

In respect of our application for the Summary Review of the Premises Licence for Sportys Bar, Belgrave Road, Torquay, please accept this email and the attached documentation as an additional representation.

The Torbay Council Licensing Public Register shows that between 18 December 2012 until 2 February 2015 Mr LANG was the PLH and DPS of The Sportsmans Arms, Laburnum Street, Torquay. I am aware that prior to 18/02/12 Mr LANG ran that premises with his wife, but he took over the premises when they separated. During the time that Mr LANG's wife held the licence there was a Review of the licence in relation to the public nuisance objective, which culminated in the permitted hours of the premises being reduced.

Whilst he was at the Sportsmans Arms, I had the following dealings with him:

06/05/13

Complaints of noise and after hours drinking received. At 2346 hrs on Friday 10 May 2013 I visited the premises with members of staff from Torbay Council. The licence for the premises authorised the sale of alcohol until 2300 hrs daily with the premises closing at 2330 hrs. After this visit I prepared a statement which is attached.

22/03/14

Noise complaint. On 28/03/14 I attended the premises and discussed the complaint with Mr LANG. He said he had karaoke on the Saturday night but he monitors noise levels. Asked him to ensure staff also monitor and to keep noise levels down.

17/04/14

Complaint of noise and after hours drinking. At 1130 on 28/04/14 I attended the premises with Mr MARTIN and we met with Mr LANG. We discussed the noise and after hours complaint. Mr LANG stated that this was a one-off event as he had been contacted the night before to say that a pool competition was due to be held at the Tor Abbey but the premises had closed and therefore they had no venue to play in. He therefore agreed to hold the competition in his premises and he stated that as it was the final it did get a bit noisy. Mr LANG denied that after hours drinking had taken place on this occasion. However he stated that he does occasionally have friends stay behind after hours, but only 4/5 at a time, no money is exchanged and he ensures they leave by the private entrance/exit and not the front doors. Discussions took place concerning how Mr LANG could control noise from premises from persons singing and shouting.

19/07/14

Log 1069 19/07/14 - Report of a possible break in. Officers attended and found 3 to 4 people inside drinking at 0030 hrs. The officers commented that Mr LANG was a little drunk and he told officers he was struggling to get the persons to leave.

At 1000 hrs on 28/07/14 myself and Mr MARTIN met with Mr LANG to discuss the above matter. Mr LANG outlined the circumstances of this stating that he had his girlfriend and a couple of friends after hours for a few private drinks but stated no money changed hands. He said that during the course of this there was a bang at the door and a drunk male

asked for a late drink. Mr LANG explained that the pub was closed and asked him to leave the area but the male began swearing and refused to go. Mr LANG's friend then asked the male to go and pushed him away. Mr LANG then went back into the premises and forgot to lock the door. Several minutes later a female police officer attended and he explained what had happened.

I informed Mr LANG that advice from Philip Kolvin, a leading licensing barrister, states that in respect of his premises, where the sale of alcohol and closing time was reduced at a Review due to public nuisance issues, the closing time of the premises is enforceable and that he must ensure no one is within the premises after 2330 hrs. I sent a letter to Mr LANG concerning this incident on 28/07/14, copy attached.

11/08/14

Log 0897 11/08/14 noise complaint details passed to Torbay Council

23/09/14

Officers from Torbay Council attended premises and at 11.30 pm witnessed lights on. Through a clear window they could see about 15 people inside and saw a female pull a pint and hand to someone. Council staff waited outside the premises and saw people coming out at 11.55 pm and whilst doing so they were smoking and using their phones. Mr MARTIN advised me that he was considering applying for a review of the licence.

17/10/14

Officers on patrol in Laburnum Street at 2340 hrs on Friday 17/10/14 saw two males and a female come out of premises. One male was carrying a 2/3 full pint of beer. When asked what they were doing, the male said they were having a smoke. The officer told the male he couldn't have the glass in the street. The male apologised and went back in. Due to the late hour the officer assumed that the pub had a licence until midnight.

Towards the end of 2014 or beginning of 2015 myself and Mr MARTIN met Mr LANG. He told us that the freeholder of the Sportsmans Arms was intending to turn the premises into residential premises. Mr LANG said that there was a possibility of him taking on a premises known as the Tor Abbey, 80 Belgrave Road, Torquay, and he wanted to know whether we would support this.

Due to all the above matters, myself and Mr MARTIN were concerned about Mr LANG's management of the Sportsmans Arms, however only one resident was complaining about the premises. Laburnum Street is very narrow and the complainants house was directly opposite the pub. Both myself and Mr MARTIN thought that if Mr LANG took over the Tor Abbey, which is situated on a wider and busier street with more background noise, he may be able to control the noise from people and therefore we agreed to him taking the licence.

22/01/15

Applications to Transfer and Vary the DPS of the licence at the Tor Abbey were received from Mr LANG and the name of the premises was changed to Sportys Bar.

Since Mr LANG took over at Sportys Bar, I have dealt with the below matters.

08/05/15

Log 28 08/05/15 ☐ Complaint of excessive noise coming from pub at 0113 hrs. Local resident suspects a lock in. Letter sent to Mr Lang on 20/05/15, copy attached.

30/03/16

Log 50 30/03/16 ☐ Complaint of noise and after hours drinking. Police attended premises and stated they could clearly hear people inside the premises. Mr LANG let the officers in and said that they had a darts competition there during the evening and a few of his regulars had stayed behind after closing to continue the celebrations. Mr LANG stated that he was not charging for the drinks and it was a private party. The till was empty and, on inspection, the licence summary was not on display, but it was produced for officers on request and he was advised to put it on display. Mr LANG stated that he was unaware that the noise coming from the premises was over the top and told his guests to stop being obstructive and to leave when requested by the officers. On 12/04/16 I wrote to Mr LANG concerning this matter, copy attached.

24/08/16

Log 459 22/08/16 Report of assault on female where she sustained facial bruising, believed to have been caused by someone throwing a glass bottle in the premises. Officers attended the premises on 04/09/16 in order to view the CCTV, but no one was able to work the system and they were advised it would be downloaded for them. On 06/09/16 officers again attended to collect the CCTV but it was not ready. On 08/09/16 Mr LANG attended Torquay Police Station and advised the Enquiry Office staff that the CCTV system was not working. A letter was sent to Mr LANG on 03/10/16, copy attached.

01/01/18

Log 167 01/01/18 and CR/490/17. Officers were called to a report of a male who had been assaulted within the premises. Prior to their arrival at the premises they were advised that staff had ushered the offender out of the rear exit and that a male and female were unconscious on the floor. When officers arrived they found a group of intoxicated persons outside the premises and a young female running in the road, crying, screaming and shouting. Officers went inside and located a male lying on the floor with an injury to the rear of his head, and a female who was also on the floor. The male was taken to hospital. Mr LANG was spoken to. When asked what had happened he gave an account but stated he could not be sure what had occurred as he was intoxicated. When challenged over the allegation that they had let the suspect out of the back of the premises staff became obstructive. Officers asked to view the CCTV but neither Mr LANG nor staff members knew how to work the system, nor did they have the password. An L10 submitted by PC Truscott is attached, together with a letter that I sent to Mr LANG on 07/02/18.

November 2018

In November 2018 I became aware of a serious assault that occurred at the premises on 30 June 2018 where a male sustained a fractured elbow. The suspect for this incident was a friend of Mr LANG's. During the course of enquiries Mr LANG was requested to produce CCTV and Mr LANG assured PC DUTTON that this would be done. However, on 9 July 2020

Mr LANG advised PC DUTTON that the CCTV of the incident had been overwritten. On 29/11/18 myself and Mrs Mandy GUY of Torbay Council attended the premises and met with Mr LANG. The incident and concerns regarding CCTV were discussed and it was established that some conditions on the licence were not being complied with. As a result of this matter, I sent a letter to Mr LANG on 03/12/18, copy attached.

25/09/19

Intelligence received concerning drug dealing taking place on a regular basis at the rear of the premises, mostly on weekends. Believed to be cannabis and cocaine. Mr LANG advised of this intelligence.

11/02/20

Further intelligence re concerns at premises. On 17/02/20 PC GEAKE visited the premises. Mr LANG was in attendance, playing darts. PC GEAKE stated that Mr LANG appeared to have had a drink but was not drunk. The full licence was hung up behind the bar. PC GEAKE states that Mr LANG was under the impression that CCTV only has to be kept for 7 days but he was corrected on this as the licence states 14 days. PC GEAKE identified that one CCTV camera was not operating but Mr LANG stated he will ensure it is repaired ASAP.

25/03/20 (During Lockdown 1 ? Licensed Premises were told to close on Friday 20/03/20)

Mrs GUY of Torbay Council contacted Mr LANG concerning a complaint she had received in relation to alleged lock-in at Sporty's. Mr LANG assured Mrs GUY that the premises had closed on 20/03/20 and denied the allegation that there had been a lock-in. Mrs GUY informed me that she gave Mr LANG suitable advice concerning the use of his premises during the closure period.

19/04/20

Allegation of Covid breach. Officers attended and found Mr LANG playing pool with a male who stated he did not live at premises. Partly consumed drinks were seen on the bar and it is believed that Mr LANG and his friend were consuming alcohol within the premises, which was prohibited by the Coronavirus Regulations. Mr LANG admitted to officers that he was regularly having friends over to play pool, and he had played over 600 games, during lockdown. Officers noted the smell of cannabis when they attended the premises, PC WOOSEY states she could not smell it on approaching the premises via the road or path, or on walking down the steps. PC ABERCROMBIE states that the smell of cannabis came from within the premises. As a result of this incident I sent a letter to Mr LANG on 23/04/20, copy attached

26/04/20

Complaint from a resident about drug use at premises.

29/04/20

Complaint received stating that Mr LANG was still having people around. The complainant also asked what action will be taken in respect of this matter as he was aware Mr LANG had already had a written warning for this.

02/05/20

Email from complainant about another alleged lock-in.

03/07/20

Another email received from complainant alleging a lock-in.

04/07/20

Various text messages received from a complainant:

1903 hrs ☒☒ You might want to check Sportys bar in Torquay. Drugs being sold in back garden and overcrowded pub!!☒

1905 hrs ☒☒ He was open yesterday too with lots of people in there☒.

1923 hrs ☒☒ Just caught at least 3 customers in his beer garden snorting coke just a few moments ago. Have a video of it☒

1924 hrs ☒☒ Tired of this, all through lockdown this idiot has had people there and I knew today they would all be doing drugs in that little back yard area☒

05/07/20

Email from complainant saying him and another neighbour have had enough. He said that he knows pubs are allowed to open on 06/07/20 but wants an end to the drug taking and noise issues.

06/07/20

Premises visited by PC METHERELL at 1800 hrs. This was the first night that licensed premises could open after Lockdown 1. PC METHERELL witnessed extremely loud music coming from the premises which would cause customers to shout to hold a conversation. On arrival one male was outside the premises but went in and must have told staff as the music was quickly turned down. On entering the officer saw people standing around the bar (this was not allowed) and 10 people were playing pool at the back of the premises. An email from PC METHERELL concerning this matter is attached.

06/07/20

At approximately 2130 hrs I attended the premises with Mr MARTIN and police officers. On entering I saw 4 persons stood at the bar, despite Mr LANG having been given advice re this matter at 1800 hrs that day. I noted that there was one bottle of hand sanitiser in the premises. Mr LANG produced a risk assessment but when I went through this with him I was not satisfied with the measures in place, or the information he provided, and I formed the opinion that premises were operating exactly the same as they had before the Covid pandemic. Mr LANG said that he didn't know anyone who had been ill with Covid and he stated it does not exist. He further stated that no one had died of Covid. Mr LANG was under the influence of alcohol and I did not feel that our discussions were making any progress so I arranged to meet with Mr LANG on Monday 08/07/20. Myself and Sgt CURTIS met with Mr LANG on 08/07/20 and he told us that he had decided to close but would contact me before he re-opened and I advised him that I would help him with his risk assessment and the measures he should have in place. A few weeks later I noticed that the premises had re-opened but I had not received any contact from Mr LANG. The full details of this matter are contained within a copy of my computer record which is attached.

12/07/20

At 1953 hrs I received a text message from a complainant stating "Not sure what the outcome was with ref to Sports but he's got music playing and people in there and he is wasted. He can hardly walk"

25/07/20

Email from complainant who stated that drug dealing was going on at the back of the premises. He also explained that during lockdown the area was more pleasant and people in the area could have their windows open without hearing noise from the premises, disturbing them and keeping children awake. He said that now the premises has re-opened they can't have their windows open due to the shouting and swearing from the pub.

08/08/20

At 2339 hrs I received a text message from a complainant saying "Can you not do anything about sportys??? Karaoke blaring out and its gone half 11, his back doors are open, people are in the rear area shouting and we cant get any sleep!!"

19/08/20

Mr MARTIN and I arranged to meet Mr LANG at the premises at 1130 hrs to discuss concerns but unfortunately we arrived 20 minutes late due another appointment over-running. We repeatedly knocked on the doors and windows but there was no answer. I got out my phone and noticed I had a text message from Mr LANG saying "HI Julie are you on your way". At 1154 hrs I rang him and there was no answer. I rang him again and spoke to him. He said that as we were late he couldn't wait for us as he was attending a wake at 1200 hrs and had left the premises 5 minutes ago. I told him that this was disappointing at he had made no mention of having to be elsewhere at midday when I contacted him, and in any case we would have needed more than 10-15 minutes to discuss the complaints we had received. He said that he didn't know how long we wanted to meet with him for. He said that he could meet with us later that day but I had other commitments.

Mr MARTIN and I then went to the rear of the premises to try to establish where one of the complainant lives. I rang the telephone number of the complainant who sends me text messages and I spoke to this male. I asked if he was in so we could meet him and discuss his concerns about Sportys but he said that he had now moved out as the constant noise and activities of the premises were regularly disturbing his family.

30/08/20

Mr MARTIN and I attended the premises at 2300 hrs. At that time I parked the vehicle slightly down the road and we watched the premises for a couple of minutes. At that time a male stood in the doorway of the premises and lit a cigarette. Someone inside the premises must have shouted at him to go outside if he was smoking but he said he was outside. Whilst he was stood smoking his cigarette he was talking loudly to himself for about 5 minutes and throughout this time he repeatedly used the words "fuck" or "fucking". I then drove around to the road at the back of the premises and we walked to the rear entrance. The doors were closed and although we could hear the sound of music and talking coming from the premises it was not too loud. No one was in the rear yard or garden area. There was no background noise at all in this location. Whilst stood at that

location we could clearly hear a loud male voice coming from the front of the premises and we formed the opinion that this could be the same male we had seen smoking outside, thus indicating that noise from the front of the premises could carry to the rear garden area very easily.

10/09/20

Email received from complainant. This contained a video of three males who appeared to be snorting drugs at the rear of the premises.

11/09/20

I sent a text message to Mr LANG asking him if he could meet with me at the premises on 16/09/20 for about an hour, but he replied that he was away and wouldn't be back until the 19/09/20. As I wanted Mr LANG to be aware of the concerns in respect of his premises I sent him a text message saying "Ok we'll have to leave it until the following week but I don't know when I'll be able to do it yet so I'll be in touch. The complaints are about noise and bad language from customers out the front and back, loud music and drug use so you need to focus on these areas and ensure they aren't a problem. Thanks". He responded "Ok thanks for the update now I know what it's about I'll do my utmost to sort it makes me wonder after being here for 6 years iv got this problem know but we will have a good talk when I'm back cheers Jim"

23/09/20

Attended premises yesterday with Sgt CURTIS and Mr MARTIN, where we met with Mr LANG. We discussed drugs issues. I advised Mr LANG that I had seen video footage of persons who appeared to be snorting drugs at the rear of the premises. Mr LANG said that he sniffs customers and if they smell of weed he doesn't let them in. Mr LANG said that he didn't believe there was a drugs problem at his premises. I told him that officers did find Kinder eggs just outside the back door and the video clearly showed males snorting so it appears that cocaine is an issue. I showed Mr LANG where this incident occurred and requested that he installs a CCTV camera to cover the area. Sgt CURTIS advised Mr LANG to keep a diary demonstrating the action he takes in respect of customers suspected of taking drugs.

Mr LANG stated that he had upgraded his CCTV system and has an App on his phone that he can use to view all cameras. Mr LANG demonstrated how this App worked.

Mr LANG was informed about the male we saw stood in the doorway swearing. Mr LANG said that a lot of his customers swear and we advised him that whilst he may allow this inside it is not appropriate for customers to be swearing outside with pedestrians, including families, walking by. He said that he can't tell them to stop swearing and he was told that he must as this behaviour is not acceptable. Sgt CURTIS told Mr LANG to tell customers politely that his licence could be at risk if they don't act appropriately whilst smoking out the front of the premises and Mr LANG said he would do this. Mr MARTIN explained that noise travels from the front to the rear of the premises and told him to monitor noise levels in both areas.

I then checked that all conditions on the licence were being complied with. There were no posters at the front doors and in beer garden advising customers to respect neighbours and keep noise levels down. I asked Mr LANG about his management scheme in respect of this and he said he just tells them to keep noise down. I advised him that a condition requires there to be a management scheme and therefore this should really be written down. I asked to see Mr LANG's written drugs policy but he said he doesn't have one.

Due to various conditions not being complied with Sgt CURTIS indicated that he was satisfied that the premises were not operating in accordance with the licence conditions and issued a Section 19 Closure Notice, copy attached.

We then discussed Covid measures and I asked to see the premises track and trace record, which Mr LANG produced. I asked Mr LANG if he had printed off NHS Covid QR codes as he was required to display them from that day. As Mr LANG said that he struggled with using the internet, he passed me his phone and I downloaded the QR codes for him.

Various other Covid measures were in place, such as hand sanitizer bottles on various tables and signage around premises reminding people to socially distance.

I explained to Mr LANG that due to the number of complaints we had received and the fact that in the past it does not appear that he had heeded advice given to him, if there were any further concerns in respect of his premises we would seek a review of the licence.

08/10/20

I attended premises with Sgt CURTIS in order to establish whether the matters contained within the Closure Notice had been addressed. Sgt CURTIS was satisfied that all the matters had been rectified and he therefore issued a S19 Cancellation Notice, copy attached.

11/11/20

Email received from a complainant who stated that he had seen 4 persons enter the premises. Officers attended and found Mr LANG plus two others who had been drinking and playing pool in the premises. Details of this matter were contained within the summary review application and the statement of PC Trevor THOMAS that was provided with the application. PC Wesley ABERCROMBIE has also provided a statement, and this is now attached.

At the hearing on 21 December 2020 my presentation will refer to the above information and attached documents.

Kind regards

*Julie Smart*

Alcohol Licensing – Torbay and South Hams