

REVIEW OF PREMISES LICENCE REPORT

Licensing Sub Committee



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|--------------------------|--|
| Date: | 12 May 2020 |
| Title of Report: | Review of Premises Licence |
| Lead Member: | Councillor Sally Haydon (Cabinet Member for Customer Focus and Community Safety) |
| Lead Strategic Director: | Dr Ruth Harrell (Office of the Director of Public Health) |
| Author: | Frederick Prout (Senior Licensing Officer) |
| Contact Email: | Licensing@plymouth.gov.uk |
| Your Reference: | Bar 9 |
| Key Decision: | No |
| Confidentiality: | Part I - Official |

Purpose of the report:

To provide the Licensing Sub Committee with relevant information to make a determination on a review under Section 167 of the Licensing Act 2003 following notification from South and West Devon Magistrates Court that a closure order had been made in respect of Bar 9, First Floor, 32 Western Approach, Plymouth. PLI ITQ

Recommendations and Reasons:

That Members consider this report.

Alternative options considered and rejected:

None.

Relevance to the Corporate Plan and/or the Plymouth Plan:

Our Plan – A City to be proud of.

This report links to the delivery of the City and Council objectives and outcomes within the plan.

A Growing City: The Licensing Policy and system aims to provide a balance between the need to protect residents and to enable legitimate businesses to operate within a necessary and proportionate regulatory framework. This in turn makes a safer, more vibrant Plymouth to allow economic growth and opportunities for increased levels of employment.

A Caring Council: The Licensing Policy has put in place an appropriate framework to allow the effective control of alcohol supply and regulated entertainment to keep all members of society protected and feeling safe by focusing on prevention and early intervention. The licensing system minimise the burdens on business and to allow communities the opportunity to influence decisions.

See [Our Plan](#)

Implications for Medium Term Financial Plan and Resource Implications:

Not applicable

Carbon Footprint (Environmental) Implications:

None

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Published work / information:

For more information please see the below links.

[Statement of Licensing Policy](#)

[Licensing Act 2003](#)

[Revised guidance issued under section 182 of the Licensing Act 2003 - April 2018](#)

Appendices

| Ref. | Title of Appendix | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A</i> | | | | | | |
|------|-----------------------------|--|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| A | Briefing report (mandatory) | | | | | | | |
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Background papers:

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

| Title of background paper(s) | Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i> | | | | | | |
|-----------------------------------|--|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Closure Order dated 23 March 2020 | | | | | | | |

Sign off:

| | | | | | | | | | | | |
|--|---------------------------|-----|--------------------------------|------------|---------------------------|----|---------------------------|--------|---------------------------|---------------|---------------------------|
| Fin | Click here to enter text. | Leg | SD/2 8.4.20 20/34 557 | Mon Off | Click here to enter text. | HR | Click here to enter text. | Assets | Click here to enter text. | Strat Proc | Click here to enter text. |
| Originating Senior Leadership Team member: Click here to enter text. | | | | | | | | | | | |
| Please confirm the Strategic Director(s) has agreed the report? N/A Date agreed: N/A | | | | | | | | | | | |
| Cabinet Member signature of approval: [electronic signature (or typed name and statement of 'approved by email') on Cabinet member approval only] N/A Date: N/A | | | | | | | | | | | |

1.0 INTRODUCTION

- 1.1 On the 20 April 2020, Plymouth City Council received notification from South and West Devon Magistrates' Court that on the 23 March 2020 it had made a closure order in respect of Bar 9, First Floor, 32 Western Approach, Plymouth under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('ASBCPA 2014').
- 1.2 The order was made on the basis that a person had engaged in anti-social behaviour on the premises and that the use of the premises was associated with significant and persistent disorder or persistent serious nuisance to members of the public. The effect of the order was to immediately close those premises for a period of 3 months.
- 1.3 The receipt of this notification from the Magistrates Court engaged the statutory review provisions under Section 167 of the Licensing Act 2003 meaning that the Licensing Authority must review Bar 9's premises licence within 28 days.
- 1.4 In accordance with review proceedings at 3.25pm on 21 April 2020 a licensing officer from Plymouth City Council attended the premises and placed a site notice on the premises. At 3.38pm on the same day a similar notice was displayed on the public notice board at the Council house, Armada Way, Plymouth.

2.0 LICENSABLE ACTIVITIES

- 2.1 These premises have been operating as a Pool and Sports Bar.
- 2.2 The premises have the following licensable activities and timings.

| |
|---|
| <p><u>(f) Recorded Music (Indoors and Outdoors)</u></p> <p>Sunday to Thursday 11:00am to 00:00</p> <p>Friday and Saturday 11:00am to 02:00am</p> <p>Non Standard Timings: New Years Eve until 02.00 hrs the following day</p> |
| <p><u>(i) Late Night Refreshment (Indoors and Outdoors)</u></p> <p><u>(i) Late Night Refreshment (Indoors and Outdoors)</u></p> <p>Sunday to Thursday 11:00pm to 00:00</p> <p>Friday and Saturday 11:00pm to 02:00am</p> <p>Non Standard Timings: New Years Eve until 01.30 hrs the following day</p> |
| <p><u>(j) Supply of Alcohol for consumption ON and OFF the premises.</u></p> <p>Sunday to Thursday 11:00am to 00:00</p> <p>Friday and Saturday 11:00am to 02:00am</p> <p>Non Standard Timings: New Years Eve until 02.00 hrs the following day</p> |
| <p><u>(l) Hours Premises are Open to the Public</u></p> <p>Sunday to Thursday 11:00am to 00:00</p> <p>Friday and Saturday 11:00am to 02:00am</p> |

- 2.1 Conditions attached to the licence (Appendix I)

3.0 RESPONSIBLE AUTHORITIES

- 3.1 Devon and Cornwall Police have made representations as attached. (Appendix 2)
- 3.2 There are no further representations from responsible authorities.

4.0 INTERESTED PARTIES

No representations.

5.0 CONSIDERATIONS

- 5.1 In making its decision the Committee is obliged to:
- Consider the closure order and any relevant representations that have been made including any supporting information presented by all the parties
 - Have regard to the guidance issued under section 182 of the Licensing Act 2003 with the following paragraph's relevant to this review: Paragraph 2.1, 2.2, 2.3, 2.5, 2.15, 2.16, 2.22 – 2.23, 2.27, 2.29, 10.10, 11.1 – 11.11, 11.16 – 11.23, 11.29
 - Have regard to the Council's own Licensing Policy with the following headed paragraphs being relevant to this application: Licensing Hours (Page 12), Designated Premises Supervisor (Page 15), Protecting Children from Harm (Page 18) and Licensing Conditions (page 22), Review of premises licence (Page 24-25)
- 5.2 It must then make a determination as to whether or not it is appropriate to take any steps to ensure the promotion of the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.3 The steps that may be taken are:
- (a) to modify the conditions of the premises licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor from the licence;
 - (d) to suspend the licence for a period not exceeding three months; or
 - (e) to revoke the licence;

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

Where the committee takes a step in 5.3 (a) or (b), it may provide that the modification or exclusion is to have effect only for such period (not exceeding three months).

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Appendix I

Steps that have been taken to promote the four licensing objectives**Management Controls**

1. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.
2. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.
3. Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.
4. All staff shall be trained in the requirements of the Challenge 25 policies.
5. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
6. An incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.
7. All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.

CCTV

1. The Premises Licence Holder will ensure that a CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
2. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.
3. The CCTV system shall cover all areas of the premises to which the public have access including any outside areas.
4. Images shall be retained for a minimum of 31 days
5. The CCTV system shall be capable of downloading images to a recognisable viewable format.
6. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.
7. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
8. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment

failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

Glassware and Bottles

- I. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

Substance misuse

- I. The Premises Licence Holder or nominated person shall provide a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises.

Occupancy/Capacity Limits

- I. The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 160

Air Conditioning

- I. A suitable and sufficient air circulation and management system must be installed within the premises which will be used during regulated entertainment. (The purpose of this condition is to maintain a reasonable internal air temperature so as to avoid patrons or staff opening windows and doors to ventilate the premises. Additional conditions are in place to prevent the opening of windows and doors to minimise noise breakout).

The Prevention of Public Nuisance

Noise Precautions

- I. The Premises Licence Holder shall nominate a senior member of staff as the person responsible for the management, supervision, compliance with licensing conditions and general control of regulated entertainment. This person will also be responsible for instructing performers on the restrictions and controls to be applied.

Management and Monitoring Controls

- I. The Premises Licence Holder or nominated person will assess the impact of any noisy activities on neighbouring premises at the start of regulated entertainment and periodically throughout regulated entertainment and take action to reduce noise levels if they are found to be heard above background levels at the nearest residential property.
2. The Premises Licence Holder or nominated person shall ensure that suitable signage is positioned at exits to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises. Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
3. The Premises Licence Holder or nominated person shall be available at all times during regulated entertainment and who is responsible for cooperating and liaising with any relevant responsible authority.

Noise Limiting Devices

- I. The Premises Licence Holder or nominated person shall control the sound levels of the music/entertainment

Sound Insulation

- I. All doors and windows shall be kept shut during regulated entertainment.

2. All doors and windows shall be maintained in good order and where appropriate acoustically sealed to minimise noise breakout.
3. Staff shall check prior to the commencement of regulated entertainment, and periodically during regulated entertainment that all windows and doors are shut.

Protection of Children from Harm

1. Unaccompanied children (under 16) will not be allowed upon the premises.
2. Accompanied children (under 16) will only be allowed to remain on the premises between the hours of 11.00 hrs and 20.00 hrs

SEYMOUR Duane 52714

To: frederick.prout
Subject: Representations for Section 167 hearing 12th May 2020

Morning Mr Prout

**Police representation for review hearing under section 167 of the Licensing
Act 2003**

**Re: premises known as
Bar 9, First Floor, Western Approach, City Centre, Plymouth, PL1 1TQ
Premises Licence number 0961**

The Police representation relates to the following licensing objectives:-

**The Prevention of Crime and Disorder
The Prevention of Public Nuisance
The Protection of Children from Harm**

1. Violent crime and disorder tied and linked to the premises.
2. Poor management of the premises and the breach of conditions attached to the premises licence.
3. Illegal substances being used on the premise
4. Underage sales taking place
5. The reports of drunkenness at the premises.
6. Poor supervision and lack of control of the premises
7. Ineffective and poor supervision of the smoking area located outside the front door of the premises.
8. The Designated Premises Supervisor not engaging following requests for meetings to discuss and work in partnership with regard to requested CCTV footage, crimes and contact details.

15th March 2020 0207 Police storm log created 0126 whilst on patrol officers came across several groups of persons having become involved in a large scale disorder at Bar 9. One of the officers whilst conducting enquiries in the car park has located and seized items believed to be connected to the fight. A mobile phone and a pocket knife with a locking blade were located in the vicinity and closer to Bar 9 police located a small self sealing bag containing white powder suspected at the time to be cocaine. Officers at the scene also identified several under 18's in the car park on attendance, all of which were linked to the premises.

15th March 2020 The Duty Response Inspector attended the premises due to this incident which likely involving weapons and drugs and his previous knowledge of crime and disorder that had

recently occurred at the bar or directly linked to the bar, he took the decision to serve a closure notice on the the premises under section 76 of the Anti-Social Behaviour Crime and Policing Act 2014.

Supporting documents attached.

Kind regards

Duane Seymour
Licensing Officer
Plymouth Licensing Office
Charles Cross Police Station
Email: licensing.team@devonandcornwall.pnn.police.uk
Contact Number: 01752 487146 Mob: 07702660355

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Time Line of Events

23-03-2020 10:00 Court appearance

The Court case was re-adjourned at 10:00 at Plymouth Magistrates Court, Mr Wright not in attendance, His legal representative Mr Hill from Alan Harris Solicitors was in the building and ask if Mr Wright had provided any instruction. Mr Hill has had no further contact from Mr Wright regarding this matter and would not be acting on his behalf.

The outcome from the hearing was a three month closure order of the premise.

16-03-2020 10:00 Court appearance

The planned court case has been adjourned until 0930hrs Monday 23rd March 2020, this is for James Wright to seek legal representation, the closure notice will remain in force until the case is heard on the 23rd March 2020.

This Notice has been served on Mr James Wright, a copy of the notice was attached to the premises entrance at 1405hrs today.

It has been arranged with the local policing that Mr James Wright attends the premises at 16:30 to collect personal belongings with uniformed police in attendance.

15-03-2020 Closure Notice served - James Wright attend Charles Cross Police Station and a section 76 48hr closure notice was served at 1543hrs 15th March 2020, he was also informed that a court hearing for the extension was at Plymouth Magistrates Court 1000hrs Monday 16th March 2020. The Closure notice was explained to Mr Wright that no person but the owner may enter the premises, Mr Wright stated he would risk it for his pool cue and two thousand pounds of takings in the til

15-03-2020 04:44 L10 PC Large

Please find L10 attached covering incident outside Bar 9:

Storm log 126 of 15/03/20 refers to a fight outside of BAR 9, 32 WESTERN APPROACH, PLYMOUTH. Enquiries at the scene discovered that patrons of the bar engaged in a brawl outside of the premises after a disagreement inside between a group of 4 Moldovan males and a same sex female couple after the couple had kissed each other in front of them.

The resulting brawl took place in the doorway of BAR 9, officers noting blood on the tiled wall and floor in the alcove outside of the premises. This has now been recorded as an affray by the night time economy unit that discovered the fight in progress in the car park.

Whilst conducting enquiries in the car park, police have located and seized items believed to be connected to the fight. A mobile phone and a pocket knife with a locking blade were located by the pay and display machine closest to Bar 9. A mere few feet away from this and closer to Bar 9 police located a small self-sealing bag containing white powder suspected at the time to be cocaine.

Attending officers surmised that all of these items were carried by those involved in the fight and dropped during the scuffle.

Victoria Stevenson was the only member of staff in the bar at closing time. She is able to view CCTV and was cooperative with police enquiries. She demonstrated that there are 3 cameras working inside the bar, but stated she either did not know how to access it, or that there were no cameras covering the doorway to the premises.

City Centre CCTV control room advised that they have footage of the fight and have downloaded it for investigative use.

Officers identified several under 18s in the car park on attendance, all of which were linked to the premises. [REDACTED] was in the bar speaking to police. He was seen to clearly be under the influence of drink and was belligerent and combative with police at times to the extent of being instructed to stay back whilst police dealt with another male, his brother, who had come to pick him up and take him home. [REDACTED] was seen on CCTV by police prior to closing, and given his drunken state officers suspect he had been drinking alcohol inside BAR 9.

VICTORIA STEVENSON was asked by PC 1136 if she had completed a licensing course (personal licence holders) yet and she explained that the DPS James WRIGHT had looked into it, but could not find any that were close enough to Plymouth.

Victoria was later asked where the DPS was. Police were informed that JAMES WRIGHT had been in the premises that evening, but had left at 2100 to obtain more stock. After this, he remained on premises until approximately 2300 hours and left as he was feeling unwell.

According to the premises licence, this would mean that there was no person authorised to sell alcohol at the bar for the time JAMES WRIGHT was purchasing stock and for the remaining 3 hours the bar was open after he left.

The CCTV in the bar shows persons still drinking in the bar up until 0200 when the bar closed. It was recorded on body worn video.

At 0300 hours the duty Inspector, INS 5563 LAITY visited the premises and spoke with VICTORIA STEVENSON. A 48 hours closure notice was served on the premises and the implications of this were read out and explained to VICTORIA STEVENSON, who stated she did not agree with the decision and suggested that other establishments such as Union Rooms had much worse incidents over a longer time span and had not been closed in this way. This was authorised by Superintendent BROWNLOW.

VICTORIA STEVENSON also stated that she felt that police action against Bar 9 was targeted and noted differences in response times for some incidents and longer for others, such as when a tear gas cannister was deployed in the bar recently.

On this incident alone, and as reporting officer, I consider that there have been clear breaches of the premises license whilst JAMES WRIGHT was absent in that there was no personal licence holder on premises. This would mean that every transaction conducted where alcohol was sold is a breach of the premises licence.

The fight outside of the club is directly linked to patrons, indicating potential failures to uphold the licensing objectives of preventing crime and disorder, protecting the public and preventing a public nuisance. Also of note is the presence of an under 18 under the influence of alcohol, suggesting a failure to promote and uphold the licensing objective of protecting children.

Storm Log DCP 20200315 - 0126 Affray

Review application 09-03-2020 15:09

SECTION 51

Authorised Scetion 51 attached.

Responsible authority have been emailed a copy.

Copy of application hand posted at Bar 9 premises closed.

03-03-2020 Storm Log DCP 20200303 - 808 Fight outside premises

L10 03-03-2020 21:44 PC 5279 Llewellyn

Evening,

Attended the above log due to disorder at Colin Campbell Car park. Youths dispersed on Police arrival. Attended Bar 9 and spoke to the licensee James Wright. He stated that they were at the premises prior and asked to leave once they became heated with each other. Bar 9 is currently undergoing electrical work and partially closed. The licence was displayed in the stairwell. On note the stairwell appeared unstable with the banister and loose floor tiles.

Thanks

Andy

Email 29-02-2020 PC 7470 Parker

Subject: Bar 9 visit - 29/02/2020

Another visit this evening at approx.. 19:30.

James WRIGHT was present and behind the bar, in the smoking spot out the front with the other young people and around the pool area. He had a pint next to him and took a drink from it before he spoke to us. Clearly drinking and he was the only one able to serve alcohol as same lady from last night (Victoria STEVENSON) behind the bar who told me she didn't have her course yet.

He stated they would be having no under 18s night on Wednesday night and Friday night. No security on tonight, said last night he had security due to it being a busier night but he didn't understand why he needed it as if anything got out of hand he would "just spark them out".

Number of young people sat at the bar with alcohol, more alcohol seen around the area some left unattended on the bar with no one claiming it, was not this amount seen last night even though more people. PCSO MILLER walked into the sort of DJ area to the right as you walk up the stairs (normally dark room). Found one chap sat between two pints of alcohol and one young people appearing to try and hide along the wall. Managed to corner one and speak to them who stated he didn't have any ID, and he was allowed to be here till 21:00 aka was under 18. He refused details and stated it wasn't his drink. No other persons in the dark area near these drinks, strongly believe that these two are under 18 with the drink. This was captured on PCSO 30663 MILLER's bodycam – she will mark evidential at end of shift.

Smaller numbers around 15 odd people, majority young lads with only 3 or 4 older adults playing pool. No young females present at this time.

WRIGHT and STEVENSON although allowed us in and spoke to us clearly getting annoyed with our visits.

I'm on again tomorrow night and happy to visit again if needs.

Thanks,

Email 28-02-2020 PC 7470

Subject: Bar 9 visit - 28/02/2020

Hi Sergeants,

Just updated the tasking for [REDACTED] didn't see we had a set of prepared questions prior to going in but update put on the tasking and as follows for you both.

BAR 9 Visit completed Friday evening. James WRIGHT was not present although lady behind the bar stated he would be back shortly. Was in there approximately 10 – 15 minutes and he didn't turn up so left. Only lady behind the bar inside the premise working was a female named Victoria STEVENSON [REDACTED] who was not able to serve alcohol – adults there with drinks but stated served by WRIGHT. She said she was still waiting for a course by the council.

They did have security on the door [REDACTED]. However, he was not really stopping anyone from going in/looking at ID's etc. and stated he had just started and only was working today and didn't think he was working tomorrow (Saturday) night. To be perfectly honest he was pretty useless, went for a smoke break and a group just wondered in and then spoke to us and another few people came in. No real purpose not asking any questions.

Approx. 30 people inside, 25 odd young people under 18. The older adults seemed relatively normally individuals playing pool (no known nominals seen). Check completed at 19:30. No alcohol or any real drinks seen in hands or near any young persons. Electronic list of those young people present who weren't "Members" behind the bar kept but very informally (an odd shout by STEVENSON when she thought she saw some new faces inside).

Hope this helps, I'm on again tomorrow pinged for both [REDACTED] so will do another check tomorrow, will try go through prepared list.

Thanks,

Alex

25-02-2020 Email complainant

Good morning [REDACTED]

My name is Dean and I am a beat manager based at Charles Cross Police Station in Plymouth. My colleagues in the alcohol licensing team and have forwarded a report from the city council to me regarding underage drinking at Bar 9.

I would like to arrange to meet with you and discuss this matter further, as well as provide you with updates regarding action being taken to deal with the premises and address any questions you have if I can. I would also like to speak with you regarding a possible formal statement.

I would like to invite you to come and meet with me at Charles Cross Police Station. I am working day shifts every day this week until 1700 hours, and next week I am working in the afternoons on Monday, Tuesday and Wednesday.

If you could please let me know of your availability to meet I will ensure I am free to speak with you.

I look forward to hearing from you at your earliest convenience.

With kind regards

Dean

PC 1136 Dean LARGE

Email 24-02-2020 Plymouth City Council

OFFICIAL:SENSITIVE

Hi Duane

Please find the attached information of complaint received.

Please find below details of a new licensing complaint raised

22/02/2020 - case ref: [REDACTED]

Customer Details

Contact name: [REDACTED]

Phone number: [REDACTED]

Mobile number: [REDACTED]

Email address: [REDACTED]

Address [REDACTED]

Incident Details

Type of licensing complaint: Alcohol Premises i.e. pub or club

What is the complaint about: Underage sales

Date/time the incident occurred:

Name of establishment: Bar 9

Incident location: First Floor 32 Western Approach, Plymouth, Devon,
PL1 1TQ

Complaint details: underage daughter and friends been served in there every weekend, lots of others as well the place is full or underage drinkers every friday and saturday police are aware there has been increased police calls outs and incidents each weekend my 16 year old daughter had her jaw broken by underage drinkers it is getting out of hand

Kind regards,

I have spoken to [REDACTED] and she is happy to speak to you regarding this matter.

Cheers.....Fred

Frederick Prout

Senior Licensing Officer

Environmental Services

Windsor House

Tavistock Road

Plymouth

Devon

PL6 5UF

24-02-2020 11:00 Interview - PLH/DPS James Wright attended Charles Cross Police Station for the purpose of a recorded interview on suspicion of premises licence breaches. PC Large and I were present

Interview details - Commenced 24-02-2020 11:15 - finished 24-02-2020 12:00. The recording number DIRHCUSTFO4_11091.

During the interview James Wright made many admissions of breaching the premises licence

23-02-2020 L10 PC Green

Hello,

Please can I make you aware of two crimes linked to BAR 9 in COLIN CAMPBELL CAR PARK Plymouth.

CR [REDACTED] Assault on an Emergency Worker – 16 year old drunk assaulting Police

CR [REDACTED] - Affray

Both crimes have involved people coming from the club.

I can provide you with further details should you need it.

Regards,

Matthew Green 7157

23-02-2020 02:00 Intel Submission PC Wilson

To whom it may concern

Further to ENT briefing. Officers were tasked to gravitate towards Bar 9 and check on any ASB emanating from it.

At approximately 00:15hrs on Sunday 23/2/20 ,PC 7517 WILSON & PC 3013 HOBBS whilst on patrol of the ENT drove past Bar 9 and saw a large mixed group of young teenagers hanging around outside the bar. Upon our arrival they quickly dispersed and disappeared off into an alleyway to the right of the front door in the corner of the car park.

Officers spoke with one male who was a patron of the bar who was interacting with these teenagers and asking them to leave the area. He stated there were large groups of children causing a nuisance both inside and outside the bar. Officers ascertained there was no trouble from within the bar and

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the group had left and the remnants were the group that dispersed on our arrival. The male went onto say that the bar is frequented a great deal by young teenagers.

We were spoken to by [REDACTED] and he stated he is having ongoing issues with [REDACTED] establishment. He was advised to keep contacting Police and also the Council's licensing department. We reassured him that D&C were well aware of the situation and he should see a concerted presence of Policing patrols within the area to deter such behaviour.

Intel submitted IN [REDACTED]

Many thanks

22-02-2020 L10 PC Senior

Friday 21st/22nd February 2020

DCP-20200221-0954

Police were called at approximately 2237 hours to a report of a female that had been kicked out of the bar and that there were a number of 15 year olds within the premises drinking alcohol. This was confirmed by P900 who stated that this was an ongoing problem, and whilst it is monitored by them every night there are repeated underage people on the premises. This escalates to the point where the young people are throwing glasses around the carpark with it smashing over the car-park floor. Police attended but all disorder had stopped and reports of people on mopeds were unconfirmed.

DCP-20200221-1025

Police were called again at 2347 hours after a report of a fight outside the bar which then ended and the involved parties then all entered the bar again. These were the same group as log 954.

DCP-20200222-0025

Police were called for a third time at 0027 hours to a report of a female stating that she had been assaulted by three males inside the bar. Victim was also in drink and was in distress. P900 turned cameras to see the bar and witnessed a confrontation/fight between multiple people, all linked to the previous logs and a machete has been pulled out by one of the individuals. No one was injured. On arrival at the scene offenders had made off in the direction of KING STREET however one female

that was at the location was arrested by police for assault on an emergency worker. Whilst this was ongoing reports were received from the AP that a noxious substance had been thrown into the bar and that multiple people were struggling to breath/coughing/being sick. Bar was evacuated, further police units, fire and ambulance were called. 2-pump turn out from D&SFRS and ambulance attendance with the Operations Officer. On review of CCTV one male that was inside the bar had exited and had the machete down the front of his trousers. He pulled it out, pointed it towards another male before they ran at each other and into the doorway of the bar and out of sight of P900 cameras. No blood located at scene. Bar confirmed customers are all between 15 and 19 years old.

22-02-2020 Storm Log DCP 20200222 – 0025 Assault

Email 21-02-2020 – PS Jon Davison

Hi Duane,

Please see my update on the [REDACTED] Primary Tasking. Another CCTV breach but no major concerns. Clientele is young but not a lot of alcohol being drank.

Jd

Police Sergeant 1289 Jon DAVISON

Neighbourhood Team Leader - Plymouth City Centre & Waterfront

Charles Cross Police Station

Email 21-02-2020 – LO DS reference interview

Good Morning Dean

I have arranged for James WRIGHT DPS of Bar 9 to attend Charles Cross 11:00 24-02-2020 for the purpose of an interview regarding the Breach of Licensing conditions attached to the premises licence.

Kind regards

Duane Seymour

21-02-2020 Storm Log DCP 20200221 – 1025 Underage drinking

21-02-2020 Storm Log DCP 20200221 – 0954 Underage drinking

20-02-2020 15:26 LO DS

Mobile contact numbers for the DPS James Wright do not work, message left with female member of staff named Tozer. She did not have his contact number and had to make contact with him through messenger.

Shortly after James Wright called mob [REDACTED], he was ask to attend Charles Cross Police Station for an interview at 11:00 Monday 24 January 2020, he asked the reason which he was informed breach of licensing conditions, he enquired further and was informed this would be put to him on the day.

Local Neighbourhood Inspector informed, email sent to PC Large requesting his attendance.

19-02-2020 23:03 L10 PC Evans

Evening gentlemen

Licensing check again completed at bar 9 tonight, attended at 2130 hours.

Attention initially drawn to the location as a young male was seen exiting the premises with a bottle of alcohol for a cigarette. On sight of Police he put down the bottle and tried to hide it from officers. As officers approached he went back into the bar and placed the bottle on the bar out of officers sight.

Numerous males and females were still within the premises at 2130 hours and when told to leave by Police they did go.

The Landlord James was not present and there were no members of staff at the property when Police attended, the bar was also completely unattended. Approximately 10 minutes later James did return saying that he just popped to the shop to pick up some cigarettes.

Advice again given to James (Landlord) who did appear to accept the advice.

On exit the Police vehicle had been spat on by a number of Youths as they exited the property.

Kind regards

Adam

PC 17290 Adam Evans

18-02-2020 20:40 L10 PC Bruce

The team visited Bar 9 this evening at approximately 2040 hours. The venue was heaving with around 30-40 young persons who when questioned ranged between 16-18 years old.

There was a mixture of males and females, the females in particular were dressed as is they were about to go clubbing. Our first barrier was at the downstairs doorway where there were about 10 persons all of whom were asked if they had been drinking, followed by whether they had been asked for ID by staff. Most of those downstairs stated they had not been drinking and those that had confirmed they had been asked for ID.

Once upstairs they had the Liverpool v Atletico Champions League match on and people scattered everywhere. James Wright had seen us coming at the top window and had every opportunity to give people a 30 second heads up.

We split between speaking with James and his colleague/partner [REDACTED] who was working behind the bar.

I then spotted two males in the large screen/back bar who I immediately thought were significantly older than anyone else in there who were all 16-18 years old. I therefore approached them and on engaging realised that it was [REDACTED] who is a current [REDACTED] for dealing and targeting vulnerable persons. He was in company with another [REDACTED] of [REDACTED]. I conducted S23 searches of both males which were negative.

James Wright discussed his restrictions with PC EVANS and confirmed he knows about the limits for under 16's at 9pm, he stated he would be kicked the 16 year olds out at this time and allowing anyone else over this age to remain until 11pm. He confirmed he would be remaining on the premises until 11pm.

Myself and everyone present copied into this email had BWV activated for the entirety of the visit and this will be marked as evidential by all. The youths present did cause some challenges because of the nature of our visit being seen as bullying and ruining their fun. In particular my stop searches of [REDACTED] and [REDACTED] were perceived by some bystanders as racist, however, neither of the males searched felt unduly targeted and had the rationale explained.

TMP for [REDACTED] has been updated, obviously a concern that he is hanging around here. Stop Searches have been submitted in case of complaints and Intel has gone in for the visit.

Some of the team are back in at 1400 hours should you have any questions.

Regards

Brucey

16-02-2020 02:34 L10 PC Large

On Saturday 15/02/2020 at approximately 2315 officers conducted a licensing visit to Bar 9, 32 WESTERN APPROACH. Earlier in the evening it had been noted that young persons aged 15-17 had been seen in the bar, which would be in breach of the Premises Licence which states no unaccompanied under 16s at any time and no accompanied under 16s after 2000 hours. Officers noted on attendance that the bar was not busy at all, with approximately 5 customers stood together at the bar and a group of 3 male youths sat in the side area of the bar, out of sight of the bar staff. There was only one member of bar staff working when we attended, recognised as Victoria, who recalled meeting one of the officers before.

One officer approached the males at the side of the bar and asked them how old they were, and it was discovered that 2 of them were 17 years of age and one was 18 years old. The males left of their own volition, and officers noticed a smell of cannabis in the air that appeared to be coming from the 3 males.

Officers introduced themselves and were friendly and polite to Victoria, who cited that she was unhappy with some officers who had visited due to the manner in which they had spoken to teenage customers in the past, suggesting their approach had been overly robust and as a result had been negatively impacting the business.

Victoria was asked if the DPS JAMES WRIGHT had given them training in CCTV operation, to which she replied that in the past the DPS has had employees stealing from him which raised trust issues, and that the DPS, if contacted can access the CCTV system remotely on request.

Victoria also told police that staff at Bar 9 keep an incident book in which they record check and challenge for under 25's and stated she had encountered fake ID and ID that had been modified in recent weeks.

Police highlighted the importance of promoting the 4 licensing objectives, raising them by topic and when it came to protecting children from harm the officer raised information from Annex 2 of the premises licence. This states that unaccompanied children under the age of 16 will not be allowed on the premises, and that accompanied children under 16 will only be allowed to remain on premises between the hours of 11 and 2000. Victoria challenged this, stating she believed it was 2100. The officer noticed that this was different to what Victoria had told a PCSO who had visited earlier. Victoria and the officer viewed the premises licence together and this section was shown to her, at which she conceded the point, accepting that she had been mistaken about the times.

The premises licence was seen to be clearly on display on a board halfway up the stairs, and on the same board were signs indicating a challenge 25 policy and code of conduct rules for users of the premises.

Victoria told officers that staff were now noting shoulder numbers of every police officer that visited the bar on duty.

Best regards

Dean

PC 1136 Dean Large

15-02-2020 L10 PCSO Hickling

Good Evening.

I am emailing reference BAR 9 situated in Colin Campbell Car Park, City Centre, Plymouth

I attended the premises at approximately 2030 hours on 15/02/19. There were a small group outside the premises smoking aged approximately 16 years.

Upon entering the premises there were approximately 10-15 youths, both males and female aged between 15-17 years. None appeared in drink or drugs and none appeared to be drinking alcohol. A small group the males were playing pool.

I spoke to the female staff member, the only person who appeared to be working. The female was happy to engage with police but mentioned that she was starting to get frustrated with police presence and was having effect on the business. The female stated under 18's were allowed in the premises until 2200 after that time, they needed to be accompanied by an adult.

A name of all those under age were recorded on a piece of paper behind the bar, documenting that they did not have any ID.

BMW was captured by myself and PCSO 30564 Honeychurch.

Kind Regards

PCSO Katherine Hickling, 30704

14-02-2020 Storm Log DCP 20200214 – 0927 Report underage drinkers.

13-02-2020 21:40 L10 PC Fleming

Evening

Just to make you aware we patrolled Colin Campbell Car Park a few times this evening, over the evening there were lots of youths outside bar nine. None appeared intoxicated. We went again at 2110 as I believe all U16s have to be out by 2100hrs but there were still youths going in and out at this time.

Regards

Kate

07-02-2020 Storm Log DCP 20200207 – 1013 Report of underage drinking.

07-02-2020 Storm Log DCP 20200207 – 0799 Large party lots of youths gathering.

07-02-2020 20:46 L10 PC Hitt

Team,

FRIDAY 07/02/2020-2000 Hours.

We have paid a visit to the BAR 9 premises this evening after being informed that there was a 'substantial' gathering of youths congregated outside it.

On approach there were no youths gathered outside.

On entering the main bar/pool table area upstairs there was a very powerful smell of cannabis coming from the seating area around to the right in the alcove. There were around 6 male youths sat around one table and around 6/7 female youths seated around the other table there.

The males were approached regarding the smell and a small zip lock bag located on the table in front of them. Nobody took ownership of the bag or admitted to being IPO cannabis.

When requesting one of the youths step out from behind the table and on obtaining his details all the others exited the establishment.

Details of the male are [REDACTED]. He was compliant and very concerned he was going to be in trouble. He stated that there had been cannabis present within that group but he was not involved.

The DPS on site was Victoria STEVENSON, [REDACTED]. She was made aware of the powerful smell of cannabis and invited over to the location to smell it herself and acknowledged she could smell it from there but not from the bar, where she had been. There was an extractor fan in operation by the bar which may have possibly dulled the odour. Victoria was made aware of the purpose of our visit.

On arrival there were around 40 youths present. Most were in and around the pool table zone. There was no disorder or any evidence of loss of control of the premises.

However the following points have been noted for your information.

Alcohol was being served.

The DPS made assurances and showed evidence of:

Check and challenge O21 policy.

ID production.

ID NOT SHOWN-Details taken.

CCTV in working order.

No security staff on duty inside or outside site.

Thanks

Hitty.

02-02-2020 23:00 L10 PC Baird

Subject: Bar 9

Sgts,

We attended Bar 9 Sat eve at about 2300 as part of [REDACTED] PS Vincent went in, all in order, usual youths in there, all good natured. I was approached outside by a chap called [REDACTED] who is the [REDACTED]. He told me that he is having issues with what he describes as drunken youths from Bar 9 hanging around the entrance doors putting off customers as well as entering his premises. I advised that I would get someone from licensing to give him call to discuss. He is on [REDACTED].

Cheers

Glen

PC 5431 Glen Baird

02-02-2020 17:28 PC Benger

Good evening

Can I draw your attention to the above log. [REDACTED] is a 15 year old from [REDACTED] who has become intoxicated at a party with school friends and has then alleged to have attended Bar 9 in Colin Campbell Court in the company of a group of 15 year old girls. Her mother alleges that all of them gained entry. Timings are unknown, but [REDACTED] mother received a call before 2300 hours with concerns for [REDACTED] and picked her up from the city centre. The appropriate safeguarding has been done, but she is concerned that a group of drunk 15 years without ID have been allowed into the bar. [REDACTED] alleges to have also purchased alcohol in the premises.

Kind regards

PC 662 Natasha Benger

01-02-2020 Storm Log DCP 20200201 – 1044 Report from a concerned parent intoxicated daughter.

31-01-2020 L10 PC Baird

Subject: Bar 9

Good Evening,

Attended BAR 9 this Friday evening at 2020. Some observations:

Only one member of staff on premises, Victoria STEPHENSON working behind bar. She said that owner James WRIGHT was "doing his taxes" but if necessary she could call him. No door staff and no observations by staff of front of premises. CCTV on but Victoria did not know how to work it.

she said James did. Quite a few youths milling around outside premises who seemed to be going in and out. Faint smell of cannabis in alley way near bar, empty beer bottles on ground.

Victoria said that they operate challenge 25 by asking for passport or driving licence. Victoria was helpful but said repeated police presence had hit takings despite bar coming to police notice because they had been "good Samaritan" by reporting incident with youth unconnected with bar.

About 50 people in bar, all good natured, only 4 or 5 over 18, none appeared intoxicated, none obviously under 16. Two older adults playing pool spoken to who said that the atmosphere was fine, no issues and youths behaving.

Victoria said that whilst they operate a guest charge lots don't pay it and it appears difficult to enforce as only one member of staff and no door step challenge.

Many of the youths had soft drinks which the cynic would suggest could have alcohol sneaked in. Victoria said they are trying to stop people bringing in their own soft drinks. Appears some are going over to McD's and buying food which they are bringing back.

Later on in night two intoxicated youths who turned up to bar already in drink were ejected by Victoria. P900 called job up and police attended.

At time of writing and listening to radio more youths have been ejected and are arguing. Response are en-route.

My body cam playing up at start but some footage available of interactions.

Any issues let me know.

Glen

PC 5431 Glen BAIRD

31-01-2020 Storm Log DCP 20200131 – 0931 Underage drinking

26-01-2020 Storm Log DCP 20200126 – 0644 Underage youths being served

Email 26-01-2020 02:14 PC Martin

Duane,

Checked Bar 9 this evening where there was a private 18th birthday ongoing. Spoke to bar staff who stated that WRIGHT was in earlier but they weren't expecting him back anytime this evening, even for closing.

There was only one bar staff with a young male who looked like he was collecting glasses.

I have taken BWV of the visit.

Pinch

24-01-2020 22:05 L10 PC Martin

Hello,

I have attended the above premises twice tonight after receiving calls about anti-social behaviour. The first report at approximately 1900hrs, was of a large group of young males and females have exited the bar with drinks and started to smoke outside. Due to the age of the group police attended where they spoke to both males and females. There was only one male who had alcohol on his person who was checked and was 18 years of age. Some of the other males who were underage were not drinking but were clearly under the influence.

Officers have entered the club where it was noticed that there were numerous young males, all clearly underage, playing pool. There was also a group who had alcohol in front of them but after police walked past the bottles were put under the table. The owner JAMES WRIGHT was spoken to and assured officers that none of the persons underage had brought alcohol from his bar, there was also only one other person working there, a female behind the bar. There was alcohol in glasses and bottles, but officers couldn't see who's they were. WRIGHT was spoken to and advised about the youths outside to which he replied "THEY HAVE'NT BEEN IN HERE". It was also pointed out to him because of the young, predominately, males he allowed into the bar to play pool, this was always going to attract other youths and any anti-social behaviour would reflect on him and the bar. He

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assured officers that no alcohol would be served, and all the youths would be gone at the latest 2100. Officers then left the area. During the time of talking to WRIGHT inside the bar, the group who were first seen outside were walking in and out of the bar as if this was a normal evening.

At approximately 2010hrs 2 PCSO's were in the area where they witnessed a fight outside Bar 9 between youths, where one male has made a complaint of an assault. Other units have attended by which time the fighting had stopped but there was an even larger group of again young males and females were hanging around outside, with several of them in drink. WRIGHT was on the doorstep of the bar and when spoken to him, insisted the fight had nothing to do with him and that it was another group who attacked the group outside. He added that the fight wasn't anywhere near his bar but down and on the left as you look at the bar and that none of the youths outside were involved. Again the young males and females were just walking past him and into the club where he wasn't doing anything to stop this.

P900 was contacted and informed officers that the fight actually happened about 10 feet from the entrance to the club and to the right as you look at the club, they also said a group who were there ran into the club. When WRIGHT was confronted with this he admitted that he wasn't actually outside when the fight took place. Officers also discovered that some of the females were as young as 14/15 years old. WRIGHT was informed that if police were called to his premises again tonight an inspector would attend and would ask for the bar to be closed.

The [REDACTED] asked to speak to police and when spoken to said that this behaviour is happening most weekend evenings. He added that he believed that there was a lot of cannabis being smoked.

The group of youths have then left the area and congregated outside McDonalds bottom of New George Street, were due to police presence there were no further incidents.

BWV of the youths inside and outside the venue plus the conversations with WRIGHT have been captured by PC 6410 MARTION and PC 312 FRESHWATER.

24-01-2020 23:09 L10 PC Baker

Hi Guys,

I know Pinch has sent a fairly lengthy L10 for the above premises in relation to issues in the evening of 24/01/20.

Just to add further, I have BWV of my interaction with a 16 year old male who I took a pint of fosters off in the car park directly outside the premises.

From research on UNIFI I can confirm the male is [REDACTED], DOB [REDACTED].

This male as you will see from the footage is highly intoxicated and was barely able to stand still when conversing.

I have also submitted intel', Intel ref' IN/[REDACTED].

The BWV footage has been saved against that intel' reference.

Regards,

Rob

Email 24-01-2020 Email PC Stephens

You may have received a couple of e-mails this evening in relation to Bar 9, add mine to the list sorry. This evening at approximately 1930hrs JD and I went Colin Campbell Car park (this was after Pincher and Mark's first visit). There was a large group of what appeared to be young 15/16 year olds some of whom were smoking the group congregated for a period of 15 mins, whilst other youths continued to enter the establishment. We then spoke to James WRIGHT who stated that he had no issues or problems with the people inside and that they just use it to play pool. We asked if we could go upstairs which he said yes to, as we went up the stairs a female who was holding a bottle of Sol tried hiding it. I approached her she said she had ID which she showed me, it was clearly fake I challenged her about this she confirmed it was and that she had got it off someone on SNAPCHAT! JD went to speak with WRIGHT and a female who referred to herself as WRIGHTS girlfriend, to be honest he didn't seem to be concerned about the situation even when I challenged him about the use of fake ID which I emphasised was clearly fake. His girlfriend said she didn't know what a fake ID would look like! Whilst talking to them both I noticed another bottle of SOL on a table near a group of young lads clearly all under age, nobody when asked if it was theirs admitted to it so I took it then a guy who had a pint already and was 18 said it was his however he was not stood near it at all so I informed WRIGHT that if it was his then adults are clearly buying alcohol for youths (although I couldn't prove it). Another guy came over he looked younger and said he had provided ID to staff already, he refused to show it to me but passed it back to the female at the bar who looked and quickly gave it back to the male and informed me it was not a fake (I suspect

because I didn't see it and she didn't show it to me that it was, however at the time it was not appropriate to escalate).

WRIGHT feels that there are no issues and actually doesn't seem bothered at all. At the time of writing Pincher is on his way to another job which I am sure he will also e – mail you about.

I have the fake ID and when in on Tuesday I will show you but if you want to take a look it is in my skipper.

Regards

Karen

24-01-2020 Storm Log DCP 20200124 – 0845 Fight.

24-01-2020 James WRIGHT called licensing office making enquires about his seized CCTV, mob [REDACTED]

23-01-2020 LO DS sent letter to DPS James Wright requesting contact, concerns over CCTV and youth's using the premises.

23-01-2020 Letter to DPS

Email 21-01-2020 PC Annan

As discussed this morning this is the info I have regarding an ABH, CR [REDACTED], which occurred between 2245 - 2250 hours on Sunday 12 Jan 20. Log 760 12/01/20.

The AP, URN [REDACTED], 16 years old, had been there with friends, when URN [REDACTED], also 16 year old, burst in to Bar 9 on 2 occasions that evening accusing [REDACTED] of filming a fight between mutual friends the previous night.

Bar staff, Victoria STEVENSON had to ask [REDACTED] to leave on both occasions. When [REDACTED] left, [REDACTED] attacked her in the car park, causing her head injuries, where she had to be checked over at Derriford hospital.

[REDACTED] and her mother no longer want to pursue the assault.

Victoria STEVENSON had been contacted several times last week and it was arranged on 2 occasions that she would attend EC to provide a statement, both times she said she had got her shifts wrong. She was advised police would contact her on Monday 20 January. She never answered her phone all day, and then turned up at EC front office at 1700 hrs, stating she had an appointment but could not make it!

STEVENSON said that the only person that had access to the CCTV was the owner, who was currently in Egypt and not due back until the end of the month.

There is P900 CCTV, but due to issues with weather and the camera you can not make out hardly anything.

Please see attached items.

Kind regards

Lorna

PC 1427 Lorna Annan

L10 19-01-2020 00:39 PC Swinard

FYI with regards to BAR 9, 32 WESTERN APPR, CITY CENTRE, PLYMOUTH, PL1 1TQ (licensee; JAMES WRIGHT).

Log 753 18/01/20 refers to a group of youths – who appeared to be underage – acting suspiciously around a vehicle in COLIN CAMBELL CAR PARK and then entering BAR 9. Police attended and located four males inside the vehicle;

URN [REDACTED] (driver - 18 y/o)

URN [REDACTED] (14 y/o)

URN [REDACTED] (16 y/o)

URN [REDACTED] (17 y/o)

All of the above denied entering BAR 9. Whilst dealing with [REDACTED] for suspected driving without insurance we were approached by a female who stated her 16 y/o granddaughter had been served alcohol inside BAR 9. We walked inside at approximately 20:00 hrs and spoke with the sole member of bar staff, VICTORIA STEVENSON. There were a large group of youths congregating both inside and outside the bar.

STEVENSON claims a proportion of the customers inside were under 18 although she was adamant she does not serve them alcohol. After 21:00, as per licensing law, all under 18s are required to leave unless supervised by an adult. However, STEVENSON claimed there is usually a friend who is 18+ in each group who can 'supervise' the underaged.

She further stated youths often conceal alcohol and drink it inside the bar. She is conscious of this and has made attempts to prevent it by moving furniture away from walls and making it harder for them to hide away, but openly admitted she often finds empty bottles of alcohol brought into the bar after closing time. She stated that the main problem is with females doing this.

Kind Regards

Ash

PC 7178 ASH SWINARD

L10 19-01-2020 00:22 PC Large

On Saturday 18/01/2020 at about 2230 hours officers on night time economy patrol were driving through COLIN CAMPBELL car park, passing the entrance to Bar 9. There was a sizeable group (perhaps a dozen individuals) outside of the premises, aged roughly between 18 and 14 who were almost blocking the thoroughfare to traffic in the car park outside of the premises. As police passed by there were yet more youths coming down the stairs to exit the premises, all of similar age to that described. One youth was wearing a dark blue coat and had the hood up, partially obscuring his face. He was clearly seen holding an open bottle of Budweiser beer in his right hand.

This officer believes that there are very real concerns regarding the serving of alcohol to underage youths in the premises as well as customers taking their drinks outside. This is the third time in as many days that police have been in the area of COLIN CAMPBELL car park and noted the very young age of its customers. Staff have been advised by police to increase vigilance³ with regards to challenging age of customers.

There were no door staff seen outside the premises.

Best regards

Dean

PC 1136 Dean LARGE

18-01-2020 Storm Log DCP 20200218 – 0753 Report from P900 CCTV sus youths outside premises

LO DS 17-01-2020

Local Neighbourhood Inspector emailed concerns surrounding Bar 9 and a request for proactive visits on the premises.

L10 16-01-2020 22:00 PC Large

Good evening,

CCTV request passed in to Victoria Stevenson at Bar 9. Numerous observations. This place is clearly likely to become a problem premises, but for youth related issues!!

L10 as follows:

Police visited the BAR 9 on 32 WESTERN APPROACH, entrance via COLIN CMAPBELL CAR PARK at about 2115 hours on THURSDAY 16/01/2019 to request CCTV footage from a previous incident.. The first thing officers noted were 2 girls sat in a nearby alcove, one of them clearly under the influence of something. Officers also noted a gathering of about 7 or 8 youths outside of the bar in the car park who took an interest in police arriving, staring at officers as we exited the police vehicle. As police went into the BAR 9 premises a couple of youths were seen running up the stairs. Inside the bar was very busy, with a further estimated 20-30 youths in the premises sat in various locations inside the bar. There were adults present too, but they were clearly in a group separate to the youths.

Officers spoke to Victoria STEVENSON, the only member of staff working. She advised officers that there was a pool league match on with players from Millbridge.

When handed the CCTV request form STEVENSON took time to read the request form, telling police she was a law student by day. She then explained that she does not have access to the CCTV system, "only the boss does that to prevent staff from fiddling with it". She then went on to highlight that the footage requested was within the "40 working days".

Whilst one officer was speaking with STEVENSON more youths came into the bar. This was remarked upon by the officer attending to which she said "THEY'RE BETTER OFF PLAYING POOL IN HERE THAN OUT ON THE STREET."

STEVENSON was asked about checking and challenging age to which she highlighted that one of the customers seen drinking beer was very short and looked young, but had produced identification to her to show that despite his appearance he was in his twenties.


The second officer in premises saw that besides the main bar area there was a very dark area situated out of sight to the bar where several youths were seen sat which was thought strange. A youth was seen to discard something under the sink, which officers retrieved and discovered that it was tobacco.

There are definite concerns that the BAR 9 cannot possibly monitor age of drinkers in the bar when there is only one member of staff working and youths were not only permitted entry despite being clearly underage to buy alcohol but also permitted to go into a dark area of the bar where there is no way that bar staff could see them. We got the impression that the BAR 9 manager does not wholly trust his staff with CCTV access, though this would be of use to them from time to time. BAR 9 itself was likened to a youth club with beer, and we had little doubt that the premises is a powder keg of youth related violence and ASB.

Recommend no single crewed visits to BAR 9 in the interests of officer and staff safety.

PC 1136 Dean Large

15-01-2020 Form 350 CCTV Request form. This was served on the 16-01-2020.

| | | | | |
|---|--|--------------------------|--|-------------------------------|
|  Devon & Cornwall Police | | CCTV Request Form | | Form No.: 350 Rev. 01/2019 |
| Top 2 copies to be submitted on request. 3rd copy retained by OIC | | | | |
| Premises: <u>BAR 9</u> Address: <u>FIRST FLOOR, 32 WESTERN APPROACH</u> <u>PLYMOUTH, DEVON, PL1 1TG</u> Receiving person: <u>V. S. L. ROSS</u> Telephone No.: <u>[REDACTED]</u> Signed: <u>[Signature]</u> Date: <u>16/01/2020</u> | | | | |
| Incident type: <u>ASS</u> Log / crime reference: <u>DCP 20200112</u> Date: <u>11-01-20</u> Time from: <u>22:45</u> Time to: <u>23:15</u> | | | | |
| Areas to be covered / description if known: <u>BAR AREA, STAIRS</u> <u>AND ENTRANCES</u> | | | | |
| Officer requesting: <u>51714</u> Station: <u>CHARLES CROSS</u> Signed: <u>[Signature]</u> Date: <u>[REDACTED]</u> Urgent (in custody): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Prompt (daily/evidential): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | |
| CCTV data is required under the Data Protection Act 2018 Schedule 2 Part 1(2) for the following purposes: <input checked="" type="checkbox"/> the prevention or detection of crime; <input type="checkbox"/> the apprehension or prosecution of offenders; OR <input type="checkbox"/> the assessment or collection of any tax or duty or of any imposition of a similar nature. | | | | |
| To be completed when footage has been downloaded | | | | |
| Person supplying footage: <u>[REDACTED]</u> Signed: <u>[REDACTED]</u> Date: <u>[REDACTED]</u> Time: <u>[REDACTED]</u> Receiving officer: <u>[REDACTED]</u> Signed: <u>[REDACTED]</u> Date: <u>[REDACTED]</u> Time: <u>[REDACTED]</u> Proforma statement attached? <input type="checkbox"/> Yes <input type="checkbox"/> No Exhibit label attached? <input type="checkbox"/> Yes <input type="checkbox"/> No Number of discs provided: <u>[REDACTED]</u> Exhibit number(s): <u>[REDACTED]</u> | | | | |

LO DS 15-01-2020 – 07:30

Attended P900 viewed CCTV of Colin Campbell Court, Group of approximately 30 youths seen due to the distance of the camera unable to identify the age of the persons.

12-01-2020 Storm log DCP 20200112-0760 Report of an assault at the location crime number CR [REDACTED]

L10 12-01-2020 00:13 PC Rothwell

Evening,

No log as this was called in direct from P900 at approx. 2315 11/01/20. Essentially a report from someone at the [REDACTED] stating that there was a fight ongoing directly outside Bar 9 in Colin Campbell Car Park involving around 30 people. On Police arrival the fight had dissipated but witnesses stated that 2 females had come out of Bar 9 and were fighting for unknown reasons. A

minute or so later P900 stated that part of the wider group were now stood on the Weston Approach and were thought to be concealing items in their socks. Officers redeployed to that location and the group bomb burst. 3 persons were caught and detained and subsequently S23 MODA searched. 1 x 17 year old male had 2 wraps of cannabis in his sock. One of the detained males admitted the group had been in Bar 9.

Kind regards

PC 3730 Mark Rothwell

DCP Storm Logs linked to Bar 9

| | Date | Reporting person | Incident | Log Number |
|-----|------------|-----------------------------|-------------------|------------|
| 1. | 15/03/2020 | Police Generated | Violence | 0126 |
| 2. | 10/03/2020 | James Wright | Theft | 0284 |
| 3. | 03/03/2020 | Resident from flats | Violence | 0808 |
| 4. | 22/02/2020 | Aggrieved | Assault | 0025 |
| 5. | 21/02/2020 | Person named [REDACTED] | Underage drinkers | 1025 |
| 6. | 21/02/2020 | Person ejected from premise | Underage drinkers | 0954 |
| 7. | 14/02/2020 | Anon | Underage drinkers | 0927 |
| 8. | 07/02/2020 | Anon | Underage drinkers | 1013 |
| 9. | 07/02/2020 | Police Generated | Drugs | 0799 |
| 10. | 01/02/2020 | Parent of child | Underage drinkers | 1044 |
| 11. | 31/01/2020 | Person entering premise | Violence | 0931 |
| 12. | 26/01/2020 | Local Business | Underage drinkers | 0644 |
| 13. | 24/02/2020 | Police Generated | Violence | 0845 |
| 14. | 18/01/2020 | P900 CCTV | Sus youth's | 0753 |
| 15. | 12/01/2020 | Ambulance Control | Assault | 0760 |

Tied and Linked crimes

| Date | Time | Crime Number | Crime |
|------------|-------|--------------|-------|
| 12/01/2020 | 22:45 | CR/003556/20 | ABH |

| | | | |
|------------|-------|--------------|--------------------------|
| 24/01/2020 | 20:17 | CR/007088/20 | Criminal Damage |
| 22/02/2020 | 00:24 | CR/015674/20 | Assault Emergency Worker |
| 22/02/2020 | 00:24 | CR/015693/20 | Affray |
| 15/03/2020 | 02:08 | CR/022769/20 | Affray |

Reports from other persons regarding the operation of Bar 9

| Date | Report |
|------|--------|
|------|--------|

- 19/01/2020 Whilst dealing with an incident at the premises Police Officers were approached by a female who stated her 16 years old granddaughter had been served alcohol inside Bar 9.
- 24/01/2020 The [REDACTED] has asked to speak to police and when spoken to said that this behaviour is happening most weekend evenings. He added that he believed that there was a lot of cannabis being smoked.
- This group of youths have then left the area and congregated outside McDonalds bottom of New George Street, were due to police presence there were no further incidents.
- 25/01/2020 Call received from manager of [REDACTED], they have had damage to one of the windows.
- 25/01/2020 Owner of [REDACTED] has confirmed damage to their property, the [REDACTED] have had to bring a doorman down because of the ongoing anti-social behaviour.
- 26/01/2020 Complaint received from local business, Bar 9 staff serving underage teens ranging from 14-17, this is happening most nights. The teens then come out and start smashing glasses and being rowdy.
- 02/02/2020 Report from the mother of a drunken daughter she collected, mother who is A&E nurse was so concerned about driving with her daughter, due to the level of intoxication. A Police officer had to accompany the mother in the vehicle to ensure her and her daughter got to hospital safely. Daughter aged 15 years old.
- 02/02/2020 approached outside by a chap called [REDACTED] who is the owner of the [REDACTED] [REDACTED] He told me that he is having issues with what he describes as drunken youths from Bar 9 hanging around the entrance doors putting off customers as well as entering his premises.
- 21/02/2020 Complaint from residents that persons outside Bar 9 are throwing glasses.
- 22/02/2020 Complaint received from a parent via Plymouth City Council details: underage daughter and friends been served in there every weekend, lots of others as well the place is full or underage drinkers every Friday and Saturday police are aware there has been increased police calls outs and incidents each weekend my 16 year old daughter had her jaw broken by underage drinkers it is getting out of hand.

List of L10's

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SEYMOUR Duane 52714

From: LARGE Dean 11136
Sent: 15 March 2020 04:44
To: Licensing Team
Cc: MOORE David 14571; SEYMOUR Duane 52714; LAITY Paul 15563; DAVISON Jon 11289
Subject: L10 BAR 9

Please find L10 attached covering incident outside Bar 9:

Storm log 126 of 15/03/20 refers to a fight outside of BAR 9, 32 WESTERN APPROACH, PLYMOUTH. Enquiries at the scene discovered that patrons of the bar engaged in a brawl outside of the premises after a disagreement inside between a group of 4 Moldovan males and a same sex female couple after the couple had kissed each other in front of them.

The resulting brawl took place in the doorway of BAR 9, officers noting blood on the tiled wall and floor in the alcove outside of the premises. This has now been recorded as an affray by the night time economy unit that discovered the fight in progress in the car park.

Whilst conducting enquiries in the car park, police have located and seized items believed to be connected to the fight. A mobile phone and a pocket knife with a locking blade were located by the pay and display machine closest to Bar 9. A mere few feet away from this and closer to Bar 9 police located a small self-sealing bag containing white powder suspected at the time to be cocaine.

Attending officers surmised that all of these items were carried by those involved in the fight and dropped during the scuffle.

Victoria Stevenson was the only member of staff in the bar at closing time. She is able to view CCTV and was cooperative with police enquiries. She demonstrated that there are 3 cameras working inside the bar, but stated she either did not know how to access it, or that there were no cameras covering the doorway to the premises. City Centre CCTV control room advised that they have footage of the fight and have downloaded it for investigative use.

Officers identified several under 18s in the car park on attendance, all of which were linked to the premises. [REDACTED] was in the bar speaking to police. He was seen to clearly be under the influence of drink and was belligerent and combative with police at times to the extent of being instructed to stay back whilst police dealt with another male, his brother, who had come to pick him up and take him home. HAYWARD was seen on CCTV by police prior to closing, and given his drunken state officers suspect he had been drinking alcohol inside BAR 9.

VICTORIA STEVENSON was asked by PC 1136 if she had completed a licensing course (personal licence holders) yet and she explained that the DPS James WRIGHT had looked into it, but could not find any that were close enough to Plymouth.

Victoria was later asked where the DPS was. Police were informed that JAMES WRIGHT had been in the premises that evening, but had left at 2100 to obtain more stock. After this, he remained on premises until approximately 2300 hours and left as he was feeling unwell.

According to the premises licence, this would mean that there was no person authorised to sell alcohol at the bar for the time JAMES WRIGHT was purchasing stock and for the remaining 3 hours the bar was open after he left.

The CCTV in the bar shows persons still drinking in the bar up until 0200 when the bar closed. It was recorded on body worn video.

At 0300 hours the duty Inpsector, INS 5563 LAITY visited the premises and spoke with VICTORIA STEVENSON. A 48 hours closure notice was served on the premises and the implications of this were read out and explained to VICTORIA STEVENSON, who stated she did not agree with the decision and suggested that other establishments such

as Union Rooms had much worse incidents over a longer time span and had not been closed in this way. This was authorised by Superintendent BROWNLOW.

VICTORIA STEVENSON also stated that she felt that police action against Bar 9 was targeted and noted differences in response times for some incidents and longer for others, such as when a tear gas cannister was deployed in the bar recently.

On this incident alone, and as reporting officer, I consider that there have been clear breaches of the premises license whilst JAMES WRIGHT was absent in that there was no personal licence holder on premises. This would mean that every transaction conducted where alcohol was sold is a breach of the premises licence.

The fight outside of the club is directly linked to patrons, indicating potential failures to uphold the licensing objectives of preventing crime and disorder, protecting the public and preventing a public nuisance. Also of note is the presence of an under 18 under the influence of alcohol, suggesting a failure to promote and uphold the licensing objective of protecting children.

[REDACTED]

[REDACTED]

[REDACTED]

SEYMOUR Duane 52714

From: LLEWELLYN Andy 15279
Sent: 03 March 2020 21:44
To: Licensing West
Subject: Log 808 03/03/20

Categories: Vicki

Evening,

Attended the above log due to disorder at Colin Campbell Car park. Youths dispersed on Police arrival. Attended Bar 9 and spoke to the licensee James Wright. He stated that they were at the premises prior and asked to leave once they became heated with each other. Bar 9 is currently undergoing electrical work and partially closed. The licence was displayed in the stairwell. On note the stairwell appeared unstable with the banister and loose floor tiles.

Thanks
Andy

Sent from Samsung Mobile

SEYMOUR Duane 52714

From: WILSON Anthony 17517
Sent: 23 February 2020 02:00
To: Licensing Team
Cc: NORTHMORE Ryan 16978; HOBBS Jonathan 13013; VINCENT David 15050;
LOVERIDGE Robin 15647
Subject: Bar 9 intel IN/028006/20
Importance: High
Categories: Caroline

To whom it may concern


Further to ENT briefing, Officers were tasked to gravitate towards Bar 9 and check on any ASB emanating from it.

At approximately 00:15hrs on Sunday 23/2/20 ,PC 7517 WILSON & PC 3013 HOBBS whilst on patrol of the ENT drove past Bar 9 and saw a large mixed group of young teenagers hanging around outside the bar. Upon our arrival they quickly dispersed and disappeared off into an alleyway to the right of the front door in the corner of the car park. Officers spoke with one male who was a patron of the bar who was interacting with these teenagers and asking them to leave the area. He stated there were large groups of children causing a nuisance both inside and outside the bar. Officers ascertained there was no trouble from within the bar and the group had left and the remnants were the group that dispersed on our arrival. The male went onto say that the bar is frequented a great deal by young teenagers.

We were spoken to by the proprietor of the [REDACTED] to Bar 9 and he stated he is having ongoing issues with his [REDACTED]. He was advised t keep contacting Police and also the Council's licensing department. We reassured him that D&C were well aware of the situation and he should see a concerted presence of Policing patrols within the area to deter such behaviour.

Intel submitted IN [REDACTED]

Many thanks

ANTHONY J WILSON
Police Officer 17517
A Section Response, Charles Cross Police Station, Plymouth, PL4 8HG
DEVON & CORNWALL CONSTABULARY
 **101**
[Report non-emergency crimes online](#)
Email 101@dc.police.uk for non-urgent reports and queries
[AskNED online if you're not sure who to call](#)
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In an emergency always call 999

'Your Police, Your Community, Our Commitment'
www.devon-cornwall.police.uk

SEYMOUR Duane 52714

From: GREEN Matthew 17157
Sent: 23 February 2020 08:45
To: Licensing Team
Subject: L10 concerning BAR 9

Categories: Caroline

Hello,

Please can I make you aware of two crimes linked to BAR 9 in COLIN CAMPBELL CAR PARK Plymouth.

CR [REDACTED] Assault on an Emergency Worker – 16 year old drunk assaulting Police

CR [REDACTED] Affray

Both crimes have involved people coming from the club.

I can provide you with further details should you need it.

Regards,

Matthew Green
7157

SEYMOUR Duane 52714

From: SENIOR Mark 17267
Sent: 22 February 2020 05:48
To: Licensing Team
Subject: L10 - Bar 9 - Colin Campbell Court Car Park

Importance: High
Categories: Caroline

Friday 21st/22nd February 2020

DCP-20200221-0954
Police were called at approximately 2237 hours to a report of a female that had been kicked out of the bar and that there were a number of 15 year olds within the premises drinking alcohol. This was confirmed by P900 who stated that this was an ongoing problem, and whilst it is monitored by them every night there are repeated underage people on the premises. This escalates to the point where the young people are throwing glasses around the carpark with it smashing over the car-park floor. Police attended but all disorder had stopped and reports of people on mopeds were unconfirmed.

DCP-20200221-1025

Police were called again at 2347 hours after a report of a fight outside the bar which then ended and the involved parties then all entered the bar again. These were the same group as log 954.

DCP-20200222-0025

Police were called for a third time at 0027 hours to a report of a female stating that she had been assaulted by three males inside the bar. Victim was also in drink and was in distress. P900 turned cameras to see the bar and witnessed a confrontation/fight between multiple people, all linked to the previous logs and a machete has been pulled out by one of the individuals. No one was injured. On arrival at the scene offenders had made off in the direction of KING STREET however one female that was at the location was arrested by police for assault on an emergency worker. Whilst this was ongoing reports were received from the AP that a noxious substance had been thrown into the bar and that multiple people were struggling to breath/coughing/being sick. Bar was evacuated, further police units, fire and ambulance were called. 2-pump turn out from D&SFRS and ambulance attendance with the Operations Officer. On review of CCTV one male that was inside the bar had exited and had the machete down the front of his trousers. He pulled it out, pointed it towards another male before they ran at each other and into the doorway of the bar and out of sight of P900 cameras. No blood located at scene. Bar confirmed customers are all between 15 and 19 years old.

PC Mark Senior 17267
C Section Response
Charles Cross Police Station
Hampton Street
Plymouth
PL4 8HG
Devon and Cornwall Police

SEYMOUR Duane 52714

From: EVANS Adam 17290
Sent: 19 February 2020 23:03
To: Licensing Team
Cc: MOORE David 14571; McINDOE David 55474; SEYMOUR Duane 52714
Subject: Bar 9

Evening gentlemen

Licensing check again completed at bar 9 tonight, attended at 2130 hours.

Attention initially drawn to the location as a young male was seen exiting the premises with a bottle of alcohol for a cigarette. On sight of Police he put down the bottle and tried to hide it from officers. As officers approached he went back into the bar and placed the bottle on the bar out of officers sight.

Numerous males and females were still within the premises at 2130 hours and when told to leave by Police they did go.

The Landlord James was not present and there were no members of staff at the property when Police attended, the bar was also completely unattended. Approximately 10 minutes later James did return saying that he just popped to the shop to pick up some cigarettes.

Advice again given to James (Landlord) who did appear to accept the advice.

On exit the Police vehicle had been spat on by a number of Youths as they exited the property.

Kind regards

Adam

PC 17290 Adam Evans

Crownhill Police Station, Plymouth
'A' Section Response Constable
Devon and Cornwall Police

101 – Non Emergency
999 - Emergency

SEYMOUR Duane 52714

From: BRUCE James 15163
Sent: 18 February 2020 23:07
To: SEYMOUR Duane 52714
Cc: DAVISON Jon 11289; MILLER Sophie 30663; PARKER Alex 17470; EVANS Adam 17290; FLEMING Katie 30359
Subject: Bar 9 Visit - 18/02

Hi Duane

The team visited Bar 9 this evening at approximately 2040 hours. The venue was heaving with around 30-40 young persons who when questioned ranged between 16-18 years old.

There was a mixture of males and females, the females in particular were dressed as is they were about to go clubbing. Our first barrier was at the downstairs doorway where there were about 10 persons all of whom were asked if they had been drinking, followed by whether they had been asked for ID by staff. Most of those downstairs stated they had not been drinking and those that had confirmed they had been asked for ID.

Once upstairs they had the Liverpool v Atletico Champions League match on and people scattered everywhere. James Wright had seen us coming at the top window and had every opportunity to give people a 30 second heads up.

We split between speaking with James and his colleague/partner [REDACTED] who was working behind the bar.

I then spotted two males in the large screen/back bar who I immediately thought were significantly older than anyone else in there who were all 16-18 years old. I therefore approached them and on engaging realised that it was [REDACTED] who is a current target for dealing and targeting vulnerable persons. He was in company with another, [REDACTED]. I conducted S23 searches of both males which were negative.

James Wright discussed his restrictions with PC EVANS and confirmed he knows about the limits for under 16's at 9pm, he stated he would be kicked the 16 year olds out at this time and allowing anyone else over this age to remain until 11pm. He confirmed he would be remaining on the premises until 11pm.

Myself and everyone present copied into this email had BWV activated for the entirety of the visit and this will be marked as evidential by all. The youths present did cause some challenges because of the nature of our visit being seen as bullying and ruining their fun. In particular my stop searches of [REDACTED] and [REDACTED] were perceived by some bystanders as racist, however, neither of the males searched felt unduly targeted and had the rationale explained.

TMP for [REDACTED] has been updated, obviously a concern that he is hanging around here. Stop Searches have been submitted in case of complaints and Intel has gone in for the visit.

Some of the team are back in at 1400 hours should you have any questions.

Regards

Brucey

SEYMOUR Duane 52714

From: LARGE Dean 11136
Sent: 16 February 2020 02:34
To: Licensing Team
Cc: SEYMOUR Duane 52714
Subject: L10 Bar 9

Categories: Kim

On Saturday 15/02/2020 at approximately 2315 officers conducted a licensing visit to Bar 9, 32 WESTERN APPROACH. Earlier in the evening it had been noted that young persons aged 15-17 had been seen in the bar, which would be in breach of the Premises Licence which states no unaccompanied under 16s at any time and no accompanied under 16s after 2000 hours. Officers noted on attendance that the bar was not busy at all, with approximately 5 customers stood together at the bar and a group of 3 male youths sat in the side area of the bar, out of sight of the bar staff. There was only one member of bar staff working when we attended, recognised as Victoria, who recalled meeting one of the officers before.

One officer approached the males at the side of the bar and asked them how old they were, and it was discovered that 2 of them were 17 years of age and one was 18 years old. The males left of their own volition, and officers noticed a smell of cannabis in the air that appeared to be coming from the 3 males.

Officers introduced themselves and were friendly and polite to Victoria, who cited that she was unhappy with some officers who had visited due to the manner in which they had spoken to teenage customers in the past, suggesting their approach had been overly robust and as a result had been negatively impacting the business.

Victoria was asked if the DPS JAMES WRIGHT had given them training in CCTV operation, to which she replied that in the past the DPS has had employees stealing from him which raised trust issues, and that the DPS, if contacted can access the CCTV system remotely on request.

Victoria also told police that staff at Bar 9 keep an incident book in which they record check and challenge for under 25's and stated she had encountered fake ID and ID that had been modified in recent weeks.

Police highlighted the importance of promoting the 4 licensing objectives, raising them by topic and when it came to protecting children from harm the officer raised information from Annex 2 of the premises licence. This states that unaccompanied children under the age of 16 will not be allowed on the premises, and that accompanied children under 16 will only be allowed to remain on premises between the hours of 11 and 2000. Victoria challenged this, stating she believed it was 2100. The officer noticed that this was different to what Victoria had told a PCSO who had visited earlier. Victoria and the officer viewed the premises licence together and this section was shown to her, at which she conceded the point, accepting that she had been mistaken about the times.

The premises licence was seen to be clearly on display on a board halfway up the stairs, and on the same board were signs indicating a challenge 25 policy and code of conduct rules for users of the premises.

Victoria told officers that staff were now noting shoulder numbers of every police officer that visited the bar on duty.

Best regards
Dean

PC 1136 Dean Large
B-section Neighbourhood Policing Team

SEYMOUR Duane 52714

From: HICKLING Katherine 30704
Sent: 15 February 2020 21:26
To: Licensing West
Cc: LARGE Dean 11136; HONEYCHURCH Clare 30564
Subject: BAR 9, City Centre, Plymouth

Categories: Orange Category

Good Evening.

I am emailing reference BAR 9 situated in Colin Campbell Car Park, City Centre, Plymouth

I attended the premises at approximately 2030 hours on 15/02/19. There were a small group outside the premises smoking aged approximately 16 years.
Upon entering the premises there were approximately 10-15 youths, both males and female aged between 15-17 years. None appeared in drink or drugs and none appeared to be drinking alcohol. A small group the males were playing pool.

I spoke to the female staff member, the only person who appeared to be working. The female was happy to engage with police but mentioned that she was starting to get frustrated with police presence and was having effect on the business. The female stated under 18's were allowed in the premises until 2200 after that time, they needed to be accompanied by an adult.
A name of all those under age were recorded on a piece of paper behind the bar, documenting that they did not have any ID.

BMW was captured by myself and PCSO 30564 Honeychurch.

Kind Regards

PCSO Katherine Hickling, 30704
Devonport Neighbourhood Team
Devonport Police Station,
Fore Street, PL1 4DW
Contact: 101



SEYMOUR Duane 52714

From: FLEMING Katie 30359
Sent: 13 February 2020 21:40
To: Licensing Team
Cc: DAVISON Jon 11289
Subject: BAR NINE

Categories: Vicki

Evening

Just to make you aware we patrolled Colin Campbell Car Park a few times this evening, over the evening there were lots of youths outside bar nine. None appeared intoxicated. We went again at 2110 as I believe all U16s have to be out by 2100hrs but there were still youths going in and out at this time.

Regards
Kate

SEYMOUR Duane 52714

From: HITT Jonathan 16592
Sent: 07 February 2020 20:46
To: Licensing Team
Cc: MOORE David 14571; CARR Stacey 11889
Subject: BAR 9.

Categories: Orange Category

Team,

FRIDAY 07/02/2020-2000 Hours.

We have paid a visit to the BAR 9 premises this evening after being informed that there was a 'substantial' gathering of youths congregated outside it.

On approach there were no youths gathered outside.

On entering the main bar/pool table area upstairs there was a very powerful smell of cannabis coming from the seating area around to the right in the alcove. There were around 6 male youths sat around one table and around 6/7 female youths seated around the other table there.

The males were approached regarding the smell and a small zip lock bag located on the table in front of them.

Nobody took ownership of the bag or admitted to being IPO cannabis.

When requesting one of the youths step out from behind the table and on obtaining his details all the others exited the establishment.

Details of the male are [REDACTED] He was compliant and very concerned he was going to be in trouble. He stated that there had been cannabis present within that group but he was not involved.

The DPS on site was Victoria STEVENSON, [REDACTED] She was made aware of the powerful smell of cannabis and invited over to the location to smell it herself and acknowledged she could smell it from there but not from the bar, where she had been. There was an extractor fan in operation by the bar which may have possibly dulled the odour. Victoria was made aware of the purpose of our visit.

On arrival there were around 40 youths present. Most were in and around the pool table zone. There was no disorder or any evidence of loss of control of the premises.

However the following points have been noted for your information.

Alcohol was being served.

The DPS made assurances and showed evidence of:

Check and challenge O21 policy.

ID production.

ID NOT SHOWN-Details taken.

CCTV in working order.

No security staff on duty inside or outside site.

Thanks

Hitty.



SEYMOUR Duane 52714

From: Licensing Team
Sent: 03 February 2020 08:20
To: TAYLOR Kerry 14431
Subject: FW: Log 1044 1.2.20

Hi Kerry
For your info

Kind regards

Duane Seymour
Licensing Officer
Plymouth Licensing Office
Charles Cross Police Station
Email: licensing.team@devonandcornwall.pnn.police.uk
Contact Number: 01752 487146 Mob: 07702660355

From: BENDER Natasha 10662 <Natasha.BENDER@devonandcornwall.pnn.police.uk>
Sent: 02 February 2020 17:28
To: Licensing Team <Licensing.team@devonandcornwall.pnn.police.uk>
Subject: Log 1044 1.2.20

Good evening

Can I draw your attention to the above log [REDACTED] is a 15 year old from [REDACTED] who has become intoxicated at a party with school friends and has then alleged to have attended Bar 9 in Colin Campbell Court in the company of a group of 15 year old girls. Her mother alleges that all of them gained entry. Timings are unknown, but [REDACTED] mother received a call before 2300 hours with concerns for [REDACTED] and picked her up from the city centre. The appropriate safeguarding has been done, but she is concerned that a group of drunk 15 years without ID have been allowed into the bar. [REDACTED] alleges to have also purchased alcohol in the premises.

Kind regards

PC 662 Natasha Bender

SEYMOUR Duane 52714

From: MARTIN Nicholas 16410
Sent: 24 January 2020 22:05
To: Licensing Team
Cc: SEYMOUR Duane 52714; MOORE David 14571; DAVISON Jon 11289; LOVERIDGE Robin 15647
Subject: Bar 9 Colin Campbell car park

Hello,

I have attended the above premises twice tonight after receiving calls about anti-social behaviour. The first report at approximately 1900hrs, was of a large group of young males and females have exited the bar with drinks and started to smoke outside. Due to the age of the group police attended where they spoke to both males and females. There was only one male who had alcohol on his person who was checked and was 18 years of age. Some of the other males who were underage were not drinking but were clearly under the influence.

Officers have entered the club where it was noticed that there were numerous young males, all clearly underage, playing pool. There was also a group who had alcohol in front of them but after police walked past the bottles were put under the table. The owner JAMES WRIGHT was spoken to and assured officers that none of the persons underage had brought alcohol from his bar, there was also only one other person working there, a female behind the bar. There was alcohol in glasses and bottles but officers couldn't see who's they were. WRIGHT was spoken to and advised about the youths outside to which he replied "THEY HAVE'NT BEEN IN HERE". It was also pointed out to him because of the young, predominately, males he allowed into the bar to play pool, this was always going to attract other youths and any anti-social behaviour would reflect on him and the bar. He assured officers that no alcohol would be served and all the youths would be gone at the latest 2100. Officers then left the area. During the time of talking to WRIGHT inside the bar, the group who were first seen outside were walking in and out of the bar as if this was a normal evening.

At approximately 2010hrs 2 PCSO's were in the area where they witnessed a fight outside Bar 9 between youths, where one male has made a complaint of an assault. Other units have attended by which time the fighting had stopped but there was an even larger group of again young males and females were hanging around outside, with several of them in drink. WRIGHT was on the doorstep of the bar and when spoken to he, insisted the fight had nothing to do with him and that it was another group who attacked the group outside. He added that the fight wasn't anywhere near his bar but down and on the left as you look at the bar and that none of the youths outside were involved. Again the young males and females were just walking past him and into the club where he wasn't doing anything to stop this.

P900 was contacted and informed officers that the fight actually happened about 10 feet from the entrance to the club and to the right as you look at the club, they also said a group who were there ran into the club. When WRIGHT was confronted with this he admitted that he wasn't actually outside when the fight took place. Officers also discovered that some of the females were as young as 14/15 years old. WRIGHT was informed that if police were called to his premises again tonight an inspector would attend and would ask for the bar to be closed.

The [REDACTED] has asked to speak to police and when spoken to said that this behaviour is happening most weekend evenings. He added that he believed that there was a lot of cannabis being smoked.

The group of youths have then left the area and congregated outside McDonalds bottom of New George Street, were due to police presence there were no further incidents.

BWV of the youths inside and outside the venue plus the conversations with WRIGHT have been captured by PC 6410 MARTION and PC 312 FRESHWATER.

SEYMOUR Duane 52714

From: LARGE Dean 11136
Sent: 19 January 2020 00:22
To: Licensing Team
Cc: SEYMOUR Duane 52714; MOORE David 14571
Subject: L10 Bar 9

Categories: Jen

On Saturday 18/01/2020 at about 2230 hours officers on night time economy patrol were driving through COLIN CAMPBELL car park, passing the entrance to Bar 9. There was a sizeable group (perhaps a dozen individuals) outside of the premises, aged roughly between 18 and 14 who were almost blocking the thoroughfare to traffic in the car park outside of the premises. As police passed by there were yet more youths coming down the stairs to exit the premises, all of similar age to that described. One youth was wearing a dark blue coat and had the hood up, partially obscuring his face. He was clearly seen holding an open bottle of Budweiser beer in his right hand.

This officer believes that there are very real concerns regarding the serving of alcohol to underage youths in the premises as well as customers taking their drinks outside. This is the third time in as many days that police have been in the area of COLIN CAMPBELL car park and noted the very young age of its customers. Staff have been advised by police to increase vigilance with regards to challenging age of customers. There were no door staff seen outside the premises.

Best regards
Dean

PC 1136 Dean LARGE
Neighbourhood Beat Manager (East End)
Charles Cross Police Station
Plymouth
11136@dc.police.uk

SEYMOUR Duane 52714

From: SWINARD Ash 17178
Sent: 19 January 2020 00:39
To: Licensing Team
Subject: BAR 9 - COLIN CAMBELL COURT, PLYMOUTH

Categories: Jen

Good evening

FYI with regards to BAR 9, 32 WESTERN APPR, CITY CENTRE, PLYMOUTH, PL1 1TQ (licensee; JAMES WRIGHT).

Log 753 18/01/20 refers to a group of youths – who appeared to be underage – acting suspiciously around a vehicle in COLIN CAMBELL CAR PARK and then entering BAR 9. Police attended and located four males inside the vehicle;

URN [REDACTED]
URN [REDACTED]
URN [REDACTED] (16 y/o)
URN [REDACTED] (17 y/o)

All of the above denied entering BAR 9. Whilst dealing with [REDACTED] for suspected driving without insurance we were approached by a female who stated her 16 y/o granddaughter had been served alcohol inside BAR 9. We walked inside at approximately 20:00 hrs and spoke with the sole member of bar staff, VICTORIA STEVENSON. There were a large group of youths congregating both inside and outside the bar.

STEVENSON claims a proportion of the customers inside were under 18 although she was adamant she does not serve them alcohol. After 21:00, as per licensing law, all under 18s are required to leave unless supervised by an adult. However, STEVENSON claimed there is usually a friend who is 18+ in each group who can 'supervise' the underaged.

She further stated youths often conceal alcohol and drink it inside the bar. She is conscious of this and has made attempts to prevent it by moving furniture away from walls and making it harder for them to hide away, but openly admitted she often finds empty bottles of alcohol brought into the bar after closing time. She stated that the main problem is with females doing this.

Kind Regards

Ash

PC 7178 ASH SWINARD
Response – E Section
Charles Cross Police Station
PLYMOUTH

SEYMOUR Duane 52714

From: BAKER Rob 15116
Sent: 24 January 2020 23:09
To: Licensing Team
Cc: MARTIN Nicholas 16410
Subject: L10 for Bar 9, Plymouth

Categories: Kim

Hi Guys,

I know Pinch has sent a fairly lengthy L10 for the above premises in relation to issues in the evening of 24/01/20.

Just to add further, I have BWV of my interaction with a 16 year old male who I took a pint of fosters off in the car park directly outside the premises.

From research on UNIFI I can confirm the male is URN [REDACTED]

This male as you will see from the footage is highly intoxicated and was barely able to stand still when conversing.

I have also submitted intel', Intel ref' IN [REDACTED]

The BWV footage has been saved against that intel' reference.

Regards,

Rob

SEYMOUR Duane 52714

From: LARGE Dean 11136
Sent: 16 January 2020 22:00
To: Licensing Team
Cc: SEYMOUR Duane 52714; MOORE David 14571
Subject: L10 BAR 9

Categories: Vicki

Good evening,
CCTV request passed in to Victoria Stevenson at Bar 9. Numerous observations. This place is clearly likely to become a problem premises, but for youth related issues!!

L10 as follows:

Police visited the BAR 9 on 32 WESTERN APPROACH, entrance via COLIN CMAPBELL CAR PARK at about 2115 hours on THURSDAY 16/01/2019 to request CCTV footage from a previous incident.. The first thing officers noted were 2 girls sat in a nearby alcove, one of them clearly under the influence of something. Officers also noted a gathering of about 7 or 8 youths outside of the bar in the car park who took an interest in police arriving, staring at officers as we exited the police vehicle. As police went into the BAR 9 premises a couple of youths were seen running up the stairs. Inside the bar was very busy, with a further estimated 20-30 youths in the premises sat in various locations inside the bar. There were adults present too, but they were clearly in a group separate to the youths.

Officers spoke to Victoria STEVENSON, the only member of staff working. She advised officers that there was a pool league match on with players from Millbridge.

When handed the CCTV request form STEVENSON took time to read the request form, telling police she was a law student by day. She then explained that she does not have access to the CCTV system, "only the boss does that to prevent staff from fiddling with it". She then went on to highlight that the footage requested was within the "40 working days".

Whilst one officer was speaking with STEVENSON more youths came into the bar. This was remarked upon by the officer attending to which she said "THEY'RE BETTER OFF PLAYING POOL IN HERE THAN OUT ON THE STREET." STEVENSON was asked about checking and challenging age to which she highlighted that one of the customers seen drinking beer was very short and looked young, but had produced identification to her to show that despite his appearance he was in his twenties.

The second officer in premises saw that besides the main bar area there was a very dark area situated out of sight of the bar where several youths were seen sat which was thought strange. A youth was seen to discard something under the sink, which officers retrieved and discovered that it was tobacco.

There are definite concerns that the BAR 9 cannot possibly monitor age of drinkers in the bar when there is only one member of staff working and youths were not only permitted entry despite being clearly underage to buy alcohol but also permitted to go into a dark area of the bar where there is no way that bar staff could see them. We got the impression that the BAR 9 manager does not wholly trust his staff with CCTV access, though this would be of use to them from time to time. BAR 9 itself was likened to a youth club with beer, and we had little doubt that the premises is a powder keg of youth related violence and ASB.

Recommend no single crewed visits to BAR 9 in the interests of officer and staff safety.

PC 1136 Dean Large
Neighbourhood Beat Manager
Central Sector
Charles Cross Police Station

1

SEYMOUR Duane 52714

From: ROTHWELL Mark 13730
Sent: 12 January 2020 00:13
To: Licensing West
Subject: L10 - Bar 9 Plymouth

Categories: Caroline

Evening,

No log as this was called in direct from P900 at approx. 2315 11/01/20. Essentially a report from someone at the [REDACTED] stating that there was a fight ongoing directly outside Bar 9 in Colin Campbell Car Park involving around 30 people. On Police arrival the fight had dissipated but witnesses stated that 2 females had come out of Bar 9 and were fighting for unknown reasons. A minute or so later P900 stated that part of the wider group were now stood on the Weston Approach and were thought to be concealing items in their socks. Officers redeployed to that location and the group bomb burst. 3 persons were caught and detained and subsequently S23 MODA searched. 1 x 17 year old male had 2 wraps of cannabis in his sock. One of the detained males admitted the group had been in Bar 9.

Kind regards

PC 3730 Mark Rothwell

OFFICIAL-SENSITIVE

MG11

Witness Statement

Page 1 of 2

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

URN:

Statement of: **Paul LAITY**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Inspector 15563**

This statement (consisting of2..... 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: **P Laity**

Date: **15/03/2020**

I am Police Inspector 5563 Paul LAITY of The Devon & Cornwall Police, currently stationed at Charles Cross Police Station, Plymouth.

At 0208hrs Sunday 15th March 2020 I was on duty in full uniform carrying out mobile patrols in a marked Police vehicle. I was aware from the Police radio of a report of disorder outside BAR 9, 32 WESTERN APPROACH, PLYMOUTH. I have been on duty previously when reports of crime and disorder have been reported at this location including under age drinking and a recent incident where it was suspected that a noxious substance was discharged inside the venue. On liaising with officers at the scene I was informed that it was believed that several males including eastern Europeans involved had just come from BAR 9 as it was closing. I spoke with PC 1136 Dean LARGE who explained they were just walking past on mobile foot patrol and saw males fighting with one running off upon seeing officers. The officer believed at least four males were involved as they all had visible injuries. He also explained nearby on the floor he recovered a small knife, a mobile phone and a small bag containing a suspected controlled drug.

I attended the location and PC LARGE introduced me to the bar manager who identified herself as Vicki STEVENSON, born [REDACTED] and her son working there called [REDACTED]. I introduced myself and explained my concern about what had just happened directly outside the bar. Vicki explained that it appeared that some eastern European looking males didn't like it that two female customers had been kissing earlier in the bar and there was some verbal altercation before they left. She further stated that she heard a commotion outside a very short time later and went to investigate. She found her son outside being pinned up against the door by one of the males. She showed us some CCTV footage that finished just before they closed at 0200hrs showing the persons inside the bar and then leaving. PC LARGE confirmed these were the same males outside with injuries.

I asked Vicki if the Licensee or Designated Premises Supervisor was on duty or had been earlier. She stated the owner and Licensee; Mr James Wright had been in but left around 2300hrs as feeling unwell. She explained to PC LARGE when asked that she didn't hold a personal licence to serve alcohol.

Signature: **P Laity**

Signature Witnessed by: **N/A**

05/2012

OFFICIAL-SENSITIVE

OFFICIAL-SENSITIVE

MG11

Witness Statement

Page 2 of 2

Continuation of Statement of Paul LAITY

Due to this incident tonight likely involving weapons and drugs and my previous knowledge of crime and disorder recently occurring at the bar or directly linked to the bar I took the decision to serve a closure notice on the premises under section 76 of the Anti-Social behaviour Crime and Policing Act 2014. This stipulates –

(1)A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

(a)that the use of ~~particular premises~~ has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b)that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

I read out the relevant form and served it on Vicki STEVENSON whilst PC LARGE recorded this on his bodycam. I ensured she had a copy of the notice and the accompanying notes regarding appeal etc. I informed Vicki we would advise James WRIGHT tomorrow also. I exhibit my original as PJI/1. A copy of the notice was later secured to the front door of the premises.

Signature: Signature Witnessed by: N/A

05/2012

OFFICIAL-SENSITIVE

DEVON AND CORNWALL CONSTABULARY

48 HOUR CLOSURE NOTICE

Section 76 Anti-Social Behaviour Crime and Policing Act 2014

1. Bar 9, 32 Western Approach, Plymouth.

The above premises are subject of a Closure Notice pursuant to Section 76 Anti Social Behaviour Crime and Policing Act 2014 on the grounds that there are reasonable grounds for believing:-

- (1) That the use of particular premises has resulted, or is likely soon to result, in nuisance to members of the public, or
- (2) That there has been, or is likely soon to be, disorder near those premises associated with the use of those premises,

and that the Notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

2. ACCESS TO THE PREMISES BY ANY PERSONS IS HEREBY

PROHIBITED UNLESS YOU ARE THE OWNER OR A PERSON WHO

HABITUALLY RESIDES IN THE PREMISES. IT IS AN OFFENCE

UNDER SECTION 86 OF THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO:-

- (1) Remain or enter premises in contravention of a Closure Notice
- (2) Obstruct a constable or authorised person affecting a Closure Notice or entering or doing anything reasonably necessary to secure the premises against entry by any person

A PERSON WHO COMMITS AN OFFENCE UNDER S86 OF THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 IS LIABLE TO UP TO THREE MONTHS IMPRISONMENT OR AN UNLIMITED FINE OR BOTH

3. An application for a Closure Order under Section 80 of the Anti Social

Behaviour, Crime and Policing Act 2014 to close the premises to all persons will be made at Plymouth Magistrates Court on Monday 16th March 2020 – time to be confirmed.

4. Should the Magistrates' Court decide to make a Closure Order the

premises WILL BE CLOSED TO ALL PERSONS FOR A PERIOD UP TO
3 MONTHS. The Magistrates’ Court may adjourn the hearing of the
application for no more than 14 days to give time for any party with an
interest in the premises to show why a Closure Order should not be made.
If the Magistrates’ Court adjourns the hearing it may order that the Closure
Notice continues in effect until the end of the period of adjournment.

5. You may wish to take advice on the effect on you of this Closure Notice.
For such advice contact a Solicitor, local Citizens Advice Bureau [telephone number] Local
Authority [telephone number] or Housing Association.

Person authorising the notice: Supt 3954 Brownlow
Date and time of Closure Notice: 15th March 2020 0300hrs
Officer Serving Closure Notice: Police Inspector 5563 Laity.....

DEVON AND CORNWALL CONSTABULARY

48 HOUR CLOSURE NOTICE

Section 76 Anti-Social Behaviour Crime and Policing Act 2014

1. James Wright, Bar 9, First Floor, 32 Western Approach, Plymouth PL1 1TQ

The above premises are subject of a Closure Notice pursuant to Section 76 Anti Social Behaviour Crime and Policing Act 2014 on the grounds that there are reasonable grounds for believing:-

- (1) That the use of particular premises has resulted, or is likely soon to result, in nuisance to members of the public, or
- (2) That there has been, or is likely soon to be, disorder near those premises associated with the use of those premises,

and that the Notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

2. ACCESS TO THE PREMISES BY ANY PERSONS IS HEREBY

PROHIBITED UNLESS YOU ARE THE OWNER OR A PERSON WHO

HABITUALLY RESIDES IN THE PREMISES. IT IS AN OFFENCE

UNDER SECTION 86 OF THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO:-

- (1) Remain or enter premises in contravention of a Closure Notice
- (2) Obstruct a constable or authorised person affecting a Closure Notice or entering or doing anything reasonably necessary to secure the premises against entry by any person

A PERSON WHO COMMITS AN OFFENCE UNDER S86 OF THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 IS LIABLE TO UP TO THREE MONTHS IMPRISONMENT OR AN UNLIMITED FINE OR BOTH

3. An application for a Closure Order under Section 80 of the Anti Social

Behaviour, Crime and Policing Act 2014 to close the premises to all persons will be made at Plymouth Magistrates Court on Monday 16th March 2020 at 1000 hours

4. Should the Magistrates' Court decide to make a Closure Order the premises WILL BE CLOSED TO ALL PERSONS FOR A PERIOD UP TO 3 MONTHS. The Magistrates' Court may adjourn the hearing of the application for no more than 14 days to give time for any party with an interest in the premises to show why a Closure Order should not be made. If the Magistrates' Court adjourns the hearing it may order that the Closure Notice continues in effect until the end of the period of adjournment.

5. You may wish to take advice on the effect on you of this Closure Notice.

For such advice contact a Solicitor, local Citizens Advice Bureau [telephone number] Local Authority [telephone number] or Housing Association.

Person authorising the notice: A. Leisk..... (Superintendent)

Date and time of Closure Notice: 1324 15/03/20.....

Officer Serving Closure Notice: PS 4571 Moore.....



EXTENSION OF CLOSURE NOTICE
(Section 76 Anti-Social Behaviour Crime and Policing Act 2014)

In the South-West Devon Magistrates' Court sitting at Plymouth
(Code: 1302)

TO: James Wright

Of: Bar 9, First Floor, 32 Western Approach, Plymouth PL1 1TQ

TAKE NOTICE that an application for an order pursuant to section 76 of the Anti-social Behaviour Crime and Policing Act 2014 has been adjourned to the day of March 2020.

23rd

AND FURTHER TAKE NOTICE that until the application is heard, access to the premises by any person is prohibited unless you are the owner or a person who habitually resides at the premises. IT IS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 TO:

1. Remain or enter premises in contravention of a Closure Notice
2. Obstruct a Constable or authorised person affecting a Closure Notice or entering or doing anything reasonably necessary to secure the premises against entry by any person.

A PERSON WHO COMMITS AN OFFENCE UNDER SECTION 86 OF THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 IS LIABLE ON CONVICTION TO UP TO THREE MONTHS IMPRISONMENT OR AN UNLIMITED FINE OR BOTH.

An application for a Closure Order under section 80 of the Anti-Social Behaviour Crime and Policing Act 2014 to close premises to all persons will be heard at Plymouth Magistrates' Court on Monday the 23rd March 2020 at 10 am.

At the hearing of the application the court may make an order closing the premises to all persons for a period not exceeding three months.

Date: 16th March 2020


Legal Adviser

NOTE:

It is an offence punishable by fine or imprisonment or both for a person to remain on or to enter premises in contravention of this notice.



South and West Devon Magistrates Court
Code 1302
St Andrew Street
Plymouth, PL1 2DP
Telephone: 01752 677480

Closure order

Premises:

Bar 9
32 Western Approach, Plymouth

Case number: 502000075114

Respondents: DEVON & CORNWALL
POLICE


The court has considered a closure order made on 15 March 2020 on the ground that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Order

The premises are to be closed immediately to all persons and remain closed for 3 months from the date of this order.

Warning

A person who, remains on or enters the premises in contravention of this order is liable to a fine or imprisonment or both.


NICK EVANS
Alessandro Roveri

Date: 23 March 2020

Offences

Justices' Clerk

JUSTICE OF
THE PEACE

502000075114/1

Application for a closure order following service of a notice on 15/03/2020 in respect of Bar 9, 32 Western Approach, Plymouth.

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

DEVON & CORNWALL POLICE

23 March 2020/CLO_24_0/56629/1

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 TANYA MCKENZIE-CLARKE
(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Bar 9 First Floor, 32 Western Approach, | |
| Post town . Plymouth | Post code (if known) PL1 1TQ |
| Name of premises licence holder or club holding club premises certificate (if known) Bar 9 Ltd | |
| Number of premises licence or club premises certificate (if known) PA 0961 | |

Part 2 - Applicant details

I am.

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Devon & Cornwall Police Plymouth B C U Charles Cross Police Station Hampton Street Plymouth PL4 8HG |
| Telephone number (if any) 01752 487146 |
| E-mail address (optional) licensing.team@devonandcornwall.pnn.police.uk |

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

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

| |
|--|
| <p>Please state the ground(s) for review (please read guidance note 1)</p> <p>The grounds for the review are made based on the licensing objective for the prevention of crime and disorder, prevention of public nuisance and protection of children from harm and are summarised as follows:</p> <p>a) Poor management of the premises has resulted in incidents tied and linked to the premises.</p> <p>b) Reports of children under the influence.</p> <p>c) Breaches of the premises licence.</p> <p>d) Poor supervision and control of patrons attending the premise.</p> <p>e) Problems encountered to obtain CCTV footage requested in writing on a specified form as is the requirement of the Premises Licence, following reports of incidents and crimes of assault, resulting in no footage supplied.</p> |
|--|

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Devon & Cornwall Police Plymouth B C U Charles Cross Police Station Hampton Street Plymouth PL4 8HG |
| Telephone number (if any) 01752 487146 |
| E-mail address (optional) licensing.team@devonandcornwall.pnn.police.uk |

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)
The grounds for the review are made based on the licensing objective for the prevention of crime and disorder, prevention of public nuisance and protection of children from harm and are summarised as follows:

- a) Poor management of the premises has resulted in incidents tied and linked to the premises.
- b) Reports of children under the influence.
- c) Breaches of the premises licence.
- d) Poor supervision and control of patrons attending the premise.
- e) Problems encountered to obtain CCTV footage requested in writing on a specified form as is the requirement of the Premises Licence, following reports of incidents and crimes of assault, resulting in no footage supplied.

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

The Police have concerns regarding the poor management and control of these premises, the inability of the DPS and Staff to comply with the conditions of the premises licence, and the inability to obtain requested CCTV footage.

Following intelligence that Police Officers were attending an increase in incidents at the premises January 2020 a time line of events was started to monitor the situation.

On 11/01/2020 at 2315hrs L10 for submitted Police attended a report of 30 fighting outside the premises. Persons were one of the detained males admitted the group had been in Bar 9.

On 12/01/2020 Storm log DCP 20200112-0760 report of an assault at the location, a crime has been recorded from this incident.

On 16/01/2020 at 2115hrs Police attended the premises to submit Form 350 CCTV request form, the officers attending submitted L10 with concerns of the number of youth on the premises and the inability of the staff to provide the requested CCTV footage. The officer likened Bar 9 to a youth club with beer, and had little doubt that the premise is powder keg of youth related violence and ASB.

His concern were such he recommend no single crewed visits to Bar 9 in the interests of officer and staff safety.

On 17/01/2020 Local Neighbourhood Inspector informed of concerns surrounding Bar 9.

On 18/01/2020 Storm Log DCP 20200118 - 0753 report from P900 CCTV sus youths outside premises.

On 18/01/2020 at 1905hrs Officers who attended log 0753 submitted L10 with concerns of underage drinking at the premise as they were approached by a concerned grandmother who complained to the officer that her 16 year old grandchild had been served in Bar 9.

On 18/01/2020 at 2230hrs L10 Submitted Officers on patrol passed the premises and noted a sizable group of youths between the ages of 14 and 18.

On 21/01/2020 email received from investigating office of a crime tied and linked to premises, concern of lack engagement from staff member and lack of CCTV. She was informed that the DPS is on holiday and won't be back until the end of the month.

On 23/01/2020 Letter sent to premises regarding concerns at the premises and issues with obtaining cctv footage, it was also requested that the DPS make contact with the Licensing Department to arrange an appointment to address these concerns.

On 24/01/2020 1210hrs DPS James Wright called leaving contact details.

On 24/01/2020 Storm Log DCP 20200124 - 0845 Report of a fight in the vicinity of Bar 9.

On 24/01/2020 Email received from officer attending the premise with concerns of underage drinking and lack of engagement from staff at the venue.

On 24/01/2020 L10 submitted from an officer attending the premise concerns of an interaction with a 16 year old male who was highly intoxicated and barely able to stand.

On 24/01/2020 L10 submitted by officer who had attended the premises on two occasions, concerns about the amount of young person on the premises. A fight had happened outside the premises the group involve had ran into the premise on seeing police. Enquires with local businesses that this happens most weekends and they believed there was a lot of cannabis being smoked.

On 26/01/2020 email received from officer who attended premise, spoke with staff who informed the officer that the DPS James Wright was in earlier but they weren't expecting him back anytime this evening. his concerns that there was only one bar staff with a young male who looked like he was collecting glasses.

On 26/01/2020 Storm Log DCP 2020126 - 0644 report of underage youths being served.

On 31/01/2020 Storm Log DCP 20200131 0931 Underage drinking.

On 31/01/2020 at 2020hrs L10 Submitted officers made observations at the premises one member of staff, staff member did not know how to operate CCTV system, about 50 person in the bar only 4 or 5 over 18. Later on that evening two intoxicated youths have been ejected from the premises and are arguing.

On 01/02/2020 Storm Log DCP 20200201 - 1044 report from concerned parent reference intoxicated daughter.

On 02/02/2020 L10 submitted from officer attending log 1044 15 year old daughter has attended Bar 9 in a group of 15 year old girls and alleged that all of them gained entry. It is also alleged that her daughter purchased alcohol in the premise.

On 02/02/2020 L10 submitted officers attend Bar 9 at 2300hrs all in order, on leaving approached by local business owner informing the officer he was having issues with Bar 9 drunken youths hanging around the entrance to his business putting off customers.

On 07/02/2020 L10 submitted 2000hrs officers attended Bar 9 after being informed that there was a substantial gathering of youths congregated outside the venue. On entering the premise there was a powerful smell of cannabis. There were approx 40 youths present.

On 07/02/2020 Storm Log DCP 20200207 - 0799 Large party lots of youth gathering

On 07/02/2020 Storm Log DCP 20200207 - 1013 Reports of underage drinking.

On 13/02/2020 2110hrs L10 submitted Officers patrolled Colin Campbell Car Park a few times this evening, over the evening there were lots of youths outside bar nine. None appeared intoxicated. We went again at 2110 as I believe all under 16's have to be out by 2100hrs but there were still youths going in and out at this time.

On 14/02/2020 Storm Log DCP 20200214 - 0927 report of underage drinking.

On 15/02/2020 L10 submitted at 2030hrs officer attended premises Upon entering the premises there were approximately 10-15 youths, both males and female aged between 15-17 years. None appeared in drink or drugs and none appeared to be drinking alcohol. A small group of males were playing pool. I spoke to the female

staff member, the only person who appeared to be working. The female was happy to engage with police but mentioned that she was starting to get frustrated with police presence and was having effect on the business. The female stated under 18's were allowed in the premises until 2200 after that time, they needed to be accompanied by an adult.

On 16/02/2020 L10 submitted at 2315hrs concerns from the officers attending that a staff member on duty was unable to operate CCTV system.

On 18/02/2020 L10 submitted at 2040hrs officers attended the premise the venue was heaving with around 30-40 young persons who when questioned ranged between 16-18 years old. James Wright had seen us coming at the top window and had every opportunity to give people a 30 second heads up. James Wright discussed his restrictions with PC EVANS and confirmed he knows about the limits for under 16's at 9pm, he stated he would be kicked the 16 year olds out at this time and allowing anyone else over this age to remain until 11pm. He confirmed he would be remaining on the premises until 11pm. The youths present did cause some challenges because of the nature of our visit being seen as bullying and ruining their fun.

On 20/02/2020 at 1526hrs attempts were made to make contact with DPS James Wright contact number not working, premises land line called and a female member of staff informed me that she doesn't have James Wright contact number she has to make contact with him through a social media app called Messenger. Shortly after James Wright called the office and was requested to attend Charles Cross 1100hrs 24/02/2020 for the purposes of an interview regarding suspicion of breaching licensing conditions of the premise.

On 21/02/2020 Storm Log DCP 20200221 - 0954 report underage drinking.

On 21/02/2020 Storm Log DCP 20200221 - 1025 report underage drinking.

On 21/02/2020 L10 submitted at 2237hrs a female that had been kicked out of the bar and that there were a number of 15 year olds within the premises drinking alcohol. This was confirmed by P900 who stated that this was an ongoing problem, and whilst the car park is monitored by CCTV every night there are repeated underage people on the premise Bar 9. This escalates to the point where the young people are throwing glasses around the carpark with it smashing over the car-park floor. Police attended but all disorder had stopped and reports of people on mopeds were unconfirmed.

On 21/02/2020 L10 Submitted Police were called again at 2347 hours after a report of a fight outside the bar.

On 22/02/2020 L10 Submitted Police were called for a third time at 0027 hours to a report of a female stating that she had been assaulted by three males inside the bar. Victim was also in drink and was in distress. P900 turned cameras to see the bar and witnessed a confrontation/fight between multiple people, all linked to the previous logs and a machete has been pulled out by one of the individuals. No one was injured. On arrival at the scene offenders had made off in the direction of KING STREET however one female that was at the location was arrested by police for assault on an emergency worker. Whilst this was ongoing reports were received from the aggrieved person that a noxious substance had been thrown into the bar and that multiple people were struggling to breath/coughing/being sick. Bar 9 was evacuated, further police units, fire and ambulance were called. 2-pump turn out from D&SFERS and ambulance attendance with the Operations Officer.

On review of CCTV one male that was inside the bar had exited and had the machete down the front of his trousers. He pulled it out, pointed it towards another male before they ran at each other and into the doorway of the bar and out of sight of P900 cameras. No blood located at scene. Bar confirmed customers are all between 15 and 19 years old.

On 23/02/2020 L10 Submitted Please can I make you aware of two crimes linked to BAR 9 in COLIN CAMPBELL CAR PARK Plymouth.

1. Assault on an Emergency Worker – 16 year old drunk assaulting Police
2. Affray

Both crimes have involved people coming from the club.

On 28/02/2020 L10 submitted at 1930hrs police officers attended the premise, DPS not present. Victoria STEVENSON lone person working behind the bar. The premises did have an SIA registered door supervisor, but from attending officers observations to be seen ineffective, it was noted 30 persons inside 25 of them looked under 18 years of age.

On 29/02/2020 L10 submitted at 1930hrs police officers attended the premises, DPS was present on this occasion. He informed the officers that he was having no under 18's on Wednesday and Friday nights. One young male challenged by officers regarding ID and the presents of alcohol, male in question said he didn't have ID and was allowed to remain until 2100 and denied that the alcohol was his.

On 03/03/2020 Storm Log DCP 2020 - 0808 - 8-10 youths fighting

On 03/03/2020 L10 submitted at 21:18 officers attended the premise in relation to Storm log 0808 James Wright stated that they were at the premises prior and asked to leave once they became heated with each other.

The DPS and the Premises Licence holder have been made aware on numerous occasions by Police Officers attending the location and the Police licensing department of concerns regarding the premise.

Officers have attending premises following an incidents and have noted the number of persons present who are under 16 years of age past the restricted hour of 2000hrs.

Some of these young persons have presented as being intoxicated. Reports from guardians of children being served alcohol and intelligence of youth posting pictures on social media of alcohol consumption by other youths on the premise.

Following one police visit there was a strong smell of cannabis in the premise which the lone staff member was unaware, this show a lack of control and awareness of patrons actions whilst on the premise.

Due to the lack of management imposed by the DPS and staff at the premise, it has become hive for young persons and the consumption of alcohol underage and in turn results in anti-social and incidents of violence.

The lack of age verification of persons entering the premises the DPS has not protected children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives, police have noted from visits young persons carrying alcohol and appearing under the influence. On one occasion officers attending the premises which was open and occupied with numerous males and females with no staff on the premise.

There has been an increase in alcohol related anti-social behaviour within the vicinity of the premises involving large numbers of youths, on occasion resulting in violent outbreaks.

Requests for CCTV have not been complied with from the premises.

The Police have a duty to investigate reported crime to an effective level, to do so they must call on assistance from witnesses and others who may be requested to provide CCTV material in compliance with General Data Protection Regulation. Where it is known CCTV is present it is invariably an essential ingredient of investigation and failure of the police to produce CCTV for the information of the prosecution and defence solicitors has a detrimental effect on enquiries and brought to justice outcomes

The premises licence has a condition that at all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.

The conclusion is that Mr Wright who is both the DPS and premises licence holder has failed to comply with the conditions of the premises licence, The current operation of the business is having a negative impact on surrounding business and members of the public.

Mr Wrights action have undermined the licensing objectives, namely Prevention of Crime and Disorder, Prevention of Public Nuisance and The Protection of Children from harm.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature McKenzie-Chance

Date 9th March 2020

Capacity SUPERINTENDENT RESPONSE

| | |
|--|-----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) | |

Notes for Guidance

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

Dear Mr Wright

Re: Bar 9, First Floor, 32 Western Approach, Plymouth PL1 1TQ

I write to you in your capacity as the Designated Premises Supervisor for the above premises.

The Police have concerns with the current management of the premises following recent reports of crime, incidents occurring that are tied and linked to the premises and disorder in the vicinity.

The following concerns need to be addressed:

- Poor response to requests for images to be downloaded.
- Poor supervision from staff of patrons at the premises.
- Incidents not being reported to Police.
- Age verification checks

An officer attended the premises 16th January 2020 requesting footage of CCTV relating to an incident that occurred on the 11th January 2020. The officer was informed that the only person who could operate the CCTV was the owner Mr Wright and that he was currently away on holiday.

This is in contravention of the premises licence Annex 2 CCTV section condition 6:-

At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.

This CCTV footage is still outstanding and it is requested that you contact the licensing department at the earliest opportunity to arrange an appointment to discuss these concerns.

The licensing Act 2003 places certain responsibilities on t At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.he DPS and Premises Licence Holder I believe it may be helpful if I pointed out the expectations of the licensing authorities very clearly in respect of the four licensing objectives

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

It is expected that you actively work in partnership with the licensing authorities towards complying with all these objectives.

The area in which the premises are situated historically has specific problems including Drunkenness, drug abuse and violence.

You will be expected to be aware of the problems and manage the premises accordingly.

You are expected to fully co-operate with the police and to engage with the Neighbourhood Beat team and Licensing Department.

You will be expected to make it clear to all customers that underage drinking and anti-social behaviour will not be tolerated in the premises and that people caught or suspected of involvement will be banned from the premises and reported to police.

You will be expected to train your staff in both identifying and refusing service to drunken customers and in operating an effective policy to identify and refuse the service of alcohol to underage people.

We would recommend a Challenge 25 policy.

It will be expected any person who engages in anti social, violent or aggressive behaviour will be informed they will be banned from the premises and police will be informed.

I would remind you that the Licensing Act also requires you to manage the area in the vicinity of your premises therefore it is essential that any problems are properly dealt with and not just ejected onto the street. If in any doubt call the police.

The licensing authorities are keen to assist you manage the premises in such a way as to promote a safe and comfortable environment should you have any queries or there is anything you require please do not hesitate to call

Yours sincerely

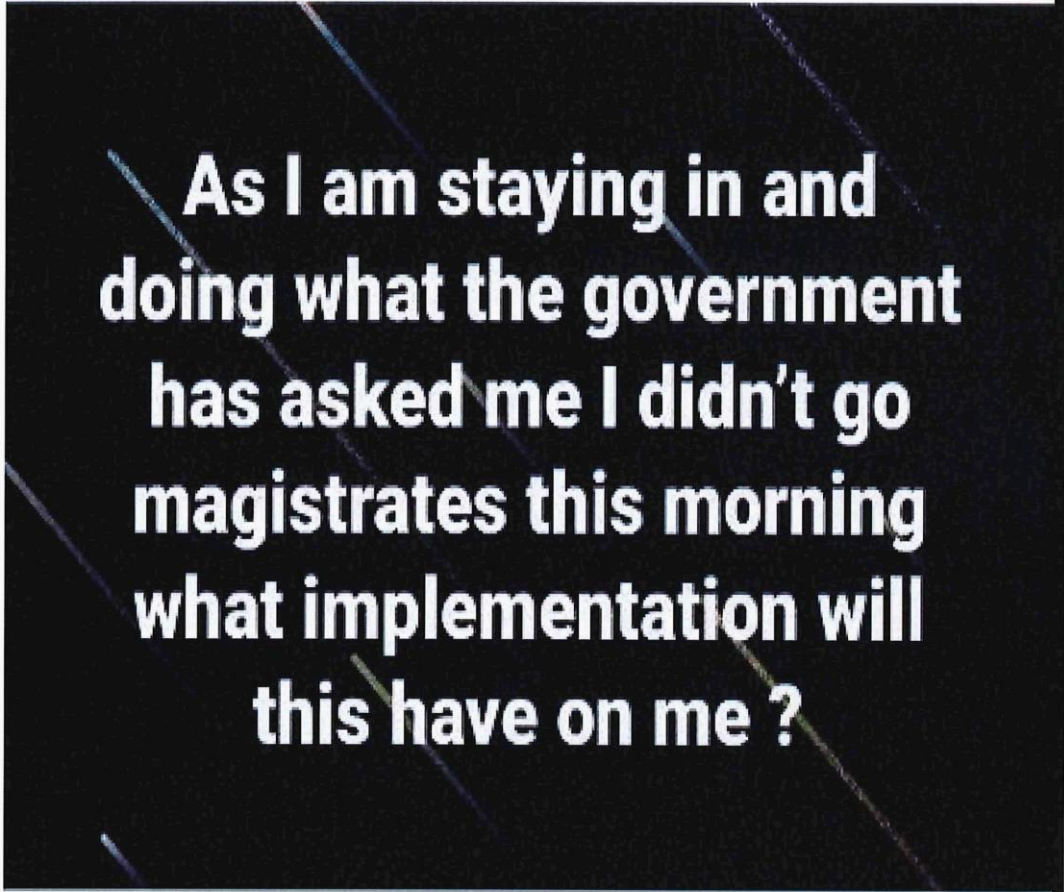
Mr D Seymour
Licensing Officer



James Wright



23 Mar at 21:37 •



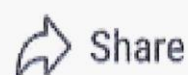
15 comments



Like



Share





James Wright



22 Jan at 19:33 •



BAR 9

22 Jan at 19:31 •

**Normal opening hours
resume Thursday
sorry for the past few
weeks due to holidays**

