

Minutes of the Licensing Sub-Committee

21 December 2020

-: Present :-

Councillors Barnby, Ellery and Kennedy

12. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

13. 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

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

Written Representations received from:

Name	Details	Date of Representation
Applicant (Police)	Application for Summary Review from the Police.	1 December 2020
Police	Additional information including a chronology and witness statements.	Various
Public Protection Officer	Representation in support of the Application for a Review.	16 December 2020

Additional Information:

The Applicants (Police) requested an extension of time for oral submissions, the Chairman agreed to the extension and advised that all parties present would have 15 minutes for oral submissions.

Oral Representations received from:

Name	Details
Applicant (Police)	The Applicant outlined the Application for Review and responded to Members questions.
Respondent (Mr Lang)	The Respondent submitted a response to the Review and answered Members questions.

Public Protection Officer	The Public Protection Officer outlined his representation and responded to Members questions.
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Decision

That the interim step to suspend the Premises Licence in respect of The Sporty's, 80 Belgrave Road, Torquay, shall cease.

Mr Lang shall be removed as the Premises Designated Premises Supervisor, with immediate effect.

That the following two condition shall be added to the Premises Licence:

The Premises Licence Holder, Mr Lang shall not be permitted to consume alcohol on the Premises during his working hours.

The Premises Licence Holder, Mr Lang shall not be under the influence of alcohol on the Premises during his working hours.

Reasons for Decision

Having carefully considered all of the written and oral Representations, Members of the Sub-Committee resolved that on the evidence before them, the appropriate option in this instance, is to remove Mr Lang as the premises Designated Premises Supervisor, with immediate effect and modify the premises licence with the two specified additional conditions.

In coming to that decision, Members noted the concerns raised by the Police and Public Protection Officers in respect of Mr Lang's management of these Premises and his subsequent non-compliance with conditions of his Premises Licence and Covid related Regulations, despite numerous advice and guidance being given to him by the Responsible Authorities.

Members noted the Responsible Authorities submissions that Mr Lang was capable of sustaining periods of time where he was able to operate the Premises without concern. However, in noting Mr Lang's description of the Premises, in that it was a locals pub where he knew everyone and everyone knew him, Members determined that when under the influence of alcohol, the standards reasonably expected by them of a responsible licensee slipped and the demarcation for Mr Lang of his professional and home life became blurred, to the extent that he was at times found to be operating the Premises whilst under the influence of alcohol. This was also evidenced by Mr Lang, in the company of friends, using the Premises and its facilities to drink and play pool, when in fact, the Premises should have been closed. Members determined that in modifying the Premises Licence with the two additional conditions, Mr Lang would have to operate the premises sober and this, in their opinion, would reduce the risk of such events reoccurring.

By removing Mr Lang as the Premises Designated Premises Supervisor, Members determined that the day to day responsibility of the Premises operations would be

designated to another Personal Licence Holder, taking away the risk of those lines becoming blurred and that the Premises would be operated in a more responsible and professional manner which ensured compliance of the Premises Licence conditions and maintained promotion of the Licensing Objectives.

Noting that their determination would still enable Mr Lang to remain as the Premises Licence Holder, Members were reassured that to appoint a new Designated Premises Supervisor, Mr Lang would require the approval of the Police and where there were grounds to object to such an appointment, the Police would do so.

Following advice and guidance by Responsible Authority Officers and the serving of a Closure Notice, Members were reassured that Mr Lang was receptive and had acted promptly, in putting the necessary measures in place to ensure compliance of the conditions on his Premises Licence.

Noting Mr Lang's remorse and willingness to work with the Responsible Authorities and that when sober, Mr Lang was polite, agreeable and receptive to those Officers requests, Members were satisfied that Mr Lang did appreciate the seriousness of the Expedited Review being called by the Police and the subsequent requirement for him to appear before them at a Licensing Sub-Committee hearing, which could have resulted in his Premises Licence being revoked. This, in Members opinion, would act as a stark reminder and warning to Mr Lang, that should he fail to take this opportunity and ensure that the future operations of his Premises are run in a professional and responsible manner, there remains a risk that any subsequent Licensing Sub-Committee hearing, could determine the revocation of his Premises Licence.

Members gave careful and serious consideration to revoking Mr Lang's Premises Licence, however determined in this instance on the evidence before them, that by removing Mr Lang as the Designated Premises Supervisor and ensuring that he was not under the influence of alcohol when carrying his working hours at the Premises, the Licensing Objectives would be promoted and to revoke the premises licence at this stage, would in Members opinion, have been disproportionate.

In concluding, Members noted that Mr Lang had been issued with a Fixed Penalty for breaching Covid Regulations and that the period between the Expedited Review and Full Review, the Premises Licence had been suspended.

Chairman/woman