

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 14 October 2015; 9.30am

[Members of the Committee](#)

Venue: Committee Room, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 6 October 2015

Members of the Sub Committee are Councillors Steve Hall, Dean Barrow & John O'Leary

- 1 Minutes for 23 September 2015 (pages 2-5)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **To consider an application for the grant of a premises licence – to allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth, EX8 1AW.** (pages 6-67)
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary** (pages 68-70)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 23 September 2015

Attendance list at the end of the document

Please note that there was no recording of this meeting due to equipment failure.

The meeting started at 10.30 am and ended at 11.40 am

*17 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 9 September 2015, were confirmed and signed as a true record.

*18 Application for the grant of a premises licence to allow the sale of alcohol off the premises at Spar Convenience Store., units 2-3 Ocean Blue, The Esplanade, Exmouth

The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow the sale of alcohol off the premises at Spar Convenience Store, Units 2-3 Ocean blue, The Esplanade, Exmouth.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in the town of Exmouth and its physical relationship with other residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, following mediation, which were, public safety, public nuisance, protection of children from harm. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there was likely to be if the application was granted.

At the start of the applicant's case, Counsel referred the Sub Committee to the background of the application. The applicants ran a family business; they already were the proprietors of a Budgens store in Exmouth. This was a well managed business. The applicants fully understood their responsibilities under the licensing act. The premise had undertaken test purchasing and an audit of its policies and had passed, with the applicants being shortlisted for retailer of the year. It was stated that the applicants' livelihood depended on their premises being well managed.

It was significant that the police had not made any representations.

The conditions under which the premise would be operated were as should be expected of a well managed business selling alcohol for off-sales; Digital CCTV system in line with local guidelines, automatic logs of refusal of sales, Challenge 25 proof of age policy and thorough staff training particularly relating to proxy sales.

The interested parties' case was from Mr Eastwood was on paper regarding public safety. The disposal of cans and bottles on The Esplanade linked to extended sale of alcohol.

Regarding the prevention of public nuisance, the application would provide an additional outlet for the sale of alcohol and the proprietor would be unable to prevent younger people from obtaining alcohol which could be purchased by an adult. Increased access to alcohol could lead to public nuisance.

Regarding the protection of children from harm, the proprietor would not be able to observe the users of alcohol, nor control its use where it is obtained by an older friend.

At the hearing Mr Eastwood added he was concerned for the increased use of alcohol and its use relating to nuisance and disturbance on the seafront. There were issues of nuisance in the town centre relating to drinking. A further premise in the location would cause alcohol nuisance to families and this could be disturbing to young children.

Counsel for the applicant then summarized the *Thwaites* case which centred on the supposition of the relation of alcohol to nuisance where there was no evidence of increased disturbance.

The Sub Committee carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled with good policies in place and adequate supervision from line management.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst acknowledging the concerns expressed by the interested parties, the Sub Committee believed the concerns expressed in representations had been addressed by the hours of operation for the licensable activities and the conditions imposed which had been tailored to the size, characteristics and activities on the premises, and which the Sub Committee believe were necessary and proportionate.

RESOLVED 1.

that a grant of variation of the Premises Licence be made as follows:

- a) The extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
- b) Permitted hours for the various licensable activities will as set out in Appendix A.

the designated Premises Supervisor will be: Mrs Lucy Calland of 209 Exeter Rd Exmouth EX8 3DZ

2.

Attendance list

Councillors present:

Steve Hall (Chairman)
Brian Bailey
Geoff Jung

Apologies:

Councillor Maddy Chapman

Officers present:

Giles Salter, Solicitor
Neil McDonald, Licensing
Chris Lane, Democratic Services

Chairman Date

Report to: **Licensing and Enforcement Sub Committee**



Date of Meeting: 14 October 2015

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

Subject: Application for the grant of a premises licence under the Licensing Act 2003

Purpose of report: The report summarises an application for a premises licence to be granted.

Recommendation: Recommendation
That members consider an application for the grant of a premises licence to – allow the sale of alcohol on and off the premises at The Place, 15 The Strand, Exmouth, Devon, EX8 1AD.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

Financial implications: The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications: Legal implications are included within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices**
Appendix A – Table of proposed times and licensable activities.
Appendix B – Copy of licensing application.
Appendix C – Details of representations received.
Appendix D – Details of responses to the Notice of Hearing.
Appendix E – Applicants Operating schedule.
Appendix F – List of licensed premises – The Strand, Exmouth.
Appendix G – Police Report.
Appendix H – Location Plan.

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from Mr Daniel Takvoryan of 15 The Strand, Exmouth, Devon, EX8 1AD for the grant of a premises licence at The Place, 15 The Strand, Exmouth, Devon, EX8 1AD.
- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A full copy of the application is reproduced at **Appendix B**.
- 1.4 The proposed premises consist of a single storey retail unit situated on The Strand in the centre of Exmouth Town. The premise is already being run by the applicant as an established coffee shop with an area for three tables and nine chairs at the front of the building that overlooks the Strand Gardens.
The premises are situated in the town centre of Exmouth in a mixed commercial and residential area.
- 1.5 A plan of the premises will be available at the meeting to show the proposed layout of the site and the areas of licensable activity.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
No representations have been received.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received.
- 2.4 Devon Trading Standards
No representations have been received.
- 2.5 East Devon District Council, Environmental Health Service
No Representations have been received.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received.
- 2.7 Primary Care Trust
No representations have been received.

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from Exmouth Town Council and one local trader. Details of their representations are attached at **Appendix C**.
- 3.2 Responses to notice of hearing forms have been received from Exmouth Town Council who will be represented at the hearing by Councillor Bill Nash. The other objector has indicated that he wants his representation to go ahead in paper form but would not be attending the hearing. The applicant will be attending the hearing and will be accompanied by Miss Tammy Dyer who will be presenting the application on his behalf.
- 3.3 Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

4 Proposed Operating Schedule and Mediation

- 4.1 The proposed operating schedule showing the conditions offered by the applicant has been reproduced at **Appendix E** and numbered for ease of reference.
- 4.2 A mediation meeting took place at Exmouth Town Hall on Thursday 24 September 2015 but no agreement was reached.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 3.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.'

These are:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

- 5.2 Section 3.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.
- 5.3 Section 3.3 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 5.4 Section 3.4.1 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.5 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.

Licensing Hours

- 5.6 Section 6.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.
- 5.7 Section 6.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Anti Social Behaviour

- 5.8 Section 15.1 of the policy states: A minority of consumers will behave badly and unlawfully once away from premises, and licence holders' co-operation is sought in minimising this behaviour in the vicinity of premises. The Licensing Authority recognises that the Act is not a cure-all for anti-social behaviour. There is a range of other strategies for addressing these problems – Details of other strategies are listed in the policy.

Nuisance

- 5.9 Section 19.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 5.10 Section 20.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

- 5.11 The **Guidance** issued under Section 182 Licensing Act 2003 states:
The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of appropriate, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are appropriate and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties.

6. Observations

- 6.1 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the 'test' that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be 'appropriate' and no longer 'necessary'.

- 6.2 The application being considered is for the grant of a Premises Licence to:

Allow the sale of alcohol on and off the premises Monday to Sunday.

- 6.3 The representation from Exmouth Town Council relate to concerns that the applicants coffee shop will be turned into a pub with all day drinking and that the proposed end time for alcohol

sales at midnight is too late for the area and type of premises. Their concerns are that the coffee shop is too small to turn into a pub and that the majority of the drinking will be done outside in an uncontrolled area at the front of the premises where the applicants propose to have four tables and sixteen chairs. They are concerned about overcrowding both inside and outside the premises and that this could lead to public nuisance/disorder and may be a harmful environment for children. There are also concerns about the use of bottles and glasses in the outside area and that this could become a nuisance for the public using the Strand Gardens area. As no designated premises supervisor has been nominated on the application the Town Council are concerned there will be no control over the premises to stop excessive drinking or underage sales. The other representation received was from the proprietor of the premises next door being the Deli on the Strand his concerns relate to the possibility that the premises will be turned into a drinking establishment and that the customers will become noisy in drink and the effects of drunken behaviour will be detrimental to his business.

- 6.4 Although a mediation meeting was carried out this was unsuccessful and details of the meeting are not usually included within the report. However the response to the notice of hearing from Exmouth Town Council refers to the proposed Designated Premises Supervisor (DPS) having no experience in dealing with local clients who abuse alcohol and that English is not his first language. This refers to the applicant who stated at mediation that it was his intention to take the licensing qualification required to obtain his personal licence and become the Designated Premises Supervisor (DPS) for the premises. They also refer to a suggested reduction of hours to be 12 noon to 10pm however this suggestion was rejected by the applicants. The applicant also refers to the mediation meeting by including a statement answering questions raised by the Town Council in his response to notice of hearing at **Appendix D**.
- 6.5 Although the Police have not made representations against this application the Police Licensing Officer has submitted a report that I feel would be helpful to the committee so I have attached a copy of the report at **Appendix G**.
- 6.6 Although no Designated premises Supervisor has been nominated on the application form the licence could still be granted by the committee but it would be issued with a covering letter that no alcohol sales could take place at the premises until a qualified person has been transferred onto the licence by way of a variation of the Designated Premises Supervisor application and an updated licence issued.
- 6.7 I have made enquiries with Devon County Council Highways Department who have confirmed that the premises already have a pavement licence for three tables and nine chairs at the front of the premises from 8am to 5pm and that an application has been received for four tables and sixteen chairs with an extension of the end time to 11pm. At the time of writing this report the licence application had not been completed however this would not be a bar to the issuing of the alcohol licence.
- 6.8 The applicant has included print outs of licences and photographs of other businesses in the Strand selling alcohol and to assist the Sub Committee a table listing premises selling alcohol in the Strand showing the days and times of alcohol sales is attached at **Appendix F**.
- 6.9 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.
- 6.10 A location plan is attached at **Appendix H**.

Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003

2. (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 a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
 4. (1) The premises licence holder shall ensure that an age verification policy applies to 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.
 5. 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-
 - (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; and
 - (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.
6. (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 7(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 this 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.

Source: Section 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films – Not Required

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

- 6.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

- 6.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.

- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business

premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates' Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. The magistrates' court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates' court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

10. Surveillance Camera Code of Guidance-June 2013

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.

Proposed Timings – The Place

	J) Supply of Alcohol - On & Off the premises	Hours premises are open to the public
Monday	10.00am- Midnight	09.00am- 00.30am
Tuesday	10.00am- Midnight	09.00am- 00.30am
Wednesday	10.00am- Midnight	09.00am- 00.30am
Thursday	10.00am- Midnight	09.00am- 00.30am
Friday	10.00am- Midnight	09.00am- 00.30am
Saturday	10.00am- Midnight	09.00am- 00.30am
Sunday	10.00am- Midnight	09.00am- 00.30am
May, Spring, Easter & August Bank Holiday Friday to Mondays	10.00am- 01.00am	10.00am- 01.00am
Christmas Eve	10.00am- 01.00am	10.00am- 01.00am
New Years Eve	From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.	From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.



East Devon
Application for a premises licence
Licensing Act 2003

For help contact
licensing@eastdevon.gov.uk
 Telephone: 01395 517410

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Daniel

* Family name

Takvoryan

* E-mail

takahsik@gmail.com

Main telephone number

07985918122

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

Yes No

* Is your business registered outside the UK?

Yes No

* Business name

The Place

If your business is registered, use its registered name.

* VAT number

- none

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="15"/>
Street	<input type="text" value="The Strand"/>
District	<input type="text"/>
City or town	<input type="text" value="Exmouth"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="ex8 1AD"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="takahsik@gmail.com"/>
Telephone number	<input type="text" value="07985918122"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

A ground floor cafe with outside seating at cafe entrance.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Good Friday, Easter Saturday, Easter Sunday, Easter Monday until 01.00
May, Spring, August Bank holidays, Friday, Saturday, Sunday, Monday Until 01.00
Christmas Eve until 01.00
And from the end of permitted hours on new years eve to the start of permitted hours on New years Day

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Good Friday, Easter Saturday, Easter Sunday, Easter Monday until 01.00
May, Spring, August Bank holidays, Friday, Saturday, Sunday, Monday Until 01.00
Christmas Eve until 01.00
And from the end of permitted hours on new years eve to the start of permitted hours on New years Day

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

CCTV must be installed, operated and maintained to the satisfaction of us and the chief officer of police in accordance with the requirements set out in our licensing policy.
CCTV images must be retained for a minimum of 14 days and be produced on the request of the police or us (recording media must be set to 25 frames per second).
The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the police and us must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be placed on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.

Continued from previous page...

A crime prevention policy agreed by us and must be in place.

An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by us and the police.

No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23:00 hrs.

Consumption of alcohol outside will be confined to the area marked in blue on the plan. Also attached plan from Devon County Council showing table licensed area.

When the premises are open for licensable activities the external seating area (as shown in blue on the plan) shall be laid out with tables and chairs. These shall be removed at 23:00 hours each day or at the time of closing if earlier.

On any night when the premises are open for licensable activities past midnight a minimum of two door supervisors must be employed from 21:00 until the premises are closed and all customer have left.

A door staff register will be maintained at the premises to include details of date, name, SIA badge number and time on/off duty of all door staff.

c) Public safety

The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.

d) The prevention of public nuisance

The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons

e) The protection of children from harm

A Challenge 21 policy will be put in place and all staff will be trained.

Nobody under the age of 18 shall be on the premises after 21.00

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Non domestic Rateable Value Band

A No rateable value to £4,300 - Fee £100

B £4,301 to £33,000 - Fee £190

C £33,001 to £87,000 - Fee £315

D £87,001 to £125,000 - Fee £450

E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol -

Band D - £ 900

Band E - £1905

Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

0.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

Continued from previous page...



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

REPRESENTATIONS LIST

APPENDIX C

Application No: 039857

Application Date: 18 August 2015

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Place (The)
15 The Strand, EXMOUTH, Devon, EX8 1AD.

Applicant: Daniel Takvoryan
15 The Strand, EXMOUTH, Devon, EX8 1AD.

Person making Representation: Exmouth Town Council
The Town Hall, St Andrews Road, EXMOUTH, Devon, EX8 1AW.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: As you are aware the Committee discussed the above application and wish to object on the following grounds:

Public Safety

Customers carrying bottles & glasses to outside seating area.

Protection of Children from harm

No Designated person supervisor to monitor control underage drinking

No control over excessive drinking of customers (No DPS) of any age

Prevention of Crime and Disorder

Outside late alcohol consumption in a public place of non-designated seating area which was uncontrolled and could lead to public disorder.

Prevention of Public Nuisance

Premises too small (inside area seats 12 persons) resulting in Public House type sale of alcohol outside in a public area which would be a nuisance to public (including children) using the Strand Gardens.

Evidence:

Suggestion:

Application No: 039857

Premises: Place (The)
15 The Strand, EXMOUTH, Devon, EX8 1AD.

Person making Representation: Christopher Smith
16 The Strand, EXMOUTH, Devon, EX8 1AD.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I am writing to object to the licensing application at The Place, 15 The Strand, Exmouth. EX8 1AD.

I am the owner of the neighbouring premises at Deli on the Strand, 16 The Strand and feel the issue of an alcohol license would be disruptive and antisocial.

We have spent the last four and a half years building an excellent trade at our shop and The Strand is getting better and better as times goes on. Exmouth is on the up and really does not need another drinking establishment. The prospect of having individuals all day drinking, next to our quiet shop would have a detrimental effect on our trade. As alcohol is consumed voices become louder and care for those around becomes diminished. Also the prospect of having to clear up the effects of drunken behaviour the following morning does not seem fair.

We are situated on a quiet row of quality shops and cafes and feel this license issue would be of no benefit to anyone.

Evidence:

Suggestion:

The Place – Responses to Notice of Hearing

Applicant

Mr Daniel Takvoryan, 15 The Strand, Exmouth, EX8 1AD	
Hearing Unnecessary	Yes
Attending	Yes
Represented by	Tammy Dyer – who will be representing the applicant
Supporting documents	Yes: <ul style="list-style-type: none"> • Licensing times of premises situated near to my business • Statement answering concerns raised at mediation • A plan of the Strand • Photographs of other outside seating areas of licensed premises on the Strand
Summary of key points	No

Responsible Authorities & Interested Parties

1. Exmouth Town Council, The Town Hall, St Andrews Road, Exmouth, EX8 1AW	
Hearing Unnecessary	No
Attending	Yes
Represented by	Cllr Bill Nash
Supporting documents	No
Summary of key points	Yes:
Prevention of Crime and Disorder	Outside seating area is too small (9 chairs only) within the pavement area of the Strand close to the war memorial. Late night drinking could not be controlled in such a small area.
Public Safety	The proposed DPS has no experience of local clients who abuse alcohol and may struggle as English is not his first language. Licensing to Midnight is too late.
Prevention of Public Nuisance	This small cafe is too small to be turned into a public house with the sole purpose of alcohol sales after 8pm. Overcrowding inside and outside in this confined area may become a public nuisance.
Protection of Children from Harm	The small inside premises when crowded may be a harmful environment for children. The DPS will be unable to control outside and outside with the possibility of under age drinking.
General	Following and at the mediation meeting on 24 th September 2015 it was suggested licensing hours for sale of alcohol should be: Start – 12 noon Finish – 10pm
2. Mr C W Smith, 16 The Strand, Exmouth, EX8 1AD	
Hearing Unnecessary	No
Attending	No
Represented by	N/a
Supporting documents	Yes – summary of key points (see below) and original email of representation (see Appendix C)

APPENDIX D

Summary of key points	Yes:
Prevention of Crime and Disorder	An all day drinking licence would encourage some individuals to drink all day. Disorderly conduct is a common side effect of too much alcohol consumed.
Public Safety	15 The Place has four outside tables situated on a popular walkway on the pedestrianised Strand. Broken glass from smashed glasses and bottles are a real threat to public safety.
Prevention of Public Nuisance	As alcohol is consumed, volume of voices goes up and inhibitions reduced. The proposed premises is situated inbetween quiet shops and residential flats above. Also the thought of female shop owners having to close up with drunkards watching their every move is a threat to their safety and security.

[skip](#)

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Licensing Act 2003 - Premises Licence register as at 18:51 on Wed 16 Sep 2015

Deli on the Strand

16 The Strand, EXMOUTH, Devon, EX8 1AD

Premises Licence from 21/05/13 to indefinite

[Back](#)

Licence Holder(s)

Full name Mrs Rebecca Elizabeth SMITH

Full name Mr Christopher SMITH

Designated Premises Supervisor

Premises supervisor name Mrs Rebecca Elizabeth Smith

Permitted Activities:

- any playing of recorded music
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Monday to Sunday	9:00am	11:00pm

Activities - Times granted

	Time From	Time To
F. Playing of recorded music (Indoors)		
Monday to Sunday	9:00am	11:00pm
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Sunday	9:00am	11:00pm

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003

2. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

Source: Section 19 & 19A Licensing Act 2003

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Source: Section 19 & 19A Licensing Act 2003

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Source: Section 19 & 19A Licensing Act 2003

5. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

6. The responsible person shall 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-

(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; and

(b) customers are made aware of the availability of these measures.

Source: Section 19 & 19A Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The premises must operate a Challenge 21 proof of age policy. The only acceptable forms of ID will be a Passport, Photo Driving Licence or Government approved PASS Card.
2. No persons will be permitted to take open containers of alcohol off the premises.
3. The licence holder must ensure that all staff are trained so that they can comply with the four licensing objectives.
4. An incident book must be maintained within which full details of any occurrences of disorder or refused alcohol sales are recorded.
5. The incident book must be kept on the premises at all times.
6. Irresponsible drinks promotions must not be carried out.
7. The licence holder must ensure all staff receives training regarding emergency and general safety precautions and procedures.
8. All staff must be made aware of their legal and social obligations regarding the sale of alcohol.
9. Fire safety measures already in place will be maintained.
10. When events such as wine and cheese evenings take place at the premises the licence holders will ensure that there are legible notices on show asking people to leave the premises quietly.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence will be confined to the areas that are outlined in **RED** on the plans submitted to and approved by the Licensing Authority.

Premises Plan(s)

[Plan - Deli on the Strand - Page 1 of 1](#)

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Licensing Act 2003 - Premises Licence register as at 07:33 on Fri 25 Sep 2015

Spoken

43 The Strand, EXMOUTH, Devon, EX8 1AL

Premises Licence from 05/07/09 to indefinite[Back](#)

Licence Holder(s)

Full name HOSPITALITY EXMOUTH LIMITED

Designated Premises Supervisor

Premises supervisor name Mr George Edward Nightingale

Permitted Activities:

- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Monday, Tuesday & Sunday	9:00am	12:30am
Wednesday to Saturday	9:00am	1:30am
Bank Holiday Mondays	9:00am	1:30am
Christmas Eve	9:00am	1:30am
Christmas Day & Boxing Day	9:00am	1:30am
27 December	9:00am	1:30am
New Year's Eve	9:00am	1:30am

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Day	9:00am	1:30am
2 January	9:00am	1:30am

Only applies in any year when 1 January is a Sunday.

Activities - Times granted

	Time From	Time To
E. Performance of live music (Indoors)		
Monday to Sunday	9:00am	11:00pm
Bank Holiday Mondays	9:00am	1:00am
Good Friday	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Day	9:00am	1:00am
2 January	9:00am	1:00am

Only applies in any year when 1 January is a Sunday.

F. Playing of recorded music (Indoors)

Monday, Tuesday & Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Good Friday	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Day	9:00am	1:00am
2 January	9:00am	1:00am

Only applies in any year when 1 January is a Sunday

H. Entertainment of a similar description to that falling within E, F, or G (Indoors)

Monday, Tuesday & Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Day	9:00am	1:00am
2 January	9:00am	1:00am

Only applies in any year when 1 January is a Sunday.

I. Late night refreshment (Indoors & Outdoors)

Monday, Tuesday & Sunday	11:00pm	Midnight
Wednesday to Saturday	11:00pm	1:00am
Bank Holiday Mondays	11:00pm	1:00am
Christmas Eve	11:00pm	1:00am
Christmas Day & Boxing Day	11:00pm	1:00am
27 December	11:00pm	1:00am
New Year's Eve	11:00pm	5:00am
New Year's Day	11:00pm	1:00am
2 January	11:00pm	1:00am

Only applies in any year when 1 January is a Sunday.

J. Supply of alcohol for consumption ON and OFF the premises

Monday, Tuesday & Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Day	9:00am	1:00am
2 January	9:00am	1:00am

Only applies in any year when 1 January is a Sunday.

<i>Outside area front</i>	Monday to Sunday	9:00am	11:00pm
<i>Outside area side</i>	Monday to Sunday	9:00am	6:00pm

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (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).
3. The responsible person must ensure that free potable water is provided on request to customers

where it is reasonably available.

4. (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.
5. 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-
 - (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.
6. (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 7(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 this 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.

7. Any person used to carry out a security activity as required under any condition of this licence/certificate must be licensed or authorised to do so by the Security Industry Authority.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of one month or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
5. The CCTV system must be extended to cover any outside area demarked for the consumption of alcohol.
6. Two SIA registered door supervisors will be employed at the premises from 9:00pm on Saturday evenings until the premises closes to the public. At all other times security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk. A written risk assessment shall be prepared on a monthly basis and reflect anticipated events for the forth coming period. The risk assessment shall be made available for inspection by the authorities on demand.
7. No open containers of alcohol must be taken from the premises other than into an area demarked for alcohol consumption.
8. No alcohol to be consumed in any outside demarked area after 10:00pm.
9. Live music at the premises must be non - amplified only.
10. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
11. A noise limiter device capable of being sealed will be installed and maintained to the satisfaction of the Corporate Director - Communities, East Devon District Council.
12. A wind down policy must be put in place at the premises.
13. A risk assessment must be in place for the premises and safety precautions checked on a daily basis.
14. All staff must be trained in all aspects of Health and Safety and updated on a regular basis.
15. The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
16. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
17. Charcoal filters must be installed to the cooker extraction unit to prevent odour.
18. The Designated Premises Supervisor must ensure that all customers leave the premises in an orderly manner.
19. A proof of age policy agreed in writing by the Licensing Authority must be enforced.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

1. The size of the outside area to be licensed by the variation application submitted to the Licensing Authority on 26 June 2012 shall measure sixteen feet from the front of Spoken to the edge of the licensed area and seven feet from the side of Spoken to the edge of the licensed area.
2. The outside area will be licensed for the sale of alcohol only.
3. The licensing hours for the outside area will be reduced to end at 11.00pm when all drinking shall cease.
4. Plastic and/or toughened glass to be used in the outside area after 9.00pm.
5. The outside area is to be clearly delineated and customers should be seated at tables whilst consuming alcohol.
6. A CCTV monitor must be installed in an area on the premises where duty staff are able to monitor it.
7. At 11.00 pm all seating in the outside area will be stacked and secured so that they cannot be used. All tables and chairs to be removed from the outside when the premises close.
8. There will be clear signage in the outside area stating
 - i) Customers must be seated when consuming alcohol in this area.
 - ii) Customers will be requested to leave this area after 11.00pm.
 - iii) No drinks to be consumed outside of the designated area.
 - iv) Customers are asked to keep noise to a minimum when using the outside designated area or when leaving the premises.
9. The south-west facing aspect of the outside area of the premises cannot be used after 6.00 pm.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence will be confined to the areas that are outlined in RED on the plans submitted to and approved by the Licensing Authority.

Premises Plan(s)

[Proposed plan - Spoken - Page 1 of 1](#)

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Licensing Act 2003 - Premises Licence register as at 07:32 on Fri 25 Sep 2015

Merchant (The) XXXXXXXXXX

33-34 The Strand, EXMOUTH, Devon, EX8 1AQ

Premises Licence from 24/11/05 to indefinite[Back](#)

Licence Holder(s)

Full name STONEGATE PUB COMPANY LIMITED

Designated Premises Supervisor

Premises supervisor name Mr Michael John Jonas

Permitted Activities:

- an exhibition of a film
- an indoor sporting event
- any playing of recorded music
- a performance of dance
- provision of late night refreshment
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Sunday to Tuesday	7:00am	12:30am
Wednesday to Saturday	7:00am	1:30am
Bank Holiday Sundays	7:00am	1:00am

applies to Easter, May, Spring and August Bank Holiday Sundays.

Bank Holiday Mondays	7:00am	1:30am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	7:00am	1:30am
Christmas Day	7:00am	11:30pm
New Year's Eve	7:00am	Midnight

and from the end of permitted opening hours on New Years Eve until the start of permitted opening hours on New Years Day

Non Standard Timings:	7:00am	2:30am
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Applies to the Saturday when British Summer Time begins.

Activities - Times granted

	Time From	Time To
B. Exhibition of films (Indoors)		
Sunday to Tuesday	7:00am	Midnight
Wednesday to Saturday	7:00am	1:00am
Bank Holiday Sundays	7:00am	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays.

Bank Holiday Mondays	7:00am	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	7:00am	1:00am
Christmas Day	7:00am	11:00pm
New Year's Eve	7:00am	Midnight

and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

C. Indoor sporting event

Sunday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays	9:00am	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays.

Bank Holiday Mondays	9:00am	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

* applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	9:00am	1:00am
Christmas Day	9:00am	11:00pm
New Year's Eve	9:00am	Midnight

and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

F. Playing of recorded music (Indoors)

Sunday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays	9:00am	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays.

Bank Holiday Mondays	9:00am	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	9:00am	1:00am
Christmas Day	9:00am	11:00pm
New Year's Eve	9:00am	Midnight

and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

G. Performance of dance (Indoors)

Saturday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays	9:00am	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays.

Bank Holiday Mondays	9:00am	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	9:00am	1:00am
Christmas Day	9:00am	11:00pm
New Year's Eve	9:00am	Midnight

and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

I. Late night refreshment (Indoors)

Saturday to Tuesday	11:00pm	Midnight
Wednesday to Saturday	11:00pm	1:00am
Bank Holiday Sundays	11:00pm	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays

Bank Holiday Mondays	11:00pm	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	11:00pm	1:00am
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New Year's Eve	11:00pm	Midnight
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and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

J. Supply of alcohol for consumption ON and OFF the premises

Sunday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays	9:00am	12:30am

applies to Easter, May, Spring and August Bank Holiday Sundays

Bank Holiday Mondays	9:00am	1:00am
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applies to Easter, May, Spring and August Bank Holiday Mondays

Christmas Eve & Boxing Day	9:00am	1:00am
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Christmas Day	9:00am	11:00pm
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New Year's Eve	9:00am	Midnight
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and from the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. (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).

3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

4. (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.

5. 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-

(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.
6. (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 7(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 this 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.
7. (a) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification applied by the body designated as the authority under Section 4 of the Video Recordings Act 1984.
- (b) Where the film classification is not specified or where the Licensing Authority notifies the licence holder that Section 20(3) (b) applies to the film in question, admission of children must be restricted in accordance with any recommendations made by the Licensing Authority.
- 8 . Any person used to carry out a security activity as required under any condition of this licence/certificate must be licensed or authorised to do so by the Security Industry Authority.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Additional Conditions Converted from the Public Entertainment Licence

1. A noise limiter device capable of being sealed to be installed and maintained to the satisfaction of the Corporate Director - Communities.
2. No amplified music to be played in the external garden area at the rear of the premises.
3. The double doors to the rear external area of the premises shall be kept closed except for access and egress at all times when live and recorded music is taking place on the premises.
4. Licensee shall ensure that where security personnel are employed in the premises, they enter in a register kept for that purpose their full name, Security Industry Authority Badge number (including expiry date), the time that they began their duty and the time that they completed their duty, immediately after doing so. The register shall be kept on the premises at all times and shall be made available for inspection by a police officer or a duly authorised officer of the Licensing Authority. Registers shall be retained for at least 12 months from the last entry.
5. The Licensee shall keep an Incident Report Register to the satisfaction of the police and the Licensing Authority, in which full details of all occurrences of violent and/or disorderly conduct involving patrons of the premises and security personnel are recorded. The Register is to be kept on the premises at all times and shall be made available for inspection by a police officer or duly authorised officer of the Licensing Authority. Register shall be retained for at least 12 months from the last entry.

Conditions Consistent with the Premises Operating Schedule

1. Two SIA registered door supervisors will be employed at the premises from 9:00pm on Saturday evenings until the premises closes to the public. At all other times security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk. A written risk assessment shall be prepared on a monthly basis and reflect anticipated events for the forth coming period. The risk assessment shall be made available for inspection by the authorities on demand.
2. Any such persons referred to in condition (1) of the premises Operating Schedule shall be linked by means of text or radio pager to the police enabling the police to be alerted to instances of crime and/or disorder (where required).
3. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
4. Toughened glasses shall be used for draft beer and lager at all times the premises are open to the public.
5. CCTV will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority
6. CCTV recordings will be maintained for an appropriate period of time (generally one month - but to be agreed with Police and Licensing Authority)
7. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
8. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
9. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
10. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

11. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.

12. Children under the age of 16 shall not be permitted to enter the premises after 9.00 pm unless attending a pre-booked function and accompanied by an adult.

13. All licensable activities will cease in the area referred to as the garden at 11.00 pm which will immediately close. This area is outlined in **YELLOW** on the plan deposited with and approved by the Licensing Authority.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

All licensable activities authorised by this licence are authorised in the part of the premises outlined in **BLUE** on the plan deposited with and approved by the Licensing Authority. The sale by retail/supply of alcohol is also authorised until 11.00pm in the garden area which is outlined in **YELLOW** on the plan deposited with and approved by the Licensing Authority.

Premises Plan(s)

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Licensing Act 2003 - Premises Licence register as at 07:32 on Fri 25 Sep 2015

Franklins

54 The Strand, EXMOUTH, Devon, EX8 1BR

Premises Licence from 24/11/05 to indefinite[Back](#)

Licence Holder(s)

Full name Mr Alan William HAYWOOD

Full name Mrs Jacqueline Lana HAYWOOD

Full name Mr Matthew Alan HAYWOOD

Designated Premises Supervisor

Premises supervisor name Mr Alan William Haywood

Permitted Activities:

- a performance of live music
- any playing of recorded music
- a performance of dance
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Monday to Wednesday	8:30am	12:30am
Thursday to Saturday	8:30am	1:30am
Sunday	9:30am	Midnight
Bank Holiday Mondays	8:30am	2:30am

Applies to Mondays of May, Easter, Spring and August Bank Holidays and Good Friday.

Christmas Eve-Except Sunday 8:30am 2:30am

Christmas Eve-On a Sunday 9:30am 2:30am

New Year's Eve-Except Sundays 8:30am Midnight

And from the end of permitted hours on New Year's Eve to 3:30 am on 2 January.

New Year's Eve-On a Sunday 9:30am Midnight

And from the end of permitted hours on New Year's Eve to 3:30 am on 2 January.

Activities - Times granted

	Time From	Time To
E. Performance of live music (Indoors)		
Monday to Wednesday	10:00am	Midnight
Thursday to Saturday	10:00am	1:00am
Sunday	10:00am	11:00pm
Christmas Eve	10:00am	1:00am
Non Standard Timings:	10:00am	1:00am

Applies to St Patrick's Day and 4th July only

F. Playing of recorded music (Indoors)

Monday to Wednesday	8:30am	Midnight
Thursday to Saturday	8:30am	1:00am
Sunday	9:30am	11:30pm
Bank Holiday Mondays	8:30am	2:00am

Applies to Mondays of May, Easter, Spring and August Bank Holidays and Good Friday.

Christmas Eve	8:30am	2:00am
New Year's Eve	8:30am	3:00am

G. Performance of dance (Indoors)

Monday to Wednesday	10:00am	Midnight
Thursday to Saturday	10:00am	1:00am
Sunday	10:00am	11:00pm

J. Supply of alcohol for consumption ON and OFF the premises

Monday to Wednesday	11:00am	Midnight
Thursday to Saturday	11:00am	1:00am
Sunday	11:00am	Midnight
Bank Holiday Mondays	11:00am	2:00am

Applies to Mondays of May, Easter, Spring and August Bank Holidays and Good Friday.

Christmas Eve	11:00am	2:00am
New Year's Eve	11:00am	Midnight

And from the end of permitted hours on New Year's Eve to 3:00 am on 2 January.

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003

2. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

Source: Section 19 & 19A Licensing Act 2003

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason

of a disability).

Source: Section 19 & 19A Licensing Act 2003

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Source: Section 19 & 19A Licensing Act 2003

5. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

6. The responsible person shall 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-

(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; and

(b) customers are made aware of the availability of these measures.

Source: Section 19 & 19A Licensing Act 2003

7. Any person used to carry out a security activity as required under condition 5 of the premises Operating Schedule must be licensed by the Security Industry Authority.

Source: Section 21 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.

2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.

3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.

4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.

5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.

6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's

naval, military or air forces.

CONDITIONS CONSISTENT WITH THE PREMISES OPERATING SCHEDULE.

1. CCTV will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority.
2. CCTV recordings will be maintained for an appropriate period of time (generally one month - but to be agreed with Police and Licensing Authority)
3. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
4. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
5. Suitable door staff registered with the Security Industry Authority to be employed from 8.30 pm until 30 minutes after the end of permitted hours on any day that the premises are open to the public after 12 midnight.

All doorstaff will:

- a) Be correctly registered with the SIA
 - b) Display the correct name badge
 - c) Carry proof of registration
 - d) Be used at a ratio to be agreed by the Police and Local Authority, which is currently 1:75
 - e) A female supervisor will be available if searches are to be conducted on female customers
 - f) Will wear clothing that can be easily and clearly identifiable on CCTV - i.e. wear a reflective number between 1 and 99 (at least 100mm high) in a prominent position on the upper part of the body.
6. Membership of the Local Licensees Association will be maintained.
 7. The proprietor will have regular contact with the Licensing Authority and the Devon and Cornwall Constabulary and will have involvement in local crime prevention initiatives.
 8. Irresponsible drinks promotions will not be permitted, and the Standards for the Management of Standard Drinks Promotions produced by the British Beer and Pub Association will be complied with.
 9. The premises will adopt a zero tolerance to illegal drug use.
 10. Maintain clear access to all exists and ensure emergency exits are clearly signed.
 11. All staff will be trained in all aspects of Health and Safety and updated on a regular basis.
 12. Suitable signage will be displayed at the exit to request the co-operation, of patrons in particular, to make as little noise as possible when leaving the premises.
 13. The telephone numbers of a local taxi firms will be displayed at the premises for the benefit of customers.
 14. A proof of age policy agreed by the police and local authority will be enforced.
 15. Suitable signage will be displayed in a prominent position at the point of sale advising that a proof of age policy is in force.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence will be confined to the areas that are shaded in **PINK** on the plan deposited with and approved by the Licensing Authority.

Premises Plan(s)

[Plan - Franklins - Page 1 of 1](#)

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The Place
15 The Strand
Exmouth
EX8 1AD
Daniel Takvoryan

Statement

I have run the Place as a family business since January 2013 with the help of my brother and I am looking to grow my business as I would like to involve my two daughters.

I have lived in England for the last 5 years and have a good command of the English language. I feel that I am a good neighbour and wish to get on with the businesses either side of me. I have let The Deli on the Strands customers use my toilet facilities since I have been here as they do not have any at their own premises.

I have run licensed establishments when I lived in Bulgaria and I am due to attend the course to obtain my personal licence 15th October 2015.

Following mediation I would like to answer questions raised by the council.

Public safety.

We feel that this is no different from carrying a glass of soft drink or a china plate and tea cup. We have a table license from Devon County Council. Our tables and chairs are situated directly outside our property unlike Franklin's who have seating across a busy path way. Please see attached photographs of outside seating around the strand.

The council felt our proximity to the war memorial was to close if we were serving alcohol. Please see attached drawing showing the situation of licensed premises on the strand.

Prevention of crime and disorder

The outside area has a table licence and there are conditions in the proposed licence regarding this. There will also be a CCTV camera on the outside area.

Prevention of public nuisance

The council were concerned about the size of the premises we are the same size as the premises next door who are licensed. We currently seat 22 people not the 12 stated by the council that is without using some space at the back of the cafe and if the licence goes ahead we will be using additional space by the window which is currently used to serve ice creams. The premise has been licensed before.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Home

Your Council

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Out & About

Life & Work

9

East Devon Maps - Mapping

Address Search Search or use the Town (below) list to move to a specific town

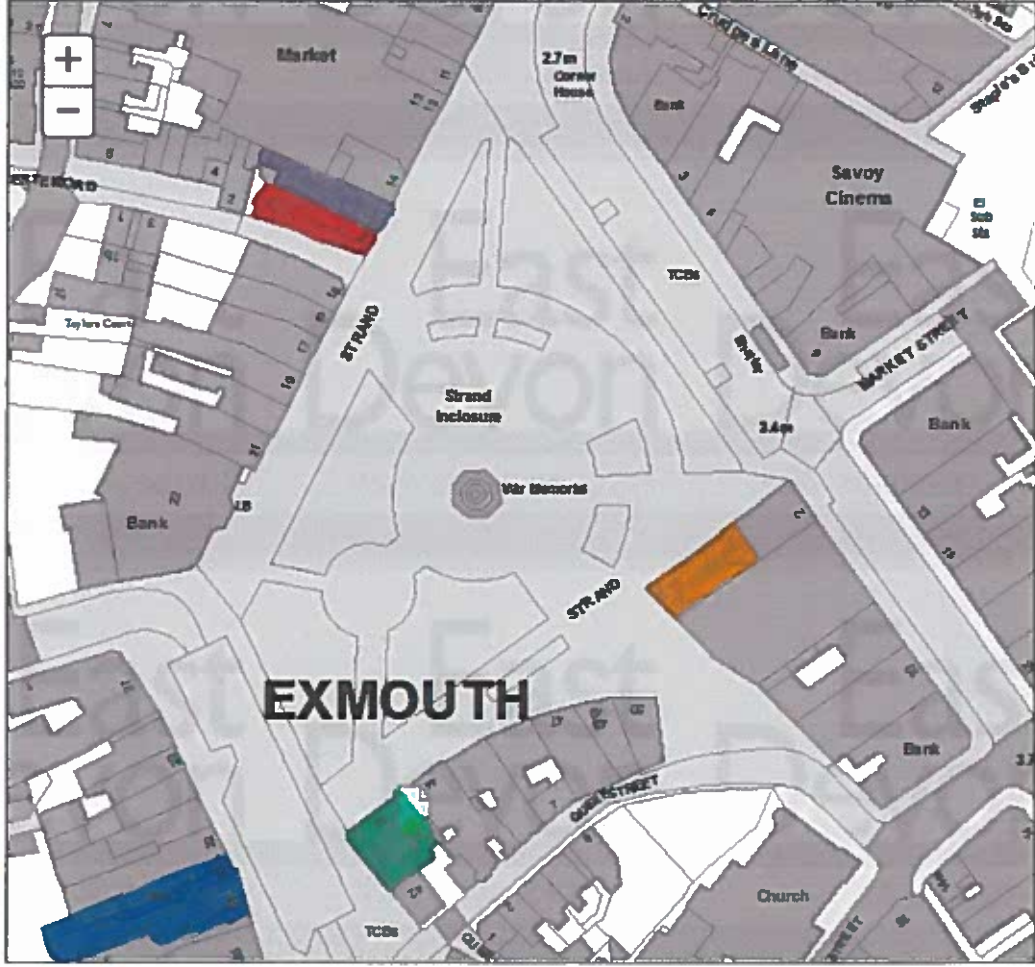
More about East Devon
General Maps

Address Results

Overview & Print

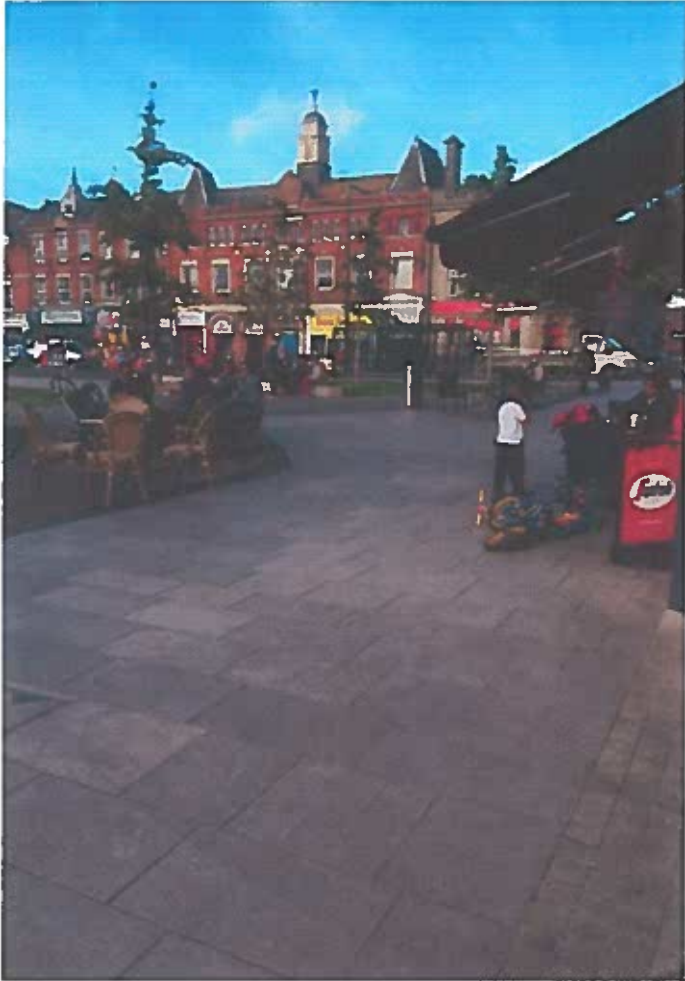
Towns & Villages

Key and other maps



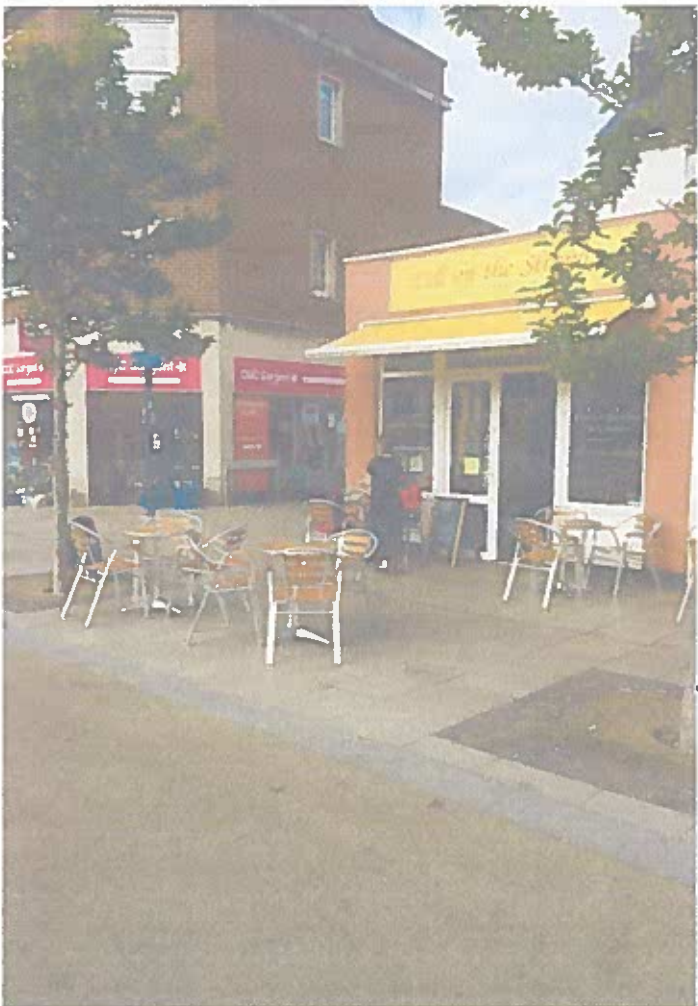
© Crown Copyright and database rights Ordnance Survey 2012 1000023746
 Direct Link to current map - <http://maps2.eastdevon.gov.uk/mapping/general/?x1=299971&y1=80861&x2=300140&y2=81020>
 A full list of EDDC maps is found [here](#)

- THE PLACE
- FRANKLINS
- SPOKEN
- DELI ON THE STRAND.
- MERCHANT



FRANKLINS OUTSIDE SEATING

← SPOKEN OUTSIDE SEATING



THE PLACE OUTSIDE SEATING

DELI ON THE STRAND
OUTSIDE SEATING

Appendix E

1. CCTV must be installed, operated and maintained to the satisfaction of us and the chief officer of police in accordance with the requirements set out in our licensing policy.
2. CCTV images must be retained for a minimum of 14 days and be produced on the request of the police or us (recording media must be set to 25 frames per second).
3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the police and us must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be placed on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
5. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.
6. A crime prevention policy agreed by us must be in place.
7. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by us and the police.
8. No customers will be permitted to take open containers of alcoholic or soft drinks from the building after 23:00 hrs.
9. Consumption of alcohol outside will be confined to the area marked in blue on the plan. Also attached plan from Devon County Council showing table licensed area.
10. When the premises are open for licensable activities the external seating area (as shown in blue on the plan) shall be laid out with tables and chairs. These shall be removed at 23:00 hours each day or at the time of closing if earlier.
11. On any night when the premises are open for licensable activities past midnight a minimum of two door supervisors must be employed from 21:00 until the premises are closed and all customer have left.

Appendix E

12. A door staff register will be maintained at the premises to include details of date, name, SIA badge number and time on/off duty of all door staff.
13. The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.
14. The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.
15. A Challenge 21 policy will be put in place and all staff will be trained.
16. Nobody under the age of 18 shall be on the premises after 21.00

Appendix F

Exmouth Strand Premises – Details of days & times of alcohol sales (excluding other licensable activities that may be authorised)

Premises:	Deli on the Strand 16 The Strand, EXMOUTH, Devon, EX8 1AD	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Monday to Sunday	9:00am	11:00pm
Premises:	The Merchant 33-34 The Strand, EXMOUTH, Devon, EX8 1AQ	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Sunday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays <small>(this applies to Easter, May, Spring and August Bank Holiday Sundays)</small>	9:00am	12:30am
Bank Holiday Mondays <small>(this applies to Easter, May, Spring and August Bank Holiday Sundays)</small>	9:00am	1:00am
Christmas Eve and Boxing Day	9:00am	1:00am
Christmas Day	9:00am	11:00pm
New Year's Eve <small>(and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day)</small>	9:00am	Midnight
Premises:	Spoken 43 The Strand, EXMOUTH, Devon, EX8 1AL	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Monday, Tuesday and Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day and Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve <small>(and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day)</small>	9:00am	1:00am
New Year's Day	9:00am	1:00am
2 January <small>(only applies in any year when 1 January is a Sunday)</small>	9:00am	1:00am
Monday to Sunday in Outside Area Front	9:00am	11:00pm
Monday to Sunday in Outside Area Side	9:00am	6:00pm
Premises:	Franklins 54 The Strand, EXMOUTH, Devon, EX8 1BR	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Monday to Wednesday	11:00am	Midnight
Thursday to Saturday	11:00am	1:00am
Sunday	11:00am	Midnight
Bank Holiday Mondays <small>(this applies to Mondays of May, Easter, Spring and August Bank Holidays and Good Friday)</small>	11:00am	2:00am

Appendix F

Christmas Eve	11:00am	2:00am
New Year's Eve (and from the end of permitted hours on New Year's Eve to 3:00am on 2 January)	11:00am	Midnight
Premises:	Tandoori Nights 10 The Strand, EXMOUTH, Devon, EX8 1AB	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Monday to Sunday	11:00am	Midnight
Christmas Eve	11:00am	12:30am
New Year's Eve	11:00am	1:00am
Premises:	Bamboo Restaurant 31-32 The Strand, EXMOUTH, Devon, EX8 1AQ	
Supply of alcohol for consumption ON the premises:		
	Time From	Time To
Monday to Saturday	10:00am	11:00pm
Sunday and Good Friday	Noon	10:30pm
Christmas Day	Noon	3:00pm
Christmas Day	7:00pm	10:30pm
New Year's Eve Except Sundays (and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day)	10:00am	11:00pm
New Year's Eve on a Sunday (and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day)	Noon	10:30pm
Premises:	Prezzo 38-39 The Strand, EXMOUTH, Devon, EX8 1AH	
Supply of alcohol for consumption ON the premises:		
	Time From	Time To
Monday to Sunday	Noon	11:30pm
Premises:	El Olivo 41 The Strand, EXMOUTH, Devon, EX8 1AH	
Supply of alcohol for consumption ON the premises:		
	Time From	Time To
Monday to Sunday	11:00am	11:00pm
Christmas Eve	11:00am	1:00am
New Year's Eve	11:00am	1:00am
Premises:	Old Warehouse (The) 53 The Strand, EXMOUTH, Devon, EX8 1BR	
Supply of alcohol for consumption ON and OFF the premises:		
	Time From	Time To
Monday to Sunday	10:00am	Midnight
Bank Holiday Friday to Monday (this applies to every May, Spring, Easter and August Bank Holiday)	10:00am	1:00am
Christmas Eve	10:00am	1:00am
New Year's Eve (and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day)	10:00am	Midnight



Devon & Cornwall Police

Building safer communities together

Mr Neil McDonald
Licensing Officer
East Devon District Council
Knowle
SIDMOUTH EX10 8HL

Licensing Dept (East)
Devon & Cornwall Police HQ
Middlemoor
EXETER
EX2 7HQ

5 October 2015

Dear Mr McDonald

Premises Licence Application – The Place, Exmouth

I write to clarify the Police position regarding the above application.

As you are aware I was contacted by Tammy Dyer (who I believe owns the building) prior to the submission of the application. I visited the premises on 30 July to discuss the Police position with Tammy Dyer who advised me she would be completing the application on behalf of her tenant Daniel Takvoryan. I advised Tammy of the conditions the Police would want to see in place in order to meet the licensing objectives. Subject to the inclusion of these conditions we would not raise an objection. In short, the conditions covered the following:

- CCTV
- Sale of alcohol to cease at Midnight. If alcohol is to be sold after this time (for example Bank Holidays or Temporary Event Notices) then TWO doorstaff will be on duty from 21:00 until the premises is closed.
- An incident book to record any issues at the premises
- Challenge 21 policy – to ensure no sale to persons under the age of eighteen
- A limit on the use of the outside seating area – the area only to be used until 2300, tables and chairs must remain out during this time (to prevent a ‘vertical drinking area’, no open containers of alcohol to be taken outside after 2300. Staff must monitor and enforce this. If necessary they must employ doorstaff to do so.
- A decent plan of the premises clearly showing the outside space (to be covered by a pavement licence from Devon County Council).

Each of the conditions I requested have been included within the application. It was made clear to Ms Dyer that if they were not then the Police would object to the licence application on the grounds that the licensing objectives were not being addressed.

It was apparent to me at the time of the visit in July that the style of operation was to change. The business model is not working and Mr Takvoryan has to change this if his business is to survive. It’s



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www.devon-cornwall.police.uk



clear to me that this could become more of a pub than a café so I have requested conditions to mirror those of others pubs in the area – hence the restrictions in the outside area, the doorstaff and the CCTV. I cannot control what this premise may become, but can only ensure that the necessary safeguards are in place should it operate as more of a pub in the future.

I visited the premises for a second time on 8th September to discuss the application directly with the applicant Mr Takvoryan. We discussed fully the application and he has been left in no doubt as to his responsibilities. Whilst English is not his first language he was able to fully discuss the application with me. He understands his responsibilities and that he must abide by the conditions he has accepted. We also discussed vigilance re sale of alcohol to underage and to those who are already drunk.

You will have noted that there is no DPS named on the application. The intention is for Daniel himself to take the necessary BII course and to then obtain his personal licence to allow him to become DPS. A DPS variation will need to be submitted at that time. Should someone else apply to be DPS they will be vetted by me in line with our usual Police procedure.

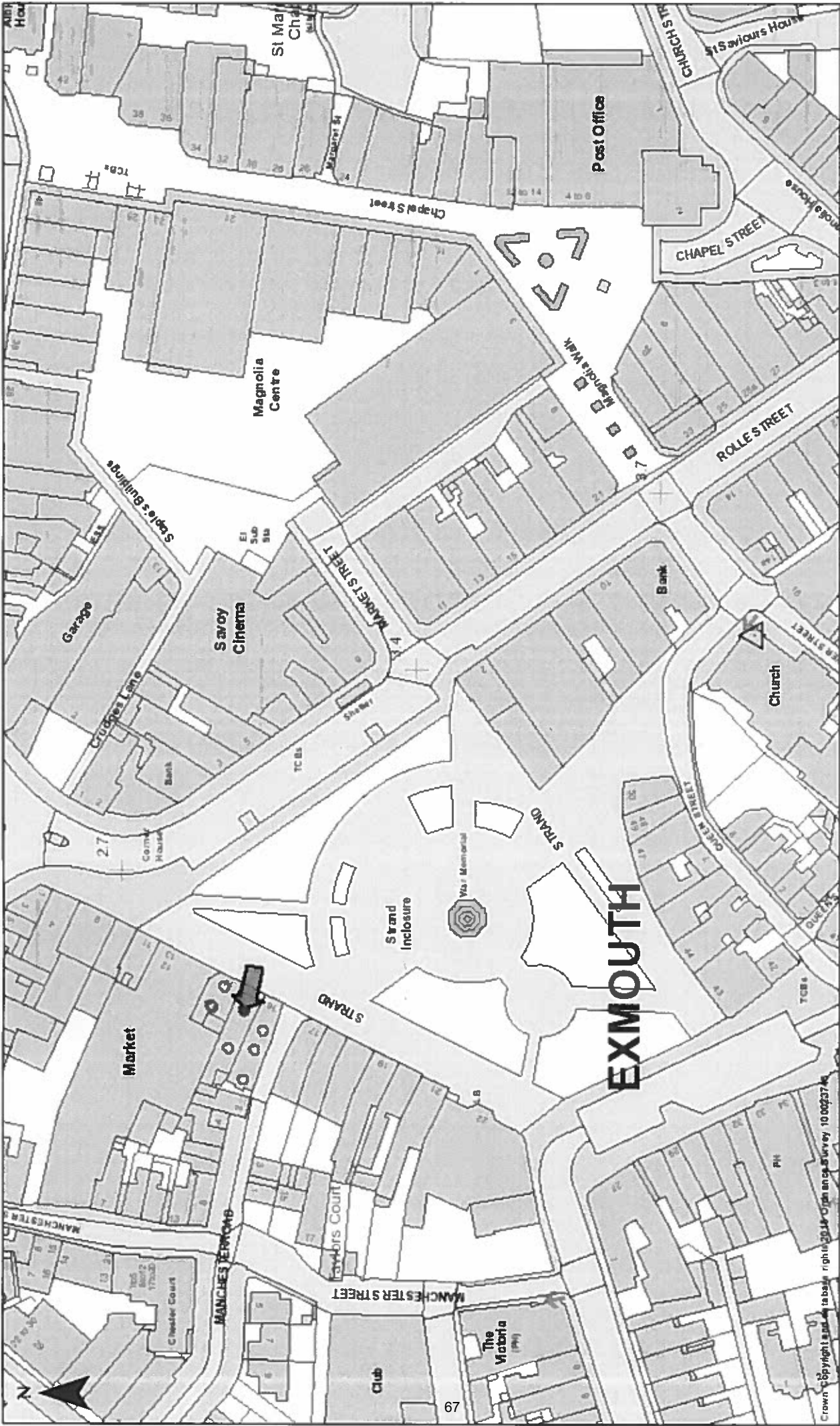
I trust this clarifies the Police position. Should this application be granted I will of course continue to monitor the venue to ensure the licensing objectives are being met.

Should you require any future information please do not hesitate to contact me on 01392 452225.

Yours sincerely



Lesley Carlo
Licensing Officer – East & Mid Devon



Report to: **Licensing and Enforcement Sub Committee**



Date of Meeting: 14 October 2015

Public Document: Yes

Exemption: None

Agenda item: **Item 7**

Subject: Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Purpose of report: The report details these applications.

Recommendation: That the application be granted as applied for subject to the agreed position set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

Financial implications: The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications: The council's decision may be appealed to the Magistrates Court.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: Background Papers
The relevant licensing applications
Representations received from Responsible Authority
Guidance issued under Section 182 of the Licensing Act 2003
The District Council's Statement of Licensing Policy

Link to Council Plan: Not applicable

Report in full

1. Legislation Background
- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence.	Hawkchurch Resort & Spa, Wareham Road, Hawkchurch, Axminster, EX13 5UL.	<p>Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following amendments and amended conditions:</p> <ol style="list-style-type: none"> 1. Submit extra plans to clarify the licensed area in the bar and reception area. 2. Reduce the proposed hours for live music on New Year's Eve to end at 00:30 hrs. 3. Reduce the proposed opening hours on Fridays, Saturdays and New Years Eve to end at 00:30hrs. 4. Staff training will be conducted to ensure all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. Records of such training will be kept and provided to the Licensing Authority or Police upon request. 5. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police. 6. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. 7. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 8. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the

		<p>Data Protection Act 2002.</p> <p>9. An incident book must be maintained within which full details of all occurrences of disorder, challenges and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.</p> <p>10. A challenge 25 policy will be operated where the only acceptable forms of ID will be photo driving licence, passport, government approved PASS card or military ID with photo and date of birth.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

14 October 2015