

Friday, 11 December 2020

LICENSING SUB-COMMITTEE

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

Monday, 21 December 2020

commencing at **1.00 pm**

The meeting will be held remotely via Zoom (the links to the meeting are set out below)

<https://us02web.zoom.us/j/85842991901?pwd=d1d0WTQrTVFlaGJLVDFSRDNOTVZjdz09>

Meeting ID: 858 4299 1901

Passcode: 811968

One tap mobile

+442039017895, 85842991901#, 0#, 811968# United Kingdom

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Meeting ID: 858 4299 1901

Passcode: 811968

Members of the Committee

Councillor Barnby

Councillor Ellery

Councillor Kennedy

Together Torbay will thrive

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Lisa Antrobus, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

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

3. **Declarations of interests**

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

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

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

4. **Urgent items**

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

5. **Review, following an application made under section 53A for a Summary (Expedited) Review of a Premises Licence for The Sporty's,80 Belgrave Road, Torquay**

(Pages 4 - 84)

Review of a Premises Licence following an application made under 53A for a Summary Review of a Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay.

Instructions for the press and public for joining the meeting

If you are using an iPad you will need to install Zoom which can be found in the App Store. You do not need to register for an account just install the software. You only need to install the software once. For other devices you should just be taken direct to the meeting.

Joining a Meeting

Click on the link provided on the agenda above and follow the instructions on screen. If you are using a telephone, dial the Zoom number provided above and follow the instructions. (**Note:** if you are using a landline the call will cost up to 13p per minute and from a mobile between 3p and 55p if the number is not covered by your inclusive minutes.)

You will be placed in a waiting room, when the meeting starts the meeting Host will admit you. Please note if there are technical issues this might not be at the start time given on the agenda.

Upon entry you will be muted and your video switched off so that only the meeting participants can be seen. When you join the meeting the Host will unmute your microphone, ask you to confirm your name and update your name as either public or press. Select gallery view if you want see all the participants.

If you have joined the meeting via telephone, your telephone number will appear on screen and will be displayed for all to see until the Host has confirmed your name and then they will rename your telephone number to either public or press.

Speaking at a Meeting

If you are registered to speak at the meeting and when it is your turn to address the Meeting, the Chairman will invite you to speak giving the Host the instruction to unmute your microphone and switch your video on (where appropriate) therefore please pause for a couple of seconds to ensure your microphone is on.

Upon the conclusion of your speech/time limit, the Host will mute your microphone and turn off your video.

Meeting Etiquette for Registered Speakers - things to consider when speaking at public meetings on video

- Background – the meeting is public and people will be able to see what is behind you therefore consider what you will have on display behind you.
- Camera angle – sit front on, upright with the device in front of you.
- Who else is in the room – make sure you are in a position where nobody will enter the camera shot who doesn't want to appear in the public meeting.
- Background noise – try where possible to minimise background noise.
- Aim to join the meeting 15 minutes before it is due to start.

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – Full Review, following an application made under section 53A for a Summary (Expedited) Review of a Premises Licence for The Sporty's, 80 Belgrave Road, Torquay, TQ2 5HZ

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **21st December 2020**

Contact Officer: **Gary O'Shea**
Telephone: **01803 207631**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application for a Full Review following the determination of a Summary (Expedited) Review in respect of the premises detailed above.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 An application for a Summary (Expedited) Review of a Premises Licence was submitted by the Police on 1st December 2020, as they were satisfied that the premises is associated with serious crime and/or disorder.
- 1.4 In accordance with Regulations, Interim Steps were considered, within the required timeframe of 48 hours following receipt of the application. This was done at a meeting of the licensing subcommittee, with the Licence Holder and the Applicant both present.
- 1.5 The Licensing Authority is now required by virtue of section 53A (2) (b) Licensing Act 2003 (the Act), to consider the application at a Full Review hearing within 28 days following the day upon which the application was received.
- 1.6 The Sub-Committee is required to consider:
 - a) What steps, if any, it considers appropriate for the promotion of the licensing objectives
 - b) Determine whether the Interim Step should cease to have effect or become the subject of any steps which it considers appropriate when making determination on the Review.

1.7 The options available to the Licensing Authority are:

- a) the modification of conditions of the Premises Licence;
- b) the exclusion of a licensable activity from the scope of the licence;
- c) the removal of the Designated Premises Supervisor from the Licence;
- d) the suspension of the licence for a period not exceeding 3 months;
- e) the revocation of the licence;
- f) to do nothing.

Modification of the conditions of the Premises Licence can include the alteration or modification of existing or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

2.0 Application

2.1 Following the application by the Chief Superintendent on behalf of the Chief Officer of Devon and Cornwall Police for the Torbay area, Members of the Licensing Sub-Committee considered and determined on 3rd December 2020, whether Interim Steps were appropriate as required by virtue of regulations to the Licensing Act 2003. Members' at that time determined to suspend the premises licence with immediate effect pending the outcome of the full review hearing.

2.2 The full details of the grounds for the Expedited (Summary) Review are shown in the application from the Police which is attached as **Appendix 1**. This also contains the Certificate as required under section 53A Licensing Act 2003 and outlines the reasons that the Police believe that the application met the test of serious crime, serious disorder or both.

2.3 The current Premises Licence is attached for information at **Appendix 2**.

2.4 The Licensing Authority is satisfied that the application has been submitted at the appropriate level of authorisation, as required by law i.e. Superintendent level or above. Advertisement of the application has been conducted in accordance with Regulations.

2.5 Since interim steps were considered on 3rd December 2020, additional written information has been received from the Police. This takes the form of a chronology of the history of interaction with Mr Lang, as the premises licence holder (attached at **Appendix 3**), a witness statement to accompany the chronology, written by the Police Licensing Officer, Julie Smart, following an incident in 2013 (attached at **Appendix 4**) and Witness statements written following recent visits to The Sporty's from PC Abercrombie and PC Thomas (attached at **Appendix 5** and **Appendix 6** respectively).

There have been no Representations received from any other Responsible Authority or any Interested Party at this time, however, given the restrictive statutory timeframes when dealing with an Expedited (Summary) Review

application, it has been necessary to publish this report prior to the close of the window for receipt of representations. In view of this, there is a possibility that one or more representations could be received within the permitted timeframe, which if so, will be published and circulated separately as an addendum to this report.

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

In the event that an Appeal is entered, the determination will not have effect until the Appeal is either determined or withdrawn. However, interim steps as taken on 3rd December 2020, will remain until such time as the appeal period has passed, or if an appeal is lodged, until that appeal is dispensed with.

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

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Application for Summary (Expedited) Review
Appendix 2	A copy of the Premise Licence
Appendix 3	Additional information submitted by the Police
Appendix 4	Statement from J Smart
Appendix 5	Statement from PC Abercrombie
Appendix 6	Statement from PC Thomas

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016-2021

Devon & Cornwall Police
HQ Middlemoor
Devon

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime.

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

Premises licence number (if known): PL0420

Name of premises supervisor (if known): Mr James William LANG

I am a Superintendent in the Devon and Cornwall police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act, such as a Review of the Premises Licence under Section 51 of the Licensing Act 2003, are inappropriate due to the seriousness of the concerns identified in respect of this premises.

This incident involves the public house opening to the public for consumption of alcohol on the premises during Lockdown 1, in contravention of the Coronavirus Health Protection Regulations 2020. On this occasion advice was given to Mr LANG concerning his conduct.

When licensed premises were allowed to re-open for consumption on the premises, on Saturday 4 July 2020, a joint agency visit was conducted by my officers and Torbay Council staff. During the course of that visit Mrs Smart (Police Licensing Officer) and Mr Martin (Torbay Council Public Protection Officer) were not satisfied that adequate measures were in place to reduce the spread of coronavirus or protect customers and Mr LANG had not demonstrated a responsible attitude in the management of the premises

On Wednesday 11 November 2020 information was received that people had been seen entering the premises. Officers attended and identified that the consumption of alcohol was taking place therein.

The concern of Devon and Cornwall Police is that should this premises be allowed to re-open when the closure restrictions are lifted, this could endanger the life and/or health of the public and therefore immediate steps are required to consider Mr LANG's suitability to manage the premises.

I am conscious of the DCMS guidance on the use of "Exedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime, my feelings that this process is deemed appropriate are further enforced.

Signed: B. Davison Date: 30/11/20
Superintendent
Brent DAVISON

Delete as applicable.

2 Include business name and address and any other relevant identifying details.

3 Insert rank of officer giving the certificate, which must be superintendent or above.

4 Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW
TORBAY COUNCIL, LICENSING SECTION, C/O TOWN HALL, CASTLE CIRCUS,
TORQUAY, TQ1 3DR

**Application for the review of a premises licence under section 53A of the
Licensing Act 2003 (premises associated with serious crime or disorder).**

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 the 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.**

I, Superintendent Brent DAVIDSON, the Chief officer of police for the South Devon area apply for the review of a premises licence under Section 53A of the Licensing Act 2003

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description: The Sparty's, 80 Belgrave Road
Post town: Torquay
Post code (if known): TQ2 5HZ

2. Premises licence details:

Name of premises licence holder (if known): Mr James William LANG
Number of premises licence holder (if known): PL0420

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in my opinion the above premises are associated with

serious crime, and the certificate accompanies this application.
(Please tick the box to confirm) X

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Coronavirus was deemed a pandemic earlier in the year. On 20 March 2020 the Government gave directions for pubs to close, with the Coronavirus Health Protection Regulations 2020 coming into force on 26 March 2020. These regulations required the closure of specified businesses in which food and drink were sold for consumption on the premises (though allowing for selling of the same to be consumed off the premises). The relevant businesses were listed but included restaurants, cafes, bars and public houses.

On 4 July 2020 licensed premises were authorised to open for consumption on the premises and advice regarding making premises "covid-secure" was published on the gov.uk website. The Police and Council Licensing Teams were also available to provide advice where requested.

Unfortunately due to an increase in daily coronavirus infections, on Thursday 5 November 2020 The Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020 came into force, and premises in which food and drink are sold for consumption on the premises were again required to close (although they can sell food and drink for consumption off the premises). Again the relevant businesses were listed within the regulations and these include restaurants, cafes, bars and public houses.

In respect of both occasions when specified premises were required to close, if a pub opened for the consumption of food or drink on the premises, in breach of the regulations, then the management of those premises would commit the common law offence of public nuisance. This carries a penalty of up to life imprisonment and so becomes a serious crime offence under the Regulation of Investigatory Powers Act 2000, thus fitting the legal obligations for a Section 53(a) Expedited Review.

Public nuisance is a common law offence. It has been defined as follows:

A person is guilty of public nuisance (also known as common nuisance) who, (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects.

Mode of trial and sentence: 2.20 Public Nuisance is triable either way: that is to say, either in the Crown Court or in a Magistrates' Court. As in all common law offences where statute does not provide to the contrary, when it is tried in the Crown Court there is an unlimited power of imprisonment.

The circumstances outlined below show that Mr Lang, the Premises Licence Holder and DPS of The Sports, is seriously undermining the Licensing Objectives of

Prevention of Crime and Disorder and Public Nuisance. The serious crime that this application refers to is in relation to the premises, continuing to open, albeit behind closed doors, to the public by allowing persons to attend and consume alcohol on the premises. This facilitates gatherings of people not from the same household in one place, putting the public at risk of contracting the virus and subsequently passing it on to others.

This is a direct breach of the Coronavirus Health Protection Regulations 2020 and creates a risk to public health, which is a common law offence of public nuisance, and as such is a serious crime.

For information, Sporty's does not have a kitchen and therefore is not able to provide food for consumption on or off the premises.

Summary of Events

On 19 April 2020 a complaint was received from a member of the public that several people were regularly visiting the premises, believed for the consumption of alcohol therein and to play pool.

On 21 April 2020 officers attended the rear entrance of the premises. Inside they located the DPS, Mr Lang, and a friend who were playing pool and music in the pub. Officers noted that the DPS smelt of alcohol and glasses of beer and wine were seen on the bar. The DPS stated that he had been having his friends over to play pool and he further stated that he had played over 600 games with his friends, who had come over 3-4 times a week, throughout the period the premises had been required to close.

Officers gave him advice on this matter and he stated that he thought it was acceptable as some or most of his friends live alone. He was again advised against this and was given strong advice to stop this behaviour immediately.

Whilst at the premises officers noticed a smell of cannabis which they state was coming from inside the premises.

As a result of this incident, Police Licensing Officer, Mrs Smart, wrote to Mr Lang and hand delivered the letter to the premises on Thursday 23 April 2020. A copy of that letter is attached for information.

At 1800 hrs on 4 July 2020 officers attended the premises and noted that loud music was playing, which was immediately turned down when they entered. Officers commented that the music was so loud that people would have to raise their voices in order to be heard. Officers also noticed several customers were sat at the bar and about 10 people were stood around playing pool. The officers gave advice to Mr Lang concerning what they had witnessed.

On 2130 hrs on 4 July 2020 Mrs Smart attended Sporty's in the company of Mr Karl Martin, Public Protection Officer of Torbay Council, and police officers. On entering it was noted that there about 4 customers stood at the bar. Mr Lang produced a Covid risk assessment and this was viewed by Mrs Smart. Mrs Smart noted a

comment on the form stating "One in one out" in relation to the toilets, and she asked Mr Lang how this was managed. He explained that one person could go in when one came out but he could not provide any further information as to how he controlled this. Mrs Smart noted that the assessment referred to 'Enhanced Cleaning' and asked what this entailed. Mr Lang said that 2 people had been sick in the toilets during the afternoon so he had cleaned that up. He was asked why 2 people had been sick and he replied that they must have ate something dodgy. Mrs Smart asked him when the bar had last been cleaned but he did not respond. Mrs Smart pointed out that the bar was extremely wet all the way along and therefore it had not been cleaned for some time and probably had lots of handprints on too. Mrs Smart asked to see Track and Trace records but Mr Lang said that he thought he didn't need to keep details as he knows all his customers by name and has their telephone numbers. Mrs Smart will state that she formed the opinion that the risk assessment was a paper exercise and that few, if any, of the measures that had been written in the assessment were being managed by Mr Lang and his staff.

Whilst Mrs Smart was talking to Mr Lang, Mr Martin noted that the volume of music was very loud, Mrs Smart and himself were struggling to hear what Mr Lang said and the volume was too loud to be classed as background music. He asked Mr Lang to turn the volume of music down.

During Mrs Smart's discussions with Mr Lang she noted that he appeared to be under the influence of alcohol and asked him how much he had drunk. He said he had probably had a bottle of wine. At one point he said he didn't know anyone who had had coronavirus and no one had died of it within Torbay. Mr Martin advised Mr Lang that as Mr Lang was talking he could see spit coming out of his mouth and this demonstrated why social distancing is important to stop the spread.

Mrs Smart told Mr Lang that apart from one bottle of hand sanitiser, it was apparent that the premises were operating exactly the same as usual and that this was not acceptable. As Mr Lang was clearly under the influence of alcohol she arranged to meet him at the premises at 10.00 am on Monday 6 July 2020.

At 10.00 am on Monday 6 July 2020 Mrs Smart attended the premises with Sgt Dave Curtis, Licensing Sergeant for Devon. At that time Mr Lang told Mrs Smart and Sgt Curtis that he had decided to close for at least a couple of weeks as he did not think that he could manage his customers to ensure they sit down and comply with the requirements. Mr Lang said that he would contact Mrs Smart prior to re-opening in order that they could meet and Mrs Smart told him that she would help him with his risk assessment and measures that he needed to introduce.

Several weeks later Mrs Smart noticed that the premises were open, despite Mr Lang not having contacted her to discuss the re-opening of his premises.

Between 4 July 2020 and 13 August 2020 Mrs Smart received several complaints in relation to Sporty's. These relate to noise nuisance and drug issues.

On 23 September 2020 Mrs Smart, Sgt Curtis and Mr Martin attended the premises and met with Mr Lang. Discussions took place concerning complaints received from a local resident and a full inspection of the premises was carried out. It was

apparent that several conditions contained within the premises licence were not being complied with, and therefore Sgt Curtis issued a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001. At the conclusion of this meeting Mr Lang was warned that due to the number of complaints the police had received and the fact that in the past it does not appear that he had heeded advice given to him, if further complaints or the measures outlined in the closure notice were not complied with, the police will seek a review of the licence. Further details in relation to this visit, and other concerns in respect of this premises, will be disclosed prior to the date of the full Review hearing.

At 1352 hrs on Thursday 11 November 2020 Mrs Smart received an email from a member of the public who advised her that 4 people had just been seen entering the rear of the premises.

This information was passed to the Neighbourhood Policing Team and two officers subsequently attended the premises at approximately 1530 hrs. They approached via the rear entrance and through the Upvc door they could see the outline of people within, they could hear music and also heard several voices. Upon knocking on the door Mr Lang said "Hold on lads" and went further into the building before then returning about 5-6 seconds later to open the door. In that timescale the voices and music stopped. Upon entering the premises, Mr Lang was alone in the bar next to the pool table. 5 glasses, some of which appeared to contain alcohol, were seen in various locations within the premises. Officers state that Mr Lang very quickly realised why they were there and made an excuse that he was just having a few drinks with one other person as it was Remembrance Day. PC Abercrombie asked Mr Lang where everyone had gone and stated he heard several voices from outside. Mr Lang allowed officers to check the toilets and other spaces in the bar area but no other persons were found.

Mr Lang then allowed PC Thomas to go upstairs to his living area where the officer was met by a male who stated he was Mr Lang's friend. This male provided the officer with his name, address and telephone number. This male does not live at the pub or Mr Lang's flat. The male was in drink and PC Thomas states he too realised why the officers were present.

PC Thomas then went into the living area and sitting on the sofa was a further male. This male explained to the officer that he was having a bad time with his life and asked him not to blame Jim for having him in the pub.

One of the males then went downstairs and spoke to PC Abercrombie, who took his details. This male does not live at the pub or Mr Lang's flat. During discussions this male stated that he and Mr Lang had gone to the cenotaph and had returned to the pub to drink and play pool.

PC Thomas, Mr Lang and the other male returned to the bar and that male then left the premises.

Mr Lang and the other male then had discussions with the officers concerning Covid19 within the bar area and during this time the male lit a cigarette and smoked it, flicking ash in an ashtray positioned on a side table. During these discussions

both the male and Mr Lang picked up what appeared to be alcoholic drinks and consumed these in front of the officers.

Mr Lang told officers that his friends weren't there for very long but that they had been playing games of pool and that it was first to 11.....and he was 10-1 up!

The officers gave strong words of advice to all persons and advised Mr Lang that they would be advising Mrs Smart of this matter.

As a result of this incident, Mr Lang has been issued a fixed penalty ticket for £1,000 by Torbay Council.

Any other information:

Signature of applicant:	
Date:	30/11/20
Capacity:	Superintendent, South Devon FCU.

Contact details for matters concerning this application:

Address: Licensing Officer Julie Smart, Torquay Police Station, South Street, Torquay, TQ2 5AH

Telephone number(s): 07921 933974

Email: julie.smart@devonandcornwall.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of twenty- one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

Licensing Act 2003

Premises Licence

420

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

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

The Sporty's

80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

Telephone 01803 290544

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	11:00am	11:00pm
	Sunday	Noon	10:30pm
	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
F. Playing of recorded music (Indoors)	Monday to Saturday	7:00am	11:00pm
	Sunday	7:00am	10:30pm
	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	11:00am	11:30pm
	Friday to Saturday	11:00am	Midnight
	New Year's Eve - from the end of permitted hours on new Year's Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	7:00am	Midnight
Friday to Saturday	7:00am	12:30am
New Years Eve - from the end of permitted hours on New Year's eve to the start of permitted hours on the following day.		

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

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

Part 2**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

James William Lang

The Sportys, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

James William LANG

The Sportys, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

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

Licence No. PA2574

Issued by Torbay



Steve Cox
Environmental Health Manager (Commercial)
11 December 2020

ANNEXES**ANNEXE 1****MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL**

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purposes of the condition set out in paragraph 1

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

- 1) Where one or more individuals are carrying out security activities, each individual must be licensed by the Security Industry Authority.
- 2) But nothing in the aforementioned conditions requires such a condition to be imposed in respect of a) and b) and (b)(i) and (b)(ii)
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), are exempt.
 - (b) In respect of premises in relation to-

ANNEXES continued ...

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of the aforementioned conditions:-
- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

None

The Prevention of Crime and Disorder

- 1) 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.
- 2) 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.

Public Safety

- 1) Emergency lighting shall be provided where appropriate.
- 2) Fire fighting equipment must be provided and serviced annually.
- 3) Illuminated signage shall be provided where appropriate.
- 4) Current gas and electric certificates must be in place.

The Prevention of Public Nuisance

- 1) The fabric of the building shall retain sound.
- 2) All windows must be closed and lockable.
- 3) The premises beer garden shall cease to be used by all persons at 8pm.
- 4) There must be no alcohol taken into the courtyard after 8pm.
- 5) There must be no alcohol taken outside the front of the premises at any time.
- 6) There should be a prominent, clear and legible notice displayed within the beer garden, courtyard and at the front of the premises, stating that patrons are required to respect neighbours by keeping noise to a minimum and that any noisy or disorderly behaviour will result in patrons being asked to leave the beer garden, courtyard or area outside the front of the premises.

ANNEXES continued ...

- 7) A Management Scheme shall be in place to ensure compliance of that stated within the notices in the beer garden, courtyard and area at the front of the premises.
- 8) A prominent, clear and legible notice must be displayed at the front exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

The Protection of Children from Harm

- 1) Children under the age of 16 must be accompanied by an adult.
- 2) Striptease and nudity are prohibited.
- 3) The premises shall operate a Challenge 25 Scheme whereby all persons who appear to be under the age of 25 years shall be requested to provide an approved form of photographic identification.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Public Nuisance

- 1) Incidental music to be permitted throughout the period the premises is open to the public.
- 2) Noise and vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00hr. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that will be applied are;
 - (a) Before 23:00hr- Noise emanating from the premises will not be clearly distinguishable above other noise.
 - (b) After 23:00hr- Noise emanating from the premises will not be distinguishable above background levels of noise.
 - (c) The local authority will reserve the right in cases of tonal noise and where premises are attached to others (i.e. semi's and terraced properties), to make further assessments from within the residential property.
- 3) To reduce noise break out, doors and windows facing onto any noise sensitive premises (e.g. dwelling) will be kept shut during entertainment. A management scheme will be in place to ensure this situation remains.
- 4) The placing of refuse, such as bottles, in receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
- 5) The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.

The Protection of Children from Harm

- 1) Staff will receive age identification training related to the sale of alcohol.
- 2) All Amusement with prizes machines must be sited to ensure they are under direct supervision of the staff at all times.
- 3) A management system is introduced to ensure that staffs is aware of the legal requirements relating to underage sales and in particular the prevention of sales from cigarette vending machines to children under sixteen and the prevention from use of AWP machines by those under eighteen.

ANNEXE 4

PLANS

Copy attached to Licence.

ANNEXES continued ...

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Premises Details

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

The Sporty's

80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

Telephone 01803 290544

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Saturday	11:00am	11:00pm
	Sunday	Noon	10:30pm
	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
F. Playing of recorded music (Indoors)	Monday to Saturday	7:00am	11:00pm
	Sunday	7:00am	10:30pm
	New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day		
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Thursday	11:00am	11:30pm
	Friday to Saturday	11:00am	Midnight
	New Year's Eve - from the end of permitted hours on new Year's Eve to the start of permitted hours on the following day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	7:00am	Midnight
Friday to Saturday	7:00am	12:30am
New Years Eve - from the end of permitted hours on New Year's eve to the start of permitted hours on the following day.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

James William Lang

The Sportys, 80 Belgrave Road, Torquay, Devon, TQ2 5HZ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

James William LANG

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox
Environmental Health Manager (Commercial)
11 December 2020

In respect of our application for the Summary Review of the Premises Licence for Sportys Bar, Belgrave Road, Torquay, please accept this email and the attached documentation as an additional representation.

The Torbay Council Licensing Public Register shows that between 18 December 2012 until 2 February 2015 Mr LANG was the PLH and DPS of The Sportsmans Arms, Laburnum Street, Torquay. I am aware that prior to 18/02/12 Mr LANG ran that premises with his wife, but he took over the premises when they separated. During the time that Mr LANG's wife held the licence there was a Review of the licence in relation to the public nuisance objective, which culminated in the permitted hours of the premises being reduced.

Whilst he was at the Sportsmans Arms, I had the following dealings with him:

06/05/13

Complaints of noise and after hours drinking received. At 2346 hrs on Friday 10 May 2013 I visited the premises with members of staff from Torbay Council. The licence for the premises authorised the sale of alcohol until 2300 hrs daily with the premises closing at 2330 hrs. After this visit I prepared a statement which is attached.

22/03/14

Noise complaint. On 28/03/14 I attended the premises and discussed the complaint with Mr LANG. He said he had karaoke on the Saturday night but he monitors noise levels. Asked him to ensure staff also monitor and to keep noise levels down.

17/04/14

Complaint of noise and after hours drinking. At 1130 on 28/04/14 I attended the premises with Mr MARTIN and we met with Mr LANG. We discussed the noise and after hours complaint. Mr LANG stated that this was a one-off event as he had been contacted the night before to say that a pool competition was due to be held at the Tor Abbey but the premises had closed and therefore they had no venue to play in. He therefore agreed to hold the competition in his premises and he stated that as it was the final it did get a bit noisy. Mr LANG denied that after hours drinking had taken place on this occasion. However he stated that he does occasionally have friends stay behind after hours, but only 4/5 at a time, no money is exchanged and he ensures they leave by the private entrance/exit and not the front doors. Discussions took place concerning how Mr LANG could control noise from premises from persons singing and shouting.

19/07/14

Log 1069 19/07/14 - Report of a possible break in. Officers attended and found 3 to 4 people inside drinking at 0030 hrs. The officers commented that Mr LANG was a little drunk and he told officers he was struggling to get the persons to leave.

At 1000 hrs on 28/07/14 myself and Mr MARTIN met with Mr LANG to discuss the above matter. Mr LANG outlined the circumstances of this stating that he had his girlfriend and a couple of friends after hours for a few private drinks but stated no money changed hands. He said that during the course of this there was a bang at the door and a drunk male

asked for a late drink. Mr LANG explained that the pub was closed and asked him to leave the area but the male began swearing and refused to go. Mr LANG's friend then asked the male to go and pushed him away. Mr LANG then went back into the premises and forgot to lock the door. Several minutes later a female police officer attended and he explained what had happened.

I informed Mr LANG that advice from Philip Kolvin, a leading licensing barrister, states that in respect of his premises, where the sale of alcohol and closing time was reduced at a Review due to public nuisance issues, the closing time of the premises is enforceable and that he must ensure no one is within the premises after 2330 hrs. I sent a letter to Mr LANG concerning this incident on 28/07/14, copy attached.

11/08/14

Log 0897 11/08/14 noise complaint details passed to Torbay Council

23/09/14

Officers from Torbay Council attended premises and at 11.30 pm witnessed lights on. Through a clear window they could see about 15 people inside and saw a female pull a pint and hand to someone. Council staff waited outside the premises and saw people coming out at 11.55 pm and whilst doing so they were smoking and using their phones. Mr MARTIN advised me that he was considering applying for a review of the licence.

17/10/14

Officers on patrol in Laburnum Street at 2340 hrs on Friday 17/10/14 saw two males and a female come out of premises. One male was carrying a 2/3 full pint of beer. When asked what they were doing, the male said they were having a smoke. The officer told the male he couldn't have the glass in the street. The male apologised and went back in. Due to the late hour the officer assumed that the pub had a licence until midnight.

Towards the end of 2014 or beginning of 2015 myself and Mr MARTIN met Mr LANG. He told us that the freeholder of the Sportsmans Arms was intending to turn the premises into residential premises. Mr LANG said that there was a possibility of him taking on a premises known as the Tor Abbey, 80 Belgrave Road, Torquay, and he wanted to know whether we would support this.

Due to all the above matters, myself and Mr MARTIN were concerned about Mr LANG's management of the Sportsmans Arms, however only one resident was complaining about the premises. Laburnum Street is very narrow and the complainants house was directly opposite the pub. Both myself and Mr MARTIN thought that if Mr LANG took over the Tor Abbey, which is situated on a wider and busier street with more background noise, he may be able to control the noise from people and therefore we agreed to him taking the licence.

22/01/15

Applications to Transfer and Vary the DPS of the licence at the Tor Abbey were received from Mr LANG and the name of the premises was changed to Sportys Bar.

Since Mr LANG took over at Sportys Bar, I have dealt with the below matters.

08/05/15

Log 28 08/05/15 ☐ Complaint of excessive noise coming from pub at 0113 hrs. Local resident suspects a lock in. Letter sent to Mr Lang on 20/05/15, copy attached.

30/03/16

Log 50 30/03/16 ☐ Complaint of noise and after hours drinking. Police attended premises and stated they could clearly hear people inside the premises. Mr LANG let the officers in and said that they had a darts competition there during the evening and a few of his regulars had stayed behind after closing to continue the celebrations. Mr LANG stated that he was not charging for the drinks and it was a private party. The till was empty and, on inspection, the licence summary was not on display, but it was produced for officers on request and he was advised to put it on display. Mr LANG stated that he was unaware that the noise coming from the premises was over the top and told his guests to stop being obstructive and to leave when requested by the officers. On 12/04/16 I wrote to Mr LANG concerning this matter, copy attached.

24/08/16

Log 459 22/08/16 Report of assault on female where she sustained facial bruising, believed to have been caused by someone throwing a glass bottle in the premises. Officers attended the premises on 04/09/16 in order to view the CCTV, but no one was able to work the system and they were advised it would be downloaded for them. On 06/09/16 officers again attended to collect the CCTV but it was not ready. On 08/09/16 Mr LANG attended Torquay Police Station and advised the Enquiry Office staff that the CCTV system was not working. A letter was sent to Mr LANG on 03/10/16, copy attached.

01/01/18

Log 167 01/01/18 and CR/490/17. Officers were called to a report of a male who had been assaulted within the premises. Prior to their arrival at the premises they 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 they found a group of intoxicated persons outside the premises and a young female running in the road, crying, screaming and shouting. Officers went inside and located a male lying on the floor with an injury to the rear of his head, and a female who was also on the floor. The male was taken to hospital. Mr LANG was spoken to. When asked what had happened he gave an account but stated he could not be sure what had occurred as he was intoxicated. When challenged over the allegation that they had let the suspect out of the back of the premises staff became obstructive. Officers asked to view the CCTV but neither Mr LANG nor staff members knew how to work the system, nor did they have the password. An L10 submitted by PC Truscott is attached, together with a letter that I sent to Mr LANG on 07/02/18.

November 2018

In November 2018 I became aware of a serious assault that occurred at the premises on 30 June 2018 where a male sustained a fractured elbow. The suspect for this incident was a friend of Mr LANG's. During the course of enquiries Mr LANG was requested to produce CCTV and Mr LANG assured PC DUTTON that this would be done. However, on 9 July 2020

Mr LANG advised PC DUTTON that the CCTV of the incident had been overwritten. On 29/11/18 myself and Mrs Mandy GUY of Torbay Council attended the premises and met with Mr LANG. The incident and concerns regarding CCTV were discussed and it was established that some conditions on the licence were not being complied with. As a result of this matter, I sent a letter to Mr LANG on 03/12/18, copy attached.

25/09/19

Intelligence received concerning drug dealing taking place on a regular basis at the rear of the premises, mostly on weekends. Believed to be cannabis and cocaine. Mr LANG advised of this intelligence.

11/02/20

Further intelligence re concerns at premises. On 17/02/20 PC GEAKE visited the premises. Mr LANG was in attendance, playing darts. PC GEAKE stated that Mr LANG appeared to have had a drink but was not drunk. The full licence was hung up behind the bar. PC GEAKE states that Mr LANG was under the impression that CCTV only has to be kept for 7 days but he was corrected on this as the licence states 14 days. PC GEAKE identified that one CCTV camera was not operating but Mr LANG stated he will ensure it is repaired ASAP.

25/03/20 (During Lockdown 1 ? Licensed Premises were told to close on Friday 20/03/20)

Mrs GUY of Torbay Council contacted Mr LANG concerning a complaint she had received in relation to alleged lock-in at Sporty's. Mr LANG assured Mrs GUY that the premises had closed on 20/03/20 and denied the allegation that there had been a lock-in. Mrs GUY informed me that she gave Mr LANG suitable advice concerning the use of his premises during the closure period.

19/04/20

Allegation of Covid breach. Officers attended and found Mr LANG playing pool with a male who stated he did not live at premises. Partly consumed drinks were seen on the bar and it is believed that Mr LANG and his friend were consuming alcohol within the premises, which was prohibited by the Coronavirus Regulations. Mr LANG admitted to officers that he was regularly having friends over to play pool, and he had played over 600 games, during lockdown. Officers noted the smell of cannabis when they attended the premises, PC WOOSEY states she could not smell it on approaching the premises via the road or path, or on walking down the steps. PC ABERCROMBIE states that the smell of cannabis came from within the premises. As a result of this incident I sent a letter to Mr LANG on 23/04/20, copy attached

26/04/20

Complaint from a resident about drug use at premises.

29/04/20

Complaint received stating that Mr LANG was still having people around. The complainant also asked what action will be taken in respect of this matter as he was aware Mr LANG had already had a written warning for this.

02/05/20

Email from complainant about another alleged lock-in.

03/07/20

Another email received from complainant alleging a lock-in.

04/07/20

Various text messages received from a complainant:

1903 hrs ☒☒ You might want to check Sportys bar in Torquay. Drugs being sold in back garden and overcrowded pub!!☒

1905 hrs ☒☒ He was open yesterday too with lots of people in there☒.

1923 hrs ☒☒ Just caught at least 3 customers in his beer garden snorting coke just a few moments ago. Have a video of it☒

1924 hrs ☒☒ Tired of this, all through lockdown this idiot has had people there and I knew today they would all be doing drugs in that little back yard area☒

05/07/20

Email from complainant saying him and another neighbour have had enough. He said that he knows pubs are allowed to open on 06/07/20 but wants an end to the drug taking and noise issues.

06/07/20

Premises visited by PC METHERELL at 1800 hrs. This was the first night that licensed premises could open after Lockdown 1. PC METHERELL witnessed extremely loud music coming from the premises which would cause customers to shout to hold a conversation. On arrival one male was outside the premises but went in and must have told staff as the music was quickly turned down. On entering the officer saw people standing around the bar (this was not allowed) and 10 people were playing pool at the back of the premises. An email from PC METHERELL concerning this matter is attached.

06/07/20

At approximately 2130 hrs I attended the premises with Mr MARTIN and police officers. On entering I saw 4 persons stood at the bar, despite Mr LANG having been given advice re this matter at 1800 hrs that day. I noted that there was one bottle of hand sanitiser in the premises. Mr LANG produced a risk assessment but when I went through this with him I was not satisfied with the measures in place, or the information he provided, and I formed the opinion that premises were operating exactly the same as they had before the Covid pandemic. Mr LANG said that he didn't know anyone who had been ill with Covid and he stated it does not exist. He further stated that no one had died of Covid. Mr LANG was under the influence of alcohol and I did not feel that our discussions were making any progress so I arranged to meet with Mr LANG on Monday 08/07/20. Myself and Sgt CURTIS met with Mr LANG on 08/07/20 and he told us that he had decided to close but would contact me before he re-opened and I advised him that I would help him with his risk assessment and the measures he should have in place. A few weeks later I noticed that the premises had re-opened but I had not received any contact from Mr LANG. The full details of this matter are contained within a copy of my computer record which is attached.

12/07/20

At 1953 hrs I received a text message from a complainant stating "Not sure what the outcome was with ref to Sports but he's got music playing and people in there and he is wasted. He can hardly walk"

25/07/20

Email from complainant who stated that drug dealing was going on at the back of the premises. He also explained that during lockdown the area was more pleasant and people in the area could have their windows open without hearing noise from the premises, disturbing them and keeping children awake. He said that now the premises has re-opened they can't have their windows open due to the shouting and swearing from the pub.

08/08/20

At 2339 hrs I received a text message from a complainant saying "Can you not do anything about sportys??? Karaoke blaring out and its gone half 11, his back doors are open, people are in the rear area shouting and we cant get any sleep!!"

19/08/20

Mr MARTIN and I arranged to meet Mr LANG at the premises at 1130 hrs to discuss concerns but unfortunately we arrived 20 minutes late due another appointment over-running. We repeatedly knocked on the doors and windows but there was no answer. I got out my phone and noticed I had a text message from Mr LANG saying "HI Julie are you on your way". At 1154 hrs I rang him and there was no answer. I rang him again and spoke to him. He said that as we were late he couldn't wait for us as he was attending a wake at 1200 hrs and had left the premises 5 minutes ago. I told him that this was disappointing at he had made no mention of having to be elsewhere at midday when I contacted him, and in any case we would have needed more than 10-15 minutes to discuss the complaints we had received. He said that he didn't know how long we wanted to meet with him for. He said that he could meet with us later that day but I had other commitments.

Mr MARTIN and I then went to the rear of the premises to try to establish where one of the complainant lives. I rang the telephone number of the complainant who sends me text messages and I spoke to this male. I asked if he was in so we could meet him and discuss his concerns about Sportys but he said that he had now moved out as the constant noise and activities of the premises were regularly disturbing his family.

30/08/20

Mr MARTIN and I attended the premises at 2300 hrs. At that time I parked the vehicle slightly down the road and we watched the premises for a couple of minutes. At that time a male stood in the doorway of the premises and lit a cigarette. Someone inside the premises must have shouted at him to go outside if he was smoking but he said he was outside. Whilst he was stood smoking his cigarette he was talking loudly to himself for about 5 minutes and throughout this time he repeatedly used the words "fuck" or "fucking". I then drove around to the road at the back of the premises and we walked to the rear entrance. The doors were closed and although we could hear the sound of music and talking coming from the premises it was not too loud. No one was in the rear yard or garden area. There was no background noise at all in this location. Whilst stood at that

location we could clearly hear a loud male voice coming from the front of the premises and we formed the opinion that this could be the same male we had seen smoking outside, thus indicating that noise from the front of the premises could carry to the rear garden area very easily.

10/09/20

Email received from complainant. This contained a video of three males who appeared to be snorting drugs at the rear of the premises.

11/09/20

I sent a text message to Mr LANG asking him if he could meet with me at the premises on 16/09/20 for about an hour, but he replied that he was away and wouldn't be back until the 19/09/20. As I wanted Mr LANG to be aware of the concerns in respect of his premises I sent him a text message saying "Ok we'll have to leave it until the following week but I don't know when I'll be able to do it yet so I'll be in touch. The complaints are about noise and bad language from customers out the front and back, loud music and drug use so you need to focus on these areas and ensure they aren't a problem. Thanks". He responded "Ok thanks for the update now I know what it's about I'll do my utmost to sort it makes me wonder after being here for 6 years iv got this problem know but we will have a good talk when I'm back cheers Jim"

23/09/20

Attended premises yesterday with Sgt CURTIS and Mr MARTIN, where we met with Mr LANG. We discussed drugs issues. I advised Mr LANG that I had seen video footage of persons who appeared to be snorting drugs at the rear of the premises. Mr LANG said that he sniffs customers and if they smell of weed he doesn't let them in. Mr LANG said that he didn't believe there was a drugs problem at his premises. I told him that officers did find Kinder eggs just outside the back door and the video clearly showed males snorting so it appears that cocaine is an issue. I showed Mr LANG where this incident occurred and requested that he installs a CCTV camera to cover the area. Sgt CURTIS advised Mr LANG to keep a diary demonstrating the action he takes in respect of customers suspected of taking drugs.

Mr LANG stated that he had upgraded his CCTV system and has an App on his phone that he can use to view all cameras. Mr LANG demonstrated how this App worked.

Mr LANG was informed about the male we saw stood in the doorway swearing. Mr LANG said that a lot of his customers swear and we advised him that whilst he may allow this inside it is not appropriate for customers to be swearing outside with pedestrians, including families, walking by. He said that he can't tell them to stop swearing and he was told that he must as this behaviour is not acceptable. Sgt CURTIS told Mr LANG to tell customers politely that his licence could be at risk if they don't act appropriately whilst smoking out the front of the premises and Mr LANG said he would do this. Mr MARTIN explained that noise travels from the front to the rear of the premises and told him to monitor noise levels in both areas.

I then checked that all conditions on the licence were being complied with. There were no posters at the front doors and in beer garden advising customers to respect neighbours and keep noise levels down. I asked Mr LANG about his management scheme in respect of this and he said he just tells them to keep noise down. I advised him that a condition requires there to be a management scheme and therefore this should really be written down. I asked to see Mr LANG's written drugs policy but he said he doesn't have one.

Due to various conditions not being complied with Sgt CURTIS indicated that he was satisfied that the premises were not operating in accordance with the licence conditions and issued a Section 19 Closure Notice, copy attached.

We then discussed Covid measures and I asked to see the premises track and trace record, which Mr LANG produced. I asked Mr LANG if he had printed off NHS Covid QR codes as he was required to display them from that day. As Mr LANG said that he struggled with using the internet, he passed me his phone and I downloaded the QR codes for him.

Various other Covid measures were in place, such as hand sanitizer bottles on various tables and signage around premises reminding people to socially distance.

I explained to Mr LANG that due to the number of complaints we had received and the fact that in the past it does not appear that he had heeded advice given to him, if there were any further concerns in respect of his premises we would seek a review of the licence.

08/10/20

I attended premises with Sgt CURTIS in order to establish whether the matters contained within the Closure Notice had been addressed. Sgt CURTIS was satisfied that all the matters had been rectified and he therefore issued a S19 Cancellation Notice, copy attached.

11/11/20

Email received from a complainant who stated that he had seen 4 persons enter the premises. Officers attended and found Mr LANG plus two others who had been drinking and playing pool in the premises. Details of this matter were contained within the summary review application and the statement of PC Trevor THOMAS that was provided with the application. PC Wesley ABERCROMBIE has also provided a statement, and this is now attached.

At the hearing on 21 December 2020 my presentation will refer to the above information and attached documents.

Kind regards

Julie Smart

Alcohol Licensing – Torbay and South Hams

Witness Statement

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

URN:

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Statement of: **Julie Karen Smart**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Licensing Officer**

This statement (consisting of4..... 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**

Witness Statement

Continuation of Statement of Julie Karen Smart

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

Signature: J K Smart

Signature Witnessed by: N/A

Witness Statement

Continuation of Statement of Julie Karen Smart

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 SmartSignature Witnessed by: N/A

Witness Statement

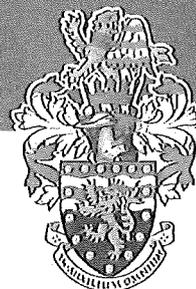
Continuation of Statement of Julie Karen Smart

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



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



CUSTOMER SERVICE EXCELLENCE

SF 615

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.

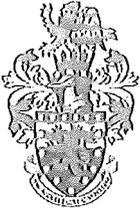
As Premises Licence Holder and Designated Premises Supervisor, I would remind you that it is your responsibility to ensure that your premises are run in accordance with the terms and conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the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

A handwritten signature in black ink, appearing to be 'G Mayhew', written over a horizontal line.

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.

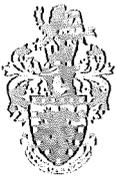
As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premise is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Lawler', written in a cursive style.

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
Contact the police

Emergency ☎ 999

Non-emergency 🌐 www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk ☎ 101

Follow us 📱 DevonAndCornwallPolice 📺 DC_Police



The Government Standard
Stock code: SF615

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



Alcohol / Licensing Information Form

File No.:		Computer URN:		Minute No.:	
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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: <input type="checkbox"/> Visit <input checked="" type="checkbox"/> Incident <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of DPS (or person in charge if no DPS): JIM LANG	
<input type="checkbox"/> Helpful <input checked="" type="checkbox"/> Unhelpful <input type="checkbox"/> Obstructive Other:	
Officer attended incident at location - Was not a licensing 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
Incident captured? Yes No
Image quality? Good Poor Other: STAFF WERE UNABLE TO USE THE CCTV
Working at time of visit? Yes No
Staff able to download? Yes No
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 unconscious 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.

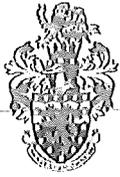
Officers went inside of the location and located a male lying on the floor with an injury to the rear of his head and blood on the floor. He was being tended to by a drunk female who was later seen working behind the bar. She was holding a bandage to the back of his head but failed to apply pressure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

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk 101

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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.

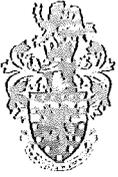
Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent M Lawler
Head of Alliance Prevention Department

Faint, illegible text, possibly bleed-through from the reverse side of the page.



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

Contact the police

Emergency 999

Non-emergency  www.devon-cornwall.police.uk/reportcrime

 101@dc.police.uk 101

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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



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

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Signature

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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**



drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG

25

UNDER 25?



**IF YOU ARE LUCKY
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drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG

25



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

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@dc.police.uk 101

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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.

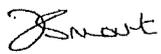
I must advise you that I am extremely disappointed that despite Mrs Guy speaking to you on 25 March 2020 you have repeatedly allowed people into your premises, which demonstrates a lack of responsible behaviour and failure to comply with legislation. Should further concerns come to my attention I will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

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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	<p>📧 SMART Julie 50403 (07/07/2020 16:38):</p> <p>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.</p> <p>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</p>

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 outside 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



File No.:		Computer URN:		Minute No.:	
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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: [Signature]
 Station: TOPQUAY

Name of officer serving the Cancellation Notice: SGT CURTIS
 Station: TOPQUAY
 Date and time served: 1120HRS 08/10/20

Name (if applicable) and address of the affected premises: SPROTT'S, ELLGRAVE ROAD,
TOPQUAY

Reasons (grounds) for cancelling the Closure Notice: CCTV CAMERA INSTALLED IN
REAR GARDEN. WRITTEN DRUGS POLICY IN PLACE
POSTERS IN PLACE. POSTERS REMOVED. APP
LANGUAGE IN 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 Pank Signature: [Signature]
 Address: [Address]
[Address]



File No.:	Computer URN:	Minute No.:
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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 satisfied 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 CORTIS
Signature: *[Handwritten Signature]*

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
NEIGHBOURHOODS/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 JOURNAL 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 Gault
Signature: *[Redacted Signature]*

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.

Witness Statement

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

URN:

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Statement of: **Wesley Abercrombie**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 7181**

This statement (consisting of2..... 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: **W.ABERCROMBIE**Date: **21/112020**

I am Police Constable 7181 ABERCROMBIE currently based at TORQUAY POLICE STATION working as a Neighbourhood Beat Manager. This is my statement relating to a licence check that I was asked to conduct by PS BIRCH 12856 at SPORTYS, BELGRAVE ROAD, TORQUAY.

On Wednesday 11th November 2020 I was on duty in full uniform utilising the call sign SB131 in company with PC 5488 THOMAS. At approximately 1530hrs we were on routine patrol in an unmarked police car which if fitted with blue lights when we were contacted by PS BIRCH asking us to conduct a licence check on SPORTYS BAR, BELGRAVE ROAD, TORQUAY as he had received information from a unknown source that there was a breach of Covid regulations happening at the property.

On arrival at SPORTYS BAR, I have parked our vehicle at the rear of the property which is CHURCH LANE. PC THOMAS and I have then walked along the lane and onto the car port that is located at the rear of the bar. As I approached the steps that lead down to the back door of the bar, I could see that there was light on inside of the bar, music was playing and could hear male voice from inside who were shouting and laughing. Due to hearing this I have started to walk down the steps towards the back gate which was closed and when I have gone to open the gate it was bolted from the other side.

Due to the gate being locked, I have walked back up the steps to the car port to see if I could slide the bolt across on the gate so we could get access to the back door to speak to the people inside. I have tried to use PC THOMAS baton to unlock the gate, but the baton was too thick for me to do this. I have had a look around the car port and have located a thin bit of wood lying on the floor. With this bit of wood, I have managed to slide the bolt across and open the gate. Now that the gate was open I have then walked down the steps towards the back door and this is where I could see a couple of silhouettes from inside and they were playing pool and this is when I have knocked on the door. On knocking the door the people inside did not reply so I have knocked on the door again and this is when a male

Signature: **W.ABERCROMBIE**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Wesley Abercrombie

wearing a white shirt walk towards the door and he shouted through the door "HANG ON A MINUTE" and has walked away and towards the other side of the room.

After a few seconds the music from inside sounded like it had been turned off and the voices had stopped. The male has then walked back towards the door and has opened it and greeted us before letting us inside. When inside I have asked the male who I now know to be Jim LANG if he was "OK" before asking him "WHERE IS EVERYONE HIDING?" to which the male replied, "THERE IS ONLY ONE UPSTAIRS". I have explained to LANG that it sounded like there was more than one other and he replied, "YES THERE IS". I asked LANG again where the other people were, and he told me that he would go get them. LANG has started to walk to the front of the bar, so I have asked him if we could have a look around to which he replied "YEAH, YEAH. THERE IS ONLY TWO OF US HERE PLAYING A BIT OF POOL" and has then walked back towards me. LANG has then opened a door that is located on your left as you enter the rear, and this led into the cellar and whilst turning the lights on for the room said, "I CAN'T BELIEVE ANYONE WOULD HAVE COMPLAINED". LANG kept telling me that it was remembrance Wednesday and that him and a friend were just having a couple of drinks and that he would get "██████" down in a minute. I asked LANG if he was the licensee and he replied "YES".

LANG went on again about it being remembrance Wednesday and how they wanted to celebrate what people had done for us to which I made no reply to him. We have walked back into the bar area and was stood next to the pool table and I have explained to him that there was definitely more people inside when we knocked on the door and LANG said "THERE IS ONLY TWO OF US. ██████'S OVER THERE AND I'M OVER HERE". I asked LANG why the male would run off before he answered the door to us and he replied, "BECAUSE I SAID TO THEM GET UP STAIRS BECAUSE IT'S THE POLICE AROUND". I have then asked LANG if we could have a look upstairs to which he said yes no problem but was only willing to let one of us upstairs, so I have let PC THOMAS go with him whilst I waited down stairs.

As PC THOMAS and LANG went upstairs, I have looked around downstairs and on the bar counter nearest the pool table I could see two empty beer glasses and on that was $\frac{3}{4}$ full containing what I thought was cider and blackcurrant. To the counter that is located to the rear wall, that is located to your left hand side as you walk through the back door was another glass that had alcohol inside and there was another glass with a bottle of vodka underneath a table and a bottle of lemonade on top which is located directly behind the pool table to the right hand side. After approximately a couple of minutes another male has walked into the bar area and identified himself as ██████ and when I asked him who else was here, he told me that there was "THREE OF THEM". ██████ was talking to me and was

Signature: W.ABERCROMBIESignature Witnessed by: N/A

Witness Statement

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN:

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Statement of: **Trevor THOMAS**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police Constable 15488**

This statement (consisting of2..... 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: **Trevor Thomas**Date: **21/11/2020**

I am P C 5488 Thomas of the Devon and Cornwall Police, presently stationed in Torquay.

At approximately 1543 hours on Wednesday 11th November 2020, myself and P C 17181 Abercrombie arrived in Church Lane Torquay in order to check on a possible Covid 19 Breach at Sportys bar, the entrance to which is on Belgrave Road Torquay.

We went to the rear of Sportys, and gained entry through the rear gated and approached the back door.

I could hear music coming from inside and could see people moving about inside through the frosted glass. P C Abercrombie knocked on the door and a male in a white shirt went to open the door by placing his hand on the handle but then walked back from the door and out of sight. Approximately 10 seconds later he returned and opened the door.

Upon entry P C Abercrombie asked if the male was "alright" and then said "WHERE'S EVERYONE HIDING ?"

The male, whom I now know to be called Jim LANG, said that there was only him and one other there, a male called [REDACTED] and that he was upstairs.

I asked LANG if he was the licensee and he replied "YES".

I asked if we could search the premises and LANG agreed. I checked the toilets and the remainder of the bar area but no one else was there.

LANG then allowed me to follow him upstairs. As we walked up the stairs LANG said "[REDACTED], COME DOWN HERE."

As I got to the top of the stairs, I was met by a male whom I now know to be called [REDACTED] born [REDACTED]. I then followed LANG into his lounge where, sitting on the sofa, was another male, called [REDACTED] born [REDACTED].

I asked Lang who he was and he said "THAT'S [REDACTED]". After a brief conversation, LANG said "IM IN TROUBLE NOW." At was at this time I could tell that LANG was in drink as his speak was slurred and laboured.

I then searched the rest of the building, but didn't find anyone else.

Signature: **Trevor Thomas**Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Trevor THOMAS

We then went back into the lounge area where , in conversation, Lang admitted that he had been stupid and that "WE HAVE BEEN THIS ROAD BEFORE." He then said that there were no case in the South West!

I then took [REDACTED] details, and the 3 of us went back down to the bar area.

I had a brief conversation with him whereby he tried to justify why he was present. We both then walked back towards to where P C Abercombie, Lang and [REDACTED] were standing, next to the pool table in the rear of the bar.

We then had a conversation with [REDACTED] and Lang-[REDACTED] too was heavily in drink and I could see empty glasses on the bar. Both [REDACTED] and Lang consumed alcohol from glasses in our presence.

Lang continued to try and justify what he had done and that, as far as he is concerned, Covid 19 doesn't exist, as he doesn't know anyone who has had it. I pointed out that it was a very naïve thing to say. I then asked him how old he was-he replied "59". I then said "WELL IF YOU GET IT, COS YOURE A SIMILAR AGE TO ME." He then interrupted and said "I ALREADY HAVE." "I GOT IT AT THE BEGINNING." I asked if he had been tested and he said no.I asked "HOW DO YOU KNOW YOU HAD IT THEN?" He replied "ITS SOMETHING I NEVER HAD BEEN BEFORE AND A WEEK LATER I WAS ALRIGHT." At this time, [REDACTED] was finishing his pint in the background, and also smoking a cigarette- Lang didn't ask him to extinguish his cigarette.

[REDACTED] and Lang then continued to argue that they believed that no one has died due to Covid-19.

We told Lang and [REDACTED] that we had to leave and we exited at 1600 hours.

The whole incident was captured on my Body Worn Video camera.

This is the second time that I have been present in LANGS company within Sportys where not only has he not complied with the Covid Guidelines, but has argued that Covid 19 does not exist.

Signature: Trevor ThomasSignature Witnessed by: N/A