

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 26 May 2011

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Addis
Councillor Parrott

Councillor Stocks

Our vision is for a cleaner, safer, prosperous Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Sarah Forsyth, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207064

Email: democratic.services@torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Minutes**

To confirm as correct records the Minutes of the meetings of Sub-Committees held on 21 and 28 April 2011.

(Pages 1 -
18)

4. **Declarations of interests**

(a) To receive declarations of personal interests in respect of items on this agenda

For reference: Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of personal prejudicial interests in respect of items on this agenda

For reference: A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)

5. **Urgent items**

To consider any other items that the Chairman decides are urgent.

6. **Sportsmans Arms, 15-17 Laburnum Street, Torquay**

To consider a report on the application for review in respect of the Sportsmans Arms, 15-17 Laburnum Street, Torquay.

(Pages 19 -
68)

7. Exclusion of the Press and Public

To consider passing a resolution to exclude the press and public from the meeting prior to consideration of the following item on the agenda on the grounds that exempt information (as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)) is likely to be disclosed.

8. An application for a Personal Licence

To consider the exempt report on an application for a Personal Licence.

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92)

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Minutes of the Licensing Sub-Committee

21 April 2011

-: Present :-

Councillors Addis, Stocks and Richards

647. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

648. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Richards instead of Councillor Excell.

649. Minutes

The Minutes of the meeting of the Sub-Committee held on 24 March 2011 were confirmed as a correct record and signed by the Chairman.

650. Paddy's Bar and Restaurant, 107 Winner Street, Paignton

Members considered Report 90/2011 which sought a Review of a Premises Licence in respect of Paddy's Bar and Restaurant, 107 Winner Street, Paignton.

Written representations received from:

Name	Details	Date of Representation
Police	Application (plus supporting documentation) for a Review of the Premises Licence on the grounds of 'The Prevention of Crime and Disorder', 'Public Safety' and 'The Prevention of Public Nuisance', as set out in Appendix 1 to Report 90/2011.	2 March 2011
Respondent	Letter from the Respondent offering to engage an appropriately licensed and experienced Manager / Manageress, as set out in	5 March 2011

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	Appendix 4 to Report 90/2011.	
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Additional Information:

Prior to the Sub-Committee, the Applicant requested 15 minutes to present their application. The Sub-Committee agreed to this extension of time at the hearing and informed the Respondent's Solicitor that he too would be entitled to 15 minutes when making his oral representation.

Oral representations received from:

Name	Details
Police (Applicant)	<p>The Police Representative outlined the details of the application, as set out in the written representations and proposed additional conditions to be added to the Premises Licence to address their concerns and to ensure that the Licensing Objectives were being promoted.</p> <p>The Police Representative also played two CD's demonstrating the poor quality of the CCTV footage currently being recorded by the equipment in Paddy's Bar and Restaurant, 107 Winner Street, Paignton.</p>
Respondent's Solicitor	<p>The Respondent's Solicitor responded to the written and oral representations made by the Police and confirmed that the Respondent had agreed to the proposed conditions suggested by the Police. The Respondent's Solicitor, the Respondent and Respondent's Partner proceeded to respond to questions from the Members.</p>

Decision and Reason for Decision

Having carefully considered all the written and oral representations Members resolved to remove Mr Walsh as the Designation Premises Supervisor and to modify the conditions of the Premises Licence, as proposed by the Police and accepted by the Respondent.

In addition Members would like it noted that they still have serious concerns about the future management of this Premises, in light of the personal relationship between the current Premises Licence Holder and new proposed Designated Premises Supervisor.

However, Members were reassured that the Police would bring a further Review of these Premises should future incidents occur.

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651. Suspension of Hackney Carriage Driver's Licence - Mr Paul Stone

Members considered Report 91/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Paul Stone.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the	31 August 2010

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	arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	
Parking Operations Officer	One enforcement report.	29 October 2010
Licensing Support Officer	Letter sent to Mr Stone regarding illegal parking on the Harbourside in Torquay.	3 November 2010
Parking Operations Officer	Two enforcement reports.	18 and 19 February 2011
Licensing Support Officer	Letter sent to Mr Stone regarding illegal parking on the Harbourside in Torquay.	4 March 2011
Respondent	Letter from Mr Paul Stone responding to a letter sent by the Licensing Support Officer, reference SRU 160041, explaining the difficulties of using the ranks on the Harbourside.	8 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	

Additional information:

Members noted Mr Paul Stone was not present for the Hearing and agreed the Hearing would be held in his absence, as no reason for his absence had been made to the Licensing Department.

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 91/2011.

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Decision:

That Mr Paul Stone's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision:

Having carefully considered all the written and oral Representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 3 November 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay.

Members noted Mr Stone's written admission, as dated 8 March 2011 in that he had parked not in accordance with the Road Traffic Orders or Byelaw 8. In addition Members noted that Mr Stone had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook, point 19 of Section 1 Part B.

In concluding Members were satisfied that Mr Stone had been given sufficient warnings but despite this, had parked illegally on 29 October 2010 and again on the 18 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

652. Suspension of Hackney Carriage Driver's Licence - Mr Dariush Zarezadeh

Members considered Report 92/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Dariush Zarezadeh.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010

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Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report showing two incidents of and two photographs showing a taxi parked illegally on Union Street, Torquay.	18 October 2010 22 October 2010
Licensing Support Officer	Letter sent to Mr Zarzedah regarding illegal parking on Union Street, Torquay.	28 October 2010
Parking Operations Officer	One enforcement report.	19 February 2011
Licensing Support Officer	Letter sent to Mr Zarezadeh	4 March 2011

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	regarding illegal parking on Union Street, Torquay.	
Respondent	Letter from Mr Dariush Zarezadeh responding to a letter sent by the Licensing Support Officer, dated 4 March 2011, which offered an explanation for the incidents of illegal parking.	10 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	
Environmental Health Manager (Commercial)	Witness Statement regarding an incident of illegal parking on the Harbourside on 19 February 2011.	7 April 2011

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 92/2011.
Respondent	The Respondent explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw 8 and responded to Members' questions.

Decision:

That Mr Dariush Zarezadeh's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for Decision:

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Having carefully considered all the written and oral Representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 28 October 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Mr Zarezadeh confirmed that he had received these warning letters and had received the Hackney Carriage and Private Hire Drivers Handbook which states at point 19 of Section 1, Part B that:

'The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles' arrival at a rank then the driver must proceed to the next available rank.'

Members noted Mr Zarezadeh's oral admission that he had parked not in accordance with the Road Traffic Orders or Byelaw 8 and that he had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook

In concluding Members were satisfied that Mr Zarezadeh had been given sufficient warnings but despite this, had parked illegally on 18 and 22 October 2010, on 19 February 2011 whereby of particular concern, his actions on this day caused an obstruction to the highway and as such, delayed a Police vehicle on an emergency call, as stated in the witness statement of Mr Steve Cox dated 7 April and again parked illegally on the 10 March 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

Minutes of the Licensing Sub-Committee

28 April 2011

-: Present :-

Councillor

Councillors Addis, Stocks and Scouler

653. Election of Chairman/woman

Councillor Addis was elected as Chairman for the meeting.

654. Apologies

It was reported that the membership of the Sub-Committee had been amended for this meeting by including Councillor Scouler instead of Councillor Manning.

655. The Green Room, 23-25 Victoria Parade, Torquay

Members considered Report 93/2011 which sought a Review of a Premises Licence in respect of The Green Room, 23-25 Victoria Parade, Torquay.

Written representations received from:

Name	Details	Date of Representation
Member of the Public	Application (plus supporting documentation) for a Review of the Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance', as set out in Appendix 1 to Report 93/2011.	1 March 2011
Police	Letter of Representation advising of an incident regarding door stewards not being identifiable, as set out in Appendix 4 to Report 93/2011.	28 March 2011

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Public Protection	Representation detailing complaint regarding noise and proposing two additional conditions.	1 April 2011
Member of the Public	Representation in support of the Premises.	10 March 2011

Additional information:

At the Hearing, the Applicant requested an extension to the normal allowance of 10 minutes to 15 minutes to present their application. There was no objection from the Respondent to this request and the Sub-Committee agreed the extension of time and informed all parties present that they too would be entitled to 15 minutes when making their representation.

Oral representations received from:

Name	Details
Applicant	<p>The Applicant outlined the details of the application, as set out in the written representation and responded to Members questions.</p> <p>The Applicant also showed the Sub-Committee three DVDs showing images with narrative of the alleyway into the Green Room.</p>
Police	<p>The Police Representative outlined their representation with regards to the Green Rooms door stewards being visible and wearing high visibility reflective jackets. The Police Representative also suggested an amendment to a condition set out at point 1 on Annex 3 of the existing Premises Licence.</p>
Public Protection	<p>The Technical Officer outlined his representation and suggested two conditions, should the Sub-Committee decide to modify the conditions of the Licence.</p>
Respondent	<p>The Respondent's Solicitor responded to the representation made by the Applicant and proposed an amendment to the second condition proposed by Public Protection, as set out in Appendix 5 to Report 93/2011. The Respondent's Solicitor proceeded to respond to questions from the Members.</p>

Decision and reason for decision:

Having carefully considered all the oral and written representations, Members take seriously the concerns raised in respect of public nuisance and as such have resolved, as a necessary and proportionate response that the licence conditions be modified as follows:

- i) that no bottles are to be emptied after 22:00 hours and not before 09:00 hours Monday to Sunday;
- ii) that on every occasion the Premises sells alcohol after midnight and remains open after 00:30 hours, door staff will, between 23:00 hours and closing time, monitor patrons in the immediate vicinity of the Premises and take all reasonable steps to ensure that patrons leaving the Premises do so quietly so as not to disturb nearby residents;
- iii) that point 1 of Annex 3 The Prevention of Crime and Disorder be amended to read 'that there shall be no entry/re entry after 02:00 hours and from that time until closing time, at least one SIA Door Steward shall be positioned outside the main entrance of the Premises in the alleyway; and
- iv) that 'the Premises Licence Holder shall take all reasonable steps to ensure that staff leaving the premises do so quietly so as not to disturb nearby residents'.

Following the modification of these conditions Members are satisfied that this should address the concerns raised by the Interested Party and that failure to do so may result in this Premises Licence being subject to a further Review to ensure the Licensing Objectives are promoted.

656. Lighthouse and Fusion, 26 Esplanade Road, Paignton

Members considered Report 95/2011 on an application for a Variation to a Premises Licence in respect of Lighthouse and Fusion, 26 Esplanade Road, Paignton.

Written representations received from:

Name	Details	Date of Representation
Police	Representation proposing additional conditions should the application be granted.	30 March 2011
Community Safety	Representation proposing additional conditions should the application be granted.	1 April 2011
Member of the Public	Representation objecting the application on the grounds of 'The Protection of Children from Harm', the 'The Prevention of Crime and	Not known

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	Disorder’, and ‘The Prevention of Public Nuisance’.	
Member of the Public	Representation objecting to the application on the grounds of ‘The Prevention of Public Nuisance’ and ‘The Prevention of Crime and Disorder’.	21 March 2011
Member of the Public	Representation objecting to the application on the ground of ‘The Protection of Children from Harm’.	22 March 2011
Member of the Public	Representation objecting to the application on the ground of ‘The Protection of Children from Harm’.	18 March 2011
Member of the Public	Representation objecting to the application on the ground of ‘The Prevention of Crime and Disorder’.	Not known
Member of the Public	Representation objecting to the application on the grounds of ‘The Protection of Children from Harm’, and ‘The Prevention of Public Nuisance’.	23 March 2011

Oral representations received from:

Name	Details
Applicant	The Applicant outlined the application, as set out in Appendix 1 to Report 95/2011 and agreed to the conditions proposed by the Police, as set out in Appendix 3 to Report 95/2011. The Applicant proceeded to respond to Members questions.
Police	The Police Representative outlined their representation and suggested conditions, as set out in Appendix 3 to Report 95/2011.
Public Protection	The Technical Officer outlined their representation and proposed conditions that Members may wish to add to the Licence, if they were minded to grant the Variation to the Premises Licence.
Member of the Public	A Member of the Public outlined their objection to the application for a Variation to the Premises Licence.

Decision:

That the Application for the Variation to the Premises Licence in respect of the Light House and Fusion, 26 Esplanade Road, Paignton be granted as applied for, subject to the conditions proposed by the Police and Public Protection, as set out in Appendix 3 and 4 to Report 95/2011, and as agreed by the Applicant.

Reason for decision:

Having carefully considered all the written and oral representations Members considered the conditions proposed by the Police to be comprehensive and proportionate to ensure the Licensing Objectives are promoted and as such in addition to the Public Protection condition, Members resolved that this should alleviate the concerns of the Responsible Authorities and the Interested Parties.

657. Suspension of Hackney Carriage Driver's Licence - Mr Keith Brown

Members considered Report 94/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Keith Brown.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers	3 April 2009

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	updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at Vaughan Parade and The Strand, Torquay.	31 August 2010
Parking Operations Officer	One enforcement report.	15 October 2010
Licensing Support Officer	Letter sent to Mr Brown regarding illegal parking on the Harbourside in Torquay.	25 October 2010
Respondent	Letter from Mr Brown advising he has only received one letter and explained the circumstances of the incidents.	1 November 2010
Environmental Health Manager (Commercial)	Letter sent to Mr Brown in response to his letter of 1 November 2010.	2 November 2010
Parking Operations Officer	One enforcement report.	19 February 2011
Licensing Support Officer	Letter sent to Mr Brown regarding illegal parking on the Harbourside in Torquay.	4 March 2011
Respondent	Letter from Mr Brown explaining the circumstances surrounding the incidents of illegal parking.	8 March 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	

	Hackney Carriages and Private Hire Vehicles Byelaw 8.	
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Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 94/2011.
Respondent	The Respondent explained the circumstances surrounding his breaches of the Road Traffic Orders and Byelaw 8 and responded to Members' questions.

Decision:

That Mr Keith Brown's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance with Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision:

Having carefully considered all the written and oral representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 25 October 2010 and 4 March 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Mr Brown confirmed that he had received these warning letters and had received the Hackney Carriage and Private Hire Drivers Handbook which states at point 19 of Section 1, Part B that:

'The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles' arrival at a rank then the driver must proceed to the next available rank.'

Members noted Mr Brown's oral and written admission that he had parked not in accordance with the Road Traffic Orders or Byelaw 8 and that he had not followed the direction, as specified in the Hackney Carriage and Private Hire Drivers Handbook.

In concluding Members were satisfied that despite Mr Brown's assurance that this would not happen again, as stated in his letter on 1 November 2010, a further offence was committed by Mr Brown on the 19 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

658. Suspension of Hackney Carriage Driver's Licence - Mr Shazad Ramzan

Members considered Report 96/2011 which sought a suspension of a Hackney Carriage Driver's Licence in respect of Mr Shazad Ramzan.

Written representations received from:

Name	Details	Date of Representation
Parking Operations Officer	Representation regarding illegal parking by taxis in Torbay.	28 January 2010
Police	Representation confirming events over a nine month period on The Strand, Torquay involving taxi drivers.	4 February 2010
Public Transport Officer	Briefing paper regarding taxi parking on The Strand, Torquay and the impact on bus drivers.	27 January 2010
Operations Manager – Torbay Stagecoach South West	Representations confirming ongoing problems with taxis parking at The Strand, Torquay bus stops.	28 January 2010, 9 February 2007, 4 July 2006
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	16 January 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers updating them on the current situation regarding the taxi ranks and bus bays on the harbour side.	3 April 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Driver's regarding the non-observation of Road Traffic Orders by some Hackney Carriage Drivers.	4 December 2009
Principal Safety and Licensing Officer	Representation sent to all Hackney Carriage Drivers informing them of the arrangements for taxi ranks at	31 August 2010

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	Vaughan Parade and The Strand, Torquay.	
Parking Operations Officer	One enforcement report.	15 October 2010
Licensing Support Officer	Letter sent to Mr Ramzan regarding illegal parking on the Harbourside in Torquay.	20 October 2010
Parking Operations Officer	Two enforcement reports.	18 February 2011 19 February 2011
Licensing Support Officer	Letter sent to Mr Ramzan regarding illegal parking on the Harbourside in Torquay.	4 February 2011
	Plan of Road Traffic Orders in place on Torquay harbour side.	
	Spreadsheet showing percentage of Taxi Rank space on Torquay harbour side.	
	Hackney Carriages and Private Hire Vehicles Byelaw 8.	

Additional information:

Members noted Mr Shazad Ramzan had advised the Licensing Department that he was not able to attend the Hearing, and as such agreed that the Hearing would go ahead in his absence.

Oral representations received from:

Name	Details
Senior Licensing Officer	The Senior Licensing Officer outlined the Council's case, as set out in Report 96/2011.

Decision:

That Mr Shazad Ramzan's Hackney Carriage Driver's Licence be suspended for a period of seven days on the ground of 'any reasonable cause', as in accordance with Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision:

Having carefully considered all the written and oral Representations put before the Sub-Committee, Members resolved this ground to be established following the number of warning letters that had been issued from the Principal Safety and Licensing Officer (dated 16 January 2009, 3 April 2009, 4 December 2009 and 31 August 2010) and the Licensing Support Officer (dated 20 October 2010 and 4 February 2011) raising awareness of the concerns of public safety by drivers parking illegally in Torquay. Members were satisfied that Mr Ramzan would have received all the warning letters and that he would also have been issued with a Hackney Carriage Driver's Handbook and therefore should be aware of point 19 that states:

'The number of vehicles stationed at any rank must not exceed the number for which the rank is appointed at any time. If a rank is full at time of a vehicles' arrival at a rank then the driver must proceed to the next available rank.'

In concluding Members were satisfied that Mr Ramzan had been given sufficient warnings but despite this had parked illegally on 15 October 2010, again on the 18 February 2011 whereby of particular concern on this date, his actions were deemed to be dangerous and again on the 19 February 2011.

Members felt that the suspension was a proportionate and necessary response to the breach of the Road Traffic Orders and Byelaw 8 in an attempt to ensure public safety.

Chairman



Report No: Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Review of a Premises Licence for the Sportsmans Arms, 15-17 Laburnum Street, Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **26 May 2011**

Contact Officer: **Mandy Guy**
☎ Telephone: **01803 208124**
✉ E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine the above application for Review of a Premises Licence.
- 1.2 The matter may affect the Corporate Priorities of Community Prosperity and Economic Prosperity.
- 1.3 As the Licensing Authority has no powers under the Act to raise a Representation, Officers are unable to make any recommendation.
- 1.4 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”.
- 1.5 The Authority must hold a hearing to consider the application and any relevant Representations.

The Authority must, having regard to the application and any relevant Representations, take such of the steps as detailed below, if any, as it considers necessary for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

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

If the licence is subject to sections 19, 20 and 21 (requirement to include certain

conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 1.6 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Responsible Authorities at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in Appendix 1.

A brief description of the Review is as follows:

Public Protection have sought a Review of the Premises Licence on the ground relating to the Licensing Objective “The Prevention of Public Nuisance”.

Supporting information relating to the Review has been provided by Public Protection, as shown in Appendix 2.

A copy of the current Premises Licence is shown in Appendix 3.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the application has been properly made, that the Applicant is a Responsible Authority, and that the administrative requirements of Section 51(3)(a) and (b) have been met and that the Representation has not been subsequently withdrawn and is not vexatious, frivolous or repetitious.

The Police have made a Representation relating to the Licensing Objective “The Prevention of Crime and Disorder”. This is shown as Appendix 4.

The Licensing Authority has received 2 Representations from Interested Parties in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. We have also received 2 letters in support of the Sportsmans Arms. These are shown as Appendix 5.

There have been no Representations from any other Responsible Authority or any other Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 52(2).
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.
- 2.5 Once the matter is determined, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-
 - (a) the Applicant for the Review,
 - (b) the holder of the Premises Licence, or
 - (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

- 2.6 Following such Appeal, the Magistrates' court may:-
- (a) dismiss the Appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1	Details of the application for Review
Appendix 2	Details of supporting information from Public Protection
Appendix 3	A copy of the Premises Licence
Appendix 4	Representation from the Police
Appendix 5	Representations from Interested Parties and letters of support regarding the Sportsmans Arms.

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2011.

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FORM J



LICENSING ACT 2003

**APPLICATION
FOR THE REVIEW OF A PREMISES LICENCE
OR CLUB PREMISES CERTIFICATE**

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

**Principal Safety & Licensing Officer
Torbay Council
Environmental Health and Community Safety
Roebuck House
Abbey Road
Torquay
TQ2 5EJ**

Contact Details:

Tel: 01803 20 8126

Web: www.torbay.gov.uk

Fax: 01803 20 8854

Email: licensing@torbay.gov.uk





Application for the review of a Premises Licence or **FORM J**
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 Karl Martin - Licensing and Public Protection, Torbay Council

(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 The Sportsmans Arms 15-17 Laburnum Street	
Post town Torquay	Post code (if known) TQ2 5SF
Name of premises licence holder or club holding club premises certificate (if known) Lisa Lang	
Number of premises licence or club premises certificate (if known) 755	

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

Karl Martin
Community Safety
Licensing and Public Protection
Foebuck House
Abbey Road
Torquay
TQ2 5EJ

Telephone number (if any)
01803 207614

E-mail address (optional)
Karl.martin@torbay.gov.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Despite efforts on the part of the responsible authority to assist the licence holder to control noise arising from their premises, the premise continues to be operated in a manner that is causing public nuisance.

The premise does not have a licence for regulated entertainment, yet on numerous occasions they have continued to play music (including a disco event) at a level well in excess of background music. The licence holder was advised that this was a breach of the premises licence and has been advised on many previous occasions. Particularly advice has been given on what constitutes regulated entertainment. However problems have continued.

The licence holder makes little effort to control noise from patrons resulting in public nuisance arising as a result of shouting, arguments and singing in the premises and outside of the premises resulting in residents of Laburnum Street being unreasonable disturbed.

The Licence holder has no regard for complying with their licensing conditions as demonstrated recently by knowingly allowing patrons to continue purchasing and consuming alcohol on the premises beyond their permitted hours.

The licence holder who is also the Designated Premises Supervisor is not at all times in full control of the premises and as a consequence is not able to address the concerns raised by the Licensing Department or by the Responsible Authorities.

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

The Sportsman's Arms has a history of noise complaints from residents of Laburnum Street brought against it since Lisa Lang took over the premises in November 2009 as the Licensee and the Designated Premises Supervisor. Despite numerous meetings, good advice and warning letters since April 2010 noise has continued to be a problem at this premises. The DPS has made some efforts to control the noise problems and has shown willing to co-operate with the Council but after these meetings complaints quickly return.

The noise complaints regularly consist of excessive noise from Patrons inside the pub and more often from Patrons smoking on the pavement at the front of the premises. Patrons continue to smoke and talk loudly on mobile phones, even though reassurance were given by the DPS that no one would be allowed to smoke outside the front of the premises after 8pm. No attempts to control noisy customers smoking outside have been witness by Officers of the Council or residents of Laburnum Street. The worst disturbance to local residents is at closing times when patrons are leaving, this can be from people shouting and talking loudly. This has on occasions continued until gone 2:30am when the premises should have closed to the public by midnight.

On one occasion the Licensee knowingly permitted a disco event to take place. This is despite being reminded on previous occasions they are not licensed for this type of regulated entertainment. They had the option of applying for temporary event notices but this advice was not heeded. The event itself resulted in a number of complaints about excessive noise from music and customers both of which could be clearly heard in the complainants homes.

Recently the licensee allowed alcohol to be served beyond their permitted hours. The Police attended the premises and established the Patrons where not bona-fide guests and friends of the licensee and the front door was still open.

To an extent the problem lies with Lisa Lang (Licensee and DPS) who is not assertive enough in controlling her more dominant husband and business partner Jim Lang. Mr Lang appears to be the persons in charge and the persons making the decisions which have resulted in activities such as the disco and drinking after hours taking place which has led to this review being called. On a number of occasions Mrs Lang has been advised she is the person who is legally responsible for the premises and the conduct of the patrons and she must take full control and responsibility for what occurs at the Sportsman's Arms.

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

Please tick yes

If yes please state the date of that application

Day		Month		Year	

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

- 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

Please tick yes

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 
.....

Date 6th April 2011
.....

Capacity Health and Safety Officer
.....

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.



To: Licensing	From : Community Safety
c.c	Contact : Mr Karl Martin
Arl	Ext : 01803 208010
c.c	My Ref : 1ZV SRU No: 161058
For the attention of: Licensing	Your :
Steve Cox	Ref :
	Date : 4 th May 2011

Subject: Licensing Act 2003- Review of Premises Licence
Premises Name & Address: The Sportsmans Arms

The Sportsman's Arms is a licensed premise in Laburnum Street, Torquay. Laburnum Street and its adjoining streets are almost all residential accommodation. Laburnum Street consists of terrace houses without front gardens and the Sportsman's Arms occupies three of these houses. Residential accommodation is adjoining both sides of the Premises and directly opposite. The Road operates a one way system and in the main most of the vehicle traffic is local, however pedestrians use the street as a cut through. The area at night is generally quiet.

The Premises has a licence for the supply of Alcohol for consumption on and off the Premises from Noon till Midnight. Monday to Friday the premises does not open until 4pm. There are no other provisions for regulated entertainment on the licence except for the provision of facilities for making music.

This Authority has received and investigated a number of complaints over the last 10 years regarding noise nuisance associated with the Sportsman's Arms. However it was when the new owners took over the premises that noise complainants began to escalate. Lisa Lang the Licensee and DPS took over the running of the Premises with her husband Jim Lang in November 2010. This department has visited the premises on a number of occasions to meet with the Licensee to discuss noise issues and given advice and guidance. In the last 12 months a pattern has emerge whereby after visits made by this department the disturbance residents are suffering with diminish before gradually the problems begin to return.

1ST February 2010

The department received its first complaint regarding noise since Lisa Lang took over the premises. A resident of Church Street complained about excessive noise from people using the smoking area at the rear of the premises in the form of loud shouting, laughing and frequent swear words. A dairy sheet was sent, but not returned.

5th February 2010

Second noise complaints from a resident of Laburnum Street regarding noise from Patrons smoking outside the premises and could hear the juke box. The complaint believed locks in were occurring.

A visit made by this department advised Lisa Lang to remove the chairs from the smoking area at the rear of the property and not to allow customer to take out drinks with them. Signage was asked to be displayed asking people smoking outside to consider the neighbours. A letter was sent to the premises confirming the outcome (Appendix 1)

22nd March 2010 & 12th April 2010

The department received further noise complaints from another resident of Laburnum Street regarding noise from Patrons smoking outside the front of the premise and from amplified music till 1am.

A further letter was sent from this department advising the licensee further noise complaints are being received and advising them they could be breaching licensing conditions if they open beyond the existing opening hours (Appendix 2).

29th May 2010

On Saturday I visited Laburnum Street to investigate a complaint about noise nuisance from Karaoke events held at the Sportsman's Arms. I concluded the noise was excessive and likely to be causing a nuisance to nearby residential accommodation. At a meeting held with the Lisa and Jim Lang on the 3rd June 2010 they were informed they had undertake regulated entertainment which they are not licensed for. Lisa Lang was given advice on how to apply for a variation. A background music level was also set during this meeting as complainants had previously been disturbed by amplified music. The premises is not currently licensed for amplified music. A letter was sent to the premises' confirming the details of the meeting (Appendix 3).

A complaint from a resident of Laburnum Street was received by this department about the Karaoke event I had witnessed.

July & August 2010

The department continued to receive complaints throughout the summer of 2010. The complaints were logged with Torbay Councils Out-of-hours service (Appendix 4).

During August a digital video camera was left in a complainant's home to record the disturbances being experienced. The footage clearly demonstrated groups of patrons outside the premises smoking and generating significant noise whilst doing so. The footage also showed windows and doors left open added to problem of noise breaking out of the premises. Please appendix (Appendix 5)

The complainant was also added to the Torbay Councils 'Out of Hours Service'. Two visits were made by two different officers. One of regarding the noise a general background noise you might associate with a pub and the second recorded an obscene conversation between a group of individuals smoking out side of the pub which could clearly be hear inside the complainants home (Appendix 6)

September 2010

The department continued to receive complaints from residents of Laburnum Street. A meeting was held at Roebuck House between attended by Karen Ellicot, Licensing Officer, myself and Lisa and Jim Lang. They were advised noise complaints continued to be received by this department. Additional advice was given and this was confirmed in writing (Appendix 7). Lisa Lang was again reminded the playing of amplified music is a licensable activity and they must keep recorded music at background levels.

20th November 2010

A disco was held at the Sportsman's Arms to celebrate the 1st year of Lisa Lang taking over the pub. Despite being made aware on several occasions that they are not licensed to undertake such activities the Lisa Lang knowingly permitted Licensable activities to take place. The complaints were disturbed by the amplified music breaking out of the premises and by patrons congregated outside of the premises. The complainant was disturbed until 2:00 am in the morning and suggested a lock in might of occurred. The police was phoned but due to operation demands where not able to attend.

Jim Lang admitted they had held a disco during a meeting with the Langs, Neil Stanlake Police Licensing Officer and myself at the Sportsman's Arms on the 23rd November. A warning letter was sent to the Lands advising if any more breaches of the licensing Act occurred Torbay Council would consider taking enforcement action which could include a review of its premises licence and or prosecution (Appendix 8)

December 2010

I made a couple of visits the Sportsman's Arms during December 2010, however the visits were early in the evening and did not witness any disturbances. A Temporary Event Notice for a Disco on New Years Eve sought by Lisa Lang and granted. A resident of Laburnum Street could hear amplified music in their home and it was impossible to sleep until the music had stopped.

January 2011

The department continued to receive complainants regarding noise breaking out of the premises and noise from patrons being disturbing residents whilst smoking outside the premises. Increasingly the complainants mentioned possible locks in. The Police were asked to monitor the pub and a number of evening visits were made by offices of Torbay Council but did not find any evidence of lock-ins.

11TH February 2011

At about 10:55 I and Neil Stanlake observed disturbance from taxis picking up fairs from the Sportsman's Arms and the noise patrons were making whilst smoking outside. I felt this was consistent with what the complainants have been reporting. I felt the noise was unreasonable and witnessed no attempt from the management of the Sportsman's Arms to control the noise being made by patrons outside the front of the premises.

5th March 2011

Neil Stanlake visited the premises at 1.10am and found a large number of customers still drinking Alcohol in the premises. The premises should have closed by 00:30 am. Mr Stanlake observed before entering the premises the only noise he could hear on the street was noise coming from customers inside the Sportsman's Arms. It was later confirmed during visit to the Sportsman's Arms Alcohol has continued to be served after midnight.

This incident confirms reports made by resident of Laburnum Street of being disturbed by unreasonably noise directly attributable to the Sportsman's Arms.

30th April 2011

The Sportsman's Arms applied for and was granted a Temporary Event Notice for a disco/Karaoke to be held in celebration of the Royal Wedding. I reminded Lisa Lang this was an important opportunity to demonstrate she can manage these events and not create a noise nuisance. I visited the Laburnum Street at approximately 10:45 pm and could clearly hear music emanating from the Sportsman's Arms. It could be heard at the top and bottom of the street. I formed the view the music would be audible in residents homes. I noted a SIA doorman outside. I observed for about 20 minutes and did not see anyone come out onto the street. I left and returned at 11:50 pm until 00:15 and observed the volume of music was still excessive and likely to cause a nuisance. Again I observed no one on the street except the SIA doorman. The following working day I spoke with a resident who confirmed she was disturbed by music and people leaving the pub until gone 1:30am.

Throughout the last 12 months Lisa Lang and Jim Lang have always been approachable and co-operative and have put into place the majority of the advice that has been given. Yet despite all the interventions problems have continued. There have been times, normally after an intervention where complaints have diminished and naturally complaints about noise drops out in the winter months, however the management of the Sportsman's Arms have shown disregard for complying with the Licensing Act.

To explain this has more to do with the Jim Lang being the person who is really in charge of running the Sportsman's Arms despite his wife Lisa Lang being the person who is legally in charge and responsible. Lisa Lang appears to be unable to control her more dominate husband and he is the person who has made the decisions which have resulted in licensable activities taking place and allowing drinking beyond permitted hours. It has taken the calling of a review by the Responsible Authorities the Langs to take seriously the running of a Licence Premise. To their credit the Sportsman's Arms is their first licensed premises and the last 12 months has been a big learning curve in tackling noise issues.

Lisa and Jim Lang often refer to the Sportsman's Arms as a locals pub and has been in the heart of the Community for more than 50 years and as such provides a valuable public service. It is my opinion that the public nuisance suffered by the complainants far outweighs any benefit received by the community by the operation of The Sportsman's Arms. In considering this issue, I would draw the attention of the Committee to the case law *R v Dennis* [2003] EWHC 793 (QB) that deals with the effect of public nuisance on premises arising from the use of an RAF airfield for training pilots. In this case the judge decided that whilst the benefit to society provided by trained RAF pilots was highly laudable, it was unacceptable that residents should suffer the burden.

Please reply to: Karen Ellicott

Enforcement Officer (Licensing), Safety and
Licensing Team, 1st Floor, Roebuck House,
Abbey Road, Torquay, Devon, TQ2 5EJ

Mrs L A Lang
The Sportsmans Arms
Laburnum Street
Torquay
TQ2 5SF

My ref: KAE090241

Your ref:

Telephone: 01803 208029

Fax: 01803 208854

E-mail: Licensing@torbay.gov.uk

Website: www.torbay.gov.uk

Date: 16th February 2010

Dear Mrs Lang,

**Re: Environmental Protection Act 1990 and Licensing Act 2003--Noise Nuisance
The Sportsmans Arms, Laburnum Street, Torquay TQ2 5SF**

I am writing to you following the inspection carried out on 8th February 2010, your copy of the Inspection Form is enclosed. The inspection visit was a result of two noise complaints received by this department. One of the complainants were concerned with the noise emanating from customers in the smoking area at the rear of the premises. As discussed during the visit, the premises have had serious noise issues about this area in the past. The other complaint was a result of excessive noise from the front of the premises where customers are congregating. As the Sportsmans Arms stands in a residential area, it is absolutely imperative you monitor these areas regularly to ensure noise is kept to a minimum.

You agreed at the meeting to display additional signage but in a larger and bolder print to both the rear area and the doors leading to the external area at the front. You also agreed to undertake monitoring on a regular basis and to remove the table and chairs from the rear area which should dissuade customers from frequenting the area for longer than is necessary. Additional measures must also be put in place to ensure alcohol is not taken into the rear smoking area.

However, under the above legislation, the Council has a duty to investigate such complaints, even though they may turn out to be incorrect or unfounded. As part of these duties the Council may undertake monitoring of your premises for a period of time. If it appears that the complaint may be justified, then the Council must take action to stop the nuisance that is causing the problem, preferably by offering advice on measures to avoid creating a nuisance.

I would appreciate if you can write to me and confirm the measures you propose to take in the matter. If you would like advice, then please do not hesitate to contact me on the above number.

Yours sincerely

Karen Ellicott

Enforcement Officer (Licensing)
Safety and Licensing Section

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

Please reply to: Karen Ellicott, Licensing
Enforcement Officer, Community Safety
Roebuck House
Abbey Road,
Devon
TQ2 5EJ

Mrs L A Lang
15-17 Laburnum Street
Torquay
TQ2 5SF

My ref: SRU - 146849
Your ref:
Telephone: 01803 208029
Fax: 01803 208854
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 26 April 2010

Dear Mrs Lang,

**Re: Licensing Act 2003 – Alleged Noise Complaints
Sportsmans Arms, 15-17 Laburnum Street, Torquay TQ2 5SF**

I am writing to you following receipt of yet more noise complaints. As you are aware, I had cause to visit the premises on 16 February 2010 because of noise complaints concerning noise from your customers both in the rear smoking area and out the front of the premises where customers were congregating. Prior to this, a visit was made to the premises on 5 June 2009 due to similar problems involving noise from customers in the rear smoking area.

The latest complaint is regarding noise from smokers outside the front of the premises shouting, as well as loud music emanating from the premises. As the only regulated entertainment permitted is karaoke on one occasion per week, I would assume the complaints were from this. However, it would appear that the windows were open while the entertainment was in progress and commenced from early afternoon until around 1.00am. The licensable hours for the activity of karaoke are 8.30pm until 11.00pm on a Friday or Saturday. This would mean you are in breach of your Premises Licence.

Therefore I can inform you that the premises will be monitored and if evidence is gathered to prove you are contravening the conditions attached to the Premises Licence, there is the possibility that Torbay Council will look at calling a review of the premises licence or a prosecution.

Yours sincerely



Karen Ellicott
Licensing & Public Protection
Community Safety

c.c. Torbay District Licensing Dept, P O Box 1, Paignton Police Station, Paignton, TQ3 2YF

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

Please reply to: Karen Ellicott, Licensing &
Public Protection, Community Safety
Roebuck House
Abbey Road,
Devon
TQ2 5EJ

Mrs L A Lang
Sportsmans Arms
Laburnum Street
Torquay
TQ2 5SF

My ref: SRU - 148756
Your ref:
Telephone: 01803 208029
Fax: 01803 208854
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 11 June 2010

Dear Mrs Lang,

**Re: Licensing Act 2003 – Noise Complaints and Unlicensed Activities
Sportsmans Arms, Laburnum Street, Torquay TQ2 5SF**

I write to confirm the outcome of the visit to the above premises on 3 June 2010 by myself and Karl Martin. The purpose of the visit was to address the noise complaints both received by the Licensing Section and witnessed by Karl Martin on an out of hours visit.

The premises are presently licensed for 'The provision of facilities for making music' which actually allows the premises to provide instruments or a PA system for use on the premises. This does not actually allow karaoke, although you have conditions restricting karaoke to once per week. You state you hold a karaoke night every other month and held one such night on Saturday 29 May 2010. As discussed, in order to carry out this activity in the future, you should vary your Premises Licence. However in light of the recent complaints, I would not recommend you apply to vary by way of a Minor Variation as just one objection would mean the application would be rejected.

In order for you to start the Full Variation process, I am enclosing an application to 'Vary a Premises Licence' together with the 'Guide to Applying to Vary a Premises Licence' and the 'Site Notice'. As discussed, if you would like assistance with the process, please call me for an appointment.

During the visit it became apparent that you were carrying out licensable activities without being authorised. The stereo sound system you have appears to be allowed to play at a level which would require a licence for recorded music. Mr Martin did assist your husband, Jim, to set the system at a level (22) which would be acceptable as 'background' music. Recorded Music can be applied for under the Variation application, but background music levels must not be exceeded prior to the grant of the variation. If recorded music is played at a level above background levels, without authorisation, you will be committing an offence under Section 136 of the Licensing Act 2003.

It would also appear the premises hold Darts Tournaments which are another licensable activity. The requirement of 'Indoor Sporting Events' can also be addressed by way of the variation before the season re-starts in October.

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

One other complaint received was the level of noise from patrons outside the front of the premises which has been an on-going problem in this residential area. You have agreed to encourage your customers to use the rear smoking area and restrict them from smoking at the front of the premises after a certain hour with a no re-entry policy after this time.

I would recommend, prior to making your Variation application, you speak to Gareth Fudge on 01803 208126 with regard to advice on conditions required in order for the premises to carry out the above regulated entertainment. As advised, this may include the fitting of a noise limitation device.

I would appreciate if you could write to me confirming what actions you will be taking to appease the situation.

Yours sincerely



Karen Ellicott
Licensing Enforcement Officer
Licensing & Public Protection

Enc.

c.c. Karl Martin, Community Safety, Torbay Council, Abbey Road, Torquay TQ2 5EJ

c.c. Torbay District Licensing Dept, P O Box 1, Paignton Police Station, Paignton TQ3 2YF



Received a call from xxx with regards a noise complaint about the Sportsman's Arms public house, there is a disco going on and its very loud. This is an ongoing problem and quoted a Karl Martin as dealing.

29/08/2010 - 1942hrs

Received a call from xxx regards ongoing noise problem from the Sportsman's Arms. She has witnessed two males fighting outside, also the landlord coming out of the pub appearing to be drunk.

4 Sep 10 - 1700hrs

Caller reports that the Sportsmans Arms, Torquay is once again playing loud music and has its doors open so the complainant can hear the shouting and foul language.

5 Sep 10 - 0945hrs

Caller reports that the Sportsmans Arms, Torquay once again has its doors open and the complainant can hear shouting and foul language.

12/09/2010- 2210hrs

Received a call from xxx with regards the ongoing noise from the Sportsman's Arms public house, amplified music and this is with my windows etc closed. Quoted a Karl Martin as dealing. Wished only for the call to be logged.

8/8/10 - 1855

I would like to register a complaint about the Sportsmans Arms in Laburnham street its been crazy today really loud and people outside in the street drinking. When is someone going to speak to them?

21/9/10 - 2232

Loud music from the Sportsman's Arms. They have their doors open again. Code 88 quoted.

17/09/10 - 22:30

Noise from Sportsmans arms Torquay, Karl martin EHO is aware and someone in street is on contact with him. Noise from Taxis and people leaving pub shouting swearing beeping horns etc woke me up at 23:10

17/09/10 - 23:30

The noise from the Sportsmans Arms is totally unacceptable it was particularly bad around 1500 they have the door wide open and drinking in the street when is this going to be stopped?



Noise from Sportsmans arms Torquay, Karl martin EHO is aware and someone in street is on contact with him. Noise from Taxis and people leaving pub shouting swearing beeping horns etc woke me up at 23:10

12 Sep 10 – 22:30

Caller reports that the Sportsmans Arms, Torquay is once again has its doors open and the complainant can hear shouting and foul language.

12 Sep 10 – 17:30

Caller reports that the Sportsmans Arms, Torquay is once again has its doors open and the complainant can hear shouting and foul language.

9/8/10 – Time unknown

Service request received. Noise complaint. People sitting on the pavement with their legs in the street. Noise lasted for 1+ hours

TORBAY

COUNCIL
Sportsmans Ann. Arrived at 19:20

Door open on arrival

Couple outside 1 on the phone

Shouting and swearing - fucking bitch

Wouldn't wish what you got on my own worst enemy. Repeats this says yeah I'm a fucking bitch.

Door opens goes in pub.

Noise from pub clearly audible mainly shouting.

Burst of laughter 19:48 bloke outside talking and smoking. Three people outside talking. Now people outside shouting. Fucking hell if you don't orgasm there is no fucking point. We have multiple orgasms.

My clits the size of a pickle. I don't need a fucking cock. Yeah I'm a bit of a dirty bitch (woman) but my wife dont like it. My wife she never had cock. Bloke Have you ever sucked cock? Yeah but I'd never do the deed. So you ain't ever had a cock in your pussy. No none of us has.

Nobody likes cock were all lesbians. You can come round and wank in our house coz lesbians like to get pregnant.

Bloke ah fucking he'll I'm coming round and knocking one out every night. Some shouting. I'll be round all their houses and knocking one out. You gotta give me their numbers.

Conversation finished at 19:55 went into pub.

Pub door opens four girls outside. Talking. Some laughter I don't know I really don't know. Saying something about a hen night - lionel Ritchie tribute band. Another girl comes out squawks hi general talking. Intrusive in house - no effort being made to control noise by landlord.

Three girls gone back in pub quiet - there are number girls still outside talking.

20:04 relatively quiet talking outside.

20:05 nobody outside pub.

Can hear general hubub from within the pub.

Car arrives some shouting Oy

Talking and shouting within the pub audible.

Bloke comes out saying I fink it's here mate. Taxi arrives and leaves

More shouting and laughing in the pub.

20:11 same woman as earlier shouting oy oy to someone and hey you fucking twat. Loud talking outside. What have u said to her you fucking cunt.

20:14 still outside talking.

Talking about the coming event. Talking about your poison and I'm going to shout cunt.

Scream of laughter.

Woman shouting fuck em
Someone shouting how u doin
Went back in at 20:18
More people leaving shouting loudly.
20:20 quiet
20:21 taxi arrives doors slam nobody goes into pub. Three people pull
up in taxi go into pub. Taxi pulls off at 20:23.
Noise from hubbub in pub is clearly audible in neighbours house where
I am observing.
20:27 two girls walk past giggling (not a problem).
Door opens 20:34.

Please reply to: Karl Martin, Licensing &
Public Protection, Community Safety
Roebuck House
Abbey Road,
Devon
TQ2 5EJ

Mrs L A Lang
Sportsmans Arms
Laburnum Street
Torquay
TQ2 5SF

My ref: SRU - 148756
Your ref:
Telephone: 01803 207614
Fax: 01803 208854
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 24th Septemeber 2010

Dear Mrs Lang,

**Re: Licensing Act 2003 – Noise Complaints and Unlicensed Activities
Sportsmans Arms, Laburnum Street, Torquay TQ2 5SF**

I write to confirm the outcome of a recent meeting with yourself, Jim Lang, Karen Ellicott and myself at Roebuck House on the 23rd September 2010. The purpose of the meeting was to discuss the ongoing noise complaints received by the Licensing Section and witnessed by Environmental Health Officers during out of hours visits.

I would like you to be aware that it is noted you have been co-operative during this process and have put into place many of our recommendations outlined in previous letters. I have outlined below a summary of points and suggested actions to be taken that were agreed during the meeting.

1. Ensure all three front doors are kept closed at all times during opening hours to help minimise noise breakout.
2. Repair the self closer on the main entrance to prevent it from banging shut as soon as reasonably practicable.
3. Liaise with the Fire Authority to see if it is possible to remove two of the front entrances and keep only the lobbied central entrance. This will help greatly to prevent noise breakout during opening hours. In addition this will enable you to have a greater supervision over patrons entering and leaving the premises. You can contact the Fire Authority on 01803 653700 and ask to speak to a Fire Safety Officer for the Torquay area.
4. The Sportsman's Arms is currently not licensed for any amplified music. You are only entitled to background music which is not a licensable activity. Therefore the music **must** be set at the volume of 22 on your music system as previously agreed.
5. Previously it was agreed not to allow smokers outside the front after 8pm and it has been noted you have put this action into place. As we have continued to receive noise complaints regarding excess noise during the day, I strongly recommend you instruct Patrons to use the rear

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

smoking area before 8pm instead of using the street. Alternatively continue your hard work in dissuading Patrons from making excess noise whilst using the outside area of the pub (see also point 8).

You should also discourage patrons from congregating outside the premises, this is especially important during kicking out times.

6. With regard to Patrons using mobile phones outside the premises, I sympathise with your position that you do not feel you have a right to instruct patrons not to use their mobile phones. However, I do believe you need to remind your patrons to show some respect to your neighbours whilst using mobile phones. I suggest you consider appropriate signage.
7. With the issue of the football team meeting at the Sportsman's Arms on Sunday mornings, it was agreed to put in place alternative arrangements. During the meeting you proposed the team will meet at the football ground with the exception of a number of individuals to meet at Sportsman's Arms to assist with moving equipment.
8. I appreciate it is difficult to control at all times the behaviour of Patrons and indeed you may argue this is an unrealistic goal. However that said it you must make it your utmost priority to continue to remind your customers they must take some responsibility to help keep the noise levels to an acceptable level.

I would appreciate if you could write to me, as requested during the meeting, detailing all the action you have taken to date and confirm what future actions you will be taking to remedy the situation.

I look forward to hearing from you and if you have any further question, please contact me on the above telephone number.

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

Yours sincerely

Karl Martin
Licensing & Public Protection
Community Safety

Enc.

c.c. Karen Ellicott, Community Safety, Torbay Council, Abbey Road, Torquay TQ2 5EJ

c.c. Torbay District Licensing Dept, P O Box 1, Paignton Police Station, Paignton TQ3 2YF

Please reply to: Karl Martin, Licensing &
Public Protection, Community Safety
Roebuck House
Abbey Road,
Devon
TQ2 5EJ

Mrs L A Lang
Sportsmans Arms
Laburnum Street
Torquay
TQ2 5SF

My ref: SRU - 148756
Your ref:
Telephone: 01803 207614
Fax: 01803 208854
E-mail: licensing@torbay.gov.uk
Website: www.torbay.gov.uk
Date: 7th December 2010

Dear Mrs Lang,

**Re: Licensing Act 2003 – Noise Complaints and Unlicensed Activities
Sportsmans Arms, Laburnum Street, Torquay TQ2 5SF**

I write in reference to our recent meeting with your self, Jim Lang and Neil Stanlake, Police Licensing Office. The meeting was arranged to discuss a disco you organised for the 20th November 2010 and admitted you knowingly allowed to take place at the Sportsman's Arms. A disco with amplified music is regulated entertainment and is not currently allowed under your existing premises licence.

I was very disappointed to hear this despite you have been told on numerous occasions you are not licensed for this type of event and after being advised on the procedure for adding these activities to your licence you still knowingly held the disco. As stated in previous correspondence you are not authorised for regulated entertainment which includes any form of amplified music (except background music). This includes discos, karaoke and sporting events.

Undertaking unauthorised licensable activities is an offence under Licensing Act 2003 Sec 136(1)(a) if a person carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with the premises licence or knowingly allows a licensable activity to be so carried on.

I would like to emphasis you **must not** undertake any unauthorised activities at this premises unless you have applied for a Temporary Event Notice to cover an event. If you do knowingly allow a licensable activity in the future this Licensing Authority will have no option but to seek a prosecution. Please note this is your final warning and it is a credit to you that you admitted the event took place and you were apologetic that you are not being prosecuted in this instance. Please be aware a person guilty of an offence under this section Sec 136(1)(a) is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000 or both.

Furthermore, the disco event also raised complaints about noise breaking out of the building. I refer you to my previous letters for guidance on controlling noise. During the up coming TEN event on New Years Eve please be mindful to monitor the level of noise breaking out of the premise. Although I do appreciate during New Years Eve celebrations there is an expectation noise level will be higher than

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

other times throughout the year. But, as you wish to have regulated entertainment put on your licence in the New Year it is advisable you use New Years Eve as way of demonstrating to the appropriate authorities and your neighbours you are able to managed regulated events effectively.

If you have any further question, please contact me on the above telephone number.

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

Yours sincerely

Karl Martin
Licensing & Public Protection
Community Safety

Enc.

c.c. Karen Ellicott, Community Safety, Torbay Council, Abbey Road, Torquay TQ2 5EJ

c.c. Torbay District Licensing Dept, P O Box 1, Paignton Police Station, Paignton TQ3 2YF

Supporting video footage of the
Sportsmans Arms

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Licensing Act 2003
Premises Licence

755

LOCAL AUTHORITY



Licensing Section
Torbay Council
Roebuck House
Abbey Road
TORQUAY
DEVON
TQ2 5EJ



Part 1 - Premises Details

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

Sportsmans Arms

Laburnum Street, Torquay, Devon, TQ2 5SF.

Telephone 01803 297739

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- entertainment facilities for making music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
I. Provision of facilities for making music (Indoors)				
	Friday to Saturday	8:30pm	11:00pm	
Such entertainment shall only be provided on one day each week.				
M. The sale by retail of alcohol for consumption ON and OFF the premises				
	Monday to Saturday	10:00am	Midnight	
	Sunday	Noon	Midnight	
	Good Friday	Noon	Midnight	
	Christmas Day	Noon	3:00pm	
	Christmas Day	7:00pm	Midnight	
	New Year's Eve	10:00am	Midnight	Except on a Sunday
	New Year's Eve	Noon	Midnight	Sunday
On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.				

Licensing Act 2003
Premises Licence

755

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Saturday	10:00am	12:30am	
Sunday	Noon	12:30am	
Good Friday	Noon	12:30am	
Christmas Day	Noon	3:20pm	
	7:00pm	12:30am	
New Year's Eve	10:00am	12:30am	Except on a Sunday
	Noon	12:30am	Sunday

On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

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

Lisa Ann Lang
 lisalang42@msn.com

The Sportsmans Arms, 13-17 Laburnum Street, Torquay, Devon, TQ2 5SF.

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

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

Lisa Ann LANG

The Sportsmans Arms, 13-17 Laburnum Street, Torquay, Devon, TQ2 5SF.

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

Licence No. PA2089

Issued by Torbay

F. K. Hughes

Fran Hughes
 Executive Head of Community Safety
 23 November 2009

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence , or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ANNEXE 2

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

None

The Prevention of Crime and Disorder

1. Staff shall be made aware of the need for vigilance and the importance of compliance with the Licensing Act 2003 and the requirements of Criminal Law.
2. A 30-minute winding down period shall be provided at the end of permitted hours to encourage customers to leave the premises in a quiet and orderly fashion.

Public Safety

1. The fire precautions in place must comply with the requirements of the fire officer.
2. Gas and electrical systems must be regularly inspected and maintained.

The Prevention of Public Nuisance

1. The provision of music/karaoke shall be infrequent.
2. The movement of bins and rubbish outside the premises must be kept to a minimum after 23:00hrs.
3. Patrons must be reminded not to stand around talking in the street outside the premises after leaving the premises.

The Protection of Children from Harm

1. Bar staff must be trained to be aware of and alert to issues of underage drinking.

Restrictions transferred from the On Licence

The restrictions related to permitted hours do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

ANNEXES continued ...

- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purpose of the trade or club.
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of the employer or of the person carrying on or in charge of the business on the premises.

Credit Sales

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- (c) to a canteen or mess.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

1. Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise should not be audible within any noise sensitive premises with windows open for normal ventilation especially after 23:00hrs. The criteria applied, from the boundary to the nearest residential property, are;
 - (a) Before 23:00hrs - Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hrs - Noise emanating from the premises will not be distinguishable above background levels of noise.
 - (c) The Local Authority will reserve the right in cases of tonal noise and where the premises are attached to others (i.e. semi's and terraced properties) to make further assessments from within the residential property.
2. Doors and windows will be kept shut during entertainment to reduce noise breakout. A management scheme shall be in place to ensure this situation remains.

ANNEXES continued ...

3. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/ Management.

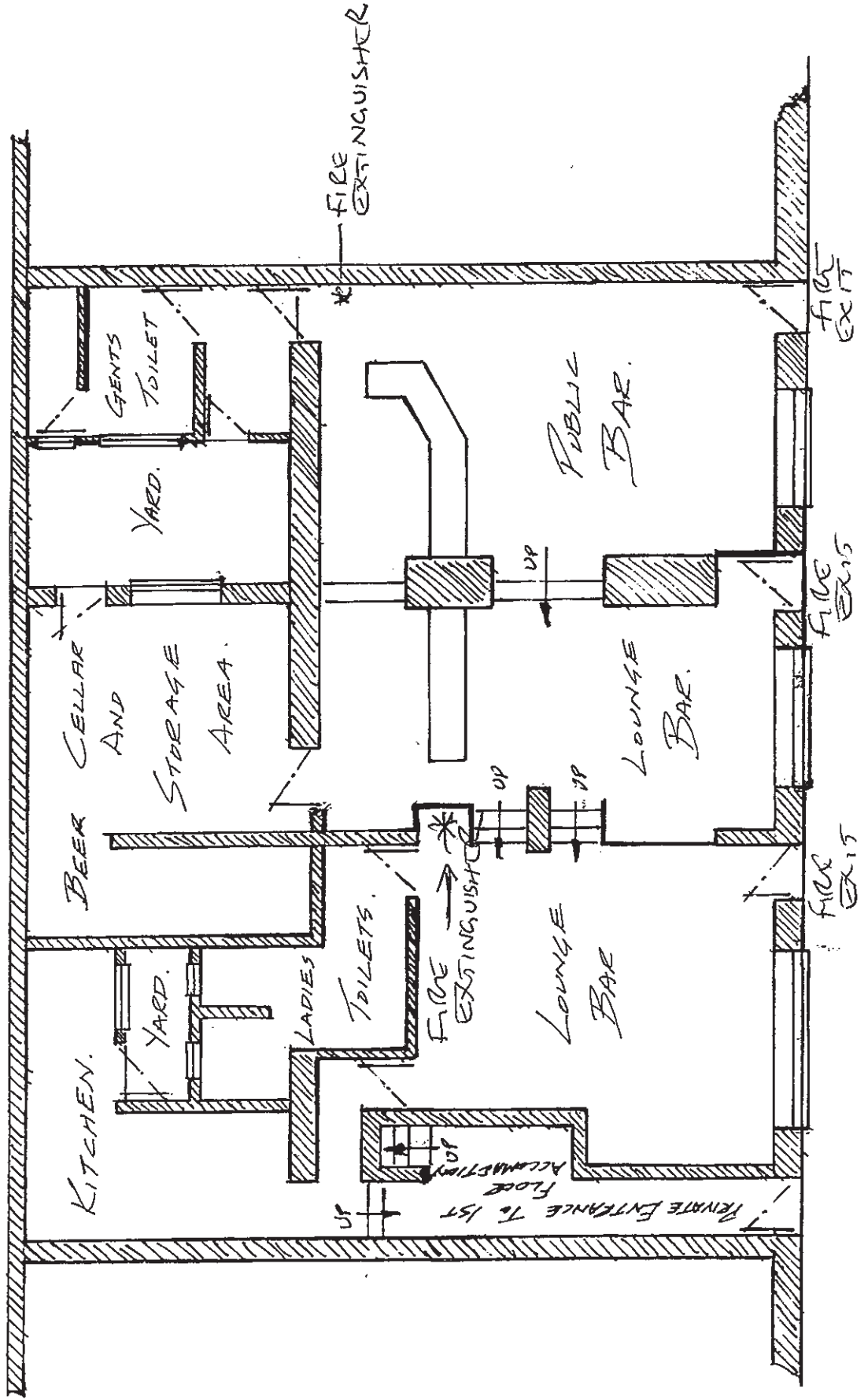
ANNEXE 4

PLANS

Copy attached to Licence.

GROUND FLOOR PLAN OF THE "SPORTSMANS ARMS" 13-15-17 LABURNHAM STREET.
TORRE, TORQUAY FOR MR & MRS J. BUCKETT.

MARCH 2005. SCALE 1/100.



LABURNHAM STREET.

See 161058

Our ref: Lic/Dev/njs

Your ref:



DEVON & CORNWALL
CONSTABULARY

Licensing Department
Torbay Council
Roebuck House
Abbey Road
TORQUAY
TQ2 5EJ



Licensing Department
Devon and Cornwall Constabulary
PO Box 1
PAIGNTON TQ3 2YF

3rd May 2011

Telephone: 01803 841327

Dear Sir/Madam

Re: The Sportsman's Arms, 13 – 17 Laburnum Street, Torquay

I refer to the above premises and an application for the Review of the Premises Licence made by Mr Karl Martin of Torbay Council Licensing and Public Protection Team.

The police wish to make the following representation:

These premises have been managed by Mrs Lisa Lang since 16th November 2009, who since that date has been the Designated Premises Supervisor (DPS).

Historically the premises have regularly given rise to concerns from local residents in respect of noise and disturbance. The premises are situated in the middle of a densely populated residential area, and is in fact in the middle of a long terrace of private houses.

Together with the Torbay Council Licensing Team and Environmental Protection Team, the Police have made efforts to monitor the premises, particularly late at night.

Since Mrs Lang has taken over, the level of complaints has increased and the premises have been closely monitored by the Police Licensing Team and the local patrolling police officers. A lot of these complaints surround issues connected to patrons going outside into Laburnum Street and smoking and alleged after hours drinking.

At about 10.55 pm on Friday the 11th February 2011, and 10.45 pm on Saturday 12th February 2011 Neil Stanlake, one of my Licensing Officers, carried out observations at the premises. He witnessed a number of patrons coming outside the front door to smoke and numerous taxis arriving to pick up fares. This created a great deal of noise as the smokers were continually shouting and screaming to each other and quite a few



of them were using their mobile phones whilst outside, thus creating additional noise. Quite a few of the taxis arriving would park directly outside the premises with their engines and radios running, and when fares did not come out promptly, the taxi drivers would either sound their horns or get of their vehicles and go into the premises, and in doing so created loud noise by slamming the car door, more than would be necessary if the fare had come outside promptly

On more than one occasion, there were as many as four taxis queued behind each other, with their engines running and taxi radios going, directly outside the Sportsman's Arms, completely blocking the road waiting for fares.

At about 1.10 am on Saturday 5th March 2011, Neil Stanlake again visited the Sportsman's Arms to monitor the premises and immediately could see that lights were on and people were inside and he formed the opinion that the premises were still open, bearing in mind that the Premises Licence only permits the sale of alcohol until midnight on a Saturday night and that the opening hours for the premises finish at 12.30 am. He witnessed a male leave the premises who looked to be under the influence of alcohol. The only noise evident that night was from people still inside the premises.

Mr Stanlake summoned police officers to assist him and on their arrival they entered the premises and could see that there were still a large number of customers present, most of whom were still drinking alcohol. Behind the bar was Mr Lang, the DPS's husband and a male barman. Mrs Lang, the DPS, was in the customer area of the bar.

Three particular males sat at the bar immediately became loud and challenging when questioned about why they were still drinking. All three had full pints of lager and were clearly the worse for drink. Mr Lang and the barman were asked to remove the customers drinks and ensure no further alcohol was supplied to them.

Mr Stanlake engaged with Mrs Lang and requested she close the bar and ask people to leave, which she did. The majority of those present left the premises without question, but the three males previously mentioned immediately became noisy and disorderly once outside the premises and the police officers present had to move them away. Whilst dealing with these males outside, a taxi arrived and it was clear that he had attended at the request of these males. The taxi driver was told to take them away as quickly as possible so as to limit the impact the noise they were making had on the local residents. The males got into the taxi and as it drove off at least one of the males shouted loud obscenities towards the police officers.

On all three occasions that Mr Stanlake monitored these premises late at night, it was clear that the premises and its customers were having a negative impact on local residents who live nearby, in what is generally a quiet area. Mr Stanlake is able to

confirm that at the time of his visits there was no other noise being generated from any premises in the area.

On Monday the 7th March 2011, Mr Stanlake revisited the premises in the company of Mr Karl Martin of Torbay Council Environmental Protection Team and spoke to the DPS Mrs Lang at length regarding their concerns and the till roll for the evening of Friday the 4th of March into Saturday 5th March 2011, was seized and indicates after hours sale of alcohol.

Mr Stanlake has a record of all police logs and L10's connected to these premises since Mrs Lang became DPS and will refer to these at the Review Hearing if required. The majority of these are local residents reporting noise and disturbance and alleged after hours activities. At least two of these residents have been personally visited by Mr Stanlake, and it is clear from what they say that their quality of life is being adversely affected by the activities of the Sportsman's Arms.

Should you wish to seek clarification regarding the above, please do not hesitate to contact Neil Stanlake of my Licensing Department, who intends to be present at the Review Hearing, and can expand on the above if required.

Yours faithfully



Superintendent J Nye
Geographic Superintendent – Torbay

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**Safety and Licensing,
Environmental Health and Consumer Protection,
Roebuck House,
Abbey Road,
TQ2 5EJ**

05 May 2011

Dear Sir/Madam

REF: Objection to Licence renewal at The Sportsman's Arms 13- 17 Laburnum St, Torquay, TQ2 5SF.

I wish to make a representation regarding the review of the Sportsman's Arms premises licence under the following licensing objectives:

Crime and Disorder:

Patrons of the Sportsman's Arms drinking outside of the premises on the pavement in Laburnum Street.

Patrons from the Sportsman's being involved in physical fights both inside and outside of the pub as on Sat 30.04.11 at approx 16.30hrs.

After hours drinking within the pub premises.

Prevention of Public Nuisance:

Patrons of the Sportsman's Arms in and out of the premises throughout opening hours to talk on their mobile phones, they talk loudly and often use foul language.

Taxi's, cars and mini buses pulling up/waiting with engines running outside of the Sportsman's to drop off/collect patrons of Sportsman's premises throughout opening times, all through the evening including closing time and after, causing noise by slamming vehicle doors, causing obstruction to the road.

Patrons of the Sportsman's laughing, joking, shouting and talking loudly without consideration for the inhabitants of Laburnum Street on arriving and leaving the pub premises.

Loud music, singing and cheering coming from the pub premises, this is exacerbated by the pub doors being left open.

Constant and appalling foul language from the patrons of the pub.
Litter, particularly in respect of cigarette butts and cigarette packaging.

I kept and handed in to the council a diary of events with regard to all of the above. I have also made constant complaint to the council including call to the out of hour emergency line and the police as events I have described happened.

I am part time student, hold employment within the NHS and also fulfil night duties/work. The constant disturbance from the Sportsman's Arms and the inability of the licensee to suitably run and control their premises and patrons has intruded into my life to the extent that in order sleep, to function and do my work I have left my home.

I have been prohibited from the peaceful enjoyment of my home.

Dear Sir/Madam

REF: Objection to Licence renewal at The Sportsman's Arms 13- 17 Laburnum St, Torquay, TQ2 5SF.

I wish to make a representation regarding the review of the Sportsman's Arms premises licence under the following licensing objectives:

Crime and Disorder:

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Patrons from the Sportsman's being involved in physical fights both inside and outside of the pub as on Sat 30.04.11 at approx 16.30hrs.

After hours drinking within the pub premises.

Patrons of the pub being drunk and disorderly in the street.

Prevention of Public Nuisance:

Patrons of the Sportsman's Arms in and out of the premises throughout opening hours to talk on their mobile phones, they talk loudly and often use foul language.

Taxi's, cars and mini buses pulling up/waiting with engines running outside of the Sportsman's to drop off/collect patrons of Sportsman's premises throughout opening times, all through the evening including closing time and after, causing noise by slamming vehicle doors, causing obstruction to the road.

Patrons of the Sportsman's laughing, joking, shouting and talking loudly without consideration for the inhabitants of Laburnum Street on arriving and leaving the pub premises.

Pub patrons urinating in Laburnum Street after leaving the pub.

Intimidating behaviour from patrons of the pub.

Loud music, singing and cheering coming from the pub premises, this is exacerbated by the pub doors being left open.

Constant and appalling foul language from the patrons of the pub.

Litter, particularly in respect of detritus from smoking.

I have made complaint to the council including to the out of hour emergency line and the police as events I have described happened.

I am the mother of who lives at

I used to stay overnight on 3 or 4 occasions a week to dog/ house sit when my daughter was working nights. It was difficult to get a proper and restful nights sleep on these occasions or listen to the TV or radio. The noise was appalling even with windows closed and in the summer I was unable to open windows for fresh air as the noise was then worse.

I also attend my daughter's home on an extremely regular basis and have been there to help her decorate and improve her home so I would say I have spent 50/% of my time there and I am aware of the constant disturbance from the Sportsman's Arms and the inability of the licensee to suitably run and control their premises and patrons

500 141 711
27 April 2011

To Whom it may concern

We object to the license at the Sportsman being renewed because of several reasons: The noise at the back of the premises, either due to customers sitting in the very small open area at the rear of the property (very close to the mens urinals!) or because the back door is not shut - is horrendous. We have had double glazing fitted but even with all the windows + doors closed + the tv on - we can still hear the shouting - obscene language + very heated arguments that occur regularly. Weekends from about 1pm until midnight and during the week - after 5pm especially if there is a football match being shown. As you can see by the enclosed e-mail we hoped the problem had been sorted (with the previous

(landlords) + indeed it improved a little. However since the new occupants took over it has become worse! On several occasions I have had to get out of bed + phone them to ask to close the back door and keep the noise down. I have been forced to do this as the noise has prevented us from sleeping + it is often after 11.30 - even midnight + New Year Eve it was 2.20! As mentioned the language is disgusting - both men + women shouting it out! Even sitting in our garden becomes a nightmare. We should have to keep our windows shut in the summer but we can't stand the noise. We used to have our grandchildren to stay but that has become less + less because of the noise + language. They have no respect for our neighborhood + no control over their customers! I came home from work on Good Friday at 5pm + I had already started - it continued for a couple of hours - died down + started again at 9. Enough is enough. We do not walk up Laburnum Street now as there is more litter + cigarette butts in front of the

pub! We never wanted them to be closed -
but we certainly do now!



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From: karen.ellicott@torbay.gov.uk

Save Addresses

To: [REDACTED]

Date: Feb 16 2010, 02:20 PM

Subject: Re: Environmental Protection Act 1990 & Licensing Act 2003 - Alleged Nuisance at The Sportsmans Arms, 15-17 Laburnum Street, Torquay

Attachment(s): 1 Files | LA062 - Diary F...

open

Show full header

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear [REDACTED],

I write in connection with your recent complaint concerning the problems you have been experiencing from activities at the above premises. I can advise you that a visit was made to the premises on 8th February and that the occupants have been advised in writing of their responsibility under the Environmental Protection Act 1990 and the Licensing Act 2003 with regard to nuisance.

In all instances where there is a possibility of legal action being taken I must be satisfied on the extent of the problem and that it is one which I have the power to resolve. To assist in determining whether your particular grievance does fall within legislation I am responsible for, I would be grateful if you can keep concise records of the date, time of occurrence and nature of the disturbance which you are experiencing.

If records can be kept on the attached Diary Form for a period of about a fortnight and then forwarded to this office I will be able to decide whether my department can take further action, if it should be referred to another Department or if you should take your own private legal action.

I would like to thank you for your co-operation and look forward to receiving further details from you.

Kind regards

Karen

*Karen Ellicott (nee Rogers)
Enforcement Officer (Licensing), Environmental Health & Consumer Protection
Torbay Council, 1st Floor, Roebuck House, Abbey Road, Torquay TQ2 5EJ
Tel: 01803 208029*

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From: [redacted]
 To: eo@torbay.gov.uk [Save Addresses](#)
 Date: Dec 09 2010, 05:19 PM
 Subject: FW: Re: Environmental Protection Act 1990 & Licensing Act 2003 - Alleged Nuisance at The Sportsmans Arms, 15-17 Laburnum Street, Torquay
 Attachment(s): 1 Files LA062 - Diary F... [open](#)

[Show full header](#)

Dear sir or Madame, I have sent you a copy of an email to show you the problem we are having. But now they have put an extractor or heater unit on there flat roof which makes a very loud droning noise even worse when its turned up! it woke us up wednesday morning and at night goes on until 11 O/c p.m. I Think it should be tubed or piped above roof level so as not to cause a nuisance to the residents, could you please advise or help us as it starting to have an effect on daily live. Yours hopefully [redacted]

=====
 Message Received: Feb 16 2010, 02:20 PM
 From: karen.ellicott@torbay.gov.uk
 To: [redacted]
 Cc:
 Subject: Re: Environmental Protection Act 1990 & Licensing Act 2003 - Alleged Nuisance at The Sportsmans Arms, 15-17 Laburnum Street, Torquay

Please read the Council's email disclaimer notification which is located at the end of the email message.

Dear [redacted],
 I write in connection with your recent complaint concerning the problems you have been experiencing from activities at the above premises. I can advise you that a visit was made to the premises on 8th February and that the occupants have been advised in writing of their responsibility under the Environmental Protection Act 1990 and the Licensing Act 2003 with regard to nuisance.

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I would like to thank you for your co-operation and look forward to receiving further details from you.

Kind regards

Karen

Karen Ellicott (nee Rogers)
 Enforcement Officer (Licensing), Environmental Health & Consumer Protection
 Torbay Council, 1st Floor, Roebuck House, Abbey Road, Torquay TQ2 5EJ
 Tel: 01803 208029

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Dear Karen Ellicote, I was sent a feedback form, which I could not download. But I did send a note of what has been happening, re; below. I have not heard anything back! But now the bar now seems to have put an extractor or an exhaust for a central heating unit outside on their flat roof, the noise is very bad even wakes us up!! we can hear it in our bedroom and bath room and keeps us awake at night usually about 11 o/c p.m. the noise is still bad at weekends especially on a Sunday. We know there have been complaints about Sunday mornings from other residents, could you please advise or help us with these problems! Yours hopefully [redacted]

=====
Message Received: Aug 19 2010, 12:40 PM
From: [redacted]
To: Barbara.Ephgrave@torbay.gov.uk
Cc:
Subject: RE: 0618790-SJC-SJC-Licensing Policy Noise-050810 Feedback Form1.doc

Dear Barbara Ephgrave, thank you for sending feedback form 1. Unfortunately I can't download the form or the diary page sent to me before, the noise did get better after the visit from the licensing office but alas it's started to get worse again! Most noise was at its loudest during the weekends in January, February, (people seen getting in a taxi at 12.25am on the 27th Feb). March quite, only at the weekends! April shouting and screaming! on the 5th and then every weekend, may exactly the same, (how can ladies scream in a pub!!!). June exactly the same even lunch times now. July I started writing a diary time when the noise started, Monday 12th 9pm until 11 o/c, Tuesday 10pm until 11.30, Wednesday 8pm until 11.30, Thursday 10 o/c, Friday 5.20pm onwards, weekends usual shouting! Monday 19th 8.30pm (when the noise starts it usually goes in a 15 minute cycle, shouting then quite for 10 to 15 minutes then shouting again!), Tuesday 9 till 11, Wednesday 9 till 11, Thursday 9 till 11, Friday 9 onwards, my wife phoned on the Saturday to complain about the noise after 12 o/c at 12.20!! The next week is virtually the same, it seems they have to have the door open between the bar and the mens urinal where the smokers stand and then shout back and forwards. If only they could keep the door shut and perhaps a notice stating they are a pub in a residential and to keep the noise down out the back!! It's such an easy solution. Because it's been so warm we would like to keep a window or back door open, to cool the house down, and us! but with all the shouting above the noise of our tv! It's getting beyond a joke. We don't want the bar to close just a little thought for the neighbours.

I hope this helps or sheds light on how we are living at the moment, [redacted]

=====
Message Received: Aug 13 2010, 10:41 AM
From: Barbara.Ephgrave@torbay.gov.uk
To: [redacted]
Cc:
Subject: 0618790-SJC-SJC-Licensing Policy Noise-050810 Feedback Form1.doc

Please read the Council's email disclaimer notification which is located at the end of the email message.

Barbara Ephgrave
Technical Clerk
Tel: (01803) 208126
Fax: (01803) 208854
Community Safety
Torbay Council
Roebuck House
Abbey Road
Torquay
TQ2 5EJ

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[0618790-SJC-SJC-Licensing Policy Noise-050810 Feedback Form1.doc (73.2 Kb)]

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Safary's Licensing
Roadback House
Abbey Rd
Torquay
TQ2 5EJ

April 23rd 2011

Dear Sirs,

I am writing to offer my support for the Sportsmans
Arm pub in Laburnum Street. I am a customer of this
pub, my local, and I also live in Laburnum Street.

I can honestly say in the fifteen years that I have
lived here noise has never been an issue for me.

I sleep at the front of my house, which is not double
glazed and am usually in my bedroom at checking at five.
I never hear a thing. Jimmy and Lisa run the pub in a
professional manner as Ben Shotton, their bar manager.

I truly believe that it is good that there is a pub in
this street. It stops undesirable characters lurking and
makes our homes safer. The pub is the ears and eyes
of this street. I wish the Neighbourhood Watch people
would realise that the pub is an asset, not the
enemy! My parents in law lived in this house for 17 years
before me and my husband purchased it. In those 32 yrs
in total there has always been a pub. Anyone recently
moving in know that before hand. I repeat strongly that
there is ANY cause for concern.

Yours Sincerely,



SPU 161547

NO	NO
NO	NO
- 5 MAY 2011	
NO	NO



Dear Sir/Madam

re: Spotsmais Arms, Labuanan St.

Having read the recent Neighbourhood Watch newsletter in which were listed complaints with regard to the above pub, I feel it only fair to say that in my opinion they are very unfair.

I was one who phoned your office to complain most strongly about the noise coming from the pub, but since the new landlord took over there has been a vast difference, especially over the last year. It is not at all noisy as windows & doors are kept shut, also there is not any litter outside the pub. your letter on

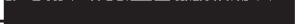


Figure 1

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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