

Documents to be relied on by Wiltshire Police

Wiltshire Licensing Sub Committee

19th August 2014 County Hall Trowbridge

· Premises – The Black Pearl Trowbridge

Index

Letter dated 16 th February 2012 – Wiltshire Police to Wiltshire Council	1
Letter dated 21 st February 2012 – Wiltshire Police to Wiltshire Council	2
Decision notice 20 th March 2012	3 – 6
Application for the review of the premises licence dated 1 st May 2012	7 – 13
Decision notice 25 th June 2012	14 – 15
Magistrates Licensing Appeal dated 11 th December 2012	16 – 17
Email dated 10 th July 2014	18
Trowbridge Pubwatch Ban List – May 2014	19
Letter dated 28 th July 2014 – Wiltshire Police to Wiltshire Council	20 - 21
Meeting notes dated 23 rd July 2014	22 - 24
Licensing Report	25 - 29

Maggie Jones
Licensing Officer
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Trowbridge Police Station
Polebarn Road
TROWBRIDGE
Wiltshire BA14 7EP
Telephone: 101
Ext:
Direct Dial:
Facsimile: 01225 794799
DX: 136006 Trowbridge 4

Date 16/02/12

Your ref

Our ref

Reply contact name is **David Bennett**

Dear Mrs Jones,

Premises and DPS Licensing Application - 5a Church Street Trowbridge


I refer to the above application received in this office on the 24th January 2012.

In relation to the part of the application specifying Tammatha Serina Newbury as the designated premises supervisor. Please take this as notice that the Police object to this application. We believe that circumstances exist whereby the appointment of Mrs. Newbury as Designated Premises Supervisor would undermine the crime prevention objective.

In relation to the application for a new premises licence at 5a Church Street, the Police have been working with the applicant in an effort to try and ensure that the licensing objectives are promoted through an effective operating schedule.

However, I am concerned that at this point in time the licensing authority is not in possession of a revised schedule which goes towards meeting these objectives. We will further consult with the applicant in the mean time, but please note that the Police may well submit an objection in the near future if not satisfied that the objectives will be met.

Yours sincerely,

A large black rectangular redaction box covers the signature area. A thin horizontal line is visible to the left of the box, and a small mark resembling a checkmark or a flourish is visible at the bottom right corner of the box.

Licensing Manager
Wiltshire Police

Maggie Jones
Licensing Officer
Wiltshire Council
Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Trowbridge Police Station
Polebarn Road
TROWBRIDGE
Wiltshire BA14 7EP
Telephone: 101
Ext:
Direct Dial:
Facsimile: 01225 794799
DX: 136006 Trowbridge 4

Date 21/02/12

Your ref

Our ref

Reply contact name is Jacquil Gallimore

Dear Mrs Jones,

Application for a premises licence - 5a Church Street Trowbridge

I refer to the above application received in this office on the 24th January 2012.

I have assessed the application for a premises licence for the above premises, and after consultation with the applicant and some revisions to the application I find that at present the application does not adequately promote the licensing objectives, specifically, the prevention of crime and disorder, public safety and the protection of children, police as a responsible authority to the Licensing Act 2003 object to the grant of this licence in its current format.

Yours sincerely,

Jacqui Gallimore
Licensing Officer
Wiltshire Police

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 20 March 2012

In respect of an application for a Premises Licence made by
Tammatha Newberry for 5a Church Street, Trowbridge

Decision:

The Western Area Licensing Sub Committee has resolved to GRANT the licence for the following licensable activities:-

The Provision of Licensable Activity:

Licensable Activity	Timings	Days
<u>Provision of regulated entertainment</u>		
Live music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Recorded Music (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Sale by retail of alcohol (on the premises)	1100 – Midnight	Monday & Tuesday
	1100 – 0200	Wednesday & Thursday
	1100 – 0230	Friday & Saturday
	1200 – 2230	Sunday
Performance of Dance & Facilities for dancing (Indoors)	1900 – Midnight	Monday to Saturday
	1900 – 2230	Sunday
Anything of a similar description (Karaoke)	1900 – Midnight	Wednesday & Thursday
	1900 – 2230	Sunday
Hours open to the Public	1100 – 0030	Monday & Tuesday
	1100 - 0230	Wednesday and Thursday
	1100 - 0300	Friday & Saturday

	1200 - 2300	Sunday
--	-------------	--------

And subject to the following additional conditions:

The prevention of crime and disorder:

1. No glass bottles, glasses or alcoholic drinks to be permitted off the premises or in the porch area after 2100hrs.
2. All drinks to be served in polycarbonate glasses and no glass bottles to be served from over the bar after 2100hrs.
3. The premises will adopt a zero tolerance to drugs. The premises licence holder will produce within 28 days of the grant of the licence a written drugs policy to the satisfaction of the licensing authority and the police which will be provided to all staff and implemented.
4. The designated premises supervisor or his/her representative will attend regularly, and be an active member of, Pubwatch.
5. When regulated entertainment is offered a minimum of three door supervisors will be deployed at the premise from 2100hrs to the closing of the premises.
6. CCTV will be installed at the premises - the system should be installed so as to cover all entrances and exits, and the licensed area. The system is to be maintained and in full working order during all licensable hours. The system is to be of sufficient quality so as to enable identification. Images must be retained for a minimum of 28 days and produced to a police officer or a Wiltshire Council licensing officer on request.
7. Customers wishing to smoke will be restricted to the frontage of the premises, and will not be permitted to use the footpath or highway. No more than six persons will be permitted to use this area at any one time. When door staff are on duty this number may be increased to no more than ten persons.
8. The premises will maintain an incident record in a consecutively numbered log book. All incidents shall be recorded promptly and shall record the date, day, time, description of incident and any actions taken. The record is to include details of successful challenges to proof of age and be available to the police and licensing authority on request.
9. The premises will maintain a record of all door supervisors deployed at the premises which will be made available on request to the police and licensing authority.
10. Staff will undertake appropriate training in all aspects of relevant licensing legislation within two months of commencement of employment; this training will be recorded and regularly refreshed.

11. In the absence of the designated premises supervisor, a personal licence holder will be present on the premises at all times when a licensable activity is taking place.
12. No person under the age of 18 years old will be permitted on the premises after 2100 hours.
13. The premises licence holder shall maintain a noise log book during live and recorded music events including karaoke. A responsible person working within the premises shall undertake observations at the nearest noise sensitive residential premises. The observations shall be undertaken at hourly intervals during events. The following information must be recorded and available for inspection by the Council: the date and time, location, name of the person making the observation on the level of music and any remedial actions taken to reduce the levels.
14. Doors and windows to be kept closed during regulated entertainment (except for ingress and egress) after 2100hrs to reduce noise nuisance from the premises.
15. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly and not loiter close to the entrance.
16. No bottles to be emptied into waste receptacles between the hours of 2000hrs and 0900hrs the following day.
17. Any request by authorised Officer of the Council in relation to reducing noise levels during regulated entertainment to be complied with.

Reasons

The representations made by the police and the Environmental Protection services related respectively to the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub-Committee noted that the police had agreed a number of conditions with the applicant which, if imposed, would meet many of the concerns that the police had in relation to possible crime and disorder associated with the premises. The conditions set out above were generally in line with those requested by the police and were in any event consistent with those set out in the applicant's operating schedule.

The Sub-Committee accepted the concerns raised by the Environmental Protection officer regarding the suitability of the premises for music event, given its location and structure. In view of this, the Sub-Committee considered it necessary to reduce the hours during which regulated entertainment could take place at the premises, as well as imposing the additional conditions relating to noise monitoring and the reduction of noise, in order to prevent noise nuisance to neighbouring residents.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the applicant, police and the Environmental Protection Officer together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

**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.

Wiltshire Police

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Black Pearl 5A Church Street	
Post town TROWBRIDGE	Post code (if known) BA14 8DR

Name of premises licence holder or club holding club premises certificate (if known) Tammatha NEWBURY

Number of premises licence or club premises certificate (if known) WW12 0013 LAPRE
--

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)

✓

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 Wiltshire Police Trowbridge Police Station Polebarn Road TROWBRIDGE WILTSHIRE BA14 7EP
Telephone number (if any)
E-mail address (optional)

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

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

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

Crime and disorder

Incidents of violence and disorder have taken place on the premises.

Public safety

Members of the public involved in disorder at the premises have sustained injuries which required hospital treatment.

Protection of children

Children have been present on the premises and exposed to a serious incident of violence and disorder.

In addition, there have been numerous breaches of the premises licence and other concerns in respect of the management of the premises, which together further undermine the above licensing objectives.

Further detail of these together with background and incident detail is given below.

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

Tammatha NEWBURY has until recently been the licence holder and designated premises supervisor (DPS) at The Carpenters Arms, Roundstone Street. She held this position for twelve months. During this period the premises was the subject of violence, disorder and anti social behaviour.

In December 2011 NEWBURY was cautioned for offences under the Licensing Act 2003. In addition she was dealt with formally by Wiltshire Fire and Rescue and Wiltshire Council Environmental Health Officers.

The landlord of The Carpenters gave notice for her to quit the premises on 29th of March 2012.

At the same time NEWBURY made application to take over the premises formerly known as PEEWEES, Church Street, Trowbridge. Police objected to this application and her taking the role of DPS.

On the 20th of March 2012 Wiltshire Council Licensing Committee granted the licence following negotiation between Police and the applicant.

NEWBURY moved the DPS position to a Steven Phillip JAMES. The premises opened as the Black Pearl on or around 30th of March 2012.

On granting the licence the Committee attached twelve conditions. Each condition addressed specific concerns Police had in relation to in particular the 'the prevention of crime and disorder' and 'public safety'. Police find that there have been several breaches of one or more of these conditions.

Since opening there have been a number of incidents of disorder, including two incidents of serious violence at the premises, one on the 13th of April 2012 (log 0280 refers) which involved three males fighting on the premises, injuries were sustained including a deep laceration which required stitches and a broken nose, this was witnessed by five children on the premises. At least one person involved is named on the Trowbridge Pubwatch ban list.

On the 19th of April 2012 (log 0354 refers) two males were involved in a fight on the premises; injuries were sustained including a cut to the face and a laceration to the wrist. Police believe glass or bottles were used as weapons in this fight.

On the 20th of April 2012 Police were advised that the DPS had left the premises, on the same day the Police Licensing Officer attended the premises and NEWBURY was spoken to under caution regarding the unlawful sale of alcohol since the departure of the DPS.

On the 25th of April 2012 Police attended the premises to retrieve CCTV footage and carry out of licensed premises check. The premises licence holder was not available due to sickness, but her partner who is involved in the day to day running of the premises was able to provide details, which highlighted a number of further breaches of the premises licence.

On the 25th of April 2012 an Ann ROBSON applied to become the Designated Premises Supervisor. Police interviewed Ms ROBSON and found that there were no grounds to object to her application, advice was given in relation to the premises licence, it was explained the full compliance was essential. We emphasised that she should be present during all key trading times and that she would be required to familiarise herself with the premises licence.

On the 29th of April 2012 at 02.00 hours Police attended the premises and found that regulated entertainment was in progress, music was being played through amplification and patrons were dancing. At hearing the Licensing Committee restricted these activities to a terminal hour of midnight.

On the 30th of April 2012 Police contacted NEWBURY to remind her that she was due to meet with Police in the afternoon of the same date, she failed to attend this meeting.

Police have grave concerns regarding the fitness and suitability of this premises licence holder to promote the licensing objectives. The lack of regard for conditions specifically designed to reduce disorder, violence and injuries demonstrates a blatant disregard for the Licensing Act 2003.

Police have concluded that although the premises has only been open a short time the level of risk to public safety requires them to act swiftly in calling for a review of the premises licence.

Having reviewed the previous licensing history of this premises licence holder and having reviewed the incidents at The Black Pearl Police find that only the revocation of the licence would now fully promote the licensing objectives.

Please tick ✓ yes

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

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 the premises please state what they were and when you made them

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date 1st May 2012

.....

Capacity Police Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Jacqui GALLIMORE Wiltshire Police Trowbridge Police Station Polebarn Road TROWBRIDGE WILTSHIRE	
Post town Trowbridge	Post Code BA14 7EP
Telephone number (if any) 01225 794628	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

DECISION NOTICE

Western Area Licensing Sub Committee

Decision made on 25 June 2012

In respect of an application by Wiltshire Police for a Review of a Premises Licence at Black Pearl, 5a Church Street, Trowbridge, BA14 8DR

Decision:

The Western Area Licensing Sub Committee has resolved to SUSPEND the licence for ONE MONTH and amend the conditions as detailed below:

a) Condition 5 be amended as follows:-

5. When regulated entertainment is taking place a minimum of three door supervisors will be deployed at the premises from 2100hrs to the closing of the premises. In addition on all Thursdays, Fridays and Saturdays, and any other evening when regulated entertainment is taking place, a minimum of two door supervisors will be deployed at the premises from 1900hrs.

b) A further condition be added as follows:-

18. The premises licence holder shall maintain a written rota of all staff for at least seven days in advance and submit a copy of it to the licensing authority monthly. This rota is to be available for immediate inspection on request of council officers and police.

Evidence and Reasons

The Sub-Committee noted the evidence that was presented on behalf of the police in relation to the incidents of violence and disorder that had occurred at the premises and also the incidents that had occurred at the Carpenters' Arms, during the time that the premises licence holder had been working there. They accepted that there had been a failure by the premises licence holder to properly maintain certain records required by conditions on the licence and that some people on the pubwatch banned list had gained access to the premises, which had, on occasion, led to incidents of disorder.

In light of the evidence presented, the Sub Committee seriously considered the request by police to revoke the licence, but concluded that the licensing objectives could still be met by a period of suspension and the addition of further conditions.

The Sub Committee concluded that a period of suspension was appropriate to permit the licence holders to implement existing conditions and improve management skills. The additional requirement for door staff was considered to be appropriate to control access to the premises and to seek to prevent incidents of violence and disorder.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 52); the guidance issued under Section 182 of the Act (in particular to paragraphs 11.19, 11.21, 11.23 and the Licensing Policy of Wiltshire Council.

The Sub Committee have also considered the written evidence presented in the agenda and the supporting evidence provided by the review applicant and premises licence holder, together with the oral evidence given at the hearing.

Right to Appeal

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision.

The decision of the Sub Committee will not come into effect until the period of appeal is concluded, or if an appeal is made until the appeal has been finally disposed of.

Amended



**North West Wiltshire
Code 3026**

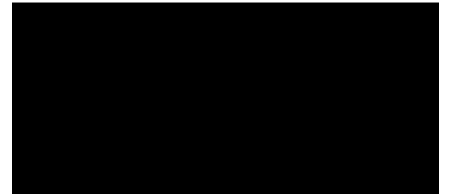
The Court House, Pewsham Way, Chippenham, Wiltshire SN15 3BF
Telephone Number: 01249 463473
Fax Number: 01249 444319

WILTSHIRE COUNCIL LICENSING – WEST
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Case number: 541200166122

Orders

The court has heard the matters shown below and made the orders listed.



Date: 11 December 2012

Justices' Clerk

Matters and Orders

541200166122/1

Appeal against a decision of the Wiltshire Council Licensing – West Licensing Authority relating to Black Pearl Public House on an application for a review of a premises licence under section 52 of the licensing Act 2003 on the ground that bad financial situation.
In accordance with Part 1 of Schedule 5 to the Licensing Act 2003

Tammantha NEWBURY to pay costs of £1500.00 to Wiltshire Council.
Payment Terms: to pay balance of £1500.00 on or before 11/06/2013

**MAGISTRATES' REASONS IN THE MATTER OF
THE BLACK PEARL LICENSING APPEAL 11.12.12**

In determining the appeal we are obliged to have regard to the licensing objectives contained in the Licensing Act 2003. These are

- (1) The prevention of crime and disorder,
- (2) public safety
- (3) The prevention of public nuisance
- (4) The protection of children from harm

Also in determining the appeal we have looked carefully at the evidence presented by Wiltshire Council and by the appellant Ms Newbury, premises licence holder of the Black Pearl, 5A Church Street, Trowbridge, Wiltshire, we have also taken into account the Secretary of States' "S.182" Guidance.

We are dismissing the appeal of Ms Newbury against Wiltshire Council's order of 25th June 2012.

We are not persuaded that all the recommendations of that order were complied with, and it would benefit Ms Newbury to have a period in which to concentrate her efforts to ensure full ongoing compliance. There has been time for her to meet these requirements, and there remains considerable doubt as to whether they are in place at the Black Pearl premises. Some aspects have been addressed but at a later date and not completely.

By not going down the path of revocation we are acknowledging the efforts that have been made by Ms Newbury, but believe she needs to meet the full licensing requirements.

Further reasons for the imposition of costs in the case

Whilst we appreciate that the costs represented are legitimate, costs incurred by Wiltshire County Council, we have to take into account what is a just and reasonable amount to impose.

We realise that a one month suspension will impact upon Ms Newbury's finances so we grant a contribution of £1,500. Ms Newbury has six months to pay this.

11th December 2012

Gallimore, Jacqueline

From: Chris Fox [redacted@yahoo.com]
Sent: 10 July 2014 21:58
To: Gallimore, Jacqueline
Subject: Re: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Follow Up Flag: Follow up
Flag Status: Flagged

No that's not the case I haven't "worked there" in over a year. I do however normally go in at least 2 or 3 times a week (at least prior to the licence being terminated) to make checks as to who is/are working, no glasses after 21:00, noise levels etc. Normally spend at least 30-60 minutes a time there, maybe slightly more if they have a function on.

If you are saying the DPS should "work" there, even on a temporary basis, then I will have a chat with Tammy to reassign it.

Shouldn't Teresa Bray or one of her colleagues have picked that up, Tammy has been called back twice to make changes?

From: "Gallimore, Jacqueline" <Jacqueline.Gallimore@wiltshire.pnn.police.uk>
To: 'Chris Fox' <[redacted]@yahoo.com>
Sent: Thursday, 10 July 2014, 19:57
Subject: RE: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

NOT PROTECTIVELY MARKED/UNCLASSIFIED

Chris

Thank you for the response all noted, in relation to the current application for a Premises Licence at the Black Pearl can you confirm that you are working at the venue on a regular basis as the Designated Premises Supervisor as stated on the application form?

Regards

Jacqui Gallimore
Licensing Officer
Wiltshire Police

Direct dial - 01225 794628

From: Chris Fox [mailto:[redacted]@yahoo.com]
Sent: 10 July 2014 19:22
To: Gallimore, Jacqueline
Cc: Bennett, David
Subject: Re: Additional Information [NOT PROTECTIVELY MARKED/UNCLASSIFIED]

Thanks for the attachment Jacqui.

I am well aware of how much there is of "bending the Banned List". Which is normally followed by the phrases "they never cause any problems in here", or "the amount they spend over the bar is worth the risk". It is after all very difficult financial times for the pub trade at the moment. Another pub in Bradford On Avon is up for sale this week.

I was drinking with Bill Austin the other day to try and work out how we can ENFORCE this list rather than use it as an ADVISORY list. I think Bill said if it became part of the allocation of the premises licence that may involve a change of law, I/he may be wrong.

We actually changed pubs at one point as 2 of those names were causing disruption in a beer garden by shouting and swearing.

Over the course of this week I have probably caught about 12 of them in Pubwatch Premises. For example, a group of 4 were in one premises when I went for Brunch with Andre, and Steve James was in 2 of them on Saturday that I witnessed.

Most of these incidents believe it or not seem to occur during the day as well, when relief staff are on, or no door staff are present.

Trowbridge Pub And Club Watch



List of Indefinite Banned Persons

If you see any person named below in this establishment please make it known to the bar staff or management.
Your assistance is greatly appreciated.

DAVID PARKER	(10.03.10)	JUNIOR BURKE	(08.12.10)
WAYNE METCALFE	(14.04.10)	SHAUN INGRAM	(09.03.11)
DANIEL SHANLEY	(11.08.10)	JORDAN TAYLOR	(13.04.11)
LEANNE BUCKLAND	(13.10.10)	AARON JAMES	(11.04.12)
JONNIE ELLIOT	(09.11.10)	HARRY FUTCHER	(12.09.12)
SEAN SCOTT	(09.11.10)	JASON PRIOR	(13.02.13)
RICARDO HARDING	(08.12.10)	LEE NEWMAN	(13.02.13)
WINSTON BURKE	(08.12.10)	LUKE LEESON	(13.02.13)
SCOTT CUNNINGHAM	(08.12.10)	JORDAN EVANS	(13.02.13)
RICKY AMOROSO	(13.04.11)	KERRY ASLETT	(13.02.13)
MARCUS PRICE	(13.04.11)	GARY DOWMIT	(13.02.13)
APRIL TAYLOR	(13.07.11)	DAN JORDAN	(09.11.11)
MARTIN 'WILTON' SHORE	(10.08.11)	JOSH GALLBRAITH	(12.09.12)
CALLUM POWELL	(09.11.11)	MATT RODGERS	(09.01.13)
JOSEPH MADDEN	(09.11.11)	CHRIS 'HOPPO' HOPKINS	(09.01.13)
CAMERON MCKAY	(09.11.11)	MARCUS PRATT	(09.01.13)
FABIAN THOMAS	(11.01.12)	STEVE JAMES	(14.08.13)
DEAN DUGGAN 'JONNY'	(11.01.12)	DANNY CHAPMAN	(11.09.13)
JASON POVEY	(13.06.12)	RAFAL LESNIEWSKI	(13.11.13)
SAM GILBERT-PIKE	(11.07.12)	REAGAN SMITH	(13.11.13)
AIDAN RANSOME	(11.07.12)	MARK NOAD	(08.01.14)
SHANE BIGNALL	(12.09.12)	DAN 'CHALKY' WHITE	(12.02.14)
ELAINE HUGHES	(10.10.12)	SEAN SMITH	(12.02.14)
ADAM SHANLEY	(13.02.13)	SCOTT WOOD	(12.03.14)
DAREN SHANLEY	(13.02.13)	JADE BAKER	(12.03.14)
SEAN JAMES O'BRIEN	(13.02.13)	ZACK MANNA	(14.05.14)
TOMMY BERRYMAN	(13.02.13)		

THESE PEOPLE ARE INDEFINITELY BANNED FROM ALL PUBWATCH ESTABLISHMENTS

ANY PERSON WHO APPEARS ON THIS LIST IS NOT ALLOWED ENTRY ONTO THESE LICENSED PREMISES FOR ANY REASON INCLUDING THE ATTENDANCE OF LEAGUE GAMES SUCH AS: POOL, DARTS, SKITTLES AND CRIBBAGE

Acceptable Behaviour Contracts

If any of the persons named below are not behaving in an acceptable manner please make it known to the bar staff or management.
Your assistance is greatly appreciated.

Should you wish to be considered for an Acceptable Behaviour Contract which will reduce your ban, please contact the police Licensing Officer at Trowbridge Police Station.

FOR PUBLIC DISPLAY

19-May-14

Drink Banning Orders

Miss Teresa Bray
Licensing Officer
Public Protection Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Divisional Licensing Officer
Trowbridge Police Station
Polebarn Road
Trowbridge
Wiltshire BA14 7EP
Telephone: 101
Mobile:
Ext: 725578
Direct Dial:
Facsimile: 01225 794799
DX: 146500, Trowbridge 5.

Date 28th July 2014

Your ref

Our ref

Reply contact name is **Jacqui Gallimore**

Dear Miss Bray ,

Re: Application for a premises licence – 5A Church Street Trowbridge

We are in receipt of an application for a premises licence to be granted under the Licensing Act 2003.

Wiltshire Police have considered the application, the operating schedule and the previous licensing history of the premises.

In addition Police have met with the applicant, Designated Premises Supervisor and the applicant's partner.

The licensing history of the premises is extensive and Police concerns are documented through an objection and application to review the licence in 2012, which resulted in the premise being closed for four weeks and additional conditions being added to the licence.

The recent licensing history of the premise has been considered and Police find that there are still concerns regarding the ability of the management to fully promote the licensing objective – the prevention of crime and disorder.

In addition Police are not fully satisfied that the applicant fully understands his role in supporting the licensing objectives. Police are not satisfied that the Designated Premises Supervisor is in a position to show that he has effective control and supervision of the premises.

Police object to the variation of the grant of the premises licence on the grounds that the application proposed would undermine the licensing objective - the prevention of crime and disorder and public safety.

If you have any further questions please do not hesitate to contact me.

Yours sincerely

Jacqui Gallimore
Licensing Officer
Wiltshire Police

**Cc – Mr Martin Hinds 5A Church Street Trowbridge BA14 8DR, Inspector
Chammings**

WILTSHIRE POLICE LICENSING DEPARTMENT

Meeting Notes 23/07/2014 Trowbridge Police Station

Present -

Martin Hinds - Premises Licence Applicant

Tammatha Newberry – Former Premises Licence Holder

Christopher Fox – Designated Premises Supervisor

Jacqui Gallimore – Police Licensing Officer

Sue Thurman-Newell – Police Licensing Officer

JG outlined the purpose of the meeting was to address some concerns regarding the application for a premises licence Black Pearl Church Street Trowbridge.

MH stated the application was almost the same as the previous licence with the exception of 1hour extra on Sunday & Monday.

TN confirmed that EHO had visited last week and that further work was going to be done to improve the sound proofing of a fire door.

JG asked how many personal licence holders were at the premise, TN confirmed three.

JG asked CF to confirm his role at the premises he stated that he attended the premises approximately 2-3 hours a week. He confirmed that he was employed as a door supervisor at the premises opposite; he stated that he would be taking a more active role in the future.

MH asked that the number of persons permitted to smoke outside be increased to 15 he stated that customers of other premises used the smoking area, and that they bought glass and bottles to the area which had not been sold to them by the Black Pearl.

TN Reported a couple engaged in a sex act outside The Swan three weeks ago.

JG advised that it was her observations that the smoking area was used by Black Pearl customers to sit down, drink and smoke. This was not the purpose it was intended for. JG reiterated that it was the police position that there should be limited numbers of persons outside that they should be inside where there is some element of supervision. MH stated that they had always complied with conditions, JG stated that it was actually JG/STN had witnessed a breach on 15/06/14.

CF Asked how they were to control customers if they were leaving?

MH Asked how they were supposed to control customers coming from another venue who may stand in the smoking area he asked whether in this situation he would be breaching the condition.

JG Advised that yes there would be a breach and that it was for the management to effectively supervise this area.

MH Became agitated and stated 'It's not our fault'.

CF Stated we need to control/create a boundary. Technically it's not a smoking area.

JG I hear you saying 'It's not our fault'. It is your responsibility to comply with premises licence conditions and control your venue.

JG Stated the Police position that the voluntary condition in relation to the smoking area had been breached and that there were further concerns regarding the persons frequenting the venue. She asked when did you last attend Pubwatch?

TN Replied last October she stated that it was not working well

MH Stated that it was not worth its rubbish.

CF I have been convinced to attend.

JG Confirmed that attendance at Pubwatch was a condition of the licence.

TN Stated that the old licence was dead – this is a new licence. No one attends Pubwatch.

JG Explained that the licence was still in force up to June of 2014.

TN Went onto to say that they were complying with old conditions for Temporary Event Notices.

JG Raised the matter of serving persons on the ban list.

CF Asked what about the other venues?

JG Outlined an incident in which a [REDACTED] had been involved the allegation was that a knife was involved, JG reminded them that [REDACTED] was on the ban list and that he was very well known. No explanation was given.

JG Asked MH why he had not co operated with police with regards to this incident?

MH Stated that he had made a statement to the officer. I was asked if I would attend court. I said why do you need me?

JG Explained that she was unable to share some elements of the case.

JG Asked MH to confirm that the banned person was on the premises.

MH Confirmed that he was.

JG Read from the case file and noted difficulties around quality of CCTV. She noted that witnesses refused to provide statements. She explained that the case had been closed as the only witness who could confirm the presence of a knife was MH and that he had refused to provide a statement to this effect.

JG Explained the police concern that MH as the applicant for the new premises licence would be expected to support the licensing objectives and that his actions in this matter did not demonstrate any support for the objectives, the prevention of crime and disorder and or public safety.

TH Replied that's me then – I did offer to make a statement.

TN Asked for explanation of the banned list and the Black Pearl.

JG Explained that the individuals identified on the list were known to cause problems on licensed premises and that if the Black Pearl had supported this list and refused entry to those on the list, they would not have had the problems they experienced with [REDACTED].

The meeting was concluded with general discussion.

Meeting ended 11.30 hours

WILTSHIRE POLICE LICENSING REPORT

January 2014 – August 2014

The Black Pearl 5A Church Street Trowbridge Wiltshire

Research of Wiltshire Police recording systems has been carried out the following intelligence or incidents have been recorded on the licensing record.

31/03/2014 20:22 niche 54140029962

Officers attended the premises and dealt with a drunk male who was trying to re enter the premises, the male was arrested for being drunk and disorderly. The arresting officers statement noted – 'Staff kept him from entering and informed me that he had drank way too much and was becoming aggressive to people inside and so was asked to leave'.

12/04/2014 02:00 niche 54140033838

A female attended Trowbridge Police Station to report that she had been assaulted by a known male both whilst in the Black Pearl and later on in the street, the premises licence holder at the time – Tammatha Newbury provided a statement to Police. She stated that at approximately 02.00 hours two females approached the bar and requested two vodka and cokes, she refused them service as they were both extremely intoxicated. In her statement she noted that she agreed to serve the girls soft drinks, but whilst serving the girls one of them became involved in an altercation with a male. A short time later she recalls seeing the female push the male and the male retaliate by pushing/punching the female in the chin area. She asked both parties to leave the premise.

The injured party stated that she had consumed a significant quantity of alcohol before attending the Black Pearl and stated that she had consumed further alcohol at the Black Pearl. She stated that she had not bought the alcohol; it was purchased for her by an unknown person. She also stated that she had enjoyed dancing at the premises with her friends sometime after 01.45 hours.

No call was made from the premises.

Investigators had difficulty retrieving the premise CCTV in a timely manner.

18/04/2014 02:36 niche 54140035839

A member of the public contacted police stating that there was fighting in the street, he stated that a female was led in the road, he updated the operator two minutes later to say that things

were calming down, he later stated that the female in the road had been dragged back into the Black Pearl.

Officers attended the scene and on arrival the landlady was closing up. She stated there had been a slight disturbance at the premises as a male whose details are not known had tried to get in upon closing and as he left he pushed past a female also details not known causing her to fall to the floor. The offending male and the female had already left the scene and were not in the area.

No call was made from the premises.

15/05/2014 01:17 niche 54140044109

Police were called by an anonymous female third party to a report of a disorder at the Black Pearl Church Street the caller mentioned there being a knife.

When police arrived they were approached by Martin HINDS the partner of the licensee of the premise. He told officers that [REDACTED] had been in the premise and had had to be thrown out due to him becoming rude and abusive, when he was ejected he threatened to hat he would come back with a knife. HINDS stated that he locked the doors to the pub in order to protect the customers should he return. Then about ten minutes later [REDACTED] returned and HINDS stated he had an altercation with him whilst [REDACTED] was standing at the top of Church Street. During this altercation HINDS states that [REDACTED] was waving a large knife around. [REDACTED] then goes towards the premises the CCTV then shows him banging on the window, this but it was not of very good quality. It did show what could be a knife handle protruding from his waistband.

HINDS pointed out the address which [REDACTED] went into, this was identified as [REDACTED].

[REDACTED] was located inside the address and was subsequently arrested as above.

HINDS has declined to give a written statement - he stated he did not want to be involved as it should not be necessary as the town CCTV should clearly show it.

No other person from the pub observed or witnessed [REDACTED] with the knife.

The matter was investigated, officers noted numerous attempts to retrieve the premises CCTV and that the male offender was on the current Trowbridge Pubwatch ban list.

It was noted that no call was made from the premises.

Due to lack of evidence Police were not able to proceed with this case. The refusal by Martin HINDS to engage with Police or make a formal statement greatly hindered the case.

09/06/2014

Premises licence lapsed following the bankruptcy of the premises licence holder.

14/06/2014 – 15/06/2014 Temporary Event Notice holder – Martin HINDS

On receipt of the TENS Police made contact with the applicant to ask if he would make an undertaking to ensure that the premise was run as per the conditions of the lapsed premises licence. He confirmed by email that he would do so.

A check was carried out at the premises and recorded as below –

15/06/2014 02:20

Comments: 8355 Jacqui Gallimore

As requested I attended the Black Pearl at approximately 02.20 hours on 15/06/2014. Officers were in the vicinity dealing with POL-20140615-0047. A female had reported that she had been involved in an incident during which a car ran over her foot, there were no complaints from this log.

As I arrived in Church Street there were a number of people leaving the Black Pearl, one in particular a white male in his mid forties, wearing a dark jacket displayed some signs of intoxication, at one point he sat down on the kerb side.

From the street I could see approximately ten people inside the premises, there was no audible music at the time.

The female from log above continued to wander in the middle of the road in spite of her previous encounter with a car I believe she had also come out of the Black Pearl

The male in dark jacket was quite vocal about our presence at one point muttering 'that's all I fucking need' referring to officers presence in the area.

Police officers left the area and Sue and I remained for about ten minutes observing the premises, I saw Martin Hinds in the smoking area with several customers who were holding glasses and bottles. During our observations I could not see any door staff. The atmosphere in the immediate vicinity felt quite hostile and mindful that at that point the town was covered by three police officers it was not appropriate to enter the premises to inspect further as I felt this would have inflamed the situation.

I believe we have certainly one breach of the undertaking made by Martin Hinds – no glasses/bottles outside after 21.00 and possibly a further in relation to door staff.

We returned at 03.00 hours and saw Tammy clearing up the front and the premises closing.

This matter was raised with Martin HINDS by the Police Licensing Department he denied that any drinks had left the premises after 21.00 hours.

28/06/2014 – 29/06/2014 Temporary Event Notice holder – Martin HINDS

A Police Officer recorded the following on the licensed premises register –

29/06/2014 02:30

Comments: Dealt with collapsed male in Silver Street [REDACTED] very intoxicated and unresponsive. Paramedics called. Girlfriend of [REDACTED] arrived and stated they had been drinking in Black Pearl

Collar No.: 0026

01/08/2014 – 03/08/2014 Temporary Event Notice holder – Martin HINDS

02/08/2014 21:16 niche 54140070329

Ambulance control room alerted Police to a large disorder at the premises, they had received a call from a member of the public asking for assistance, the log records that there is a large group of travellers fighting at the location.

This matter is subject of an ongoing investigation and as such information is restricted at this time, but for the purposes of the licensing record it is noted there is evidence of significant intoxication in persons known to have been drinking at the premises.

One person has suffered three fractures to the jaw which required surgery and injuries to an eye which require further treatment. Wiltshire Police did not receive any calls from the premises or from persons connected to the running of the premises.

Conclusion

Wiltshire Police have considered the application submitted by Martin HINDS, and on the 28th of July 2014 confirmed to Wiltshire Council by way of formal objection to the application, that there were concerns regarding the ability of the applicant and management to fully promote the licensing objective – the prevention of crime and disorder.

Furthermore there were concerns regarding the ability of the applicant and management to fully control the premises.

The incident at the premises on the 2nd of August 2014 now gives rise to additional concern in that the licensing objective – public safety is now undermined.

Having reviewed the most recent and historical licensing history, Police request that the Sub Committee give consideration to refusing the application.

In the event that the Sub Committee are minded to allow the application, Police request that the Sub Committee consider applying all the conditions applied to the recently lapsed licence to any new licence, and that an additional condition be considered to ensure that the Designated Premises Supervisor is actively involved in the day to day management of the premises and is present at the premises during key trading times.

Jacqui Gallimore

Licensing Officer

Wiltshire Police