Witness Statement

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

URN:

Statement of: Julie Karen Smart

Age if under 18 (if over insert "over 18"): Over 18 Occupation: Police Licensing Officer

This statement (consisting of .....4..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: J K Smart Date: 22/05/2013

I am a Police Licensing Officer for the Devon and Cornwall Police, based in Torbay, and I have held this position for approximately 4 ½ years.

During the week commencing Monday 6 May 2013 I was informed by police colleagues that a resident who lives in the vicinity of the Sportsmans Arms, Laburnum Street, Torquay had made a complaint of noise and public nuisance issues concerning the premises.

On the evening of Friday 10 May 2013 I was on duty, in the company of Mrs Karen ELLICOTT and Mr Shaun RACKLEY, both of the Torbay Council Licensing Department, for the purpose of carrying out visits to various licensed premises within the Torbay Area.

At 2346 hours on Friday 10 May 2013 we attended the Sportsmans Arms, Laburnum Street, Torquay. I was aware at the time that the Premises Licence in respect of this premises (number PL0755) allows the sale of alcohol between 1000 hours and 2300 hours daily, and the premises opening hours are 1000 hours to 2330 hours daily. We were therefore expecting the premises to be closed.

On arrival in Laburnum Street, Torquay, I could see that the lights in the premises were on. Whilst alighting from the vehicle I could hear the sound of voices coming from within the premises.

Myself and Mr RACKLEY then entered the Sportsmans Arms and I saw Mr LANG, the Premises Licence Holder and Designated Premises Supervisor, stood behind the bar. Mr LANG looked surprised by our arrival at his premises and asked why we were there. I informed him that we were working and conducting licensed premises visits. There were approximately 10 – 12 other people present and I could see that most of these had almost full drinks in their hands or close by, some of which were pint glasses, where the contents were approximately an inch lower than the top of the glass. I therefore formed the

Signature: J K Smart Signature Witnessed by: N/A

opinion that these customers were not being urged to drink up and leave the premises promptly by Mr LANG. In my opinion it would take these customers at least another 15 minutes to finish their drinks, which in turn means they would not have left the premises until after midnight if we had not attended the premises.

I then spoke to Mr LANG and asked him to accompany us outside his premises, which he did.

I informed Mr LANG of the recent noise complaint and of the need for him to ensure that his premises complies with the terms of the Premises Licence. I also stressed the importance of this bearing in mind the Premises had previously been subject of a Review. Mr LANG informed me that the Review of the licence was in respect of his ex-wife, Mrs Lisa LANG, not him. I told Mr LANG that he was living and working at the premises at the time of the Review and therefore he was fully aware of the complaints from residents that led to the Review. Mr LANG stated that when the Council receive a noise complaint Mrs Karen ELLICOTT normally rings him to let him know. I told Mr LANG that I had been made aware of a noise complaint during the week and hence that was the reason for our visit that night.

I asked Mr LANG why people were still in his premises after the permitted closing time and he informed me that no drinks had been sold after hours and the till had been turned off. I asked Mr LANG if the till was electronic and he replied, "SORT OF", and I informed him that I would be visiting the premises during the week to look at the till roll and discuss this matter further. I asked Mr LANG to ensure that his customers leave the premises, and do so quietly in order that they do not disturb residents.

On Monday 13 May 2013 I was on duty in my office at Torquay Police Station, conducting a check of police logs in relation to the Sportsmans Arms, Torquay when I found a log relating to a telephone call received by the police at 2338 hours on Friday 10 May 2013 (DCP-20130510-0873 refers). The caller had contacted the police to report that the premises were operating in breach of their licence.

At approximately 1515 hours on Tuesday 14 May 2013 I attended the Sportsmans Arms, Torquay in the company of Mr Karl MARTIN of the Torbay Council Licensing Department. Mr LANG was present and I informed him that the police had received a telephone call from a member of the public concerning the premises operating in breach of the Premises Licence on the night we attended, Friday 10 May 2013.

Mr LANG produced to us two till rolls from the evening of Friday 10 May 2013. At this time he informed us that unfortunately the premises had experienced a power failure some 6 to 7 months previously and

he had not realised that the time shown on the tills was wrong and therefore the till rolls would not assist us in establishing the time of the last sale.

On viewing the till rolls I can confirm that they both showed the last sale occurring between 2100 and 2200 hours, although I cannot state the exact time. Mr MARTIN then looked at the beginning of each till roll and pointed out that they did not appear to show the first sale of alcohol that day. Mr LANG stated that he didn't realise that we wanted to see the whole day and he stated that he had thrown the rest of the till in the bin, which had just been emptied. On our arrival at the premises on this day, I can confirm that we did see Mr LANG remove his wheelie bin from the street into the premises. Mr MARTIN then discussed with Mr LANG whether he needs to keep till rolls for accounting purposes and Mr LANG informed us that he didn't, he merely writes up his books/accounts and hands them to his accountant. Mr MARTIN told Mr LANG that his inability to produce the whole till roll for the day in question does not confirm to us that the clock on the tills was incorrect, but if we had been able to see the first sale of the day, this may have tallied with the last sale, and this would have been extremely useful.

Mr MARTIN advised Mr LANG that in future it would assist if he retained all till rolls and explained that should further instances of this nature become apparent, they would need to be checked. I told Mr LANG that he should check the clock on the tills on a weekly basis to ensure that they are accurate, and I then checked both tills myself and can confirm that the times shown were correct.

I pointed out to Mr LANG that despite there being insufficient evidence to prove or disprove that after hours sale had taken place, we were still not happy that customers were within his premises drinking beyond the stated closing time and re-iterated that this has an impact on the lives of residents. Mr LANG stated that when he calls last orders, customers frequently purchase several drinks at once and drink them before the premises close.

I again warned Mr LANG that the premises had previously been subject of a Review and Appeal and should the need for another Review arise, the Licensing Committee would not be impressed by his management of the premises. Mr LANG stated that he realised he had made a mistake and wanted to explain what had happened. I told him that I wasn't interested in excuses, and it didn't really matter what had happened, the fact of the matter is that customers were still in his premises when they should not have been. Mr LANG said he still wanted to explain, and then said his wife was ill in bed with food poisoning and he ordered an Indian takeaway and had it delivered to the premises and this had somehow caused his customers to remain in his premises beyond the stated closing time.

Signature: J K Smart

Signature Witnessed by: N/A

Continuation of Statement of Julie Karen Smart

Mr LANG said he would ensure a similar situation does not arise again. I informed Mr LANG that should he wish to put on entertainment etc, then he should do so legally by submitting a Temporary Event Notice. We then discussed a recent party at the premises when he telephoned and left a message for me stating he was having a few people in the premises after hours but no licensable activities would be taking place. I told him that he is being closely watched by residents in the area and needs to keep everything 'above board'.

Both Mr MARTIN and myself informed Mr LANG that we would be drawing this matter to the attention of our managers in order to decide on what, if any, further action is to be taken.

Signature: J K Smart

Signature Witnessed by: N/A

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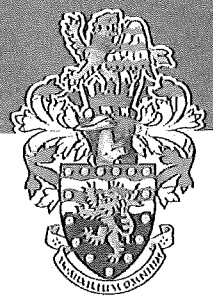

DEVON & CORNWALL CONSTABULARY

Mr J W Lang
Premises Licence Holder & DPS
The Sportsmans Arms
13-15 Laburnum Street
TORQUAY
TQ2 5SF

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

28 July 2014

Dear Sir

The Sportsmans Arms, 13-15 Laburnum Street, Torquay

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0755, issued by Torbay Council.

I would draw your attention to an incident that occurred at approximately 2353 hrs on Saturday 19 July 2014 when police received a complaint concerning a male banging on the door of your premises and shouting. A police officer subsequently attended your premises at approximately 0028 hours and found that yourself and a few other people were still drinking inside your premises (Log DCP-20140719-1069 refers). A Form L10 was completed and submitted to the Licensing Department in relation to this matter. I would point out that although persons were witnessed drinking within your premises after the closing time indicated on your licence, there is no evidence to suggest that these persons were sold alcohol after permitted hours.

At 1000 hours on Monday 28 July 2014, my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mr Karl Martin, Environmental Protection Officer of Torbay Council. They discussed this incident with yourself and you confirmed the circumstances as described by the officer who attended, stating that the premises were closed but you were having a few private drinks with friends when a drunk male banged on the door asking to be let in. He was refused entry but would not leave the area and was shouting and swearing in the street. You stated that one of your friends then spoke to the male who eventually left the area.

Mrs Smart pointed out that as the lights were on in your premises this male obviously

licensingeast@devonandcornwall.pnn.police.uk

thought your premises were open and the subsequent issues of getting this male to leave had disturbed a nearby resident who had contacted the police. Thus despite your premises being closed to the general public, the premises had caused nuisance to at least one resident.

Mrs Smart advised you that Mr Philip Kolvin QC has produced a paper outlining that in certain circumstances, such as where the licensable activities and/or the closing time of a premises have been reduced following a Review of the Premises Licence so as to limit the effect of noise nuisance and disturbance to residents, it is his opinion that the closing time indicated on a Premises Licence is enforceable.

A discussion followed concerning the Review of the Premises Licence in respect of the Sportsmans Arms in November 2011, and in particular concerning the fact that although you were not the Premises Licence Holder or Designated Premises Supervisor at that time, you were involved in the day to day management of the premises with your former wife, Mrs Lisa Lang, and were present at meetings with Police Licensing Officers and Licensing Officers from Torbay Council, and therefore have full knowledge of the circumstances leading up to the Review.

Mrs Smart informs me that as a result of the incident on 19 July 2014, and in light of Mr Kolvin's paper, both herself and Mr Martin have advised you to ensure that under no circumstances are customers to remain in your premises after 2330 hours, and that should you wish friends to have a drink with you after your closing time, they should do so within your private accommodation. Mrs Smart further informs me that you confirmed that you understood the advice given and will comply with this.

As Premises Licence Holder and Designated Premises Supervisor, I would remind you that it is your responsibility to ensure that your premises are run in accordance with the terms and conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. I must advise you that should further complaints of noise nuisance or after hours drinking within the Sportsmans Arms be received by the police, I may consider applying for a further Review of your Premises Licence, but I hope that this course of action will not be necessary.

A copy of this letter has been sent to the Torbay Council Licensing Department for their information.

Yours faithfully

Glen Mayhew, SuperintendentCommander – South Devon LPA

Devon & Cornwall Police
Building safer communities together

Mr J W Lang
The Sporty's
80 Belgrave Road
TORQUAY
Devon
TQ2 5HZ

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

20 May 2015

Dear Sir

The Sporty's, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0420 issued by Torbay Council.

At approximately 0113 hours on the morning of Friday 8 May 2015 the police were contacted by a member of the public who made a complaint of loud music coming from your premise. The person reporting this matter stated that he thought the premises were having a 'lock in' and said that the sound of loud music was disturbing the occupants of his premise. Unfortunately, all police resources were committed at the time of this complaint and therefore my officers were unable to attend. (Log DCP-20150508-0028 refers).

At approximately 1400 hours on Wednesday 13 May 2015, my Police Licensing Officer, Mrs Julie Smart, attended your premise in the company of Mr Karl Martin, Environmental Protection Officer of Torbay Council, where they met with you to discuss this complaint.

At that time you admitted that you had allowed a number of your customers to stay within the premises after the opening time indicated on your Premises Licence and you stated that no sale of alcohol took place after permitted hours as they had in fact paid a substantial sum over the bar at some point during the evening and the alcohol consumed after hours was covered by this payment.
Mrs Smart advises me that she asked you to show her the CCTV footage of this incident; however you indicated that you did not know how to work the system but were

julie.smart@devonandcornwall.pnn.police.uk

happy for Mrs Smart and Mr Martin to see if they could do so. Mrs Smart therefore attempted to play footage from your hard drive and, by luck rather than knowledge, did manage to view the footage from 2 cameras. However she could not get the footage from the other cameras to play and this may be because either she was not operating the system correctly or there was no other footage recorded. Mrs Smart has informed me that the footage she viewed showed 4 'customers' within your premises until approximately 0126 hours on Friday 8 May 2015, but she was not able to establish whether any sale of alcohol took place.

Mrs Smart has informed me that she has given you advice re the use of the CCTV system and I therefore request that you:

1) Receive training, or learn via handbooks etc how to operate the system. In particular you must be capable of searching for footage and playing this at the request of my officers and you must also be able to burn footage to a suitable storage device (either disk or memory stick) that can be handed to the police to assist in any investigations my officers may be required to make in relation to incidents at your premise.
2) Consult with your installer to ensure that the footage from all cameras is recorded at all times the premises are open to the public, and is retained in accordance with the condition on your Premise Licence, ie a minimum of 14 days.
3) Ensure that the date and time displayed on the CCTV is correct at all times, and learn how to change the date and time as and when required (ie when the clocks change in March and October).

I respectfully request that you carry out the above within the next month as I have asked Mrs Smart to attend your premise sometime after 20 June 2015 to ensure that you able to operate the CCTV system to a satisfactory standard.

Whilst there is no evidence that the sale of alcohol took place after the times permitted by your premises licence, I would take this opportunity to remind you that although it may be acceptable for the licence holder/DPS to allow his personal friends to stay in the premises and consume alcohol after hours providing it is done so at his expense, you must still ensure that this does not impact on the licensing objectives or cause nuisance to any residents in the area.

Having considered this matter, I am of the opinion that allowing customers to pay for drinks prior to 'time' being called and then allowing them to stay within the premises drinking after closing time, falls outside the generally accepted criteria of 'drinks for personal friends'. Should this type of after hours drinking come to my attention on a regular basis, it may be perceived that you are deliberately attempting to circumvent the permitted hours and closing time of your premise, and should this be the case and it causes nuisance to residents in the area, further action will be considered by the

police. I would therefore recommend that you restrict 'after hours drinking' to your personal friends only and that this takes place on only a few occasions throughout the year.

Mrs Smart has told me that you have spoken to the resident who made this complaint and apologised for disturbing him and the other occupants of his property. I am pleased that you have taken responsibility for your actions and hope that you will ensure that there is no repeat of this type of incident.

Mrs Smart has further informed me that Mr Martin has given you advice regarding the monitoring of noise levels emanating from your premises and the importance of ensuring that your premise satisfactorily meets the licensing objective, the Prevention of Public Nuisance.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart.

Yours faithfully

Superintendent G Mayhew
LPA Commander

Mr J W Lang
The Sporty's
80 Belgrave Road
TORQUAY
Devon
TQ2 5HZ

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

12 April 2016

Dear Sir

The Sporty's, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ

I write to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premise, which has the benefit of Premises Licence Number PL0420 issued by Torbay Council.

At 0243 hours on the morning of Wednesday 30 March 2016 the police received a complaint of loud music and a large crowd inside your premises. The caller stated that they were unable to sleep and had been to your premises but could not get any reply at the door despite being able to see 'loads of people' through the curtains. Officers subsequently attended your premises at 0316 hours and could clearly hear people inside the premises on arrival. You let my officers into the premises and explained that there had been a darts competition within your premises and a few of your regular customers had stayed behind after closing to continue the celebrations. You stated that you were not charging for drinks and it was a private party. Officers checked the till which was empty and noted that the Premises Licence Summary was not on display, but the licence was produced and you were advised to ensure it was placed in public view. You stated that you were unaware that the noise coming from the premises was over the top but you did tell your guests to stop being obstructive and to leave when requested.

At approximately 1600 hours on Thursday 31 March 2016, my Police Licensing Officer, Mrs Julie Smart, attended your premise in the company of Mr Karl Martin, Environmental Protection Officer of Torbay Council, where they met with you to discuss this complaint.

At that time you admitted that you had allowed a number of your customers to stay within the premises after the opening time indicated on your Premises Licence. You further stated that no sale of alcohol took place after permitted hours as the group had in fact paid a substantial sum over the bar at some point during the evening and the alcohol consumed after hours was covered by this payment.

I would draw your attention to a letter sent to you by Superintendent Glen Mayhew on 20 May 2015 in relation to a similar incident that occurred at your premises on 8 May 2015. In particular I would refer you to the below two paragraphs, which are also applicable in relation to this most recent incident:

"Whilst there is no evidence that the sale of alcohol took place after the times permitted by your premises licence, I would take this opportunity to remind you that although it may be acceptable for the licence holder/DPS to allow his personal friends to stay in the premises and consume alcohol after hours providing it is done so at his expense, you must still ensure that this does not impact on the licensing objectives or cause nuisance to any residents in the area.

Having considered this matter, I am of the opinion that allowing customers to pay for drinks prior to 'time' being called and then allowing them to stay within the premises drinking after closing time, falls outside the generally accepted criteria of 'drinks for personal friends'. Should this type of after hours drinking come to my attention on a regular basis, it may be perceived that you are deliberately attempting to circumvent the permitted hours and closing time of your premise, and should this be the case and it causes nuisance to residents in the area, further action will be considered by the police. I would therefore recommend that you restrict 'after hours drinking' to your personal friends only and that this takes place on only a few occasions throughout the year."

In addition, I would advise you that Mr Philip Kolvin QC has produced a paper outlining that in certain circumstances it is his opinion that the closing time indicated on a Premises Licence is enforceable.

For your information your premises were formerly known as the Tor Abbey Inn and a Review of the Premises Licence took place in June 2011, in relation to the Licensing Objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance. It is apparent therefore that your premises has a history of causing noise nuisance to residents.

Furthermore, it is apparent that whilst you were the DPS at the Sportsmans Arms there was an also issue with noise nuisance and in fact that premises was also the subject of a Review in November 2011. It is also evident that there continued to be noise issues from that premises from the date of the Review up to the time the premises closed in February 2015.

Mrs Smart advises me that Mr Martin has given you advice regarding the monitoring of noise levels emanating from your premises and the importance of ensuring that your premise satisfactorily meets the licensing objective, the Prevention of Public Nuisance.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

Should you wish to discuss this matter further, please do not hesitate to contact Mrs Smart.

Yours faithfully

Superintendent M Lawler
Territorial Policing & Partnership Department

Devon & Cornwall Police

Mr James William Lang
The Sporty's
80 Belgrave Road
TORQUAY
Devon
TQ2 5HZ

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

3 October 2016

Dear Sir

The Sporty's, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ

I write to you in your capacities of Premises Licence Holder and Designated Premises Supervisor of the above premises, which has the benefit of Premises Licence Number PL0420 issued by Torbay Council.

At approximately 2330 hrs on the evening of Saturday 20 August 2016 an incident occurred at your premises whereby a female was assaulted resulting in her sustaining facial bruising. Furthermore, it is believed that at the time of this offence, a glass bottle had been thrown within your premises. Crime report CR/59420/16 refers.

During the course of enquiries into this incident, on 4 September 2016 my officers attended your premises and requested that the CCTV footage of this incident be provided. Unfortunately at that time no one at your premises could operate the system. On 6 September 2016 my officers again attended your premises to collect the CCTV footage, but it was not ready. On 8 September 2016 you attended Torquay Police Station and advised my staff that your CCTV system was not working.

Due to a lack of CCTV evidence in relation to this incident, the crime complaint has been filed as undetected.

I would take this opportunity to remind you of condition 1 under the heading the Prevention of Crime and Disorder on your Premises Licence, which states:

A CCTV system, capable of producing images to an evidential standard, shall operate in the premises throughout the times the premises are open to the public, to the satisfaction of the

police. The system shall include cameras in all internal and external areas and a monitor shall be positioned behind the bar for viewing by staff. All recordings from the system shall be kept for a minimum of 14 days and copies of recordings to be supplied to the police within 7 days of the request.

It is apparent that this condition has not been complied with on this occasion. For your information, failure to comply with any conditions on a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable to an unlimited fine, or 6 months imprisonment, or to both.

I therefore recommend that all staff receive training on the operation of your CCTV system, including instruction on the downloading of footage, and that you ensure it is provided to my officers within 7 days of any future requests.

In respect of the issue of a glass bottle allegedly having been thrown in your premises. I am sure you appreciate that glass can cause significant injuries. Should further incidences of this nature come to my attention, I will be requesting you to stop the service of alcohol in glass bottles/vessels.

I must advise you that my officers will continue to monitor your premises and if the circumstances warrant it, I will not hesitate in applying for a Review of your Premises Licence and/or seeking a prosecution for any offences committed. I do hope that you will address the concerns raised and that this course of action will not be necessary. However, should it be necessary to apply for a Review, this letter will be used as part of our evidence.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you wish to discuss this matter further, please contact Mrs Smart on 01803 218900.

Yours faithfully

Superintendent M Lawler
Territorial Policing & Partnership Department

Devon & Cornwall Police
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Form No. L10
Rev. 10/2012

Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	

To be completed for any alcohol related incident or for information on any licensed premises. When attending an incident please use the reverse of this form to record as much detail as operationally possible. This form to be submitted to the Licensing Unit as soon as possible. **Nominal and / or intelligence MUST be submitted via Source and Covert Intelligence System (CIS).**

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

Report type: ☐ Visit ☒ Incident ☐ Other Date: 01/01/2018 Time: 0115

OIS Ref.: 167 01/01/2017 Crime No.: CR/000490/18

Name of premises (where applicable): SPORTYS

Address: 80, BELGRAVE ROAD TORQUAY DEVON TQ2 5HZ

Brief summary / action taken:

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

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

☐ Helpful ☒ Unhelpful ☐ Obstructive Other:

Officer attended incident at location - Was not a lisencing visit therefore unable to answer all the questions therefore I have left them blank - Sorry

Submitted by: Name: PC TRUSCOTT Force No.: 17160

Signed: M.TRUSCOTT Date: 07/01/2018 Time: 0845

Officers present at inspection:

13170 MCLAUGHLIN
15113 KENNARD
17106 ROGERS

Licensed Premises Visit Checklist

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

Administration:

1. Premises Licence (summary displayed)? (It should be displayed in the public area) ☐ Yes ☐ No
2. Premises Licence (complete) produced to officers? (A constable can request to see full licence) ☐ Yes ☐ No

Crime and Disorder:

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

Public Safety:

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

Public Nuisance:

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

Protection of Children:

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

Any other information:

Officers were called to reports of a male who had been assaulted at the location. Whilst on route to the location it was stated that staff had ushered the offender out of the rear exit and that a male and female were unconsious on the floor within the location.

When Officers arrived, there was a group of people who were intoxicated outside of the location and a young female running in the road, crying, scream and shouting. She later transpired to be the daughter of the male who had been assaulted.

Officers went inside of the location and located a male lying on the floor with an injury to the rear of his head and blood on the floor. He was being tended to by a drunk female who was later seen working behind the bar. She was holding a bandage to the back of his head but failed to apply pressure to the wound itself, potentially as she was in drink.

Another Officer went to tend to the female who was on the floor and provided first aid to her. Ambulance arrived shortly afterwards and took the male off to hospital.

The DPS (who was in drink) was spoken to at the scene. He was asked what happended by Police and gave an account but ultimately couldn't be sure. He was intoxicated. When challenged over the

allegation that they had let the suspect out of the back of the premises staff became obstructive.

It was requested that the CCTV to be viewed however the DPS nor staff members knew how to work the CCTV nor did they know the password therefore they were unable to show officers CCTV at the time it was requested.

It is thought that the premises should have been closed and not serving alcohol at the time the incident occurred and thought that the premises had stayed open longer than their licence enabled them to.

Devon & Cornwall Police

Mr J W Lang
Sporty's
80 Belgrave Road
TORQUAY
Devon
TQ2 5HZ

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01803 218900

7 February 2018

Dear Mr Lang

Sporty's, 80 Belgrave Road, Torquay, TQ2 5HZ

I am writing to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0420 issued by Torbay Council.

I have been advised that at approximately 0115 hours on the morning of Monday 1 January 2018 my officers were called to a report of a male having been assaulted at your premises. Whilst on route to your premises officers were advised that staff had ushered the offender out of the rear exit and that a male and female were unconscious on the floor.

When officers arrived, there was a group of people who were intoxicated outside of the location and a young female running in the road crying, screaming and shouting. She later transpired to be the daughter of the male who had been assaulted.

Officers went into your premises and located a male lying on the floor with an injury to the rear of his head and blood on the floor. He was being tended to by a drunk female who was later seen working behind the bar. She was holding a bandage to the back of his head but failed to apply pressure to the wound itself. Another officer went to tend to a female who was also lying on the floor and provided first aid to her. An ambulance arrived shortly afterwards and took the male off to hospital.

You were present and were spoken to by my officers. You were asked what had happened and although you gave an account, you indicated that you couldn't be sure about what had occurred due to your level of intoxication. When challenged over the allegation that the suspect had been let out the back of the premises staff became obstructive. It was requested that the CCTV be viewed, however yourself and your staff indicated that you did not know how to work the CCTV and did not have the password. Therefore you were unable to show my officers the CCTV.

Police Log 167 of 01/01/18 and Crime reports CR/000490/18 and CR/000597/18 refer to this incident. In respect of crime report CR/000490/18 this has now been filed as it was established that the injuries received by the male were minor and he did not wish to pursue his complaint. In respect of crime report CR/000597/18, the female indicated that due to her level of intoxication she could not recall what had happened, but she believed she had been punched to the head. She too did not wish pursue her complaint so the matter has been filed.

In respect of both of the victims involved in this incident, they were lucky only to receive minor injuries despite both being knocked unconscious.

I am very concerned to hear that you or your staff may have allowed the suspect to leave your premises by the back door prior to my officers attending. I am also concerned that you and your staff do not appear to know how to operate the CCTV system installed at your premises, despite the fact that my Police Licensing Officer, Mrs Smart, has advised me that she has attended your premises in the past when you and your daughter have been able to operate the system. I strongly recommend that you and your daughter learn how to use the CCTV system and are capable of showing the footage and downloading it when requested by my officers.

On this occasion it appears that yourself, your daughter and some of your customers were heavily intoxicated. Whilst I appreciate that this incident occurred on New Years Eve into New Years Day, I would advise you to monitor levels of intoxication and ensure that at least one member of staff remains sober in order to deal with any incidents that occur.

Mrs Smart advises me that there have been no concerns regarding your premises for a considerable period of time, and this is pleasing to hear, but I hope you take my advice on board and ensure that there is no repeat of incidents of this nature.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times. Should further incidents of this nature come to my attention, I shall consider applying for a Review of your Premises Licence, but I do hope that this will not be necessary.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

Superintendent M Lawler
Head of Alliance Prevention Department

Devon & Cornwall Police

Mr James Lang
Premises Licence Holder/DPS
The Sporty's
80 Belgrave Road
TORQUAY
TQ2 5HZ

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

3 December 2018

Dear Sir

The Sporty's, 80 Belgrave Road, Torquay, TQ2 5HZ

I am writing to you in your capacities of Premises Licence Holder and Designated Premises Supervisor of the above named premises which has the benefit of Premises Licence Number PL0420, issued by Torbay Council.

I have been advised that between 2300 hrs on Saturday 30 June and 003hrs on Sunday 1 July 2018, an incident occurred outside your premises involving a male who had been drinking and dancing inside your premises for approximately 30 minutes who was then ejected by yourself due to concerns regarding his behaviour. Shortly after being ejected this male alleges that he was assaulted by another customer from your premises.

As a result of this incident, during which the aggrieved sustained a broken elbow, an offence of inflicting grievous bodily was recorded (crime CR/058316/18 refers) and officers commenced enquiries. Within the crime report it indicates that on 1 July 2018 PC 10335 Louise Dutton contacted you in relation to the incident. She states that you were requested to provide the CCTV and the record states "However, Jim is going into hospital tomorrow morning for a hip operation and will not be home for a few days. He has CCTV of the AP and his behaviour inside for the next 14 days. He will ask his friend at the key shop opposite to download it as he has knowledge of the CCTV system. Failing that he will do it next week when he's feeling a bit better".

The record also indicates that you could name the offender as he is a friend and that you would contact this male and requested him to contact the police in relation to the

incident.

On 9 July 2018 the crime report indicates that PC Dutton again spoke to yourself, that you were now out of hospital and you were apologetic that the CCTV system had overwritten sooner than you realised and the relevant footage was now lost.

On 16 November 2018 Mrs Smart was conducting some research on our crime system when she came across this crime report. Due to the fact that the CCTV footage in relation to this incident was not provided to the police in accordance with the condition contained on your Premises Licence, she met with you on Thursday 29 November 2018 in the company of Mrs Mandy Guy of Torbay Council Licensing Team.

Mrs Smart discussed the above information with you. You indicated that you have no recollection of speaking to the police on 9 July 2018 and you said that this may have been due to yourself being 'high on medication' following your hip operation.

Mrs Smart asked you whether you had had any problems with your CCTV in July or since that time. You stated that you had not and you confirmed that all footage is retained for 14 days as required by the condition on your Premises Licence.

Mrs Smart advised you that we are aware that the suspect is a friend of yours, and she advised you that we are therefore suspicious that this may be the reason that the CCTV may have not been provided on this occasion. You advised Mrs Smart that whilst you are a friend of the suspect you would not protect him. You further informed Mrs Smart that in your opinion the aggrieved was drunk and probably on drugs, and you told her that as he had not been drinking in your premises, the incident was nothing to do with your premises. Mrs Smart advised you that as the aggrieved and the suspect had both been in your premises shortly before the incident occurred it is linked to your premises.

Mrs Smart then advised you of the information she had received in relation to a further incident at your premises, during which you sustained a black eye, and where it is alleged that you assaulted a male customer. You admitted that you had punched a male as a result of being punched yourself. Mrs Guy asked you whether you felt it appropriate to punch your customers but you said you had done so in self defence.

Mrs Guy asked whether you had recorded these 2 incidents within an Incident Book and you advised her that as you rarely have any incidents in your premises you do not keep written records of them.

Mrs Guy also asked you what age verification policy is in place at the premises and you indicated that you do not like children in the premises and that young people do not regularly attend, but that as the premises is situated close to holiday accommodation young persons are more likely to attend during the summer. Mrs Guy reminded you

that your Premises Licence contains a condition that a Challenge 25 Policy should be in place, and it was noted that no notices to this effect were displayed within your premises. Mrs Smart reminded you of the mandatory condition on your Premises Licence requiring your premises to have an age verification policy and you will find enclosed some materials to assist you with this.

Mrs Smart then asked to see a copy of your Drugs Policy. You said that you do not have one, however it was noted that there was a poster informing customers not to use drugs at the premises. Mrs Smart advised you to write a Drugs Policy outlining what action your staff will take should they suspect a person is under the influence or taking drugs at your premises.

I would take this opportunity to remind that you failing to comply with the requirements of a Premises Licence, by failing to have a refusals register and having changed the layout of your premises, constitutes offences under Section 136 of the Licensing Act 2003, and a person convicted of these offences is liable on conviction to an unlimited fine, up to 6 months imprisonment, or to both.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully

Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

TORBAY COUNCIL

Devon & Cornwall Police
Building safer communities together

Premises Age Verification Policy

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Name and address of premises: .....

.....

Before serving alcohol from these premises the responsible member of staff must ask all customers who appear to be under the age of 18 for a suitable means of identification bearing their name, date of birth and a holographic mark. This may be achieved by adopting either a **'Challenge 21'** ☐ or **'Challenge 25'** ☐ policy. (tick as appropriate)

For the purposes of this policy the responsible person will be one of the following:

- The Premises Licence Holder
- The Designated Premises Supervisor (DPS)
- A staff member aged 18 or over
- A staff member aged 18 or over who is authorised to allow the sale or supply of alcohol by a staff member under the age of 18
- A member or officer of a private members club

Examples of appropriate identification include:

- A photo card driving licence
- A passport
- A proof of age card bearing the PASS hologram

The adoption of an Age Verification Policy is a legal requirement under the above named legislation and applies in relation to the sale and supply of alcohol from these premises. *However, best practice dictates that it should also be used with regard to all age restricted products including tobacco, fireworks, knives, solvents, DVDs and computer games etc.*

Failure to adopt such a policy is a criminal offence with a maximum fine of £20,000 and/or six months imprisonment. **A copy of this document must be made available when requested by authorised officers of the Local Authority (Torbay Council) or a Police Licensing Officer.**

The Premises Licence Holder or Club Premises Certificate Holder will ensure that all staff are made aware of and understand the requirements of this policy (see over)

Name of Premises Licence Holder: .....
Signature: Date: .....

Name of Designated Premises Supervisor (DPS).....
Signature: Date: .....

Pto...

Additional Staff Members

Name
Signature
I have read and understand the requirements of this policy ☐ date
I have viewed the 'No Proof of Age No Sale' film ☐ date

Name
Signature
I have read and understand the requirements of this policy ☐ date
I have viewed the 'No Proof of Age No Sale' film ☐ date

Name
Signature
I have read and understand the requirements of this policy ☐ date
I have viewed the 'No Proof of Age No Sale' film ☐ date

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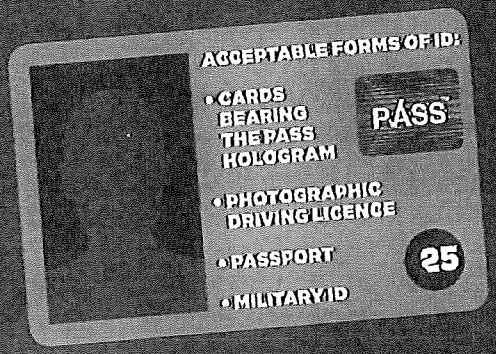
Name
Signature
I have read and understand the requirements of this policy ☐ date
I have viewed the 'No Proof of Age No Sale' film ☐ date

Name
Signature
I have read and understand the requirements of this policy ☐ date
I have viewed the 'No Proof of Age No Sale' film ☐ date

Viewing of the **'No Proof of Age No Sale'** is not compulsory but would be considered best practice as part of any Premises Age Verification Policy.

If you would like any further advice or information regarding the Premises Age Verification Policy please contact the Torbay Council Licensing Authority on ***01803 208126***

UNDER 25?



IF YOU ARE LUCKY ENOUGH TO LOOK UNDER 25 YOU WILL BE ASKED TO PROVE THAT YOU ARE AGED 18 OR OVER WHEN YOU BUY ALCOHOL

IF YOU ARE UNDER 18 YOU ARE COMMITTING AN OFFENCE IF YOU ATTEMPT TO BUY ALCOHOL

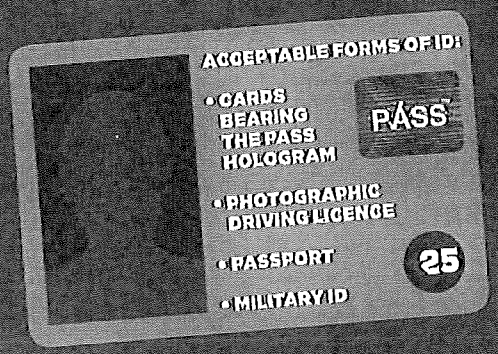
25

SCOTTISH BEER & PUB ASSOCIATION

drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG

UNDER 25?



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IF YOU ARE UNDER 18 YOU ARE COMMITTING AN OFFENCE IF YOU ATTEMPT TO BUY ALCOHOL

25

SCOTTISH BEER & PUB ASSOCIATION

drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG

Devon & Cornwall Police

Mr J W Lang
Sporty's
80 Belgrave Road
TORQUAY
Devon
TQ2 5HZ

Licensing Department
Devon and Cornwall Constabulary
Torquay Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

23 April 2020

Dear Mr Lang

Sporty's, 80 Belgrave Road, Torquay, TQ2 5HZ

I am writing to you in your capacity of Premises Licence Holder and Designated Premises Supervisor of the above named premises, which has the benefit of Premises Licence Number PL0420 issued by Torbay Council.

On Saturday 21 March 2020 The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 came into effect. This legislation requires all premises where food or drink can be consumed on the premises to remain closed until otherwise instructed, unless they are providing a takeaway service.

I have been advised that on Wednesday 25 March 2020 Mrs Mandy Guy (Senior Licensing Enforcement Officer of Torbay Council) rang you in relation to a complaint she had received in relation to an alleged 'lock in' at Sporty's despite the above legislation applying to the premises. At that time you assured Mrs Guy that your premises had closed on Friday 20 March 2020, and you denied the allegation that there had been a 'lock in' at your premises. Mrs Guy informs me that at that time she gave you appropriate advice concerning the use of your premises during the closure period.

Following receipt of a complaint in relation to your premises regularly being open to the public in breach of the above legislation, at approximately 1442 hours on Tuesday 21 April 2020 officers attended Sporty's via the rear entrance/exit, where they found yourself and another male playing pool within the licensed premises. This visit was recorded on a body worn camera and I have viewed the footage.

I note that PC Abercrombie advised you of the reason for the officers visit, and a male, who you indicated was a friend, immediately said "We're not drinking no beer or anything". However, officers noted that there partly consumed drinks on the bar, including what appeared to be beer and wine in glasses. During the subsequent discussions PC Woosey indicated that she could

smell alcohol and cannabis, and you admitted that you had been drinking wine but stated that you were not responsible for the cannabis smell.

You then explained to officers that you have 4 friends, who are on their own, who have been attending on a regular basis to play pool, that you have played about 600 games and are hoping to reach 1000, and you are thinking about donating to charity once you have reached your 1000 target. You further stated that you had already arranged for a friend to attend the premises the following day between 12.00 and 3.00 pm. You told officers that you weren't doing anything wrong, but you were then informed that you were breaching the Covid-19 restrictions on social distancing and that only members of your household were allowed on the premises. You confirmed that your friends, including the male present, do not live with you. You then asked whether your girlfriend could attend, and, when asked, you confirmed that she does not live with you, and you were told that she cannot attend your premises either. At the conclusion of your discussions with the officers, you advised them that you would comply with the requirements in the future.

In order to clarify the current position, the only people allowed within the licensed premises, and your accommodation above, are people that you live with. No other persons should attend either premises at any time, except for those with a reasonable excuse such as the emergency services, or in order to carry out emergency repairs. In addition, you should not socialise or exercise with anyone who does not live in your household.

In respect of the fact that PC Woosey indicated that she could smell cannabis at the rear of your premises, she has informed me that she could not smell it on approaching your premises via the road/path or walking down the steps. I would take this opportunity to advise you that the police have recently received information that drug use and/or supply is taking place at your premises on a regular basis. I would remind you that there is a condition on your Premises Licence in respect of drugs, which states:

> *The premises shall have a written drugs policy which will be enforced by all staff. Signage will be displayed within the premises outlining this policy.*

The police expect a zero tolerance attitude towards drug use and supply on all licensed premises and I therefore recommend that you review your policy and ensure that it is appropriate.

In relation to this incident, whilst it does not appear that you have committed any offences under the Licensing Act 2003, you have admitted to allowing four friends into the premises on a frequent and regular basis over a period of several weeks to play pool, and no doubt consume alcohol, regardless of whether this was sold or provided free of charge. Despite all the media coverage in relation to the Covid-19 restrictions, it is clear that you have not been abiding by the spirit of the restrictions and your actions have placed yourself and your friends at risk of catching the coronavirus.

I must advise you that I am extremely disappointed that despite Mrs Guy speaking to you on 25 March 2020 you have repeatedly allowed people into your premises, which demonstrates a lack of responsible behaviour and failure to comply with legislation. Should further concerns come to my attention I will consider applying for a Review of your Premises Licence, where the

Licensing Authority will be invited to assess your suitability to hold a Premises Licence, but I hope that this course of action will not be necessary.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Yours faithfully

Julie Smart
Police Licensing Officer – Torbay & South Hams
Julie.smart@devonandcornwall.pnn.police.uk

SMART Julie 50403

From: SMART Julie 50403
Sent: 06 July 2020 09:37
To: FRENCH Lin 50177
Subject: FW: Sportys licencing check 04/07/2020

Lin

Sorry another Sportys one please.

Julie

From: METHERELL Lee 10159 <Lee.METHERELL@devonandcornwall.pnn.police.uk>
Sent: 04 July 2020 19:47
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Sportys licencing check 04/07/2020

Hi Julie,

As part of Op Malibu we were asked to attend the above by PS Jon Dingle to perform a licencing check to establish if the y were adhering to government guidelines.

We arrived outside the premise at 1800 hours and the music coming from within the premise was extremely loud and would require shouting from patrons within to hold a conversation. It was obvious that one patron returned into the pub and the music was quickly turned down. We entered the pub and there people standing around the bar and approximately 10 persons standing playing pool to the back end of the pub.

There was a table full of drinkers to the left as you enter the pub, a minimum of at least 6 persons were seated drinking at that table. We were then joined by the licensee Jim LANG. He stated that he's doing his best and knows that we were stuck in the middle of all this. We advised him of the current government guidelines and requested he keep the music down. I believe he paid us lip service just to get rid of us.

Thanks

Lee

SharePoint Newsfeed OneDrive Sites SMART Julie 50403

Force Licensing Team > Licensing Items – Active > Sportys Bar Torquay

Item Type	L10
Prem Name	Sportys Bar Torquay
Date Rec'd	06/07/2020
Date Due	
Event Start Date	04/07/2020 00:00
Event End Date	
Submitting Officer	AITON Derwin 16011
Applicant Surname	
Applicant First Name	
Proposed DPS Surname	
Proposed DPS First Name	
Prem Street	Belgrave Road
Prem District	
Prem Town	Torquay
Prem County	Devon
Prem Postcode	
Premises risk rating	Premises/Persons of Interest
Hub Location	EAST - Exeter
Logic outcome	Fail
Licensing Office	Torbay
Allocated To	Julie SMART
Item Report Summary	Loud music and lack of appropriate covid secure measures. BWV Footage of Premises by attending officers and intel emails Drug use at premises
Comments	SMART Julie 50403 (07/07/2020 16:38): Officers attended the premises at 1800 hr and noted loud music was being played that required customers to shout to be heard over the noise. As soon as officers entered the volume of music was turned down. Officers noted several people sat at the bar and about 10 were stood around playing pool. Advice was given. At about 2130 hrs myself, Karl Martin, PC Aiton, and PC Woosey attended. As we entered there were about 4 persons stood at the bar drinking. We were met by Jim Lang. I asked him why persons were stood at the bar drinking and told him that the guidelines advice against this and state that all customers should be sat down. He asked

them to sit down and 3 did so, but one remained standing next to a pillar. Jim said that he had a risk assessment so I asked to see it and we went to the rear of the premises to discuss.

Officers went into the rear garden area and noted a kinder egg container on the ground. These are used to conceal drugs for plugging up bodily orifices and are an indication of drug supply/use. The pool table was not being used and was covered. I looked through Jim's risk assessment which was a pre-prepared document with tick sections and boxes to write relevant information in. Very few comments were written on this form and a dozen boxes were ticked. I noted it said "One in one out" in relation to the toilets and I asked Jim how this was managed and he explained that one person could go in when one came out but he could not provide any further information on how he controlled this. I also noted that it said "Enhanced cleaning" and I asked him what this entailed. He said that 2 people had been sick in the toilets during the afternoon so he had cleaned that up. I asked why 2 people had been sick and he said that they must have ate something dodgy. I asked him when the bar was last cleaned and he didn't say but I pointed out that it was extremely wet all the way along and therefore likely to be covered in handprints too. I pointed out that one male was still stood at the bar and asked what he was doing. Jim went and asked him what he was doing and then came back and told me "He's rolling a cigarette". I told Jim to tell him to sit down and do so or go outside, which Jim then did. Throughout my discussions with Jim it was difficult to hear due to the volume of music and at one point Karl asked him to turn it down as it was too loud to be classed as background music. The risk assessment also referred to the front door being the 'in' door and the rear door being the 'out' door and Jim told me that this is the system he is using, which I did not believe to be true as there were 2 males stood directly outside who appeared to have just exited the premises on our arrival. I asked to see the list of customers who had attended that day but Jim said he thought he didn't have to keep it and he knows all his customers by name and has their number anyway. I told him that he should be keeping a list to assist in test and trace. Throughout my discussions with Jim he kept repeating that he only runs a small pub and its difficult to put measures in place. He said he had visited other pubs and it was easier for them because they are bigger. I formed the opinion that Jim was under the influence of alcohol although he did not smell heavily of alcohol. I asked him how much he had drunk and he said he had probably had a bottle of wine. At one point Jim said that he doesn't know anyone who has had coronavirus and no one has died of it within Torbay. Karl pointed out that as Jim was talking to us he could see spit coming from out his mouth and therefore this is why social distancing is important to stop the spread. I told Jim that my impression was that apart from a bottle of hand sanitiser the premises was operating exactly the same as usual and this is not acceptable. I told Jim that I didn't think we were making any progress with our discussions due to the fact that he was under the influence of alcohol. I therefore arranged to meet him at 10.00 am on Monday 6 July 2020.

On Monday I attended the premises with Sgt Curtis. I noticed on the door that there was a sign saying "Closed until further notice". Jim asked if we had seen the notice on the door and said that he had been thinking about our discussions on Saturday and he had decided to stay closed for at least another couple of weeks as he doesn't think he can manage his customers to ensure they sit down, that without pool and darts he won't get the customer numbers and without sky sports this will also have an impact. We discussed measures he could put in place that would not have huge costs, such as keeping a list of customers with contact details, signage at front door, removing seats from the bar with a sign, order and collection points for drinks, signage for toilets etc.

Jim said that his mind was made up that he would stay shut for at least a couple of weeks and he will reassess if the government guidelines change. He said he will ring me prior to opening so that I can meet with him and I told him that I will help him with his risk assessment.

Jim asked whether it would be ok to have friends around to play pool and he was advised to ensure that he complies with the government guidelines on meeting friends, up to 5 friends outside, but only one other household inside. He said he will only have one friend at a time, but a different friend each time.

I advised him that we had received complaints about noise and drug use on Saturday night and he needs to ensure he does not disturb his neighbours. In relation to the drug use I told him that customers had been seen taking drugs and that the kinder egg shell was found immediately outside the back door. Jim said he didn't know whether drugs were taken in the ourside area as the camera is broken and someone was meant to fix it but it hasn't been done yet. We also advised him not to allow his friends to drink in the premises as they are not covid secure and therefore shouldn't be 'open'. He again stated that he would only have one friend at a time.

Body worn footage from the officers cameras are now attached.

No further action required at this time.

[] CURTIS David 16415 (06/07/2020 13:52):

To Julie.

[] FRENCH Lin 50177 (06/07/2020 11:09):

2 emails from [redacted] attached.

[] FRENCH Lin 50177 (06/07/2020 11:05):

Video Drug Use from [redacted] attached.

L10 email 10159 attached.

[] FRENCH Lin 50177 (06/07/2020 10:51):

BMV Link from 17466 attached

Form No.: L15b Rev. 12/2012 (white)

Devon & Cornwall Police
Building safer communities together

File No.:		Computer URN:		Minute No.:	

Cancellation of Closure Notice
(Section 19 Criminal Justice and Police Act 2001)

Date and time of the Cancellation of Closure Notice: 08/10/20 1120HRS

Officer making the Cancellation Notice: SGT CURTIS

Signature:

Station: TORQUAY

Name of officer serving the Cancellation Notice: SGT CURTIS

Station: TORQUAY

Date and time served: 1120HRS 08/10/20

Name (if applicable) and address of the affected premises: SPORTY'S, BELGRAVE ROAD, TORQUAY

Reasons (grounds) for cancelling the Closure Notice: CCTV CAMERA INSTALLED IN REAR GARDEN. WRITTEN DRUGS POLICY & DRUGS NOTICES IN PLACE. PROPS RE NOISE & ANTI LANGUAGE & RESPECTING NEIGHBOURS IN PLACE AT FRONT & REAR OF PREMISES

The person (if applicable) on whom the Cancellation of Closure Notice has been served:

Name: JIM [illegible] Signature:

Address: [illegible]

Devon & Cornwall Police
Building safer communities together

Form No.: L15
Rev. 06/2010

File No.:		Computer URN:		Minute No.:	

Closure Notice

Section 19 Criminal Justice and Police Act 2001

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or local authority to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a licence. (Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed.) Where a constable is satisfid that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve a notice in respect of the premises.

Date and time of the Closure Notice: 1035 hrs 23/09/20

Person making the Notice: SGT DAVE CURTIS

Signature: [illegible]

Name (if applicable) and address of the affected premises:
SPORTY'S, BELGRAVE ROAD, TORQUAY

Alleged unauthorised use of the premises:
LICENCE CONDITIONS NOT BEING COMPLIED WITH!
NO WRITTEN DRUGS POLICY
NO NOTICES AT FRONT ENTRANCE + BEER GARDEN RE
KEEPING NOISE TO A MINIMUM + RESPECTING
NEIGHBOURS/RESIDENTS.
NO MANAGEMENT/SCHEME IN RESPECT OF COMPLIANCE WITH
POSTERS RE NOISE.

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring:
(1) WRITE A DRUGS POLICY + KEEP A DIARY TO RECORD
DRUGS ISSUES + ACTION TAKEN
(2) PREPARE NOTICES IN RESPECT OF CONDITIONS 6 + 7
UNDER THE PREVENTION OF PUBLIC NUISANCE ON LICENCE AND DISPLAY.
(3) WRITE A MANAGEMENT SCHEME OUTLINING HOW THE
PREMISES WILL ENSURE CUSTOMERS KEEP NOISE TO A
MINIMUM OUTSIDE THE FRONT + REAR OF PREMISES.

The person (if applicable) on whom the Closure Notice has been served:

Name: JIM GALE

Signature: [redacted]

White copy: Occupier Yellow copy: Licensing Unit

Explanatory Notes

A police officer, or an authorised officer from the local authority has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 ('The 2001 Act').

Section 19 of the 2001 Act – Closure Notices

Where a police officer or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in breach of its licence conditions, he may serve under Sub Section (3) a notice in respect of the premises.

Section 20 of the 2001 Act – Closure Orders

Your attention is drawn to Section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a closure order if the unlicensed sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months after the date on which this closure notice was served.

After an application for the Closure Order is made the Justice of the Peace may issue a summons requiring the applicant and also the persons or persons on whom the Closure Notice was served to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.

In accordance with the Magistrates' Court Act 1980 and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

Appeals – Section 24 of the 2001 Act

An appeal against a decisions by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 24 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to open in contravention of a Closure Order made by the Magistrates Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse fails to comply with any other terms of a Closure Order made by the court, or does an act, which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000 or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at any reasonable time, and to do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However when exercising this power the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officer from exercising these powers. Any persons convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.