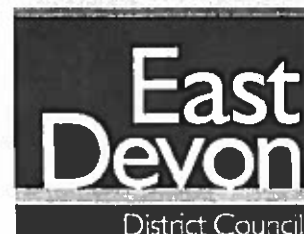


Date: 3 August 2009
Contact number: (01395) 571544
E-mail: clane@eastdevon.gov.uk
Our Reference: Christopher Lane
Your Reference: CL



To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Chris Gibbings, Pat Graham and Jim Knight)
Remaining members of the Licensing and Enforcement Committee
for information)

Head of Legal, Licensing & Democratic Services – For information
Senior Licensing Officer
Assistant Solicitor
All parties to the hearing

East Devon District Council
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Sidmouth
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Meeting of the Licensing & Enforcement Sub-Committee

Tuesday 11 August 2009 at 9.30 am Council Chamber, Knowle, Sidmouth

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. 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). Visitor car parking is available at the top of the drive outside the main reception area.

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

A G E N D A

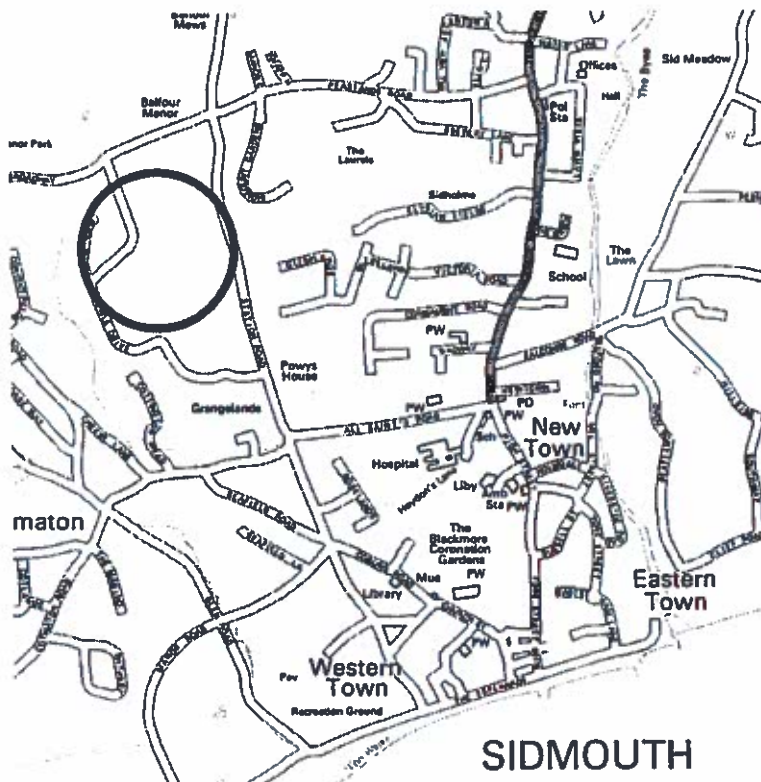
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|--|---------------------------------|
| 1. To receive the minutes of the meetings held on 16 June and 9 July 2009. | 3 - 8 |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. | |
| (Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting). | |
| 4. To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way). | |
| 5. Application for the grant of a premises licence under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale of alcohol for consumption both on and off the premises at Redwings, Lypstone | Senior Licensing Officer 9 -112 |

		Pages
6.	Application for the grant of a premises licence under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale of alcohol for consumption both on and off the premises at Sidmouth Rugby Club, Sidmouth.	Senior Licensing Officer 113-141
7.	Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary.	Senior Licensing Officer 142-144

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. Parking is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:
From Exmouth, Budleigh, Otterton and Newton Poppleford – 157

The following buses all terminate at the Triangle in Sidmouth, From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B
From Honiton – 340 (Railway Station), 387 (Town Centre)
From Seaton – 52A, 899
From Ottery St Mary – 382, 387

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 16 June 2009

Present: Councillors:
Graham Godbeer (Chairman)
Chris Gibbings (Vice Chairman)
Steve Hall

Officers: Ian Carter - Senior Licensing Officer
Giles Salter – Assistant Solicitor
Chris Lane - Democratic Services Officer

The meeting started at 9.30 am and finished at 10.10 am.

*4 **Application to grant a Premises License under the Licensing Act 2003 at Musbury Garage, Marlborough Road, Musbury Mary**

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale by retail of alcohol for consumption on and off the premises at Musbury Garage, Marlborough Road, Musbury.

The Chairman identified members of the Sub Committee, Officers and applicants. There were no interested parties present. The applicant was Mr Rinaldi, represented by Mr Graham Gover, Solicitor.

The Applicant's case at the hearing was the premises formed part of a garage which consisted of a petrol sales operation, a car hire business and a workshop. The applicant was expanding the petrol kiosk to absorb the space made available by an empty car sales unit. The enlarged kiosk would therefore contain a space for the sale of convenience goods, including alcohol, under the banner of the SPAR franchise. The applicant wanted to make it clear to the Sub Committee that whilst the shop should sell branded goods it remained an independent family business. Alcohol sales were a small but essential part of that business.

The Police had visited and inspected the premises and had not chosen to impose any further conditions. The applicant considered that the conditions at Appendix D to the report set out the way in which he wished to responsibly manage the sale of alcohol at the premises. He then addressed the issues raised by interested parties. Firstly, public safety; the applicant stated that the parking and movement of cars at the premises was not an issue to be conditioned.

Secondly, public nuisance; addressing concerns of on-street drinking, the applicant pointed the Sub Committee to the conditions set out at Appendix D and the staff training that would be given. There were two licensed premises selling off sales in the village currently, the Post Office and the Golden Hind pub and there was no evidence that the concerns interested parties had raised had manifested themselves in the village currently. If they had then the Police would have raised their concern and made representations. Lastly, protection of children from harm; the conditions volunteered dealt with the representations made.

*4

Application to grant a Premises Licence under the Licensing Act 2003 at Musbury Garage, Marlborough road, Musbury (Cont)

The Sub Committee carefully considered the application for a Premises Licence under the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy, and the Human Rights Act 1998 in making their decision.

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 they had heard regarding the history of the premises, they considered that the establishment would be well managed and controlled with good policies in place and adequately supervised from line management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, or risk to children arising from the current operation of the premises. This was because of a lack of evidence of a history of complaints to the statutory authorities. They did however; take into account the concerns of local residents about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonably late.

At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested.

All parties were reminded of the closure and review powers which the Government brought into force on 24 November 2005. Premises which do 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.

RESOLVED 1): that the Premises Licence be granted with the following conditions:

(a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.

(b) The conditions will now be as shown in Appendix D.

2) that the Designated Premises Supervisor would be Mr Rinaldi of Hideaway, Spring Head Road, Uplyme, Lyme Regis, DT7 3UG.

*5

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

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

RESOLVED that the applications be granted as applied for subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

*5

Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary (Cont)

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	East Devon Tennis Centre, Exmouth	<p>Following mediation the applicant and East Devon District Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the operating schedule being amended to include the following conditions:</p> <ol style="list-style-type: none"> 1. No music or amplified sound to be played except within the fitness suite and bar area and then not later than 21.00 hours on any day of the year unless the applicant has first submitted a comprehensive noise report detailing noise containment and materials to be used to acoustically insulate the licensed premises, and a noise limiter installed in each room and the levels to be set by an Environment Health Officer for Pollution from East Devon District Council. 2. The designated smoking area to be the small patio immediately adjoining the fitness suite (this applies now under the existing provisions for use of the building) 3. Customers will be asked not to stand around talking in the street outside the premise or car park and will be asked to leave the vicinity quickly and quietly 4. Suitable signage will be displayed at the patio entrance requesting patrons to respect the amenities of local residents (There are no garden areas within the control of the applicant) 5. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible
Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Windmill Garage, Offwell, Honiton, EX14 9RP	<p>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.</p> <p>The application be approved as submitted subject to:</p> <ol style="list-style-type: none"> 1. The reduction of hours for Licensable Activities from 24 hours to 5 am to 12 Midnight daily.

Application for a Variation of a premises licence to be granted	Hare and Hounds, Putts Corner, Sidbury, Sidmouth, EX10 0QQ.	<p>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.</p> <p>The application be approved as submitted subject to:</p> <ol style="list-style-type: none"> 1. The areas marked on the submitted plan as rear car park, front car park and beer garden will be for the consumption of alcohol only.

Chairman

Date

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Wednesday 8 July 2009

- Present:** Councillors:
Graham Godbeer(Chairman)
Chris Gibbings (Vice Chairman)
- Also present:** Councillor
David Atkins
- Officers:** Ian Carter – Senior Licensing Officer
Chris Lane - Democratic Services Officer
- Apologies** Councillor:
Steve Hall

The meeting started at 9.30 am and finished at 9.35 am.

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

Consideration was given to the report of the Senior Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

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

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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	Sidholme Hotel, Elysian Fields, Sidmouth, EX10 8UJ	Following mediation the applicant and the Interested Parties have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The proposed operating schedule be amended to include the following conditions.

		<ol style="list-style-type: none"> 1. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists. 2. The licence holder must ensure that when functions are taking place at the premises staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Chairman

Date

Agenda Item

Licensing & Enforcement Sub Committee

11 August 2009

Application for a premises licence to be granted under the Licensing Act 2003

Summary

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

Recommendation

That members consider the application for a premises licence to be granted under the Licensing Act 2003 - To permit the provision of regulated entertainment, entertainment facilities and late night refreshment and the sale of alcohol for consumption both on and off the premises at The Redwing Inn, Church Road, Lypstone, Exmouth, EX8 5JT.

a) **Reasons for Recommendation**

To comply with statutory processes.

b) **Alternative Options**

To either grant, refuse or modify the application.

c) **Risk Considerations**

None

d) **Policy and Budgetary Considerations**

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made today.

e) **Date for Review of Decision**

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1 Description of Application

- 1.1 An application has been received from Redwing Inn Ltd for the grant of a premises licence at Redwing Inn, Church Road, Lypstone, Exmouth EX8 5JT.
- 1.2 The premises are located within a residential area within the village of Lypstone. The premises were previously a pub and are currently being refurbished to provide areas for public trade on the ground floor with a lounge and public bar, on the first floor with a restaurant area and outdoors with a patio and beer garden.
- 1.3 Until May 2008 the premises benefited from Premises Licence PLWA0245 when it was surrendered by the premises licence holder. The licence authorised the provision of live music indoors and

outdoors, the provision of facilities for making music and dancing and authorised the sale of alcohol for consumption on & off the premises. A copy of the licence is attached at **Appendix I**.

- 1.4 A plan of the premises will be available at the meeting to show the layout of the establishment and the areas of licensable activity.
- 1.5 The timings and licensable activities originally applied for are produced in table form at **Appendix A**.

Mediation Meeting & Amended Application

- 1.6 Mediation has taken place between the applicant and the Police which has resulted in an agreed position being reached. The agreed position includes a reduction in hours for some licensable activities and the addition of two conditions to the operating schedule requiring the closure of the beer garden and patio. These amendments are included within **Appendix B** and **Appendix E**. There is at the time of writing however some confusion over the extent of the agreed position with regard to the timings for Christmas Eve, New Year's Eve and Bank Holiday Friday & Saturday. The disputed timings have therefore remained unaltered within the appendix and the applicant will bring evidence of the full agreed position to the hearing.
- 1.7 A mediation meeting chaired by the Licensing Authority and attended by the Applicants, twenty three Interested Parties and the Council's Environmental Health Service was held at Lypstone Village Hall on 28 July 2009. As a result of this meeting the applicant has further amended the application by removing the request for the performance of live music outdoors and offering additional conditions. The additional conditions are listed within **Appendix E**.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representations received see **Appendix C**
- 2.2 Devon 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
Representations received see **Appendix C**.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from twenty eight (28) interested parties. Details of the representations are attached at **Appendix C**.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

4 Proposed Operating Schedule

- 4.1 The applicants have prepared an Operating setting out the steps they propose to take, including those additional conditions agreed through mediation, to promote the licensing objectives. A copy of

the proposed Operating Schedule, numbered for ease of reference is attached at Appendix E.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 2.1 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 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.
- 5.2 Section 2.2 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 5.3 Section 2.3 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.4 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 The **Guidance** issued under Section 182 Licensing Act 2003 also 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 necessary 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 necessity, 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 necessary 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 necessary 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 necessary to impose the same or similar duties.

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. However, when issuing a licence with licensing 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. There is no presumption within the legislation for longer opening hours and the licensing objectives are paramount in any consideration of an application.
- 5.7 Section 6.3 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.

Entertainment

- 5.8 Section 13.1 of the Policy states: The licensing authority recognises that, as part of implementing its cultural strategy, proper account will be taken of the need to encourage and promote entertainment including live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

Nuisance

- 5.8 Section 17.1 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.

6. Observations

- 6.1 The application being considered is for the grant of a Premises Licence to permit :
- the performance of live music
 - the playing of recorded music
 - the provision of facilities for making music
 - the provision of facilities for dancing
 - the provision of late night refreshment
 - the supply of alcohol for consumption on and off the premises
- 6.2 The Police originally made representations but have reached an agreed position with the applicants.
- 6.3 Representations remain from the Council's Environmental Health service and interested parties who believe that if the licence is granted it will fail to promote all four licensing objectives.
- 6.4 The representations received show there are concerns that there may be traffic noise from the premises and the highway and that the number of vehicles will present parking problems and may lead to safety issues for highway users. Concern has also been expressed over noise from the premises and patrons and the potential for disorderly & criminal behaviour from people attending & leaving the establishment. Problems from cooking smells and lighting have also been raised.
- 6.5 From an inspection of the representations the main areas of concern are the lateness of the hours proposed and noise from music and patrons. Reference is also made to the problems of noise that has occurred in the past under the previous licence.
- 6.6 Attached at **Appendices G & H** are copies of the current premises licences for the Globe Inn and the Swan Inn Lympstone both of which are referred to within the interested parties' representations.
- 6.7 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. To assist the Sub Committee a set of conditions have been prepared at **Appendix F** that members may wish to consider having heard from both the applicant and the interested party. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants intentions but offer a more concise and enforceable operating schedule.

Legal Implications

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 interested parties 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

No alcohol may be supplied unless there is a designated premises supervisor who also holds a personal licence.

Every supply of alcohol under a premises licence must be made or authorised by a personal licensee

(b) Section 20 - Mandatory condition relating to exhibition of films-not relevant in this case

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.

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 as 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 those living or running businesses in the vicinity of the premises, 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 effected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Originally requested times and activities in table form
- Appendix B – Requested times and activities in table form
- Appendix C – Details of representations received
- Appendix D – Details of responses to the Notice of Hearing
- Appendix E – Applicants proposed Operating Schedule
- Appendix F – Items for consideration
- Appendix G – Copy of Premises Licence PLWA0103 Globe Inn, Lymestone
- Appendix H – Copy of Premises Licence PLWA0107 Swan Inn, Lymestone
- Appendix I – Copy of Premises Licence PLWA0245 Redwing Inn, Lymestone
- Appendix J – Location Plan

Background Papers

- Licensing Application dated 11 June 2009
- The District Council's Statement of Licensing Policy

Ian Carter ext 2080
Licensing Officer

Licensing & Enforcement Sub Committee
11 August 2009

APPENDIX A

Courtlands House

Original Proposed Timings

	e) Performance of live music (indoors & Outdoors)	f) Playing of recorded music (indoors)	g) Provision of facilities for making music (indoors & outdoors)	h) Provision of facilities for dancing (indoors)	i) Late night refreshment (indoors & outdoors)	m) sale of alcohol for consumption on and off the premises	Hours premises are open to the public
Monday	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Tuesday	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Wednesday	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Thursday	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Friday	10.00am - 12.30am	10.00am - 12.30am	10.00am - 12.30am	10.00am - 12.30am	11.00pm - 12.30am	10.00am - 12.30am	8.00am - 1.00am
Saturday	10.00am - 12.30am	10.00am - 12.30am	10.00am - 12.30am	10.00am - 12.30am	11.00pm - 12.30am	10.00am - 12.30am	8.00am - 1.00am
Sunday	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	10.00am - Midnight	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Christmas Eve	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am
New Years Eve	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am
Bank Holiday Friday & Saturday	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am

Courtlands House

Amended Proposed Timings

	e) Performance of live music (indoors)	f) Playing of recorded music (indoors)	l) Provision of facilities for making music (indoors)	j) Provision of facilities for dancing (indoors)	l) Late night refreshment (indoors & outdoors)	m) sale of alcohol for consumption on and off the premises	Hours premises are open to the public
Monday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Tuesday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Wednesday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Thursday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Friday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - 12.30am	10.00am - 12.30am	8.00am - 1.00am
Saturday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - 12.30am	10.00am - 12.30am	8.00am - 1.00am
Sunday	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	10.00am - 11.30p.m	11.00pm - Midnight	10.00am - Midnight	8.00am - 12.30am
Christmas Eve	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am
New Years Eve	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am
Bank Holiday Friday & Saturday	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	10.00am - 1.00am	11.00pm - 1.00am	10.00am - 1.00am	8.00am - 1.30am

Application No: 024321 **Application Date:** 12 June 2009
Licence Type: Premises Licence WITH Alcohol **Licence No:** N/A
Application Type: New Application

Premises: Redwing Inn (The)
 Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Applicant: Redwing In Ltd
 2 Barnfield Crescent, Exeter, Devon, EX1 1QT.

Person making Representation: A J Robertson
 3 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details:

The premises are situated within narrow roads making noise echo at a late hour.

Car parking is not sufficient putting cars onto the public car park and then into neighbouring streets. Driveways will be blocked and noise will be caused by people leaving the premises. All this occurred when the Inn was opened previously.

It seems to me that the applicant is trying to create a nightclub within the village and not just a village pub. This is totally unacceptable.

Where I live noise comes across the field and can be heard very clearly again as in the past.

Evidence:

Suggestion:

I would be happy with the following - Monday to Thursday and Sunday no later than 11:30pm. Friday and Saturday no later than midnight. Christmas and New Year no objections. These hours for the sale of alcohol and music and dancing.

Person making Representation: Thomas Walter
 24 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details:

Main objection - opening hours and noise from live music

Evidence:

Suggestion:

Reduced opening hours. There should be no music in the beer garden.

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Phyllis Turner
DINGLES, 3 Church Road, LYMPSTONE, EXMOUTH, Devon, EX8 5JU.

Representation Accepted: Representation has been accepted

Reason:

Details: When you are considering this licence, I do hope that you will bear in mind that the Redwing Inn is situated in a residential area.
When there is music outdoors at the Redwing the sound carries to my house, which is 8 houses away from the Inn, just as if it is being played on my premises.
This is barely tolerable during the daytime, let alone the hours requested in the application.
The hours requested for consumption of alcohol, with the inevitable noisy departure of clients, are also rather long in my opinion.

Evidence:

Suggestion:

Person making Representation: P J Finney
VARNES EAST WING, Church Road, LYMPSTONE, EXMOUTH, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: We live at Varnes, right opposite the Redwing pub, and have done so happily for the last ten years. We are writing with respect to the Application for a Premises Licence.
In the past the live music performances at the pub, which normally took place on Tuesdays and Fridays, were held at the end of the pub away from us (the 'downhill' end) and the music stopped at just gone 11.00pm. Though we heard the noise to some extent, the fact that the music was at the other end of the pub meant that the level of noise was acceptable, and we never had reason to complain.
Since the new owners have taken over the pub and the building has been revamped, the situation will be very different for us and will be much worse from the noise viewpoint. This is because, as far as I understand, the location of the live music is to be changed to the 'uphill' end of the pub, to the room right opposite our sitting room and bedroom. If this was not bad enough, we see from the licence application that, if granted, live music will be able to be played every day of the week: from 10:00am to midnight on five of the seven days and from 10:00 am to 12.30am on Fridays and Saturdays.
We run a small B&B business, which I am afraid is not compatible with live music any time after 11.00pm, the time that the music stopped under the Redwing's previous management. This is a residential area in a small village: surely it is not too much to ask that live music is not played after 11pm?
We have no wish to be unreasonable, and have no objection to the opening hours: it is just the live music that we are objecting to, in order that we and our B&B guests are not disturbed during the early part of the night.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Environmental Health Officer
East Devon District Council, Knowle, Sidmouth.

Representation Accepted: Representation has been accepted

Reason:

Details: I have considered the proposal along with the proposed operating schedule. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.

1. The proposed outdoor musical entertainment is likely to result in public nuisance. Any music outside is likely to cause noise disturbance at nearby noise sensitive locations in a residential area.
2. The use of the outdoor licensed area until the proposed terminal hour is likely to result in public nuisance.

Evidence:

Suggestion: It is possible that following further discussions with the applicant, amendments can be made to the operating schedule to introduce the safeguards I would like to see and this would enable me to then withdraw this representation. However, for the time being I recommend that if the Licensing and Enforcement Committee is minded to grant this licence, the following conditions ought to be imposed in order to prevent public nuisance .

1. No live music shall be played in the garden at any time.
2. Customers must be asked not to stand around talking in the street outside the premises or car park and will be asked to leave the vicinity quickly and quietly.
3. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
4. The use of the beer garden shall cease at 2100hrs.
5. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible.

Person making Representation: Tim Gibson
FUCHSIA COTTAGE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: In common with many residents of Lympstone I welcome the return of The Redwing but I am very concerned about the terms of the license application - namely, the issue of open hours. It would appear, with the 30 mins added to the ending of a licensed activity (music, dance, eating indoors and outdoors) that the actual closing times applied for are 12.30am Mon to Thurs and Sun and 01.00am Fri and Sat with a further extension for bank holiday weekends, Christmas etc. I believe these hours are inappropriate for a densely populated residential street in a normally peaceful village setting. Church Road is home to elderly residents and working families with children alike. Many properties are situated within yards of the pub and car park and, beyond that, there is the issue of traffic movements and noise. Many dwellings front almost directly onto the street. The prospect of clients leaving, notwithstanding signs urging respect for local residents, finishing conversations, closing car doors, starting engines and driving away at 12.30+ midweek and 1am+ weekends is deeply troubling. Not only that but I understand that clients will be able to ARRIVE as late as 12.30am for takeaway food. I reiterate, I welcome the return of the pub and if the licensing/closing hours were to be an hour to 90 mins shorter (eg - midweek 11pm and weekend 11.30pm) than those applied for they would be far better suited to this particular environment.

Evidence:

Suggestion: I reiterate, I welcome the return of the pub and if the licensing/closing hours were to be an hour to 90 mins shorter (eg - midweek 11pm and weekend 11.30pm) than those applied for they would be far better suited to this particular environment.

Application No: 024321

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Winifred Martin
4 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details: The Redwing Inn, in the main street of Lymptone, lies in the centre of a residential area. It is situated on the lower south-facing slope of a narrow valley, approximately 100 yards wide, which runs from the River Exe up through the village, widening out before it reaches the A376 and beyond. The valley immediately below the Inn is of grassland and trees, bordered to the North by a tidal brook and to the South by a small stream.

On the North facing slope opposite is a residential area containing approximately 50 houses, Underhill, Underhill Crescent and Close and Church Path. Because of the enclosing hills and railway bank to the West, sound is intensified in this narrow part of the valley, and for many years residents, myself included, have suffered, particularly in summer time, from outdoor music and loud conversations coming from the Redwing Inn under previous licensees.

For many years we endured all-night music from Powderham Castle across the River Exe. This nuisance was only removed after persistent petitioning from villagers nearer the waterfront and in other parts of the of the village. We do not wish to be subjected to further nuisance of this nature.

Indoor music/dancing at the Redwing will not present quite such a nuisance as music outdoors which is mainly during the summer months. The licensing hours outlined in Application 024321, on some occasions extends to 1.30 a.m, This constitutes a nuisance unacceptable to me and many others living in the area.

Parking is also a cause for concern. The parking area adjacent to the Redwing Inn is very limited, while evening/night-time parking in the village street is practically non-existent. The Village car park in Underhill is full during the evening and most nights, particularly during the summer season. The most direct pedestrian access from the Redwing Inn to this car park is via the village street and through a narrow alleyway between cottages opening directly on to the footpath. This leads to a bridge over the tidal brook which runs alongside the carpark. All three exit roads from the village are hills, two of which rise very steeply. The noise at midnight and beyond, of loud chatter and singing as visitors return to their vehicles in the car park followed by the revving up of numerous cars as they approach the steep hills presents an unacceptable nuisance to an even greater number of residents of the lower end of the village.

While accepting that visitors from outside the village are necessary for the viability of the Redwing Inn, I feel it should not be at the expense of the quality of life of so many people in this village. My complaint is therefore against the licensing of music and outdoor activity beyond the hours of 11.30 p.m. with exception of Bank Holidays, Christmas Eve and New Years Eve.

Evidence:

Suggestion: Reduction in permitted hours for outdoor music to 11.30pm with an extension to midnight on Bank Holidays , Christmas Eve and New Years Eve.

Person making Representation: J Martin
8 Meadow Close, LYMPSTONE, exmouth, Devon, EX8 5LQ.

Representation Accepted: Representation has been accepted

Reason:

Details: Many of the residents of Lymptone are not feeling very happy regarding the opening hours of the Redwing. It is quite near to residential property where people should have a right to not have disturbed nights, even inclusion of Sunday late night refreshment indoor and outdoor, live music indoor and outdoor. This is going to change the village like so many places now. People come from outside and do what ever they like. May be this will not be everyone's opinion.

We are constantly reminded we need to change with the times but it depends on one's life style. Not possible to please everyone I guess.

But people who live here over the years are happy the way things are.

We all have a right to our opinion and this is mine.

Why spoil the peace of such a lovely village and the views, a rather special place to enjoy the nature around us.

Please dont let late night drinking, noise and loud music spoil the peace of such a peaceful place which at the moment it is a pleasure to be part of.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: J E Denison
14 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details: I am writing to object to the proposed licensing hours for The Redwing Inn, Lympstone. Other than Christmas and New Years Eve, I would think that 11.30 is a reasonable closing time. We live immediately behind the premises and the noise carries up the hill. As we are mostly retired in this area I dont think it is unreasonable to expect some peace and quiet. Closing times of 12.30am and 1.30am are most unacceptable and I hope you will think very carefully before allowing outside music in what is a now a quiet village.

Evidence:

Suggestion:

Person making Representation: Sandra Buckle
12 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details: I write with regard to the recent application made by the owners of the above establishment. As a Lympstone resident, living near the centre of the village, I wish to raise my objections to some but all of the application. I object strongly to all extensions beyond 12.00am and also to all and any music/dancing on the outside of the premises. Live music outside in this village where the acoustics do not lend themselves to such is entirely inappropriate. The village is East Devon and as such a retirement village with many elderly residents who retire early. The social problems relating to alcohol abuse would increase simply because as a village we are accessible by rail from both Exmouth and Exeter. I would urge all concerned to consider that this request was made purely on the grounds of commercial opportunity and not to improve the facilities of the village for the residents. I look forward to hearing the final decision on the application.

Evidence:

Suggestion:

Application No. 024021

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Ursula Perry
1 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details:

1. The Redwing lies towards the bottom of a southern slope; this estate rises steeply to the south, towards Underhill and Church Path. There is another estate of houses that rise up to the north towards Greenhill Avenue and beyond towards the North East. There are houses to the east and further houses to the West. This leaves the position of the Redwing near the bottom of a valley, and with a field in the immediate vicinity, therefore any noise becomes considerably amplified. This can be confirmed by the noise from previous events. There is further proof of this, whilst the building works are taking place now the noise is clearly heard by me and others.

2. We have experienced in the past live music that has become amplified. Whilst there is a willingness to accept a certain amount of noise; any noise after 22.30 would step over the bounds of acceptability. The noise from the Redwing will interfere with the peacefulness of the village; in particular the elderly, families trying to encourage children to settle and sleep, families that need to rise early for work, even at the weekends.

3. The late night and early mornings closing will bring its own policing problems:-

Car parking -

a. It is unlikely the Redwing car park will accommodate all the cars.

b. There is no parking on the street.

c. Where else is there to park? The village car park will be used, or misused as it often is now.

d. Considerably noise nuisance from the people walking to transport or whilst waiting for transport.

e. The most likely places people will park will be in the streets of surrounding areas without restrictions; therefore disturbing the residents at all hours of the night and early morning.

f. As mentioned there are steep hilly areas around the Redwing, the noise of cars parking and then rewing up in the early hours as they arrive and leave.

g. Taxis arriving and leaving in the early hours

Who is going to police the inebriated clientele as they leave the Redwing and make their way home by whatever means?

The car park toilets will be closed so.....? We have experienced problems with people relieving themselves in other areas and the aftermath of too much to drink or eat that comes up, rather than go down.

4. Can E.D.D.C enforce a restricted licence on the number of days the Redwing can hold late night/early morning functions?

5. What other generally quiet village would allow this sort of facility to open in the ways and times being suggested? This type of facility with the proposed opening times etc is more in line with a facility found in a City or Town centre not a growing family orientated village.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Elizabeth Tooke
ORCHARD DENE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5HL.

Representation Accepted: Representation has been accepted

Reason:

Details: I am writing to object to the above application as I believe it will cause public nuisance to neighbours. The licensing hours proposed are entirely inappropriate for a pub abutting and surrounded by private residential properties in a small rural village. Our property, Orchard Dene, is very close (only 6ft away on one of our boundaries). We are affected by noise from the Beer Garden and Car Park and I wish to object to the application for the following reasons.

1 Premises Open Hours Requested.

I object to the very late and inappropriate open hours as proposed due to the residential nature of the area in which the Redwing is located. Closing times of 12.30 am weekdays & Sunday, 1.00am weekends, and 1.30 am Bank Holidays are too late and are unacceptable in terms of the noise that will be made when people leave especially in the Car Park which is only 8ft away from two of our bedrooms. All the hours referred hitherto will cause a public nuisance.

I note the applicant in the Conditions Offered in Prevention of Public Nuisance intends to display "suitable signs. These will be ineffectual and not 'policed'. People will have been drinking alcohol, their behaviour becoming loud and disinhibited. People living in neighbouring properties have to get up to go to work the next day and should not have their sleep disturbed by noise and alcohol fuelled behaviour. Such disturbance would have an adverse impact on neighbours' health. If the Redwing was situated in London the hours proposed by the applicant would be more appropriate but not the residential area in which the Redwing is situated.

2 E. Performance of live music (Indoors & Outdoors)

I strongly object to the application for live music to be played outdoors and this indeed will cause gross public nuisance. I also strongly object to the hours that the applicant has applied for. Finishing times for music outside of midnight, 12.30 and 1.00 am are not acceptable to me as a near neighbour. It is unacceptably late. As previously mentioned our house has two bedroom windows 8ft away from the car park and our property is extremely close as a neighbour to the Redwing's Beer Garden.

The previous incumbent of the Redwing played live music in the garden. It was an unacceptable and intolerable noise intrusion and we along with our neighbours complained to Environmental Health. The music was a gross intrusion, we did not seek to listen to this music - indeed we were given no choice. The music was played at weekends during the summer when we wanted to enjoy our gardens, going indoors gave no relief, as it could be heard inside as well. Remember that neighbours will want to open their windows on warm summer days.

The Swan public house does not have a licence to play music outside and neither should the Redwing's. The Redwing is surrounded by private gardens, and neighbours. The applicant offers the condition that "amplified music will not be played in the garden" but even unamplified, the design of the new building to the rear of the Redwing will cause amplification and disturbance. There is going to be enough noise in the garden from people talking, laughing etc all of which becomes louder when they drink and neighbours will have to endure this all the time. Unamplified music should not be played in the garden. There should be no music in the garden

With regard to amplified music I have concerns despite the applicants condition that it will only be generated in rooms that have noise filling etc. Open doors and windows will allow the sound to escape especially in hot weather etc. In view of this very low noise limits should be set.

3 Section L. Late night refreshment

I strongly object to late night refreshment being served outdoors. I cannot stress enough how totally inappropriate this is for a pub which is surrounded by residential properties and again this would cause public nuisance. This would cause noise pollution, and disturbance to people who will be trying to sleep. The area designated for drinking and smoking would need to be lit, this would cause disturbance to neighbours. There would be noise from talking, shouting, talking into telephones etc which is always louder at night. There would be noise in the car park which could last until 1.30 am.

Neither the Swan (completed application 023816 from the 24/11/05) or the Globe Inn (completed application 013979 from the 24/11/05) have licences that permitted late night refreshment being sold outdoors and neither should the Redwing for the reasons I have outlined.

In conclusion licensing hours as proposed by the applicant in all the above Sections are too late, will promote public nuisance and are detrimental to the health and wellbeing of neighbours to the Redwing. I have no objection to the hours proposed for Christmas Eve and New Year's Eve in the Section:- Premises Open Hours requested.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: A V Snell
32 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details: I wish to object to the above licence being granted for music 7 nights a week on the grounds of:
1. It will be a public nuisance as the noise will echo across the valley and disturb sleep and general peace and quiet if it goes on till 12.30am.
2. There is no resident police presence in the village so when the pub closes there could be increased vandalism, noise and possible break-ins with no-one to control it.
3. It could bring a lot more people to the village instead of going to Exmouth on a Friday and Saturday evening.

Evidence:

Suggestion:

Person making Representation: Peter Reid
RAINBOWS END, CHURCH PATH TERRACE, LYMPSTONE, exmouth, Devon, EX8 5H.

Representation Accepted: Representation has been accepted

Reason:

Details: It would seem that most of the points on the application for a licence at the Redwing Inn are best suited to an urban premises, not a rural one with residential housing surrounding on all sides.
1. I see no need to open the premises as early as 8am. Who is this for? There is a small cafe that does breakfasts in the village already - The Globe Starts breakfasts, teas/coffees from 10am and I think the Swan commences this kind of trade a little later.
2. The suggested closing - 12.30am/1.00am etc - Far too late for the situation the ub is in. In spite of requests by landlords people seldom leave quietly.
3. Live music - the suggested times of 10-12 midnight (Friday/Saturday 10am-12.30am are totally inappropriate - again because of noise at the wrong time.
n.b. Previously music at the Redwing would aim to finish at 11pm (Fridays extended a little 11.30 but no later, as I recall).
There would also be occasional outdoor music (Sat/Sun). In my view this was all right, and tended to be afternoons only. Some of this music was amplified and the sound did carry (even to my own address, the hill behind the put) but was not that offer.

Your application cites as amplification outside, but I would add that amplified music indoors can carry and boom across quite a wide area.

I realise here that environmental health have a part to play (viz - the Grove in Exmouth where local complained about music indoors carrying and this was quickly monitored.

My wish would be for a public house with normal facilities of drink and food, occasional mu

Evidence:

Suggestion: My wish would be for a public house with normal facilities of drink and food, occasional music but kept within traditional pub hours, late morning opening/11pm closing with the licences applying for extension to this when appropriate.

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Pat Belshaw
7 Underhill Crescent, LYMPSTONE, exmouth, Devon, EX8 5JF.

Representation Accepted: Representation has been accepted

Reason:

Details: My objections are as follows
1. Sound from the garden of the pub echos across the valley making any conversations inaudible. What constitutes "amplified music" - does this include the use of microphones. How is "unreasonably disturbed" defined?
2. The Redwing Inn car parks is small therefore it is quite likely that additional noise will occur in the Underhill sometime after closing time.

Evidence:

Suggestion: Could the closing time on week days and Sundays be amended to 11pm or 11.30 and that start time for Sunday music in the garden be amended to start at 6pm. There are already two summer Sundays when charity events, including music take place

Person making Representation: Ann Gosney
WYNDHAM, Burgmanns Hill, LYMPSTONE, exmouth, Devon, EX8 5HN.

Representation Accepted: Representation has been accepted

Reason:

Details: People get on a 'high' through loud raucous music and drink. Behavioural problems ensue - drunken brawling & fighting, arguments over parking, over revving of engines, dangerous driving, no regard for speed limits or other road users

Public at risk from increase of traffic in very narrow street. Serious danger to pedestrians. Narrow pavement (outside pub) used by cars trying to pass each other. Children on bikes, mothers with prams and elderly people all particularly vulnerable.

Pub situated right in the middle of quiet residential area. All people will be disturbed until past midnight every night of their lives. We all need peace and quiet and do not want loud raucous music of this kind imposed upon us.

Children at risk - sleep deprivation. How can they possibly go to sleep in what would be a relentless noise? Risk of serious accident due to increase in traffic. Risk of hearing loss (serious in young children) from loud noise through open windows.

Evidence:

Suggestion:

Person making Representation: Ann Crisp
17 Birch Road, LYMPSTONE, exmouth, Devon, EX8 5LB.

Representation Accepted: Representation has been accepted

Reason:

Details: I gather that the Redwing is applying for a licence to have outdoor music at the weekends. I would like to object most strongly to any licence being granted other than perhaps for a single evening per weekend up to 11 pm. The Redwing is surrounded by homes which would suffer by the intrusive noise as indeed would all the village as previous experience has proved. I feel the owners of the Redwing are just trying it on and should not be allowed to disturb the peace of the village.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: FM & PM Cole
BRIAR COTTAGE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: We wish to object in the strongest terms to the application being made for a seven day premises licence for the Redwing Inn on the following points.
Since the closure of the Redwing Inn, the residents of Church Road have enjoyed a period of peace and tranquillity free from the stress and anxieties caused by the improper management of a public house. Planning permission has now been granted by East Devon District Council for a totally unsuitable business premises in the centre of a quiet, residential, conservation area which has a number of domestic dwellings in extremely close proximity to it.
The first problem that will arise will be the noise from taxis and other vehicles leaving the premises at late and unsociable hours which will disturb the local residents in close proximity to the premises. Noise from the banging and slamming of taxi and car doors and lights from the vehicles leaving the Redwing Inn will inevitably disturb all residents in Church Road and surrounding areas. This constitutes a public nuisance. A license for performing live music indoors and outdoors has been applied for and this is considered to be totally unacceptable.
During the periods of Bank Holidays, Saturdays and Sundays when residents wish to enjoy the comfort of their own homes and outdoor spaces as the perfect opportunity to relax as other citizens are allowed to do, the residents of Lympstone will have to bear the brunt of the excessive noise with the assault of unsolicited music delivered by the Redwing Inn. Surely, everyone has a right to ask for the opportunity for quiet leisure on their own premises. Noise pollution in the form of unsolicited outdoor music constitutes a public nuisance.

2.
Lessons should have been learned from the unfortunate live music noise fiasco from a venue at Powderham Castle over which you, as a council had no control whatsoever. If such a volume of noise can travel across the estuary, just imagine how it will travel over Lympstone. The granting of a live outdoor music license for the Redwing Inn will I fear bring about a further decline in the standards of the Licensing Authority when issuing a license against the wishes of local residents. Once again we fear the interests of residents will be put aside and their concerns and comments ignored.
When the Redwing Inn was previously in use after being granted a license by you, living in Church Road became a nightmare. There was a constant round of inebriate persons urinating in drives or wherever else they felt they would, damage was caused to several properties, fighting and brawling in the road outside of our homes became a frequent event, obscenities and foul language from persons with excessive alcoholic intake was common practice especially during the early hours of a Saturday and Sunday morning. After evenings spent with live music at the Redwing venue, the customers proceeded throughout the village singing, shouting, swearing and causing public alarm and disorder. The publican ignored all requests for a more orderly house. Serving alcohol in excess was a common practice as was the practice of allowing customers to leave the premises still holding glasses of alcohol which would then be thrown into resident's gardens or left on the tops of parked cars and walls. This constituted a very dangerous situation when young children on the following day were riding their cycles or running as children do through Church Road. Broken glass is a hazard.
Further drunken disruptive behaviour takes the form of the destruction of hanging baskets, tubs, flowers in front gardens, the removal of "For Sale" boards, the wanton damage of notice boards throughout the village as they make their way home leaving the village and their vandalism and destruction behind them. Christmas Eve, New Years Eve and Furry Dance Night leave the residents in fear; these occasions are not an enjoyable experience anymore, so late night refreshments, music and alcohol on and off the premises will add to more fear and anxiety. If you are in any doubt that these incidents will all happen again, try living in the village after you have granted the license for the Redwing Inn.
Further acts of criminal damage are in the form of the breaking into, and vandalism of, parked vehicles throughout the village. Who will be available to deal with the crime and public disorder?
There are numerous children in the village who will be put to bed with the intention of them gaining rest at nights, unfortunately, as in the past, this will not be the case due to them being roused by late night drunken revellers.

3.
The inconvenience of air pollution from the cooking of food will permeate throughout the surrounding area; this is not acceptable as once again we raise the point that this would, as in the past infringe on residents enjoyment of their own gardens and of course windows will have to remain closed to prevent the smell from permeating into homes in Church Road. There is a right to freedom from pollution which we will be taking up with you. This must be resolved before any license is considered.
Finally we would bring to your attention that the lives of the residents of Lympstone and of Church Road in particular will be greatly impaired should you make the wrong decision.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: RH Golding
FAIRWAYS, Burgmanns Hill, LYMPSTONE, exmouth, Devon, EX8 5HN.

Representation Accepted: Representation has been accepted

Reason:

Details: The comments made by the applicant do nothing to reassure local residents on this issue in view of the long (16.5-17.0 hours) daily opening hours. This is issue is of particular concern in relation to the applicant's request for 'retail sale of alcohol off the premises' under section M.

Increased traffic associated with the opening for 16.5-17.5 hours every day of the week will create a considerable hazard and inconvenience to all road users in a narrow lane without a pavement, which serves as one of the only two effective routes out of the village. This issue does appear to have been considered by the applicant.

Previous experience with comparatively limited performance of outdoor live music has proved extremely intrusive in this neighbourhood, both during the day and at night. An application which includes live outside performances until midnight or 1.00am every day shows a total disregard for the lives of local inhabitants

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Karen Reid
RAINBOWS END, CHURCH PATH TERRACE, LYMPSTONE, exmouth, Devon, EX8 5H.

Representation Accepted: Representation has been accepted

Reason:

Details:

With reference to the above application I would like to make the following objections:-

1. Opening hours

8.00 am opening is for whom? Traffic through the village between 7.45am and 9.30 am is already horrendous as people leave for work, the school run and various deliveries. Early opening has the potential to add to this. Breakfasts are already well catered for by cafe (early) and other pubs.

12.30am closing weeknights (Sun - Thurs) and 1.00am Fri Sat has the potential to cause a lot of unnecessary noise in what is essentially a rural residential area. People standing outside to smoke and chat, whilst not necessarily antisocial, has the potential to generate a lot of extra noise.

Customers leaving at whatever time the pub closes often do so noisily with little regard to the sleep requirements of those living nearby even when asked to do so by landlords, Surely an earlier time would be adequate once extra time added for dispersal is factored in if the licensees do not wish to alienate their neighbours.

Extending hours over bank holidays is a valid request but what is wrong with 1.00am and an occasional late opening? Again, those of us who live in the village also have a right to expect some consideration and a modicum of peace and quiet in our own gardens during bank holiday weekends. No matter how good a publican is, they have no control over the possible mayhem caused by late leavers, particularly with no police presence here.

2. Provision of alcohol

8.00am start. One wonders why a pub seeks provision for serving alcohol from 8.00am. Again I wonder who may be the target customer for this. In an age where we are encouraged to limit intake of alcohol I can see no valid reason for this application.

12.00 am /12.30 am finish. Since the ban on smoking in public places, for some reason totally beyond my comprehension, smokers are often accompanied outside by all of their friends plus glasses of preferred tipple. This generates a lot of noise outside that does disturb those living nearby.

3. Live Music

10.00am -12.00am Sun -Thurs. 10.00am -12.30am Fri Sat.

Again I wonder why the licensees wish such an early start both in the pub and in the beer garden. I am aware that the proposal is for non-amplified music outside but sound carries incredibly well in this village (ref Waveform festival at Powderham when many of us were kept awake all night.) Late finishes are obviously to cater for balmy summer evenings but there are still some of us left who prefer to spend time in our own gardens without the intrusion of someone else's music.

Noise limiting equipment inside is only effective when sound is unable to drift out through other means eg Open windows and doors. There is a history of problems here with previous licensees. What guarantees are there that this will not happen? Again we are back to the question of what is acceptable noise pollution.

4. Late Food

I wonder what the reasoning is behind providing hot food after 11.00pm unless it is for possible consumption off the premises. If so, then there is little doubt in my mind that we will see an increase in litter in the area.

5.General points

I feel that the proposed terms of the license show very little consideration of the fact that The Redwing is situated in a rural residential area. Proposed opening times are reminiscent of town/city hours and 24hour living. 'It almost appears that the licensees have adopted an attitude of 'Let's put in for it all and see what we end up with.' If The Redwing is to provide the village with another good option for food and drink and turn over reasonable profits at a time when many people are counting their pennies and cutting back, they would do well to remember that it is the villagers, family and friends who will be their bread and butter during the lean months of winter.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: R & J Telfer
ELLENTHORPE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: As neighbours, we wish to make representations on the above licence application.
We have two main areas of concern:
1. the intended closing hours
2. the intention to provide live music outdoors.
1. We consider that it is unreasonable to close at midnight on a weekday, as the people leaving at this time of night would cause noise and public nuisance in what is a residential area. We do not consider that the same hours granted to the Swan create a precedent, as that is in a more commercial area, with the presence of shops and the station. We would think it more appropriate if the pub were to close at 11pm on Sunday to Thursday. We have been in agreement with the verbal statements of intent made to us by the owners in regard to opening hours, which were similar to this, but cannot agree with the written terms of this licence application which are significantly different.
2. Whilst we appreciate the steps being taken by the new owners to reduce sound emissions from inside the pub, we are unhappy at the prospect of having the peaceful enjoyment of our garden disturbed any day of the year by music played in the beer garden. We suggest that it would be reasonable to limit the playing of live music (without amplification of speech or music) outside to one day per month. Alternatively, such events could be subject to a special temporary licence as the occasion required.
We recognise that it is not the present intention of the owners to implement the licence to the full. We support their plans to create a higher quality restaurant and pub and hope they are successful.

Evidence:

Suggestion: We suggest that it would be reasonable to limit the playing of live music (without amplification of speech or music) outside to one day per month. Alternatively, such events could be subject to a special temporary licence as the occasion required

Person making Representation: A & S Wadhams
FIGGINS, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: We have recently purchased "Figgins" Church Road Lymptone EX8 5JT and are in the process of renovating our future home but will definitely not be in residence by the time the Red Wing Inn will start to trade in the near future. Even so, we feel that we need to voice our opinion with regard to the application with respect to the hours of opening at the Red Wing as it will definitely affect us when we do move in. We feel that it is rather excessive to have closing times so late in such a residential location. The main concern is that even post closing time there will always be noise generated when people are leaving the premises which will be impossible for the Red Wing management to control and we therefore would prefer to see early closing times for normal week days and weekends e.g. 11 00 pm week days and 12 00 for weekends.
In the instance of special occasions we would consider it to be more reasonable that particular applications are sought/granted on a one off basis to allow greater control for later openings. Obviously special holidays such as Xmas/New Year etc are understandably acceptable as applied for.
As to the application for the performance and the provision of making live music to be played outdoors we feel that this is totally inappropriate in such a "closed" residential area and that noise will reverberate considerably thus disturbing everybody nearby and probably further afield. As above, such requirements should be sought/gained for specific occasions, not a "blanket" permission.

The proprietors have provided written assurance to local residents in the form of a newsletter to put their case and outline their understanding of noise control etc. However, that may well be the case for immediate opening but any future owners could easily revert to other approaches which may be not so accommodating/considerate to local residents.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: J & S Ingham
WISTARIA COTTAGE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: We live opposite the entrance to the car park of the Redwing Pub which our bedrooms over look. We are very concerned at the late closing times that have been applied for as people and vehicles leaving will effect our ability to have an undisturbed nights sleep. Under the last tenant we had customers regularly drinking and smoking in the street and car park until late at night. We are a working family and our day starts at 6.30 am, this is a residential area and when we bought our house the pub was closed and emptied by 10.30pm on a week day.

Evidence:

Suggestion:

Person making Representation: J Tooke
ORCHARD DENE, Church Road, LYMPSTONE, exmouth, Devon, EX8 5HL.

Representation Accepted: Representation has been accepted

Reason:

Details: I am writing to object to the above application on the grounds of the public nuisance caused to near neighbours of the Redwing resulting from noise impinging on normal hours of sleep. Our own house and two bedrooms are only 2 metres from the Redwing Boundary. It would be totally unacceptable to permit the playing of music outside until well gone midnight in such a quiet residential area and cause public nuisance during the daytime. Furthermore car park activity by pub users, disinhibited by alcohol after 11 pm, will create a regular and unacceptable public nuisance. In conclusion the licensing hours as proposed are far too late other than very special occasions such as Christmas and New Year's Eve and the playing of music outside inappropriate in this environment and totally unacceptable as regards the lateness of the hour proposed. Approval would be condoning a real public nuisance to near neighbours and be detrimental to their wellbeing.

Evidence:

Suggestion:

Person making Representation: JD & EJ Goss-Custard
HAVERING, Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: We are writing in connection to the application from the Redwing Inn for new licensing hours. We live 75m from the Redwing. This is well within earshot as we know from when the previous licensee of the pub held outdoor and indoor music events. We are really horrified by the application to have live and recorded music playing until 12.30am or even later in this quiet residential road. In effect, the Redwing would become a nightclub, with all the associated problems for those who live nearby. The Redwing is the only commercial premises on this road and we are certain that the noise from live music so close to us would be extremely intrusive, often unbearable, at such late hours. People leaving the premises, or coming to buy food outside the pub, will often cause much noise, and sometimes add to the driving hazards along a narrow village road, late at night. We object most strongly to this proposal and urge you to insist on more restricted licensing arrangements. While we very much welcome the re-opening of the Redwing, having been long-time customers there, we are appalled at the prospect of the pub re-opening with such licensing arrangements.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Chris Finney
VARNES EAST WING, Church Road, LYMPSTONE, EXMOUTH, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: I am writing with respect to the above Application for a Premises Licence. Since we live at Varnes, directly opposite the Redwing, the re-opening of the pub could have a major impact on us if the pub is not run in a reasonable way which takes due account of the welfare of the people living near it. Obviously the Licence conditions which you grant will be a key factor in this respect.
My main concern is the proposed live music - what time it finishes, and the level of noise outside the pub. We have lived at Varnes for 10 years. In the past the live music performances at the pub, which normally took place on Tuesdays and Fridays (i.e. only two days per week), did not trouble us to any major degree. The music stopped at 11.00 pm or soon after and the level of noise was acceptable, especially because the music was at the other end of the pub from us. We never had reason to complain.
Under the new arrangements the situation could well be much worse from the noise viewpoint, for two reasons. First, the location of the live music is reportedly to be changed to the 'uphill' end of the pub, to the room right opposite our sitting room and bedroom; thus the potential level of noise reaching us will be greater. Second, the Licence which has been applied for, if granted, will allow live music will be able to be played every day of the week, and till relatively late; from 10.00am to midnight on five of the seven days and from 10.00 am to 12.30 am on Fridays and Saturdays.
As regards the potential noise problem, in discussion with one of the Redwing owners several months ago I was assured that the windows and door(s) of the music area will be kept shut when music is being played and that special sound-proofing boards to cover each window will be put up. It is essential that these measures or other similarly effective sound limitation measures are applied in practice; they should be a condition of the Licence.
As regards the second point, the frequency and duration of the live music, the problem is that, under the proposed Licence conditions, the music would go on too late. Based on our experience under the Redwing's previous management (see above), music up to 11 pm would be acceptable to us. But, in a residential area such as this, I do not think it is reasonable to allow it to continue much beyond this time. It is interesting to note that, on grounds of good neighbourliness, the Globe Inn, further down the village, now finishes its music around this time, even though its Licence allows the music to continue till midnight. I therefore propose that the Redwing's Licence stipulates that the music finishes at 11 pm.
I would be grateful if, in your deliberations, you would give due consideration to these two suggestions concerning the licensing of the performance of music at the pub.

Evidence:

Suggestion:

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Arthur John Hennessy
SOUTHERLEIGH, Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details:

When we came here the Redwing was a quiet village pub. In latter years it became noisy, particularly outside, attracting customers from as far as Exmouth and Exeter. Never again!
Furthermore the application also shows apparent disregard for official recommendations (2, 3 below):

It is a public nuisance for reasons 1,2,3 below

1. The well-being of neighbours.

Opening Hours: Oppose - we need some sleep. This is the middle of a village!

Alcohol off premises: Oppose - I want no more cans and bottles thrown on my premises.

Live music outdoors: Oppose - there is no possibility of compliance with sections 2, 3 (below). I know of no other pub around (whether Globe, Swan, Puffing Billy, Diggers, Nutwell, Sadlers) where this is permitted

Late night refreshment outdoors: Oppose - we need some sleep. Five of the above six pubs have none and Diggers is not in the centre of the community as we are

No amplified speech or music or entertainment, live or otherwise, outdoors

2. DEFRA: "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" not observed, particularly pages 10, 16,25,28,31,60,61,90,91 (see below) .

3. "Good Practice Guide on the Control of Noise from Pubs and Clubs" (Institute of Acoustics) not observed, particularly pages 2, 4,5,10,11,132,15 (see below).

I give, below, extracts relating to the above pages

Our position is relevant. The Redwing abuts our property; we are downwind of it; there are surrounding high buildings (except to the southwest); this causes courtyard effect. The prevailing wind will bring smells and noise towards our garden and towards our 3 storey house.

The ridge height of the 3-storey Redwing is 10.8 m - the same as our 3-storey house. Yet the top of the flue of the main kitchen is not the DEFRA recommended 11.8 m but only 4.1 m above datum (my datum being the car park immediately west; dimensions are taken from available plans submitted by Applicant).

This flue is only 8 m from our property and 13.6 m from our house. We can look down on it from the openable windows on our second and third floor. We wrote to the Applicant asking that the discharge be from above the ridge - we received no suggestion of any insuperable difficulty; in fact, no reply at all.

The top of the flue of the ancillary kitchen (formerly to be a takeaway and garden sales until intervention by Councillor Ingham, following protests to him about noise and smells) is only 4m above datum, 16m from our property and 26m from our house. Again, we can look straight down on to it, and also on to the large open hatch that faces us.

I do not dispute that the quality of the cooking range and filters themselves comply with the DEFRA recommendations that these be of high quality; but, even apart from other considerations, the smell and noise from these low-level flues will seriously affect neighbours and most seriously affect us.

Relevant extracts from the above documents, 2,3, are as below .

Evidence:

EXTRACTS

DEFRA: "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems", (January 2005)

"Discharge stack (P1 0)

The discharge stack shall Discharge the extracted air not less than 1 m above the roof ridge of any building within 20 m of the building housing the commercial kitchen."

(N.B. Our house is 5.6 metres from the main building housing the commercial kitchen and 23 m from the ancillary kitchen. The ridge of our three-storey house and the ridge of the main three-storey Redwing are both 10.8m high.)

4.7.8 Stack (P60/61)

"The discharge to be outside the wake of nearby buildings. Discharging ventilation air below a roof ridge may result in excessive entrainment within building down wash.

A stack discharging into a semi-enclosed area such as a courtyard or the area between back additions should be avoided.

The prevailing wind direction should also be considered in the ducting positioning."

(N.B. The kitchens are surrounded by high level buildings, except from the southwest, producing a courtyard effect; we are also downwind.)

3 Regulation of kitchen ventilation systems (P28)

"The EHO may recommend refusal of planning permission if in their opinion the development will cause significant loss of amenity or statutory nuisance that cannot be mitigated with conditions."

2.1.4 Effects of odour (P16)

"Effects that have been reported by people include nausea, headaches, retching, difficulty breathing, ... "(11 listed).

2.3 Typical Problems Encountered With Commercial Kitchen Ventilation Systems (P25)

"Mixed experience with carbon filters. Concerns about effect on back pressure leading to noise; effect on fan size leading to noise."

"Application of stack height: main concern occurred where:

CIPremises on rising ground where effective stack height is reduced;" (The ground rises to the north.)

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"Building housing premises is shorter than surrounding buildings; (as is the ancillary building and West End of the main building.)

1. Information required (P90/91)

"Proposed hours of operation of any ventilation plant."

"Please note that any reference to minimum standards within this document is for guidance only and more stringent controls may be deemed appropriate."

"The Environmental Protection Act 1990 (P31)

This Act places a duty on the Local Authority to investigate the likely occurrence of statutory nuisance. Statutory nuisance is defined ... in relation to noise and odour:

- a) any fumes or gases emitted from premises so as to be prejudicial to health or cause a nuisance;
- c) noise emitted from premises so as to be prejudicial to health or a nuisance."

"Good Practice Guide on the Control of Noise from Pubs and Clubs" (Institute of Acoustics, March 2003)

The Working Party included Councillors (including Mike Squires of Exeter City Council) and those connected with Environment, Planning, Transport and Acoustics.

General Measurement Advice

- 1. The sound level meter should comply with British Standards. Many sound level meters currently available cannot measure below 20 db(A).
- 2. The most appropriate measurement position is where the complainant experiences the disturbance, e.g. near a bed or by a desk.
- 3. British standards 4142(6) should be complied with, particularly for outdoor measurements.

Control Measures

- 1. Inadvisable to hold regular outdoor events close to noise sensitive properties.
- 2. Nominate a specific taxi operator, advertising it to customers and ensuring that the taxis do not sound vehicle horns as a signal of arrival etc.
- 3. Consider the erection of purpose-built noise barriers
- 4. Acoustically treated air conditioning systems.
- 5. Automatic door closures with sufficient space between inner and outer doors of a lobby to ensure that one of the doors is always closed.
- 6. Well sealed acoustic doors on emergency exits, sound insulated windows.
- 7. Noise control issues should be considered prior application for planning consent or licence.

Suggestion:

Ancillary kitchen: even if the hatch were to be permanently sealed and the flue could be taken to 11.8 m this second effluent would render the Significance Score of the Redwing to be "Very High Risk" and I cannot see how it can be brought into compliance. If it can be used as a store (as Councillor Ingham envisaged) I do not object to its use for that.

Main kitchen: provided the flue can exhaust at 11.8 m I do not object to it being above the Significance Score of 20 (beyond "Low to Medium Risk") - provided it does not exhaust after Closing Time.

Pub Opening hours: no later than 11 :30 a.m. on any day of the year.

No amplified speech or music or entertainment, live or recorded, outdoors.

Premises: Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Person making Representation: Catharine Hennessy
SOUTHERLEIGH, Church Road, LYMPSTONE, exmouth, Devon, EX8 5JT.

Representation Accepted: Representation has been accepted

Reason:

Details: This representation follows the numbering as set out in the EDDC Statement of Licensing Policy - January 2008

Overall, I have no objection to the Redwing Inn having a license to function as a pub and restaurant

1.2 Provision of 'Regulated entertainment'

The application does not give details of what is included in entertainment facilities for making music Outdoors.

2.3.3

Nature of activities:

It is unclear whether this application would allow amplified speech Outdoors such as wedding speeches, Race nights and quiz nights. It would allow spontaneous singing such as football club celebrations and parties with games and singing. It would allow a marquee to be erected, and with the use of heaters and lighting, to be used throughout the year. It would allow all of these activities throughout the day, from 10am till midnight every day of the year. I object to all these outside entertainments especially amplified speech.

The location of premises and character of the surrounding area in relation to the proximity to residential and other noise sensitive premises:

The Redwing is in a very quiet residential road in a village setting among closely packed houses and cottages. It is on a narrow road - 10 ft from wall to wall - with close neighbours on all sides. With little traffic and no noise producing activities nearby there is no ambient noise. The Redwing is next door to our home, the beer garden is the other side of the wall. Our sitting room window, on the first floor, and the bedroom windows above look directly down into the beer garden. The beer garden is small with sound reflecting walls on all four sides; no attempt has been made to use sound absorbing materials. (Institute of Acoustics' Good practice Guide on the Control of Noise from Pubs and Clubs section 7.6)

When we bought our house in 1995 the Redwing was a quiet village pub closing at 10.30 or 11.00pm. There was no music license and no music indoors or out. When the previous landlord took over he obtained a music license for indoors and outdoors. Despite promises to reduce the noise levels it never happened and the noise became intolerable especially in the garden with amplified speech and music. Neighbours were frustrated and, looking back, far too tolerant. There is now a chance to attach tight conditions to the license to prevent this happening again so we can enjoy having next door a 'well run and managed premises with license holders displaying sensitivity to the impact of the premises on local residents'. (2.7)

Measures for the limitation of noise emissions from the premises:

Indoors.

Some thought and expense appears to have been given to reducing noise emissions from indoors; various suggestions discussed with the landlord included noise limitation devices set at an agreed level, sound insulation, acoustic lobbies or spring doors on all entrances, especially to the beer garden at the back, double glazing and air conditioning so windows can be kept closed. Providing these are included in the conditions and there is no noise breakout I have no objection to music indoors.

Outdoors. The conditions offered here by the applicant are in marked contrast to the care being taken to limit noise emissions from indoors.

I object to the playing of live music outdoors. I object to the provision of facilities for making music outdoors.

The window of our sitting room on the first floor looks directly down into the beer garden. I use the sitting room to listen to classical music, in particular chamber music and choirs, quartets and choral music. Any amplified speech, entertainment or live music in the beer garden ruins the music.

Our garden borders the wall to the beer garden. Live music, amplified speech or entertainment in the beer garden makes it impossible to enjoy being in our garden.

'It will have a direct impact ... on those living in the area. This will be the primary focus of the licensing authority' (4.2)

There is no need for outside music for a pub and restaurant to thrive. None of the 11 pubs, restaurants or village halls on the EDDC Licensing Register for the parish of Woodbury and Lymptone have permission for outside music or entertainment.

The peace and quiet of village life in Lymptone encourages visitors and tourists to stay, especially those looking for quietness and relaxation. It needs to be protected to continue to attract these visitors who are the basis of the local B&B economy. In recent years adverse comments on the increased noise in the evenings have been made to B&B owners by regular visitors. It could adversely affect their livelihood (2.8)

Use of Outdoor areas:

I object to the use of outdoor areas for any drinking, eating or any other use after 11pm.

All our bedrooms are at the back or side of the house and have windows overlooking the beer garden. It is very difficult to sleep when laughing and loud talking are carrying on under the window. The impact on our life of allowing any use of the beer garden, throughout the year, after 11pm is 'unreasonable'. (17.1)

I object to the use of the outdoor area for entertainment at any time. Entertainment with possibly large

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numbers of excited people would be unreasonable. (see Nature of activities, above)

I object to the provision of late night refreshment Outdoors. The landlord explained it is in the application so that the restaurant can provide a cup of coffee indoors after a meal if it is late. I have no objection to the provision of late night refreshment indoors.

Odour Nuisance:

I object to the use of the former garage/outbuilding for preparing, heating or cooking hot food. When planning permission for work on the Redwing was granted (05.03.2009) condition 4 stated 'the outbuilding hereby permitted shall only serve food as an ancillary function to the use of the main building as a pub and restaurant'. This was further clarified by Kate Little, Head of Planning and Countryside Services when she wrote to Hugo Swire MP (18.03.2009) informing him that the "proposed take-away facility part of the application was withdrawn prior to the application being determined. Thus hot food will be prepared in the Redwing Inn to serve in the restaurant but not on the site of the separate garage". The garage/outbuilding situated in the beer garden has an open hatch, approx 6ft by 4ft, facing directly towards our house. The top of the flue for cooking fumes is about 4 m high being upwind of us and directly in line with our windows. The cooking and heating of food will cause smells from the open hatch and flue and noise from the flue ventilation fans.

I have no objections to the serving of food from here.

In conformity with the assurance given by Kate Little to Hugo Squire MP and with the planning condition 4 I ask the Licensing Authority to allow only the serving of food from the ancillary kitchen and not the heating or cooking thereof; I do not object to a closed electric warming cabinet. This measure overcomes the problems of smells and noise due to the low chimney and open serving hatch.

Evidence:**Suggestion:**

Withdrawal of Performance of live music Outdoors

Withdrawal of Provision of facilities for making music Outdoors

Condition No amplified speech, entertainment or other sounds Outdoors.

Withdrawal of The provision of late night refreshments Outdoors

Condition The use of Outdoor areas by customers shall cease at 11pm.

Condition Use of the Outdoor Ancillary kitchen restricted to serving food, not preparing, heating or cooking food.

Person making Representation: Devon & Cornwall Constabulary
Police Station, 1 North Street, Exmouth, Devon, EX8 1JZ.

Representation Accepted: Representation has been withdrawn

Reason: Mediated

Details: Please take this as notice that the Police wish to object to the application.

Evidence:**Suggestion:**

The Redwing Inn - Responses to Notice of Hearing

Applicant

Redwing Inn Ltd.	
Hearing Unnecessary	No
Attending	Yes
Represented by	Graham Gover Solicitor
Supporting documents	None
Summary of key points	No

Responsible Authorities & Interested Parties

1.	A J Robertson , 3 Underhill Crescent, Lymptone, Exmouth, Devon, EX8 5JF	
Hearing Unnecessary	No	
Attending	No	
Represented by	-	
Permission requested for attendance of	N/A	
Supporting documents	None	
Summary of key points	Yes	
Prevention of Crime & Disorder Prevention of public nuisance.	<p>It can be expected a large number of people, many suffering the effect of excessive drink will pour out from the premises in the early hours of the morning. They will congregate in the narrow road and small car park of the Inn prior to dispersing gradually.</p> <p>No enforcement agency will be present.</p> <p>Noise will be created through raise voices and noisy vehicles (engines and doors etc.</p> <p>Taxis collecting fares are not the quietest vehicles in the world.</p> <p>All this noise and there will be considerable will echo around the area carrying to where I live.</p> <p>In warm weather doors and windows of the premises will be opened letting the sound of music, which is usually loud, outside.</p> <p>The above facts are not made up as prior to the closure some months ago this was what we got and at a much earlier time than the proposed new closing times.</p> <p>The car park of the premises is limited and will be insufficient for the expected traffic attempting to use it forcing drivers to park elsewhere in the area. As there will be no yellow line enforcement (there is none during the day at present so no one can be expected at night) cars will be parked illegally.</p> <p>The public car park is usually almost to capacity at weekends and the public toilets closed from early evening, longer opening would create further problems which do not need comment at this time.</p> <p>People urinating in the narrow alleys would be a temptation as would the pedestrian traffic returning to the public car park.</p> <p>Finally I fear crimes will increase with vandalism and theft top of the list. Since the Redwing closed the area late at night has been much quieter.</p> <p>I am not against the premises being reopened, far from it, but believe a sensible decision is required on the hours that are allowed.</p>	
2.	Thomas , 24 Underhill Crescent, Lymptone, Devon, EX8 5JF	
Hearing Unnecessary	No	
Attending	No	
Represented by	-	

Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	No
3.	Phyllis Turner, Dingles, 3 Church Road, Lypstone, Devon, EX8 5JU.
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	No
4.	P J Finney, Varnes, East Wing, Church Road, Lypstone, Devon, EX8 5JI
Hearing Unnecessary	Not returned
Attending	
Represented by	
Permission requested for attendance of	
Supporting documents	
Summary of key points	
5.	Environmental Health East Devon District Council, Knowle, Sidmouth
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	Jill Wheller Environmental Health Officer EDDC
Supporting documents	None
Summary of key points	No
6.	Tim Gibson, Fuchsia Cottage, Church Road, Lypstone, Devon, EX85JT
Hearing Unnecessary	No
Attending	No
Represented by	J Morris
Permission requested for attendance of	J Morris - Local resident
Supporting documents	None
Summary of key points	Yes
Prevention of Crime & Disorder	There is potential for anti social behaviour once the redwing becomes recognised as the late pub and drinkers make their way up from other local pubs.
Prevention of Public Nuisance	Only the issue of hours is a problem. An 11.00pm finish for all licensable activities and an 11.30 pm final closing time 7 days a week, is much more appropriate to a very quiet, residential village street.
7.	Winifred Martin, 4 Underhill Crescent, Lypstone Devon, EX8 5JF.
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	No
8.	J Martin, 8 Meadow Close, Lypstone, Devon, EX8 5LQ
Hearing Unnecessary	Not returned
Attending	
Represented by	
Permission requested for	

APPENDIX D

attendance of		
Supporting documents		
Summary of key points		
9.	J E Denison, 14 Underhill Crescent, Lymptstone, Devon, EX8 5JF	
Hearing Unnecessary		No
Attending		No
Represented by		-
Permission requested for attendance of		
Supporting documents		None
Summary of key points		Yes
Prevention of Crime & Disorder		Late closings could lead to further car park crime
Prevention of Public Nuisance		Noise from outside music is completely unacceptable after 11.30 pm
10.	Sandra Buckle, 12 Underhill Crescent, Lymptstone, Devon, EX8 5JF.	
Hearing Unnecessary		Not returned
Attending		
Represented by		
Permission requested for attendance of		
Supporting documents		
Summary of key points		
11.	Ursula Perry, 1 Underhill Crescent, Lymptstone, Devon, EX8 5JF.	
Hearing Unnecessary		No
Attending		No
Represented by		-
Permission requested for attendance of		N/A
Supporting documents		Original letter of representation
Summary of key points		
12.	Elizabeth Tooke, Orchard Dene, Church Road, Lymptstone, Devon, EX8 5HL.	
Hearing Unnecessary		No
Attending		No
Represented by		Mr T Selley, Crosse & Crosse Solicitors
Permission requested for attendance of		
Supporting documents		Original Letter of representation
Summary of key points		No
13.	A V Snell, 32 Underhill Crescent, Lymptstone, Devon, EX8 5JF.	
Hearing Unnecessary		No
Attending		No
Represented by		-
Permission requested for attendance of		
Supporting documents		None
Summary of key points		Yes
Prevention of Crime & Disorder		When pub closes late danger of vandalism, noise & possible break-ins as there is no resident police presence in Lymptstone
Public safety		As above (do not object to the Premises Licence only music licence)
Prevention of Public Nuisance		Only object to noise from late night music till 12 or 12:30 pm seven nights a week which would disrupt sleep & the peace & quiet of the village.
14.	Peter Reid, Rainbows End, Church Path Terrace, Lymptstone, Devon, EX8	
Hearing Unnecessary		No

Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	No
Summary of key points	Yes
Prevention of Crime & Disorder	Proposed late closing of premises can only lead to noise and disorder, plus flouting of regulations/byelaws etc.
Public Safety	Very narrow lane adjacent to public house, both vehicles and people have to exercise care, particularly after a lot of drinking
Prevention of Public Nuisance	Almost inevitable additional noise created in a built up residential area both vehicles and people. Acceptable only if hours are reasonable
Protection of Children from Harm	Early opening could create problems with passage of school children adjacent.
15.	Pat Belshaw, 7 Underhill Crescent, Lypstone, Devon, EX8 5JF
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	No
16.	Miss Ann Gosney, Wyndham, Burgmanns Hill, Lypstone, Devon, EX8 5HN.
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	No
Summary of key points	Yes
Prevention of Crime & Disorder	Car drivers over the limit, therefore dangerous driving, accidents, drunken arguments, fighting, brawling.
Public Safety	Narrowest part of village main street, danger to pedestrians, very narrow pavement (outside pub only) used by cars to pass each other, increase in traffic and of small car park
Prevention of Public Nuisance	Drinking outside until past midnight almost all nights of the week, outside eating until the early hours, loud raucous music outside being imposed on residents of the area
Protection of Children from Harm	Sleep deprivation through disturbance of loud music, risk of serious accident from drinking and driving, risk of hearing loss – serious in young children
17.	Ann Crisp, 17 Birch Road, Lypstone, Devon, EX8 5LB.
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	No
18.	FM & PM Cole, Briar Cottage, Church Road, Lypstone, Devon, EX8 5JT
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	
Supporting documents	18 A - D

APPENDIX D

Summary of key points	No
19.	Dr & Mrs RH Golding, Fairways, Burgmanns Hill, Lypstone, Devon, EX8 5HN
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	No
Summary of key points	Yes
Prevention of Crime & Disorder	Section M of the application for a licence to include 'retail sale of alcohol off the premises' from 10.00am until 12.30am or 1.00am every day
Public Safety	Increased traffic associated with opening hours from 8.00am until 12.30am or 1.00am every day on a narrow lane without a pavement, which serves as one of the only two effective routes into and out of the village, is a hazard for all road users
Prevention of Public Nuisance	Section E and Section I for a licence allowing outside music from 10.00am until 12.30am or 1.00am every day. Section L late night refreshment outside from 11.00pm until 12.00 midnight or 1.00am every day.
Protection of Children from Harm	
20.	Karen Reid, Rainbows End, Church Path Terrace, Lypstone, Devon, EX8
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	No
Summary of key points	Yes
Prevention of Crime & Disorder	Criminal acts in village – damage to cars, petty vandalism usually occurs during late evening/early morning and can be drink related. Late opening hours of public house could contribute to this – no police presence in the village when it matters.
Public Safety	
Prevention of Public Nuisance	Concerns regarding noise levels across village from music events – particularly outside during summer months. Concerns re disturbance to many parts of village as late drinkers make their way home. Disturbance caused by groups of smokers outside
Protection of Children from Harm	Increased traffic through narrow part of village during times when children are going to school – reg early opening.
21.	R & J Telfer, Ellenthorpe, Church Road, Lypstone, Devon, EX8 5JT
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	None
Summary of key points	Yes
Prevention of crime & disorder	We consider that late night drinking is likely to lead to rowdiness and disorder in the street.
Prevention of Public Nuisance	This is a residential area with young families and working people who need a good night's sleep in the week as they have early mornings. The late opening hours would mitigate against this, as would the increased traffic and disturbance in the street.
22.	A & S Wadhams, Figgins, Church Road, Lypstone, Devon, EX8 5JT.
Hearing Unnecessary	Not returned

Attending	
Represented by	
Permission requested for attendance of	
Supporting documents	
Summary of key points	
23.	J & S Ingham, Wistaria Cottage, Church Road, Lypstone, Devon, EX8 5JT
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	
Supporting documents	None
Summary of key points	Yes
Prevention of Public Nuisance	Our bedrooms overlook the entrance to the car park and for us the closing times are too late. The larger gravelled car park is for the increase in trade from outside the village. Taxis arriving and leaving at these times with other customers cars will seriously effect our right to a nights sleep.
24.	J Tooke, Orchard Dene, Church Road, Lypstone, Devon, EX8 5HL.
Hearing Unnecessary	No
Attending	No
Represented by	Mr T Selley, Crosse & Crosse Solicitors
Permission requested for attendance of	
Supporting documents	Original Letter of representation
Summary of key points	No
25.	JD & EJ Goss-Custard, Havering, Church Road, Lypstone, Devon, EX8 5JT
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	None
Summary of key points	Yes
Prevention of Crime & Disorder	Live and recorded music playing until 12>30 am or even later in this quiet residential road would be like living next door to a nightclub with all the associated problems.
Public Safety	Much more traffic down a quiet residential road late at night.
Prevention of Public Nuisance	The noise from live music so close to us (75m) would be extremely intrusive, often unbearable, at such late hours.
26.	Chris Finney, Varnes East Wing, Church Road, Lypstone, Devon, EX8 5JT
Hearing Unnecessary	No
Attending	No
Represented by	-
Permission requested for attendance of	
Supporting documents	Original representation
Summary of key points	Yes
Prevention of Public Nuisance	We live opposite the Redwing & run a small B&B. To avoid undue disturbance from the proposed live music we request 1. that the music stops at 11.00 pm not the proposed 11.30 pm and 2. that appropriate sound limitation measures are adopted.
27.	Arthur John Hennessy, Southerleigh, Church Road, Lypstone, Devon, EX85JT
Hearing Unnecessary	No
Attending	Yes

APPENDIX D

Represented by	-
Permission requested for attendance of	N/A
Supporting documents	27 A - B
Summary of key points	Yes
Prevention of Public Nuisance	1. Failure to consider well being of neighbours 2. Failure to conform with DEFRA 3. Failure to conform with Institute of Acoustics
28. F	Catharine Hennessy, Southerleigh, Church Road, Lypstone, Devon, EX85JT
Hearing Unnecessary	No
Attending	Yes
Represented by	-
Permission requested for attendance of	N/A
Supporting documents	28 A - L
Summary of key points	Yes
Prevention of Public Nuisance	1. General use of outside 2. Outdoor music 3. Outdoor amplified sound 4. Position of surrounding area 5. Use of outbuilding kitchen 6. Noise from inside

Briar Cottage
Church Road
LYMPSTONE
Devon
EX8 5JT

21 July 2009

Head of Legal and Member Services
Central Services Directorate
East Devon District Council
Council Offices
Knowle
SIDMOUTH
Devon
EX10 8HL

Dear Sir

APPLICATION NUMBER 024321 – REDWING INN LTD. CHURCH ROAD,
LYMPSTONE, DEVON, EX8 5JT.

I enclose a copy of a letter sent to me by the Devon and Cornwall Constabulary following investigations into a violent crime against my person in April 2006.

I was physically assaulted and injured by three local men who were heavily under the influence of alcohol having been drinking in the village public houses on that evening, whilst trying to protect my wife, my Grand-daughter and my property from attack by them.

I enclose also a short extract from the diary of my wife for the following day. I also hold further documentation of a personal nature relating to this incident which I will not submit at this present time.

I hereby submit these documents to support my/our original objections.

Yours faithfully



F M COLE

Enc: Letter from Devon and Cornwall Constabulary
Diary entry for 09 April 2006



**DEVON & CORNWALL
CONSTABULARY**

Mr F Cole
Briar Cottage
Church Road
Lypstone
Devon
EX8 5JT

Consultation Unit
Police Headquarters
Middlemoor
Exeter
Devon

Your ref:	Date: 26 th June 2006	Telephone:	Direct Dialling: 01392 452517
My ref: XPP/30040001	Please ask for: Susan Beeson	Extension:	Fax: 01392 452572

Dear Mr Cole

Survey of Violent Crime Victims
Crime Reference: KE/06/1035

I understand that you were the victim of a violent crime during April this year.

In order that we can monitor our performance and make improvements where necessary, I would be interested to know your views on how the police dealt with this matter. I would be grateful therefore if you could spend a moment completing the enclosed questionnaire. Please complete as far as you are able, even if you feel that the matter is not yet concluded. Any responses will be treated in the strictest confidence.

In order to ensure that your views are included in the survey results, please could you return the completed questionnaire by the survey closing date of **10th July 2006**. A reply paid envelope is enclosed for your convenience.

If you have any queries **regarding this survey** please do not hesitate to contact us on the above telephone number. Please note however, that the Consultation Unit support staff are unable to assist in matters concerning a specific incident. Therefore if you have any other correspondence or enquiries relating to this incident, please contact the investigating officer.

Thank you for your assistance with this survey.

Yours sincerely

I Ansell
Superintendent
Corporate Services Department

*QUESTIONNAIRE
COMPLETED + SENT ON
29.06.2006
F*



2006

* STRONGHOLD MAX *

Week 14 APR

Sunday
099-266

A bright + sunny day
but rather chilly out of
the sun.

Frank not at all well today
in pain Taking tablets
prescribed by hospital. His
very painful ear + bruising is
worsening all now.

Briar Cottage
Church Road
LYMPSTONE
Devon
EX8 5JT

29 July 2009

Head of Legal and Member Services
Central Services Directorate
East Devon District Council
Council Offices
Knowle
SIDMOUTH
Devon
EX10 8HL

Dear Sir

**APPLICATION NUMBER 024321 – REDWING INN LTD. CHURCH ROAD,
LYMPSTONE, DEVON, EX8 5JT.**

Further to the mediation meeting which was held at the Village Hall in Lymptone on Tuesday 28 July 2009 we wish to add the following request to the objections already made to us for the granting of a Premises Licence for the Redwing Inn.

No agreement could be made at this mediation meeting and we have been unable today (29 July 2009) to contact Mrs Weller as she is "In a meeting", any member of her team or anyone from the Noise and Pollution Department at the Council to clarify information appertaining to this application.

We respectfully request therefore, that when you are considering the granting of a licence, that **NO MUSIC OR FACILITIES FOR MUSIC, LIVE OR OTHERWISE** whatsoever be allowed outside on the Redwing Inn premises at any time, now or in the foreseeable future as noise pollution will inevitably constitute a public nuisance and will disturb all residents in Church Road and the surrounding areas.

Yours faithfully



MR F M COLE



MRS P M COLE

ADDENDUM

29 July 2009

Noise Nuisance

Following the preparation of the accompanying document, we attended the mediation meeting on 28 July and our concerns are considerably increased.

Background music, we were told, was going to be introduced outside the building and there was nothing the Licensing Committee could do about it! We moved on to next business.

Mrs Wheller, EHO, kindly gave us an absolute guarantee that we would hear nothing whatever on our side of the joint wall -- and if we did, she would take action. She has of course, the support of the Institute Acoustics publication to which I refer. We are most grateful to her, because music all day and evening throughout the year will finally drive us mad. We cannot cope with that -- it is the last straw.

Mrs Weller suggested the Applicant wanted this because customers liked it (all of them? -- not us) and it adds to their privacy. In fact, whether it does the latter depends on the relative position of the speaker and customer. What is certain is that it raises the overall voice level and thus increases the noise nuisance to neighbours, which is the heading under which we are appealing to you.

I ask the Licensing Committee to severely restrict the licensing hours, both day and evening and otherwise do what it can to minimise this potential hazard.

Opening hours were defended on the grounds that Redwing would otherwise lose customers to the Swan and Globe. No consideration was given to the bitter experience there, or the fact that Redwing differed, being in a wholly residential area. When a similar residential area was raised - the limiting of opening hours due to potential noise at Courtlands -- there seemed to be some confusion and the meeting was moved on.

I ask the Licensing Committee to consider our submissions without being influenced by the Globe and Swan which are both in the centre of the shopping area of Lymington -- and nevertheless, to our knowledge, upsetting residents.

Take-away building: asked why this was being built in view of the fact that the take-away application had been withdrawn, the reply was vague, and the meeting was moved on.

After the meeting, we asked for what it was to be used and were assured that there would be no food preparation and not even a chimney.

I ask the Licensing Committee to formally restrict the use in accordance with this verbal undertaking. I refer in the body of this submission to the confused position that has surrounded this building. It needs settling.

Exhaust flues: I asked why the flue was not being exhausted at ridge level in accordance with DEFRA. I was ruled out of order, it not being a licensing matter. I asked that the exhaust fans should not operate outside licensing hours. I received no such assurance, and we moved on to next business.

P.T.O.

After the meeting, I again asked the question. I was told that, at the ridge, it would look ugly. I would be prepared to compromise and have the flue above the eaves, subject to its conforming with DEFRA and the Institute of Acoustics.

I was also told that an amended plan had been submitted to the Authority regarding exhaust fumes, one person saying the chimney was to be moved horizontally but not vertically; another saying that there was to be no chimney, but a horizontal arrangement (although yet another mentioning an additional duct and fan for possible air-conditioning). This increases my concerns, particularly since what happens will only be known after our licensing deadline has passed.

Mrs Wheller, EHO, again gave us an absolute guarantee that we would hear nothing whatever on our side of the joint wall -- and if we did, she would take action. We are grateful to her for this.

I ask the Licensing Committee to limit all fan noise, air-conditioning or otherwise, to normal opening hours.

The Chairman, whilst emphasising that he was taking a neutral position, did warn us that the Licensing Committee, in areas of doubt, would probably favour the Applicant so that villagers and the licensee could resolve differences between themselves in the light of experience and with recourse to section 51 if necessary. This information was received with much disappointment, not only because it seemed to design us into a (likely) confrontational situation but also because a complaint would, it was claimed, have to be declared when selling one's house, thereby reducing its value -- a strong deterrent against such a course of action.

Nevertheless, a CIEH survey, 2003, found that commercial/leisure activities produced 1014 complaints per million population. Presumably this was in addition to complaints to the licensee. We want to avoid adding to that number by forward planning to avoid potential problems in the beginning.

I ask the Licensing Committee to apply such conditions as will avoid likely confrontation. The Applicant was aware from the start of the environment into which he was moving and the close proximity of the Redwing to dwellings in this residential part of Lympstone. It is the wish of us all that he settles down with good neighbourly relations, but in exploiting his acquisition we hope he will, as we did 13 years ago, do his best to fit in with the neighbourhood rather than have it the other way round.

I hope the Licensing Committee, whilst understanding the wishes of the Applicant, will also be able to help preserve the peaceful character this village that we have enjoyed and to which we feel we have a right.



John Hennessy

PREVENTION OF PUBLIC NUISANCE -- supporting evidence.

SUMMARY OF KEY POINTS

Prevention of Public Nuisance

Our property abuts the Redwing, and is downwind. We are also in a position defined by the Department of Environment (DEFRA) as experiencing Courtyard Effect, whereby nearby buildings tend to focus noise and smells on us.

The Applicant's proposal constitutes a 'Nuisance' in that it affects the amenity value of both our house and our garden. I attach a photograph taken from our top window.

Under the heading 'Nuisance', I have four prime concerns:

1. The low main kitchen flue

The design is faulty and should be corrected before the kitchen is put into operation. This is not opinion but a mathematical calculation derived by applying the Applicant's own figures to the formulae published by DEFRA. I show that calculation. It is not going to go away by any persuasive talk. It shows the noise to be at the very top of the High Risk band; adding the downwind factor (as advised by DEFRA) brings it well into the topmost category of Very High Risk (as, additionally, does the Courtyard Effect). It is not clear why the Applicant has not worked to the DEFRA publication.

I have re-calculated for the flue 1m above the 10.8m ridge height as suggested by DEFRA. It takes us to the top end of Medium Risk; I am prepared to accept that on a trial basis.

Smells are of equal concern both to me and DEFRA and I refer to these.

2. The ancillary kitchen flue

This kitchen was originally intended as a 'take-away'. That proposal was withdrawn, so the need for this kitchen is not clear. It has, in the plan, a similar low-level flue; there is also an open serving hatch of 2.6 square metres, causing further nuisance. My argument, above, applies with equal or greater force.

I am prepared to accept its use for the provision of food from an electric warming cabinet, but not for the preparation of food -- and only on a trial basis.

3. Garden noise

No music, no entertainment, no amplified speech from the garden or marquees. No outside drinking in the garden or elsewhere after 9 p.m. or sunset, whichever is the earlier. My concern about smells extends to cigarette smoking in the pub garden. We would, downwind, be subject to the smoke continually; it is not only offensive but by its cumulative nature, it presents a danger to health.

4. Opening hours

Lunchtime and evening only. Outside areas only until 9 p.m. - as agreed verbally with Mrs Wheller, EHO - or dusk, if earlier, as recommended by DEFRA/Institute of Acoustics.

I hope that the Applicant will accept these offers of compromise and that we can all settle down from the start without the ongoing problems that occurred during the latter years of the last licensee.

CONTENTS

Title of documents to support key points
The well-being of neighbours -- noise nuisance
Explanation of Risk Factors for Smell Nuisance
Changes I would find acceptable

APPENDIX

- A** Documentary evidence from DEFRA: "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" to support key points

 - B** Documentary evidence from "Good Practice Guide on the Control of Noise from Pubs and Clubs" (Institute of Acoustics) to support key points

 - C** Photograph
-

PREVENTION OF PUBLIC NUISANCE

When we came here the Redwing was a quiet village pub. In later years it became noisy, particularly outside, attracting customers from as far as Exmouth and Exeter. Never again!

Documents to support key points

A. DEFRA: "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems"

Not observed by the Applicant, particularly pages 10, 60, 61, 25, 28, 16, 90, 31.

As supporting evidence, I give, in an appendix, actual extracts relating to these pages.

B. "Good Practice Guide on the Control of Noise from Pubs and Clubs" (Institute of Acoustics)

Not observed by the Applicant, particularly pages 2, 4,5, 10, 11, 12, 13, 14.

As supporting evidence, I give, in an appendix, actual extracts relating to these pages.

The Licence Objective constitutes a public nuisance for reasons below.

The well-being of neighbours.

Opening Hours: Oppose - we need some sleep. This is the middle of a village!

Alcohol off premises: Oppose - I want no more cans and bottles thrown on my premises.

Live music outdoors: Oppose - there is no possibility of compliance with the sections below. I know of no other pub around (whether Globe, Swan, Puffing Billy, Diggers, Nutwell, Sadlers) where this is permitted.

Late night refreshment outdoors: Oppose - we need some sleep. Five of the above six pubs have none and Diggers is not in the centre of the community as are we.

No music or entertainment or amplified speech, live or otherwise, outdoors

Smell Nuisance: Oppose the low height of both kitchen flues

Our geographical position is relevant. The Redwing abuts our property; we are downwind of it; there are surrounding high buildings (except to the southwest); this causes courtyard effect, as defined by DEFRA. The prevailing wind will bring smells and noise towards our garden and towards our 3-storey house.

Explanation of risk factors for smells

A. Main Kitchen Flue

The ridge height of the 3-storey Redwing is about 10.8 metres - the same as our 3-storey house. Yet the top of the flue of the main kitchen fails to meet the DEFRA recommended 11.8 metres but is only 4.1 metres above datum (my datum being the car park immediately west; dimensions are taken from available plans submitted by Applicant).

This flue is only 8m from our property and 13.6m from our house. We can look down on it from the openable windows on our second and third floor (see photo). We wrote to the Applicant asking that the discharge be from above the ridge - we received no suggestion of any insuperable difficulty; in fact, no reply at all.

The top of the flue of the ancillary kitchen (formerly to be a take-away and garden sales until intervention by Councillor Ingham, following a number of persons protesting to him about noise and smells) is only about 4m above datum, 16m from our property and 26m from our

house. Again, we can look straight down on to it, and also on to the large open hatch that faces us. Why is it needed if there is no take-away?

I do not dispute that the quality of the cooking range and filters themselves comply with the DEFRA recommendations that these be of high quality; but, even apart from other considerations, the smell and noise from these low-level flues will seriously affect neighbours and most seriously affect us, downwind.

DEFRA recommend a minimum noise of 35 Db(A) at their recommended height of 11.8 metres where noise and fumes can be spread in all directions. The applicant is only able to aim at 35 Db(A) at a height of about 4 metres in spite of the courtyard and the downwind effects - and he wants two such flues; trouble waiting to happen!

Overleaf is a relevant table from DEFRA. Here is the calculation for the Redwing main kitchen alone -- 'High Risk' or 'Very High Risk', as defined on the next page:

Criteria	Score	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into courtyard or restriction on stack.
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from kitchen discharge.
	Medium	3	Between 30 and 100 covers or medium sized take away.
Size of kitchen			
Cooking type	Low	1	Most pubs, Italian, French, Pizza or steakhouse.

SIGNIFICANCE SCORE: 34 = HIGH RISK

Since the 'Dispersion Details' are in fact not only low-level but also courtyard *and* downwind, the dispersion score is doubtless well over 20 bringing us a long way into a

SIGNIFICANCE SCORE OF 'VERY HIGH RISK'

In addition to all this the Applicant proposes to have a second kitchen, with a similar flue arrangement, exacerbating the problem yet further.

I OPPOSE THE THIS MAIN KITCHEN.

Annex C: Risk Assessment for Odour

Odour control must be designed to prevent odour nuisance in a given situation. The following score methodology is suggested as a means of determining odour control requirements using a simple risk assessment approach. The odour control requirements considered here are consistent with the performance requirements listed in this report.

Impact Risk	Odour Control Requirement	Significance Score*
Low to Medium	Low level odour control	Less than 20
High	High level odour control	20 to 35
Very high	Very high level odour control	more than 35

* based on the sum of contributions from dispersion, proximity of receptors, size of kitchen and cooking type:

Criteria	Score	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge at below 10 m/s.
	Moderate	10	Discharging 1m above eaves at 10 -15 m/s.
	Good	5	Discharging 1m above ridge at 15 m/s.
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from kitchen discharge.
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge.
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge.
Size of kitchen	Large	5	More than 100 covers or large sized take away.
	Medium	3	Between 30 and 100 covers or medium sized take away.
	Small	1	Less than 30 covers or small take away.
Cooking type (odour and grease loading)	Very high	10	Pub (high level of fried food), fried chicken, burgers or fish & chips.
	High	7	Kebab, Vietnamese, Thai or Indian.
	Medium	4	Cantonese, Japanese or Chinese.
	Low	1	Most pubs, Italian, French, Pizza or steakhouse.

B. Ancillary kitchen:

This building on the site of a former garage is inherently unsatisfactory and has been the subject of much confusion by a number of responsible persons including the Head of Planning and Countryside Services herself, (*see evidence below*) and resulting in a take-away being built in all but name.

Its low flue, again about 4 m, just doubles the problem. Even by itself, it would - in view of the serving hatch of 2.6 square metres - produce a Significance Score of well over 34 and **VERY HIGH RISK..**

It is difficult to see why its existence necessary, since its original purpose, to serve as a take-away, no longer applies.

Even if the hatch were to be permanently sealed and the flue could be taken to 11.8m this second effluent would send the Significance Score of the Redwing sky high far into "Very High Risk" and I cannot see how it can be brought into compliance.

Evidence of confusion by officers, one district councillor and misinformation to MP

13.1.09 I wrote, expressing concern about noise and smells, to our MP, Hugo Swire: "my wife and I very concerned that a planning matter of substantial importance to this village is to be decided by planning officers rather than elected councillors. The issue is a planning consent for a take-away in this residential conservation area." He took the matter up with Mrs Kate Little (Head of Planning and Countryside Services).

25.1.09 I e-mailed District Cllr. Ben Ingham expressing concern about the noise and smell (as had others), and protesting that this contentious matter should not be being decided by elected councillors and he replied on the same day:

"I have written to the EDDC planning officers requesting this application is decided by the Development Control Committee, not by officers nor the Chairman of DC. I have recommended that part of the application relating to the proposed take away is refused."

8.2.09 Cllr Ben Ingham e-mailed a number of us: "I insisted on this application going to committee because of the A5 takeaway section. A few days later the result; the applicant removed the A5 takeaway part of the application. **That building will have to be used as part of the pub/restaurant business only (probably a store).**"

6.3.09 Officers report published.

18.3.09 Mrs Kate Little, (Head of Planning and Countryside Services) wrote to our MP informing him that "hot food will be prepared in the Redwing Inn to serve the restaurant but **not on the site of the separate garage.**"

13.7.09 A few months later Stephen Belli, (Development Manager), wrote on behalf of Mrs Kate Little, (Head of Planning and Countryside Services):

'despite the earlier interpretation in respect of the potential for hot food preparation in the out building, I must advise that having read the Officers report for the above application together with the conditions imposed; these do not preclude such preparation. The Officers report under the conditions imposed recognise that although take-away service was withdrawn by the applicant, hot food could still be prepared in the out building.'

Changes I would find acceptable

(i) Main kitchen:

Provided the flue can exhaust at 11.8m I do not object to it having a Significance Score of 19 (at the top end of "Low to Medium Risk" and so **MEDIUM RISK**) - provided it does not exhaust after Closing Time.

(ii) Ancillary kitchen:

I do not object to use as a store, as Councillor Ingham envisaged when he was negotiating with the Applicant. I would also, as a compromise, accept it being used for serving food to the garden using an electrical hot food cabinet for this purpose - but no generator of smells and noise. I don't mind it looking like a take-away but I do mind it sounding like a take-away and smelling like a take-away.

I hope the Applicant finds this compromise helpful.

(iii) No music or entertainment or amplified speech, live or recorded, outdoors.

(iv) **Pub Opening hours:** no later than 11 :30 a.m. on any day of the year.

(v) **Compliance with DEFRA & the Institute of Acoustics Guides.**

APPENDIX

DOCUMENTARY EVIDENCE TO SUPPORT KEY POINTS

**A. DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA)
Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust
Systems January 2005**

Page numbers below refer to the DEFRA document

Page 10

Minimum Requirements For Odour Control

Objectives

- for new premises or premises covered by planning conditions restricting the impact of odour the system shall be designed to prevent harm to the amenity.

- for existing premises not covered by planning conditions restricting the impact of odour, the system shall be designed to avoid statutory nuisance and shall comply with the principles of Best Practical Means.

To achieve these objectives the odour control system shall include an adequate level of:

1. odour control; and
2. stack dispersion.

The overall performance of the odour abatement system will represent a balance of 1 and 2.

Discharge stack

The discharge stack shall:

1. Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional odour control measures may be required.

Page 60/61

4.7.8 Stack

Inadequate height of the discharge stack is one of the main reasons the emissions from a kitchen gives rise to odour nuisance. The stack design is paramount to achieving good dispersion. Good stack dispersion requires:

The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with a receptor.

The discharge to be outside the wake of nearby buildings. Discharging ventilation air below a roof ridge may result in excessive entrainment within building down wash. In

certain situations, the use of high velocity discharge systems can force the discharging plume out of the building wake.

A stack discharging into a semi-enclosed area such as a courtyard or the area between back additions should be avoided.

(N.B. The kitchens are surrounded by high level buildings, except from the southwest, producing a courtyard effect; we are also downwind.)

Page 25

Application of stack height

Main concern occurred where:

Building housing premises is shorter than surrounding buildings; and Premises is a listed building, is located in a conservation area or located in a courtyard.

Page 28

3 Regulation of kitchen ventilation systems

The EHO may recommend refusal of planning permission if in their opinion the development will cause significant loss of amenity or statutory nuisance that cannot be mitigated with conditions.

Page 16

The response to a particular odour will vary between individuals.

2.1.4 Effects of odour

The main concern with odour is its ability to cause an effect that could be considered 'objectionable or offensive'. An objectionable or offensive effect can occur where an odorous compound is present in very low concentrations, usually far less than the concentration that could cause adverse effects on the physical health of humans or impacts on any other part of the environment.

Effects that have been reported by people include nausea, headaches, retching, difficulty breathing, frustration, annoyance, depression, stress, tearfulness, reduced appetite, being woken in the night and embarrassment in front of visitors.

All of these contribute to a reduced quality of life for the individuals who are exposed.

2.1.5 Physical properties and odour perception

How an odour is perceived and its subsequent effects are not straightforward. The human perception of odour is governed by complex relationships and its properties need to be considered when assessing potential odour effects.

Page 25

2.3 Typical Problems Encountered With Commercial Kitchen Ventilation Systems

Application of stack height: main concern occurred where:

Building housing premises is shorter than surrounding buildings;

Page 90

Any reference to minimum standards within this document is for guidance only and more stringent controls may be deemed appropriate.

Page 31

The Environmental Protection Act 1990[8]

This Act places a duty on the Local Authority to investigate the likely occurrence of statutory nuisance and where it does occur to require and enforce implementation of measures to rectify them.

Statutory nuisance is defined under the EPA 1990 for England and Scotland and includes, in relation to noise and odour:

- a) any fumes or gases emitted from premises so as to be prejudicial to health or cause a nuisance;
- b) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance; and
- c) noise emitted from premises so as to be prejudicial to health or a nuisance.

APPENDIX Contd:

**B. GOOD PRACTICE GUIDE ON THE CONTROL OF NOISE FROM PUBS AND CLUBS
Institute of Acoustics (March 2003)**

Page 2

SCOPE

- 2.1 This document provides guidance for the assessment and control of noise affecting noise-sensitive properties, from the public and private use of public houses.
- 2.2 The purpose of this Guide is to assist local authority officers with the planning and licensing of proposed or existing premises.
- 2.3 Music, singing and speech, both amplified and non-amplified:
 - for premises where entertainment takes place on a regular basis, **music and associated sources should not be audible inside noise-sensitive property at any time.**
 - for premises where entertainment takes place less frequently, **music and associated sources should not be audible inside noise-sensitive property between 23:00 and 07:00 hours.**

Page 4

3. SOURCES OF DISTURBANCE General

3.1 The main sources of noise that can cause disturbance from pubs, clubs and similar premises are:

music, singing and speech, both amplified and non-amplified, originating from inside buildings;

music, singing and speech, both amplified and non-amplified, originating from outside buildings;

activities within gardens and play areas;
rowdy behaviour;
use of car parks and access roads;
delivery/collection/storage activities;
plant and machinery;

Page 5

- noise problems associated with these sources can be exacerbated in the summer when windows and doors may be open for ventilation purposes, or when residents are outside, enjoying their gardens or amenity areas;
- 3.4 Noise disturbance can also arise from televised sports events, which are often relayed at high volume and can be accompanied by patrons cheering, shouting and singing.

Music, Singing and Speech Originating from Outside Buildings (Entertainment Noise)

- 3.5 **The levels of noise from these sources can often be high because there is no building envelope to attenuate the sound.** Examples of this are use of beer gardens; receptions and parties held in marquees; and barbecues and parties held in the open.

Use of Gardens and Play Areas

- 3.6 Noise disturbance may arise from adults and children using gardens or dedicated permanent play areas both inside and outside buildings. In addition, disturbance can arise from temporary play areas where transportable play equipment is often sited.

Rowdy Behaviour

People congregating at and around pubs, can lead to raised voices and shouting. Rowdy behaviour of this nature is most likely to occur around the end of entertainment events, or at closing time.

Use of Car Parks and Access Roads

- 3.9 noise from the use of in-car entertainment systems, car horns, the slamming of car doors, the activation of car alarms, the screeching of tyres, excessive engine revving, prolonged idling and other similar activities. Noise levels produced from vehicle movements can also cause disturbance.

Page 10

6 **GENERAL MEASUREMENT ADVICE**

Instrumentation

Notice should be taken of the lower measuring limit of the instrumentation. For example, many sound level meters currently available are incapable of measuring below 20 dB(A), although the indicated range may suggest otherwise.

Page 11

Measurement Positions and Locations

Outdoor measurements have the advantage that it may not be necessary to disturb residents to gain access. However, such measurements are not necessarily representative of the noise that will arise inside the dwelling and indoor measurements provide a better representation of what is heard by residents.

- 6.10 Where indoor measurements are required, the following guidance should be followed:

- measurements should normally be carried out in the worst affected, or potentially affected, habitable room,

- measurements may be made with the windows to the habitable room either closed, or open sufficiently for normal ventilation purposes. Normally, the condition under which most disturbance is arising, or could arise, should be selected;
- noise levels can vary significantly within a room, therefore the most appropriate measurement position may be where the complainant experiences the disturbance, e.g. near a bed, or by a desk.

Page 12

Meteorological Conditions

- 6.11 The advice given on "Precautions against interference" and "Weather conditions" contained in BS 4142 [6] should generally be complied with, particularly for outdoor measurements.

Page 13

7 **CONTROL MEASURES General**

Where noise could affect the occupants of neighbouring properties, consideration should be given to noise control issues prior to applying for planning consent, or a licence that permits entertainment, or before introducing any material changes to buildings or operations. Such consideration is financially prudent, as it could reduce the likelihood of failed planning or licence applications and/or costly remedial measures, in the event of justified complaints from local residents.

Page 13

It is generally inadvisable to hold regular outdoor events on premises that are close to noise-sensitive properties.

Noise from Music, Singing and Speech Originating from Inside Buildings (Entertainment Noise)

- 7.5 At the design stage for new premises, when planning the refurbishment of existing premises, ... consider an appropriate level of sound insulation based on realistic source and reception levels;

Page 14

Noise from Music, Singing and Speech Originating from Outside Buildings (Entertainment Noise)

- 7.6 In addition to the advice given in 7.5, the following noise control measures should be considered:

- directing loudspeakers away from the most noise-sensitive buildings;
- locating stages as far away as possible from, and facing away from, noise-sensitive properties.

- 7.7 When planning an outdoor event, it should be remembered that wind speed and direction significantly affect the propagation of sound over distance. Generally, this results in higher noise levels than expected downwind of an event. Other meteorological factors may also need to be taken into account (e.g. the possibility of temperature inversions occurring during an event which can also result in higher noise levels than expected in all directions).

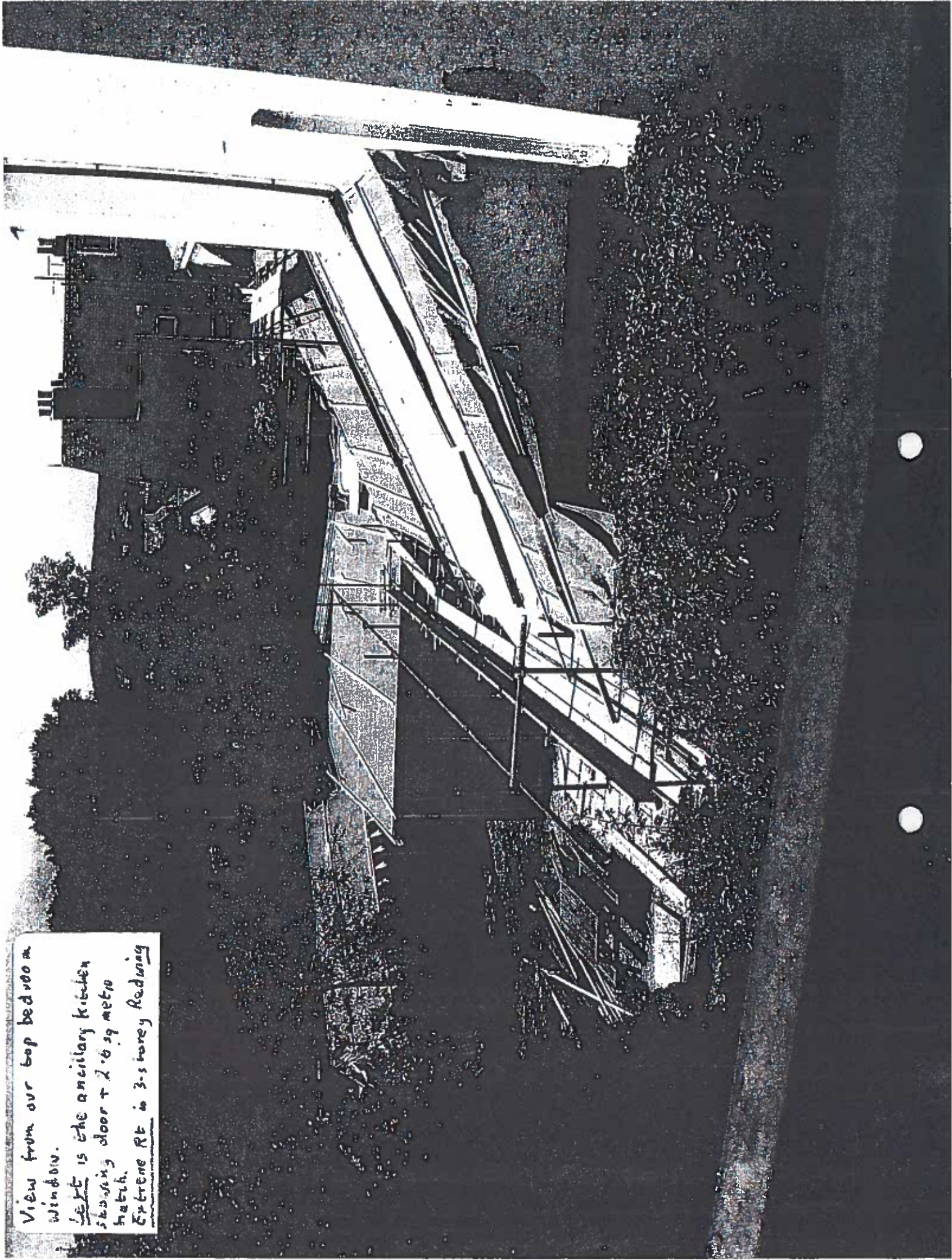
Use of Gardens and Play Areas

- 7.8 Careful consideration should always be given to the siting of gardens and play areas, to minimise the risk of disturbance to neighbours. The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and **should normally cease at dusk or at 21:00 hours, whichever is the earlier.**
- 7.9 Consequently, where there are nearby noise-sensitive premises, the use of lighting in garden and external play areas late into the evening can be undesirable, unless required for health and safety or security reasons. The provision of such lighting may encourage patrons to congregate in these areas and cause noise disturbance at this more sensitive time.

Rowdy Behaviour

This problem normally arises at the end of an event, as closing time approaches and just afterwards. Posting notices close to the exit doors and in car parks, requesting patrons to leave and disperse quietly, may improve the situation. Relaying a similar message through a PA system, where this is practicable, will reinforce such requests.

- 7.10 Door staff can also assist in minimising disturbance by actively managing entrances and exits.
-



View from our top bedroom window.
 Left is the ancillary kitchen showing door + 2.6 sq metro bath.
 Extreme Rt is 3-storey Redwing

REDWING INN Application Number 024321
Documents attached as appendices to support key points

Prevention of public nuisance

1) General use of outside

What are the applicants' exact proposals for **general use of outside**? Our house, Southerleigh, is next to the Redwing, the beer garden is the other side of the wall. Our sitting room window, on the first floor, and bedroom windows above look directly down into the beer garden. It is a walled garden where noise will reverberate off the four surrounding walls.

Appendix 1

Photograph from our bedroom window
Plan of Redwing and Southerleigh (to follow)

2) Outdoor music

What are the applicants' exact proposals for live music outdoors and the provision for making music outdoors? **No pub, inn, restaurant, hotel or village hall with a premise licence in Lympstone or Woodbury has permission for music, live or amplified, outdoors.**

Appendix 2

Woodbury and Lympstone Ward: Summary of all licensable activities for all 13 pubs, restaurants, hotels and village halls in the ward.

I support the EHO representation to the application

"The proposed outdoor musical entertainment is likely to result in public nuisance.

No live music shall be played in the garden at any time

The use of the beer garden shall cease at 2100hrs."

I ask that this representation is given full weight

Appendix 3

Representaion of EHO to application

Appendix 4 A

Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' March 2003

Section 7 Control Measures, paragraph 7.8 Use of garden and play area "The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and should normally cease at dusk or at 21:00 hours, whichever is the earlier."

The applicants' are applying for proposed **starting time for outside live music at 10am**. This is asking for **all day music** and is a very big increase in the hours allowed; it is a material change to the previous licence. The previous Redwing licence was for evenings only music starting at 6:00pm (M – Sa) and 4:30pm (Sun). The applicants' verbal assertion that the licence is virtually the same as the previous Redwing Licence is untrue. I ask that outside music is not allowed

Starting times for outside live music, facilities for making music and dancing

	M – Sa	Sun
Previous Redwing licence	6:00pm	4:30pm
NEW Redwing licence	10:00am	10:00am

Appendix 5

Previous Redwing licence

The applicants' told us, out of the blue, at the mediation meeting that they will have **background music at all times outdoors**. Mrs Wheller, EHO, stated, and repeated when questioned that the 'music will be inaudible at the Redwing boundary and that included inside open windows of Southerleigh'. I ask that this is made a condition of the licence. As the applicant has given frequent assurances that there will be no amplified music outside I also ask that the condition that background music will not be amplified is put in the licence.

The mediation meeting was held the day before the deadline for responses. We are given less than a day to consider the implications, make a response and include documentary evidence. As the applicants acknowledge, they had had time to consider our representations before the meeting. I ask that we are given the same privilege and are allowed to introduce documentary evidence after the deadline.

3) Outdoor amplified sound

What are the applicants' exact proposals for speech and sound, amplified and non-amplified, outdoors?

The applicants' are asking for **all day speech with background music outside** for every day of the year. It is not reasonable or fair to the neighbours to have speech, amplified or non-amplified, with background music, starting at 8:00am, for **all day events** such as weddings or similar celebrations, also for race nights, quizzes and parties. Using marquees, with heaters and lighting, this could continue all year. I ask that all day speech is confined to inside.

Appendix 6

Chartered Institute of Environmental Health 'Neighbourhood Noise, Policies and Practice for Local Authorities – a Management Guide'

September 2006 Appendix 3 NOTE 15 paragraph 5.3 "Suggested management conditions may include no parts of the exterior, including the garden/patio, shall be used for the purpose of entertainment"

The legislations for noise nuisance applies to all music and noise from any premise. The test of 'inaudibility' under Noise Nuisance Act 1996 and Recent Amendments has a fixed maximum decibel level for inside a neighbour's house with no distinction as to whether the noise comes from inside or outside the pub.

I ask that this is taken into consideration when determining the licence

Appendix 7 (to follow)

What measures such as external sound absorption materials have been considered to deaden or reduce the noise of **loud talking, laughter and music outside?**

Appendix 4 B

Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' March 2003

Section 7 Control Measures, paragraph 7.6 Noise from Music, Singing and Speech Originating from Outside Buildings "In addition to the advice given in 7.5 the following noise control measures should be considered: using screeningand the erection of purpose built screening"

What are the applicants exact intentions for **late night refreshments outdoors?**

What does the applicant regard as a **reasonable time** for customers to be asked to leave the garden and move indoors? As Mr Robshaw will be aware from his representation against the premise licence application for Courtlands House in Lympstone parish, the EDDC Licensing Sub committee in granting the Premise Licence resolved '**Drinks must not be taken out after 10 pm.**'

Appendix 8

*EDDC 'Minutes of Meeting of the Licensing and Enforcement Sub Committee'
11 May 2009 Application for the Grant of a Premise Licence under the Licensing
Act 2003 at Courtlands House, (Condition (d),3)*

4) Position of smoking area

Where will the **smoking shelter with associated air pollution** be sited in relation to proximity to neighbours, an open hatch serving food to customers, children and drinkers in the garden? There will be a cumulative effect on noise level of smokers, drinkers and background music.

I ask that a designated smoking area is delineated on the plan and agreed by EDDC. As Mr Robshaw will be aware from his representation against the premise licence application for Courtlands House in Lypstone parish, the EDDC Licensing Sub committee in granting the Premise Licence resolved "A designated smoking area must be provided for patrons. The smoking area must be clearly delineated on a plan approved by the Licensing Authority and an Environmental Health Officer of East Devon District Council."

Appendix 8 (as above)

*EDDC 'Minutes of Meeting of the Licensing and Enforcement Sub Committee'
11 May 2009 Application for the Grant of a Premise Licence under the Licensing
Act 2003 at Courtlands House, (Condition (d),3)*

Appendix 9

EDDC nuisance_noise_and_public_order

5) Use of outbuilding kitchen

What steps is the applicants taking to ensure there are no **cooking smells** from the open food serving hatch and low exhaust flues from the outbuilding and kitchen

Appendix 10

DEFRA: 'Guidance on the Control of Odour and Noise From Commercial Kitchen Exhaust Systems'. Section 4 paragraph 4.7 'Odour Abatement Tools' 4.7.8 Stack, Guidance on minimum stack height

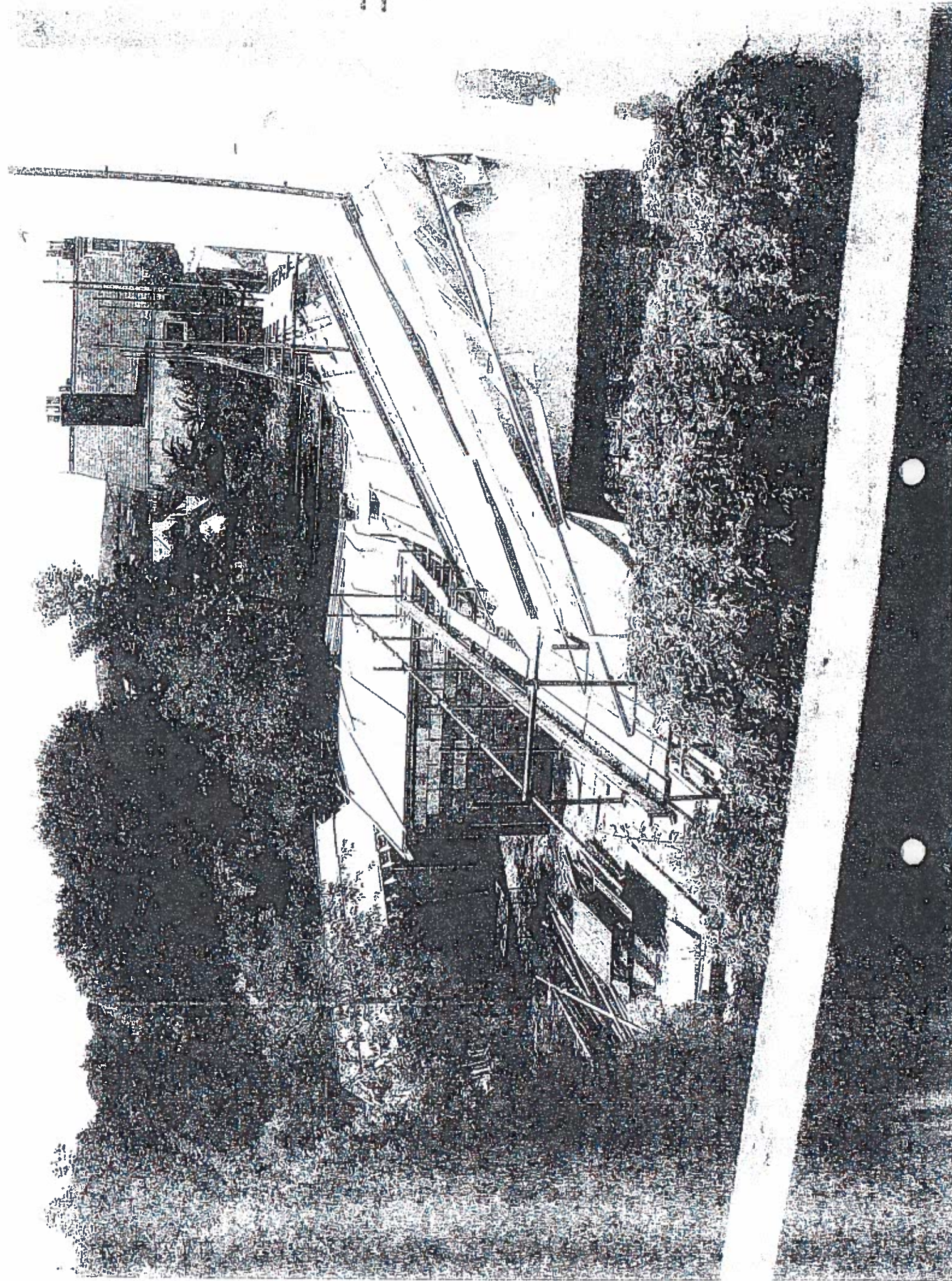
6) Noise from inside

What are the exact proposals to avoid **noise breakout from music and speech indoors**; such as air conditioning so that windows are kept closed, sound limiters on amplification equipment, requirement that all music must go through the pub's amplification system, automatic door closures, sound insulation.

Appendix 11

Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' March 2003

Section 7 Control measure, paragraph 7.5 Noise from Music, Singing and Speech originating from Inside Buildings



App 2

Appendix 2

A summary of all permitted licensable activities for all licences for pubs, hotels and village halls in Woodbury and Lympstone Ward.

Courtlands House

Courtlands Lane, EXMOUTH, Devon, EX8 3NZ

Permitted Activities:

- a performance of a play (**Indoors**)
- an exhibition of a film (**Indoors**)
- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (**Indoors**)
- entertainment facilities for making music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premise

Diggers Rest (The)

Woodbury Salterton, Exeter, Devon, EX5 1PQ

Permitted Activities:

- provision of late night refreshment (**Indoors & outdoors**)
- the sale by retail of alcohol **ON and OFF** the premise

Exton Village Hall

Station Road, Exton, Exeter, Devon, EX3 0PR

Permitted Activities:

- a performance of a play (**Indoors**)
- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (**Indoors**)
- entertainment facilities for making music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing (**Indoors**)

Globe Inn (The)

The Strand, Lympstone, Exmouth, Devon, EX8 5EY

Permitted Activities:

- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Green Door Restaurant (The)

Jubilee House, Woodbury, Exeter, EX5 1LQ

Permitted Activities:

- any playing of recorded music (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

La Synergie

Jubilee House, Gillbrook, Woodbury, Exeter, Devon, EX5 1LQ

Permitted Activities:

- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON** the premises only

Maltsters Arms (Woodbury) (The)

Greenway, Woodbury, Exeter, Devon, EX5 1LN

Permitted Activities:

- an exhibition of a film (**Indoors**)
- an indoor sporting event (**Indoors**)
- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (**Indoors**)
- entertainment facilities for making music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- provision of late night refreshment (**Indoors & Outdoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Nutwell Lodge

Exmouth Road, Lympstone, Exmouth, Devon, EX8 5AJ

Permitted Activities:

- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Puffing Billy (The) Station Road, Exton, Exeter, Devon, EX3 0PR

Permitted Activities:

- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- entertainment facilities for making music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Saddlers Arms

Exmouth Road, Lypstone, Exmouth, Devon, EX8 5LS

Permitted Activities:

- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Swan Inn (Lypstone) (The)

The Strand, Lypstone, Exmouth, Devon, EX8 5ET

Permitted Activities:

- a performance of live music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- provision of late night refreshment (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

White Hart (Woodbury)

Church Stile Lane, Woodbury, Exeter, Devon, EX5 1HN

Permitted Activities:

- an indoor sporting event (**Indoors**)
- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing (**Indoors**)
- the sale by retail of alcohol **ON and OFF** the premises

Woodbury Village Hall

Flower Street, Woodbury, Exeter, Devon, EX5 1LX

Permitted Activities:

- a performance of a play (**Indoors**)
- a performance of live music (**Indoors**)
- any playing of recorded music (**Indoors**)
- a performance of dance (**Indoors**)
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance (**Indoors**)
- entertainment facilities for making music (**Indoors**)
- entertainment facilities for dancing (**Indoors**)
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing (**Indoors**)

App 3

Application No: 024321

Premises: Redwing Inn (The)

Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

Environmental Health Officer

East Devon District Council, Knowle, Sidmouth.

Person making Representation:

Representation Accepted:

Reason:

Representation has been accepted

I have considered the proposal along with the proposed operating schedule. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a

REPRESENTATION.

1. The proposed outdoor musical entertainment is likely to result in public nuisance. Any music outside is likely to cause noise disturbance at nearby noise sensitive locations in a residential area.

2. The use of the outdoor licensed area until the proposed terminal hour is likely to result in public nuisance.

Details:

Evidence:

It is possible that following further discussions with the applicant, amendments can be made to the operating schedule to introduce the safeguards I would like to see and this would enable me to then withdraw this representation. However, for the time being I recommend that if the Licensing and Enforcement Committee is minded to grant this licence, the following conditions ought to be imposed in order to prevent public nuisance .

1. No live music shall be played in the garden at any time.

2. Customers must be asked not to stand around talking in the street outside the premises or car park and will be asked to leave the vicinity quickly and quietly.

3. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.

4. The use of the beer garden shall cease at 2100hrs.

5. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible.

App. 4 B

Noise from Music, Singing and Speech Originating from Outside Buildings (Entertainment Noise)

- 7.6 In addition to the advice given in 7.5, the following noise control measures should be considered:
- directing loudspeakers away from the most noise-sensitive buildings;
 - locating stages as far away as possible from, and facing away from, noise-sensitive properties; and
 - using screening provided by existing non-sensitive buildings, barriers and topographical features and the erection of purpose built screening.
- 7.7 When planning an outdoor event, it should be remembered that wind speed and direction significantly affect the propagation of sound over distance. Generally, this results in higher noise levels than expected downwind of an event. Other meteorological factors may also need to be taken into account (e.g. the possibility of temperature inversions occurring during an event which can also result in higher noise levels than expected in all directions).

Use of Gardens and Play Areas

App. 4 A

- 7.8 Careful consideration should always be given to the siting of gardens and play areas, intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of normal trading hours and should normally cease at dusk or at 21:00 hours, whichever is the earlier.
- 7.9 Consequently, where there are nearby noise-sensitive premises, the use of lighting in garden and external play areas late into the evening can be undesirable, unless required for health and safety or security reasons. The provision of such lighting may encourage patrons to congregate in these areas and cause noise disturbance at this more sensitive time.

Rowdy Behaviour

- 7.10 This problem normally arises at the end of an event, as closing time approaches and just afterwards. Posting notices close to the exit doors and in car parks, requesting patrons to leave and disperse quietly, may improve the situation. Relaying a similar message through a PA system, where this is practicable, will reinforce such requests. Potential problems from rowdy behaviour should be taken into account when considering the acceptability of proposed locations and the design of new premises.
- 7.11 In situations where noise-sensitive premises overlook the main entrance/exit, the use of alternative entrance/exit routes, possibly onto a rear or side street,

Appendix 3. NOTE 15

- doors/fire doors shall be connected to the sound limiting/cut-out device so that when the door is opened during a performance the device is activated. *This can be used where the building of a lobby is not practicable;*
- works shall be carried out to sound insulate/attenuate the (x) ventilation/extract system so as to prevent sound break-out from the premises. *Note: Noise can escape through an air intake just as easily as through an extract.*

5.3 Suggested management conditions may include:

- all audio and amplified musical equipment on the premises shall be played through the approved sound limiting/cut-out device and maintained at the approved level set with Noise Team Officers;
- all windows shall be kept shut whilst entertainment is being provided;
- all external doors shall be kept closed, allowing access and egress, whilst entertainment is being provided;
- all external fire doors shall be kept closed, allowing emergency egress, whilst entertainment is being provided;
- there shall be no movement of equipment associated with the entertainment from the premises between the hours of 24:00 and 08:00;
- responsible persons appropriately trained in entertainment venue safety and security shall be employed at all times whilst the entertainment is being provided and shall take all reasonable steps to ensure that patrons will not cause a nuisance to the neighbourhood;
- announcements shall be made and notices provided to request that patrons leave in a quiet and orderly manner;
- no parts of the exterior, including the garden/patio, shall be used for the purposes of entertainment;
- the beer garden shall not be used whilst entertainment is being provided within the premises.

6.0 REPORTS

6.1 A typical report would consist of:

- a description of the premises;
- a description of the vicinity including proximity to noise sensitive premises;
- history of the premises, complaints made, visits made, whether noise nuisance was witnessed;
- problems with the premises, e.g. areas of likely noise escape from poor glazing;
- works conditions; and
- management conditions.

7.0 REVIEW

- #### 7.1 Responsible authorities (but not licensing authorities) may apply for a review of a premises licence, based on one or more of the licensing objectives.

*37 **Application to grant a Premises Licence under the Licensing Act 2003 at Courtland House, Courtlands Lane, Exmouth (Cont)**

RESOLVED 1): that the Premises Licence be granted with the following conditions:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.
- (b) Permitted hours for the various licensable activities will be set out in the Appendix A.
- (c) All licensable activities to finish at 12.00 midnight Monday to Saturday and at 11.00pm on a Sunday.
- (d) The conditions will now be as shown in Appendix D as amended by Appendix E to read as follows:
 1. A trained manager must always be on duty during hours of opening.
 2. A designated smoking area must be provided for patrons. The smoking area must be clearly delineated on the plan and approved by an Environmental Health Officer of East Devon District Council and the Licensing Authority.
 3. Drinks must not be taken outside after 10.00 pm.
 4. A noise limiting device must be installed and maintained to the satisfaction of the District Council's Environmental Health Service. The level must be set by an Environmental Health Officer of East Devon District Council.
 5. All external windows and doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.
 6. Amplified music must only be played in the rooms marked as Music Room and Drawing Room on the plan submitted to and approved by the licensing Authority.
 7. Commercial waste must not be kept at the premises for any period over 48 hours without the written permission of the Council's Environmental Health Service.
 8. CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
 9. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
 10. If the CCTV equipment is inoperative the Licensing Authority must be informed within seven days and immediate steps to be taken to restore the equipment to full working order.
 11. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
 12. Membership of the Local Licensees Association must be maintained and the license holder or their representative must attend meetings and participate in all relevant initiatives.
 13. The license holder must ensure that all staff receives appropriate training regarding emergency and general safety precautions and procedures.
 14. The license holder must ensure that all staff is aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.

*37 **Application to grant a Premises License under the Licensing Act 2003 at Courtland House, Courtlands Lane, Exmouth (Cont)**

RESOLVED 1): that the Premises Licence be granted with the following conditions:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants plan.
- (b) Permitted hours for the various licensable activities will be set out in the Appendix A.
- (c) All licensable activities to finish at 12.00 midnight Monday to Saturday and at 11.00pm on a Sunday.
- (d) The conditions will now be as shown in Appendix D as amended by Appendix E to read as follows:

- 1. A trained manager must always be on duty during hours of opening.
- 8 B — 2. A designated smoking area must be provided for patrons. The smoking area must be clearly delineated on the plan and approved by an Environmental Health Officer of East Devon District Council and the Licensing Authority.
- App. 8 A — 3. Drinks must not be taken outside after 10.00 pm.
- 4. A noise limiting device must be installed and maintained to the satisfaction of the District Council's Environmental Health Service. The level must be set by an Environmental Health Officer of East Devon District Council.
- 5. All external windows and doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.
- 6. Amplified music must only be played in the rooms marked as Music Room and Drawing Room on the plan submitted to and approved by the licensing Authority.
- 7. Commercial waste must not be kept at the premises for any period over 48 hours without the written permission of the Council's Environmental Health Service.
- 8. CCTV to be installed and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
- 9. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
- 10. If the CCTV equipment is inoperative the Licensing Authority must be informed within seven days and immediate steps to be taken to restore the equipment to full working order.
- 11. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
- 12. Membership of the Local Licensees Association must be maintained and the license holder or their representative must attend meetings and participate in all relevant initiatives.
- 13. The license holder must ensure that all staff receives appropriate training regarding emergency and general safety precautions and procedures.
- 14. The license holder must ensure that all staff is aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.

Nuisance

The location of shelters for smokers could result in smoke drifting into residential dwellings and/or commercial properties.

Light from shelters for smokers (especially if they go on and off when customers enter or leave the shelter) could disturb local residents living next to shelters and be the source of a complaint and nuisance.

The Law

Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005

For a nuisance to occur the odour and/or smoke or light problem must happen frequently over a period of time. A smoking shelter next to neighbours' dwellings or gardens may cause such problems. The local authority must investigate all nuisance complaints that they receive from the public. If they are satisfied that smoke or light coming from a premises is a statutory nuisance (including from outdoor areas such as car parks and beer gardens), they must take action. This would normally take the form of an abatement notice, which, if breached could lead to a fine of up to £20,000 per offence. People affected by a statutory nuisance can also take private action.

The Control

- Structures to accommodate smokers should not be under or near openable windows of the same or adjoining premises
- Structures put up for smokers should not be under or near any air intake fans of the same or adjoining property
- Structures put up for smokers should not be directly at or in front of the entry and/or exit doors to any premises
- Make sure lighting levels provide safe access and egress to the structure but do not give rise to complaint.

Noise and Public Order

People and music are the two main sources of noise associated with pubs, clubs and bars. More customers outside will obviously increase potential disturbance for neighbours. If not properly controlled this could result in complaints from businesses or people who live in your local neighbourhood. There are three sources of potential noise and public order problems that you need to control:

- Amplified music
- Customers using outdoor areas of the premises
- Customers gathering outside the business perimeter

The Law

Environmental Protection Act 1990

The local authority must investigate all noise complaints that they receive from the public. If they are satisfied that noise coming from a premises is a statutory nuisance (including from outdoor areas such as car parks and beer gardens), they must take action. This would normally take the form of a noise abatement notice, which, if breached could lead to a fine of up to £20,000 per offence. People affected by a statutory nuisance can also take private action.

Licensing Act 2003

Businesses must have procedures to prevent a public nuisance, otherwise noise and public order problems result. Then the local authority can take action to review the premises' licence. This will allow statutory consultees and other interested parties, to ask that specific conditions are placed on the licence, or the right to hold a specific event be removed. Noise coming from a premise or the vicinity of a premise can be considered, meaning noise caused by patrons is a responsibility of the management if they are directly linked to the premises (for example if they are smoking or drinking outside).

If a condition of a licence is breached, then action against the licence holder could lead to a fine of up to £20,000 per offence.

Litter

Cigarette butts and packets dropped on any open space are defined as litter. An increase in customers or staff outside increases the risks of smoking related litter adjacent to your premises.

The Law

Environmental Protection Act 1990 Section 98 (5A) and Section 87

Managers have a legal duty to ensure litter from their premises is controlled. Persistent problems will be investigated and may result in a Street Litter Notice. This requires you to provide a bin and take reasonable steps to ensure that land next to the premises is kept clear of litter. If you don't a fixed penalty notice would be served on the owner or premises license holder. In addition, dropping litter on any open space is an offence. Any person who is seen to drop smoking related litter by an authorised officer of Exeter City Council will be issued with a fixed penalty notice.

The Control

The provision of fixed or portable outdoor ashtrays or bins that:

- are positioned either next to entrances or at any location where smokers are likely to congregate to smoke;
- do not interfere with the activities of other legitimate users of the pavement or highway;
- within the a conservation area or on a listed building use the design should be approved by Exeter City Council
- regular sweeps and litter pick
- supervision by management

You can find out more about your responsibilities to prevent nuisance and public order from the Environmental Health Service on 01395 571548

impeded, e.g. in courtyard situations. Plate 10 (Annex E) provides an example of an odour neutralising system.

4.7.8 Stack

Inadequate height of the discharge stack is one of the main reasons the emissions from a kitchen gives rise to odour nuisance. The stack design is paramount to achieving good dispersion. Good stack dispersion requires:

- The effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with a receptor.
- Discharge velocity influences the plume rise and therefore the effective stack height. The effective stack height can be estimated from:

$$\Delta H = 3W.d/U$$

where,

W (m/s) is the efflux speed at the chimney top

U (m/s) is the wind speed at the height of the stack

d (m) is the internal diameter of the stack

Ideally W/U should be greater than 4. If W/U is less than 1.5, then down wash will occur resulting in a reduced effective stack height.

- The discharge to be outside the wake of nearby buildings. Discharging ventilation air below a roof ridge may result in excessive entrainment within building down wash. In certain situations, the use of high velocity discharge systems can force the discharging plume out of the building wake.
- The flow to be unimpeded. Cowls can increase the static pressure, noise, potential down draught and risk of re-entry of the exhaust back into the building. Alternative stack terminals are available and include:
 - terminals without integral drains e.g. reducing cone, solid top cones; and
 - terminals with integral drains e.g. open top cone and drain, induction types and sleeve type.
- Straight and vertical discharge.

Figure 4.5 shows examples of best stack design.

Guidance on stack requirements for commercial kitchens varies between Local Authorities. The range of guidance issued by Local Authorities is summarised below:

- Guidance on the minimum stack height ranges from:
 - 1 m above the eaves of the premises and/or above any dormer window;
 - 1 m above ridge height of any building within 15 m; and
 - low level discharge should be avoided.

7 CONTROL MEASURES

General

- 7.1 Where noise could affect the occupants of neighbouring properties, consideration should be given to noise control issues prior to applying for planning consent, or a licence that permits entertainment, or before introducing any material changes to buildings or operations. Such consideration is financially prudent, as it could reduce the likelihood of failed planning or licence applications and/or costly remedial measures, in the event of justified complaints from local residents.
- 7.2 In order to minimise the risk of noise problems arising, extreme caution should be exercised in permitting developments that result in pubs, clubs and other similar premises being structurally attached to noise-sensitive properties. Such development should not be permitted without it being clearly demonstrated that acceptable noise levels can be achieved and maintained at, and in, the noise-sensitive properties. When demonstrating acceptability, a conservative approach should be adopted in the calculations, which, in turn, must be based on realistic source noise levels.
- 7.3 At the design stage of new premises, or the refurbishment of existing premises, consideration should be given to the site layout, with a view to preventing noise disturbance. In particular, attention should be paid to the location of entrances and exits, windows, car parks, access roads, gardens and play areas, and commercial delivery and collection areas. The use of existing acoustic screening, potential screening provided by the proposed buildings and/or the erection of purpose built noise barriers should also be considered. Advice on the use of screening and some of the more technical source-specific noise control measures should be sought from a competent person (see 6.12). It would also be prudent to seek the views of the local authority at the design stage.
- 7.4 It is generally inadvisable to hold regular outdoor events on premises that are close to noise-sensitive properties. However, if such events are planned, advice should normally be sought from a competent person. This advice should be discussed with the local authority well in advance of an event to agree any noise control measures that may be necessary.

Noise from Music, Singing and Speech Originating from Inside Buildings (Entertainment Noise)

- 7.5 At the design stage for new premises, when planning the refurbishment of existing premises, or when noise disturbance is occurring from existing premises, the following measures should be considered:
- the determination of an appropriate level of sound insulation based on realistic source and reception levels;

control

- the construction of cavity masonry walls, or the addition of sound insulating, independent wall linings to enhance the containment and attenuation of sound;
- the provision of lobbies with automatic door-closers for building entrances and exits. Where possible, the distance between the inner and outer doors should be sufficient to ensure that one door set is normally closed as people pass through the lobby. It will also be necessary to ensure that wheelchair access is not hindered;
- the provision of well sealed acoustic doors on emergency exits;
- the provision of sound insulated windows;
- the provision of mechanical ventilation or air conditioning systems that will enable windows and doors to be kept closed, hence reducing noise breakout. However, such plant can also create noise or allow internal noise to breakout through ducting or apertures in the structure, and often need acoustic treatment (see 7.18 to 7.20);
- the installation of visual or audible alarms to alert staff that doors or windows that should be kept closed, are open. Alternatively, a manual checking system may be adopted;
- the control of music noise at source, either by reducing the overall sound level of the music, or by reducing the sound level at individual frequencies which are causing, or have the potential to cause, disturbance;
- the playing of more calming types of music towards the end of an event (this may also help reduce the potential for rowdy behaviour see 7.10 and 7.11);
- the use of an approval system for DJs and other performers;
- the installation of sound level regulatory devices (noise limiters), connected to all permanent music and public address equipment and all available mains power sockets within the area around a stage, within a performance area, or near to a control desk. However, in very noise-sensitive situations, it may be found that such devices have to be set so low that music events are not viable; and
- alterations to the number, location and mounting of loudspeakers so that internal music levels can be kept as low as possible and the transmission of structure-borne noise is minimised.

Redwing Inn (The)
Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT

Completed Application 012604 which is a Variation Alongside Conversion for a Premises Licence from 24/11/05 to indefinite

Applicant(s)

Full name Mr Derek William MOIR

Full name Mr David Eric MOIR

Designated Premises Supervisor

Premises supervisor name Mr David Eric Moir

Permitted Activities:

- a performance of live music
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

Premises Open Hours granted

	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	10:00am	11:30pm
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.

Activities - Times granted

	Time From	Time To
E. Performance of live music (Indoors & Outdoors)		
Monday to Saturday	6:00pm	Midnight
Sunday	4:30pm	11:00pm
I. Provision of facilities for making music (Indoors & Outdoors)		
Monday to Saturday	6:00pm	Midnight
Sunday	4:30pm	11:00pm
J. Provision of facilities for dancing (Indoors)		
Monday to Saturday	6:00pm	Midnight
Sunday	4:30pm	11:00pm
M. The sale by retail of alcohol for consumption ON and OFF the premises		
Monday to Saturday	10:00am	Midnight
Sunday	10:00am	11:00pm
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.

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

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

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

Source: Section 19 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

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

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

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

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

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

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

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

Conditions Consistent with the Public Entertainment Licence Conditions

1. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.

2. The maximum number of persons to be permitted in the bar at any one time shall not exceed 60 .

3. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).

4. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by a staff of attendants or stewards according to the following scale:-

APPENDIX E

Applicants Proposed Operating Schedule

1. A fully recording CCTV system will operate at the premises at all times, to be installed to the reasonable requirements of the police and and licensing authority.
2. The premises will participate in local schemes e.g. P.A.C.T and will enforce any local initiatives promoted by the scheme, the police or licensing authority.
3. The premises will not have drinks promotions that would encourage excessive drinking or drunkenness, encourage antisocial behaviour or offend common standards of taste and decency.
4. Adequate and appropriate first aid equipment and materials will be available on the premises.
5. Amplified music will not be played in the beer garden.
6. Staff will regularly patrol the premises, both indoors and outside, to supervise the orderly conduct of customers and to ensure that persons in the vicinity are not unreasonably disturbed by noise.
7. Suitable signs will be displayed prominently requesting customers to respect the amenity of local residents and to leave the premises quietly.
8. Amplified music and sound will only be generated in rooms that have noise limiting devices and set in accordance with the approval of the environmental health department of the licensing authority.
9. All ventilation and extraction systems installed and used in connection with cooking on the premises will be designed and maintained to prevent smells causing a nuisance to local residents.
10. A due dilligence system will be in place to ensure persons under 18 will not be sold alcohol.
11. The premises will operate a "Challenge 21" policy wherby persons who appear to be under 21 will be asked to provide valid proof of age before they are sold alcohol e.g. a passport, photo driving licence, PASS proof of age card. No alcohol will be sold without such proof of age.
12. Notices will be displayed in the premises about the challenge 21scheme.
13. Staff will be trained on induction and regularly thereafter in the premises' due dilligence system.

Conditions offered following mediation

14. Any background music performed or played outdoors must be inaudible at the boundary of the premises.

15. An announcement must be made prior to closing to inform patrons to leave the premises and vicinity as quickly and quietly as possible.
16. All external windows and doors to any room where regulated entertainment is taking place must be kept closed except for access and egress.
17. Between the hours of 11.00 pm and 5.00 am food must not be sold for consumption off the premises.
18. The use of the patio and beer garden by patrons must cease at 11.00 pm.

APPENDIX F

Items for consideration

Replace conditions 1 and 2 of Appendix E with

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed within 7 days and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation. A fully recording CCTV system will operate at the premises at all times, to be installed to the reasonable requirements of the police and and licensing authority.
5. A crime prevention policy agreed by the Licensing Authority must be in place.

Replace conditions 7 and 8 of Appendix E with

7. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exits.
8. Prominent, legible notices must be displayed in outdoor areas requesting patrons to respect the amenities of local residents.
9. In any room where regulated entertainment is to take place a noise limiting device must be installed and maintained to the satisfaction of East Devon District Council's Environmental Health Service. The levels must be set by an Environmental Health Officer of East Devon District Council.

Replace conditions 10 – 13 of Appendix E with

10. A proof of age policy agreed in writing by the Licensing Authority must be enforced.

Additional Items for Consideration

11. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.
12. The licence holder must ensure that all staff are aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.
13. The telephone numbers of local taxi operators must be prominently displayed at the premises for the benefit of customers.

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003 Premises Licence

PLWA0103

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, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Globe Inn (The)

The Strand, Lympstone, Exmouth, Devon, EX8 5EY.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday & Saturday	8:00pm	11:30pm
F. Playing of recorded music (Indoors)	Friday & Saturday	8:00pm	11:30pm
G. Performance of dance (Indoors)	Friday & Saturday	8:00pm	11:30pm
J. Provision of facilities for dancing (Indoors)	Friday & Saturday	8:00pm	11:30pm
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	Midnight
	Christmas Eve	11:00pm	1:00am
	Bank Holiday Friday & Saturday	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
	New Year's Day	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	12:30am
	Christmas Eve	10:00am	1:00am



**Licensing Act 2003
 Premises Licence**

PLWA0103

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

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...			
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays		
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve to 1.00 am on 2 January		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:00am
Christmas Eve	10:00am	1:30am
Bank Holiday Friday & Saturday	10:00am	1:30am
Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays		
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to 1.30 am on 2 January		

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

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

Part 2

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

Heavitree Brewery plc	Trood Lane, Matford, Exeter, Devon, EX2 8YP. Telephone 01392 217733
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Heavitree Brewery plc	30800
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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

William Francis MATTHEWS	The Globe Inn, The Strand, Lypstone, Exmouth, Devon, EX8 5EY. Telephone 01392 263166
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE0615	Issued by East Devon
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East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551
Fax: 01395 517507



Licensing Act 2003
Premises Licence

PLWA0103

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services



Licensing Act 2003 Premises Licence

PLWA0103

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.

Source: Section 19 Licensing Act 2003

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. An anti drug policy, agreed by the Licensing Authority and the Police will be in force.
2. A proof of age policy, to the satisfaction of the Licensing Authority and the Police will be in place.
3. The proprietor shall have regular liaison with the Licensing Authority and the Police
4. The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Fire Precautions (Workplace) Regulations.
5. Consideration will be given to setting capacity limits to prevent overcrowding which could lead to crime and disorder. Such capacity figure will be based on advice from the Devon Fire and Rescue Service or Licensing Authority.
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. The Gas System, including appliances, will be inspected and tested by a CORGI registered gas engineer annually and a satisfactory Gas Safety Certificate will be obtained.
8. Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.
9. Regular glass bottle and rubbish collection will be undertaken throughout opening hours.
10. All bins will be emptied regularly.
11. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.
12. Children will not be allowed within the bar area other than as a thoroughfare to other facilities.
13. The extent of the areas within which the various licensable activities will be permitted is shown hatched RED on the plan accompanying the licence.

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

1. 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 are likely to give rise to noise.
2. A senior member of staff will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the



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Licensing Act 2003
Premises Licence

PLWA0103

ANNEXES continued ...

activity/entertainment.



Licensing Act 2003 Premises Licence Summary

PLWA0103

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

Globe Inn (The)

The Strand, Lympstone, Exmouth, Devon, EX8 5EY.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday & Saturday	8:00pm	11:30pm
F. Playing of recorded music (Indoors)	Friday & Saturday	8:00pm	11:30pm
G. Performance of dance.(Indoors)	Friday & Saturday	8:00pm	11:30pm
J. Provision of facilities for dancing (Indoors)	Friday & Saturday	8:00pm	11:30pm
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	Midnight
	Christmas Eve	11:00pm	1:00am
	Bank Holiday Friday & Saturday	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
	New Year's Day	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	12:30am



Licensing Act 2003 Premises Licence Summary

PLWA0103

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

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...			
	Christmas Eve	10:00am	1:00am
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays		
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve to 1.00 am on 2 January		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:00am
Christmas Eve	10:00am	1:30am
Bank Holiday Friday & Saturday	10:00am	1:30am
Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays		
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to 1.30 am on 2 January		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Heavitree Brewery plc

Trood Lane, Matford, Exeter, Devon, EX2 8YP.

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

Heavitree Brewery plc

30800

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

William Francis MATTHEWS

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



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Licensing Act 2003
Premises Licence Summary

PLWA0103

R. L. Pocock

Rachel L Pocock

Head of Legal, Licensing and Democratic Services



East Devon District Council
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 Sidmouth
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 Tel: 01395 516551
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Licensing Act 2003 Premises Licence

PLWA0107

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, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Swan Inn (Lympstone) (The)

The Strand, Lympstone, Exmouth, Devon, EX8 5ET.

Telephone 01395 270403

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- a performance of dance
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
G. Performance of dance (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
J. Provision of facilities for dancing (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
L. Late night refreshment (Indoors)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	12:30am
	Bank Holiday Friday & Saturday	11:00pm	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
	New Year's Day	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	12:30am
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		



Licensing Act 2003
Premises Licence

PLWA0107

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

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve until 1.00 am 2 January.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:00am
Bank Holiday Friday & Saturday	10:00am	1:30am
Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
Christmas Eve	10:00am	1:30am
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to 1.30 am on 2 January		

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

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

Part 2

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

Heavitree Brewery plc
 Trood Lane, Matford, Exeter, Devon, EX2 8YP.
 Telephone 01392 217733

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

Heavitree Brewery plc 30800

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

Susan Marjorie Wallis MCCANN
 The Swan Inn, The Strand, Lypstone, Devon, EX8 5ET.
 Telephone 01395 270403

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

Licence No. TA/011283 Issued by Taunton Deane



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Licensing Act 2003
Premises Licence

PLWA0107

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services ○



Licensing Act 2003 Premises Licence

PLWA0107

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.
- Source: Section 19 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Conditions Consistent with the Operating Schedule

1. The proprietor will have regular contact with the Licensing Authority and the Devon and Cornwall Constabulary and will have involvement in local crime prevention initiatives.
2. A zero tolerance policy on the use or supply of illegal drugs will be in force.
3. The fire safety measures with which the premises are provided must be maintained in good working order and their adequacy must be determined on a regular basis by the carrying out of a fire risk assessment (as required by and in accordance with the Regulatory Reform (Fire Safety) Order 2005). The applicant must understand that the fire safety of occupants is also influenced by the numbers of persons present, their disposition and the activities taking place, and therefore must undertake to maintain a safe occupancy limit.
4. 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.
5. The Gas System, including appliances, will be inspected and tested by a CORGI registered gas engineer annually and a satisfactory Gas Safety Certificate will be obtained
6. Facilities for depositing litter and the collection of litter generated by patrons will be available, maintained and emptied periodically where outside areas are provide for the use of patrons.
7. All regulated entertainment will end before cessation of the sale of alcohol.
8. A senior member of staff 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
9. The designated premises supervisor, or such person so authorised by him, will control the volume of music or other apparatus used.
10. Children not allowed to approach the bar unless as a thoroughfare to other facilities.
11. The extent of the areas within which the various licensable activities will be permitted is as indicated hatched RED on the plan submitted to and approved by the Licensing Authority.

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

1. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises



Licensing Act 2003
Premises Licence

PLWA0107

ANNEXES continued ...

2. A proof of age policy agreed by the police and local authority will be enforced.
3. Bottle skips and bins containing cans or bottles will not be emptied outside after 10.00 pm, but will be dealt with the next day during normal office hours.
4. Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.
5. 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 are likely to give rise to noise.
6. Suitable signage will be displayed at the exits to request the co-operation, of patrons in particular, to be as quiet as possible when leaving the premises.
7. Suitable signage will be displayed within the outside drinking areas requesting patrons to respect the amenities of local residents
8. The outdoor drinking areas shall be used for the supply of alcohol by retail and the consumption of alcohol only.
9. The use of the outdoor drinking areas by patrons shall cease at 11.00 pm.



Licensing Act 2003 Premises Licence Summary

PLWA0107

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

Swan Inn (Lympstone) (The)

The Strand, Lympstone, Exmouth, Devon, EX8 5ET.

Telephone 01395 270403

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- a performance of dance
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
G. Performance of dance (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
J. Provision of facilities for dancing (Indoors)	Wednesday to Sunday	7:00pm	11:30pm
L. Late night refreshment (Indoors)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	12:30am
	Bank Holiday Friday & Saturday	11:00pm	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
	New Year's Day	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	12:30am
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		



Licensing Act 2003 Premises Licence Summary

PLWA0107

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

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...			
	Christmas Eve	10:00am	1:00am
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve until 1.00 am 2 January.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	10:00am	12:30am
Friday & Saturday	10:00am	1:00am
Bank Holiday Friday & Saturday	10:00am	1:30am
Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
Christmas Eve	10:00am	1:30am
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to 1.30 am on 2 January		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Heavitree Brewery plc Trood Lane, Matford, Exeter, Devon, EX2 8YP.

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

Heavitree Brewery plc 30800

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

Susan Marjorie Wallis MCCANN

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



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Licensing Act 2003
Premises Licence Summary

PLWA0107

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services



Licensing Act 2003 Premises Licence

PLWA0245

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, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Redwing Inn (The)

Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **24/11/05**

expires **30/05/08**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	Midnight
	Sunday	10:00am	11:00pm
	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.		



Licensing Act 2003
Premises Licence

PLWA0245

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	10:00am	11:30pm
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.		

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

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

Part 2

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

Derek William Moir Royal British Legion, 1 Den Crescent, Teignmouth, Devon, TQ14 8BG.
David Eric Moir Redwing Inn, Church Road, Lypmstone, Exmouth, Devon, EX8 5JT.
Telephone 01395 222156

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

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

Derek William MOIR Royal British Legion, 1 Den Crescent, Teignmouth, Devon, TQ14 8BG.

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

Licence No. EDVE0865 Issued by East Devon

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services



Licensing Act 2003
Premises Licence

PLWA0245

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.
- Source: Section 19 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Conditions Consistent with the Public Entertainment Licence Conditions

1. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
2. The maximum number of persons to be permitted in the Public Bar at any one time shall not exceed 60.
3. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include



Licensing Act 2003
Premises Licence **PLWA0245**

ANNEXES continued ...

provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).

4. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by a staff of attendants or stewards according to the following scale:-

	Capacity of Premises	Number of Attendants or Stewards		Number of Male Attendants or Stewards
Under	250	1	including	1
	250 but less than 500	3	including	1
	500 but less than 750	4	including	1
	750 but less than 1000	6	including	2
	1000 but less than 1250	9	including	2
	1250 but less than 1500	10	including	2
	1500 but less than 1750	12	including	3
	1750 but less than 2000	13	including	3
	2000 but less than 2500	15	including	3
Over	Over 2500	One for every 120 persons (or Part thereof)		One for every 600 persons (or Part thereof)

- (b) At every performance to which Section 12 of the Children and Young Persons Act 1933 applies, the number of attendants or stewards in those parts of the premises which are not more than ten feet above or below ground level, shall not be less than two per cent of the seating capacity of those parts of the premises, and in all other parts of the premises it shall not be less than four per cent of the seating capacity for those parts of the premises provided that where children are in the charge of school teachers, those teachers may be regarded as attendants or stewards in respect of not more than one half of the number of attendants or stewards required in section (a) of this condition.
- (c) At every performance where children are accommodated above ground level there shall be an attendant or steward at the foot of each stairway used for entrance while the audience is entering the premises and at the head of each stairway used for exit throughout the performance and while the audience is leaving the premises.



Licensing Act 2003
Premises Licence

PLWA0245

ANNEXES continued ...

Where children are accommodated below ground level those attendants or stewards shall be stationed at the head of each stairway while the audience is entering the premises and at the foot thereof during the performance and while the audience is leaving the premises.

(d) Throughout the time when the public are in attendance, attendants and stewards shall wear either distinctive clothing or suitable armbands.

- 5 All persons primarily employed in premises licensed to sell alcohol who vet customers in order to maintain good order shall be approved and licensed by the Security Industry Authority.
6. A register of names of persons on duty to vet customers and maintain good order at any given time shall be kept on the premises and made available to a Police Officer or a duly authorised officer of the Licensing Authority on request by either of those officers.
7. A procedure to be followed in the event of fire or other emergency shall be devised.
8. All persons employed to work in the premises and all attendants and stewards shall be given instruction and training in the procedure to be followed in the event of fire or other emergency.
9. The licensee shall be responsible for organising the training of staff and all attendants and stewards shall be responsible for co-ordinating the actions to be taken in the event of fire or other emergency. Effective arrangements shall be made for a nominated deputy to carry out the above duties.
10. All means of escape, i.e. corridors, gangways, passages, stairways, exit ways, etc. shall be kept free from obstruction at all times when members of the public are on the premises.
11. All stairs and steps shall be maintained with non-slippery and even surfaces and any stair coverings shall be secured and maintained so that they will not in any way be a source of danger to persons escaping in case of fire.
12. Before carrying out any alterations to the premises, including the wall and ceiling linings or any material alteration in the furnishings or in the internal arrangement of the premises, or equipment with which the premises are provided, 28 days written notice must be given to the Licensing Authority and to the Fire Authority.
13. The licensee shall furnish to the Licensing Authority annually at the time of renewal of the licence certificate as to the condition of the electrical installation with which the premises are provided. In the case of premises licensed for only one or more specific occasions, such certificate shall be provided when required by the Licensing Authority. The certificate to be signed by a qualified electrician.
14. Any alterations, modifications or extensions to the electrical installation with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with I.E.E. Regulations and any portable electrical equipment or appliances used in the premises shall be in efficient working order and correctly wired and connected.
15. In the case of any outbreak or suspected outbreak of fire the Devon Fire and Rescue Service shall be called immediately.
16. A conspicuous notice clearly stating the location of the nearest telephone and the correct method of summoning the Devon Fire and Rescue Service shall be displayed in the foyer of or entrance to the premises.
17. No explosive or highly inflammable material shall be brought into the premises and any curtains, drapes or other decorative materials introduced into the premises shall either be inherently non-flammable or comply with B.S. 5867: part 2, type 2.
18. No portable heating appliances shall be permitted on the premises during the time they are used for



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the purpose to which this Licence applies.

19. The use of pyrotechnics shall be permitted only after consultation and with the agreement of the fire authority. In this connection pyrotechnics means the use of apparatus or other devices for the production of smoke, coloured smoke or firework-like effects.
20. The emergency lighting with which the premises are provided shall be maintained in efficient working order and be in operation during the whole time that the public are in the premises. The existing system must illuminate all exit signs, doorways, step and passages forming exit routes from the licensed premises and any other part of the premises specified in the schedule of conditions and shall be independent of the normal lighting system. Oil lamps and candles shall not be used.
21. All 'exit' signs shall be maintained in a good state of repair.
22. The use of naked lights or flames during performances is prohibited unless prior written consent of the Licensing Authority has been obtained.
23. Any doors required to be fire resisting shall be effectively maintained, and where such doors are also required to be self-closing they shall be maintained as such, and shall not be provided with means of holding them in open position, other than automatic releases where these have been specifically approved by the Licensing Authority.
24. (i) The doors of any doorway through which persons might have to pass to leave the premises shall be capable of being easily and immediately opened without the aid of a key at all times when members of the public are on the premises.
(ii) All doors fitted with panic bolts or latches shall be prominently indicated by the words 'Push Bar to Open' in block letters in a distinctive colour, preferably white letters on a green background.
25. If the premises are to be used for any entertainment involving a closely seated audience the Licensing Authority must have approved the seating arrangements in writing. Before such approval can be given, copies of a plan showing the proposed seating arrangements shall be submitted to the Licensing Authority and to the Fire Authority.
26. Notwithstanding the foregoing condition: -
 - (a) In any premises exclusively used for a closely seated audience all seats shall be securely fixed to the floor.
 - (b) In premises not exclusively used for a closely seated audience, chairs, if provided shall be battened or otherwise securely fixed together to the satisfaction of the Licensing Authority in lengths of not less than four nor more than twelve chairs, and if more than 400 people are to be accommodated the chairs or seats adjoining any gangway shall be securely fixed to the floor.
 - (c) There shall be an unobstructed seatway or space of at least 12 inches (300 mm) measured between perpendiculars between the back of one seat and the front of the seat immediately behind.
 - (d) The maximum number of chairs or seats in any row shall not exceed:-
 - (i) Seven where there is a gangway at one end only of the row, and
 - (ii) Fourteen where there is a gangway at each end of the row *except* that the number of seats in a row served by only one gangway may be increased to eleven if the seatway is increased by one inch (25 mm) for each additional seat over seven and the number of seats in a row served by two gangways may be increased to 22 if the seatway is increased by one inch (25mm) for each additional seat or pair of seats over fourteen.



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27. At any time when an entertainment to which this licence applies is being, or is about to be given and at any other reasonable time, a constable, authorised officer of the East Devon District Council, or authorised officer of the Devon Fire and Rescue Service in uniform shall be given free ingress to the premises for the purpose of inspection.
28. A log book shall be kept in which there shall be recorded details of tests and maintenance of fire fighting equipment, fire warning system (where applicable) and emergency lighting and the dates on which staff, attendants and stewards received training in the action to be taken in case of fire.
29. The use of the premises hereby licensed shall not be or become a nuisance to nearby residents or passers by.
30. The volume of any apparatus used shall be under the control of the Management, from a part of the premises, which is not accessible to the public.
31. Where volume-limiting devices are required to control the amplification of sound, they shall be effectively operated and maintained to ensure that the volume does not exceed the permitted sound level.
32. The Fire Officer's recommendations (if any) shall be strictly observed.
33. All fire fighting equipment with which the premises are provided shall be maintained in efficient working order.
34. The fire warning system (if provided) shall be maintained in efficient working order.
35.
 1. Any exhibition, demonstration or performance (hereafter referred to as a 'performance') of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.
 2. An application for consent under Condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7 - 14 days: less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police: and the authority may also copy it to the local fire authority if it considers this necessary.
 3. The application shall contain the following:
 - (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when): and
 - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotist Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)
 4. The following conditions shall apply to any consent given:
 - (a) No poster, advertisement or programme for the performance which is likely to cause



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- public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere:
- (b) Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement: "Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance."
 - (c) The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested: and it must be available for inspection at the performance.
 - (d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.
 - (e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.
 - (f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform: informing the audience of the possible risks from embarrassment or anxiety: and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:
"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant."
 - (g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques, which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.
 - (h) If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety.
 - (i) The performance shall be so conducted as not to be likely to cause offence to any other person in the audience or any hypnotised subject.
 - (j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the



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performance shall not include: (i) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.);

- (ii) any suggestion that the subject has lost something (e.g., a body part) which, if it really occurred, could cause considerable distress;
 - (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy")
 - (iv) the consumption of any harmful or noxious substance;
 - (v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
- (k) The performance shall not include giving hypnotherapy or any other form of treatment.
- (l) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.
- (m) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
- (n) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell).
- (o) Where -
- (i) a constable, or
 - (ii) an authorised officer of the licensing authority, or
 - (iii) an authorised officer of the fire authority
- has reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

Conditions Consistent with the Operating Schedule

1. A proof of age policy agreed by the police and local authority will be enforced.
2. Notices will be prominently displayed clearly stating that alcohol will not be sold to persons under the age of 18 years of age.
3. An appropriate method will be employed to ensure that the capacity of the Public Bar for dance/informal use of 60 persons is not exceeded.
4. The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005. The applicant understands that the fire safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertakes to maintain a safe occupancy limit.
5. The licensable activities authorised by this licence will be confined to the areas that are outlined in

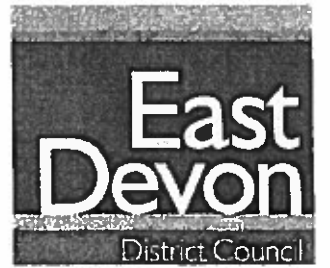


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RED on the plan deposited with and approved by the Licensing Authority.



Licensing Act 2003 Premises Licence Summary

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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, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Redwing Inn (The)

Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **24/11/05**

expires **30/05/08**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	Midnight
	Sunday	10:00am	11:00pm
	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.		



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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	10:00am	11:30pm
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.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Derek William Moir
David Eric Moir
Royal British Legion, 1 Den Crescent, Teignmouth, Devon, TQ14 8BG.
Redwing Inn, Church Road, Lympstone, Exmouth, Devon, EX8 5JT.

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

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

Derek William MOIR

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

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services





Map File: SX9984SW Full Reference: SX9912 8416
 Scale 1:2500

APPENDIX J

Redwing Inn
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Agenda Item

Licensing & Enforcement Sub Committee

11 August 2009

Application for a premises licence to be granted under the Licensing Act 2003

Summary

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

Recommendation

That members consider the application for a premises licence to be granted under the Licensing Act 2003 - To permit the provision of regulated entertainment, entertainment facilities, late night refreshment and the sale of alcohol for consumption both on and off the premises at Sidmouth Rugby Football Club, Blackmore Field, Heydons Lane, Sidmouth, EX10 8NJ.

a) **Reasons for Recommendation**

To comply with statutory processes.

b) **Alternative Options**

To either grant, refuse or modify the application.

c) **Risk Considerations**

None

d) **Policy and Budgetary Considerations**

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made today.

e) **Date for Review of Decision**

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1 Description of Application

- 1.1 An application has been received from Sidmouth Rugby Football Club for the grant of a premises licence at Sidmouth Rugby Football Club, Blackmore Field, Heydons Lane, Sidmouth EX10 8NJ.
- 1.2 The premises are a two story club house with playing field and supporters stand situated in a residential area near to Sidmouth Town Centre. The area for public trade is proposed to consist of a bar area on the ground floor and a function room with a bar on the first floor.
- 1.3 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.

- 1.4 A plan of the premises will be available at the meeting to show the layout of the establishment and the areas of licensable activity.

Mediation Meeting

- 1.5 A mediation meeting chaired by the Licensing Authority and attended by the Applicant and the Interested Party was held at Sidmouth Rugby Football Club on Wednesday 29 July 2009. All matters of the application and the representation were discussed but no agreed position was reached.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representation received - but agreed position reached
- 2.2 Devon 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 received.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations were received from the police and one interested party. Details of the representations are attached at **Appendix B**.
- 3.2 The police have reached an agreed position with the applicant and will not be attending the committee hearing. The details of the response to the statutory Notice of Hearing from the interested party are attached at **Appendix C**.

4 Proposed Operating Schedule and Designated Premises Supervisor

- 4.1 The applicants have prepared an Operating Schedule setting out the steps they propose to take to promote the licensing objectives. A copy of the proposed Operating Schedule, numbered for ease of reference is attached at **Appendix D**.
- 4.2 The proposed Designated Premises Supervisor is Malcolm Barratt. Mr Barratt holds a personal licence reference EDVE1280 issued by East Devon District Council.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 2.1 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 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.
- 5.2 Section 2.2 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.

5.3 Section 2.3 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

5.4 Section 2.9 of the Policy states: The licensing authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the infrastructure and police resources to cope with the influx of people, particularly at night.

Conditions

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

Entertainment

5.6 Section 13.1 of the policy states: The licensing authority recognises that, as part of implementing its cultural strategy, proper account will be taken of the need to encourage and promote entertainment including live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

5.7 Section 13.2 of the policy states: The licensing authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interest of the community.

5.8 The **Guidance** issued under Section 182 Licensing Act 2003 also 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 necessary 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 necessity, 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 necessary 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 necessary 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 necessary to impose the same or similar duties.

Licensing Hours

5.9 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. However, when issuing a licence with licensing 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. There is no presumption within the legislation for longer opening hours and the licensing objectives are paramount in any consideration of an application.

- 5.10 Section 6.3 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.

Nuisance

- 5.11 Section 17.1 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.

6. Observations

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

- the exhibition of films
- indoor sporting events
- the performance of live music
- the playing of recorded music
- the performance of dance
- the provision of entertainment of a similar description to live music, recorded music or dance
- the provision of facilities for making music
- the provision of facilities for dancing
- the provision of late night refreshment
- the supply of alcohol for consumption on and off the premises

- 6.2 The Sidmouth Rugby Football Club already has the benefit of a Club Premises Certificate details of which are attached at **Appendix E**.

- 6.3 Representations have been received from the Devon & Cornwall Constabulary and one interested party who believe that if the licence is granted it will fail to promote two of the four licensing objectives being the 'prevention of crime and disorder' and 'the prevention of public nuisance'. Following a mediation meeting between the police and the applicant an agreed position with the applicants was reached through the amendment of the operating schedule to include additional conditions. Details of the extra conditions agreed between the police and the applicant can be seen under 'Extra Conditions Following Agreed Position' at **Appendix D**.

- 6.4 The representation received from the interested party expresses concern there may be an increase in alcohol related disorder or rowdy behaviour from patrons together with associated noise and the risk that there will be a greater commercial operation at the club that would be inappropriate to the locality which is primarily residential.

- 6.5 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. To assist the Sub Committee a set of conditions have been prepared at **Appendix F** that members may wish to consider having heard from both the applicant and the interested party. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants intentions but offer a more concise and enforceable operating schedule.

- 6.6 A location plan is attached at **Appendix G**.

Legal Implications

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 interested parties 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

No alcohol may be supplied unless there is a designated premises supervisor who also holds a personal licence.

Every supply of alcohol under a premises licence must be made or authorised by a personal licensee

(b) Section 20 - Mandatory condition relating to exhibition of films-not relevant in this case

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 those living or running businesses in the vicinity of the premises, 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 so/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 effected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Requested times and activities in table form
- Appendix B – Details of representations received
- Appendix C – Details of responses to the Notice of Hearing
- Appendix D – Applicants proposed Operating Schedule
- Appendix E – Copy of Club Premises Certificate CPWA0044
- Appendix F – Items for consideration.
- Appendix G – Plan

Background Papers

- Licensing Application dated 12 June 2009
- The District Council's Statement of Licensing Policy

Neil McDonald ext 2079
Licensing Officer

Licensing & Enforcement Sub Committee
11 August 2009

APPENDIX A

Sidmouth Rugby and Football Club

	b) Exhibition of films (indoors) c) Indoor Sporting Events	e) Performance of live music (indoors) f) Playing of recorded music (indoors)	g) Performance of dance (indoors) h) Entertainment similar to (e), (f) or (g) (indoors)	i) Provision of facilities for making music (indoors) j) Facilities for dancing (indoors)	l) Late Night Refreshment
Monday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Tuesday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Wednesday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Thursday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Friday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Saturday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm
Sunday	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	10.00am - 11.30pm	11.00 pm - 11.30 pm

APPENDIX A

	m) Sale of alcohol for consumption on and off the premises	o) Hours premises are open to the public
Monday	10.00am - 11.30pm	10.00am - 11.30pm
Tuesday	10.00am - 11.30pm	10.00am - 11.30pm
Wednesday	10.00am - 11.30pm	10.00am - 11.30pm
Thursday	10.00am - 11.30pm	10.00am - 11.30pm
Friday	10.00am - 11.30pm	10.00am - 11.30pm
Saturday	10.00am - 11.30pm	10.00am - 11.30pm
Sunday	10.00am - 11.30pm	10.00am - 11.30pm

Non Standard Timings

(l) New Years Eve 11.30pm - 1.00am

(e), (f), New Years Eve 10.00am - 1.00am

Easter, May, Spring & August Bank Holiday Friday, Saturday & Mondays, Christmas Day, Boxing Day, New Years Eve and any bank holidays in lieu of the same

10.00 am - 1.00 am

APPENDIX C**Sidmouth Rugby Football Club– Responses to Notice of Hearing****Applicant**

Sidmouth Rugby Football Club – Blackmore Field, Heydons Lane, Sidmouth, EX10 8NJ	
Hearing Unnecessary	No
Attending	Yes
Represented by	Colin Chesterton, Everys, 104 High Street, Sidmouth, EX10 8EF
Supporting documents	No
Summary of key points	Yes
Prevention of Crime and Disorder	This application was made principally at the request of the police.

Responsible Authorities & Interested Parties

1.	Mr R Neale, Heydons House, Heydons Lane, Sidmouth, EX10 8NJ
Hearing Unnecessary	No
Attending	Yes
Represented by	
Supporting documents	Yes – Copy letter 9 June from SRC to neighbouring households, copy my letter of concern dated 22 June to EDDC Licensing Manager. Copy exchange of emails between myself and Mr T O'Brien, Chairman SRC
Summary of key points	Yes
Prevention of Crime and Disorder	Potential for substantial increase in alcohol related disorder.
Prevention of public nuisance	Potential for substantial increase in frequency of noisy activity in what is almost a wholly residential neighbourhood. Similarly the potential for much greater commercial activity which is inappropriate to the locality.

SIDMOUTH RUGBY FOOTBALL CLUB

CHAIRMAN

Terry O'Brien
2 Rivulet Cottages
Church Street
Sidford
Sidmouth EX10 9RD
Tel 01395 577403
Email terryobrien9@aol.com

SECRETARY

Matthew Gingell
57 Westgrove Road
Exeter
EX2 4LU

Tel 07912092541

TREASURER

Paul Whitehouse
'Little Gables'
Redwood Road
Sidmouth EX10 9AB

Tel 01395 579818

Sidmouth RFC
Heydons Lane
Sidmouth

9th June 2009

BY HAND

Dear resident and neighbour

Application for a Premises Licence at Sidmouth RFC

I am writing to let you know that our club is proposing to submit an application for a new premises licence for consideration by East Devon District Council. This licence will allow the club to update and replace its existing licensing arrangements, which are somewhat outdated, and bring the club into line with current legislation. I believe Sidmouth Football and Sailings clubs have already made this transition.

Sidmouth RFC appreciates the continued patience of our neighbours and as such felt it important to let you know of our intentions first hand rather than it potentially come as a surprise to you, and cause unnecessary concern.

We feel it important to stress that the licence does not seek to extend either the hours that alcohol can be supplied, or the permitted activities undertaken at the Blackmore.

We don't anticipate any objections to this application but if you have any concerns or comments relating to our proposal please do not hesitate to contact me or any other member of our committee.

Yours faithfully



Matthew Gingell
Secretary Sidmouth RFC

Email: sidmouthrfcsec@googlemail.com
07912092541

Appendix C
1B

Licensing Manager
East Devon District Council Offices
Knowle
SIDMOUTH
EXIO 8HL

Monday 22nd June by post & email :- licensing@eastdevon.gov.uk

Dear Sir,

Application FOR PREMISES LICENCE at SIDMOUTH RUGBY CLUB

Further to the circular letter sent to neighbouring residents, dated June 9th 2009 ; the application for a full Premises Licence made by Sidmouth Rugby Club on 15th June 2009; and to my recent conversation with your officer, Mr Neil McDonald, I write to express my concern.

The Club's circular letter indicates that it's application for a new premises licence" does not seek to extend either the hours alcohol can be supplied, or the permitted activities undertaken at the Blackmore" However, I understand from Mr McDonald that the Club is seeking to replace an existing Club Licence, which I am further advised permits the premises to be used by non-members on only a limited number of days each year, and more often, if required, by securing further specific permissions from the Licensing Authority, with a full Premises Licence which allows unlimited and unrestricted use by the public at large, at the sole discretion of the Rugby Club. If this assessment is correct, then, in what is almost an entirely residential locality of the Town, one with a Hospital occupying an adjoining site, is it not wholly desirable and appropriate that the use of the subject premises remains under the jurisdiction of the community at large, and not a private organisation which might well be tempted to seek financial gain through commercial activity?

In my time living in Heydons Lane I have only rarely found it necessary to express dissatisfaction with the use of the Clubhouse premises. This is not to say that we do not suffer the occasional late night noise and antics (banging on the front door/ cans & rubbish lobbed over the side gate) which I daresay goes hand-in-hand with the consumption of alcohol these days, and which sometimes occurs as the Club empties out on weekend nights. As I am sure you will appreciate I am certainly very keen to ensure we do not suffer an increase in such inconvenience as a result of more intensive commercial use of the Clubhouse facilities.

Finally, I fear that the availability of a Premises Licence to the Clubhouse facilities will result in even greater vehicular activity along Heydons Lane. In recent times I have gained the impression that cars are accessing the Club grounds, to park, or drop off, rather more frequently than was the case during our first few years living here. This may be an impression and not a fact, but a local tradesman I use made such observation only last week, and, indeed, unless I misread it. I seem to recall the display of a notice by the adjoining Bowls Club, inviting their visitors to park upon the Blackmore. Heydons Lane is almost entirely single width with no pavement, virtually blind on entering, and almost constantly in the course of repair or suffering from a very poor road surface. It was not designed to take large numbers of motor car movements, and certainly not commercial vehicles.

I very much hope you will find my comments of assistance in considering this application and that the Club will continue to be called upon to operate what is a recreational, and not commercial facility for the people of Sidmouth.

Bob

Thank you for forwarding me a copy of your communication to the Licensing Manager expressing your concerns about our application for a Premises Licence.

I understand your concerns and would like to take the opportunity to answer a few of the points you make in the hope that it will go some way to reducing them.

1. As I explained in our telephone conversation, our main aim is to dispense with the need to apply for a Temporary Events Licence whenever we hold an event open to non-members. This is both costly and time consuming, particularly for the events held in the Clubhouse during Folk Week. At this point I should point out that we do not charge any rental to the Folk Festival and do not benefit from any of the money taken at the door. We only benefit from the bar profits which barely cover the cost of the licence.

2. Sidmouth Rugby Club has Community Amateur Sports Status and as such we are a non profit making organisation. All monies raised have to be used for the purposes of the Club so we have no special motivation to seek financial gain through commercial activity. Our players are not paid and only a few, who travel home from university to play, receive nominal expenses.

3. I am sorry that you experience occasional disturbance when people leave the club. Such behaviour is unacceptable. However on most Saturdays during the season (end of August to beginning of May) the players disperse gradually over a period of time and the bar closes by 9.30pm. Late nights are rare and we only

allow functions open to members on a Saturday during the season. We do not intend to change this policy. We have occasional events on Fridays, such as our presentation evenings and a few discos, which might go on later. There are also occasional functions on Saturdays during the summer.

4. There has been no increase in parking on the Blackmore Field. The only parking allowed on the field is:

(a) During Folk Week which is a valuable source of income to the Club and an important service to the town and its visitors when parking is stretched to the limit.

(b) The Bridge Club members are allowed to park during the Summer when the weather allows. The Bridge Club have been afforded this facility since they started using the Clubhouse 25 years ago. I cannot say whether their membership has increased recently.

(c) Committee members attending meetings during the summer (five times) .

(d) Committee members working at the ground during the summer.

The Bowling Club were allowed to use the field for parking last year for a special event as part of their centenary celebrations.

The Sailing Club used it a few years ago when they were hosting a National event.

The Hospital used it last week for their fete but were only allowed access via their gate.

The Cricket Club will be using it for a few days in August when they host a county match. It will only be available to players.

There has been increased traffic into the ground recently by contractors vehicles. We suffered a burst pipe in the winter and major repairs and refurbishment have been necessary to the lower floor. This could not be started until the floor had dried out.

We have recently turned down a request for parking from another organisation.

There will be no increase in vehicular activity along Heydon's Lane as a result of a change of licence because it is not in our interest to allow any more parking on the ground and there is nowhere else for people to park.

I am sure this will not allay all of your concerns but you may wish to amend some of those expressed in your letter.

Please contact me if you wish to discuss these points or any other matters.

Yours faithfully

Terry

Subject: Re: [Fwd: SIDMOUTH RUGBY CLUB]
From: Bob Neale <bob@bobneale.co.uk>
Date: Fri, 26 /oo 2009 13:11 :57 +0100
To: terryobrien9@aol.com, licensing@eastdevon.gov.uk

Thank you Terry. As you will know from our recent telephone conversation, my concern relates to what may be, rather than the current situation, with which my wife and I have been relatively content in our time in Heydons House. Having spent much of my life involved in both amateur and professional sport I am certainly not unsympathetic to the Club's activities, in principle. However I believe the local community should have the ability, and hence control, to ensure things do not change for the worse, whilst hopefully allowing you to avoid the cost of repeated applications for a limited, agreed, annual number of Temporary Events. It seems both the Club and its' neighbours would be quite happy with a "half way house", which continues to curtail the use of the premises to events directly related to Club activities, other than during Folk Week, whilst allowing you to reduce the associated costs. Hopefully, the Licencing Manager will be able to recommend a solution which achieves this goal.

I take on board your replies over the traffic issue, and thank you for the explanation. Perhaps there is increased activity to, and from, the Bowls Club, or maybe simply in the number" dropping off". Although I understand the traffic generation issue is not strictly a matter for consideration under the Premises Licence application, no one can reasonably support any measure which could lead to yet more vehicle movements along a single width "lane", the original purpose of which was presumably to service the ten or so houses along its' length and as a pedestrian thoroughfare to the Blackmore and the Upper Town area beyond. Perhaps, therefore, the Club could agree to advise its' members not to access Heydons Lane purely to drop people off at the ground, and to post notices requesting that everyone walks from the junction with Coberg Road, or from where Coberg Road meets Station Road.

I hope you will be reassured that by openly copying correspondence to Neil McDonald and yourself I am very much disposed towards ongoing dialogue over this matter. Thanks again for taking the time to come back to me.

Yours Sincerely
BOB NEALE

APPENDIX D

Applicants Proposed Operating Schedule

1. The maximum occupancy figures for the premises will be 280 persons. This is the figure previously agreed with the licensing authority and the Devon Fire and Rescue Service.
2. The club's bar manager and staff will monitor the number of people in occupation at anyone time by way of a head count. In the unlikely event that this figure is reached the bar manager and staff will ensure that no further persons are admitted.
3. The club has a pro-active policy to promote responsible drinking by its members and customers.
4. The club checks the age of all persons who appear under the age of 21 and prominently display signs explaining this in the bar areas.
5. The club also keeps an incident book to note any acts of disorder or any refusals to sell alcohol due to failure to provide adequate identification.
6. There are always soft drinks available and free water is provided on request.
7. The club does not run irresponsible drinks promotions and does not operate "Happy Hours" or the like.
8. Patrons will be provided with and required to drink from plastic glasses in all outside areas during match days.
9. The club displays prominent signs at the exit requesting patrons to leave the premises and surrounding area in an orderly manner.
10. Safety is ensured by annual gas and electrical testing. The gas appliances will be checked by a "Gas Safe" qualified individual on an annual basis.
11. The Club keeps an accident report book and a first aid kit behind the bar.
12. The sanitary accommodation consists of Female WCs x4, Male WCs x 3, Male urinals x 6, Male WHBs x 3, Female WHB's x 3. Disabled toilets and WHB x1.
13. The club maintains its fire safety measures and carries out an annual fire risk assessment. The club monitors the numbers of people present to ensure safe occupancy levels.
14. All external doors and windows will be kept shut other than for access and egress when noise levels are higher than normal as a result of an entertainment event.
15. The premises events manager will assess the potential noise levels before, during and after events to ensure that noise levels are not excessive.
16. The Club does not run irresponsible drinks promotions and does not operate "Happy Hours" or the like.
17. An announcement will be made prior to closing to inform patrons to leave the premises as quickly and quietly as possible.

18. The club displays prominent signs at the exit requesting patrons to leave the premises and surrounding area in an orderly manner.
19. The Club implements a child protection policy and has an appointed Child Welfare Officer, Kerin Hamill. All members and coaches who have contact with children are required to be CRB checked.

Extra Conditions Following Agreed Position with the Police

20. The principal use of the premises must be and shall remain that of a Private Members Club.
21. Access to the premises by non-members must be limited by the application of the club rules as set by the General Management Committee.

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



Licensing Act 2003 Club Premises Certificate

CPWA0044

East Devon District Council has granted this Club Premises Certificate in accordance with the Licensing Act 2003. The certificate 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.

Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Sidmouth Rugby Football Club

Blackmore Field, Heydons Lane, SIDMOUTH, Devon, EX10 8NJ.

Telephone 01395 516816

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- an indoor sporting event
- 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
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the supply of alcohol
- the sale of alcohol to a guest

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
E. Performance of live music (Indoors)	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.			



Licensing Act 2003 Club Premises Certificate

CPWA0044

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors) continued ...			
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
F. Playing of recorded music (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
G. Performance of dance (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
I. Provision of facilities for making music (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		



Licensing Act 2003 Club Premises Certificate

CPWA0044

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors) continued ...			
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
J. Provision of facilities for dancing (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	9:30am	12:30am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	9:30am	12:30am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	9:30am	12:30am
	New Year's Eve	9:30am	12:30am
	Christmas Seasonal Variations	9:30am	12:30am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551
Fax: 01395 517507



Licensing Act 2003 Club Premises Certificate

CPWA0044

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	9:30am	12:30am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	9:30am	12:30am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	9:30am	12:30am
	New Year's Eve	9:30am	12:30am
	Christmas Seasonal Variations	9:30am	12:30am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
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WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services



Licensing Act 2003 Club Premises Certificate

CPWA0044

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises.
2. The alcohol supplied for consumption off the premises must be in a sealed container.
3. The supply of alcohol for consumption off the premises must be made to a club member in person.
Source: Section 73 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to supply alcohol do not prohibit or restrict the supply to, or consumption by, any person of alcohol in the club premises where they are residing.

Conditions Consistent with the Operating Schedule

1. The maximum occupancy of the property shall not exceed 280 persons or as may be agreed in writing with the Licensing Authority and the Devon Fire and Rescue Service based on fire safety issues, available floor space and the sanitary accommodation available.
2. An appropriate method will be employed for checking the number of people entering and leaving the premises and to ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted. The method being by head count.
3. Irresponsible drink promotions will not be permitted, and the Standards for the Management of Standard Drinks Promotions produced by the British Beer and Pub Association will be complied with.
4. There shall be non alcoholic soft drinks available at all times.
5. All alcoholic and soft drinks that are served during rugby football matches will be served in plastic glasses.
6. No member or their guest(s) carrying open or sealed bottles or glasses will be admitted to the premises at any time.
7. Membership of the Local Licensees Association will be maintained.
8. 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.
9. The Gas System, including appliances, will be inspected and tested by a CORGI registered gas engineer annually and a satisfactory Gas Safety Certificate will be obtained.
10. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
11. The sanitary accommodation shall consist of:
4 female WCs and 2 WHBs.
4 male WCs, 4 urinals and 6 WHBs.
1 Disabled WC and 1 WHB



Licensing Act 2003
Club Premises Certificate

CPWA0044

ANNEXES continued ...

12. The fire safety measures with which the premises are provided, will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Fire Precautions (Workplace) Regulations
13. 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.
14. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises quietly
15. The emergency exits will be well fitted and are kept shut during opening hours.
16. Staff will check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.
17. A member of the club committee will assess the impact of any noisy activities on neighbouring residential premises at the start of the event and periodically throughout the event and will control the sound levels of the music/entertainment.
18. The management will control sound levels of music/entertainment.
19. The delivery of goods will be restricted to the normal working day.
20. The handling of beer kegs, bottles or other similar items will not take place after 10.00 pm.
21. The club will employ a Child Protection Officer.
22. The club will maintain an operational child protection policy.
23. The extent of the areas within which the various licensable activities will be permitted are as indicated by the legends on the plan deposited with and approved by the Licensing Authority.

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

1. A member of the club committee will periodically inspect the licensed area outside the club house to monitor the use of the area and the behaviour of patrons.
2. During rugby football matches only plastic glasses or bottles will be permitted to be taken outside the clubhouse or on to the terrace.
3. During rugby football matches alcoholic drinks shall only be consumed in the Clubhouse or on the terrace.
4. Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.



Licensing Act 2003
Club Premises Certificate Summary **CPWA0044**

East Devon District Council has granted this Club Premises Certificate in accordance with the Licensing Act 2003. The certificate 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.

Club Details

NAME OF CLUB IN WHOSE NAME THE CERTIFICATE IS GRANTED AND RELEVANT REGISTERED POSTAL ADDRESS OF CLUB

Sidmouth Rugby Football Club ○
 Blackmore Field, Heydons Lane, SIDMOUTH, Devon, EX10 8NJ. Telephone 01395 516816

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- an indoor sporting event
- 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
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment facilities for making music or dancing
- the supply of alcohol
- the sale of alcohol to a guest

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
E. Performance of live music (Indoors)	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.			



Licensing Act 2003 Club Premises Certificate Summary

CPWA0044

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors) continued ...			
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
F. Playing of recorded music (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
G. Performance of dance (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
I. Provision of facilities for making music (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		



Licensing Act 2003 Club Premises Certificate Summary **CPWA0044**

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors) continued ...			
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
J. Provision of facilities for dancing (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
K. Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors)			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	10:00am	1:00am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	10:00am	1:00am
	New Year's Eve	10:00am	1:00am
	Christmas Seasonal Variations	10:00am	1:00am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises			
	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	9:30am	12:30am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	9:30am	12:30am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	9:30am	12:30am
	New Year's Eve	9:30am	12:30am
	Christmas Seasonal Variations	9:30am	12:30am
	Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.		



Licensing Act 2003
Club Premises Certificate Summary

CPWA0044

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place	Monday to Saturday	10:00am	11:30pm
	Sunday	10:00am	10:30pm
	Bank Holiday Friday & Saturday	9:30am	12:30am
	Applies to Friday and Saturday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Bank Holiday Mondays	9:30am	12:30am
	Applies to Monday of each May, Spring, August and Easter Bank Holiday Weekend.		
	Christmas Eve & Boxing Day	9:30am	12:30am
	New Year's Eve	9:30am	12:30am
	Christmas Seasonal Variations	9:30am	12:30am
Applies to the penultimate Saturday before Christmas when Christmas Eve falls either on a Saturday & Sunday.			

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To

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

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

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

R. L. Pocock

Rachel L Pocock
 Head of Legal, Licensing and Democratic Services



Items for consideration

Replace Condition 4 - 19 of Annexe E with

4. The club must check the age of all those individuals who appear to be under the age of 21 attempting to purchase alcohol. The only type of identification that will be accepted is PASS accredited ID, passport or photo driving licence.
5. The club must prominently display signs explaining that any person who appears to be under the age of 21 years attempting to purchase alcohol will be asked for I.D.
6. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.
7. Soft drinks must be available when the bars are open and free water must be provided on request.
8. The club must not run irresponsible drinks promotions or operate "Happy Hours" or similar promotions.
9. Patrons must be provided with and required to drink from plastic glasses in all outside areas during match days.
10. The club must display prominent signs at all exits requesting patrons to leave the premises and surrounding area in an orderly manner.
11. The electrical system at the premises, including portable appliances must be inspected and tested annually by a competent person and a satisfactory safety report obtained. A competent person will be a suitably qualified electrician who is registered with the ECA or NICEIC.
12. The Gas System, including appliances, must be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate must be obtained.
13. All safety certificates and inspection reports must be kept on site and made available for inspection by officers of relevant statutory bodies.
14. The club must maintain an accident report book on the premises.
15. An adequate and appropriate supply of First Aid equipment and materials must be available on the premises.
16. The sanitary accommodation consists of Female WCs x4, Male WCs x 3, Male urinals x 6, Male WHBs x 3, Female WHB's x 3. Disabled toilets and WHB x1.
17. The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
18. The club must ensure that all external doors and windows are kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to give rise to noise.

19. The premises events manager will assess the potential noise levels before, during and after events to ensure that noise levels are not excessive.
20. An announcement must be made prior to closing to inform patrons to leave the premises as quickly and quietly as possible.
21. The Club must implement a child protection policy and have an appointed Child Welfare Officer. All members and coaches who have contact with children are required to be CRB checked.

Further Items for Consideration

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of one month or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
5. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.
6. Where drinks are going to be consumed in outdoor areas they must be served in plastic or toughened glass.
7. Where outside areas are provided for the use of patrons facilities for the depositing and the collection of litter will be maintained.
8. The club must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.



Agenda Item

Licensing Sub Committee

11 August 2009

NMcD

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

Summary

The report details these applications.

Recommendation

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

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

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

2 Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the variation of a premises licence	Axminster Guildhall, West Street, Axminster	<p>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.</p> <p>Section P to be withdrawn (original conditions to remain attached to licence with conditions 1 and 2 removed).</p> <p>Add C.C.T.V. conditions as follows: -</p> <p>C.C.T.V. to be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.</p> <p>C.C.T.V. recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.</p> <p>If the C.C.T.V. equipment is inoperative the Licensing Authority must be informed within 7 days and immediate steps to be taken to restore the equipment to full working order.</p> <p>A notice must be displayed at the entrance to the premises advising that C.C.T.V. is in operation.</p> <p>Update proof of age policy by incorporating conditions 8 and 14 plus :-</p> <ol style="list-style-type: none"> 1. A due diligence system will be in place to ensure persons under 18 will not be sold alcohol. 2. The premises will operate a 'challenge 21' policy whereby persons who appear to be under 21 will be asked to provide valid proof of age before they are sold alcohol e.g. passport, photo driving licence, PASS proof of age card. No alcohol will be sold without such proof of age. 3. Notices will be displayed in the premises about the 'challenge 21' scheme. 4. Staff will be trained on induction and regularly thereafter in the premises' due diligence system. 5. There will be signs at the bar stating 'no under 18's at the bar'.
Recommendation	Recommend approval of application subject to the amended operating schedule	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing application
 - Representations received from Interested Parties & Responsible Authorities
 - Guidance issued under Section 182 of the Licensing Act 2003
 - The District Council's Statement of Licensing Policy
-

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

11 August 2009

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