

# Agenda for Licensing & Enforcement Sub Committee

**Wednesday, 20 April 2016; 9.30am**

(Councillors Steve Hall (Chairman), Geoff Jung and Pat Graham)

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

[View directions](#)

**Contact:** [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 13 April 2016



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- 1 Minutes for 27 January 2016 (pages 2-3)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

## Part A Matters for Decision

- 6 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary** (pages 4-5)
- 7 **To consider an application for the grant of a premises licence – To allow the sale of alcohol on and off the premises at Someday, Something, 14 Church Street, Sidmouth, EX10 8LZ** (pages 6-40).

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

[Decision making and equalities](#)

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# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 27 January 2016

Present: Councillors:  
Steve Hall (Chairman)  
Colin Brown  
John O'Leary

Apologies: Councillors:

Officers: Neil McDonald - Licensing Officer  
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 9.35am. **Please note that there was no audio recording of the meeting as it was held in the Committee Room.**

\*31 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 6 January 2016, were confirmed and signed as a true record.

\*32 Declarations of interest

Councillor John O'Leary  
Minute 33  
Disclosable Pecuniary Interest – personal licence holder

- \*33 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary  
The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

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

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

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

The Rusty Pig, Yonder Street, Ottery St Mary, Devon, EX11 1HD.

**Agreed position reached by the parties:**

Following mediation the applicant and the Devon and Cornwall Constabulary and four local residents had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

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

1. The request for recorded music will be withdrawn from the application.
2. Live music will be restricted to Friday and Saturdays only.
3. On the annual Tar Barrels event we will employ a SIA registered door staff from 6pm until close. On all other occasions when the premises hold an event the Premise Licence Holder or Designate Premises Supervisor will risk assess the need for door staff.
4. On the annual Tar Barrels event the premises will use plastic or toughened glass and all bottles will be decanted. On all other occasions the premises hold an event the Premises Licence Holder or Designated Premises Supervisor will risk assess the need for plastic or toughened glass.
5. the premises will adopt a challenge 21 policy, the only acceptable forms of ID will be passport, photo driving licence or government approved pass card.
6. The premises will keep an incident book where all incidents, refusals or challenges will be recorded.

Chairman ..... Date .....

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



**Date of Meeting:** 20 April 2016

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 6**

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

**Purpose of report:** The report details these applications.

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

**Reason for recommendation:** To comply with statutory processes.

**Officer:** Neil McDonald [nmcdonald@eastdevon.gov.uk](mailto:nmcdonald@eastdevon.gov.uk) 01395 517410

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

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

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Link to Council Plan:** Not applicable

### Report in full

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

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence.	14 Lyme Street, Axminster, Devon, EX13 5AU.	<p>Following mediation the applicant, the Devon &amp; Cornwall Constabulary and the 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 following amendments and additional conditions:</p> <ol style="list-style-type: none"> <li>1. Withdraw the application for live and recorded music.</li> <li>2. Amend the times for the sale of alcohol to 12:00 to 23:30 Monday to Sunday.</li> <li>3. Any person who appears to be under the age of 25 will be asked for ID if attempting to purchase alcohol. ID that will be accepted is a valid passport, photo driving licence or approved ID card carrying a PASS logo.</li> <li>4. No customers will be permitted to take open containers of alcohol or soft drinks from the premises.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

20 April 2016

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



**Date of Meeting:** 20 April 2016

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 7**

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

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

**Recommendation:** Recommendation  
That members consider an application for the grant of a premises licence to – allow the sale of alcohol on and off the premises at Someday Something, 14 Church Street, Sidmouth, Devon, EX10 8LZ.

**Reason for recommendation:** To comply with statutory processes.

**Officer:** Neil McDonald [nmcdonald@eastdevon.gov.uk](mailto:nmcdonald@eastdevon.gov.uk) 01395 517410

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

**Legal implications:** Legal implications are included within the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** **Appendices**  
Appendix A – Table of proposed times and licensable activities.  
Appendix B – Copy of licensing application.  
Appendix C – Details of representations received.  
Appendix D – Details of responses to the Notice of Hearing.  
Appendix E – Applicants Operating schedule.  
Appendix F – Agreed Conditions  
Appendix G – proposed Conditions.  
Appendix H – Location Plan.

**Link to Council Plan:** Not applicable

## Report in full

### 1 Description of Application

1.1 An application has been received for the grant of a new premises licence from Ms Jamey D'Amato of 2 Eaglehurst Court, Cotmanton Road, Sidmouth, Devon, EX10 8EZ.

- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A full copy of the application is reproduced at **Appendix B**.
- 1.4 The proposed premise consists of a ground floor commercial unit located in a residential block of flats at the top of Church Street ,Sidmouth. The premise has previously been run as a cafe/coffee shop with outdoor tables for approximately ten years. The current owner has renovated the premises and has re-opened as a tea rooms with twenty internal covers and eight outside covers. The premise is situated just off of the town centre in a mixed commercial and residential area.
- 1.5 A plan of the premises will be available at the meeting to show the proposed layout of the site and the areas of licensable activity.

## **2 Statutory Bodies' Response**

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

## **3 Representations and Responses to Notices of Hearing**

- 3.1 Representations have been received from nine local residents. Details of their representations are attached at **Appendix C**.
- 3.2 Responses to notice of hearing forms have been received from the applicant. Two residents have withdrawn their representations following mediation and three have reached an agreed position. The other four residents who did not attend the mediation meeting have not responded to the notice of hearing at the time of writing this report.
- 3.3 Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

## **4 Proposed Operating Schedule and Mediation**

- 4.1 The proposed operating schedule showing the conditions offered by the applicant has been reproduced at **Appendix E** and numbered for ease of reference.

- 4.2 A mediation meeting took place at Someday Something on Tuesday 5 April 2016 where following discussion two residents withdrew their representations and three agreed to withdraw their representations on condition that two extra conditions were placed onto the licence. This was agreed by the applicant and details of the conditions are attached at **Appendix F**.

## **5 Relevant Licensing Policy Considerations**

### **Licensing Objectives**

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

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

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

### **Conditions**

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

### **Licensing Hours**

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

### **Anti Social Behaviour**

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

### **Nuisance**

- 5.9 Section 19.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for



the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

### **Capacity**

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

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

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

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

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

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

## **6. Observations**

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

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

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

6.3 The representations from the remaining four residents from the flats relate to concerns that there may be noise issues from within the premises as there is a locked door from the back of the tea rooms leading directly into the flats hallway and stairs. Also concern about noise from people sat at the outside tables particularly in the summer when the residents would

have their windows open. There are also concerns that customers would sit on the churchyard wall that runs alongside the tea rooms and block access to the front door of the flats.

- 6.4 At the mediation meeting I discussed the issues raised above with the applicant and she has taken steps to assist the residents. She has sealed off the door from the rear of her premises leading into the flats by inserting sound proofing and boarding it up. I inspected the rear wall at the time and can confirm that the door has been sealed off. In relation to her customers possibly sitting on the churchyard walls she has confirmed that on nice days people (not her customers) sit on the low churchyard wall eating lunch but this has been going on for some time and she has no control of people using the church grounds. These people sit with their backs to her main window and they do not obstruct the pathway to the flats. She will control any of her customers who use the outside area and ensure they do not sit on the wall or obstruct the access to the flats. In relation to outside noise issues during the evenings this area will only be open in good weather and will close at 8:30pm at the latest apart from Folk week when the request is to extend to 11pm. The applicant has offered to supply the tea room phone number and her personal mobile number to the residents of Grosvenor Mansions to report any concerns directly to her. See her response to notice of hearing attached at **Appendix D** and offered conditions at **Appendix E** condition 17 (proposed amendment of this condition at **Appendix G**).
- 6.5 I have made enquiries with Devon County Council Highways Department who have confirmed that the premise has a pavement licence under the previous name of the Grosvenor Tea Rooms for three tables and six chairs. The Highways Department have also confirmed that they have no record of any complaints about the use of this outside area. However the applicant has to apply for a new street cafe licence as the licence is not transferrable. At the time of writing this report the licence application had not been completed however this would not be a bar to the issuing of the alcohol licence.
- 6.6 The conditions offered by the applicant appear at **Appendix E**. To assist the Sub Committee a set of conditions have been prepared at **Appendix G** that members may wish to consider having heard from both the applicant and the interested parties. 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
- 6.7 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.
- 6.8 A location plan is attached at **Appendix H**.

### **Legal Advice**

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

3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

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

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

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

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

- 1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.  
Source: Section 19 Licensing Act 2003
- 2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular

- characteristic in a manner which carries a significant risk of undermining a licensing objective.
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
5. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) —
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Source: Section 19A Licensing Act 2003

**(b) Section 20 - Mandatory condition relating to exhibition of films – Not Required**  
Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

**(c) Section 21 - Door Supervision – Not Required**  
Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

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

likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

## **6. Human Rights Act 1998**

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 6.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

## **7. Appeals**

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

licensing authority with directions as to how the case is to be dealt with. The magistrates' court may make any costs order it thinks fit.

#### **8. Review Provisions**

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

#### **9. Police Closure**

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

#### **10. Surveillance Camera Code of Guidance-June 2013**

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

Guiding principle one states:

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

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

**Proposed Timings – Someday Something**

	<b>J) Supply of Alcohol - On &amp; Off the premises</b>	<b>Hours premises are open to the public</b>
<b>Monday</b>	<b>Midday- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Tuesday</b>	<b>Midday- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Wednesday</b>	<b>Midday- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Thursday</b>	<b>Midday- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Friday</b>	<b>Midday- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Saturday</b>	<b>10.00am- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>Sunday</b>	<b>10.00am- 8:00pm</b>	<b>8:00am- 8.30pm</b>
<b>First Friday to the end Saturday of Folk Week</b>	<b>8:00am- 10:30pm</b>	<b>8:00am- 11:00pm</b>





East Devon  
Application for a premises licence  
Licensing Act 2003

For help contact  
[licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)  
Telephone: 01395 517410

\* required information

### Section 1 of 19

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

System reference

Not Currently In Use

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

Your reference

Someday Something

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

### Applicant Details

\* First name

Jamey

\* Family name

D'Amato

\* E-mail

jameybeth@gmail.com

Main telephone number

+44 (0)7473 598859

Include country code.

Other telephone number

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

Are you:

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

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

### Applicant Business

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

Yes  No

\* Is your business registered outside the UK?

Yes  No

\* Business name

If your business is registered, use its registered name.

\* VAT number

- none

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

\* Legal status

Sole Trader

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

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

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

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

**Premises Address**

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 19****INDIVIDUAL APPLICANT DETAILS****Applicant Name**

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

Yes  No

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

First name

Jamey

Family name

D'Amato

Is the applicant 18 years of age or older?

Yes  No

Continued from previous page...

### Applicant Postal Address

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

Yes

No

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

Building number or name	<input type="text" value="2 Eaglehurst Court"/>
Street	<input type="text" value="Cotmaton Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Sidmouth"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="EX10 8EZ"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

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

Yes

No

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

E-mail	<input type="text" value="jameybeth@gmail.com"/>
Telephone number	<input type="text" value="+44 (0)7473 598859"/>
Other telephone number	<input type="text"/>

## Section 5 of 19

### OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The premises is a tea room with with approximately 20 internal covers and eight outside covers. The staff area/kitchen is contained to the back of the premises leaving the front of the tea room to customers. There is one shared toilet onsite. There are large windows at the front and along the entire length of one side of the premises. Due to this large glass frontage, the outside tables can be visually monitored from inside the tea room. Customers will order and pay at the counter and then staff will bring their food and drink to the table. Ideally we would like customers to then be able to

*Continued from previous page...*

request additional drink/food from their seat, inside or out, and staff can bring it out to them and collect payment.

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Yes  No

**Section 13 of 19**

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

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

Continued from previous page...

Yes

No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes

No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

I'd like to offer food/drink later into the evening during the annual Sidmouth Folk Week. This includes the first Friday through the last Saturday of Folk Week each year.

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

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

Operating hours during the annual Sidmouth Folk Week (first Friday to last Saturday of Folk Week) to be 08:00 - 22:30. Doors will close at 23:00 after allowing a 30-minute 'drink up' time from the last service.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

### Section 16 of 19

#### ADULT ENTERTAINMENT

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

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

n/a

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

###### MONDAY

Start  End   
Start  End

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

###### TUESDAY

Start  End   
Start  End

###### WEDNESDAY

Start  End   
Start  End

###### THURSDAY

Start  End   
Start  End

###### FRIDAY

Start  End   
Start  End



Continued from previous page...

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations

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

Annual Sidmouth Folk Week - From the first Friday to the end of the last Saturday each year.

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

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

Operating hours during the annual Sidmouth Folk Week (first Friday to last Saturday of Folk Week) to be 08:00 - 22:30. Doors will close at 23:00 after allowing a 30-minute 'drink up' time from the last service.

Section 1B of 19

LICENSING OBJECTIVES

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

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

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

1. On-site staff training
2. Staff to be advised of the licensing laws in writing before being allowed to serve alcohol
3. Good record keeping to show who has been trained, when they were trained, and what they were trained on.
4. Operating best practice at all times.
5. Diligent monitoring by staff will help prevent incidents and, when necessary, flag issues for review or improvement.

b) The prevention of crime and disorder

1. Alcohol to be stored securely and out of sight when the premises is closed.
2. A robust glass collection policy will be in place for the outdoor seating area to limit/prevent breakages and injury.
3. Any alcohol on display for sale will be kept only within the staff service area and at least five metres from the front door.
4. Challenge 21 to be enforced by staff and with signage in the entryway.

c) Public safety

1. A full risk assessment to be carried out at the premises to identify potential hazards. To be reviewed/updated annually.
2. First aid box to be available on the premises and maintained and refreshed regularly.
3. A glass collection policy will be in place to avoid accumulation, breakage or obstruction.
4. A written policy on how to manage any accidents or emergency incidents on the premises.

Continued from previous page...

5. Means of escape to be clearly visible, unobstructed and well maintained and lead to a place of safety.
6. Staff training to be provided in fire safety and how to use the equipment and where it is located. Training to be documented.
7. Promote Designated Driver schemes, provide bus timings and taxi numbers and offer a safe, warm place to stay until their ride arrives.

d) The prevention of public nuisance

1. A contact number to be provided to local residents which they can use to report any noise disturbance to a responsible person at the premises.
2. A limited number of outdoor seats (8) will minimise any noise disturbance.
3. The windows in the premises do not open therefore there is limited escape of any low level sound from conversing customers.
4. Outdoor seating area to only be used until 20:30, weather permitting. (Exception: Folk Week)
5. Any deliveries or refuse collection will be during normal working hours Monday to Friday.
6. Regular patrols of the outside area will be undertaken by staff and any litter will be removed and properly disposed of inside.

e) The protection of children from harm

1. Operate a strict Challenge 21 scheme.
2. Keep a Refusals book on the premises to record anyone who is refused service for being under age.
3. Staff training to be provided to competently check IDs. A training log will be maintained on site.

As this is a tea room and not a bar or a pub, it is likely children will be on site with their parents. The serving of alcohol at Someday Something is merely an addition to our main objective of serving light meals, tea, coffee, cake and cream teas. Champagne Afternoon tea, Gentlemen's tea, tea-themed cocktails, local wine, cider and ale are aimed to be a sophisticated addition to a day out for friends, partners, dates etc.

**Section 19 of 19**

**PAYMENT DETAILS**

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

Non domestic Rateable Value Band

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

B £4,301 to £33,000 - Fee £190

C £33,001 to £87,000 - Fee £315

D £87,001 to £125,000 - Fee £450

E £125,001 and above - Fee £635

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

Band D - £ 900

Band E - £1905

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

\* Fee amount (£)

0.00

**DECLARATION**

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

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

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

\* Full name

Jamey Beth D'Amato

Continued from previous page...

\* Capacity

\* Date  /  /   
dd mm yyyy

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

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

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

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

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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

**Application No:** 041174

**Application Date:** 26 February 2016

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

**Premises:** Someday Something  
14 Church Street, SIDMOUTH, Devon, EX10 8LZ.

**Applicant:** Jamey Beth D'AMATO  
2 Eaglehurst Court, Cotmaton Road, SIDMOUTH, Devon, EX10 8EZ.

**Person making Representation:** Clive Williams  
3 Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

We were not aware of the new lessee's proposal to turn the downstairs Grosvenor Café into a licenced premises operating up to 20 hours a day - until advised of that proposal today by another resident.

We do not know if the proposal has progressed to the point of application for a licence

We strongly oppose any proposal to grant the café a liquor licence or allow it have extended trading hours. We live directly above the café and would be the ones to suffer most from the inevitable noise and rowdy behaviour that would follow such an approval.

We already have problems during folk week with drunks and people urinating by our front entrance. The police kindly organised to have gates fitted to the back entrance to prevent people using the back of the building as a public toilet and that has been effective. Due to the design of the front entrance at the side of the café that would not be a practical option.

We would much prefer the downstairs premises only be used for purposes that are consistent with an historic residential building populated mainly by older people who value their peace and quiet. We feel sure there are many other parts of Sidmouth that would be more appropriate for licenced premises operating extended trading hours.

**Evidence:**

**Suggestion:**

**Application No:** 041174

**Premises:** Someday Something  
14 Church Street, SIDMOUTH, Devon, EX10 8LZ.

**Person making Representation:** Ruth Jackson  
3 Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** We were not aware of the new lessee's proposal to turn the downstairs Grosvenor Café into a licenced premises operating up to 20 hours a day - until advised of that proposal today by another resident.

We do not know if the proposal has progressed to the point of application for a licence.

We strongly oppose any proposal to grant the café a liquor licence or allow it have extended trading hours. We live directly above the café and would be the ones to suffer most from the inevitable noise and rowdy behaviour that would follow such an approval.

We already have problems during folk week with drunks and people urinating by our front entrance. The police kindly organised to have gates fitted to the back entrance to prevent people using the back of the building as a public toilet and that has been effective. Due to the design of the front entrance at the side of the café that would not be a practical option.

We would much prefer the downstairs premises only be used for purposes that are consistent with an historic residential building populated mainly by older people who value their peace and quiet. We feel sure there are many other parts of Sidmouth that would be more appropriate for licenced premises operating extended trading hours.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** C Watson  
Primrose Cottage, Ebdons Court, Church Street, SIDMOUTH, Devon, EX1

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I would like to make the following representations concerning the above premises licence application -

1. That the applicant does not cause excessive noise to be made by the disposal of glass bottles etc that are to be recycled. There are nearby residential properties above and to the rear of the premises
2. That the applicant does not obstruct the entrance to Ebdons Court with any containers or recycling bins for collection. Residents have vehicle access to Ebdons Court and the entrance should be kept clear at all times.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** Mary Whitfield  
Spencer House, Ebdons Court, Church Street, SIDMOUTH, Devon, EX10

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** When considering the above application, would the licensing committee please note the following representations

1. Applicant not to make excessive noise when disposing of glass bottles for recycling. There are several residential properties in the immediate vicinity both above and to the rear of the premises.
2. Not to obstruct the entrance to Ebdons Court with any containers or bins. Residents have vehicle access to the courtyard the entrance should be kept clear.

**Evidence:**

**Suggestion:**

**Premises:** Someday Something  
14 Church Street, SIDMOUTH, Devon, EX10 8LZ.

**Person making Representation:** S R Chalkley  
Ebdons Mews Cottage, Ebdons Court, Church Street, SIDMOUTH, Devon

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I would like to make the following representations concerning the above premises licence application.-

1. There are occupied, residential properties in the vicinity and to the rear of the premises. Could a condition be attached that the applicant does not cause excessive noise to be made, inside or outside of the premises, when disposing of glass bottles for recycling collection?
2. That the applicant does not obstruct the entrance to Ebdons Court with any containers or recycling bins for collection. Residents have vehicle access to Ebdons Court and the entrance must be kept clear at all times.

**Evidence:**

**Suggestion:**

**Person making Representation:** Alan Harfield  
4 Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I would like to make an objection to the above's application for an alcohol licence.

My concerns are

1. Noise levels in our hallway and stairs directly behind the tea room
2. Noise levels after 1800 hrs coming through our single glazed front windows (open in summer).
3. Opening hours up to 2000 hrs spoiling the tranquility of Church Street
4. Concern with our access to front door which runs alongside of tea room and customers sitting on church wall

To sum up

Church Street is very quiet during the evening after 1800 hrs and I am very concerned that alcohol and hen parties equate to noise and disturbance

**Evidence:**

**Suggestion:**

**Application No:** 041174

**Premises:** Someday Something

14 Church Street, SIDMOUTH, Devon, EX10 8LZ.

**Person making Representation:** Janet E Thornton

2A Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

I am the owner of Flat 2a Grosvenor Mansions and I am writing to oppose strongly the granting of the above licence.

- Grosvenor Mansions is a residential building
- The cafe is not sound proofed. A locked door separates the cafe from the hall and staircase of the flats. Noise therefore comes through easily into the flats. This would become a serious problem to residents if an alcohol licence were granted.
- The tables outside the cafe would generate even more noise with an alcohol licence
- We can foresee further problems with people sitting on the Church wall consuming alcohol and blocking the narrow access to our flats.
- The granting of such a licence would affect us seriously and would be a major nuisance. It would radically change our reasonably peaceful environment.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** H Harfield

4 Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

I want to object to the proposed issue of a licence to the above.

As the premises are below Grosvenor Mansions, I have particular concerns:-

Opening hours - long opening hours, seven days a week.

Noise levels - into the hallway and stairs via party wall with premises. Outside seating noise rising to flats which have single glazed windows, open in summer.

Obstruction - by tables, chairs, customers impeding access to mansions entrance.

Finally character of Church Street, which attracts locals and tourists for its unique ambience, which will not be enhanced by hen/gentlemens' parties up to 8pm every day.

**Evidence:**

**Suggestion:**

---

**Premises:** Someday Something  
14 Church Street, SIDMOUTH, Devon, EX10 8LZ.

**Person making Representation:** Graham C Thornton  
2 Grosvenor Mansions, Church Street, SIDMOUTH, Devon, EX10 8NB.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** As owner of the above flat, I thoroughly oppose the granting of the above licence:-

- Grosvenor Mansions is domestic housing and should not be associated with alcohol licences
- There will be unremitting noise in the evening which would cause nuisance and distress to the flat residents
- With tables outside the premises, the access to our flats would be impeded and people would make noise on the wall marking the Church boundary
- The cafe is not sound proofed : there is a locked door between the cafe and the hall of the flats. Noise would therefore be carried into the flats.
- Granting a 7 day licence would mean no let up for the residents
- Granting such a licence for 7 days would be a radical change in our local environment. We oppose it as a public nuisance.

**Evidence:**

**Suggestion:**

---



Someday Something – Responses to Notice of Hearing

Applicant

<b>Jamey D’Amato, 2 Eaglehurst Court, Cotmaton Road, Sidmouth, EX10 8EZ</b>	
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Supporting documents</b>	No
<b>Summary of key points</b>	Yes:  The issues the neighbours seem most concerned about are addressed in the following points:
Prevention of Crime and Disorder	1. A robust glass and bottle collection policy will be in place for the outdoor seating area to prevent/limit breakage and injury and to avoid litter in the area.
Public Safety	1. A risk assessment to be carried out at the premises to identify potential hazards.  2. A glass collection policy in place to avoid accumulation breakage or obstruction.
Prevention of Public Nuisance	1. My personal mobile number plus the tea room phone number to be made available to residents of Grosvenor Mansions to report any noise disturbance or rubbish/litter concerns.  2. Noise from refuse/recycling collection will not occur between 5pm and 9am.
Protection of Children from Harm	1. Operate a strict challenge 21 scheme.

Interested Parties

<b>1.</b>	<b>Mr C Williams, 3 Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
	<b>Hearing Unnecessary</b>	Yes – Representation withdrawn
<b>2.</b>	<b>Ms R Jackson, 3 Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
	<b>Hearing Unnecessary</b>	Yes – Representation withdrawn
<b>3.</b>	<b>Ms C Watson, Primrose Cottage, Ebdons Court, Church Street, Sidmouth, EX10 8NA</b>	
	<b>Hearing Unnecessary</b>	Yes – Agreed position
<b>4.</b>	<b>Mrs M Whitfield, Spencer House, Ebdons Court, Church Street, Sidmouth, EX10 8NA</b>	
	<b>Hearing Unnecessary</b>	Yes – Agreed position
<b>5.</b>	<b>Mr S R Chalkley, Ebdons Mews Cottage, Ebdons Court, Church Street, Sidmouth, EX10 8NA</b>	
	<b>Hearing Unnecessary</b>	Yes – Agreed position

## APPENDIX D

<b>6.</b>	<b>Mr A Harfield, 4 Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
Hearing Unnecessary	No response received	
Attending		
Supporting documents		
Summary of key points		
<b>7.</b>	<b>Ms J E Thornton, 2A Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
Hearing Unnecessary	No response received	
Attending		
Supporting documents		
Summary of key points		
<b>8.</b>	<b>Mrs H Harfield, 4 Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
Hearing Unnecessary	No response received	
Represented by		
Supporting documents		
Summary of key points		
<b>9.</b>	<b>Mr G C Thornton, 2 Grosvenor Mansions, Church Street, Sidmouth, EX10 8NB</b>	
Hearing Unnecessary	No response received	
Attending		
Supporting documents		
Summary of key points		

## Appendix E

1. On-site staff training.
2. Staff to be advised of the licensing laws in writing before being allowed to serve alcohol.
3. Good record keeping to show who has been trained, when they were trained, and what they were trained on.
4. Operating best practice at all times.
5. Diligent monitoring by staff will help prevent incidents and, when necessary, flag issues for review or improvement.
6. Alcohol to be stored securely and out of sight when the premises is closed.
7. A robust glass collection policy will be in place for the outdoor seating area to limit/prevent breakages and injury.
8. Any alcohol on display for sale will be kept only within the staff service area and at least five metres from the front door.
9. Challenge 21 to be enforced by staff and with signage in the entryway.
10. A full risk assessment to be carried out at the premises to identify potential hazards. To be reviewed/updated annually.
11. First aid box to be available on the premises and maintained and refreshed regularly.
12. A glass collection policy will be in place to avoid accumulation, breakage or obstruction.
13. A written policy on how to manage any accidents or emergency incidents on the premises.
14. Means of escape to be clearly visible, unobstructed and well maintained and lead to a place of safety.
15. Staff training to be provided in fire safety and how to use the equipment and where it is located. Training to be documented.
16. Promote Designated Driver schemes, provide bus timings and taxi numbers and offer a safe, warm place to stay until their ride arrives.

## Appendix E

17. A contact number to be provided to local residents which they can use to report any noise disturbance to a responsible person at the premises.
18. A limited number of outdoor seats (8) will minimise any noise disturbance.
19. The windows in the premises do not open therefore there is limited escape of any low level sound from conversing customers.
20. Outdoor seating area to only be used until 20:30, weather permitting. (Exception: Folk Week)
21. Any deliveries or refuse collection will be during normal working hours Monday to Friday.
22. Regular patrols of the outside area will be undertaken by staff and any litter will be removed and properly disposed of inside.
23. Operate a strict Challenge 21 scheme.
24. Keep a Refusals book on the premises to record anyone who is refused service for being under age.
25. Staff training to be provided to competently check IDs. A training log will be maintained on site.
26. As this is a tea room and not a bar or a pub, it is likely children will be on site with their parents. The serving of alcohol at Someday Something is merely an addition to our main objective of serving light meals, tea, coffee, cake and cream teas. Champagne Afternoon tea, Gentlemen's tea, tea-themed cocktails, local wine, cider and ale are aimed to be a sophisticated addition to a day out for friends, partners, dates etc.

### **Agreed Conditions**

1. The Licence Holder will ensure that excessive noise is not made when recycling glass and bottles at the premises particularly between the hours of 5pm and 9am daily.
2. The Licence Holder must ensure that no obstruction is caused to the entrance of Ebdons Court with bins or containers as vehicular access is required.

### Replace Conditions 1 – 5, and 13 of Appendix E with:

- The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
- The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

### Replace Conditions 6 of Appendix E with:

- The Licence Holder must ensure that alcohol is stored securely when the premise is closed.

### Replace Conditions 7 of Appendix E with:

- The Licence Holder will ensure that a robust glass collection policy is in place for the outdoor seating area to prevent breakages and injury.

### Replace Conditions 9, 23 and 25 of Appendix E with:

- A challenge 21 policy must be employed where those individuals who appear to be under the age of 21 attempting to purchase alcohol must be asked for identification. The only type of identification that will be accepted is PASS accredited ID, passport or photo driving licence.

### Replace Conditions 10 of Appendix E with:

- The Licence Holder must ensure that a full risk assessment is carried out and maintained at the premises to identify potential hazards.

### Replace Conditions 11 of Appendix E with:

- An adequate and appropriate supply of First Aid equipment and materials must be available on the premises.

### Replace Conditions 14 and 15 of Appendix E with:

- 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.

### Replace Condition 16 of Appendix E with:

- The Licence Holder will promote a Designated Driver scheme to provide bus timings and taxi numbers and offer a safe, warm place to stay until their ride arrives.

Replace Condition 17 of Appendix E with:

- The Licence holder must provide a contact number to local residents that they can use to report any noise disturbance to a responsible person at the premises.

Replace Condition 20 of Appendix E with:

- The outside seating area will only be used until 9:30pm daily except Folk Week when the area will close at 11pm.

Replace Condition 24 of Appendix E with:

- 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.

