

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 22 April 2015; 9.30am

[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 Minutes for 8 April 2015 (pages 2-7)
- 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 a variation of a premises licence – To amend the layout of the premises and to extend the hours for entertainment, late night refreshment, the sale of alcohol on and off the premises and opening hours on a Wednesday at Fever, 67 The Parade, Exmouth. (pages 8-55)**

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)

[Recording the meeting](#)

[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, 8 April 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 11.55 am

*32 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 25 March 2015, were confirmed and signed as a true record.

*33 Declarations of interest
Councillor Steve Hall
Minute 35
Disclosable Pecuniary Interest – private hire licence holder

Councillor John O’Leary
Minute 34
Disclosable Pecuniary Interest – personal licence holder

*34 Application for a variation of a premises licence to extend the hours for the sale of alcohol on and off the premises and opening hours at the Kingfisher Inn, Dolphin Street, Colyton

The Sub Committee gave consideration to an application for a variation of a Premises Licence to extend the opening hours and hours for the sale of alcohol on and off the premises at the Kingfisher Inn, Dolphin Street, Colyton.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the licensable activities and the extension of 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 a small town 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 nuisance. 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.

The applicants’ case (represented by Mark and Lucy Dack) was the previous premises licence holder had suffered financial difficulties in running the pub due to a

lack of customers and that he and his wife had been approached to take over the running of the premises about 18 months ago. In that time the business had picked up and in reviewing the licences of other pubs in the area they wished to extend the licensing hours as set out in the variation application which was a reaction to the changing nature of the pub trade. The business was now successful and the trade had increased tenfold.

The applicant did acknowledge that there were some issues with the running of the business that neighbouring residents had pin pointed but these had been dealt with. Mr Dack explained that the three issues included the banging of doors to the outside toilet block which he had consulted other premises holders about solving. The applicant stated that he intended to apply for planning permission to resite the block within the premises.

The thermostatic fan which controlled the cellar temperature had recently been serviced and was fit for purpose, but it was acknowledged that at certain times when it cut in it could be noisy, particularly at night.

Councillor Pat Graham questioned the applicant on the use of the skittle alley. This was used in the winter months on two nights of the week (Wednesday and Friday) and the alley was closed before 11.00pm. Money had been spent on the roof cavity wall insulation and a sound barrier at the end of the skittle pit to minimise the noise.

The Chairman asked about a noise limiter in the pub. There wasn't one at the present time but money had been spent on smaller speakers throughout the pub. The applicant stated that he didn't want loud music; his focus was on a clientele which wanted quality food.

The Chairman explored the issues around the use of the garden after 11.00 pm as it was within the licensed area. He expressed concern about the close proximity of residential properties and noise nuisance beyond 11.00pm. The Chairman asked whether the applicant was willing to compromise on the outside variation of hours if the grant of the variation of hours inside the premises was allowed.

The applicant stated that he wanted to be a good neighbour and work with the residents. He was available at any time to discuss issues of concern.

The interested parties' case was on paper regard the prevention of public nuisance, the pub garden was immediately next to the interested parties' property. There were issues of noise, shouting, singing, banging of doors affecting sleep, dazzling flood/security lights from toilets and garden, and also some glass and detritus in neighbouring gardens.

Mrs Emma Laughton and Mr Roger Laughton stated that they had lived in their property for 25 years, 23 years of which there had been little problem with the running of the pub. Their property abutted the premises at right angles and the gardens ran alongside each other.

They were concerned at some instances of late night noise over the past 18 months which included loud music, shouting from clientele in the garden consuming alcohol, and smokers, and noise on leaving the premises, this was fundamentally anti social in nature and had effects on health.

There was concern that the variation of hours applied particularly to the garden would lead to escalating noise nuisance later into the night and very early morning. They felt that their good night's sleep was being compromised against the greater profits of the pub.

Mr David Rhodes expressed concerns at the increased use of the pub garden late into the evening. The garden was effectively an enclosed courtyard surrounded by residential properties. The paved hard surfaces exacerbated noise. People and alcohol lead to increases in noise which he felt was an intrusion after 11.00pm. He had recordings of noise coming from the garden after 11.00pm which had intruded on sleep.

It was accepted that neither party had complained to Environmental Health.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence the Sub Committee had heard regarding the history of the premises, they considered that the establishment required some further controls and conditions to ensure good management.

The Sub Committee was concerned that despite mediation there has been no compromise on the variation of hours attached to the pub garden. The Sub Committee accepted that the residents were in close proximity to the premises and that as such the residents were more than likely to suffer noise nuisance if the hours the applicant requests were granted for the use of the pub garden were not capped.

The applicant in discussion about similar types of premises in the district and on reflection offered to close the garden at 11.00pm and for the Licensing Authority to condition it appropriately.

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 believe 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 variation was granted for the extension of hours for the sale of alcohol and its opening hours but only related to the internal premise. The garden will not be included and will be closed to the clientele at 11.00pm on each evening.
- b) It was accepted that the outside toilets can be used by the clientele after 11.00pm (The applicant is advised to install soft closing doors to limit noise nuisance).
- c) The outside smoking area will only be used to accommodate a maximum of 4 persons after 11.00pm. No alcoholic drinks shall be taken outside after 11.00pm.
- d) Notices to clientele will be erected in the garden area notifying the closing time of the garden, and the close proximity of residents' properties to ensure that noise is kept to a minimum.
- e) There will be the provision of suitable bins in the garden to ensure that all rubbish including packaging is contained.
- f) There will also be regular collections of glasses and bottles from the garden area.
- g) There will also be a prominent notice reminding clientele to leave the premises quickly and quietly at closing time.
- h) There will also be a prominent notice reminding clientele to leave the premises quickly and quietly at closing time.
- i) Permitted hours for the various licensable activities will be as set out in the proposed Appendix A.
- j) The extra condition will now be as shown in Appendix G which conditions the floodlighting in the Boules area.

2. the designated Premises Supervisor will be: Lucy Ann Dack, The Kingfisher, Dolphin Street, Colyton, EX24 6NA.

*35 Hackney Carriage Suitability
(Councillor Bob Buxton took over as Chairman for this item as Councillor Steve Hall had declared a pecuniary interest and withdrawn from the meeting).

The Sub Committee gave consideration to an application to licence a 4 year and 5 month old Vauxhall Zafira Elite car as a hackney carriage vehicle and to determine whether to refuse the application or to make an exception to the District Council's vehicle age policy and agree to licence the vehicle. The vehicle fell outside of the criteria as agreed by the Council as it is over four years old from the date of registration. Members noted that the applicant had a private hire vehicle and driver's licence with Exeter City Council.

RESOLVED

that the application be granted, subject to the applicant surrendering his private hire vehicle licence with Exeter City Council and the vehicle passing an MOT and compliance test.

- *36 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of the application and the negotiations that had been carried out.

RESOLVED

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

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Scrupstock
Exmouth Rugby Club Training Pitch, Imperial Recreation Ground, Exmouth,
EX8 1DG.

Agreed position reached by the parties:

Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendment:

1. That the applicants seek to licence the 2015 event only and to remove the request for an annual licence for the event.

Attendance list

Councillors present

Steve Hall (Chairman)
Bob Buxton
Pat Graham

Councillors also present:

Maddy Chapman
Steve Gazzard
John O'Leary

Officers present

Giles Salter, Solicitor
Neil McDonald, Licensing
Chris Lane, Democratic Services
Steve Saunders. Licensing

Chairman Date

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



Date of Meeting: 22 April 2015

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

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

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

Recommendation: Recommendation
That members consider an application for variation of a premises licence to – amend the layout of the premises and extend the hours for entertainment, late night refreshment, the sale of alcohol on the premises and opening hours on Wednesdays at Fever, 7 The Parade, Exmouth, Devon, EX8 1RS.

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 current & proposed times and licensable activities.
Appendix B – Copy of licensing application.
Appendix C – Copy of existing licence – PLWA0283.
Appendix D – Details of representations received.
Appendix E – Details of responses to the Notice of Hearing.
Appendix F – Summary of timings and location plan of the Q Club.
Appendix G – Location Plan.

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from Bar Fever (Exmouth) Limited of 4 Rockfield Business Park, Old Station Drive, Leckhampton, Cheltenham, GL53 0AN for the variation of a premises licence at Fever, 7 The Parade, Exmouth, Devon, EX8 1RS.
- 1.2 The current and 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 Fever currently has a premises licence (PLWA0283) the premises are a night club venue that has recently had a substantial refurbishment and internal amendment to the layout (subject of the applied variation). The premises now comprises of a ground floor disco venue with two bars and two smaller areas on the first floor consisting of a themed cocktail bar with music and a second area with a 70s theme including dance floor, music and bar. The premises are situated in the town centre of Exmouth in a mixed commercial and residential area.
- 1.5 Bar Fever (Exmouth) Limited took over the nightclub formally known as Pulse and transferred the existing premises licence into their name on 25 February 2015. At the same time they submitted a variation application to alter the internal layout of the premises and to extend the hours on Wednesdays for recorded music, entertainment of a similar description to live music, recorded music and dance, late night refreshment and opening hours to end at 3:30am. Also to extend the hours for the sale of alcohol on the premises on Wednesdays to end at 3am.
- 1.6 Bar Fever have applied to extend the hours on a Wednesday in order to compete with the Q Club that is the only other nightclub in Exmouth. A copy of the premises summary showing the trading hours of the Q Club and a location plan showing the location of both premises in the town centre are reproduced at **Appendix F** for the information of the committee.
- 1.6 A copy of the existing premises licence and conditions is reproduced at **Appendix C**.
- 1.7 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 one local resident. Details of the representation are attached at **Appendix D**.
- 3.2 Responses to notice of hearing forms have been received from the local resident who will be attending the hearing and from the applicants who will be represented by Andrew Woods of Woods Whurr Solicitors and Nigel Blair director of Bar Fever (Exmouth) Limited.
- 3.3 Details of the responses to the statutory Notice of Hearing are attached at **Appendix E**.

4 Proposed Operating Schedule and Mediation

- 4.1 The applicants have not offered any additional conditions to those already on the current licence as a result of this variation application.
- 4.2 Mediation was offered and although the applicants were agreeable the objector felt it would not be worthwhile to take part.

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 variation of a Premises Licence to:

- Amend the internal layout of the premises
- Extend the hours for recorded music on the premises on Wednesdays
- Extend the hours for entertainment similar to live music, recorded music & dance on the premises on Wednesdays
- Extend the hours for late night refreshment on the premises on Wednesdays
- Extend the hours for the sale of alcohol on the premises on Wednesdays
- Extend the opening hours of the premises on Wednesdays.

6.3 The launch weekend for the new club was the 27/28 March 2015 but as the variation application applied for had not been granted (as a representation had been made) the licensable activities have had to be run on temporary event notices as the internal alterations subject of the variation application had already been carried out. The local resident who has made a representation and lives next door to the club has no issue with the alterations proposed for the club. He is however concerned that any extension for hours granted to the club will extend the disturbance of loud bass music in his property and people noise with customers shouting and screaming when using the front smoking area and when leaving at the end of the night. He has also been disturbed by the rear doors of the club being opened to allow music noise to escape from the venue.

6.4 The venue has been closed for some time until the current licence holders took on the premises but there has been a history of noise complaints from local residents when different operators have been running night clubs from the venue.

6.5 The end date for representations for this variation application was the 25 March 2015 that was prior to the official opening of the nightclub.

6.6 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.

6.7 A location plan is attached at **Appendix G**.

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
 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.

Fever - Existing Timings

	Performance of a play (Indoors)	Exhibition of films (Indoors)	Indoor sporting event	Boxing or wrestling entertainment (Indoors)	Performance of live music – (Indoors)	Playing of recorded music (Indoors)	Entertainment of a similar description to live music, recorded music or dance (Indoors)	Late night refreshment (Indoors)	Supply of alcohol for consumption on the premises only	Hours the premises are open to the public
Monday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Tuesday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Wednesday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Thursday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Friday	11am – 10pm	11am – 11pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 3:30am	7pm – 3am	11pm – 2:30am	10am – 3am	10am – 3:30am
Saturday	11am – 10pm	11am – 11pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 3:30am	7pm – 3am	11pm – 2:30am	10am – 3am	10am – 3:30am
Sunday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 1am	11pm – 2:30am	10am – 2am	10am – 2:30am
Non-Standard Timings						An extra one (1) hour added to the end of permitted hours when British Summer Time begins			An extra one (1) hour added to the end of permitted hours when British Summer Time begins	An extra one (1) hour added to the end of permitted hours when British Summer Time begins
Bank Holiday Sundays						10am – 3:30am			10am – 3am	10am – 3:30am
New Years Eve						10:00am – 2:30am *			10am – 2am *	10:00am – 2:30am *

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

Fever - Proposed Timings

(Timings highlighted in bold print have been extended)

	Performance of a play (Indoors)	Exhibition of films (Indoors)	Indoor sporting event	Boxing or wrestling entertainment (Indoors)	Performance of live music – (Indoors)	Playing of recorded music (Indoors)	Entertainment of a similar description to live music, recorded music or dance (Indoors)	Late night refreshment (Indoors)	Supply of alcohol for consumption on the premises only	Hours the premises are open to the public
Monday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Tuesday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Wednesday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 3:30am	7pm – 3:30am	11pm – 3:30am	10am – 3am	10am – 3:30am
Thursday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 2am	11pm – 2:30am	10am – 2am	10am – 2:30am
Friday	11am – 10pm	11am – 11pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 3:30am	7pm – 3am	11pm – 2:30am	10am – 3am	10am – 3:30am
Saturday	11am – 10pm	11am – 11pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 3:30am	7pm – 3am	11pm – 2:30am	10am – 3am	10am – 3:30am
Sunday	11am – 10pm	11am – 10pm	10am – 10pm	11am – 11pm	10am – 1am	10am – 2:30am	7pm – 1am	11pm – 2:30am	10am – 2am	10am – 2:30am
Non-Standard Timings						An extra one (1) hour added to the end of permitted hours when British Summer Time begins			An extra one (1) hour added to the end of permitted hours when British Summer Time begins	An extra one (1) hour added to the end of permitted hours when British Summer Time begins
Bank Holiday Sundays						10am – 3:30am			10am – 3am	10am – 3:30am
New Years Eve						10:00am – 2:30am*			10am – 2am*	10:00am – 2:30am*

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

East Devon District Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bar Fever (Exmouth) Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PLWA0283

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Fever (formerly Pulse)

7 The Parade

Post town

Exmouth, Devon

Postcode

EX8 1RS

Telephone number at premises (if any)

Non-domestic rateable value of premises

£27,500.00

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different
from premises address

4 Rockfield Business Park
Old Station Drive
Leckhampton

Post town

Cheltenham

Postcode

GL53 0AN

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The variation is to seek approval of proposed alterations to the premises in accordance with the plan submitted with the application. The alterations comprise of the following:-

Bar servery 1 will be reconfigured and bar servery 2 will be relocated and additional booth seating provided. A new link will be formed to the smoking area in the club entrance. Provision of new seating to Bar 3. A third room will be reinstated and new bar 4 formed and new link door to main room. There will be a second DJ and dance area created.

To extend the provision of regulated entertainment on Wednesday (to include recorded music) from the current hours of 10.00 to 02.30 hours the following morning to the proposed hours of 10.00 to 3.30 the following morning. The hours in respect of the remainder of the week remain unchanged.

To extend the provision of regulated entertainment on Wednesday (to include entertainment of a similar description) from the current hours of 19.00 to 02.00 hours the following morning to the proposed hours of 19.00 to 03.30 the following morning. The hours in respect of the remainder of the week remain unchanged.

To extend the provision of the sale of alcohol on Wednesday from the current hours of 10.00 hours to 02.00 the following morning to the proposed hours of 10.00 to 03.00 the following morning. The hours in respect of the remainder of the week remain unchanged.

The opening hours of the premises on Wednesday will 10.00 hours to 03.30 the following morning. The hours in respect of the remainder of the week remain unchanged.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Thur					

Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details (please read guidance note 3)</u>
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events (please read guidance note 4)</u>
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	
			<u>Please give further details here (please read guidance note 3)</u>		

Tue			
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed	10.00	03.30				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur								

Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 3)</u>		
Wed	19.00	03.30			
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</u>		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed	23.00	03.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon								
Tue								
Wed	10.00	03.00						
Thur								
Fri								
Sat								
Sun								
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>N/A</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed	10.00	03.30	
Thur			
Fri			
Sat			
Sun			

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

N/A

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The style and operation of the premises will not change and the conditions attached to the current premises licence will be adhered to.

b) The prevention of crime and disorder

Please see a) above

c) Public safety

Please see a) above

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	24 February 2015
Capacity	Woods Whur 2014 Limited – Solicitors for the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Carole Collingwood Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Post code	LS1 2ED
Telephone number (if any)	0113 234 3055		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) carole@woodswhur.co.uk			

East Devon District Council
 Knowle
 Sidmouth
 Devon
 EX10 8HL
 DX 48705 Sidmouth
 Tel: 01395 516551
 Fax: 01395 517507



Licensing Act 2003 Premises Licence

PLWA0283

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Part 1 - Premises Details

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

Fever

7 The Parade, EXMOUTH, Devon, EX8 1RS.

Telephone 01395 489328

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- 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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	11:00am	10:00pm
B. Exhibition of films (Indoors)	Monday to Thursday & Sunday	11:00am	10:00pm
	Friday & Saturday	11:00am	11:00pm
C. Indoor sporting event	Monday to Sunday	10:00am	10:00pm
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	11:00am	11:00pm
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	1:00am
F. Playing of recorded music (Indoors)	Monday to Thursday & Sunday	10:00am	2:30am
	Friday & Saturday	10:00am	3:30am

Licensing Act 2003
Premises Licence

PLWA0283

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	continued ... Non Standard Timings: An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am.. Bank Holiday Sundays Applies to every May, Spring, Easter and August Bank Holiday Sundays. New Year's Eve And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	3:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday Friday & Saturday Sunday	7:00pm 7:00pm 7:00pm	2:00am 3:00am 1:00am
I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	2:30am
J. Supply of alcohol for consumption ON the premises only	Monday to Thursday & Sunday Friday & Saturday Non Standard Timings: An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am.. Bank Holiday Sundays Applies to every May, Spring, Easter and August Bank Holiday Sundays. New Year's Eve And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am 10:00am	2:00am 3:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	2:30am
Friday & Saturday	10:00am	3:30am
Non Standard Timings: An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am.. Bank Holiday Sundays Applies to every May, Spring, Easter and August Bank Holiday Sundays. New Year's Eve And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	10:00am	3:30am

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

- J. Supply of alcohol for consumption ON the premises only

Licensing Act 2003
Premises Licence

PLWA0283

Part 2

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

Bar Fever (Exmouth) Limited Rockfield Business Park, Old Station drive, Leckhampton, Cheltenham, Gloucestershire, GL53 0AN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Bar Fever (Exmouth) Limited

09430376

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

John MASON

7 The Parade, EXMOUTH, Devon, EX8 1RS.

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

Licence No. PA1156

Issued by East Staffordshire



Henry Gordon Lennox

Strategic Lead - Legal, Licensing and Democratic Services

Licensing Act 2003 Premises Licence

PLWA0283

ANNEXES

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-

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- (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.

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- (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

1. The maximum occupancy figures for inside the premises will be in agreement with the Licensing Authority and Devon and Somerset Fire and Rescue Service, based on the fire safety issues, available floor space and the sanitary accommodation available.
2. Door Supervisors
 - a. Will be correctly registered with the SIA
 - b. Will display a correct name badge
 - c. Will carry proof of registration
 - d. Will be used as 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. Where there are 5 or more door supervisors, at least one of these will be female.
3. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.
4. Alcoholic drinks will only be consumed inside the premises.
5. No customers carrying open or sealed bottles or glasses will be admitted to the premises at any time.
6. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.
7. All bottles and glasses will be removed from public areas as soon as they are finished with or empty.
8. All instances of crime and disorder will be reported to the police via CCTV or radio.
9. The capacity figure will be based on advice from the Police, Fire or local authority.
10. Door supervisors may be required to ensure the capacity limits are controlled.
11. A proof of age policy to the satisfaction of the Police and the Local Authority will be in place Photo ID only, No ID, No sale policy.

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12. A secure facility to store controlled drugs will be available.
13. Crime prevention notices will be displayed warning customers of the prevalence of crime which may target them, e.g. 'bags should not be left unattended', 'watch out for pickpockets'.
14. A detailed 'customer code of conduct' poster will be displayed warning customers that if they act in an inappropriate manner, they could be barred from all licensed premises in the vicinity.
15. Any restrictions on the admission of children to the premises will be displayed outside the premises.
16. Membership of the local Licensees Association will be maintained and a representative will attend meetings and participate in all initiatives.
17. A policy will be in force for the management of large groups, e.g. hen and stag parties. The group will be required to nominate a responsible person to liaise with staff.
18. A secure area for customer's personal belonging will be made available.
19. There will be a 30 minute drinking up time prior to the premises closing when alcoholic beverages will not be supplied and house lights will be turned up and the music played at a reduced level.
20. Where temporary electrical equipment is to be used, a suitable circuit breaker device will be installed to cove this equipment. The circuit breaker should operate at a current not exceeding 30mA and should comply with BS 4293. The device will be tested monthly and tests will be recorded.
21. The gas system including appliances will be inspected and tested by a Gas Safe registered engineer annually and a satisfactory Gas Safety Certificate will be obtained.
22. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
23. Free drinking water will be available at all times.
24. When disabled people are present, adequate arrangements will exist to enable their safe evacuation in the event of an emergency.
25. An appropriate method for checking the number of people entering and leaving the premises will be employed and steps will be taken so that, once the maximum occupancy is reached, no further persons are admitted. The method employed is an electronic counting system.
26. The air management system within the premises will be used during entertainment, as there will be insufficient ventilation when all windows and doors are closed, to prevent noise break out.
27. Special effects such as strobe lighting, smoke, foam, lasers, pyrotechnics, dry ice or bubbles will not be used unless full safety controls are put in place and prior to consideration of guidance and/or following consultation with the Environmental Health Service.
28. At all times there will be adequate first aid arrangements.
29. An adequate and appropriate supply of first aid equipment and materials will be available for the use of patrons.
30. Gangways, exit routes and steps will be maintained in good order with non-slippery and even surfaces, edges of steps and staircases will be conspicuously marked.
31. Where glazing forms part of windows, walls or partitions below waist height it will be constructed of safety materials.
32. Where glazing forms part of a door or side panel at below shoulder height it will be constructed of safety materials.
33. Sufficient numbers of door staff/stewards who are suitably trained will be provided on the premises, depending on the activities or entertainment taking place on site and the likelihood of overcrowding.
34. All staff will receive suitable training as to what to do in an emergency and in general safety

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- precautions.
35. The manager or senior member of staff check the premises prior to opening to ensure there are no risks to patrons and that all safety precautions are in place.
 36. The provision of plastic glasses and bottles will be reviewed depending on the type of entertainment provided, the number and behaviour of patrons attending.
 37. A means of addressing patrons during operating hours, which can be heard above entertainment, or a means of interrupting the entertainment to make important safety announcements will be available.
 38. Lasers will not be used on the premises without prior consultation with the Environmental Health Service, and compliance with HS(G) 95.
 39. The patrons/audience will not be exposed to an event Leq 107dB(A) and the peak sound pressure level should not exceed 140 dB. Where the event Leq is likely to exceed 96 dB(A).
 40. All external doors and windows will be kept shut, other than for access and egress in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise.
 41. Suitable signage at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.
 42. Patrons will be asked not to stand around talking in the street outside the premises and asked to leave the vicinity quickly and quietly.
 43. An announcement will be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.
 44. A noise limiting device will be installed, fitted and maintained in such a manner as to control all sources of amplified music from the premises.
 45. Door staff will be positioned at exits particularly at closing time.
 46. The emergency exits are well fitted and are kept shut during opening hours.
 47. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
 48. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/ entertainment and periodically throughout the activity/entertainment.
 49. Management will control the sound levels of the music/entertainment.
 50. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.
 51. The delivery of goods is restricted to the normal working day.
 52. The delivery of goods will be limited in number and/or frequency.
 53. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
 54. Bottles and skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal working hours.
 55. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting and lockable lid.
 56. Facilities for depositing litter and the collection of litter generated by patrons will be available and maintained where outside areas are provided for the use of patrons.
 57. Advertising of events that contain nudity and or striptease will be agreed with the Licensing

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Authority.

58. No person under 18 will be admitted onto the premises whilst nudity and striptease are taking place.
59. Physical contact will not be permitted between performers, staff and customers.

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

1. Door Supervisors must be in attendance at the premises on opening until 30 minutes after the end of permitted opening hours except when regulated entertainment or the sale of alcohol will not extend past midnight or when the premises or part thereof is hired for a function to which the public are not admitted.
2. 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.
3. Radios will be used to provide two way communication between licensees, the police and other licensed premises.
4. Radios used to provide two way communication between licensees, the police and other licensed premises will be maintained in working order at all times.
5. The radios and equipment used to provide two way communication between licensees, the police and other licensed premises will be on at all times the premises are open to the public, and will be monitored by the Designated Premises Supervisor or other responsible staff member.
6. The electrical system, including portable appliances will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is registered with the ECA or NICEIC.
7. There must be in place an adequate system of control to ensure that the permitted numbers on both balconies is never exceeded.
8. The 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.
9. 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.
10. All Door Supervisors must only be engaged in duties relating to the safety and welfare of the public on the premises and for controlling ingress and egress to the premises.

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



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ANNEXES continued ...

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The extent of the areas within which the various licensable activities are permitted are as shown hatched **RED** or as shown marked Bar and outlined in **GREEN**, on the plan deposited with and approved by the Licensing Authority.



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East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

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

Fever

7 The Parade, EXMOUTH, Devon, EX8 1RS.

Telephone 01395 489328

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- 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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	11:00am	10:00pm
B. Exhibition of films (Indoors)	Monday to Thursday & Sunday	11:00am	10:00pm
	Friday & Saturday	11:00am	11:00pm
C. Indoor sporting event	Monday to Sunday	10:00am	10:00pm
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	11:00am	11:00pm
E. Performance of live music (Indoors)	Monday to Sunday	10:00am	1:00am
F. Playing of recorded music (Indoors)	Monday to Thursday & Sunday	10:00am	2:30am



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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	continued ...		
	Friday & Saturday	10:00am	3:30am
	Non Standard Timings:		
	An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am..		
	Bank Holiday Sundays	10:00am	3:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday	7:00pm	2:00am
	Friday & Saturday	7:00pm	3:00am
	Sunday	7:00pm	1:00am
	I. Late night refreshment (Indoors)	Monday to Sunday	11:00pm
J. Supply of alcohol for consumption ON the premises only	Monday to Thursday & Sunday	10:00am	2:00am
	Friday & Saturday	10:00am	3:00am
	Non Standard Timings:		
	An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am..		
	Bank Holiday Sundays	10:00am	3:00am
	Applies to every May, Spring, Easter and August Bank Holiday Sundays.		
New Year's Eve	10:00am	2:00am	
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	2:30am
Friday & Saturday	10:00am	3:30am
Non Standard Timings:		
An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2am..		
Bank Holiday Sundays	10:00am	3:30am
Applies to every May, Spring, Easter and August Bank Holiday Sundays.		
New Year's Eve	10:00am	2:30am
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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

- J. Supply of alcohol for consumption ON the premises only



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
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Premises Licence Summary

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NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Bar Fever (Exmouth) Limited Rockfield Business Park, Old Station drive, Leckhampton, Cheltenham, Gloucestershire, GL53 0AN.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Bar Fever (Exmouth) Limited

09430376

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

John MASON

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

Not applicable

Henry Gordon Lennox

Strategic Lead - Legal, Licensing and Democratic Services



REPRESENTATIONS LIST

APPENDIX D

Application No: 038794

Application Date: 25 February 2015

Licence Type: Premises Licence WITH Alcohol

Licence No: PLWA0283

Application Type: Variation Application

Premises: Fever

7 The Parade, EXMOUTH, Devon, EX8 1RS.

Applicant: Bar Fever (Exmouth) Limited

4 Rockfield Business Park, Old Station drive, Leckhampton, Cheltenham, Gloucester:

Person making Representation: John Gibbon

Flat 3, 5 Parade, EXMOUTH, Devon, EX8 1RS.

Representation Accepted: Representation has been accepted

Reason: N/A

Details:

I wish to object to the above planning application on the basis that it will create a public nuisance.

I live next door to the above property. at Flat 3, 5 the Parade. The noise from the club is currently a loud base thudding which penetrates the walls of my flat. This is frequently accompanied by loud music or shouted conversations when they open the rear door of 7 Parade, and shouting and arguments and screaming on the street, when drunken customers leave the premises. Several times I have been woken by these screams, thinking that someone may be in a life threatening situation. All this prevents me from sleeping properly on three days a week, in either the front or rear bedroom of my flat, and this is affecting my health. It is a blessed relief when the noise finally stops at 2 00am. To extend this nuisance to 3:30am seems intolerable in a residential area.

Evidence:

Suggestion:

Fever, 7 The Parade, Exmouth – Responses to Notice of Hearing

Applicant

Bar Fever (Exmouth) Limited, 4 Rockfield Business Park, Old Station Drive, Leckhampton, Cheltenham, Gloucestershire, GL53 0AN	
Hearing Unnecessary	N/a
Attending	Yes: Nigel Blair – Director of Bar Fever (Exmouth) Limited Andrew Woods – Woods Whur Solicitors
Supporting documents	None
Summary of key points	None

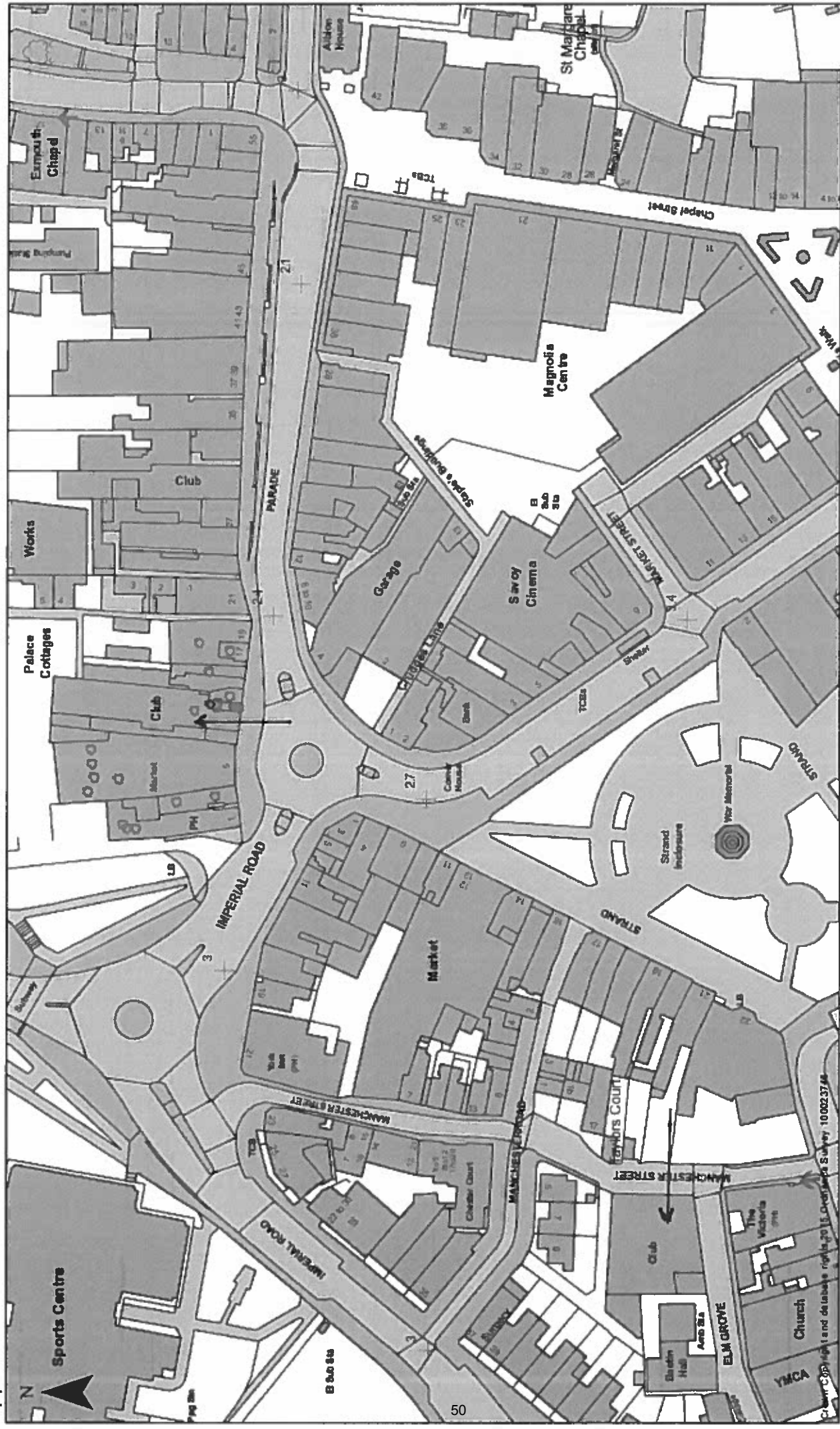
Responsible Authorities & Interested Parties

1.	Mr J Gibbon, Flat 3, 5 The Parade, Exmouth, EX8 1RS
Hearing Unnecessary	No
Attending	Yes
Supporting documents	None
Summary of key points	<p>Yes:</p> <p>Initially I received assurances that the new owners has given assurances that they would keep the noise down.</p> <p>However this has not been the case.</p> <p>I would like to be present at the hearing and will raise an objection to the extension of club hours to 3:30.</p> <p>I am going to object on three grounds.</p> <ol style="list-style-type: none"> 1. There is a constant and intolerably loud thumping which penetrates my bedroom at the back of my flat from 9:30 to 3:30 in the morning, four days a week. This prevents me from sleeping properly and it is a blessed relief, when it stops at 3:30 in the morning. 2. On three occasions since the club opened, I have been woken up at 2:30 or thereabouts by the rear door being opened, whereupon the intolerably loud thumping intensifies, accompanied by music and shouting, and on two occasions people talking in loud voices at 2:30 in the morning. I did shout downstairs for the door to be closed on one occasion and the door was slammed shut. This noise always wakes me up and it is difficult to get back to sleep afterwards. I went

APPENDIX E

	<p>downstairs at 2:30 to complain about the rear door last Monday and the doormen were very polite, saying that the doors should not be open, but the noise continues.</p> <p>3. There is continuous loud noise and on three nights I heard shouting and swearing from a 'street party' of about a dozen smokers, in the cordoned-off area, on the pavement outside the front of the club. This is always very loud when the club is busy and prevents me from sleeping in the bedroom at the front of the property. I don't think the club can do very much about this noise as, after listening to loud music and drinking a lot of alcohol, people are invariably loud, even when they are not shouting or swearing.</p>
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Appendix F



Location of Fever & Q Club

1:1,224

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East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

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

Q Club (The)

Elm Grove, EXMOUTH, Devon, EX8 1DJ.

Telephone 01395 265333

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- a performance of live music
- any playing of recorded music
- a performance of dance
- 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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
B. Exhibition of films (Indoors)	Monday & Tuesday	7:00pm	2:00am	
	Wednesday	7:00pm	3:00am	
	Thursday	7:00pm	2:00am	
	Friday	7:00pm	3:00am	
	Saturday	7:00pm	3:30am	
	Sunday	Noon	2:00am	
	Bank Holiday Sundays	Noon	3:00am	
	Applies to Easter, May, Spring & August Bank Holiday Sundays.			
	New Year's Eve-On a Sunday		Noon	Midnight
	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 Eve-Except Sundays		7:00pm	Midnight	
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
Non Standard Timings:				
An extra one (1) hour added to the end of permitted hours on the Saturday when British				

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
B. Exhibition of films (Indoors) continued ...	Summer Time begins when the normal permitted hours extend beyond 2 am.		
E. Performance of live music (Indoors)	Monday & Tuesday	7:00pm	2:00am
	Wednesday	7:00pm	3:00am
	Thursday	7:00pm	2:00am
	Friday	7:00pm	3:00am
	Saturday	7:00pm	3:30am
	Sunday	Noon	2:00am
	Bank Holiday Sundays	Noon	3:00am
	Applies to Easter, May, Spring & August Bank Holiday Sundays.		
	New Year's Eve-On a Sunday	Noon	Midnight
	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 Eve-Except Sundays	7:00pm	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	Non Standard Timings:		
	An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.		
F. Playing of recorded music (Indoors)	Monday & Tuesday	8:00pm	2:00am
	Wednesday	8:00pm	3:00am
	Thursday	8:00pm	2:00am
	Friday	8:00pm	3:00am
	Saturday	8:00pm	3:30am
	Sunday	Noon	2:00am
	Bank Holiday Sundays	Noon	3:00am
	Applies to Easter, May, Spring & August Bank Holiday Sundays.		
	New Year's Eve-On a Sunday	Noon	Midnight
	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 Eve-Except Sundays	8:00pm	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	Non Standard Timings:		
	An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.		
G. Performance of dance (Indoors)	Monday & Tuesday	7:00pm	2:00am
	Wednesday	7:00pm	3:00am
	Thursday	7:00pm	2:00am
	Friday	7:00pm	3:00am
	Saturday	7:00pm	3:30am
	Sunday	Noon	2:00am
	Bank Holiday Sundays	Noon	3:00am

Licensing Act 2003 Premises Licence Summary

PLWA0539

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
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G. Performance of dance (Indoors) continued ...

Applies to Easter, May, Spring & August Bank Holiday Sundays.
 New Year's Eve-On a Sunday Noon Midnight
 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 Eve-Except Sundays 7:00pm Midnight
 And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Non Standard Timings:
 An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.

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

Monday & Tuesday	7:00pm	2:00am
Wednesday	7:00pm	3:00am
Thursday	7:00pm	2:00am
Friday	7:00pm	3:00am
Saturday	7:00pm	3:30am
Sunday	Noon	2:00am
Bank Holiday Sundays	Noon	3:00am

Applies to Easter, May, Spring & August Bank Holiday Sundays.
 New Year's Eve-On a Sunday Noon Midnight
 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 Eve-Except Sundays 7:00pm Midnight
 And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Non Standard Timings:
 An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.

I. Late night refreshment (Indoors)

Monday & Tuesday	11:00pm	2:00am
Wednesday	11:00pm	3:00am
Thursday	11:00pm	2:00am
Friday	11:00pm	3:00am
Saturday	11:00pm	3:30am
Sunday	11:00pm	2:00am
New Year's Eve	11:00pm	5:00am
Bank Holiday Sundays	11:00pm	3:00am

Applies to Easter, May, Spring & August Bank Holiday Sundays.
 Non Standard Timings:
 An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.

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

Monday & Tuesday	8:00pm	2:00am
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Licensing Act 2003 Premises Licence Summary

PLWA0539

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...			
	Wednesday	8:00pm	3:00am
	Thursday	8:00pm	2:00am
	Friday	8:00pm	3:00am
	Saturday	8:00pm	3:30am
	Sunday	Noon	2:00am
	Bank Holiday Sundays	Noon	3:00am
	Applies to Easter, May, Spring & August Bank Holiday Sundays.		
	New Year's Eve-On a Sunday	Noon	Midnight
	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 Eve-Except Sundays	8:00pm	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	Non Standard Timings:		
	An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday & Tuesday	10:00am	2:30am
Wednesday	10:00am	3:30am
Thursday	10:00am	2:30am
Friday	10:00am	3:30am
Saturday	10:00am	4:00am
Sunday	10:00am	2:30am
Bank Holiday Sundays	10:00am	3:30am
Applies to Easter, May, Spring & August Bank Holiday Sundays.		
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Non Standard Timings:		
An extra one (1) hour added to the end of permitted hours on the Saturday when British Summer Time begins when the normal permitted hours extend beyond 2 am.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

[Redacted Name and Address]





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Fever
Licensing Sub Committee 22/04/2015

1:612

Map Tile: SY0081SW Full Reference: SY00093 81083

