



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 Club Premises Certificate under the Licensing Act 2003 **FORM J**

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.

Please tick yes

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

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

[Handwritten 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.

