

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 4 May 2016; 9.30am

(Councillors Steve Hall (Chairman), Colin Brown and John O'Leary)

Venue: Council Chamber, Town Hall, Exmouth, EX8 1AW

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 26 April 2016



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 Minutes for 20 April 2016 (pages 2-4)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **To consider an application for the grant of a premises licence – To allow the sale of alcohol on and off the premises at The Old Warehouse, 53 The Strand, Exmouth, EX8 1BR(pages 5-68).**

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, 20 April 2016

Attendance list at the end of the document

Please note that there was no recording of this meeting as the recording equipment was unavailable.

The meeting started at 9.30 am and ended at 10.15 am

*34 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 26 January 2016, were confirmed and signed as a true record.

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

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

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

RESOLVED

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

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

14 Lyme Street, Axminster, EX13 5AU.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and 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.

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

1. Withdraw the application for live and recorded music.
2. Amend the times for the sale of alcohol to 12:00 to 23:30 Monday to Sunday.
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.

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

*36 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

The Sub Committee gave consideration to 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.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003.

Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

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

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

The applicant's case was that the sale of alcohol was an additional offering to the traditional tea room. There was no extended hours of opening. The business purpose was to fill the gap between the shops closing in Sidmouth and the pub and hotel bars opening.

The interested parties' case on paper was regarding the prevention of public nuisance regarding noise from the premises in a mixed commercial/residential area of the town. No interested parties attended the hearing.

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 heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled.

The Sub Committee did not accept that there was evidence of a significant public nuisance.

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

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing

objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

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

- RESOLVED 1. that a grant of a Premises Licence be made as follows:
- a) The extent of the areas within which the various activities will be permitted is as indicated by the legends on the applicants plan.
 - b) Permitted hours for the various licensable activities will as set out in Appendix A.
 - c) The conditions in the operating schedule as set out in the Appendices E, F and G apply.
2. the designated Premises Supervisor will be: Jamey D'Amato, 2 Eaglehurst Court, Cotmaton Road, Sidmouth, EX10 8LZ.

Attendance list

Councillors present:

Steve Hall (Chairman)
Pat Graham
Geoff Jung

Also present:

Councillor John Dyson

Officers present:

Giles Salter, Solicitor
Henry Gordon Lennox, Strategic Lead - Legal, Licensing & Democratic Services
Steve Saunders, Licensing Manager
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services

Chairman Date

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



Date of Meeting: 04 May 2016

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

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

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

Recommendation: Recommendation
That members consider an application for the variation of a premises licence to – extend the hours for the sale of alcohol on and off the premises at The Old Warehouse, 53 The Strand, Exmouth, Devon, EX8 1BR.

Reason for recommendation: To comply with statutory processes.

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

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

Legal implications: Legal implications are included within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices**
Appendix A – Table of existing & proposed times and licensable activities.
Appendix B – Copy of Existing Premises Licence – PLWA0643
Appendix C – Copy of licensing application.
Appendix D – Details of representations received.
Appendix E – Details of responses to the Notice of Hearing.
Appendix F – Police Report.
Appendix G – Location Plan.

Link to Council Plan: Not applicable

Report in full

1 Description of Application

1.1 An application has been received from TOW Exmouth Limited of 53 The Strand, Exmouth, Devon, EX8 1BR for the variation of a premises licence at The Old Warehouse, 53 The Strand, Exmouth, Devon, EX8 1BR.

- 1.2 The existing and proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A copy of the existing premises licence PLWA0643 is reproduced at **Appendix B**
- 1.4 A full copy of the application is reproduced at **Appendix C**.
- 1.5 The application applied for is to extend the start time for the sale of alcohol on and off the premises by one hour to start at 9am instead of the existing 10am. The premise already has opening hours from 8am so no extension of opening times is sought.
- 1.6 The proposed premise consists of a two storey retail unit situated on The Strand in the centre of Exmouth Town. The premise is already being run by the applicant as an established licensed premise with an area for tables and chairs at the front of the building in what is known as the cafe quarter of Exmouth.
The premises are situated in the town centre of Exmouth in a mixed commercial and residential area.
- 1.7 A copy of the existing plan of the premises will be available at the meeting for the information of the committee to show the existing layout of the site and the areas of licensable activity.

2 Statutory Bodies' Response

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

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from Exmouth Town Council and Councillor Bill Nash as the ward member for the area. Details of their representations are attached at **Appendix D**.
- 3.2 Responses to notice of hearing forms have been received from Exmouth Town Council who will be represented at the hearing by Councillor Bill Nash. However no response has been received from Councillor Nash at the time of writing this report. The applicant will be

attending the hearing and will be accompanied by Miss Tammy Dyer who will be presenting the application on his behalf.

3.3 Details of the responses to the statutory Notice of Hearing are attached at **Appendix E**.

4 Proposed Operating Schedule and Mediation

4.1 The applicant has not offered any further conditions to the existing operating schedule as a result of this application.

4.2 No mediation meeting took place.

5 Relevant Licensing Policy Considerations

Licensing Objectives

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

These are:-

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

5.2 Section 3.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.

5.3 Section 3.3 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.

5.4 Section 3.4.1 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

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

Licensing Hours

5.6 Section 6.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

5.7 Section 6.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Anti Social Behaviour

5.8 Section 15.1 of the policy states: A minority of consumers will behave badly and unlawfully once away from premises, and licence holders' co-operation is sought in minimising this

behaviour in the vicinity of premises. The Licensing Authority recognises that the Act is not a cure-all for anti-social behaviour. There is a range of other strategies for addressing these problems – Details of other strategies are listed in the policy.

Nuisance

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

Capacity

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

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

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

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

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

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

6. Observations

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

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

- ❑ Extend the hours for the sale of alcohol on and off the premises Monday to Sunday, Bank Holidays, Christmas Eve and New Years Eve.
- 6.3 The application is to extend the sale of alcohol on and off the premises at the start of the day by one hour from 10am to 9am. The extension will also include the hours for Bank Holidays, Christmas Eve and New Years Eve.
 - 6.4 The premise already has opening hours from 8am on the licence so an extension to the opening hours is not sought or necessary.
 - 6.5 The representations from Exmouth Town Council and Councillor Nash relate to concerns that the extension of alcohol hours earlier in the morning will allow patrons to use the outside area causing nuisance to patrons and residents within the cafe quarter. Cllr Nash states that there are already existing issues with the use of the outside area in the morning with drunks and undesirable characters smoking and making a noise undermining the trade of existing cafes and restaurants in the area.
 - 6.6 Although the Police have not made representations against this application the Police Licensing Officer has submitted a letter that I feel would be helpful to the committee so I have attached a copy of the report at **Appendix F**.
 - 6.7 In their response to their notice of hearing the applicant has included print outs of licences taken from our Licensing Registers of four premises two are located on the Strand area and one faces towards the Strand and all have a 9am start time for the sale of alcohol. The forth premise listed is situated nearby and has an 8am start. Details are attached at **Appendix E**.
 - 6.9 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.
 - 6.10 A location plan is attached at **Appendix G**.

Legal Advice

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

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;

- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

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

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

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

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Source: Section 19 Licensing Act 2003
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be

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

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

Source: Section 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films – 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 as 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.

Timings – The Old Warehouse

Existing Timings

	F) Playing of recorded music (indoors)	I) Late night refreshment (indoors and outdoors)	J) Supply of Alcohol - On & Off the premises	Hours premises are open to the public
Monday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Tuesday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Wednesday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Thursday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Friday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Saturday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Sunday	10:00am - Midnight	11:00pm - Midnight	10:00am - Midnight	08:00am – 12:30am
Bank Holiday Friday to Monday <small>(applies to every May/Spring, Easter and August Bank Holiday)</small>	10:00am – 1:00am	11:00pm – 1:00am	10:00am – 1:00am	08:00am – 1:30am
Christmas Eve	10:00am – 1:00am	11:00pm – 1:00am	10:00am – 1:00am	8:00am – 1:30am
New Year's Eve	10:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>	11:00pm – 5:00am	10:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>	8:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>

Timings – The Old Warehouse

Proposed Timings

	F) Playing of recorded music (indoors)	I) Late night refreshment (indoors and outdoors)	J) Supply of Alcohol - On & Off the premises	Hours premises are open to the public
Monday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Tuesday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Wednesday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Thursday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Friday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Saturday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Sunday	10:00am - Midnight	11:00pm - Midnight	9:00am - Midnight	08:00am – 12:30am
Bank Holiday Friday to Monday <small>(applies to every May/Spring, Easter and August Bank Holiday)</small>	10:00am – 1:00am	11:00pm – 1:00am	9:00am – 1:00am	08:00am – 1:30am
Christmas Eve	10:00am – 1:00am	11:00pm – 1:00am	9:00am – 1:00am	8:00am – 1:30am
New Year's Eve	10:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>	11:00pm – 5:00am	9:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>	8:00am – Midnight <small>And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</small>

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



Licensing Act 2003

Premises Licence

PLWA0643

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

Old Warehouse (The)

53 The Strand, EXMOUTH, Devon, EX8 1BR.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	10:00am	Midnight
	Bank Holiday Friday to Monday	10:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	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 to the start of permitted hours on New Year's Day.		
I. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight
	Bank Holiday Friday to Monday	11:00pm	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	Christmas Eve	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	10:00am	Midnight
	Bank Holiday Friday to Monday	10:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	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 to the start of permitted hours on New Year's Day.		



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Licensing Act 2003
Premises Licence

PLWA0643

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am
Bank Holiday Friday to Monday	8:00am	1:30am
Applies to every May, Spring, Easter and August Bank Holiday.		
Christmas Eve	8:00am	1:30am
New Year's Eve	8:00am	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

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



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Licensing Act 2003
Premises Licence

PLWA0643

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
TOW Exmouth Limited mr.piekielniak@sky.com	The Old Warehouse, 53 The Strand, EXMOUTH, Devon, EX8 1BR.
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
TOW Exmouth Limited	09851085
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL	
Alan John PIEKIELNIAK	3 Dickens Drive, EXETER, Devon, EX2 6NS. Telephone 01395 22332 (day)
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. EXE-001271	Issued by Exeter

Henry Gordon Lennox
Strategic Lead - Legal, Licensing and Democratic Services



Licensing Act 2003
Premises Licence

PLWA0643

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and



Licensing Act 2003

Premises Licence

PLWA0643

ANNEXES continued ...

either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

where-

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall



Licensing Act 2003
Premises Licence

PLWA0643

ANNEXES continued ...

- 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.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.
2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.
3. The CCTV system must be operational at all times the premises are trading. If the system is faulty or not working then the Police and East Devon District Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
5. 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.
6. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
7. An incident book must be kept detailing any instances of public disorder or matters affecting the licence. The incident book will be made available to officers of the licensing authority and the police.
8. 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.
9. The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.
10. The licence holder must ensure that staff regularly patrol the premises to supervise the orderly



Licensing Act 2003
Premises Licence

PLWA0643

ANNEXES continued ...

conduct of patrons.

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

None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

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



Licensing Act 2003 **PLWA0643**
Premises Licence Summary

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
Old Warehouse (The)
 53 The Strand, EXMOUTH, Devon, EX8 1BR.

WHERE THE LICENCE IS TIME LIMITED THE DATES
 Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)			
	Monday to Sunday	10:00am	Midnight
	Bank Holiday Friday to Monday	10:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	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 to the start of permitted hours on New Year's Day.		
I. Late night refreshment (Indoors & Outdoors)			
	Monday to Sunday	11:00pm	Midnight
	Bank Holiday Friday to Monday	11:00pm	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	Christmas Eve	11:00pm	1:00am
	New Year's Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Monday to Sunday	10:00am	Midnight
	Bank Holiday Friday to Monday	10:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday.		
	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 to the start of permitted hours on New Year's Day.		



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Licensing Act 2003

Premises Licence Summary

PLWA0643

A handwritten signature in black ink, appearing to read "Henry Gordon Lennox".

Henry Gordon Lennox

Strategic Lead - Legal, Licensing and Democratic Services





East Devon
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

Yes

No

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

Applicant Details

* First name

Alan

* Family name

Piekielniak

* E-mail

mr.piekielniak@sky.com

Main telephone number

07940537929

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

* Registration number

09851085

* Business name

TOW exmouth limited

If your business is registered, use its registered name.

* VAT number

None

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

* Legal status

Private Limited Company

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

13,000

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes

No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

Ground and first floor licensed premises with outside seating.
To change the licensable activity from 10am to 9am daily

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes

No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Continued from previous page...

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

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

To also open at 09.00 on Good Friday, Easter Saturday, Easter Sunday and Easter Monday.
May, Spring, August Bank holidays and Christmas Eve and to close at 01.00

Section 14 of 17

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.

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

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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 08:00

End 00:30

Start

End

SUNDAY

Start 08:00

End 00:30

Start

End

State any seasonal variations.

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

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

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

Good Friday, Easter Saturday, Easter Sunday and Easter Monday.
May, Spring, August Bank holidays and Christmas Eve and to close at 01.30

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Premises licence is currently being displayed at the property

Section 16 of 17

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.

Continued from previous page...

As existing

b) The prevention of crime and disorder

As existing

c) Public safety

As existing

d) The prevention of public nuisance

As existing

e) The protection of children from harm

As existing

Section 17 of 17

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

B £4,301 to £33,000

C £33,001 to £87,000

D £87,001 to £125,000

E £125,001 and above

A multiplier will be applied to premises in Bands D & E where they are used exclusively or primarily for the supply of alcohol for consumption on the premises

Band D X2 (£900)

Band E X3 (£1905)

* Fee amount (£)

0.00

DECLARATION

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

Continued from previous page...



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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

Application No: 041231

Application Date: 8 March 2016

Licence Type: Premises Licence WITH Alcohol

Licence No: PLWA0643

Application Type: Variation Application

Premises: Old Warehouse (The)
53 The Strand, EXMOUTH, Devon, EX8 1BR.

Applicant: TOW Exmouth Limited
The Old Warehouse, 53 The Strand, EXMOUTH, Devon, EX8 1BR.

Person making Representation: Bill Nash
Flat 3, Execliff, 1 Trefusis Terrace, EXMOUTH, Devon, EX8 2AX.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: As ward member I have received many complaints from local businesses (mainly coffee bar/restaurants) in the area of the Old Warehouse whose trading is being undermined by early morning alcohol consumption by undesirable characters. This is bad at 10am in the mornings with people under the influence of alcohol outside the premises smoking and making noise accompanied by a succession of stray and wild dogs. To bring this forward to 9am is not acceptable. The local police have visited on several occasions at the request of business owners and members of the public.

Evidence:

Suggestion:

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

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Objection to an earlier opening of 9.00 am on the grounds that patrons using the outside area may create a public nuisance to patrons and residents in the café quarter of The Strand, Exmouth

Evidence:

Suggestion:

APPENDIX E

The Old Warehouse – Responses to Notice of Hearing

Applicant

Mr A Piekielniak, 53 The Strand, Exmouth, EX8 1BR	
Hearing Unnecessary	Yes
Attending	Yes
Represented by:	Tammy Dyer Willow Bank, Maer Lane, Exmouth, EX8 2DE
Supporting documents	Yes – copy licences for The Merchant, The Powder Monkey, Spoken and The First and Last
Summary of key points	As existing
Statement from Alan Piekielniak TOW Exmouth Ltd	<p>I ran The Old Warehouse from July 2013 until November 2014 I then went on a sabbatical and returned in November 2015. In my occupation I have never had a visit from the police with regard complaints from local businesses or the public.</p> <p>My premises is situated in The Strand and all of the cafes, licensed premises etc have tables outside on which patrons sit at drinking beverages and smoking from 9am including the cafe opposite.</p> <p>I met with Lesley Carlo from Devon and Cornwall Police before I applied for the additional hour and she was happy for me to proceed.</p> <p>I have enclosed licences from The Merchant, The Powder Monkey, Spoken and The First and Last. They are all licensed from 9am except the First and Last who are licensed from 8am. The Merchant and Spoken are situated in The Strand.</p>

Interested Parties

1.	Exmouth Town Council, Exmouth Town Hall, St Andrews Road, Exmouth, EX8 1AW
Hearing Unnecessary	No
Attending	Yes
Represented by:	Cllr B Nash C/o Exmouth Town Hall, St Andrews Road, Exmouth, EX8 1AW Cllr B Nash will represent the Town Council on behalf of the residents and businesses of the town.
Supporting documents	No
Summary of key points	Yes
Prevention of public nuisance	Objection to an earlier opening of 9:00am on the grounds that patrons using the outside area may create a public nuisance to patrons and residents in the cafe quarter of The Strand, Exmouth.
2.	Cllr B Nash, Flat 3, Execliff, 1 Trefusis Terrace, Exmouth, EX8 2AX
Hearing Unnecessary	No response has been received from Cllr B Nash personally but Cllr Nash is attending to represent Exmouth Town Council.
Attending	
Represented by:	

APPENDIX E

Copies of documents received from Mr A Piekieniak to support the application:

Copy licence for the Merchant

Copy licence for The Powder Monkey

Copy licence for Spoken

Copy licence for The First and Last

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Licensing Act 2003 - Premises Licence register as at 13:19 on Tue 12 Apr 2016

Merchant (The)

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

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

Licence Holder(s)

Full name STONEGATE PUB COMPANY LIMITED

Designated Premises Supervisor

Premises supervisor name Mr Michael John Jonas

Permitted Activities:

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

Premises Open Hours granted

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

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

Bank Holiday Mondays 7:00am 1:30am

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

Christmas Eve & Boxing Day 7:00am 1:30am

	Time From	Time To
Christmas Day	7:00am	11:30pm
New Year's Eve	7:00am	Midnight

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

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

Activities - Times granted

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

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

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

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

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

C. Indoor sporting event

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

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

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

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

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

E. Performance of live music (Indoors)

Monday to Sunday	9:00am	Midnight
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F. Playing of recorded music (Indoors)

Sunday to Tuesday	9:00am	Midnight
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Wednesday to Saturday	9:00am	1:00am
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Bank Holiday Sundays	9:00am	12:30am
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applies to Easter, May, Spring and August Bank Holiday Sundays.

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

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

G. Performance of dance (Indoors)

Sunday to Tuesday	9:00am	Midnight
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Wednesday to Saturday	9:00am	1:00am
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Bank Holiday Sundays	9:00am	12:30am
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applies to Easter, May, Spring and August Bank Holiday Sundays.

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

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

	Time From	Time To
I. Late night refreshment (Indoors)		
Sunday to Tuesday	11:00pm	Midnight
Wednesday to Saturday	11:00pm	1:00am
Bank Holiday Sundays	11:00pm	12:30am
applies to Easter, May, Spring and August Bank Holiday Sundays		
Bank Holiday Mondays	11:00pm	1:00am
applies to Easter, May, Spring and August Bank Holiday Mondays		
Christmas Eve & Boxing Day	11:00pm	1:00am
New Year's Eve	11:00pm	Midnight

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

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

Sunday to Tuesday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Sundays	9:00am	12:30am
applies to Easter, May, Spring and August Bank Holiday Sundays		
Bank Holiday Mondays	9:00am	1:00am
applies to Easter, May, Spring and August Bank Holiday Mondays		
Christmas Eve & Boxing Day	9:00am	1:00am
Christmas Day	9:00am	11:00pm
New Year's Eve	9:00am	Midnight

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

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

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

personal licence or when his/her licence is suspended.

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

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

(a) a holographic mark, or

(b) an ultraviolet feature.

5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) -

(a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) permitted price is the price found by applying the formula -

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

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) relevant person means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

7. (a) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification applied by the body designated as the authority under Section 4 of the Video Recordings Act 1984.

(b) Where the film classification is not specified or where the Licensing Authority notifies the licence holder that Section 20(3) (b) applies to the film in question, admission of children must be restricted in accordance with any recommendations made by the Licensing Authority.

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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Additional Conditions Converted from the Public Entertainment Licence

1. A noise limiter device capable of being sealed to be installed and maintained to the satisfaction of the Corporate Director - Communities.

2. No amplified music to be played in the external garden area at the rear of the premises.

3. The double doors to the rear external area of the premises shall be kept closed except for access and egress at all times when live and recorded music is taking place on the premises.

4. Licensee shall ensure that where security personnel are employed in the premises, they enter in a

register kept for that purpose their full name, Security Industry Authority Badge number (including expiry date), the time that they began their duty and the time that they completed their duty, immediately after doing so. The register shall be kept on the premises at all times and shall be made available for inspection by a police officer or a duly authorised officer of the Licensing Authority.

Registers shall be retained for at least 12 months from the last entry.

5. The Licensee shall keep an Incident Report Register to the satisfaction of the police and the Licensing Authority, in which full details of all occurrences of violent and/or disorderly conduct involving patrons of the premises and security personnel are recorded. The Register is to be kept on the premises at all times and shall be made available for inspection by a police officer or duly authorised officer of the Licensing Authority. Register shall be retained for at least 12 months from the last entry.

Conditions Consistent with the Premises Operating Schedule

1. Two SIA registered door supervisors will be employed at the premises from 9:00pm on Saturday evenings until the premises closes to the public. At all other times security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk. A written risk assessment shall be prepared on a monthly basis and reflect anticipated events for the forthcoming period. The risk assessment shall be made available for inspection by the authorities on demand.
2. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
3. When live music is taking place on the premises the front bi-fold shall be kept closed and the front entrance doors shall be kept closed except for access and egress.
4. Toughened glasses shall be used where available for draft beer or lager at all times the premises are open to the public.
5. CCTV will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority
6. CCTV recordings will be maintained for an appropriate period of time (generally one month - but to be agreed with Police and Licensing Authority)
7. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
8. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
9. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
10. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
11. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.
12. All licensable activities will cease in the area referred to as the garden at 11.00 pm which will immediately close. This area is outlined in **YELLOW** on the plan deposited with and approved by the Licensing Authority.

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

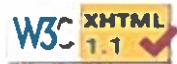
None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

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

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Licensing Act 2003 - Premises Licence register as at 13:17 on Tue 12 Apr 2016

First & Last Inn (The)

10 Church Street, EXMOUTH, Devon, EX8 1PE

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

Licence Holder(s)

Full name Mr Mark Howard WILLIAMS

Full name Miss Sian Karine WILLIAMS

Designated Premises Supervisor

Premises supervisor name Miss Sian Karine Williams

Permitted Activities:

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Monday to Wednesday & Sunday	8:00am	12:30am
Thursday to Saturday	8:00am	1:30am
New Year's Eve	8:00am	Midnight

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

Activities - Times granted

	Time From	Time To
E. Performance of live music (Indoors)		

	Time From	Time To
Monday to Thursday & Sunday	Noon	Midnight
Friday & Saturday	Noon	1:00am
New Year's Eve	Noon	Midnight

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

F. Playing of recorded music (Indoors & Outdoors)

<i>Beer Garden</i>	Monday to Sunday	8:00am	9:00pm	April to September
	Monday to Sunday	8:00am	7:00pm	October to March
<i>Indoors Only</i>	Monday to Wednesday & Sunday	8:00am	Midnight	
	Thursday to Saturday	8:00am	1:00am	
	New Year's Eve	8:00am	Midnight	

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

I. Late night refreshment (Indoors)

Monday to Wednesday & Sunday	11:00pm	12:30am
Thursday to Saturday	11:00pm	1:30am

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

Monday to Wednesday & Sunday	8:00am	Midnight
Thursday to Saturday	8:00am	1:00am
New Year's Eve	8:00am	Midnight

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

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

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

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

Source: Section 19 Licensing Act 2003

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant

premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

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

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

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

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Source: Section 19 & 19A Licensing Act 2003

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

Source: Section 19 & 19A Licensing Act 2003

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

Source: Section 19 & 19A Licensing Act 2003

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

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

6. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

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

Source: Section 19 & 19A Licensing Act 2003

7. Any person used to carry out a security activity as required under condition 7 of the premises

Operating Schedule must be licensed by the Security Industry Authority.

Source: Section 21 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The maximum number of persons that can be safely accommodated on the premises must be ascertained by carrying out a suitable risk assessment and verified in writing by the Devon and Somerset Fire Authority.
2. There must be no more than 50 (fifty) persons permitted to dance at any one time.
3. CCTV must be installed, maintained and operated to the satisfaction of the Chief Officer of Police and Licensing Authority.
4. CCTV recordings must be maintained for an appropriate period of time to be agreed in writing with the Police and Licensing Authority.
5. If the CCTV equipment is inoperative, the Police and Licensing Authority must be informed as soon as possible and immediate steps must be taken to put the equipment back into action.
6. A notice must be displayed at each entrance to the premises advising that CCTV is in operation.
7. Suitably qualified doorstaff must be employed from 9.00 pm until 30 minutes after the end of permitted hours on any day that live music, recorded music, performance of dance or any entertainment of a similar nature takes place on the premises with the event being open to the public and continuing after midnight.
8. At all other times door supervisors may be employed at the discretion of the DPS.
9. Where door supervisors are employed under condition 7 or 8 above they will:-
 - i) Be correctly registered with the SIA
 - ii) Display the correct name badge
 - iii) Carry proof of registration
 - iv) Be used at a ratio of 1:75 persons
 - v) Will wear clothing that is easily and clearly identifiable on CCTV.
10. An appropriate arrangement must be in place during periods of entertainment listed in condition 1 above, for ensuring that the maximum number of persons on the premises at any one time is not exceeded. Such an arrangement must include provision where any authorised officer of the Licensing Authority or the Devon and Somerset Fire Authority can determine the number of persons present without a physical count.
11. Membership of the Local Licensees Association must be maintained and the Designated Premises Supervisor or such a member of staff as may be nominated by him must attend meetings and participate in all initiatives.
12. Persons carrying open bottles or glasses must not be admitted to the premises or permitted to leave the premises.
13. All bottles and glasses must be removed from public areas on a regular and frequent basis.
14. In the event of a person on the premises possessing, supplying or using illegal drugs on the premises they must be banned from the premises and the police must be informed.
15. The fire safety measures with which the premises are provided must be maintained in good working order and their adequacy will be determined on a regular basis by carrying out a fire risk assessment as required by and in accordance with the Regulatory Reform (Fire Safety) Order 2005. The Licensees understand that safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place and therefore undertake to maintain a safe occupancy level.
16. The electrical system at the premises, including portable appliances must be inspected and tested annually by a competent person to ensure safety. (The installation must have a full inspection

at least every 3 years and be tested annually. A competent person will be a qualified electrician who is qualified to complete works as per the I.E.E. wiring Regulations 16th Edition or is registered with the ECA or NICEIC.).

17. The Gas System, including appliances, must be inspected and tested by a Gas safe registered gas engineer annually and a satisfactory Gas Safety Certificate must be obtained.

18. All safety certificates and inspection reports must be kept on site and made available for inspection by officers of relevant statutory bodies.

19. Adequate and appropriate supply of First Aid equipment and materials must be available on the premises.

20. The telephone numbers of local taxi firms must be displayed at the premises for the benefit of customers.

21. All external doors and windows must be kept shut other than for access and egress when events involving amplified music or speech or other entertainment are likely to cause a statutory nuisance.

22. Doorstaff and staff on the premises must encourage patrons to leave the premises quietly.

23. The Designated Premises Supervisor, or such person so authorised by him, must control the volume of music or other apparatus used.

24. Amusement with prizes machines (category C and D gaming machines) must be located so as to be visible to and capable of being supervised by bar staff.

25. A proof of age policy agreed by the police and local authority must be enforced. Only photographic identification such as a passport or driving licence to be acceptable as proof of age.

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

1. All current conditions on the licence to promote the licensing objectives are extended to cover the new beer garden area (as shown on the plan dated 26/02/08 submitted to and approved by the Licensing Authority).

2. The CCTV system at the premises must be extended to cover the new beer garden area to the satisfaction of the Licensing Authority (as shown on the plan dated 26/02/08 submitted to and approved by the Licensing Authority).

3. Playing of recorded music outside the premises must be monitored by the licence holder, or a person nominated by the licence holder, and set at suitable levels both day and night so as not to cause a disturbance to nearby residents.

4. Staff must monitor the CCTV system to prevent underage drinking in the beer garden.

5. The performance of live music must only take place indoors.

6. Playing of recorded music outdoors between April and September must cease at 9:00 pm.

7. Playing of recorded music outdoors between October and March must cease at 7:00 pm.

8. The two (2) existing external speakers in the outside area of the premises must be maintained to the satisfaction of the Councils Environmental Health Service.

9. The number of external speakers at the premises must not exceed two (2).

10. The sound levels of regulated entertainment both internal and external must not exceed those levels specified in writing by the Councils Environmental Health Service.

11. A noise limiter device capable of being sealed must be installed and monitored to the satisfaction of the District Councils Environmental Health Service.

12. The licence holder must liaise with the Councils Environmental Health Service to fit suitable furnishings and finishings to the outside area of the premises to help absorb/dissipate sound more effectively.

13. The licence holder must ensure that the premises are managed in a responsible manner, to

identify potential nuisance problems and to take action to minimise the possibility of disruption/nuisance to neighbours.

14. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.

15. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exits.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence must be confined to the areas that are coloured in PINK on the plan deposited with and approved by the Licensing Authority. The Beer Garden must only be used for the licensable activities of recorded music and the sale by retail of alcohol.

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Licensing Act 2003 - Premises Licence register as at 13:12 on Tue 12 Apr 2016

Powder Monkey

Hayne House, 2 The Parade, EXMOUTH, Devon, EX8 1RJ

Premises Licence from 24/11/05 to indefinite

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Licence Holder(s)

Full name JD WETHERSPOONS PLC

Designated Premises Supervisor

Premises supervisor name Mr Jason Concah

Permitted Activities:

- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

Premises Open Hours granted

	Time From	Time To
Monday to Thursday & Sunday	7:00am	12:30am
Friday & Saturday	7:00am	1:30am
Christmas Eve & Boxing Day	7:00am	1:30am
Maundy Thursday	7:00am	1:00am
Bank Holiday Sundays	7:00am	1:00am

Applies to Sunday of each May, Spring, August and Easter Bank Holiday weekend.

New Year's Eve	7:00am	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Non Standard Timings:

Time From	Time To
-----------	---------

An additional hour at the end of permitted hours on Burns Night, Australia Day, St David's Day, St Patrick's Day, St Georges Day, St Andrew's Day and on the morning of the day British Summer Time begins.

Activities - Times granted

Time From	Time To
-----------	---------

F. Playing of recorded music (Indoors)

Monday to Sunday

No licence is required for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts or programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcast service or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

I. Late night refreshment (Indoors)

Monday to Thursday & Sunday	11:00pm	Midnight
Friday & Saturday	11:00pm	1:00am
Christmas Eve & Boxing Day	11:00pm	1:00am
Maundy Thursday	11:00pm	12:30am
Bank Holiday Sundays	11:00pm	12:30am

Applies to Sunday of each May, Spring, August and Easter Bank Holiday weekend.

Non Standard Timings:

An additional hour at the end of permitted hours on Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day & St Andrew's Day.

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

Monday to Thursday & Sunday	9:00am	Midnight
Friday & Saturday	9:00am	1:00am
Christmas Eve & Boxing Day	9:00am	1:00am
Maundy Thursday	9:00am	12:30am
Bank Holiday Sundays	9:00am	12:30am

Applies to Sunday of each May, Spring, August and Easter Bank Holiday weekend.

New Year's Eve	9:00am	Midnight
----------------	--------	----------

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

Non Standard Timings:

Time From Time To

An additional hour at the end of permitted hours on Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day & St Andrew'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.
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) -

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) permitted price is the price found by applying the formula -

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

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) relevant person means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

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Licensing Act 2003 - Premises Licence register as at 13:14 on Tue 12 Apr 2016

Spoken

43 The Strand, EXMOUTH, Devon, EX8 1AL

Premises Licence from 05/07/09 to indefinite

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Licence Holder(s)

Full name HOSPITALITY EXMOUTH LIMITED

Designated Premises Supervisor

Premises supervisor name Mr George Edward Nightingale

Permitted Activities:

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

Premises Open Hours granted

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

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

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

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

Activities - Times granted

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

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

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

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

F. Playing of recorded music (Indoors)		
Monday, Tuesday & Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Good Friday	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

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

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

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

	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)		
Monday, Tuesday & Sunday	9:00am	Midnight
Wednesday to Saturday	9:00am	1:00am
Bank Holiday Mondays	9:00am	1:00am
Christmas Eve	9:00am	1:00am
Christmas Day & Boxing Day	9:00am	1:00am
27 December	9:00am	1:00am
New Year's Eve	9:00am	1:00am

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

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

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

I. Late night refreshment (Indoors & Outdoors)

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

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

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

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

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

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

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

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

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

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

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

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

where it is reasonably available.

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) -

- (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) permitted price is the price found by applying the formula -

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

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) relevant person means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day)

as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority.
2. CCTV recordings must be maintained for a period of one month or for a period of time to be agreed in writing by the Licensing Authority.
3. If the CCTV equipment is inoperative the Licensing Authority must be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
4. A notice must be displayed at the entrance to the premises advising that CCTV is in operation.
5. The CCTV system must be extended to cover any outside area demarked for the consumption of alcohol.
6. Two SIA registered door supervisors will be employed at the premises from 9:00pm on Saturday evenings until the premises closes to the public. At all other times security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk. A written risk assessment shall be prepared on a monthly basis and reflect anticipated events for the forthcoming period. The risk assessment shall be made available for inspection by the authorities on demand.
7. No open containers of alcohol must be taken from the premises other than into an area demarked for alcohol consumption.
8. Live music at the premises must be non - amplified only.
9. The licence holder, or persons authorised by them, must control the volume of regulated entertainment taking place at the premises.
10. A noise limiter device capable of being sealed will be installed and maintained to the satisfaction of the Corporate Director - Communities, East Devon District Council.
11. A proof of age policy agreed in writing by the Licensing Authority must be enforced.

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

1. The size of the outside area to be licensed by the variation application submitted to the Licensing Authority on 26 June 2012 shall measure sixteen feet from the front of Spoken to the edge of the licensed area and seven feet from the side of Spoken to the edge of the licensed area.
2. There shall be no consumption of alcohol in the external licensed area after midnight.
3. At 11.00 pm all seating in the outside area will be stacked and secured so that they cannot be used. All tables and chairs to be removed from the outside when the premises close.
4. The south-west facing aspect of the outside area of the premises cannot be used after 6.00 pm.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

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

Premises Plan(s)
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Mr N McDonald
Licensing Officer
East Devon District Council
Knowle
SIDMOUTH EX10 8HL

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

20 April 2016

Dear Mr McDonald

Premises Licence Variation – The Old Warehouse, 53 The Strand, Exmouth

I write to clarify the Police position regarding the above application. The application seeks to allow the sale of alcohol to commence at 09:00 rather than the 10:00 that exists at present.

In order to assess this variation application I have searched our Police system to research any ongoing issues at this venue. I have checked for incident logs, crimes or L10 Licensing Reports since the start of the year. I have also considered the existing conditions along with the opening times of premises within the vicinity. Please note the following:

- Our records show only ONE incident logged at The Old Warehouse this year. Officers attended following reports of an assault on the premises in March. The incident occurred after 21:00.
- There are a number of existing conditions attached to the premises licence including the provision of an incident book, CCTV and a condition that states the premises must be a member of the Licensees Association. You will be aware that staff members regularly attend the Pubwatch meetings and actively participate in Pubwatch initiatives.
- There are a number of premises in the vicinity that already have a start time of 09:00 for the sale of alcohol – The Powder Monkey, The Merchant and Spoken.

Based on the points noted above I have concluded that there are no grounds for a Police objection to this application and I do not feel any additional conditions are required in order to meet the licensing objectives.

Should you wish to discuss this matter further please do not hesitate to contact me on 01392 452225.

Yours sincerely

Lesley Carlo
Licensing Officer – East & Mid Devon

