884 831557
E.mail: jane.alford-mole@devonandcornwall.pnn.police.co.uk

-----Original Message-----

From: Ahmad Babol [<mailto:amadbabol@gmail.com>]
Sent: 22 September 2014 22:51
To: ALFORD-MOLE Jane 15938
Subject: Letter

Hi Mrs Alford.

Can you please see if I've done it right and covered everything you addressed.

Best regards

Ahmad.

Thank you for your visits on 20th of September we have taken your advice on how to tackle the problems that you have addressed.

I have spoken to the Dorman and also the director of the company. I have emphasised on how they should be more vigilant in regards not to allow any customer leave with their drinks to the outside area and also I have asked them to stay as long as there are people gathering outside the premises after closing whatever small They are to leave the vicinity of the bar.

We have employed extra bar staff to give me a better flexibility to be able to help to Door staff in this regard.

We are going to rope off the part of the front of the Bar to indicate the designation of the area for a smoking and ask the Dorman to encourage them to use the designated area for smoking (please note that advise and encouragement are all we can do in that regard).

We have ordered two speakers that are easily will be limited to the certain volume that would be acceptable to the management.

We will make sure that our CCTV system will work properly.

Ahmad Babolhavaeji.



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 27/09/2014 Time: 2340

OIS Ref.: Crime No.:

Name of premises (where applicable): Tomatoes

Address: Bampton Street TIVERTON.

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:

During the course of the late night economy patrol several visits were made to the area. Pub remained busy no drinking observed outside and no reported problems. Again Two doorstaff displaying ID badges were at the location monitoring customers.

Submitted by: Name: HOWLEY

Force No.: 14738

Signed:

Date: 30/09/2014

Time: 0310HRS

Officers present at inspection:

sc74999brown

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:
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:

Mr A Babolhavaeji
Tomato
1 William St
TIVERTON
EX16 6BJ

Licensing Dept (East)
Devon & Cornwall Police HQ
Middlemoor
EXETER
EX2 7HQ

1 October 2014

Dear Mr Babolhavaeji

**Premises Licence – Tomato
Action Plan**

Further to my visit to your premises on 23 September and your conversation with Inspector Alford-Mole on 20 September I now attach an action plan.

We have already discussed the issues highlighted within the action plan and the proposals I have listed stem from the email you sent to Inspector Alford-Mole on 22 September.

Your licence has been granted subject to certain conditions. At present the conditions relating to the use of the outside area are not being met. It is our intention to continue with licensing checks at your premises over the coming weeks. Should there be no improvement in the operation of the premises it will be our intention to seek a review of the premises licence.

I have enclosed a booklet entitled "Your Licence Your Responsibilities" which offers guidance which may be of assistance to you.

Should you wish to discuss this matter further please do not hesitate to contact me on 01392 452225.

Yours sincerely

Lesley Carlo
Licensing Officer – East & Mid Devon

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Tomato – Action Plan

To ensure the premises are promoting the licensing objectives and to implement improvements to the management of the outside drinking area.
All proposals will be implemented by 20/10/2014

Issue	Proposal
The external licensed area is not clearly demarcated. Customers are spreading out to the surrounding paved area, blocking access on occasions	Either a clear line or rope barrier will be in place to define the area. Adam to ensure customers stay within the permitted area with their drinks
Drinks are being taken from the premises after 2300	Doorstaff to be vigilant to ensure this does not happen. Doorstaff will start at 2300 to manage this effectively
Customers are not leaving the vicinity of the premises at closing time	Doorstaff to be more visible at closing time and proactively encourage customers to leave. Doorstaff to remain on duty until all customers have left
Loud music can be heard coming from these premises	Adam to monitor the noise level and liaise with Environmental Health to clarify what constitutes a reasonable level of noise from the premises
Premises open beyond permitted hours	Adam to ensure all staff are aware of licensed hours and to ensure these are complied with, without exception.

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Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 01/2011

Alcohol / Licensing Information Form

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

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

Report type: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> Other	Date: 11/10/14 Time: PM
OIS Ref.: 552	Crime No.:
Name of premises (where applicable): TOMATOES BAR	
Address: WILLIAM STREET TIVERTON DEVON	

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

CALL RECEIVED FROM PASSING MOTORIST THAT THERE APPEARED TO BE AN ARGUMENT OCCURING INSIDE THE PREMISES BETWEEN CUSTOMERS AND BAR STAFF.
POLICE ATTENDED AND SPOKE TO DPS WHO WAS IN THE PROCESS OF EJECTING THE TWO MALES.
DPS INFORMED THE TWO MALES THEY WERE NO LONGER WELCOME IN THE PREMISES AND THANKED US FOR OUR ASSISTANCE.
THE TWO MALES WERE [REDACTED] AND [REDACTED]
DPS REQUESTED MALES DETAILS FOR THEM TO BE RAISED AT NEXT LICENSING MEETING FOR POSSIBLE BAN.

Submitted by: Name: AUGER	Force No.: HE MALES
Signed:	Date: 12/10/14 Time: 2310

Action taken by Licensing Unit:

Licensing officer:

Forwarded to Daily Tasking:



Licensed Premises Visit Checklist

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

Officers present at inspection:

PC 3900 PC 6844

Administration:

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

Crime and Disorder:

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

Public Safety:

1. CCTV on premises? ☒ Yes ☐ No
Incident captured? ☒ Yes ☐ No
Image quality? ☒ Good ☐ Poor ☐ Other:
Working at time of visit? ☒ Yes ☐ No
Staff able to download? ☒ Yes ☐ No
2. Door staff on duty? ☐ Yes ☒ No If Yes, number:
SIA licensed? ☐ Yes ☒ No
Licence displayed? ☐ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: N/A
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



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 24/10/14 Time: 22:00

OIS Ref.: Crime No.:

Name of premises (where applicable): Tomato Cafe / Bar

Address: 1 William St, Tiverton EX16 6BJ

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

Officer passed premises at 2150 hrs and noticed DPS clearing glasses from outside tables. Officer attended the location 10 minutes later and found customers drinking alcohol from glasses outside, which is in contravention of licence. DPS spoken to and he stated that there was confusion with the licence and he had the council visit this week regarding matter. He said that he is working with council to change conditions as he believes they are incorrect and he should be able to have glasses outside to a certain time. Officer highlighted condition on his licence which states 'The only drinks permitted outside will be served in Polycarbonate glasses and no bottles served outside'

The DPS was asked if he had polycarbonate glasses and confirmed he did. He was then advised to have the drinks of customers outside transferred into polycarbonate and any further drinks being taken outside to be served in polycarbonate glasses. The DPS was happy to do this and Officer witnessed action.

Submitted by: Name: PC 6440 FINDLAY

Force No.: 16440

Signed: Alan Findlay

Date: 24/10/14

Time: 22:20

Officers present at inspection:

PC 6440 FINDLAY

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:
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:

Further check intended later in the evening to ensure door staff in order after 23:30hrs.

CCTV not checked to see if working

Officer did not request copy as had one to refer to already



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 26/10/14 Time: 01.45

OIS Ref.: LOG 0124 26/10/14

Crime No.: TO BE ATTACHED

Name of premises (where applicable): TOMATO BAR

Address: BARRINGTON ST, TIVERTON

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:

ALTERCATION INVOLVING NUMEROUS MALES INSIDE PREMISES, DOORMAN (DEAN ADAMS) INTERVENED AND WAS HIT WITH A GLASS CAUSING INJURY TO RIGHT EYE BROW. DOORMAN DID NOT WANT TO MAKE A COMPLAINT? CCTV WORKING, BUT DID NOT SHOW FULL OFFENCE. ONE OF THE MALES INVOLVED WAS ON THE PUBWATCH BANNED LIST, MALE [REDACTED] HE WAS WITH OTHER WELL KNOWN TROUBLE MAKERS [REDACTED] WHO APPEARED TO KNOW THE DPS BY NAME. TOMATO WAS INVITED TO SHUT UP BY DUTY SGT, AND CLOSED A SHORT TIME AFTER.

EARLIER L10 SUBMITTED BY 6440 FINDLAY IN RELATION TO GLASSES BEING ALLOWED OFF PREMISES AND DPS GIVEN WORDS OF ADVICE

Submitted by: Name: SOPER.

Force No.: 15776

Signed: 5776

Date: 25/10/14

Time:

Officers present at inspection:

PS OWEN JONES, PC 6440 FINDLAY, PC 5776 SOPER

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:
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: DOORMAN
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 / 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:

DPS APPEARED VERY FRIENDLY WITH KNOWN TROUBLE MAKERS, WHO WHEN THEY LEFT SAID TO ADAM, 'SEE YOU NEXT WEEK' SO THEY ARE FULLY EXPECTING TO BE ABLE TO DRINK AT TOMATO EVEN THOUGHT THEY WERE INVOLVED IN VIOLENT INCIDENT

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

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

Name of premises: TOMATO

Address: , BAMPTON STREET TIVERTON

Report type: ☐ Visit ☒ Incident ☐ Other

Date: 31/10/2014 Time: 22:45

OIS Ref.: n/a

Crime No.:

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

Officer on patrol in area of TOMATO, patrons stood outside drinking. There was scaffolding present around the premises, patrons were seen to climb on the scaffold hanging from it doing 'pullups'. Patrons spoken to by officers - officers unable to stop to do full licensing check at the time.

Submitted by: Name: HOLLOWAY

Force No.: 11513

Signed: PC 1513 HOLLOWAY

Date: 02:35

Time: 01/11/2014

Action taken by Licensing Unit:

Licensing officer:

Forwarded to Daily Tasking:

Licensed Premises Visit Checklist

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

Officers present at inspection:

PC 1513 HOLLOWAY

Administration:

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

Crime and Disorder:

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

Public Safety:

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

Public Nuisance:

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

Protection of Children:

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

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

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

Name of premises: TOMATO

Address: , BAMPTON STREET TIVERTON

Report type: ☐ Visit ☒ Incident ☐ Other

Date: 01/11/2014 Time: 01:00

OIS Ref.: n/a

Crime No.:

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

Officers requested to attend by doorstaff. Doorstaff stating that they had refused entry to a lot of people who were not leaving the area and that they required our attendance to move them on.

Upon police arrival they were greeted by numerous groups of different people all complaining at the attitude and conduct of doorstaff; that they were rude, arrogant, aggressive and heavy handed. It was clear to attending officers that a large number of people in varying degrees of inebriation were very unhappy and angry at the doorstaff.

It took police attendance to defuse the situation which was volatile between members of the public and doorstaff.

Glasses outside on pavement.

Submitted by: Name: HOLLOWAY

Force No.: 11513

Signed: PC 1513 HOLLOWAY

Date: 02:30

Time: 01/11/2014

Action taken by Licensing Unit:

Licensing officer:

Forwarded to Daily Tasking:

Licensed Premises Visit Checklist

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

Officers present at inspection:

PC 1513 HOLLOWAY / PC 1927 HODGSON

Administration:

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

Crime and Disorder:

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

Public Safety:

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

Public Nuisance:

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

Protection of Children:

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

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

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

Name of premises: Tomato

Address: Bampton Street Tiverton

Report type: ☐ Visit ☒ Incident ☐ Other

Date: 01/11/14 Time: 02.00

OIS Ref.:

Crime No.:

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

Officers saw a very drunk female outside of Tomato bar, about 10 minutes later she was seen on Gold Street Tiverton sat on the floor. The female was staggering and fell over several times, officers tried to assist her but she refused help. Female threw her phone and wallet on the floor fell over again and walked off, She couldnt communicate very well due to being so heavy in drink.

Female walked towards Tomato, when officers caught up with her again she was inside Tomato bar. She then left and was escorted home by friends

Submitted by: Name: PC HODSGON

Force No.: 11927

Signed:

Date: 1/11/14

Time: 2.20 hrs

Action taken by Licensing Unit:

Licensing officer:

Forwarded to Daily Tasking:

Licensed Premises Visit Checklist

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

Officers present at inspection:

Administration:

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

Crime and Disorder:

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

Public Safety:

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

Public Nuisance:

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

Protection of Children:

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



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Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 01/11/14 Time: 19:00
OIS Ref.:	Crime No.:
Name of premises (where applicable): Tomato	
Address: Bampton street Tiverton	
Brief summary / action taken:	
Designated Premises Supervisor (DPS) on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): James haywood	
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:	
The DPS Amed Babolhavaeji was not on the premises. This visit was conducted to establish if they had any drink promotions or events.	
Submitted by: Name: Mike Doidge	
Force No.: 16842	
Signed:	Date: 02/11/14 Time: 23:00
Officers present at inspection:	
SPC Parsons	

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: Unable to view
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? Photographic ID
3. How is this publicised?
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

The bar was very quite at the time of the visit and they only had five patrons sat at the bar.



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Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 02/11/14 Time: 0020	
UIS Ref.: 37		Crime No.: CR/119102/14	
Name of premises (where applicable): TOMATO BAR			
Address: BAMPTON STREET TIVERTON			
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): Ahmed BABOLHAVAET			
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other:			
Male on local pub ban attempted to enter bar and was refused entry. There was another woman being removed by door staff at the time and this male and several other friends joined in outside with the disorder. When he was moved on by police he resisted and struck out at the officer several times before being forcibly restrained and arrested. D/P present at the time of the incident, provided SOE supporting police.			
Submitted by: Name: MCCORMACK		Force No.: 310	
Signed:		Date: 19/11/14	Time:
Officers present at inspection:			
PC 310 McCormack PC 6844 Sullivan			

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: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: visual
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? u/k
3. How is this publicised? u/k
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

Staff appeared to be dealing adequately with the removal of a very drunk female before the intervention of the arrested male and several of his companions. Security staff were helpful when dealing with these males and followed police instruction at all times.

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Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 06/11/2014 Time: 21:00
OIS Ref.:		Crime No.:
Name of premises (where applicable): tomato bar		
Address: bampton street tiverton		
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): Ahmad Babolhavaeji		
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:		
I attended the premises at 2100hrs to get a statement signed by the dps, whilst talking to him i noticed there were three persons out side drinking from glass bottles and a glass when i said to Adam about them being out side, he told them all to come in and told them your not allowed out side with glass		
Submitted by: Name: Dion howells		Force No.: 30011
Signed:		Date: 10/11/14 Time: 20:00
Officers present at inspection:		
30011		

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:
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:

Adam obviously knew they were out side but had made no attempted to stop them going out side there was only 4



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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:** 07/11/2014 **Time:** 2355

OIS Ref.: N/A

Crime No.:

Name of premises (where applicable): Tomato

Address: Bampton Street.

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

I attended to carry out a routine visit. It was cold and had been raining. Both doorstaff were inside the premise, there were around 12-15 persons stood outside, smoking. Although close to the entrance they were not within the marked red area for smokers. Being dark with no natural light and the pavement being wet, the red marked area is all but unidentifiable. Max 35 patrons inside. Door staff collecting glasses from tables. Adam saw me enter and asked me to sign his visitors register. CCTV monitor checked. Time and date were correct. One image showed 'no display' Adam wished to speak with me outside. He told me that he had taken legal advice and had been informed that he was not required as part of his licence to provide ... Designated smoking area and that he did not have to provide either a roped or barred perimeter around the smoking area, He intends to raise this at the next licensing meeting. Further, when spoken to about only having one toilet within the premises and told that his doorstaff should be monitoring patrons who

Submitted by: Name: BELSOM

Force No.: 4971

Signed:

Date: 08/11/2014

Time: 2130

Officers present at inspection:

leave to go around the archway into the car park to urinate against the wall, he appeared not to consider this to be a problem.

Door staff spoken to separately and check inside the premises for persons on the banned list. Doorstaff Dean Adams panicked when he saw the photos of persons on the banned list, when he saw [REDACTED] photo. He went back inside to try to locate [REDACTED] and informed me that [REDACTED] had been inside drinking a short while earlier. It appeared the [REDACTED] had already left. At this point Adam re-appeared and told me that the banned list was not up-to-date and that he had been informed that [REDACTED] was no longer banned, despite showing as a life-time ban. This needs to be clarified.

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: Two - Dean ADAMS & Ian ANASTASIOU
SIA licensed? ☒ Yes ☐ No Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: counting
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:

William Street car park checked, no one seen urinating but several wet areas of brickwork where individuals had been relieving themselves.

PS4971 Steve Belsom
'E' Response, Mid Devon.



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Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 2330HRS Time: 08/11/14

OIS Ref.: Crime No.:

Name of premises (where applicable): TOMATO BAR

Address: BAMPTON STREET, TIVERTON

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

ALL IN ORDER. DPS ADAM PRESENT AND WAS VERY HELPFUL.

CCTV IN CORRECT WORKING ORDER.

APPROX 30 PERSONS INSIDE THE PREMISES.

2 X SIA DOORSTAFF.

Submitted by: Name: PC 1585 SANDY

Force No.: 11585

Signed:

Date: 09112014

Time: 0615HRS

Officers present at inspection:

PC 1585 SANDY

PC 6552 BEAL



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: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: VISUAL
5. Radio system in use? ☒ Yes ☐ No
6. Tables / glasses kept tidy? ☒ Yes ☐ No
7. Any smoking inside premises? ☐ Yes ☒ No

Public Nuisance:

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

Protection of Children:

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

Any other information:

CARLO Lesley 54798

From: ahmad babol [a.babol@live.co.uk]
Sent: 10 November 2014 19:52
To: CARLO Lesley 54798
Cc: licensing@middevon.gov.uk
Subject: Tomato Cafe/Bar
Attachments: Leter to tomato - october 14.doc

Dear Lesley

i am happy o meet wednesday but if you insist no one from licensing authority can come to the meeting i will happily listen to your concerns and comments but at this stage i will not be making any comment only taking notes.After the meeting i will be seeking advice from the licensing authority and solicitor.

Please find attached a copy of a letter received from licensing authority.

Regards

Ahmad Babolhavaeji

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Tomato Café / Bar
1 William Street
Tiverton
Devon
EX16 6BJ

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

Licensing Team
Tel. 01884 244617/18/19
Fax. 01884 234256

Email: licensing@middevon.gov.uk
Website: www.middevon.gov.uk

Your Ref:

Date: 21st of October 2014

My Ref:

Contact: Tom Jones

Dear Mr Babolhavaeji

Ref: Clarification of your premises licence conditions

A letter to set out and confirm what we discussed when I met with you on the 20th of October 2014 at your premises. May I begin by saying it is refreshing to speak with a premises licence holder seeking clarity to enable full compliance with the conditions on the premises licence.

What are conditions? Conditions on a premises licence set the boundaries and rules within which the premises must operate to protect the licensing objectives, they are enforceable under section 136 of the licensing act. Breach of conditions carries criminal consequence. As such the way the conditions are worded is very important. The latest licensing act guidance dated October 2014 issued by the central government says that conditions must / should be:

- *appropriate for the promotion of the licensing objectives*
- *precise and enforceable*
- *must be unambiguous and clear in what they intend to achieve*
- *may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case*
- *proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave*

Continued 1/3

It is my opinion that there are conditions upon your licence that do not meet this criteria and as such are potentially unenforceable and unlawful.

So turning to the conditions on your licence set against the use of the '**Outside Area**'. I will not in this letter discuss every condition upon the licence instead I will concentrate on those we specifically discussed. As required I have referred to notes contained within the premises file held by the licensing department to understand the intent behind what the condition was looking to achieve.

Condition: 'The licensing area will be marked with a permanent red line'

This relates to the area in which **licensable** activities can take place. People smoking and the consumption of alcohol are not licensable activities and therefore need not be kept within this marked area. Off sales – alcohol sold for consumption off the premises – are permitted under the premises licence for Tomato.

There is a condition relating to the removal of the outside tables and chairs from the seating area by 23.00 hours. This condition came about as a result of a representation from the police in 2008. Police Inspector Matt Lawler wanted this condition in place because he believed outside furniture could be used as weapons in the event of disorder. He wanted nothing left outside after 23.00 hours. The police, as I understand it, are proposing you buy and use metal weighted poles to form a barrier around the red area. There is no requirement for this in your licence, there is no requirement that customers remain within the marked red area and if this is in response to disorder it seems to oppose the view of the inspector who through representation placed a condition on your licence to remove the outside furniture for fear of it being used as a weapon.

Condition: 'No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23.00 hours'

On reading the wording of this condition it would appear to me to be directed at the customers of the premises not the premises licence holder. Conditions need to be worded in such a way that compliance is within the control of the premises licence holder; with no clear and specific measures set out I am not clear how the premises licence holder or your staff would comply with this condition. As such it is my opinion this condition is subjective hence unenforceable.

Continued

Condition: The only drinks permitted outside will be served in polycarbonate glasses and no bottles will be served outside.

I am unsure as to the intent of this condition. The word 'served' suggest to me that this applies to drinks served to customers whilst outside.

I would refer to the statutory guidance which states conditions must be proportionate and capable of being met. As your venue sells / serves coffee that patrons might like to enjoy in the outside seating area I struggle to see the justification for this to be served in a polycarbonate glass. I would also refer to the example given in the guidance in relation to wine glasses. As such I also believe this condition to be unenforceable.

I hope this helps clarify the current position. I believe we need to look to clarify the conditions on your licence by means of review or variation and to that end I will look to arrange to meet with you further in the next few weeks so we can move to correct. It is vital that conditions are clear, objective, necessary, proportionate and within the control of the premises licence holder if the licensing objectives are to be protected.

Kind Regards

Tom Jones
Licensing Officer
MDDC Licensing Authority



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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:	Time:
OIS Ref.:		Crime No.:			
Name of premises (where applicable): Tomato					
Address: Bampton Street Tiverton					
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): Ahmad Babolhavaeji					
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other:					
<p>i was on foot patrol in bampton street tiverton when i saw three males come out of the far door of Tomato they were all obviously extreamly drunk and all fell on the floor on male was disabled however he was extreamley drunk and i could smell the alchol on him from aproximately 6 feet away his two friends were also drunk and were hard to understand they had to be helped up by two other males one was the taxi driver who had come to colect them the other was a male who came out of tomato. The taxi driver said they had been in tomato all evening drinking and was taking them home.They had obviously been served alchol whilst drunk. Adam was the only person behind the bar.</p>					
Submitted by: Name: Dion Howells				Force No.: 30011	
Signed: PCSO Dion Howells				Date: 21/11/2014	
				Time: 21:30	
Officers present at inspection:					
Special Constable 75164					



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:
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:



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Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 21/11/14 Time: 2245hrs
CIS Ref.:	Crime No.:
Name of premises (where applicable): Address: Tomato, Bampton Street, Tiverton	
Brief summary / action taken: Designated Premises Supervisor (DPS) on the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No Name of DPS (or person in charge if no DPS): <input type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive <input type="checkbox"/> Other: Whilst driving past the location at 2245hrs observed 2 males outside with what looked like alcoholic drinks, on closer inspection, could see that 1 male had a large pint Heineken glass. I stopped the vehicle and asked the 2 males to come over to the car. I checked the glass by touching it and it was definately a pint glass. I said to the male he shouldnt have a glass outside the premises, he then went inside the Tomato with it. The other males glass was in fact a half pint plastic recepticle.	
Submitted by: Name: Jane Alford-Mole	Force No.: 5938
Signed: Jane Alford-Mole Inspector.	Date: 21/11/14 Time: 0310hrs
Officers present at inspection: A/Inspector 16655 Nigel Yelland.	



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:
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:

54



Devon & Cornwall Police
Building safer communities together

Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 22/11/2014 Time: 20:11

JIS Ref.: Crime No.:

Name of premises (where applicable): Tomato

Address: Bampton Street Tiverton

Brief summary / action taken:

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

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

☒ Helpful ☐ Unhelpful ☐ Obstructive Other:

i was on foot patrol in bampton street tiverton when i saw three persons sat out side the bar at tables drinking form Glasses i could tell tell they were Glass as you could here them when they placed them on the table Adam was the only person inside the cafe bar behind the bar

Submitted by: Name: Dion Howells

Force No.: 30011

Signed: PCSO Dion Howells

Date: 21/11/2014

Time: 21:30

Officers present at inspection:

Special Constable 75164

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:
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.:	
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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: 29/11/14 Time: 01:00	
OIS Ref.: N/A		Crime No.: N/A	
Name of premises (where applicable): Tomato			
Address: William Street, Tiverton			
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): Adam			
<input checked="" type="checkbox"/> Helpful <input type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:			
Submitted by: Name: PC 2621 HEATH		Force No.: 2621	
Signed: P.HEATH		Date: 29/11/14 Time: 01:50	
Officers present at inspection:			
N/A			

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: Average
Working at time of visit? ☒ Yes ☐ No
Staff able to download? ☒ Yes ☐ No
2. Door staff on duty? ☒ Yes ☐ No If Yes, number: 2
SIA licensed? ☒ Yes ☐ No
Licence displayed? ☒ Yes ☐ No
3. Do the premises look overcrowded? ☐ Yes ☒ No
4. Method of checking the customer numbers: Head count
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? ID checks
3. How is this publicised? On arrival from door staff
4. Do staff appear trained in proof of age? ☒ Yes ☐ No

Any other information:

General check. All in order



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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To be completed for any alcohol related incident or for information on any licensed premises. 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: 06/12/14 Time: 0200hrs

JIS Ref.: Crime No.:

Name of premises (where applicable): Tomato/Cafe/Bar

Address:

Brief summary / action taken:

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

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

☐ Helpful ☐ Unhelpful ☐ Obstructive Other:

Whilst in Police Vehicle Doorstaff Robert Janowski (Doorstaff) ran towards car waving his hands, I was unable to understand him but he had said that a fight had occurred outside the premises, this was not phoned in. There was approximately 30 persons outside standing around but not in the red marked area. He was agitated and was pointing to people but all at the time it was calm persons said the doorstaff was causing the issue. Whilst speaking to one male [REDACTED] who had been ejected from Tomato, it was clear he was intoxicated, he was unsteady on his feet and his speech was very slurred, his eyes were glazed. There were others that were getting involved whilst I was talking with this male and I had to call for her Units. A male name [REDACTED] also had been in Tomato, he was intoxicated. They were dispersed. Following this this two females came out of Tomato and started arguing and making threats, they were given Sec 35 dispersals. [REDACTED] and [REDACTED] returned [REDACTED] was

Submitted by: Name: Jane Alford-Mole

Force No.: 5938

Signed: Jane Alford-Mole

Date: 6/12/14

Time: 0400hrs

Officers present at inspection:

PS Steve Belsom, PC Sarah Stevens

PC Matt Collier

PC Jeff Howley

PC Mike Martini

PC Phil Heath

PC Al Findlay

PC tom COulsdon

Special Constable

PS tony Shayler

PC Gary Howard

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:
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 operating on the premises?
3. How is this publicised?
4. Do staff appear trained in proof of age? ☐ Yes ☐ No

Any other information:

Continued:- arrested/resisted arrest and had to be Captor sprayed. [redacted] made a continued nuisance of himself. There were others present who were causing problems general ASB and we consequently had 3 arrested from there for Public Order Offences and ASB escalation for 2 others. In my opinion persons had been in Tomato and were intoxicated, More Police Units arrived and at one stage there was a van and 5 Police Cars, 12 Officers) still persons were hanging around. Again the doorstaff seemed inadequate. (Dean Adams) was not there. I had a journalist with me who went to speak with Adam, DPS, she said she thought he was drunk and when she spoke to him he started to cough and brought up a lot of phlegm, pulled the plant (outside the doorway) away and spat behind it, then walked in. The question she was going to ask him was "What he thought about the intoxication of persons and disorder outside of his premises". Whilst there I also saw a male walking back into Tomato and as he was walking near to the door I noticed he was pulling up the flies of his trousers, I had seen him walking from William Street Car Park, Had he been there to urinate?



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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- 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: 06/12/14 Time: 0200

JIS Ref.:

Crime No.:

Name of premises (where applicable): TOMATO BAR

Address: BAMPTON STREET, TIVERTON

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:

UNKNOWN IF DPS ON SCENE, DOOR STAFF WERE NOT HELPFUL DURING ARREST OF VIOLENT OFFENDERS WHO WERE ARRESTED FOR POA OFFENCES AND RESISTED. THESE PERSONS HAD BEEN CUSTOMERS OF TOMATO AND HAD BECOME DISORDERLY OUTSIDE THE PREMS. NONE OF THE PREMISES CHECKED CHECKLIST WAS ABLE TO BE COMPLETED. CAPTOR DEPLOYED DURING ONE ARREST.

Submitted by: Name: PS SHAYLER

Force No.: 14761

Signed:

Date: 06/12/14

Time: 0620HRS

Officers present at inspection:

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:
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 WILDERNESS
49 BARRINGTON STREET
TIVERTON
DEVON
EX16 6QP
2nd Jan 2015

Dear Sir / Madam

I am writing on behalf of myself and my husband. We live at the address above almost across the road from the Tomato Bar.

It has come to our attention that there has been complaints for various reasons recently against the bar. We would like to express as neighbours and customers of the bar we have no complaints.

We never hear noise coming from the bar and the outside is always kept very clean.

We have young children and their sleep has never been disturbed by the Tomato-Bar's customers.

We feel that for our older son it is a much better alternative to the local night club where we have heard of lots of fight happening.

The Tomato Bar is a much safer and friendlier place to socialize and therefore we would highly recommend its late licence otherwise there will be no alternative other than the night club.

Kind Regards

Mr & Mrs De Carvalho.



05/01/2015
550 Bampton Street,
Tiverton,
MID DEVON
EX16 6AL

Licensing Department,
MODC Offices,
Phoenix House,
Phoenix Lane,
Tiverton,
MID DEVON
EX16 6PP

Re: Renewal of alcohol trading license by Tomato Bar, Bampton Street, Tiverton.

To whom it may concern,

I wish to lend my support to the Tomato Bar, Tiverton, in their application to renew their license to trade in alcohol and as a entertainment venue.

As a resident directly opposite the venue, I haven't witnessed any anti social behaviour that can be directly attributed to the bar, and any noise intrusion is normally caused by customers of the "Dominos" franchise directly below my flat.

Yours sincerely,

Philip Semmens

Fraser McLintock
43 OLD ROAD
TIVERTON
DEVON
EX16 4HL

Mid Devon District Council
Licensing Department
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP



To whom it may concern

I am disappointed to see that there has been an application to vary Tomato Bar's license so that the venue has to shut at 12 midnight.

I am a regular customer of Tomato Bar, not only at the weekends but also on weeknights. I enjoy going to Tomato Bar because of the relaxed atmosphere, friendly staff and lack of trouble. I have known Adam, the owner of the bar, for a few years now and I find him and his staff pleasant, friendly and approachable.

As previously mentioned, one of the things I enjoy most about Tomato Bar is the atmosphere. The Bar has a lot of regular customers who go there for the same reasons I do. There is rarely any trouble considering that it is only one of two late night premises in town, and all the staff always appear to have good control of what happens in the bar.

On numerous occasions when the bar has become rowdy, I

have seen Adam change the music to a slower pace, ask customers to calm down and on one occasion (Boxing Day 2012) close the bar 2 hours early to stop any issues developing. Adam has always tried to make the bar a safe, relaxed place for people to drink.

The new door staff that have been employed are friendly and strict, I accidentally attempted to take my glass outside over the Christmas period and was immediately stopped and asked to leave my drink with a friend inside the building. When I have been outside, I have noticed that a lot of people entering the bar are ID'd and there has been a 'one in one out' system in place when the bar is at capacity. There is also a new barrier to mark the smoking area and the outside of the bar appeared to be less crowded.

I feel that Tomato closing at 12 midnight would also have a negative impact upon Tiverton's nightlife. I like having a choice of bars to go to, and should Tomato have to close early, there will only be one place open. I am sure others are of the same view.

Please do not vary the license to close Tomato at midnight.

Yours Sincerely

Fraser M'Lintock

Licensing Department
 MDDC Offices
 Phoenix House
 Phoenix Lane
 Tiverton
 Devon
 EX16 6PP



Jessica Widdett
 8 Hawks Drive
 Tiverton
 Devon
 EX16 6WU

Dear Sir / Madam

I write further to the licensing review notice displayed in the window of Tomato Bar Ltd, 1 William Street, Tiverton.

I worked at Tomato Bar from July 2012 until July 2013. In the period that I worked there, Ahmad was always keen to maintain a good atmosphere at the bar, and was always ensuring that the terms of his license were adhered to. Ahmad kept a copy of the basic license conditions on the wall at the end of the bar, and made sure we were all familiar with the bars opening, closing and serving times as well as the times at which music, live or otherwise, could be played within the premises.

The door staff at Tomato changed twice whilst I was working at the bar, but I always felt that the door staff employed were more than capable of ensuring everyone's safety and quickly addressing any issues which arose within the premises. I always felt that I could communicate any concerns to the door staff and that concerns would be dealt with appropriately. In the year, I was there, I only saw a handful of incidents where the door staff or police needed to intervene. In my experience, most of the incidents were caused by people attempting to enter the bar and being refused entry by the door staff. These incidents were normally dealt with quickly.

When I started working at Tomato, customers were allowed to drink outside at all times, but the drink had to be in a plastic cup after 11pm. A few months later, Ahmad changed this and stated that no drinks would be allowed outside after 11pm. This is a rule which was enforced by door staff and I frequently saw door staff challenge customers who attempted to drink outside.

Although I do not work at Tomato anymore, I do still regularly visit the bar as a customer. I always enjoy spending the evening there because there is little trouble, people who have drunk too much are dealt with promptly and there is a lively atmosphere.

Recently, I have noticed that Ahmad has made some changes to the bar. In particular, he has erected a fence around the red marked area outside. Over Christmas, I visited the bar on a number of occasions and noticed that outside

was less crowded, presumably because passers by are not tempted to stop and stand outside talking to their friends due to the physical barrier.

I have also noticed another change of door staff, but the new door staff are stricter with regards to who is allowed in the premises and the majority of people entering the bar were asked for identification, myself included. The new door staff seem to have a good control of the premises whilst encouraging a positive atmosphere.

I feel it would be a shame to close Tomato at 12 midnight as it gives us customers no choice of venue to go to after midnight. Furthermore, the majority of Ahmad's custom is after midnight on a Friday and Saturday and therefore closing earlier may have a detrimental effect on Ahmad's business as a whole.

With kind regards,

Yours sincerely



Jessica Willets.

MID DEVON DISTRICT COUNCIL
PHOENIX LANE
TIVERTON
EX16 6PP



3 DEVONSHIRE RISE
TIVERTON
DEVON
EX16 4QR

Dear Sir or Madam,

I am writing to you in regards to recent claims that Tomato Bar, Bampton Street could potentially face having its license cut due to rise last year in anti-social behaviour. I have to express my surprise as I find these allegations wholly unjust and such a move could force a long-standing business with in the town to close its doors which is something I'm sure you want to avoid.

To my knowledge, Tomato Bar and its staff have always strived to stamp out any anti-social behaviour and are prone to removing any individuals that could potentially be a nuisance. Often these individuals haven't spent any considerable amount of time at the nightspot and have been served elsewhere before being refused a drink or even admitted at all to Tomato Bar.

On a number of occasions, individuals who have been disorderly or have caused altercations outside of the premise are passers-by who are on their way home or individuals that have been barred from elsewhere and are seeking somewhere that will serve them – in my experience staff have never served anyone who has clearly had too much to drink.

For the last six months or more Tomato has been using plastic glassware in the evenings and bar staff and door staff are quick to stop individuals from taking drinks outside of the designated area marked with a red line and most recently a crowd barrier.

All of these points encourage a positive and healthy atmosphere inside and outside the building and current door staff positively enforce both the rules of the bar and the law.

I find it unfair to challenge the license at Tomato Bar when I find it to be the safest place in town to enjoy a drink in the evening. The same cannot be said for other locations in town where I have witnessed violence, drug use and sexual assault on a regular basis in the last six months alone.

If wish to seek further information don't hesitate to contact me.

Yours sincerely,

Daniel Taylor

General Manager – Merlin Cinemas Ltd

Mid Devon District Council
Licensing Department
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP



Tom Hawkins
19 Park Hill
Tiverton
Devon
EX16 6RP

To whom it may concern

I am writing because I have seen the notice in Tomato's window and do not agree with the application to review the license.

I understand that the application says that Tomato should close at 12 midnight. I often go to Tomato after going to other pubs in town at the weekend, or when I have returned from going to gigs in Exeter. The only other venue open at that time of night is Remedies, which has a completely different crowd to Tomato.

A few of my friends and my housemates are regulars at Tomato and I like being able to catch up with them at the end of a night before we all go home. When I arrive at Tomato, everyone is normally in a good mood and I have only seen trouble there a couple of times, and it's normally over before it's started.

I've seen people be refused entry for being too drunk, and people refused at the bar. I myself on one occasion was refused service at the bar because I'd had too much to drink and was told I should be probably go home by the doorstaff.

Tomato is also kept quite clean for a late night bar. Staff are always mopping up spilt drinks, and clearing the bar so there are no safety risks.

I would be disappointed if Tomato had to close at 12 midnight, and I probably wouldn't stay out in town if it does.

Yours sincerely


Tom Hawkins



5 South View
Tiverton
Devon
EX16 6LX

4 January 2015

Licensing Department
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

Dear Sir/Madam,

I am writing to express my concern at the proposed license changes for Tomato Bar. I believe the proposed changes are not only unnecessary but will also prove detrimental to Tomato Bar as a business and will have further widespread negative effects on the town's (already declining) night time economy.

I believe the proposed changes to be unnecessary because of the rigorous steps the owner, Ahmad Babolhavaeji, has taken -and continues to take on a daily basis- to ensure that Tomato Bar has a safe, clean, controlled and welcoming atmosphere. The new door staff are strict, fair, calm and quick to pre-empt incidents from occurring. This ensures Tomato Bar is a calm and pleasant place to enjoy drinks with friends without the worry of any anti-social behaviour. The recently installed outdoor barrier adds to the atmosphere of control by preventing non-customers from mixing with customers - it seems to have the effect of making non-customers disperse more quickly (or decide to be customers) as it is clear to everyone who is 'in' and who is 'out'. I have noticed that bar staff are quick to ban unruly customers, and often refuse customers who have clearly had too much to drink, adding to the quality of the experience for the rest of us. As regards music, the volume is set not to go above a certain level, so regardless of the time of day, or day of the week, it does not get too loud, this is great for those of us who like to go out for a drink and have a chat with the music being in the background, and furthermore decreases the likelihood of antisocial behaviour. As a youth worker and teacher with 15 years' experience of working with anti-social behaviour I am very happy to see these appropriate and effective strategies in place as I know from experience that they work.

Being one of only two nightspots open until 2.30am on Fridays and Saturdays, and the only nightspot open until 2.30am on Thursdays, I would postulate that the bulk of Tomato Bar's trade occurs between midnight and 2.30am on these three days. Therefore, to reduce the license hours as proposed would effectively mean the end of the business. Tomato Bar fills a necessary niche in the night time economy of Tiverton. Without it, possibly hundreds of young people may stop going out in Tiverton -bearing in mind that the other nightspots do not fill the same niche- so more people will choose to spend their money in Exeter, Taunton, Bristol or elsewhere. This of course will have a knock-on effect on other night time businesses. As the owner of Jazzys Worldfood Takeaway I will be looking to immediately relocate should these changes take place, as about a third of my trade takes place between midnight and 2.30am on Fridays and Saturdays, largely as a result of Tomato Bar being open. I am sure the knock-on effect will also be felt by other businesses in the area.

It would be a shame to see such a bustling and vibrant part of the community close unnecessarily when the problems it faces are no different to pubs and clubs up and down the country, and the owner, door staff and bar staff are making some very positive steps to stamping out anti-social behaviour and ensuring Tomato Bar is a safe and friendly place to drink, after midnight as much as any other time of the day. If you would like any more information or if there is any way I can be of help then please do not hesitate to get in touch.

Yours sincerely

Ailsa Chambers



24 Park Terrace
Bartows Causeway
Tiverton
EX16 6RL

5th January, 2015

Licensing Dept., MDDC
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Dear Sir,

License to sell Alcohol – Mr Amad Babolhavaeji

I understand that the license of Mr Babolhavaeji to sell alcohol is under threat because of action initiated by Devon and Cornwall Constabulary. I write in support of Mr Babolhavaeji's efforts to maintain his license to sell alcohol at his premises, *Tomato*, in Bampton Street.

I have known Mr Babolhavaeji ever since he first opened the premises in Bampton Street, originally named *1939*. For some years I was a regular morning customer for coffee. I occasionally still visit the premises for a glass of wine or a beer. While he was also the tenant of the first floor premises I arranged with him for Tiverton Chess Club to occasionally play matches there against other clubs in Devon. At the time he said to me that he wished to attract 'the sort of people who play chess'. This in my view is a clear example of him promoting the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Throughout all of my association with Mr Babol at *Tomato* (previously *1939*) I have only ever seen him behave as a model landlord. He is always polite to his customers, but when necessary he can be firm and decisive. I have a recollection of him refusing to serve a customer whom he considered - as did I - had had too much to drink. This is a clear example of Mr Babolhavaeji promoting the prevention of crime and disorder. I have never witnessed crime or disorder in, or in the vicinity of, *Tomato*.

I noticed recently that the private area outside of *Tomato*, used by his customers for Continental café style drinking, is now enclosed by a painted rectangular boundary, indicating the limits of the area in which his customers should be contained. This appears to me to be a clear attempt to prevent public nuisance.

Whilst recognising that the police have problems controlling anti-social behaviour on Friday and Saturday nights, it seems to me to be most unreasonable to lay the blame at Mr Babolhavaeji's door.

I do hope you will take my views into consideration when considering the renewal of Mr Babolhavaeji's license.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Ivor Annetts

BEFORE THE LICENSING COMMITTEE OF MID DEVON DISTRICT COUNCIL

Devon and Cornwall Constabulary

-v-

Ahmad Babolhavaeji

**IN THE MATTER OF THE REVIEW OF
THE PREMISES LICENCE No.MDV PR0064
OF THE PREMISES KNOWN AS THE TOMATO BAR.
WRITTEN REPRESENTATIONS ON BEHALF OF THE RESPONDENT.**

- (i) By way of an Application dated 9th December 2014 Devon and Cornwall Police (The Applicant) seek to have the licence MDV PR0064 made subject to a Review by Mid Devon District Council.
- (ii) In support of the Application, the Applicants rely upon a spreadsheet and statements written pursuant to the CJA 1967 by Inspector Alford-Mole and their licensing officer Lesley Carlo.
- (iii) The first statement written by Inspector Alford-Mole when she was a Sergeant is dated 5th May 2013. It has little or no weight as evidenced due to the fact that it is historic and indeed the narrative within is repeated in her second statement dated 2nd December 2014.
- (iv) Her second statement gives little evidential detail but does however ask that consideration that the hours of the premises should be reduced next summer and the inference is that this is appropriate because 'persons will be outside and the area outside will become crowded again and unmanageable'.
- (v) Ms Carlo in her statement is more balanced but save as for referring to the incident logs is similarly vague as to the need for a reduction in hours and an increase in doorstaff as a proper response to the evidence they have provided.
- (vi) Dealing with the logs in turn we make the following observations (for ease we shall use the same numbering as on the spreadsheet):
 - 1. Accepted;
 - 2. Accepted;
 - 3. Noted that Night Owl Security were involved; 15 months ago;

4. Noted that Night Owl security was involved and door staff were holders of licence; 15 months ago;
5. Accepted, no action appears to have been taken;
6. No time indicated as to when the visit took place;
7. DPS helpful; note that doorstaff were Night Owl; no information as to nature of disorder;
8. Door staff doing their job in ejecting disorderly patron; right and proper to call Police; all doorstaff SIA.
9. Impression given that call was unnecessary, query as to what are staff to do. On balance no evidence to suggest that the situation calmed as of a result of the call to Police.
10. Disorder outside because of refusal of entry. Precisely what doorstaff are supposed to do: refuse entry to patrons who may disrupt law abiding patrons;
11. Exactly what they are supposed to do, comments appreciated;
12. Female aggressive when challenged, correct action to call Police as belief she also had drugs in her possession;
13. First crime noted on log, precisely the actions of responsible door staff;
14. Appropriate action by door staff;
15. Report from Officer, no action taken, no evidence of disorderly behaviour;
16. Male disorderly having been refused entry as he was banned. Action taken in log 17;
17. See above;
18. Premises compliant with Officer, people outside were not involved in licensable activity;
19. Noted;
20. Landlord compliant;
21. No evidence that the drunkenness occurred as of a result of drinking on the premises;
22. Noted;
23. No link to licensable activity on the premises;
24. Noted

25. Second criminal offence logged, appropriate action by door staff;
26. Noted;
27. Solution of rope barrier deemed to be sufficient;
28. Appropriate actions by door staff;
29. Noted;
30. Action plan noted;
31. No problems noted;
32. Noted;
33. Appropriate actions from door staff
34. People outside of marked area were not involved in licensable activity;
35. Correct;
36. No fault of PLH that a doorman doing his job was injured;
37. No evidence that the actions are relevant to the Application at all.
38. Door staff doing their job;
39. Noted;
40. Appropriate action by staff;
41. Noted;
42. Noted;
43. Noted;
44. Appropriate action taken;
45. Noted;
46. Noted;
47. Noted;
48. Noted;
49. Noted;

50. Noted;
 51. Noted;
 52. No evidence of anything of relevance such as whether they had been drinking on the Premises or refused service due to alleged intoxication. Certainly the males were not arrested;
 53. Noted;
 54. No apparent action taken by PCSO to inform the DPS;
 55. Noted;
 56. Comments about door staff noted; in particular that they flagged down the Police car.
 57. See above, query as to meaning of 'helpful'.
-
- (vii) It appears from the log that the decision was made to instigate the Review on 6th November. This was taken in response to the PLH indicating that he wanted someone from MDDC to attend the meeting with the Police. At that time he had met MDDC in order to work out what should be done as a licensee. The Police have a copy of the letter (see log 48) and have not provided it. It is supplied with these representations. As of a result of the intransigence of the Police the Respondent sought to vary the licence so that the position should be clarified.
 - (viii) No mention has been made by the Applicant of the fact that a nearby pub has burnt down resulting in an increase in trade at the Premises.
 - (ix) No credible reason has been given to seeking the curfew to midnight in particular when the issues outlined in the logs appears to be one of doorstaff and people outside.
 - (x) The Police have seized this as a reason to now seek to curfew opening hours.
 - (xi) The licence needs to be changed so that it is practical and understandable.
 - (xii) The Respondent has changed doorstaff providers; improved signage; provided proper and suitable ashtrays to reduce crowding and roped off the area outside of his premises.
 - (xiii) Photographic evidence is provided to update the Committee, however, the Respondent is of the view that a hearing is not necessary and is unfounded, but wishes to give Notice that should a hearing take place he seeks to be represented by the undersigned Kitsons LLP.
 - (xiv) The Respondent will supply a skeleton argument nearer the time to assist the Committee and reserves the right to seek to provide further evidence as it is anticipated that the Police will seek to serve more evidence before the hearing, as is their custom.

- (xv) The Respondent has sought through his legal advisers to speak to the Police prior to the deadline for written representations but the Police have not responded.
- (xvi) We attach the correspondence from MDDC; photographs of new signage; the marked area outside the premises; correspondence from the street pastors; and our landlord.

David Campbell
Barrister
Kitsons LLP
Solicitors for and on behalf of the Respondent

6th January 2015

Tomato Café / Bar
1 William Street
Tiverton
Devon
EX16 6BJ

Licensing Team
Tel. 01884 244617/18/19
Fax. 01884 234256

Email: licensing@middevon.gov.uk
Website: www.middevon.gov.uk

Your Ref:

Date: 21st of October 2014

My Ref:

Contact: Tom Jones

Dear Mr Babolhavaeji

Ref: Clarification of your premises licence conditions

A letter to set out and confirm what we discussed when I met with you on the 20th of October 2014 at your premises. May I begin by saying it is refreshing to speak with a premises licence holder seeking clarity to enable full compliance with the conditions on the premises licence.

What are conditions? Conditions on a premises licence set the boundaries and rules within which the premises must operate to protect the licensing objectives, they are enforceable under section 136 of the licensing act. Breach of conditions carries criminal consequence. As such the way the conditions are worded is very important. The latest licensing act guidance dated October 2014 issued by the central government says that conditions must / should be:

- *appropriate for the promotion of the licensing objectives*
- *precise and enforceable*
- *must be unambiguous and clear in what they intend to achieve*
- *may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case*
- *proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave*

Continued 1/3

Telephone (Main Switchboard): 01884 255255
DX: 49011 (Tiverton)

To contact your local Councillor on any matter, his/her name and address can be obtained from Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, by telephone 01884 255255 or from our website at www.middevon.gov.uk

It is my opinion that there are conditions upon your licence that do not meet this criteria and as such are potentially unenforceable and unlawful.

So turning to the conditions on your licence set against the use of the 'Outside Area'. I will not in this letter discuss every condition upon the licence instead I will concentrate on those we specifically discussed. As required I have referred to notes contained within the premises file held by the licensing department to understand the intent behind what the condition was looking to achieve.

Condition: 'The licensing area will be marked with a permanent red line'

This relates to the area in which **licensable** activities can take place. People smoking and the consumption of alcohol are not licensable activities and therefore need not be kept within this marked area. Off sales – alcohol sold for consumption off the premises – are permitted under the premises licence for Tomato.

There is a condition relating to the removal of the outside tables and chairs from the seating area by 23.00 hours. This condition came about as a result of a representation from the police in 2008. Police Inspector Matt Lawler wanted this condition in place because he believed outside furniture could be used as weapons in the event of disorder. He wanted nothing left outside after 23.00 hours. The police, as I understand it, are proposing you buy and use metal weighted poles to form a barrier around the red area. There is no requirement for this in your licence, there is no requirement that customers remain within the marked red area and if this is in response to disorder it seems to oppose the view of the inspector who through representation placed a condition on your licence to remove the outside furniture for fear of it being used as a weapon.

Condition: 'No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23.00 hours'

On reading the wording of this condition it would appear to me to be directed at the customers of the premises not the premises licence holder. Conditions need to be worded in such a way that compliance is within the control of the premises licence holder; with no clear and specific measures set out I am not clear how the premises licence holder or your staff would comply with this condition. As such it is my opinion this condition is subjective hence unenforceable.

Continued

Condition: The only drinks permitted outside will be served in polycarbonate glasses and no bottles will be served outside.

I am unsure as to the intent of this condition. The word 'served' suggest to me that this applies to drinks served to customers whilst outside.

I would refer to the statutory guidance which states conditions must be proportionate and capable of being met. As your venue sells / serves coffee that patrons might like to enjoy in the outside seating area I struggle to see the justification for this to be served in a polycarbonate glass. I would also refer to the example given in the guidance in relation to wine glasses. As such I also believe this condition to be unenforceable.

I hope this helps clarify the current position. I believe we need to look to clarify the conditions on your licence by means of review or variation and to that end I will look to arrange to meet with you further in the next few weeks so we can move to correct. It is vital that conditions are clear, objective, necessary, proportionate and within the control of the premises licence holder if the licensing objectives are to be protected.

Kind Regards

T. Jones

Tom Jones
Licensing Officer
MDDC Licensing Authority

23 December 2014

Mr A Babolhavaej
Tomato
1 William Street
TIVERTON
EX16 6BJ



Mettam Ware
Chartered Surveyors

Dear Adam

1 WILLIAM STREET, TIVERTON

We manage the neighbouring properties at No.s 3, 5 and 11 William Street.

Further to your recent telephone enquiry, I am writing to confirm that we have not received any complaints from the occupiers, or nearby property owners, regarding the manner in which your premises or the immediate surrounds are maintained.

Yours sincerely

TIM WARE

email: t.ware@mettamware.co.uk

Tiverton Street Pastors tiverton@streetpastors.org.uk

Co-ordinator:
chris@cproeliming.co.uk
07860 678424

Chris Roe:
Trewmans Farm, Cadeleigh
Tiverton, Devon, EX16 8HP

The Tomato
C/o 1 William Street
Tiverton
EX16 6BJ

22/12/14

Dear Adam

Request for reference

In a straight answer to your question "have we been called to the Tomato more than any other establishment" the answer is not really. Yes we have had times when more calls for assistance seem to come from Tomato and there are other times when we get no calls from Tomato, the same pattern seems to happen to other venues.

We are pleased to note that you have new door-staff who do seem much more efficient and friendly than their predecessors.

Wishing you a prosperous and blessed 2015



Chris Roe

Coordinator Tiverton Street Pastors



Ali Baba's
Kebab House



Christian
Churches
Together
in
Tiverton







dear
costumers
please
"keep quiet"
when
leaving the
bar

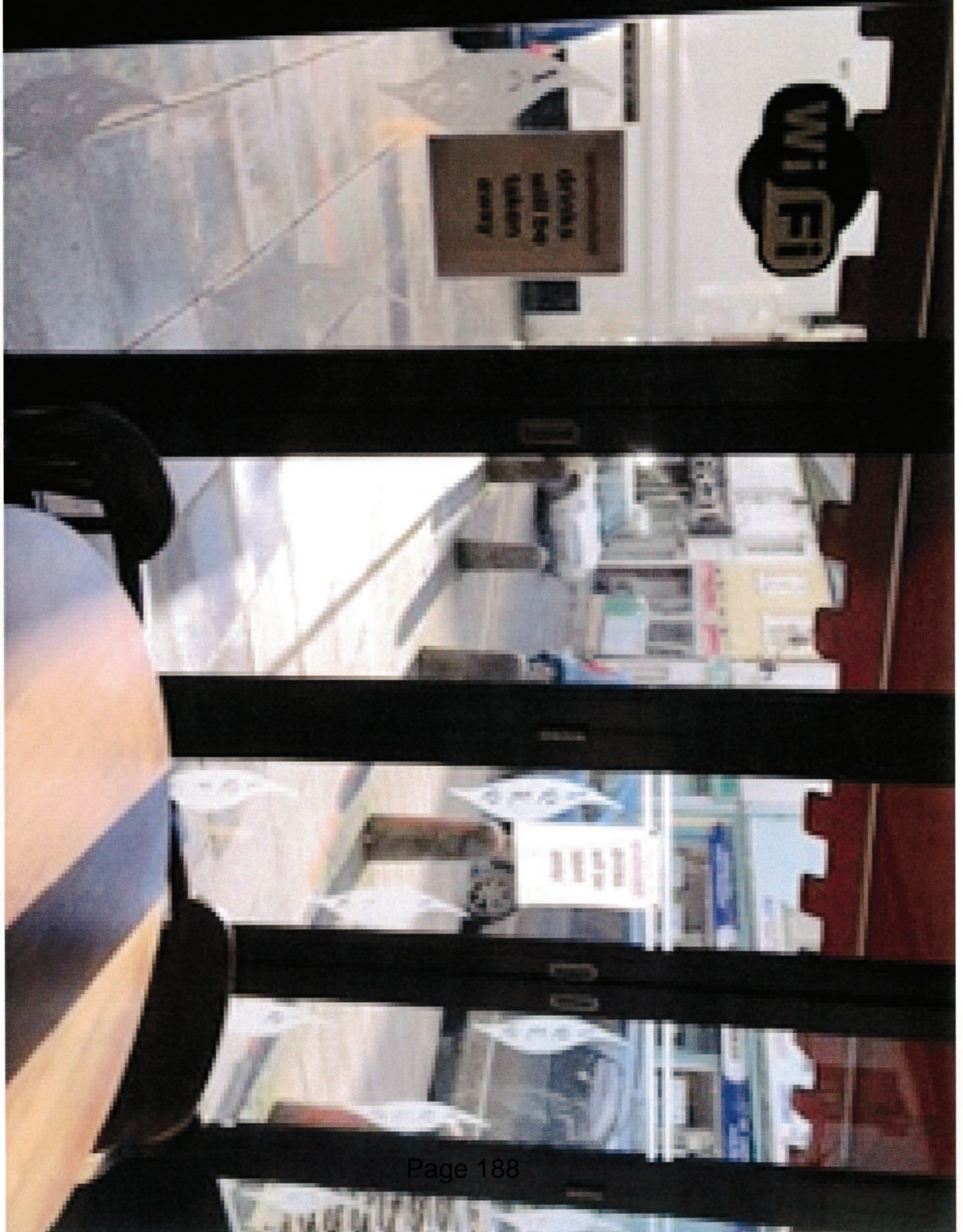


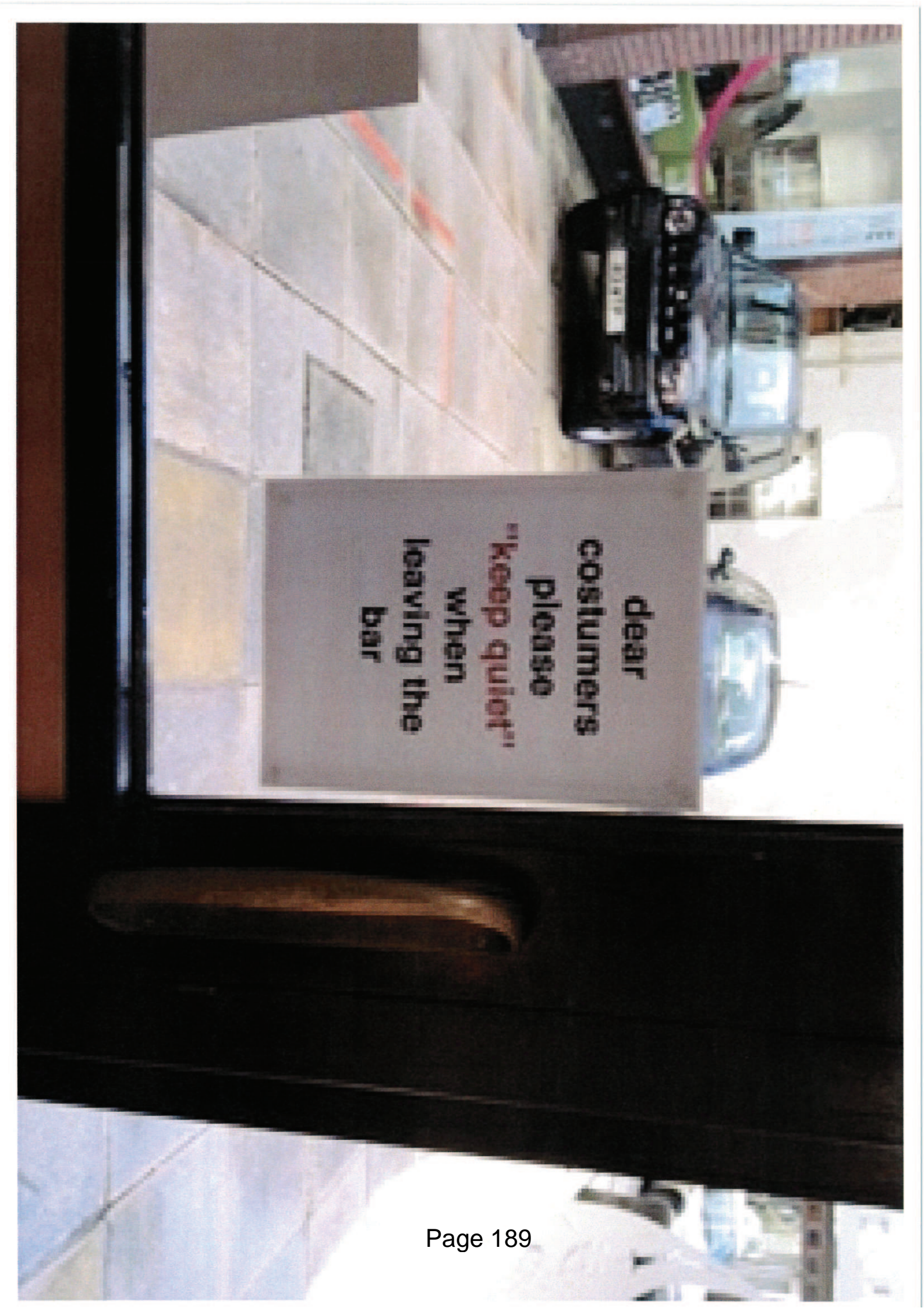
SMOKING ON
all new and existing at all
times of night or during

dear
costumers
please
"keep quiet"
when
leaving the
bar



SMOKING ON
the way and smoking of all
customers is strictly prohibited



A photograph of a sign on a dark door. The sign is white with black and red text. The text reads: "dear costumers please 'keep quiet' when leaving the bar". The door has a large, dark handle. In the background, a parking lot with several cars is visible. The cars are parked on a paved surface. The background is slightly out of focus.

dear
costumers
please
"keep quiet"
when
leaving the
bar



MID DEVON DISTRICT COUNCIL

Licensing Committee

Procedure for Hearings

1. Introduction

The hearing will be conducted in accordance with The Licensing Act 2003 (Hearings) Regulations (2005). The Sub-Committee will follow the procedure set out below at all hearings under the Licensing Act (2003)

2 The Officers

- 2.1 Each Sub-Committee will comprise of three Councillors of Mid Devon District Council who will hear applications made under the Licensing Act (2003)
- 2.2 The Committee will be attended by a:
 - (a) A Licensing Officer
 - (b) Representative of Legal Services
 - (c) Representative of Member Services
- 2.3 The role of the Licensing Officer will be to introduce the application, outline the relevant facts and any issues involved through the presentation of their report
- 2.4 The role of the representative of Legal Services will be to deal with any questions of law, matters of practice and procedure and where appropriate assist the Sub-Committee in formulating the reasons for its decision. They may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.
- 2.5 The role of the representative of Member Services will be to make a record of the proceedings both by way of notes of the evidence given and a minute of the decision reached, inclusive of the reasons for the decision.

3. Procedures at the hearing

- 3.1 The Chair of the hearing will introduce the members of the Sub-Committee and the Officers present at the hearing.
- 3.2 The Chair will introduce the matter to be resolved, and will ask the parties present at the hearing to introduce themselves.
- 3.3 The Chair will outline the procedure to be followed at the hearing.
- 3.4 Upon the failure of a party to attend the hearing, the Sub-Committee will decide whether to adjourn the matter, or proceed in the party's absence. If the decision is taken to proceed, the party's written application or representation will be taken into account.
- 3.5 The Sub-Committee will consider whether the hearing should be held in public or private session. The hearing will usually be heard in public except where the Sub-

Committee decide that it is in the public interest for the public to be excluded from a particular hearing, or part thereof or where the Sub-Committee make a resolution that the public and the press be excluded from the hearing, on the basis that either confidential or exempt information is likely to be disclosed.

- 3.6 The Sub-Committee will decide whether to grant any written request made by a party for permission to call a witness at the hearing. Any request may not be unreasonably withheld.
- 3.7 The Sub-Committee will consider any requests to present any new evidence or information that has not already been disclosed to all the parties and the Sub-Committee. The general rule is that the Sub-Committee must not consider information or evidence that was not disclosed to it or to the other parties prior to the hearing taking place, although all parties at the hearing can agree to that extra information being considered on the day of the hearing.
- 3.8 The Sub-Committee will consider any requests to call witnesses and will make a decision on such requests.
- 3.9 The Sub-Committee will consider any requests for permission to ask questions of other parties. The Sub-Committee will consider whether asking questions is required in order for it to consider the case properly. If permission is given to one party to ask questions, it will usually be given to all other parties at the hearing.
- 3.10 The Sub-Committee will decide the length of time that each party will be allowed to present their case.
- 3.11 The hearing will take the form of a discussion to be led by the Sub-committee
- 3.12 The Chair will ask the Licensing Officer to outline the matter before the Sub-Committee.
- 3.13 Where the written evidence or information provided by the applicant, responsible authorities and/or interested parties have raised legal issues or submissions, the Chair may request that any legal representatives present at the hearing and the legal representative of Legal Services address the Sub-Committee on the legal points raised.
- 3.14 The Applicant will make their case first either personally or through a representative. The Applicant may give further information in support of the application, but only in response to a point upon which the authority has given notice that it will want clarification.
- 3.15 Documentary evidence or other information produced by the Applicant may be considered, provided this has been produced prior to the hearing, or if not, with the consent of all the other parties. It may be necessary in some circumstances for the hearing to be put back until later in the day so that parties may consider additional information which is produced at the hearing.
- 3.16 The Applicant may then be questioned by members of the Sub-Committee. Questions will either be directed through the Chairman, or put directly by members with the agreement of the Chairman.

- 3.17 The Applicant may call any witnesses in support of his application, if this has been permitted by the Sub-Committee. The witnesses will address the Sub-Committee, which may then ask any question of the witnesses.
- 3.18 When the Applicant has completed the presentation of their case, the representatives of any responsible authorities who have made relevant representations address the Sub-Committee, and may be questioned by members of the Sub-Committee.
- 3.19 Witnesses may be called by the responsible authorities where permitted by the Sub-Committee. Documentary or other information produced on behalf of the responsible authority may be considered
- 3.20 Thereafter, other persons address the hearing, and they may be questioned by members of the Sub-Committee.
- 3.21 Witnesses who are permitted to be called in support of the submissions of the interested parties are then questioned by members of the Sub-Committee. Documentary or other information produced on behalf of an interested party may be considered
- 3.22 Where the Applicant is a responsible authority or an interested party the licence holder will present their case after the applicant followed by any responsible authorities and then interested parties.
- 3.23 After the conclusion of the evidence, each party may sum up their case, by addressing the sub-committee in the order in which they presented their case.
- 3.24 The Sub-Committee will either leave the hearing room to deliberate or ask all parties to leave the room.
- 3.25 Depending on the nature of the application, a determination of the case may be made either at the conclusion of the hearing or within 5 working days.
- 3.26 Where the case is determined at the end of the hearing the Chairman will read the Sub-Committee's determination aloud together with the terms of the decision made and the reasons for such decision.
- 3.27 The Chairman will thank everyone for their contributions, and closes the meeting, or moves on to the next item on the agenda.

4. After the Hearing

- 4.1 Once the meeting of the Sub-Committee has been concluded, Member Services will prepare minutes of the hearings.
- 4.2 The Licensing Officer will issue a notice to all of the parties involved (whether present at the hearing or not), outlining the decision of the Sub-Committee.

