

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 9 November 2016; 9.30am

(Councillors John O’Leary (Chairman), Dean Barrow and Colin Brown)

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 1 November 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 28 September 2016 (pages 2-3)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **To consider an application for the grant of a premises licence – To allow the films, live and recorded music, performance of dance, anything similar to live and recorded music and performance of dance, late night refreshment and the sale of alcohol on and off the premises at The Balfour Arms, 26 Woolbrook Road, Sidmouth, EX10 9UZ (pages 4-60).**

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](#)

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

EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 28 September 2016

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 10.30 am

*4 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 24 August 2016, were confirmed and signed as a true record.

*5 **Declarations of interest**

Councillor Steve Hall
Minute 7

Disclosable Pecuniary Interest – private hire licence holder

*6 **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:

The Hideaway, Hills Farm, Whitford Road, Kilmington, Devon, EX13 7NS

Agreed position reached by the parties:

Following mediation the applicant and the two local residents 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:

1. The outside upper and lower patio areas as shown on the plan submitted to the Licensing Authority will close at 11pm daily.
2. Off sales of alcohol from the restaurant will be restricted to residents of the Hills Farm Complex.

3. Notices will be prominently displayed both inside and outside the premises requesting customers to keep the noise to a minimum and respect the residents and neighbours of the Hills Farm Complex.

*7 **Hackney Carriage Suitability**

The Sub Committee gave consideration to an application to license a 6 years and 5 month old Volkswagen Caddy car as a hackney carriage vehicle and to determine whether to refuse the application or to make an exception to the District Council's vehicle age policy and agree to license the vehicle. The vehicle fell outside of the criteria as agreed by the Council as it is over four years old from the date of registration. Members noted that the vehicle was wheelchair compliant and had previously been licensed by the applicant with Rochford District Council.

The Licensing Officer reported that there were only 10 other wheelchair compliant vehicles licensed in east Devon (only two in Exmouth where the applicant intended to work) and there was a large customer demand within the district for these vehicles. In response to a request for a sign on the taxi rank at The Strand, Exmouth saying there was a wheelchair vehicle available from a member of the Sub Committee, the Licensing Manager reported that he would speak to Devon County Council, over whether they would allow such a sign.

RESOLVED

that the application be granted as an exception to the District Council's vehicle age policy and agrees to license the vehicle.

Reasons

1. The vehicle supported the Council's equalities policy.
2. Need for wheelchair compliant vehicles in the community.
3. The vehicle was very well presented and in good condition with an AA report.
4. The vehicle had an existing licence with another Licensing Authority.

Attendance list

Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)
Geoff Jung

Councillors apologies:

Steve Gazzard

Officers present

Giles Salter, Solicitor
Stephen Saunders, Licensing Manager
Neil McDonald, Licensing Officer
Emily Westlake, Licensing Officer
Chris Lane, Democratic Services Officer

Chairman Date

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



Date of Meeting: 09 November 2016

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

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

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

Recommendation: Recommendation
That members consider an application for the grant of a premises licence to allow – films, live & recorded music, performance of dance, anything similar to live & recorded music and performance of dance, late night refreshment and the sale of alcohol on and off the premises at The Balfour Arms, 26 Woolbrook Road, Sidmouth, Devon, EX10 9UZ.

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 – Copy of Existing Premises Licence – PLWA0288
Appendix B – Table of existing & proposed times and licensable activities.
Appendix C – Copy of licensing application.
Appendix D – Details of representations received.
Appendix E – Copy of additional notice sent with the Notice of Hearing.
Appendix F – Details of responses to the Notice of Hearing.
Appendix G – Conditions agreed at mediation.
Appendix H – Operating Schedule Conditions.
Appendix I – Location Plan.

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from Punch Taverns Plc of Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF, for the grant of a premises licence at the Balfour Arms, 26 Woolbrook Road, Sidmouth, Devon, EX10 9UZ.
- 1.2 The premises already have the benefit of a premises licence number PLWA0288 a copy of the existing premises licence is reproduced at **Appendix A**.
- 1.3 The existing timings and the proposed timings and licensable activities applied for in the new licence application are produced in table form at **Appendix B**.
- 1.4 A full copy of the application is reproduced at **Appendix C**.
- 1.5 A new licence application has been made primarily to allow an outside area of the premises to be licensed and to extend the opening hours to allow a start time of 8:30am to serve breakfasts. Included within in the new application are extra licensable activities indoors and outdoors for films, performance of dance and anything similar to live and recorded music and performance of dance. The live and recorded music is changed from indoors to indoors and outdoors and extended by one hour on Fridays and Saturdays but all licensable activities to cease outdoors by 11pm.
- 1.6 The proposed premises consists of a two storey detached building with a large beer garden to the side and rear of the property. The ground floor of the premises is open plan and set out as bar and restaurant areas. The premises is situated on the outskirts of Sidmouth in a mixed commercial and residential area.
- 1.7 A copy of the 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
Representations received – Agreed position reached.
- 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 the Councils Environmental Health Section and twelve local residents. Details of their representations are attached at **Appendix D**.
- 3.2 In view of calls received during the application period at the Licensing Office and some of the comments in the representations received a short update note to clarify some of the aspects of the application was included within the notice of hearing papers for the information of the objectors. A copy of this note is included at **Appendix E**.
- 3.3 Responses to notice of hearing forms have been received from three local residents who wish the hearing to go ahead on their paper representations but have indicated that they would not be attending the hearing. One other resident did not respond to the offer of mediation and has not returned their response to notice of hearing forms. The other nine objectors including the Environmental Health Officer reached an agreed position with the applicants at mediation and have withdrawn their representations and will not be attending the hearing. The applicants will be represented at the hearing by Martyn Clark Area Operations Manager for Punch Taverns Plc and Ron Miles manager and Designated Premises Supervisor of The Balfour Arms.
- 3.4 Details of the responses to the statutory Notice of Hearing are attached at **Appendix F**.

4 Proposed Operating Schedule and Mediation

- 4.1 A mediation meeting chaired by the Licensing Authority was held at The Balfour Arms at 10am on Friday 21 October 2016. The meeting was successful and the applicants agreed to an extra three conditions to be added to their licence in order that the nine objectors represented including the Environmental Health Officer could withdraw their representations. Details of the agreed position conditions are attached at **Appendix G**.
- 4.2 The conditions offered by the applicants on their operating schedule have been reproduced at **Appendix H** and have been numbered for ease of reference.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 3.1.1 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 3.1.2 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 appropriate in achieving the licensing objectives.

5.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

Conditions

- 5.4 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant

representations are made and there is an evidential link between the disturbance and the licensed venue.

Licensing Hours

- 5.6 Section 10.1 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 10.4 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.

Nuisance

- 5.8 Section 16.1 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

- 5.9 Section 17.1 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.
- 5.10 The **Guidance** issued under Section 182 Licensing Act 2003 states:
The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

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

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

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

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

6. Observations

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

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

- Exhibition of films indoors & outdoors
- Live music indoors & outdoors
- Recorded music indoors & outdoors
- Performance of dance indoors & outdoors
- Anything similar to live & recorded music and performance of dance indoors & outdoors
- Late night refreshment indoors & outdoors
- Sale of alcohol on and off the premises

6.3 The premises already have the benefit of a premises licence (copied at **Appendix A**) however the current manager and Designated Premises Supervisor (DPS) Ron Miles has been using Temporary Events Notices (TENs) to licence an outside rear beer garden for alcohol sales and entertainment. He recently approached the Licensing Authority, Police and Environmental Health Team with a request to permanently licence the outside area. As a result it was determined that Punch Taverns Plc the licence holders would need to apply for a new licence for the whole premises to include the outside area to replace the existing licence. This application if granted would reduce the cost to the premises by not having to pay for numerous TENs and they would not be restricted on the number of times they could use the outside beer garden as they currently are under the TENs regime.

6.4 Although the primary reason for applying for the new licence was to include the outside area onto the premises licence the applicants have also applied to extend the existing opening hours in the morning to allow the premises to open at 8:30 am to provide breakfasts although the alcohol start time of 11am stays the same. They have also included extra licensable activities of films, performance of dance and anything similar to live and recorded music and performance of dance. They have also applied to extend live and recorded music on Friday and Saturday nights inside the premises by one hour to fall in line with the alcohol sales timings.

6.5 It should be noted that at the request of Environmental Health all licensable activities outside in the beer garden will cease at 11pm daily.

6.6 Following calls to the licensing office and the content of some of the representations received it was clear that some of the residents were not aware of the closing time of the current licence and the proposed closing time of the new application. Their calls/representations indicated that they believed that the applicants were applying for later closing times for the premises but that is not the case as the closing times on the application is the same as already exists on the current licence apart from extended hours on Maundy Thursday, Christmas Eve and Boxing Day which have been removed from the new application. As a

result a short note was included within the notice of hearing paperwork sent out to the objectors to clarify the position (**Appendix E**).

- 6.7 The concerns of nine of the objectors including the Environmental Health Officer were satisfied at mediation by an agreement from the applicants to offer three further conditions to be added to the licence (see **Appendix G**). Their concerns related to possible noise nuisance caused by amplified music in the beer garden as well as people noise from smokers currently using the front porch area of the premises. The applicants have offered to have a noise limiter fitted to the equipment in the outside area as well as setting up a smoking area in the beer garden with notices directing customers to this use this area rather than using the front porch.
- 6.8 The remaining four residents are concerned that any increase in hours will further aggravate noise and unacceptable anti social behaviour already taking place within the area. The concerns are that the premises will not be able to control 'people noise' when customers leave the pub late at night and that customers already remain in the front car park for up to an hour after closing time shouting and screaming till 1am. The concern is that if the extension for later hours on the weekends is granted the disturbance could be extended up to 2am. There is also a concern that as the premises only has a small car park customers are parking in nearby residential streets and disturb residents by slamming doors when leaving late at night.
- 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 I**.

Legal Advice

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

The steps are:

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

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

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

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

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Source: Section 19 Licensing Act 2003
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (2) For the purposes of the condition set out in paragraph 7(1) —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,

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

Source: Section 19A Licensing Act 2003

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

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

(c) Section 21 - Door Supervision– 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 a 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.

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003 Premises Licence

PLWA0288

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

Balfour Arms (The)

26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Telephone 01395 512993

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- 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
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	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)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	1:00am
	Maundy Thursday	11:00pm	1:00am
	Bank Holiday Friday & Saturday	11:00pm	2:00am
	Applies to May, Spring, Easter & August Bank Holiday Fridays & Saturdays.		
	Bank Holiday Sunday & Monday	11:00pm	1:00am
	Applies to May, Spring, Easter & August Bank Holiday Sundays and Mondays.		
	Christmas Eve & Boxing Day		
	An additional one (1) hour added to the end of permitted hours on Christmas Eve & Boxing Day.		
	New Year's Eve	11:00pm	5:00am



East Devon District Council
 Knowle
 Sidmouth
 Devon
 EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003

Premises Licence

PLWA0288

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

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	11:00am	Midnight
	Friday & Saturday	11:00am	1:00am
	Bank Holiday Friday & Saturday	11:00am	2:00am
	Applies to every May, Spring, Easter and August Bank Holiday Fridays & Saturdays.		
	Bank Holiday Sunday & Monday	11:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday Sundays & Mondays.		
	Maundy Thursday	11:00am	1:00am
	Christmas Eve & Boxing Day	An additional (1) hour added to the end of permitted hours.	
	New Year's Eve	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	11:00am	12:30am
Friday & Saturday	11:00am	1:30am
Maundy Thursday	11:00am	1:30am
Bank Holiday Friday & Saturday	11:00am	2:30am
Applies to each May, Spring, Easter and August Bank Holiday Fridays & Saturdays.		
Bank Holiday Sunday & Monday	11:00am	1:30am
Applies to each May, Spring, Easter and August Bank Holiday Sundays & Mondays.		
Christmas Eve & Boxing Day	An additional (1) hour added to the end of permitted opening hours.	
New Year's Eve	11:00am	Midnight
And from the end of permitted opening hours on New Year's Eve to the start of permitted opening 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



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



Licensing Act 2003
Premises Licence

PLWA0288

Part 2

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

Punch Taverns Plc
risk@punchtaverns.com

Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.
Telephone 01283 501 600

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

Punch Taverns Plc

03752645

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

Ronald MILES

Lamb & Flag Inn, Batts Lane, OTTERY ST MARY, Devon, EX11 1EY.
Telephone 01404 813704 or 07835 583654

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

Licence No. EDVE1329

Issued by East Devon

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



Licensing Act 2003

Premises Licence

PLWA0288

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

PLWA0288

Premises Licence

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

PLWA0288

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. There will be a 30 minute wind down period following the cessation of the supply of alcohol on the premises, on the expiry of which the premises will close.
2. Membership of the Local Licensees Association will be maintained.
3. The manager or senior member of staff will monitor the behaviour of customers to ensure that there is no crime and disorder and that the conditions of the Licensing Act are complied with.
4. All electrical system at the premises, including portable appliances will be inspected and tested annually by a competent person to ensure safety. (The installation will 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).
5. Where temporary electrical equipment is to be used, a suitable circuit breaker device will be installed to cover this equipment.
6. The circuit breaker should operate at a current not exceeding 30 MA and should comply with BS 4293.
7. The device will be tested monthly and tests will be recorded.
8. Temporary electrical wiring and distribution systems will not be installed unless inspected by a suitable qualified electrician. Temporary electrical wiring and distribution systems will comply with BS 7671 or where applicable BS7909.
9. The gas system including appliances will be inspected and tested by a Gas Safe Registered Gas Engineer annually and a satisfactory gas safety certificate will be obtained.
10. All safety certificates and inspection reports will be kept on site and made available for inspection by officers or relevant statutory bodies.
11. All external doors and windows will be kept shut where possible, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place.
12. The interior and exterior lobby doors will be kept shut where possible, other than for access and egress, when events involving amplified music or speech or other entertainment likely to give rise to noise are taking place.
13. All persons under the age of 18 will be accompanied by an adult at all times when on the premises.
14. The AWP and cigarette machines will be sited in close proximity to the bar counter in order that they can be observed by bar staff.

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003

Premises Licence

PLWA0288

ANNEXES continued ...

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

PLWA0288

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, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Balfour Arms (The)

26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Telephone 01395 512993

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- 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
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	Midnight
	New Year's Eve	11:00am	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)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	1:00am
	Maundy Thursday	11:00pm	1:00am
	Bank Holiday Friday & Saturday	11:00pm	2:00am
	Applies to May, Spring, Easter & August Bank Holiday Fridays & Saturdays.		
	Bank Holiday Sunday & Monday	11:00pm	1:00am
	Applies to May, Spring, Easter & August Bank Holiday Sundays and Mondays.		
Christmas Eve & Boxing Day			
An additional one (1) hour added to the end of permitted hours on Christmas Eve & Boxing Day.			



East Devon District Council
 Knowle
 Sidmouth
 Devon
 EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003

PLWA0288

Premises Licence Summary

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

Activity (and Area if applicable)	Description	Time From	Time To
I. Late night refreshment (Indoors) continued ...			
	New Year's Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Monday to Thursday & Sunday	11:00am	Midnight
	Friday & Saturday	11:00am	1:00am
	Bank Holiday Friday & Saturday	11:00am	2:00am
	Applies to every May, Spring, Easter and August Bank Holiday Fridays & Saturdays.		
	Bank Holiday Sunday & Monday	11:00am	1:00am
	Applies to every May, Spring, Easter and August Bank Holiday Sundays & Mondays.		
	Maundy Thursday	11:00am	1:00am
	Christmas Eve & Boxing Day		
	An additional (1) hour added to the end of permitted hours.		
	New Year's Eve	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	11:00am	12:30am
Friday & Saturday	11:00am	1:30am
Maundy Thursday	11:00am	1:30am
Bank Holiday Friday & Saturday	11:00am	2:30am
Applies to each May, Spring, Easter and August Bank Holiday Fridays & Saturdays.		
Bank Holiday Sunday & Monday	11:00am	1:30am
Applies to each May, Spring, Easter and August Bank Holiday Sundays & Mondays.		
Christmas Eve & Boxing Day		
An additional (1) hour added to the end of permitted opening hours.		
New Year's Eve	11:00am	Midnight
And from the end of permitted opening hours on New Year's Eve to the start of permitted opening 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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Punch Taverns Plc Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.

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

Punch Taverns Plc 03752645



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



Licensing Act 2003

PLWA0288

Premises Licence Summary

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

Ronald MILES

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

Not applicable

Henry Gordon Lennox

Strategic Lead - Legal, Licensing and Democratic Services



Appendix B

Current Licence - Existing Timings

	E) Performance of live music (indoors)	F) Playing of recorded music (indoors)	I) Late night refreshment (indoors)	J) Supply of Alcohol - On & Off the premises	Hours premises are open to the public
Monday	11:00am - Midnight	11:00am - Midnight	23:00 - Midnight	11:00am - Midnight	11:00am – 00:30
Tuesday	11:00am - Midnight	11:00am - Midnight	23:00 - Midnight	11:00am - Midnight	11:00am – 00:30
Wednesday	11:00am - Midnight	11:00am - Midnight	23:00 - Midnight	11:00am - Midnight	11:00am – 00:30
Thursday	11:00am - Midnight	11:00am - Midnight	23:00 - Midnight	11:00am - Midnight	11:00am – 00:30
Friday	11:00am - Midnight	11:00am - Midnight	23:00 – 01:00	11:00am – 01:00am	11:00am – 01:30
Saturday	11:00am - Midnight	11:00am - Midnight	23:00 – 01:00	11:00am – 01:00am	11:00am – 01:30
Sunday	11:00am - Midnight	11:00am - Midnight	23:00 - Midnight	11:00am - Midnight	11:00am – 00:30
Maundy Thursday	N/A	N/A	23:00 – 01:00	11:00pm – 01:00	11:00pm – 01:30
Bank Holiday Friday & Saturday <small>(applies to every May/Spring, Easter and August Bank Holiday)</small>	N/A	N/A	23:00 – 02:00	11:00pm – 02:00	11:00pm – 02:30
Bank Holiday Sunday & Monday <small>(applies to every May/Spring, Easter and August Bank Holiday)</small>	N/A	N/A	23:00 – 01:00	11:00pm – 01:00	11:00pm – 01:30
Christmas Eve & Boxing Day	N/A	N/A	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours
New Year's Eve	11:00am – 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>	11:00am – Midnight <small>And from the end of to the start of permitted hours on New Year's Eve New Year's Day.</small>	11:00pm – 05:00	11:00am – 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>	11:00am – 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>

New Licence Application – Proposed Timings

	B) – Films (indoors & outdoors)	E) - Performance of live music (indoors & outdoors)	F) - Playing of recorded music (indoors & outdoors)	G) - Performance of dance (indoors & outdoors)	H) - Anything similar to E), F) or G) (indoors & outdoors)	I) – Late night refreshment (indoors & outdoors)	J) - Supply of Alcohol - On & Off the premises	Hours premises are open to the public
Monday	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	23:00 - Midnight	11:00 - Midnight	08:30 – 00:30
Tuesday	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	23:00 - Midnight	11:00 - Midnight	08:30 – 00:30
Wednesday	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	23:00 - Midnight	11:00 - Midnight	08:30 – 00:30
Thursday	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	23:00 - Midnight	11:00 - Midnight	08:30 – 00:30
Friday	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	23:00 – 01:00	11:00 – 01:00	08:30 – 01:30
Saturday	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	11:00 – 01:00	23:00 – 01:00	11:00 – 01:00	08:30 – 01:30
Sunday	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	11:00 - Midnight	23:00 - Midnight	11:00 - Midnight	08:30 – 00:30
Bank Holiday Friday, Saturday, Sunday & Monday (applies to every May/Spring, Easter and August Bank Holiday)	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours	An additional one hour added to the end of permitted hours
New Year's Eve	11:00am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am - Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am - Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	11:00am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	23:00 - 05:00	11:00am- Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	08:30 – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

EUDC LICENSING AUTHORITY RECEIVED 15 SEP 2016

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Punch Taverns Plc

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Balfour Arms 26 Woolbrook Road			
Post town	Sidmouth	Postcode	EX10 9UZ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£22,200	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Punch Taverns Plc
Jubilee House Second Avenue Burton upon Trent Staffordshire DE14 2WF
Registered number (where applicable) 03752645
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any) n/a
E-mail address (optional) n/a

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Public house

The premises is currently licensed (premises licence no PLWA0288). The application is to replace the current premises licence subject to the application being granted as applied for.

The main changes are:

1. Addition of an outside dispense bar
2. Variation to hours for regulated entertainment
3. Amending conditions

Please note that there is no extension being sought from the hours the premises is currently entitled to operate at night, although the premises is seeking to extend hours for service of breakfast in the morning.

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

n/a

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) Provision of films		
Mon	11:00	00:00			
Tue	11:00	00:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed	11:00	00:00			
Thur	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
Fri	11:00				
Sat	11:00	01:00			
Sun	11:00	00:00			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11:00		Please give further details here (please read guidance note 3) Provision of amplified and unamplified live music		
		00:00			
Tue	11:00				
		00:00			
Wed	11:00		State any seasonal variations for the performance of live music (please read guidance note 4)		
		00:00			
Thur	11:00				
		00:00			
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
	11:00				
Sat		01:00	From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
	11:00				
Sun		01:00			
	11:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00		Please give further details here (please read guidance note 3) Provision of amplified and unamplified recorded music		
		00:00			
Tue	11:00				
		00:00			
Wed	11:00		State any seasonal variations for the playing of recorded music (please read guidance note 4)		
		00:00			
Thur	11:00				
		00:00			
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
	11:00				
Sat		01:00	From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
	11:00				
Sun		01:00			
	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	11:00		Please give further details here (please read guidance note 3) Performance of dance		
		00:00			
Tue	11:00				
		00:00			
Wed	11:00		State any seasonal variations for the performance of dance (please read guidance note 4)		
		00:00			
Thur	11:00				
		00:00			
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
	11:00				
Sat		01:00			
	11:00				
Sun		01:00			
	11:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	11:00			Outdoors	<input type="checkbox"/>
		00:00		Both	<input checked="" type="checkbox"/>
Tue	11:00		Please give further details here (please read guidance note 3)		
		00:00			
Wed	11:00				
		00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	11:00				
		00:00			
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
Sat		01:00			
	11:00				
Sun		01:00			
	11:00	00:00			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 3) Provision of hot food and drink		
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		
Sat	23:00	01:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	11:00	00:00						
Tue	11:00	00:00						
Wed	11:00	00:00						
Thur	11:00	00:00						
Fri	11:00							
Sat	11:00	01:00						
Sun	11:00	00:00						
						Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
						From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday		

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

Name Ronald Miles	
Address Lamb & Flag Batts Lane Ottery St Mary	
Postcode	EX11 1EY
Personal licence number (if known) EDVE1329	
Issuing licensing authority (if known) East Devon	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon		00:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day An additional hour from the end of permitted hours will be allowed on the morning following every Friday, Saturday, Sunday and Monday for each Bank Holiday</p>
	08:30		
Tue		00:30	
	08:30		
Wed		00:30	
	08:30		
Thur		00:30	
	08:30		
Fri		00:30	
	08:30		
Sat		01:30	
	08:30		
Sun		01:30	
	08:30		

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

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

Upon successful grant of this application, licence number PLWA0288 will be surrendered.

1. Membership of the Local Licensees Association will be maintained.

b) The prevention of crime and disorder

2. An incident/refusals log book will be kept at the premises which will store details about any incidents or complaints at the premises.

c) Public safety

3. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented.

d) The prevention of public nuisance

4. Except for access and egress, all doors and windows will be closed during regulated entertainment.
5. When used for regulated entertainment, the outside areas are to be monitored and supervised by management and staff during the hours that the premises are open to the public.
6. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.
7. Licensable activities will cease outdoors at 23:00h daily.

e) The protection of children from harm

8. Children must be accompanied by an adult at all times.
9. The Challenge 25 policy verification will be adopted at the premises.

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	14/9/2016
Capacity	SOLICITOR TO THE APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Rachel Kelly TLT Solicitors One Redcliff Street			
Post town	Bristol	Postcode	BS1 6TP
Telephone number (if any)	0333 006 0283		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rachel.kelly@tltsolicitors.com			

REPRESENTATIONS LIST

Application No: 042486 **Application Date:** 14 September 2016
Licence Type: Premises Licence WITH Alcohol **Licence No:** N/A
Application Type: New Application

Premises: Balfour Arms (The)
 26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Applicant: Punch Taverns Plc
 Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF.

Person making Representation: Environmental Health Officer
 East Devon District Council, Knowle, SIDMOUTH, Devon, EX10 8HL.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Premises: The Balfour Arms, 26 Woolbrook Road Sidmouth
 Subject: Premises Application

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

For the inside of the premises:

The applicant is requesting Live and Recorded music until 0000hrs Sunday through to Thursdays and 0100hrs Thursday through to Saturday and there are insufficient safeguards in place to prevent a noise nuisance.

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

The license 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.

The license holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.

For the outside of the premises:

The license 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.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: J C W Chapman
48 Balfours, Woolbrook, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I write with reference to a public notice as printed in the local newspaper on the 23rd September 2016.

It is with some long deliberation that I wish to object to the proposals put forward by Punch Taverns Plc on the following grounds:

a) The very late hour of closing that has been requested would not be suitable for the built up area that the pub serves because of the noise caused by the music and departure of the public. It is tolerated at the times of special events like the Folk Festival week, but would be a nuisance on a regular basis. I am aware that there have already been some recent incidents where the police have been called out.

b) I would hope that Punch Taverns have to prove to your satisfaction that the facilities available on their campus are suitable for the increased numbers they hope to attract. In my view 10 car park spaces & 2 for disabled is not adequate, therefore it is likely that the overflow will use the residential area known as Balfours, causing congestion and difficulty for emergency services and a noise nuisance for the residents, many of which are of the older generation.

c) The current licence does appear to be more than adequate and if there is a need for an extension, it does seem fair that the licensing authority has the opportunity to judge the application on its own merits, i.e. as they would need to for say The Folk Festival.

d) It has been noticeable since the Balfours has re-opened that there has been an increase in alcohol related debris being left on walls and gardens right up through Balfours. I do understand that Punch Taverns Plc has no control of the public once they have left their premises, so would the already stretched police have the resources to accept these probable increases in public disorder. Lets hope the police are asked for their own input.

e) Finally I would hope that Punch Taverns Plc would need to provide evidence of research that proves the need for alteration to their current licence, as the application would warrant increased staff costs that could only be justified by them putting on more regular events than is currently allowed.

I do thank you for giving my points your consideration which I hope are constructive and sensible for you to formulate your decision.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: Rod Bolam
Flat 1 Balfour Court, 53 Balfours, SIDMOUTH, Devon.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I note, with dismay, the application notice in the Sidmouth Herald (Friday September 23rd 2016) on behalf of Punch Taverns plc for a licence to extend their opening hours.

We have already experienced an incident where they had very loud music playing until gone 1am and have notified the Noise Abatement department.

The Balfour is not in the centre of town, where one may expect to have a night club and loud music. It is situated in a quiet residential area, where there are both elderly residents and working people who are in bed before midnight.

We do not want to have to keep our windows closed on summer evenings in order to try and get some sleep. It's not just loud music that is the problem, but people leaving the pub after extended drinking hours are rarely quiet.

We have co-existed opposite the Balfour quite happily for decades and have accepted certain extensions (eg. Festival Week) are necessary, but we are horrified to think that the Balfour may receive a licence to enable it to extend its hours carte blanche, 24/7.

We hope you will take this into consideration. Thank you

Evidence:

Suggestion:

Person making Representation: Angela Richards
33 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: With reference to the notice in the Sidmouth Herald of 23rd September 2016 regarding the "New Premises Licence", applied for by Punch Taverns PLC in respect of the Balfours Arms, 26 Woolbrook Rd, Sidmouth EX10 9UZ.

It appears that this licence will turn the Balfour Arms from a pub to a "Club" with all the attending problems.

Parking for a start; their car park is completely inadequate for the numbers that it will hope to attract, forcing cars to park in nearby residential streets, like Balfours, where it then becomes to all intents and purposes, a single lane thoroughfare.

When the "Club" closes in the early hours of the morning, no doubt there will be lots of noise from the slamming of car doors and shouted farewells. We have already had a taste of this on the "Opening Night" after the Balfours Arms recent refurbishment. Once in a while is acceptable but to be woken up in the early hours every weekend is another matter!

There is also the question of the probability of loud thumping music (also experienced on the "Opening Night") and noisy crowds from the "Club" its self.

Is this really the right place to have a "Club" in such a residential area, with so many houses and flats in such close proximity? Especially as the area has a very large percentage of elderly people, who value their peace and quiet.

I therefore oppose the granting of this licence.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: Tony Parsons
54 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We would like to object to the extension of the opening hours of the Balfour Arms as listed in the Sidmouth Herald on the following grounds.

1 The Balfour Arms is in the middle of a residential area surrounded on all sides by bungalows, houses and flats some as close as 5 to 10 metres, these properties would all be affected and blighted by this extension.

2 The Balfour may well be able to control the noise levels inside the premises but is unable to exert any control on the volume of its patrons leaving the premises, the language and profanity is truly awful on some nights and extremely loud.

3 After events like those proposed for the extension patrons remain in the car park for up to an hour after closing time for some reason shouting and screaming till 1am, this would be 2am if the extension is granted.

4 The Balfour has a very small car park, as a result patrons attending these events park their cars in surrounding estates when they appear unable to return to these cars quietly or close doors without slamming them this goes on for at least an hour after closing time, this would become 2am and even later, which I'm sure you will agree is unacceptable in a residential area.

5 Because of the above during the summer it is impossible to go to bed with your bedroom windows open for any ventilation.

6 It is also very noticeable that those who step outside to smoke during the night get louder as the night goes on as the alcohol intake increases, we would have to suffer this till 1am and after.

Despite the Balfour being present before some of the properties where built, the council has allowed planning permission for them and should now show some consideration to the owners of property in the surrounding area.

We are not kill joys and are prepared to accept the current hours but are entitled to a decent night's sleep something we will be deprived of if these extensions are granted.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: L Parsons
54 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We would like to object to the extension of the opening hours of the Balfour Arms as listed in the Sidmouth Herald on the following grounds.

1 The Balfour Arms is in the middle of a residential area surrounded on all sides by bungalows, houses and flats some as close as 5 to 10 metres, these properties would all be affected and blighted by this extension.

2 The Balfour may well be able to control the noise levels inside the premises but is unable to exert any control on the volume of its patrons leaving the premises, the language and profanity is truly awful on some nights and extremely loud.

3 After events like those proposed for the extension patrons remain in the car park for up to an hour after closing time for some reason shouting and screaming till 1am, this would be 2am if the extension is granted.

4 The Balfour has a very small car park, as a result patrons attending these events park their cars in surrounding estates when they appear unable to return to these cars quietly or close doors without slamming them this goes on for at least an hour after closing time, this would become 2am and even later, which I'm sure you will agree is unacceptable in a residential area.

5 Because of the above during the summer it is impossible to go to bed with your bedroom windows open for any ventilation.

6 It is also very noticeable that those who step outside to smoke during the night get louder as the night goes on as the alcohol intake increases, we would have to suffer this till 1am and after.

Despite the Balfour being present before some of the properties where built, the council has allowed planning permission for them and should now some consideration to the owners of property in the surrounding area.

We are not kill joys and are prepared to accept the current hours but are entitled to a decent night's sleep something we will be deprived of if these extensions are granted.

Evidence:

Suggestion:

Person making Representation: Sheila M Hopkins
58 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I write further to the public notice in the edition of the Sidmouth Herald dated the 23rd September 2016 which states that Punch Taverns Plc has applied for a new premises licence under the Licensing Act 2003.

It is for the following reasons that I wish to object to the request that Punch Taverns Plc has put before you :-

1) Many of the residents of the lower end of Balfours Road are elderly (some infirm) and the very much later activity at the Balfour Arms would be difficult and disturbing for them. Since the re-launch some couple of months ago there have been incidents where the police have become involved.

2) The Balfour Arms has only got parking spaces for 10 cars plus 2 spaces for the disabled, therefore extra overflow of vehicles would be effected in Balfours Road causing some difficulty for emergency services to attend an incident when and where needed.

I do agree that the Balfour Arms has a business to conduct, but do believe that their current licence terms are more than adequate, therefore I would respectfully ask that you decline their application.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: Patrick Kilgarriff
Flat 2, Balfour Court, 53 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: One of the most precious things in life is a good nights sleep, it is priceless. You feel the consequences the following day if you are deprived of it. The sleep pattern of my life has become topsy turvy since the arrival of the new management at The Balfour Arms and their introduction of musical evenings. The constant rhymical beat of the drums; e.g. boom-boom-boom while the music is playing, even though my flat has double glazing and the windows are closed, sleep is impossible. When the pub closes in the evening the banging of car doors and groups of people staying around talking prolongs the agony. One has to leave the bed and sit in a chair. If it were at all possible I would plead that the music hours be curtailed.

My flat is on the corner of Balfours and Woolbrook Road just across the road from The Balfour Arms. A neighbour called to let me know of the above application otherwise I would have missed it. I then saw the application in the Sidmouth Herald and the print was so tiny that I could hardly read it. Lots of residents in the area are not aware of this application especially residents with small families because of the poor publicity about the application and it's presentation in the Sidmouth Herald. The area is a mix of retired people, many of whom are in poor health, and young families with children. I am 90 years old next year. It is a residential area and not suited for music at late hours.

Evidence:

Suggestion:

Person making Representation: R Constable
62 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I am writing to object to the proposed extended licensing hours for the Balfour public house in Woolbrook Rd. I think this is inappropriate as the pub is in a residential area with many elderly residents. Even with the current opening hours myself and other households have experienced the following problems due to the Balfour.

Patrons smoking in the foyer and in the car park using obscene language and being very loud.

Fights and antisocial behaviour.

Noise well after closing time.

I would like action to taken over this. I fully expect the occasional music and party nights to take place, but things have got worse since the new landlord took over. The previous one made customers smoke in the beer garden, which was less intrusive to residents as it backed on to the Fire Station. If this could be reinstated, I am sure that the situation would improve and I would like enforcement of this.

Just to re-iterate, there are enough problems at present without extending the hours of business which would exacerbate things further. Thank you for your attention of this matter.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: J Finnie
62 Balfours, SIDMOUTH, Devon, EX10 9EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I am writing to object to the proposed extended licensing hours for the Balfour public house in Woolbrook Rd. I think this is inappropriate as the pub is in a residential area with many elderly residents. Even with the current opening hours myself and other households have experienced the following problems due to the Balfour.

Patrons smoking in the foyer and in the car park using obscene language and being very loud.

Fights and antisocial behaviour.

Noise well after closing time.

I would like action to taken over this. I fully expect the occasional music and party nights to take place, but things have got worse since the new landlord took over. The previous one made customers smoke in the beer garden, which was less intrusive to residents as it backed on to the Fire Station. If this could be reinstated, I am sure that the situation would improve and I would like enforcement of this.

Just to re-iterate, there are enough problems at present without extending the hours of business which would exacerbate things further. Thank you for your attention of this matter.

Evidence:

Suggestion:

Person making Representation: Norma Hoare
Flat 35, Anstis Court, 44 Woolbrook Road, SIDMOUTH, Devon, EX10 9XL

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We as residents and neighbours of this complex, feel that granting extra late night hours for live music will have a detrimental effect for both ourselves and the surrounding residents within the vicinity of the Balfour Inn.

The application to increase hours will further aggravate noise and unacceptable antisocial behaviour which is already occurring in and around the flats and additional areas of Woolbrook itself. It will create and increase unnecessary noise disturbance for all residents which is very concerning to us all.

We have families with babies and young children within the complex of flats as well as elderly living in flats which are close to the Balfour Inn. We already endure a lot of increase noise disturbance and nuisance and do not wish to have this aggravated even further.

There is antisocial behaviour already taking place in and around the flats with youths already coming into the area late at night urinating around the flats and within resident's bins as well as making unnecessary noise. This will no doubt increase due to longer hours allowing for further alcohol consumption.

Increased hours later into the early hours of the morning we all feel is not acceptable. Many of us already suffer with sleep deprivation and this will only become worse if music continues later into the early hours of the morning and leaving even later into the early hours of the morning.

We appreciate this is a pub, however increasing the hours even further will cause unnecessary distress and further issues for Woolbrook residents who are living within the vicinity of the Balfour.

On this occasion this is a step too far in relation to the surrounding residents within the vicinity of the Balfour Inn who already tolerate noise and loud music, we do not wish to have this increase even further into the early morning hours, we do need to sleep as do our families and children who live around this area.

We hope that you will consider our comments in relation to this application.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: Diana P Blanchard
Flat 40, Anstis Court, 44 Woolbrook Road, SIDMOUTH, Devon, EX10 9XL

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We as residents and neighbours of this complex, feel that granting extra late night hours for live music will have a detrimental effect for both ourselves and the surrounding residents within the vicinity of the Balfour Inn.

The application to increase hours will further aggravate noise and unacceptable antisocial behaviour which is already occurring in and around the flats and additional areas of Woolbrook itself. It will create and increase unnecessary noise disturbance for all residents which is very concerning to us all.

We have families with babies and young children within the complex of flats as well as elderly living in flats which are close to the Balfour Inn. We already endure a lot of increase noise disturbance and nuisance and do not wish to have this aggravated even further.

There is antisocial behaviour already taking place in and around the flats with youths already coming into the area late at night urinating around the flats and within resident's bins as well as making unnecessary noise. This will no doubt increase due to longer hours allowing for further alcohol consumption.

Increased hours later into the early hours of the morning we all feel is not acceptable. Many of us already suffer with sleep deprivation and this will only become worse if music continues later into the early hours of the morning and leaving even later into the early hours of the morning.

We appreciate this is a pub, however increasing the hours even further will cause unnecessary distress and further issues for Woolbrook residents who are living within the vicinity of the Balfour.

On this occasion this is a step too far in relation to the surrounding residents within the vicinity of the Balfour Inn who already tolerate noise and loud music, we do not wish to have this increase even further into the early morning hours. We do need to sleep as do our families and children who live around this area.

We hope that you will consider our comments in relation to this application.

Evidence:

Suggestion:

Application No: 042486

Premises: Balfour Arms (The)
26 Woolbrook Road, SIDMOUTH, EX10 9UZ.

Person making Representation: A Cole
Flat 37, Anstis Court, 44 Woolbrook Road, SIDMOUTH, Devon, EX10 9XL

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We as residents and neighbours of this complex, feel that granting extra late night hours for live music will have a detrimental effect for both ourselves and the surrounding residents within the vicinity of the Balfour Inn.

The application to increase hours will further aggravate noise and unacceptable antisocial behaviour which is already occurring in and around the flats and additional areas of Woolbrook itself. It will create and increase unnecessary noise disturbance for all residents which is very concerning to us all.

We have families with babies and young children within the complex of flats as well as elderly living in flats which are close to the Balfour Inn. We already endure a lot of increase noise disturbance and nuisance and do not wish to have this aggravated even further.

There is antisocial behaviour already taking place in and around the flats with youths already coming into the area late at night urinating around the flats and within resident's bins as well as making unnecessary noise. This will no doubt increase due to longer hours allowing for further alcohol consumption.

Increased hours later into the early hours of the morning we all feel is not acceptable. Many of us already suffer with sleep deprivation and this will only become worse if music continues later into the early hours of the morning and leaving even later into the early hours of the morning.

We appreciate this is a pub, however increasing the hours even further will cause unnecessary distress and further issues for Woolbrook residents who are living within the vicinity of the Balfour.

On this occasion this is a step too far in relation to the surrounding residents within the vicinity of the Balfour Inn who already tolerate noise and loud music, we do not wish to have this increase even further into the early morning hours, we do need to sleep as do our families and children who live around this area.

We hope that you will consider our comments in relation to this application.

Evidence:

Suggestion:

THE BALFOUR ARMS – APPLICATION NUMBER - 042486.

Following several phone calls from local residents to our office and reading through some of the representations received I thought I would be useful to include this note to clarify some aspects of the application being made by Punch Taverns Plc for The Balfour Arms.

The current manager Ron Miles has been using Temporary Event Notices to licence an outside area at the rear of the premises for alcohol sales and entertainment and recently approached the Licensing Authority and Environmental Health Team with a request to permanently licence the outside area. As a result it was determined that Punch Taverns would need to apply for a new licence for the whole premises to include the outside area to replace the existing licence.

In consultation with the Environmental Health Team it was agreed that all outside licensable activities would cease by 11pm every night.

The closing times applied for in the new premises application will remain the same as the existing licensing hours apart from Maundy Thursday, Christmas Eve and Boxing Day these existing extended hours have been removed from the new application and the premises would therefore close earlier on these days than under the current licence.

The opening hours have been extended in the morning to allow the premises to open earlier to serve breakfasts from 8:30am although alcohol sales remain the same with a start time of 11am.

The times for live and recorded music inside the premises have been extended by one hour on Fridays and Saturdays evenings to bring the timings in line with the alcohol sales.

New activities of films, performance of dance and anything similar to live & recorded music and performance of dance have been added to the new application.

The Balfour Arms– Responses to Notice of Hearing

Applicant

Punch Taverns Plc, Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF	
Hearing Unnecessary	N/A
Attending	Yes: Martyn Clark – Area Operations Manager Punch Taverns Plc. Ron Miles – Manager & DPS The Balfour Arms.
Supporting documents	None
Summary of key points	None

Responsible Authorities & Interested Parties

1.	Mrs Wheller – Environmental Health Officer (EDDC)
Hearing Unnecessary	Yes – Mediated position
Attending	No
Supporting documents	None
Summary of key points	None

2.	Mrs L Parsons 54 Balfours, Sidmouth, Devon, EX10 9EG
Hearing Unnecessary	No
Attending	No
Supporting documents	None
Summary of key points	Prevention of public nuisance Noise late at night beyond a reasonable level in a residential area. Lack of parking at the Balfour Arms, which adds to the above. The Balfour Arms is a public house NOT a night club.

APPENDIX F

3.	Mr T Parsons 54 Balfours, Sidmouth, Devon, EX10 9EG	
Hearing Unnecessary	No	
Attending	No	
Supporting documents	None	
Summary of key points	<p>Prevention of public nuisance</p> <p>Noise late at night beyond a reasonable level in a residential area.</p> <p>Lack of parking at the Balfour Arms, which adds to the above.</p> <p>The Balfour Arms is a public house NOT a night club.</p>	

4.	Mrs D Blanchard Flat 40 Anstis Court, 44 Woolbrook Road, Sidmouth, EX10 9XL	
Hearing Unnecessary	No	
Attending	No	
Supporting documents	None	
Summary of key points	None	

5.	Ms A Cole, Flat 37 Anstis court, 44 Woolbrook Road, Sidmouth, EX10 9XL	
Hearing Unnecessary	No response	
Attending	No – No response	
Supporting documents	None	
Summary of key points	None	

6.	Mr J Chapman, 48 Balfours, Woolbrook, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

7.	Mr R Bolam, Flat 1 Balfour Court, 53 Balfours, Sidmouth	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

APPENDIX F

8.	Ms Angela Richards, 33 Balfours, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

9.	Ms Sheila Hopkins, 58 Balfours, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

10.	Rev Patrick Kilgarriff, Flat 2, Balfour Court, 53 Balfours, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

11.	Mr R Constable, 62 Balfours, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

12.	Ms J Finnie, 62 Balfours, Sidmouth, EX10 9EG	
Hearing Unnecessary	Yes – Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

13.	Ms N Hoare, Flat 35, Anstis Court, 44 Woolbrook Road, Sidmouth, EX10 9XL	
Hearing Unnecessary	Yes - Mediated position	
Attending	No	
Supporting documents	None	
Summary of key points	None	

1. A noise limiter will be installed outside in the garden area of the premises and the level set to the satisfaction of an Environmental Health Officer of East Devon District Council.
2. Prominent signs to be displayed at the premises directing customers who wish to smoke to go to the rear of the premises.
3. There will be a designated smoking area set up at the rear of the premises.

1. Membership of the Local Licencees Association will be maintained.
2. An incident/refusals log book will be kept at the premises which will store details about any incidents or complaints at the premises.
3. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented.
4. Except for access and egress, all doors and windows will be closed during regulated entertainment.
5. When used for regulated entertainment, the outside areas are to be monitored and supervised by management and staff during the hours that the premises are open to the public.
6. Signs shall be prominently displayed at the premises requesting that patrons respect local residents and leave the premises quietly.
7. Licensable activities will cease outdoors at 23:00h daily.
8. Children must be accompanied by an adult at all times.
9. The challenge 25 policy verification will be adopted at the premises.

