

Minutes of the Licensing Sub-Committee

3 December 2020

-: Present :-

Councillors Barnby, Ellery and Kennedy

8. Summary Review Application - The Sporty's, 80 Belgrave Road, Torquay

Members considered an application for a Summary Review of a Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Applicant (Police)	Application and supporting information for a Summary Review of a Premises Licence.	1 December 2020

Oral Representations received from:

Name	Details
Police	The Police outlined their Application for Summary Review and responded to Members questions.
Respondent	The Respondent outlined his representation in respect of the Application for a Summary Review and responded to Members questions.

Decision

That the Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay, be suspended with immediate effect until the 29 December 2020 and a Review of the Premises Licence shall take place on Monday, 21 December 2020 at 1pm, in accordance with the Licensing Act 2003.

Reason for Decision

Having carefully considered all the written and oral Representations, Members were unanimous, on the evidence before them, that the only appropriate decision in this instance, was to suspend the Premises Licence with immediate effect.

In coming to that decision, Members took into consideration that the Coronavirus Health Protection Regulations 2020 came into effect on 26 March 2020 and on 1 April 2020, Mr Lang was found by Police Officers to be at the premises with friends, contrary to those restrictions and had been playing pool, listening to music

and consuming alcohol. Mr Lang made admissions to Officers during this visit, that he, along with friends had played some 625 games of pool and that these games were taking place 3-4 times per week, since the beginning of lockdown. It was of concern to Members that Mr Lang, as a Premises Licence Holder, thought this to be acceptable. Members noted that Mr Lang was given words of advice in this regard and that this was followed up in writing, by a letter which had been delivered by Responsible Authority Officers on 23 April 2020.

Members further noted on the 4 July 2020, that when Police Officers attended the premises at 6pm, it was found to have inadequate Covid compliance measures in place and Mr Lang was again given words of advice in this regard. Notwithstanding this advice, when Responsible Officers visited the premises at 9.30pm later that day, it was apparent Mr Lang had taken no steps to ensure that his premises were Covid compliant and it was observed by those Officers, that there were further failings.

Whilst Mr Lang elected to close his premises on 6 July 2020, acknowledging that he could not control his customers to ensure that the premises remained Covid compliant, Members noted that at the time of taking this decision, Mr Lang had agreed to notify the Police prior to reopening his premises and that the Police Licensing Officer would assist him with a risk assessment and the measures required to ensure he was Covid compliant. Despite this offer of help and indicated notification, Mr Lang reopened the premises without contacting the Police.

On 23 September 2020, Members noted that a further inspection of the premises took place and those inspecting Officers found that several premises licence conditions were not being complied with which led to a Closure Notice being served. On that date, Mr Lang was warned by Officers about the potential review of his premises licence, due to ongoing concerns in respect of him and his premises.

Despite historical interventions, words of advice and warning given to Mr Lang, Members noted on the 11 November 2020 during the second lockdown, Police received intelligence that there were four persons on the premises. On arrival at the premises, Police Officers were told by Mr Lang that he and one other were on the premises which by his own admissions he acknowledged was against the rules. On inspection of the premises, Police located a further male which evidenced that Mr Lang had initially misled them. This in Members opinion, fell well below the standard reasonably expected by them of a responsible Premises Licence Holder.

For this breach, it was noted by Members Mr Lang was issued with a £1,000 fixed penalty notice.

Members considered alternative interim steps arising out of this Expedited Review, such as modifying the premises licence and/or removing Mr Lang as the Designated Premises Supervisor but they could not be satisfied that in taking these steps, further breach of the Regulations would not occur, risking further criminality in this regard and endangering the lives of others.

Chairman/woman
