

Memorandum

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 Steve Cox	Your 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 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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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

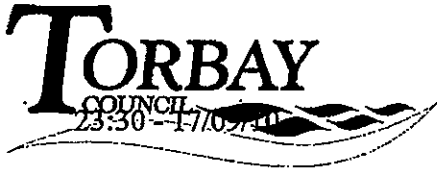
Loud music from the Sportsman's Arms. They have their doors open again. Code 88 quoted.

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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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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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