

# Agenda for Licensing & Enforcement Sub Committee

Wednesday, 24 May 2017; 9.30am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:  
Steve Hall, John O'Leary, Geoff Jung

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

[View directions](#)

**Contact:** [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 17 May 2017



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- 1 Minutes for 12 April 2017 (pages 3-8)
- 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 is one item that officers recommend should be dealt with in this way.

## Part A Matters for Decision

- 6 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary Barrington Villa, Salcombe Road, Sidmouth, EX10 8PU. (Pages 9-11)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary Sidmouth Garden Centre, Stowford Rise, Stowford, Sidmouth, EX10 0NA. (Pages 12-13)**
- 8 **To consider an application for the grant of a premises licence – To allow the sale of alcohol on and off the premises at Tea Pots, Withycombe Village Road, Exmouth EX8 3AN. (Pages 14-114)**
- 9 **The Vice Chairman to move the following:**  
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

## Part B Matters for Decision

- 10 **Determination of an application to licence a Hackney Licensing Officer (115 – 139) Carriage Driver**

Reason for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person

**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**

**Attendance list at the end of the document**

**The meeting started at 9.30am and ended at 12.10pm**

- \*24 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 29 March 2017, were confirmed and signed as a true record.
- \*25 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 three applications for grants of premises licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

**RESOLVED** that the applications be granted as below, subject to the agreed positions set out in the schedules 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:**

Devon Cliffs, Holiday Park, Beach Shack, Sandy Bay, Exmouth, Devon, EX8 5BT.

**Agreed position reached by the parties:**

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

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

1. One member of door staff to be employed from 1200 until 1800 which will then increase to two SIA door staff from 1800 until the premises close.
2. Staff will carry out litter duty every 30 minutes throughout the hours the premises are open to the public.

3. There will be no sale of alcohol off the premises after 1800.
4. CCTV cameras will be installed to cover the patio area and shop.
5. The CCTV will be monitored by staff in the Shop and South Beach Bar at all times the premises are open to the public.
6. Signs will be placed throughout the premises warning patrons of the dangers of entering the sea after consumption of alcohol.
7. A warden will be employed at the Shack to monitor the area for underage proxy purchases of alcohol and will liaise at all times with the SIA door staff at the Beach premises.

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

Livestock Festival 2017, Froginwell Vineyard, Sidmouth Road Woodbury Salterton, Devon, EX5 1EP.

**Agreed position reached by the parties:**

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

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

The event will be managed by an Event Management Plan the final draft of which will be presented to the Licensing Authority and the Police by 15 June 2017.

1. No more than 1000 tickets will be sold.
2. SIA Door staff will be employed at the event as follows:  
10.00hrs to 14.00 hrs a minimum of 4 SIA Door staff  
14.00 hrs to 17.00 hrs a minimum of 7 SIA Door staff 17.00hrs to Close a minimum of 10 SIA Door staff  
Overnight a minimum of 2 SIA Door staff to patrol the campsite.
3. The premises will adopt a Challenge 25 proof of age policy. The only acceptable form of ID will be Passport photo driving licence and government approved PASS card.
4. Alcohol will be dispensed into plastic or toughened glass. All bottles will be decanted.

**Name of premises and address:**

Lympstone Manor, Courtlands Lane, Exmouth, Devon, EX8 3NZ.

**Agreed position reached by the parties:**

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

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

1. Add to the offered CCTV condition – CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
2. The premises will adopt a challenge 21 Policy. The acceptable forms of ID to purchase alcohol will be Passport, Photo Driving License or Government approved PASS card.
3. Remove condition offered for free drinking water (this is a mandatory condition).
4. Remove condition offered of 'no one carrying open or sealed bottles or glasses will be admitted to the premises at any time'.

- \*26 Application for the grant of a premises licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Harbour Hotel, Manor road, Sidmouth, EX10 8RU  
The Sub Committee gave consideration to an application for the grant of a Premises Licence to allow live and recorded music, performance of dance, late night refreshment and the sale of alcohol on the premises at Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

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

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

The applicant, Mr Simon Maguire – Operations Manager case on paper, was that Sidmouth Harbour Hotel was currently licensed under the name of Westcliff Hotel, the licence having been converted and varied in 2005 from the old licensing regime

under the local magistrates into the new format of the Licensing Act 2003. The hotel had been subject of recent structural alterations and upgrade and the old licensed area on the ground floor had been altered and extended to such an extent that a new premises licence was required. An application for a new premises licence was originally submitted on 22 December 2016 but failed due to an error by the applicants in advertising the application in a local paper within ten working days as required under the Act.

At the hearing he added that the application for a new licence was being made because of significant changes to the structure of the building. The premises had a good record in terms of issues with the previous licence.

The applicant understood the fears of the local residents and was sensitive to those matters raised in their representations, and would continue to take them seriously. He stated that he wished to work with the Sub Committee to ensure that the premises that would not reflect poorly on the hotel's reputation.

When questioned by the Sub Committee the applicant made a number of concessions concerning conditions for operation around management of noise, curtailing of hours for sale of alcohol and closure of the premises to the general public.

The interested parties case on paper was that in relation to the prevention of crime and disorder, late night drinking so often was the cause of crime and disorder and they did not want Sidmouth to become one of those towns. Regarding the prevention of public nuisance, there would be noise from the extended outside terraces with doors opening from the dining room and drinking areas.

Mr & Mrs Page explained the proximity of their property (Clifton Cottage) to the applicant's premises. The new facility changed the nature and operation of the premises. The property was being heavily promoted as a wedding event venue. His very recent experience was that there was considerable noise from lunchtime onwards coming from the open terrace. This impinged upon the quiet enjoyment of his own property. Mr Page had reason to complain about a recent event to the management but he was unsure whether the noise issue had been dealt with. He stated that he had measured noise volume from his property and stated that sound levels on a Saturday evening were 70 dB, this was from a disco that had ended at midnight.

Mr Page hoped that management would take control of sound levels but he doubted that however large notices displayed within the premises were, he feared that wedding guests would not respect the disruption to the amenity and effect of noise for the local residents. He stated that noise should not be audible beyond the boundary of the premises.

Ms Anthea Millett stated that the purpose of the Licensing Act was to strike a balance between what was reasonable to operate in the location and consideration of the effect that the premises might have on crime and disorder and public nuisance. She could not understand why the applicant was requesting the sale of alcohol and operation of the premises for much longer than that which they stated they were actually going to operate.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence heard regarding the history of the premises, it was considered that the establishment would be well managed and controlled and there would be appropriate policies in place.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, arising from the operation of the premises. This was because of a lack of evidence of complaints to the statutory authorities. The Sub Committee had however, taken into account the concern the interested party about future operation by ensuring that suitable conditions were imposed and that the operating hours were not unreasonable late.

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

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

**RESOLVED 1.**

that a grant of a Premises Licence be made as follows:

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicants' plan.
- b) Permitted hours for the various licensable activities will as set out in the amended Appendix A.
- c) Monday to Thursday and Sunday Sale of alcohol from 11.00am to 12.00 (midnight) Premises closed to the public (Terminal Hour) ' 12.30am.
- d) The conditions in the operating schedule as set out in the Appendix F will also apply.
- e) The Sub Committee imposes the following new conditions:
  - 33 No non-residents to be served after 12.00 (midnight)
  - 34 A designated telephone number for the Duty Manager is to be made available to local residents in the vicinity of the premises.
  - 35 All doors and windows, except for access and egress, to be closed from 11.00pm, with the outside areas supervised to ensure that residents and non-residents at the premises do not disturb the local residents in the vicinity so as to cause a noise nuisance.
  - New 24 Regulated entertainment taking place at the hotel will be strictly controlled to prevent public nuisance and to ensure this a noise limiter will be installed with the appropriate noise level being set to the satisfaction of East Devon District Council Environmental Health Service.
- f) The mandatory conditions of sections 19 & 21 of the Licensing Act will be imposed.

**2.**

the designated Premises Supervisor will be Kenneth Cumming of Sidmouth Manor Hotel, Manor Road, Sidmouth, EX10 8RU.

**Attendance list**

**Councillors present:**

Steve Hall (Chairman)  
Jim Knight  
John O'Leary

**Councillor also present:**

John Dyson

**Officers present:**

Giles Salter, Solicitor  
Neil McDonald, Licensing Officer  
Chris Lane, Democratic Services Officer

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





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

**Date of Meeting:** 24 May 2017

**Public Document:** Yes

**Exemption:** None

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

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

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

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

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

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

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

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

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Link to Council Plan:** Not applicable

## Report in full

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

be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

## 2. Schedule of Applications

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Barrington Villa, Salcombe Road, Sidmouth, Devon, EX10 8PU.	<p>Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following additional conditions:</p> <ol style="list-style-type: none"> <li>1. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.</li> <li>2. No person carrying open vessels containing alcohol will be admitted to the premises at any time.</li> <li>3. No customers will be permitted to take open vessels containing alcohol from the premises.</li> <li>4. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.</li> <li>5. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.</li> <li>6. The premises will operate a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government approved PASS card.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

24 May 2017



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

**Date of Meeting:** 24 May 2017

**Public Document:** Yes

**Exemption:** None

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

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

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

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

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

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

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

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

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Link to Council Plan:** Not applicable

## Report in full

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

be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

## 2. Schedule of Applications

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Sidmouth Garden Centre, Stowford Rise, Stowford, Sidmouth, Devon, EX10 0NA.	<p>Following mediation the applicant and the Devon and Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following additional conditions:</p> <ol style="list-style-type: none"> <li>1. CCTV shall be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police. Images shall be retained for a minimum of 28 days copies of which will be made available to the Licensing Authority and the Police upon request.</li> <li>2. The CCTV shall include camera coverage of the alcohol display area as well as the entrances and exits.</li> <li>3. A suitably worded sign of sufficient size and clarity shall be displayed at the entrance to the premises and in the alcohol display area, advising patrons that CCTV is operating within the premises.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

24 May 2017



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

**Date of Meeting:** 24 May 2017

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 8**

**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 considered by the committee.

**Recommendation:** Recommendation  
That members consider an application for the grant of a premises licence to allow – the sale of alcohol on and off the premises at Tea Pots Café, Withycombe Village Road, Exmouth, Devon, EX8 3AN.

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

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

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

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

**Equalities impact:** Low Impact

**Risk:** Low Risk

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

**Link to Council Plan:** Not applicable

## Report in full

### 1 Description of Application

- 1.1 An application has been received from LT Catering Company Ltd of 11 Evett Close, Exmouth, Devon, EX8 4RY, for the grant of a premises licence at Tea Pots Café, Withycombe Village Road, Exmouth, Devon, EX8 3AN.

- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A full copy of the application is reproduced at **Appendix B**.
- 1.4 The proposed premise to be licensed is a small café on the ground floor of a two story building situated in a parade of six linked small shops. There are a total of seven residential flats above the row of shops. The premises are set up with table and chairs with a small counter internally and a small railed off outside area set up with two tables and chairs. The premise is situated in Withycombe Village on the outskirts of Exmouth Town. The area is in a mixed commercial and residential area but predominately residential.
- 1.5 A copy of the plan of the premises will be available at the meeting for the information of the committee to show the layout of the site and the proposed areas of licensable activity.

## **2 Statutory Bodies' Response**

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

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

- 3.1 Representations have been received from the Devon and Cornwall Constabulary, a councillor for Exmouth Withycombe Raleigh Ward and 34 local residents. It should be noted that 29 of the objectors have the same representation as they had signed a petition circulated in the area. Details of their representations are attached at **Appendix C**.
- 3.2 Responses have been received from the Devon and Cornwall Police who will attend the hearing represented by Sgt Mike Norsworthy. Cllr Brian Bailey a councillor for Exmouth Raleigh Ward together with two local residents will also be attending the hearing one of whom will be representing 5 other residents who have responded nominating him as the person they wish to speak on their behalf. 6 other residents have responded and wish their representations to go ahead but will not be attending the hearing. No responses have been received from 21 other residents who had made representations. Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

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

- 4.1 A mediation meeting chaired by the Licensing Authority was held at Tea Pots Café on Tuesday 9 May 2017 but was unsuccessful.
- 4.2 The conditions offered by the applicants on their operating schedule have been reproduced at **Appendix E** 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:

- The Sale of alcohol on and off the premises

6.3 Tea Pots Café is situated in a row of shops in Withycombe Village and has been operating as a café for about six months. The owners wish to expand their business and want to be able to offer customers alcohol. They feel that there would be a call for a licence as customers have been asking if they could include alcohol sales in their service. The application is to licence

the inside public area of the café as well as a small outside area that has been railed off and is set up with two tables and chairs. Details of the hours requested can be seen at **Appendix B**.

- 6.4 Following submission of the application representations were received from the police, a ward councillor and 34 local residents. It will be noted that 29 representations have the same content this is because they are part of a petition circulated in the area against the application.
- 6.5 The police concerns are that the applicants intend to change the café into a pub and that the location of the premises in a residential area make it unsuitable for the late hours requested in the non-standard section of the application extending the hours on a Bank Holiday Friday to Monday and Christmas Eve to 1am (although they have no objection to the New Year's Eve extension requested as this is fairly standard across the district). The police oppose the licensing of the outside area for the sale and consumption of alcohol as requested in the application. They raise concerns that there is a large community college and a primary school located nearby and that school children frequent the Central Stores Supermarket on one side of the premises and the fish and chip shop on the other side of the premises. They are concerned that alcohol could be supplied to children from the outside area or they could drink alcohol left on the tables by previous customers. They feel that any licensable activities should be carried out inside the premises and under the control of the applicant. The police are of the opinion that the outside area would cause conflict with residents, passers-by and shoppers and will cause a noise and litter nuisance. They are concerned that older residents living in the warden controlled bungalows opposite the café may be frightened to pass the area with people drinking outside. They are also concerned that a communal alleyway next to the chip shop will be used as a toilet as they feel the internal toilets of the café are inadequate. The police believe that these premises may be turned into a 'pub' style of operation and if so suitable conditions should be placed onto the licence. They have submitted photographs of the area and have included a list of conditions that the committee may wish to consider in their response to notice of hearing **Appendix D**.
- 6.6 The representations received from local residents mirror that of the police and they believe the premises will be turned into a pub but also raise issues of noise from inside and outside the premises causing a nuisance to residents including children living in the flats above the shops. Their concerns are that vulnerable people both elderly and the young will be mixing with intoxicated customers of the café particularly with customers queueing at the chip shop and Central Stores. As there is no dedicated smoking area customers will use the outside area/street to stand around smoking. There are concerns that as there is no car park in the area customers will have to park in the already congested residential streets causing danger to school children and the elderly crossing to the shops. They also raise concerns that the school has after school clubs with parents and children using the area for dropping off and picking up the children. Comment has also been made that there are already two pubs located nearby and another licensed premises is not needed.
- 6.7 The applicant has responded to the notice of hearing and has included details of location, print out of the current premises licence and photographs of the two pubs located nearby. The photographs show one premises situated opposite the primary school with tables and chairs outside with no railed off area and a 'sweets' counter. The other pub is situated next to the primary school and shows a picture of the outside smoking area. He has also included details of the off licence that the Central Stores shop has next door to his property. He has included a map of the area showing where objectors who signed the petition live and points out that of the 25 households signing the petition only 6 live in Withycombe Village Road. He also points out that there have been no objections made from anyone in Burnside or Denning Court (warden controlled housing). He also mentions that the petition was organised by the manager of Central Stores next door to his premises. The applicant has offered the following compromises on his response to notice of hearing that the committee should be aware of –

1. I will install CCTV
2. I am happy to limit drinking on our outside seating area between the hours of 9am to 9pm.
3. No extended hours on Bank Holidays.
4. I will use the challenge 21 policy.

Details can be seen at **Appendix D**.

- 6.8 The committee will be aware that the number of licensed premises in an area should not restrict the granting of another licence and that each application should be considered on its own merits.
- 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 F**.

### **Legal Advice**

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

The steps are:

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

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

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

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

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.  
Source: Section 19 Licensing Act 2003
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the

policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

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

5. The responsible person must ensure that-

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

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

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

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

(b) “permitted price” is the price found by applying the formula —

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

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Source: Section 19A Licensing Act 2003

**(b) Section 20 - Mandatory condition relating to exhibition of films – not required**

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

**(c) Section 21 - Door Supervision– not required**

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

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

**6. Human Rights Act 1998**

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one’s possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large

(e.g. the customers of the premises under consideration) and the people operating the business from the premises.

6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.

6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

## **7. Appeals**

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

## **8. Review Provisions**

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

## **9. Police Closure**

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

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

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system

is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

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

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



### Proposed Timings – Tea Pots Cafe

	<b>J) Supply of Alcohol - On and Off the premises</b>	<b>Hours premises are open to the public</b>
<b>Monday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Tuesday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Wednesday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Thursday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Friday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Saturday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Sunday</b>	<b>8:00am - 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Bank Holiday Friday to Mondays</b>	<b>8:00am – 01:00am</b>	<b>8:00am – 01:00am</b>
<b>Christmas Eve</b>	<b>8:00am – 01:00am</b>	<b>8:00am – 01:00am</b>
<b>New Year’s Eve</b>	<b>8:00am – 01:00am</b>  And from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Years Day	<b>8:00am – 01:00am</b>  And from the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day



**East Devon**  
**Application for a premises licence**  
**Licensing Act 2003**

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

\* required information

### Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

### Applicant Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address** Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

## Section 2 of 19

### PREMISES DETAILS

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

#### Premises Address

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

Address     OS map reference     Description

#### Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

#### Further Details

Telephone number

Non-domestic rateable value of premises (£)

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

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

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

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

- Yes                       No

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

First name

ANTHONY

Family name

KING

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Applicant Postal Address

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

Yes

No

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

Building number or name	<input type="text" value="11"/>
Street	<input type="text" value="EVETT CLOSE"/>
District	<input type="text"/>
City or town	<input type="text" value="EXMOUTH"/>
County or administrative area	<input type="text" value="DEVON"/>
Postcode	<input type="text" value="EX84RY"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

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

Yes

No

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

E-mail	<input type="text" value="tonyk666@orangehome.co.uk"/>
Telephone number	<input type="text" value="01395274095"/>
Other telephone number	<input type="text" value="10395266777"/>

## Section 5 of 19

### OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

A CAFE PROVIDING BREAKFAST, LUNCH AND EVENING DINING IN AN OUT OF TOWN TRADING AREA ALONG WITH 6 OTHER LOCAL TRADERS. THE CAFE HAS A 27 SEATED AREA INTERNALLY AND A 6 SEATED AREA IMMEDIATLY ADJOINING THE FRONT OF THE PREMISES AND IS CONFINED WITHIN A METAL BARRIER.

*Continued from previous page...*

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

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

- Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

- Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

- Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

- Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

- Yes  No

**Section 13 of 19**

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

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

- Yes  No

Continued from previous page...

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes

No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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

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

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

Good Friday, Easter Saturday, Easter Sunday, Easter Monday until 01.00  
May, Spring, August Bank holidays, Friday, Saturday, Sunday, Monday Until 01.00  
Xmas Eve until 01.00  
And From the end of permitted hours on New Years Eve to the start of permitted hours on new years day.

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)



Continued from previous page...

Issuing licensing authority  
(if known)

EDDC

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

### Section 16 of 19

#### ADULT ENTERTAINMENT

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

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

NONE

### Section 17 of 19

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start 08:00

End 23:30

Start

End

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

TUESDAY

Start 08:00

End 23:30

Start

End

WEDNESDAY

Start 08:00

End 23:30

Start

End

THURSDAY

Start 08:00

End 23:30

Start

End

Continued from previous page...

FRIDAY

Start  End

Start  End

SATURDAY

Start  End

Start  End

SUNDAY

Start  End

Start  End

State any seasonal variations

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

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

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

Good Friday, Easter Saturday, Easter Sunday, Easter Monday until 01.00  
May, Spring, August Bank holidays, Friday, Saturday, Sunday, Monday until 01.00  
Xmas Eve until 01.00  
And from the end of permitted hours on New Years eve to the start of permitted hours on New Years Day.

**Section 18 of 19**

**LICENSING OBJECTIVES**

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

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

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

SEE BELOW

b) The prevention of crime and disorder

A crime prevention policy agreed by us and must be in place.  
An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by us and the police.

c) Public safety

Continued from previous page...

The Licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.

d) The prevention of public nuisance

The Licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.

e) The protection of children from harm

A Challenge 21 policy will be put in place and all staff will be trained.  
Nobody under the age of 18 will be allowed on the premises after 21.00

## Section 19 of 19

### PAYMENT DETAILS

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

Non domestic Rateable Value Band

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

B £4,301 to £33,000 - Fee £190

C £33,001 to £87,000 - Fee £315

D £87,001 to £125,000 - Fee £450

E £125,001 and above - Fee £635

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

Band D - £ 900

Band E - £1905

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

\* Fee amount (£)

100.00

### DECLARATION

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

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

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

\* Full name

ANTHONY KING

\* Capacity

DIRECTOR

\* Date

27 / 03 / 2017  
dd mm yyyy

Add another signatory

Continued from previous page...

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

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

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

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="TeaPots PL"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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# REPRESENTATIONS LIST

APPENDIX C

**Application No:** 043751

**Application Date:** 28 March 2017

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

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**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

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**Applicant:** Anthony Allen King  
11 Evett Close, EXMOUTH, Devon, EX8 4RY.

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**Person making Representation:** Georgina Beal  
151 Withycombe Village Road, EXMOUTH, Devon, EX8 3AG.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** It would cause row and fits late at night with people living in the flat upstairs and people across the road  
Too many cars around late at night drunk at times mixing with other shoppers all day and with the children  
It would bring in many people with problems and a lot of noise and there are a lot of OAP living in village  
Two school in our village and many children still live here I also have a grandson who is blind in 114a Withycombe Village Rd  
No need for a licence for the type of cafe that is there we have two pubs in our small village already which is more than we all need

**Evidence:**

**Suggestion:**

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**Person making Representation:** Peter Beal  
151 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** It would cause row and fits late at night with people living in the flat upstairs and people across the road  
Too many cars around late at night drunk at times mixing with other shoppers all day and with the children  
It would bring in many people with problems and a lot of noise and there are a lot of OAP living in village  
Two school in our village and many children still live here I also have a grandson who is blind in 114a Withycombe Village Rd  
No need for a licence for the type of cafe that is there we have two pubs in our small village already which is more than we all need

**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Devon & Cornwall Constabulary  
Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon, EX2 7HQ.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** With Reference to the above application I hereby submit a formal Representation to object to the application on the following grounds  
Crime and Disorder  
Public Nuisance  
Protection of Children

Prior to the application being submitted I visited the premises and discussed the proposed application. I gave advice regarding the operating schedule and conditions that the Police would expect. It appears the applicant has not taken heed of my advice I will try to mediate with the applicant but I am not hopeful of reaching an agreed position Should we not reach an agreed position I will submit formal papers and grounds.

I am in receipt of your application for a premises licence for your café 'Teapots' Withycombe Village Road Exmouth. You will recall I visited you on the 16th March 2017 to discuss your proposals prior to submitting a formal application. At this meeting I pointed out to you that your premises were a small café in a residential area near a major school. I further pointed out to you the adjacent businesses of a convenience store and fish and chip shop which are used by a number of elderly persons from the nearby sheltered housing. I stated it would be inappropriate to request late hours or allow persons to use your outdoor front patio area for the consumption of alcohol. You can imagine my surprise on reading the application to see that you have included the outdoor patio area as part of your licensable area. You have also requested to be open until 01.00 on 17 days over Bank Holidays including Christmas Eve plus New Year's Eve.

I have formally submitted an objection to East Devon District Council to your application. Normally we would mediate the application to find common ground to reach an agreed position to remove the need for a contested hearing. This would normally be the addition of conditions to be placed on the licence to ensure the 4 Licensing conditions are safeguarded. However in this case I cannot begin to mediate while you still include the patio and with the exception of New Year's Eve intend to open until 01.00. Should you remove these items from the application I will then consider conditions I feel appropriate in view of your existing business and business plan

Should you wish to reconsider your application please contact me with your proposals. Prior to the closing date for representations.

**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Richard Jackson  
153 Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** By stopping this application, this will prevent any crime or disorder arising from the sale of alcohol from 8 AM - 11:30 PM

No dedicated car park means an excess of vehicles using the short stay on this residential road, and as there is no crossing children to and from school and elderly adults living nearby will have their safety at risk

People drinking and smoking outside up to 11:30 will cause a public nuisance to all residents nearby, this is totally unacceptable in a residential area.

Certainly children on the way home from school will have to put up with any drunken behaviour from people outside the premises, drinking and smoking.

**Evidence:**

**Suggestion:**

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**Person making Representation:** Peter Kilgannon  
144A Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Outside drinking area in view of public licence being requested from 8am

Public nuisance risk to elderly & children

Insufficient toilets exterior noise spilling on to pavement area access to private alley

These premises are unsuitable for an alcohol licence

As above

**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** V Reeves

11 Nursery Mews, EXMOUTH, Devon, EX8 3RA.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them.

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through.

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling, there are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10pm add to this a licence premises and this will make life very poor for them. There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Dening court both of the wardens /carers of these sites agree this is not the place for another license premises.

The site as it stands has very limited toilet facilities with only two small cubicles housing one pan toilet each the residence above feel that the alleys running down the side of their building will be used as a toilet and for other unlawful activities the gates to these alleys can not be locked as they give right of way access to the shops as well as the flats.

The hours this application is asking for do not relate to the current use of the site which opens at 8am and closes by 5 pm each day with the exception of Wednesday Friday and some Saturdays when it is open until 8 pm we question the reasons for this.

**PROTECTION OF CHILDREN FROM HARM**

This site is situated in the middle of several schools with children constantly passing in front of it both for dropping off and pick-up there is also after school clubs and a brownies/guide group not more than 50 meters away as mentioned there is no cctv on site and no provision at present for security personal

**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Dan James  
21 Marpool Crescent, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** M Woolley  
16a Hulham Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises. The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling, there are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10pm add to this a licence premises and this will make life very poor for them. There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Dening court both of the wardens /carers of these sites agree this is not the place for another license premises.

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Becky Langley  
9 Lovering Close, EXMOUTH, Devon, EX8 5DJ.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

**PUBLIC SAFETY**

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**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Marianne Harding  
134 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Denning court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling, there are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10pm add to this a licence premises and this will make life very poor for them. There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Denning court both of the wardens /carers of these sites agree this is not the place for another license premises.

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Neil Harding

134 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:**

N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no CCTV on premises. The licensee rarely works on the premises. Small floor space so outside area will be used. No dedicated smoking area so the street will be used. People who live in Burnside are mainly elderly or vulnerable. This licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes. This is putting temptation in their way and making life harder for them.

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court. Cash readily available in adjoining post office making excessive drinking easy. Residence of Burnside believe their road will be used as a walk through.

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week. Add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling. There are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10 pm. Add to this a licence premises and this will make life very poor for them. There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Dening court. Both of the wardens/carers of these sites agree this is not the place for another license premises.

The site as it stands has very limited toilet facilities with only two small cubicles housing one pan toilet each. The residence above feel that the alleys running down the side of their building will be used as a toilet and for other unlawful activities. The gates to these alleys can not be locked as they give right of way access to the shops as well as the flats.

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This site is situated in the middle of several schools with children constantly passing in front of it both for dropping off and pick-up. There is also after school clubs and a Brownies/guide group not more than 50 meters away as mentioned there is no CCTV on site and no provision at present for security personal

**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Rob Carter  
6 Nursery Mews, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** na

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** S Thomas  
70 Winston Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** D J Smith

16 Carloine Close, EXMOUTH, Devon, EX8 4AJ.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them.

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through.

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling, there are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10pm add to this a licence premises and this will make life very poor for them.

There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Dening court both of the wardens /carers of these sites agree this is not the place for another license premises.

The site as it stands has very limited toilet facilities with only two small cubicles housing one pan toilet each the residence above feel that the alleys running down the side of their building will be used as a toilet and for other unlawful activities the gates to these alleys can not be locked as they give right of way access to the shops as well as the flats.

The hours this application is asking for do not relate to the current use of the site which opens at 8am and closes by 5 pm each day with the exception of Wednesday Friday and some Saturdays when it is open until 8 pm we question the reasons for this.

**PROTECTION OF CHILDREN FROM HARM**

This site is situated in the middle of several schools with children constantly passing in front of it both for dropping off and pick-up there is also after school clubs and a brownies/guide group not more than 50 meters away as mentioned there is no cctv on site and no provision at present for security personal

**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** A Davies  
6 Bapton Close, EXMOUTH, Devon, EX8 3LG.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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There are two areas of care in the community housing for the elderly and the vulnerable within 120 meters of this proposed site namely Burnside and Dening court both of the wardens /carers of these sites agree this is not the place for another license premises.  
The site as it stands has very limited toilet facilities with only two small cubicles housing one pan toilet each the residence above feel that the alleys running down the side of there building will be used as a toilet and for other unlaful activities the gates to these alleys can not be locked as they give right of way access to the shops as well as the flats.  
The hours this application is asking for do not relate to the currant use of the site which opens at 8am and closes by 5 pm each day with the exception of Wednesday Friday and some Saturdays when it is open until 8 pm we question the reasons for this.

**PROTECTION OF CHILDREN FROM HARM**

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Ryan Laurie Morris  
29 Barn Lane, BUDLEIGH SALTERTON, Devon, EX9 6QG.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Denning court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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The site as it stands has very limited toilet facilities with only two small cubicles housing one pan toilet each the residence above feel that the alleys running down the side of their building will be used as a toilet and for other unlawful activities the gates to these alleys can not be locked as they give right of way access to the shops as well as the flats.

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**PROTECTION OF CHILDREN FROM HARM**

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** J Rosam  
69 Salisbury Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

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**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** D Mohammad  
Withycombe Chip Shop, 112 Withycombe Village Road, EXMOUTH, Devon

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Denning court, Cash readily available in adjoining post office making excessive drinking easy. Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P Thomas  
70 Winston Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** E Allen  
16 Belvedere Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** G Burlefinger  
130 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Denning court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P Davis  
41 Elmfield, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** C Pyle  
21 Colleton Way, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises. Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Dening court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** K Liddell  
96 Masey Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Alan Hook  
118 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Please see attached objections these have been read by all signatures on petition along with licence application.

These premises are not suitable for a on site licence.

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**PROTECTION OF CHILDREN FROM HARM**

This site is situated in the middle of several schools with children constantly passing in front of it both for dropping off and pick-up there is also after school clubs and a brownies/guide group not more than 50 meters away as mentioned there is no cctv on site and no provision at present for security personal

**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** \* Maew

Cut N Curl, Withycombe Village, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

**PUBLIC SAFETY**

People who may be intoxicated mixing with others from chip shop queuing, people wandering into street mixing with school children and parents dropping off/picking up and the vulnerable from Burnside and Denning court, Cash readily available in adjoining post office making excessive drinking easy, Residence of Burnside believe their road will be used as a walk through,

**PREVENTION OF PUBLIC NUISANCE**

The residence in this area are subject to noise from 6 am in the morning from deliveries into the convenience store 7 days a week add to this the noise from a licensed premises until 11.30 pm and later on occasion will make living in the area and above the shops appalling, there are 7 flats above the shops which house children and some vulnerable adults which have to live with a store opening at 6 am and a Chinese takeaway until 10pm add to this a licence premises and this will make life very poor for them.

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** \* Drake  
124 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** M Corestan  
6 Oaktree Close, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two doors away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P Chubb  
Carlton Hill, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Paul Fasby  
43 Holland Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Nicky Fasby  
43 Holland Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** PREVENTION OF CRIME AND DISORDER:  
There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

---

**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P May  
7 Mountian Close, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe  
Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P McYoun  
7 Mountian Close, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so out side area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in there way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** P Anonymous  
1 Bankside, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

**PREVENTION OF CRIME AND DISORDER:**

There is no cctv on premises, The licensee rarely works on the premises, Small floor space so outside area will be used, No dedicated smoking area so the street will be used, People who live in Burnside are mainly elderly or vulnerable this licensed premises is a worrying issue for them. There is a chemist two door away from this site which has a large percentage of dependent clientele both on methadone and alcohol substitutes this is putting temptation in their way and making life harder for them,

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**Evidence:**

**Suggestion:**

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**Application No:** 043751

**Premises:** Tea Pots Cafe

Withycombe Village Road, EXMOUTH, Devon, EX8 3AN.

**Person making Representation:** Nigel Ryan Tant

149 Withycombe Village Road, EXMOUTH, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Prevention of crime and disorder. This is a road which is primarily residential, without the crime prevention infrastructure required for an area with multiple drinking establishments, given the hours requested, there is a likelihood of potential disorder due to an increased number of inebriated patrons there are also many elderly residents nearby who live alone and will be vulnerable and frightened

Public safety. This has become a busy road and this will potentially increase traffic and stretch already limited parking - we already get much illegal parking. The external area at the front of the cafe will become crowded with smokers, also spilling own the pavement. The premises is totally unsuitable to be a bar.

Prevention of public nuisance. The front smoking area will cause noise and smoke pollution, being very unpleasant for nearby residents. The real prospect of patrons relieving themselves near the premises is unacceptable - the toilet facilities seem inadequate.

Protection of children from harm. There are two nearby schools, and pupils from age 4 to 18 use the shops etc, as well as the cafe. The long requested hours mean pupils Will come into contact with patrons at the front of the cafe/bar and will also be visible through the windows. We should not be seen to encourage under age drinking or expose young impressionable children in this way

**Evidence:**

**Suggestion:**

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**Person making Representation:** Brian Arthur Bailey

12 Nutbrook, EXMOUTH, EX8 3AJ.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Good Afternoon, re new premises license. At Tea Pot cafe Withycombe Village Road. I wish to object strongly against this application, Ref. 043751. On the grounds of. Protecting Children this proposal is on a main route to Withycombe primary school, also Green Close and Gipsy lane Comprehensive Schools

The outside area being on the pavement could put children at risk also a negative influence.

The proposed premises are directly opposite Burnside an area of sheltered homes, if granted the evening and late night noise would cause Disturbance and Nuisance to many elderly residents

When this comes to a hearing I wish to speak. As ward member.

**Evidence:**

**Suggestion:**

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## APPENDIX D

### Tea Pots Cafe – Responses to Notice of Hearing

#### Applicant

<b>Mr Antony King, 11 Evett Close, Exmouth, Devon, EX8 4RY</b>	
<b>Hearing Unnecessary</b>	Yes
<b>Attending</b>	Yes
<b>Supporting documents</b>	See appendix D1
<b>Summary of key points</b>	None

#### Interested Parties

<b>1.</b>	<b>Mr B Sleight, Devon &amp; Cornwall Constabulary, Middlemoor, Exeter, Devon</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Permission requested for named person to appear at hearing</b>	Yes Sgt Norsworthy – Devon and Cornwall Police Sgt Norsworthy is my supervisor and will present Police objection if required
<b>Supporting documents</b>	See appendix D2
<b>Summary of key points</b>	<p>Tea Pots is a small café situated in Withycombe Village Road Exmouth. To one side is a convenience store/off licence and to the other a Fish and Chip Shop. Not far away is a very large school.</p> <p>Prior to this application I visited the premises and spoke to the applicant and gave advice on the Police views should an application be submitted. On arrival at the address I immediately noticed an outside seating area up to the recognised pavement and parking bays for cars in the road. The road to my knowledge can be very busy at certain times of the day.</p> <p>I consider the sale or consumption of alcohol at this seating area will impact on the licensing objectives as follows</p> <p>Customers drinking or drunk in this area could come in conflict with pedestrians especially school children who frequent other shops in the area.</p> <p>Should queuing occur at the fish and chip shop conflict could be a problem.</p> <p>Elderly persons using the area who are frightened to pass the area could step out into the road or become involved with accidents involving parked cars</p> <p>There are limited toilet facilities in the premises and outside customers may find it easier to use a communal access way next to the fish and chip shop.</p> <p>Persons using the outside area especially up to 1 am with cause noise issues for residents above and the for persons living in the sheltered housing opposite.</p>



## APPENDIX D

Customers in this area could supply alcohol to children by way of proxy sales or giving them already purchased alcohol

On entering the premises I found it to be long and narrow and not easily supervised.

I was advised that last food orders would be at 9 pm. The premises layout I considered only suitable to be café.

Section 5 of the application states this is a Café providing breakfast, lunch and evening dining in an out of town trading area. However I consider this application is an attempt to create a public house for the following reasons

The applicant has applied for no standard times to sell alcohol until 01.00 amounting to 18 days in the year. IF this is to be a café I note no application has been made to have Late Night Refreshment therefore on these days only alcohol can be served

The submitted plan for the premises shows the licensable area as DRINKING AREA.

Further the offered condition for protection of children shows nobody under 18 will be allowed on the premises after 9 pm which therefore excludes families dining on the premises.

Should these premises be allowed to sell alcohol until 1 am then it will fall upon the police to deal with any issues of Crime and Disorder at times when the officers would be fully committed in the Late Night Economy areas of Exmouth and surrounding towns.

The applicant needs to decide if these premises are a café or a pub and if the latter then suitable conditions need to be in place. There is a mediation meeting on 9<sup>th</sup> May chaired by your licensing team.

Dependant on the result of this meeting I would at a hearing be able to assist you with conditions the police would feel appropriate to safeguard the Licensing Objectives. These conditions would involve CCTV Door Staff, restricted use of the outside area, alcohol supply only with a meal and a requirement to be seated when consuming alcohol together with a reduction in hours.

Currently there appears to be a trend for property landlords to purchase premises with an alcohol licence already in place and turn them into pubs without the proper checks and balances in place and should this premises be granted a licence it is ripe for such a change.

I have attached to this reply photos of the area for your information.

## APPENDIX D

### Update following Mediation Meeting

On Tuesday 9<sup>th</sup> May 2017 I attended a mediation meeting at Tea Pots Café which was attended by the applicant and other interested parties. At this meeting no common ground could be found and therefore I submit this document as an update to assist the committee.

Initially the applicant stated he would possibly withdraw the non standard timings relating to Bank Holiday weekends however this was later withdrawn although on the hearing date this could still be a consideration.

The Police do not object to the applicant wishing to have New Years Eve de regulated.

The Police do not object to the standard hours of 08.00 to 23.00 for the sale of alcohol with a 30 minute wind down closing at 23.30.

However

The Police do object to the non standard timings

The Police do object to the use of the outside area for the consumption of alcohol.

As previously said the applicant needs to decide on the use of the premises and its identity.

Any licensable activities should be carried out within the premises and under the control of the applicant.

Using the outside area will cause conflict with residents, passers-by and shoppers at premises either side.

There will be noise nuisance and litter plus the use of the communal alley as a toilet as the internal toilets are inadequate

Local school children could have alcohol supplied to them or they could drink alcohol left on the tables by previous customers

I am unable to attend this hearing but my supervisor Sgt Norsworthy will attend and expand on these points and questions as necessary

In order to assist you I list suggested conditions to be placed on the licence as is the usual practice should you be mindful to grant this application. As previously stated I have to assume you are dealing with the application as it currently stands.

**CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.**

**Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.**

**A CCTV monitor will be installed which affords bar or kitchen staff a view of activities taking place within the premises.**

**The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.**

## APPENDIX D

	<p>No person carrying open vessels containing alcohol will be admitted to the premises at any time.</p> <p>No customers will be permitted to take open vessels containing alcohol from the premises.</p> <p>The outside patio area will not be used for the sale or consumption of alcohol</p> <p>Whenever the premises are open for licensable activities after 23.00 an SIA registered door steward will be employed until the premises closes</p> <p>All sales of alcohol shall be ancillary to the sale of food purchases</p> <p>All persons consuming alcohol at the premises shall remain seated</p> <p>The sale, supply or consumption of alcohol in any outdoor area of the premises shall be restricted to alcohol consumed at the outside tables and chairs and shall be by waiter or waitress service served only to a person taking a substantial table meal and ancillary to that meal.</p> <p>In the application the applicant has offered certain conditions the police view on these conditions is</p> <p>Remove crime prevention policy as it is unworkable and unenforceable Incident book condition to stay Challenge policy Change to The premises will adopt a Challenge 21 policy the only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.</p> <p>The view of the Police is that this is an application by stealth to create a public house with little or no conditions to protect the 4 Licensing Objectives</p> <p>B. Sleight Police Licensing Officer</p>
--	--

<b>2.</b>	<b>Mrs Georgina Beal, 151 Withycombe Village Road, Exmouth, Devon, EX8 3AG</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Permission requested for named person to appear at hearing</b>	Alan Hook
<b>Supporting documents</b>	<p>1x A4 sheet (see below) and original objection</p> <p>We have lived in the village for over 60 years. And can not see how this license would enhance the area in any way we have to pass the teapot to go to the shop and to visit our grandson and are concerned at having to pass by a licensed premises with outside drinking and smoking we are also very concerned about the noise and about the noise and general atmosphere of our village with a licence premises in it.</p>

**APPENDIX D**

	After the meeting we attended on the Tuesday it is clear that in the near future the teapot will become a pub similar to others owned by this landlord how I believe has tried before to gain a alcohol license for this site and failed with nothing changing I hope you do not issue this most unsuitable license
<b>Summary of key points</b>	None

<b>3.</b>	<b>Mr Peter Beal, 151 Withycombe Village Road, Exmouth, Devon, EX8 3AG</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Permission requested for named person to appear at hearing</b>	Alan Hook
<b>Supporting documents</b>	1x A4 sheet (see below)  We have lived in the village for over 60 years. And can not see how this license would enhance the area in any way we have to pass the teapot to go to the shop and to visit our grandson and are concerned at having to pass by a licensed premises with outside drinking and smoking we are also very concerned about the noise and about the noise and general atmosphere of our village with a licence premises in it. After the meeting we attended on the Tuesday it is clear that in the near future the teapot will become a pub similar to others owned by this landlord how I believe has tried before to gain a alcohol license for this site and failed with nothing changing I hope you do not issue this most unsuitable license
<b>Summary of key points</b>	None

<b>4.</b>	<b>Mr Richard Jackson, 153 Withycombe Village Road, Exmouth, Devon, EX8 3AN</b>
<b>Hearing Unnecessary</b>	
<b>Attending</b>	Yes
<b>Supporting documents</b>	None
<b>Summary of key points</b>	None

<b>5.</b>	<b>Mr Peter Kilgannon, 144A Withycombe Village Road, Exmouth, Devon, EX8 3AN</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Permission requested for named person to appear at hearing</b>	Alan Hook
<b>Supporting documents</b>	Please find enclosed notes of objections (see below) I am registered blind and disabled and live immediately behind the teapot cafe all I have between myself and any disturbance

## APPENDIX D

	caused by the cafe is a 3 inch partitioned with wall and rendering. I am very concerned of added noise of those premises by gaining a license and extending the hours will have on my peace and well-being. I have to access via the lane to the right hand side And concerned the lane will get used as a toilet area or drinkers etc in the teapot if the license was granted. If extending license is to be granted I am also concerned for the well-being of the two single mums and there children who live above the shop
<b>Summary of key points</b>	None

<b>6.</b>	<b>Ms V Reeves, 11 Nursery Mews, Exmouth, Devon, EX8 3RA</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>7.</b>	<b>Mr Dan James, 21 Marpool Crescent, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>8.</b>	<b>Ms M Woolley, 16a Hulham Road, Exmouth, Devon,</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>9.</b>	<b>Ms Becky Langley, 9 Lovering Close, Exmouth, Devon, EX8 5DJ</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>10.</b>	<b>Mrs Marianne Harding, 134 Withycombe Village Road, Exmouth, Devon, EX8 3BA</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Supporting documents</b>	None
<b>Summary of key points</b>	Prevention of crime and disorder - ticked Public safety – ticked Prevention of public nuisance - ticked

## APPENDIX D

<b>11.</b>	<b>Mr Neil Harding, 134 Withycombe Village Road, Exmouth, Devon, EX8 3BA</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Supporting documents</b>	None
<b>Summary of key points</b>	Prevention of crime and disorder - ticked Public safety – ticked Prevention of public nuisance - ticked

<b>12.</b>	<b>Mr Rob Carter, 6 Nursery Mews, Exmouth, Devon,</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>13.</b>	<b>S Thomas, 70 Winston Road, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>14.</b>	<b>D J Smith, 16 Caroline Close, Exmouth, Devon, EX8 4AJ</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>15.</b>	<b>A Davies, 6 Bapton Close, Exmouth, Devon, EX8 3LG</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>16.</b>	<b>Mr Ryan Morris, 29 Barn Lane, Budleigh Salterton, Devon, EX9 6QG</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>17.</b>	<b>J Rosam, 69 Salisbury Road, Exmouth, Devon,</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

## APPENDIX D

<b>18.</b>	<b>D Mohammad, Withycombe Chip Shop, 112 Withycombe Village Road, Exmouth, Devon, EX8 3AN</b>	
<b>Hearing Unnecessary</b>	No	
<b>Attending</b>	No	
<b>Permission requested for named person to appear at hearing</b>	Alan Hook	
<b>Supporting documents</b>	<p>A4 sheet (see below), copy of the original objection form</p> <p>1. my shop is next door and at busy times people of all ages queue out of my front door these people will come in to direct contact with the customer consuming alcohol</p> <p>2. Smoke come into my food shop now with the use of next door smoking area add to this people drinking outside will not be good for my business, all the health of my customers.</p> <p>3. The person who lives directly above my shop has two young boys under 10 this is one of the reasons I close at 8:30 PM each night. Once and if a license to 11 PM is given next door what about them.</p>	
<b>Summary of key points</b>	<p>Prevention of crime and disorder turning a village shop into a bar with everything that usually goes with that Mr Dyer will sell cheap alcohol so fighting, urinating in public noise</p> <p>Protecting of children from harm my shop next door has a lot of youthfull customers it wouldn't be beneficial for them to queue up and be privy to the drinking going on next door</p> <p>That the license not to be granted as it wouldn't be beneficial to the area, there's 2 large pubs within a short distance, you would be bringing a town centre mentality to the village.</p>	

<b>19.</b>	<b>P Thomas, 70 Winston Road, Exmouth, Devon</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	
<b>Summary of key points</b>	No response	

<b>20.</b>	<b>E Allen, 16 Belvedere Road, Exmouth, Devon,</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	
<b>Summary of key points</b>	No response	

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<b>21.</b>	<b>G Burlefinger, 134 Withycombe Village Road, Exmouth, Devon,</b>	
<b>Hearing Unnecessary</b>	No	
<b>Attending</b>	No	
<b>Permission requested for named person to appear at hearing</b>	Alan Hook	
<b>Supporting documents</b>	<p>Original objections form sent in, a4 sheet attached (see below)</p> <p>This license includes outside drinking till 2300 this will mean that people consuming alcohol will mix with the hundreds of schoolchildren that pass daily, as well as adding noise, possible confrontation, litter to this local village area.</p> <p>It is fairly obvious that the premises are looking to be changed in the future try public house/wine bar, hence this is why the hours they have asked for on the application do not match the current opening hours!</p> <p>I understand from the police licensing authority that this is happening within Exmouth town and other properties owned by the same landlord and I'm concerned for the future use of the small cafe.</p>	
<b>Summary of key points</b>		

<b>22.</b>	<b>P Davis, 41 Elmfield Crescent, Exmouth, Devon, EX8 3BW</b>	
<b>Hearing Unnecessary</b>	No	
<b>Attending</b>	No	
<b>Supporting documents</b>		
<b>Summary of key points</b>	<p><u>Prevention of public nuisance</u> – As there are two public houses on this road in 200 meters of each other, which already do food I feel that there is no need of another place that would need to have a liquor licence, therefore keeping noise and nuisance to a minimum for close residents.</p>	

<b>23.</b>	<b>C Pyle, 21 Colleton Way, Exmouth, Devon</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	
<b>Summary of key points</b>	No response	

<b>24.</b>	<b>K Liddell, 96 Masey Road, Exmouth, Devon</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	
<b>Summary of key points</b>	No response	



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<b>25.</b>	<b>Mr Alan Hook, 118 Withycombe Village Road, Exmouth, Devon,</b>	
<b>Hearing Unnecessary</b>	No	
<b>Attending</b>	Yes	
<b>Supporting documents</b>	Please see original representation	
<b>Summary of key points</b>	<p><u>Prevention of crime and disorder</u> – No CCTV, outside seating area, no dedicated smoking area, no security staff.</p> <p><u>Public Safety</u> – Open onto pavement, large number of people passing with minimum pavement area, 58in.</p> <p><u>Prevention of public nuisance</u> – Noise until closing as no separate smoking area.</p> <p>Children living above.</p> <p>Community support housing opposite Burnside and near by Denning court.</p> <p>Limited toilet facilities</p> <p>Hours do not follow current opening hour</p> <p><u>Protection of children from harm</u> – Children passing from 8am until 5pm constantly.</p> <p>Brownies group 50 meter away.</p> <p>Children using shops either side of premises.</p>	

<b>26.</b>	<b>Maew Drake, 124 Withycombe Village Road, Exmouth, Devon,</b>	
<b>Hearing Unnecessary</b>	Yes	
<b>Attending</b>	No	
<b>Supporting documents</b>	None	
<b>Summary of key points</b>	<p>Prevention of crime and disorder - ticked</p> <p>Public safety - ticked</p>	

<b>27.</b>	<b>Paul Drake, 124 Withycombe Village Road, Exmouth, Devon,</b>	
<b>Hearing Unnecessary</b>	Yes	
<b>Attending</b>	No	
<b>Supporting documents</b>	None	
<b>Summary of key points</b>	<p>Prevention of crime and disorder - ticked</p> <p>Protection of children from harm - ticked</p>	

<b>28.</b>	<b>M Corestan 6 Oaktree Close, Exmouth, Devon</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	
<b>Summary of key points</b>	No response	

<b>29.</b>	<b>P Chubb, Carlton Hill, Exmouth, Devon</b>	
<b>Hearing Unnecessary</b>	No response	
<b>Attending</b>	No response	
<b>Supporting documents</b>	No response	

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<b>Summary of key points</b>	No response
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<b>30.</b>	<b>Mr Paul Fasby, 43 Holland Road, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>31.</b>	<b>Mrs Nicky Fasby, 43 Holland Road, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>32.</b>	<b>P May, 7 Mountain Close, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>33.</b>	<b>P McYoun, 7 Mountain Close, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>34.</b>	<b>P Anonymous, 1 Bankside, Exmouth, Devon</b>
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response
<b>Supporting documents</b>	No response
<b>Summary of key points</b>	No response

<b>35.</b>	<b>Mr Nigel Tant, 149 Withycombe Village Road, Exmouth, Devon,</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Supporting documents</b>	Please see original representation
<b>Summary of key points</b>	<p><u>Prevention of crime and disorder</u> - this is a road which is primarily residential without the crime prevention infrastructure required for an area with multiple drinking establishments.</p> <p>Given the hours requested, there is the likelihood of potential disorder due to an increased number of inebriated patrons. There are also many elderly residents nearby who live alone and would feel vulnerable and potentially frightened.</p>

## APPENDIX D

	<p><u>Public Safety</u> - this has become a busy road and this will potentially increase traffic and stretch already limited parking. Much already illegal parking occurs. The external area at the front of the cafe will presumably be crowded with smokers, possibly spilling onto the pavement. This premises is unsuitable to be a bar.</p> <p><u>Prevention of public nuisance</u> - the front area will cause noise and smoke pollution, been very on pleasant from local residents. The real prospect of patrons relieving themselves near the premises- the toilet facilities seem in adequate</p> <p><u>Protection of children from harm</u> - there are two large schools within yards. Pupils from age 4 to 18 use of shops as well as the cafe in the morning, lunchtime and after-school. The hours requested mean that pupils will come into contact with patrons at the front, as well as being visible through windows. We should not be exposing children in this way.</p>
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<b>36.</b>	<b>Cllr Brian Bailey, 12 Nutbrook, Exmouth, EX8 3AJ</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Supporting documents</b>	None
<b>Summary of key points</b>	None

Teapots  
114 Withycombe Village Road  
Exmouth  
EX8 3AN

5<sup>th</sup> May 2017

Dear Sirs


RE:- Teapots, 114 Withycombe Village Road, Exmouth


With regard the above application I would like to answer some of the points raised in the objections to this application.


Premises

Our premise is situated in a parade of business premises including a hair dressers, Chinese takeaway, Chemist, Fish and Chip shop and a Spar convenience store. See photographs marked A & B. The business is currently run by my wife, myself and a part time helper. We currently open during the day and some evenings. We would like a licence as we are going to open more in the evenings and would like to offer alcohol.

Licensed premises on the same Road.

 The Holly tree:- It is situated next door to the primary school they have outside seating and the patrons also stand at the path railings and smoke (See photograph marked C) Licence enclosed Marked C1. The opening times are 8am until 12.30am and 1.30am on bank holidays.

 The Country House:- It is situated across the road from the school it has tables outside which have no railings around. There is also a sweet counter beside the main entrance. (see Photograph Marked D) Licence enclosed marked D1. The opening times are 10am until 12.30am, 12am on Sundays and 1.30am on bank holidays

 The Central store convenience shop:- This is situated right next door to our premise. They are closer to the chemist than us and I believe that the licensee does not work on the premises. Licence enclosed marked E1. They can serve alcohol from 5.30am until 11pm.

Please see Map Marked F to showing where the other licensed premises are and their proximity to the school.

Objections-

Police licensing officer

I had a meeting with Mr Barry Slight at the premises. He has raised two points later hours on bank holidays and drinking on the patio area outside. He said that he would object if I included these requests. This is why we didn't send the application to him first as I knew that he wouldn't approve it. In hindsight I should have removed the late hours on bank holidays I was only going on what other licenses submitted regarding these. I do feel however that we would like to have drinking on the patio area. It is currently laid out with tables and chairs. Both of the other licensed premises on the same road both being in closer proximity to the primary school have outside drinking.

I understand the severity of going against the police licensing office and it wasn't an easy decision that I took lightly but I feel strongly about the outside area.

Public

There have been no objections from Burnside or Denning Court which are the areas of community housing. I would of thought the wardens would of objected if they felt strongly about this. They were fully aware of the application as the manger of Central stores was up there trying to rally support for his petition. My wife who knows the manager said that she has made no comment regarding this application. Please see the map Marked G showing where the objectors live who signed the petition of the 25 objecting households only 6 live on withycombe village Road.

The traffic will not increase as patrons who chose to drink alcohol can not drive by law. The spar shop use the alley way (Marked on B) to store bread containers without the permission of the land owners. The alley has a gate approximately six foot high and latch on which is kept shut.

Compromises.

I am happy to make the following changes to our application

1. I will install CCTV
2. I am happy to limit drinking on our outside seating area between the hours of 9am to 9pm.
3. No extended hours on bank holidays.
4. I will use the challenge 21 policy.

I am a licensee and with that I will have responsibilities to insure that I run my premises in an orderly manor and that there is no rowdy behaviour at the premises.

Yours faithfully

  
Tony King

Google Maps 117 Withycombe Village Rd



Image capture: Sep 2016 © 2017 Google

117 Withycombe Village Rd  
Exmouth, England  
Street View - Sep 2016





Alleyway  
 ↙  
 side gate





HOLLY TREE 

(C)



tree  
tople  
land  
3rd  
smoke  
in.






[skip](#)

# East Devon District Council - Council Offices

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## Licensing Act 2003 - Premises Licence register as at 14:28 on Tue 02 May 2017

**Holly Tree (The)**  Hatched Black on Plan & coloured Purple  
161 Withycombe Village Road, EXMOUTH, Devon, EX8 3AN

**Premises Licence from 24/11/05 to indefinite**

[Back](#)

### Licence Holder(s)

Full name ST AUSTELL BREWERY CO LTD

### Designated Premises Supervisor

Premises supervisor name Mr Andrew Leonard Carder

### Permitted Activities:

- a performance of live music
- any playing of recorded music
- the supply of alcohol

### Premises Open Hours granted

	Time From	Time To
Monday to Sunday	8:00am	12:30am
Bank Holiday Friday & Saturday	8:00am	1:30am

Applies to Easter, May Spring & August Bank Holiday Fridays & Saturdays

Maundy Thursday	8:00am	1:30am
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Applies to every Thursday Immediately before Easter Weekend

Christmas Eve & Boxing Day	8:00am	1:30am
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New Year's Eve	8:00am	Midnight
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**Time From                      Time To**

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.

**Activities - Times granted**

	<b>Time From</b>	<b>Time To</b>
<b>E. Performance of live music (Indoors)</b>		
Monday to Wednesday	11:00am	11:00pm
Thursday to Saturday	11:00am	Midnight
Sunday	Noon	10:30pm
Bank Holiday Friday & Saturday	11:00am	1:00am

Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays

Bank Holiday Sundays	Noon	11:30pm
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Applies to Easter, May, Spring & August Bank Holiday Sundays

Bank Holiday Mondays	11:00am	Midnight
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Applies to Easter, May, Spring & August Bank Holiday Mondays

Maundy Thursday	11:00am	1:00am
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Applies to every Thursday immediately before Easter Weekend  
Christmas Eve & Boxing Day

An additional (1) hour added to the end of permitted hours.

New Year's Eve-Except Sundays	11:00am	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Eve-On a Sunday	Noon	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**F. Playing of recorded music (Indoors)**

Monday to Wednesday	11:00am	11:00pm
Thursday to Saturday	11:00am	Midnight
Sunday	Noon	10:30pm

	<b>Time From</b>	<b>Time To</b>
Bank Holiday Friday & Saturday	11:00am	1:00am

Applies to Easter, May, Spring & August Bank Holiday Fridays & Saturdays

Bank Holiday Sundays	Noon	11:30pm
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Applies to Easter, May, Spring & August Bank Holiday Sundays

Bank Holiday Mondays	11:00am	Midnight
----------------------	---------	----------

Applies to Easter, May, Spring & August Bank Holiday Mondays

Maundy Thursday	11:00am	1:00am
-----------------	---------	--------

Applies to every Thursday immediately before Easter Weekend

Christmas Eve & Boxing Day

An additional (1) hour added to the end of permitted hours.

New Year's Eve-Except Sundays	11:00am	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Eve-On a Sunday	Noon	Midnight
----------------------------	------	----------

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

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

Monday to Sunday	9:00am	Midnight
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Bank Holiday Friday & Saturday	9:00am	1:00am
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Applies to Easter, May Spring & August Bank Holiday Fridays & Saturdays

Maundy Thursday	9:00am	1:00am
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Applies to every Thursday immediately before Easter Weekend

Christmas Eve & Boxing Day	9:00am	1:00am
----------------------------	--------	--------

New Year's Eve	9:00am	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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### **Additional Conditions**

**ANNEXE 1 - MANDATORY CONDITIONS**

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.  
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
5. The responsible person must ensure that-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

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

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

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

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

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

where-

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **Embedded Conditions Consistent with the Licensing Act 1964**

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.

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

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

#### **Conditions Consistent with the Premises 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. The staff will monitor the behaviour of the customers at all times.

3. The outside of the licensed premises will be illuminated to the satisfaction of the Licensing Authority at all times that the premises are open for the use of the public.

4. All safety certificates and inspection reports including those for the electrical and gas installations will be kept on site and made available for inspection by officers of relevant statutory bodies.

5. All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to give rise to noise.

6. The proprietor will ensure that the public using the premises at all times have access to a telephone to call a taxi and will be provided with details of telephone numbers to call a taxi.

7. The doors of the lobby entrance to the premises will be kept shut, other than for access and egress, when regulated entertainment is taking place in the premises in order to reduce noise emission.

8. All persons under the age of 18 years will be accompanied by an adult at all times when on the premises.

#### **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 **BLUE** on the plans submitted to and approved by the Licensing Authority.

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Premises Plan(s)

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Country House Inn 



→ Sweet Counter






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### Licensing Act 2003 - Premises Licence register as at 14:30 on Tue 02 May 2017

**Country House Inn (The)**  *Hatch Blue on plan & coloured blue*  
174-176 Withycombe Village Road, EXMOUTH, Devon, EX8 3BA

**Premises Licence from 24/11/05 to indefinite**

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#### Licence Holder(s)

Full name PUNCH TAVERNS PLC

#### Designated Premises Supervisor

Premises supervisor name Mr Joshua Grant Pidgeon

#### Permitted Activities:

- a performance of live music
- any playing of recorded music
- the supply of alcohol

#### Premises Open Hours granted

	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	10:00am	Midnight
Bank Holiday Friday to Monday	10:00am	1:30am

Applies to Fridays, Saturdays & Mondays of Bank Holiday Weekends.

Bank Holiday Sundays	10:00am	1:00am
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Applies to Sundays of Bank Holiday Weekends.

Maundy Thursday	10:00am	1:30am
-----------------	---------	--------

Applies to every Thursday immediately before Easter Weekend



	<b>Time From</b>	<b>Time To</b>
<b>Christmas Eve &amp; Boxing Day</b>		

An additional (1) hour added to the end of permitted opening hours.

<b>New Year's Eve</b>	<b>10:00am</b>	<b>Midnight</b>
-----------------------	----------------	-----------------

and from the end of permitted opening hours on New Year's Eve until the start of permitted opening hours on New Year's Day.

### Activities - Times granted

	<b>Time From</b>	<b>Time To</b>
<b>E. Performance of live music (Indoors)</b>		

<b>Monday to Saturday</b>	<b>10:00am</b>	<b>Midnight</b>
---------------------------	----------------	-----------------

<b>Sunday</b>	<b>10:00am</b>	<b>11:30pm</b>
---------------	----------------	----------------

<b>Bank Holiday Friday to Monday</b>	<b>10:00am</b>	<b>1:00am</b>
--------------------------------------	----------------	---------------

Applies to Friday, Saturday & Monday of Bank Holiday Weekends.

<b>Bank Holiday Sundays</b>	<b>10:00am</b>	<b>12:30am</b>
-----------------------------	----------------	----------------

Applies to Sundays of Bank Holiday Weekends.

<b>Maundy Thursday</b>	<b>10:00am</b>	<b>1:00am</b>
------------------------	----------------	---------------

Applies to every Thursday immediately before Easter Weekend

### Christmas Eve & Boxing Day

An additional (1) hour added to the end of permitted opening hours.

<b>New Year's Eve</b>	<b>10:00am</b>	<b>Midnight</b>
-----------------------	----------------	-----------------

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)

<b>Monday to Saturday</b>	<b>10:00am</b>	<b>Midnight</b>
---------------------------	----------------	-----------------

<b>Sunday</b>	<b>10:00am</b>	<b>11:30pm</b>
---------------	----------------	----------------

<b>Bank Holiday Friday to Monday</b>	<b>10:00am</b>	<b>1:00am</b>
--------------------------------------	----------------	---------------

Applies to Friday, Saturday & Monday of Bank Holiday Weekends.

<b>Bank Holiday Sundays</b>	<b>10:00am</b>	<b>12:30am</b>
-----------------------------	----------------	----------------

Applies to Sundays of Bank Holiday Weekends.

	<b>Time From</b>	<b>Time To</b>
Maundy Thursday	10:00am	1:00am

Applies to every Thursday immediately before Easter Weekend

#### Christmas Eve & Boxing Day

An additional (1) hour added to the end of permitted opening hours.

New Year's Eve	10:00am	Midnight
----------------	---------	----------

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

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

Monday to Saturday	10:00am	Midnight
--------------------	---------	----------

Sunday	10:00am	11:30pm
--------	---------	---------

Bank Holiday Friday to Monday	10:00am	1:00am
----------------------------------	---------	--------

Applies to Friday, Saturday & Monday of Bank Holiday Weekends.

Bank Holiday Sundays	10:00am	12:30am
----------------------	---------	---------

Applies to Sundays of Bank Holiday Weekends.

Maundy Thursday	10:00am	1:00am
-----------------	---------	--------

Applies to every Thursday immediately before Easter Weekend

#### Christmas Eve & Boxing Day

An additional (1) hour added to the end of permitted opening hours.

New Year's Eve	10:00am	Midnight
----------------	---------	----------

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

#### Additional Conditions

#### **ANNEXE 1 - MANDATORY CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

5. The responsible person must ensure that-

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

(i) beer or cider: ½ pint;

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

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

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

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

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

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

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

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

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

where-

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

## **ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **Embedded Conditions Consistent with the Licensing Act 1964**

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

### **Conditions Consistent with the Premises Operating Schedule**

1. The premises will be a member of the Licensees Association and a representative will attend Licensees Association meetings.
2. There will be a minimum of two staff members on duty when the premises are open to the public.
3. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
4. Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.
5. 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.
6. All external doors and windows will be kept shut, other than for access and egress in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise.
7. The electrical system, including portable appliances will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is qualified to complete works as per the I.E.E. wiring Regulations 16th Edition or is registered with the ECA or NICEIC.
8. 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.
9. The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.
10. All persons under the age of 18 years must be accompanied by an adult at all times when on the premises .

### 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 **BLUE** on the plans deposited with and approved by the Licensing Authority.

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## Licensing Act 2003 - Premises Licence register as at 14:27 on Tue 02 May 2017

**Central Stores** [REDACTED] - Coloured red on plan .  
 116-118 Withycombe Village Road, EXMOUTH, Devon, EX8 3AN

**Premises Licence from 24/11/05 to indefinite**

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### Licence Holder(s)

Full name W S RETAIL LTD

### Designated Premises Supervisor

Premises supervisor name Mr George Louis Burlefinger

### Permitted Activities:

- the supply of alcohol

### Premises Open Hours granted

	Time From	Time To	
Monday to Sunday	Midnight	Midnight	24 Hours

### Activities - Times granted

	Time From	Time To
<b>J. Supply of alcohol for consumption OFF the premises only</b>		
Monday to Sunday	5:30am	11:00pm

### Additional Conditions

#### ANNEXE 1 - MANDATORY CONDITIONS

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

person who holds a personal licence.

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

3. (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.

## **ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **Embedded Conditions Consistent with the Licensing Act 1964**

1. The sale of alcohol of all descriptions is authorised by this Licence.
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
3. The times permitted to sell alcohol do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
4. The times permitted to sell alcohol do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
5. The times permitted to sell alcohol do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majestys naval, military or air forces.
6. The times permitted do not prohibit or restrict, during the first twenty minutes after permitted hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel.

### 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.

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Premises Plan(s)

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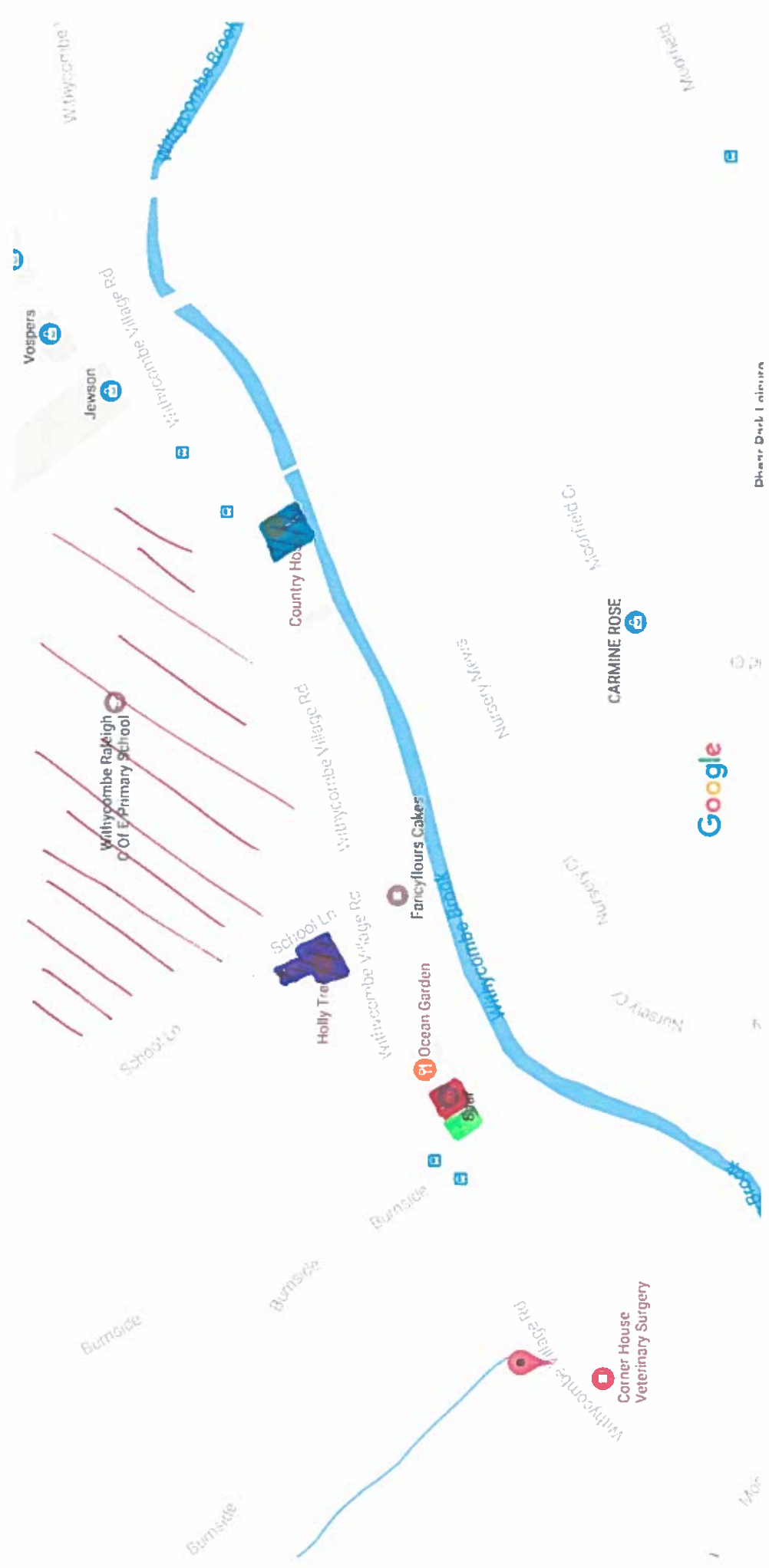
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# Google Maps Withycombe Village Rd

F



/// - Whole of the Primary School with rear access onto School lane

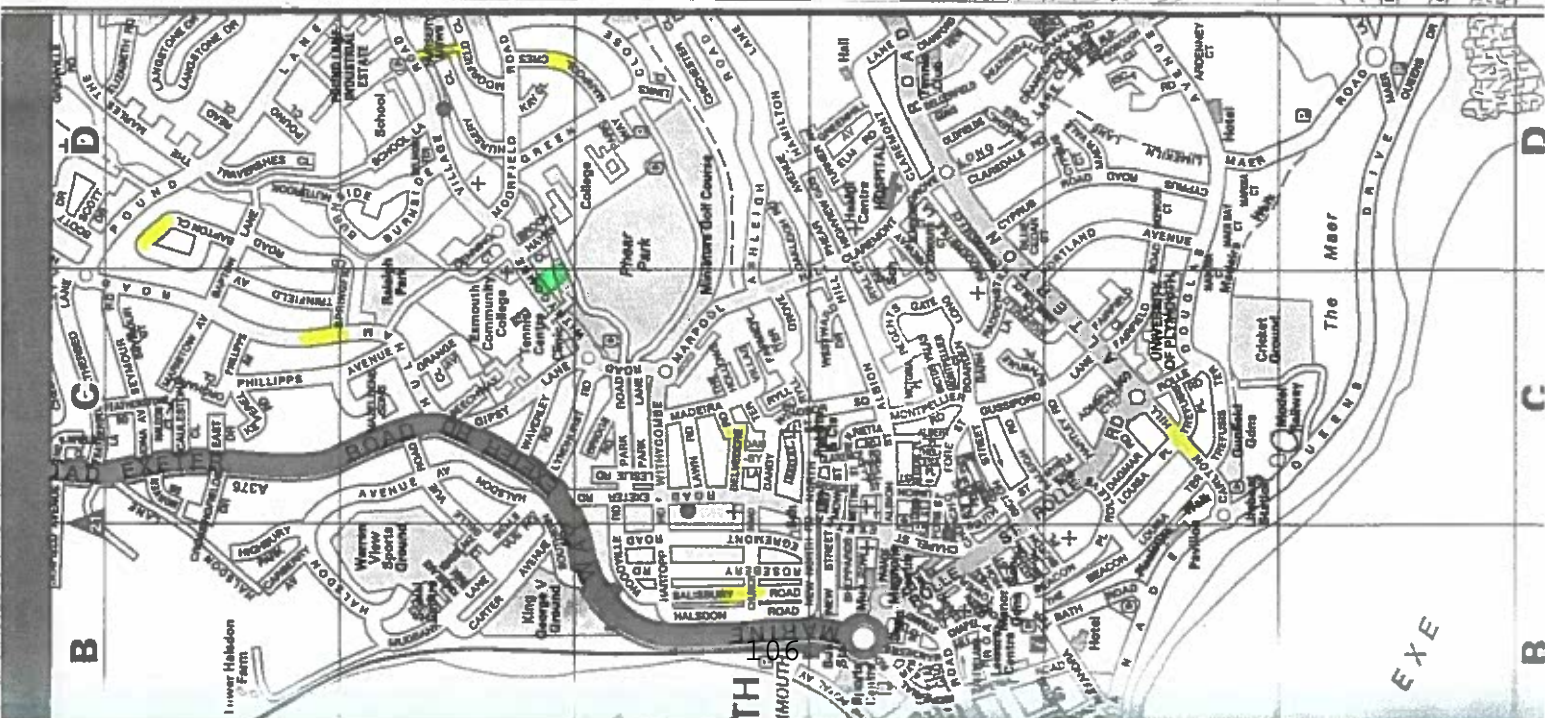
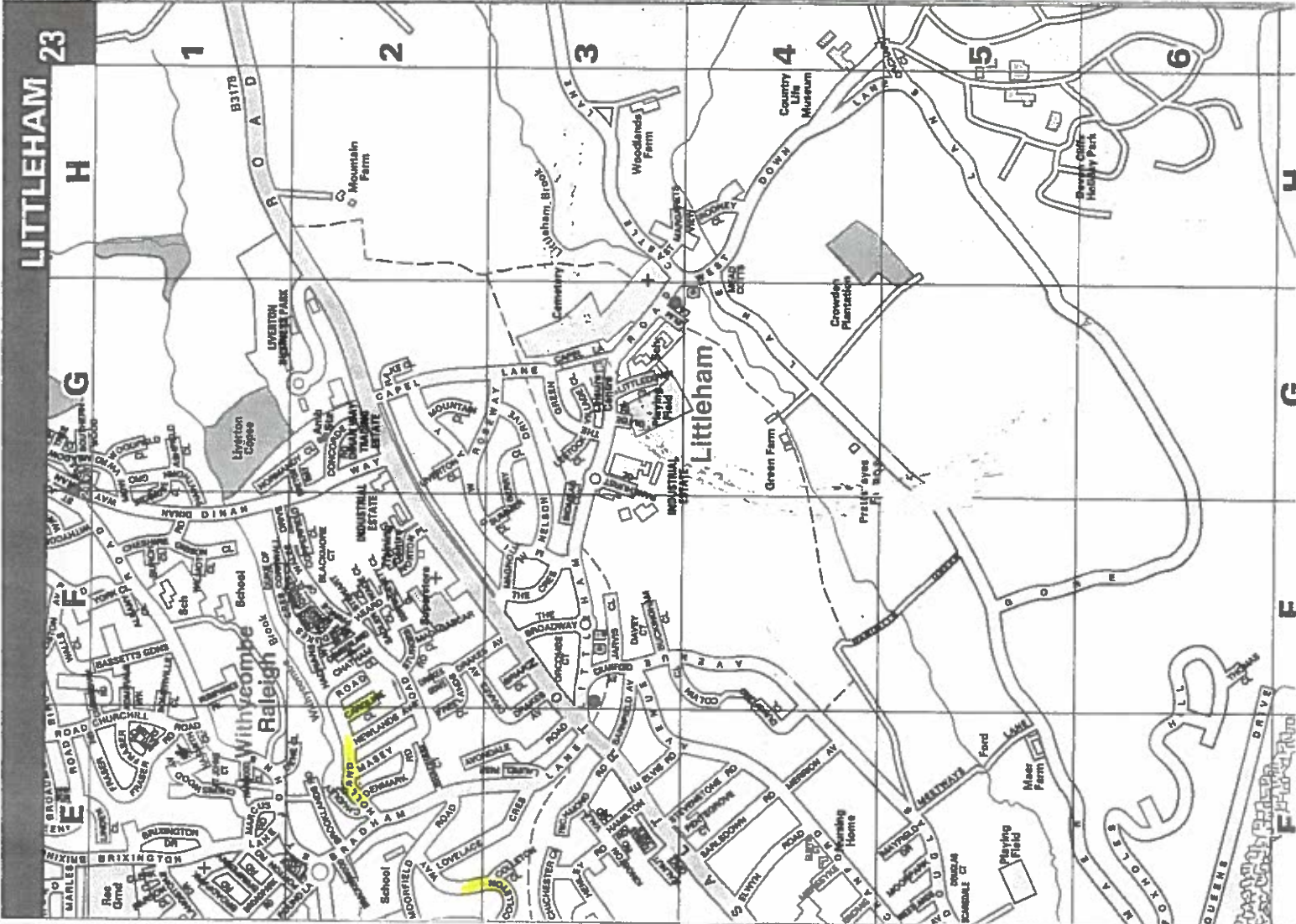
- Holly tree Public House
- Country House Inn Public House
- Spar - licensed
- Corner House Veterinary Surgery

Objectors  
addresses not  
shown on the map  
in miles from  
Teapots

- Loving Close 1.8 M
- Winston Rd 1 M
- Elmfield 1.3 M
- Nasey Rd 0.7 M
- Oaktree Close 1.3 M
- Mountain Close 1.4 M
- Bankside 1.3 M
- Budleigh 3.9 M
- 6 Households from  
Witchcombe Uwege  
Road.

Teapots

(5)













TeaPots 114

WE'RE OPEN

TEA 59p

**Hot Sandwiches to Take Away**  
 All of only £1.99 each  
 Includes: Ham, Egg Mayo, Cheese, Tomato, Onion, Pickle, Potato, French Fries, Drink

**Cold Sandwiches to Take Away**  
 All of only £1.49 each  
 Includes: Ham, Egg Mayo, Cheese, Tomato, Onion, Pickle, Potato, French Fries, Drink

**Salad Boxes**  
 only £2.75 each  
 Includes: Chicken, Beef, Pork, Turkey, Salmon, Tuna, Mayo

**Large Jacket Potato with Salad**  
 only £4.99 each  
 Includes: Cheese, Bacon, Beans, Chilli, Tomato, Onion, Pickle, Potato, French Fries, Drink

**Takeaway Breakfast Boxed with milk and fork**  
 including Tea or Coffee  
 only £2.99

**Lunches**

**Traditional Roast** £7.99  
 Roast Chicken or Beef, served with Roast Potatoes, Yorkshire puddings, mixed Veg and Gravy.  
 Apple Pie and Custard OR Ice Cream

**Steak and Kidney Pie** £4.99  
 Served with Mashed Potato or Chips, Peas and Gravy

**Chicken and Mushroom Pie** £4.99  
 Served with Mashed Potato or Chips, Peas and Gravy

**Bananas and Mash** £3.99  
 Served with Mashed Potatoes, Peas and Gravy

**Cottage Pie** £4.99

**Cod, Chips and Peas** £4.99

**Pilaece, Chips and Peas** £4.99

**Scampi, Chips and Peas** £4.99

**Chicken, Chips and Peas** £4.99

**Ham, Eggs and Chips** £4.99

**Cheese or Ham Salad** £4.99

**Tuna, Salmon or Prawn Salad** £5.99

**Tea Pots Cafe**

**ROAST DINNER**  
 Served Daily from 10am  
 Including SUNDAY  
 Roast Chicken, Pork or Beef  
 Roast Potatoes  
 Yorkshire Puddings  
 Mixed Vegetables  
 and Gravy  
 Apple Pie & Custard  
 Or Ice Cream  
 only £7.99

**Tea Pits Specials**  
 Eat In or Takeaway

**Jacket Potatoes served with Salad and a choice of:**  
 Cheese, Bacon, Ham, Egg Mayo, Prawn Mayo £4.99

**Lesley's Special Burger** £4.99

**Supersalami** £3.95  
 Served with Mashed Potatoes & Chips

**Hot Sandwiches** £2.99  
 Served with Mashed Potatoes or Chips

**Cold Sandwiches** £2.55  
 Served with Mashed Potatoes or Chips

**Tea Pits Cafe**  
 Eat In or Takeaway

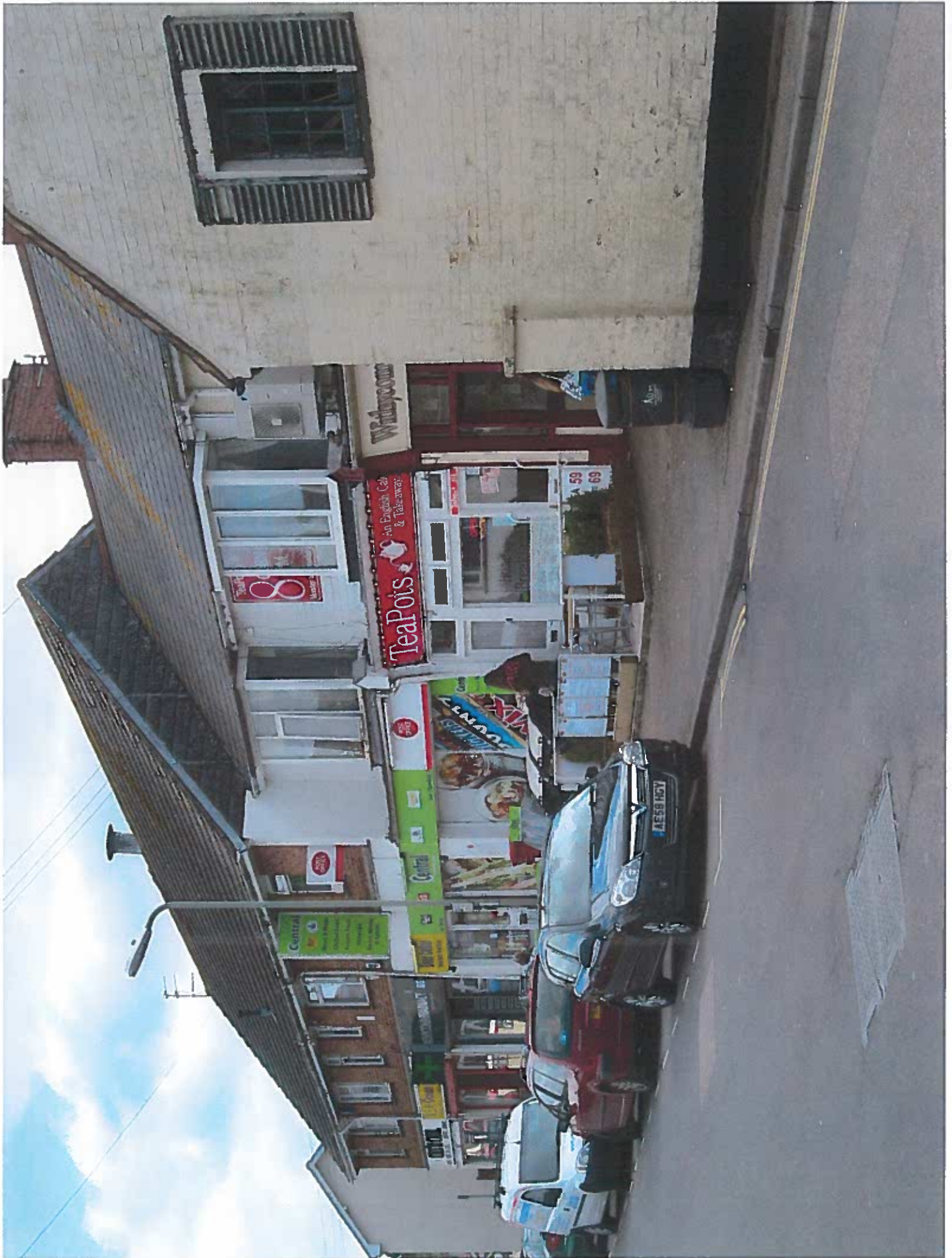
**All Day Breakfasts**

Mini Regular £2.99  
 Regular £3.65  
 Extra Regular £4.99  
 Endless £3.55  
 Vegetarian £3.55

**Things on Toast**

Scrambled Egg £2.50  
 Choc. Ff. £2.49  
 Beans & Bacon £2.49  
 Double Fried Egg £2.49  
 Sardines £2.49  
 Eggs, Beans, Bacon £2.49  
 2 Rounds of Toast £1.99  
 with Mashed Potatoes or Chips and Sauce









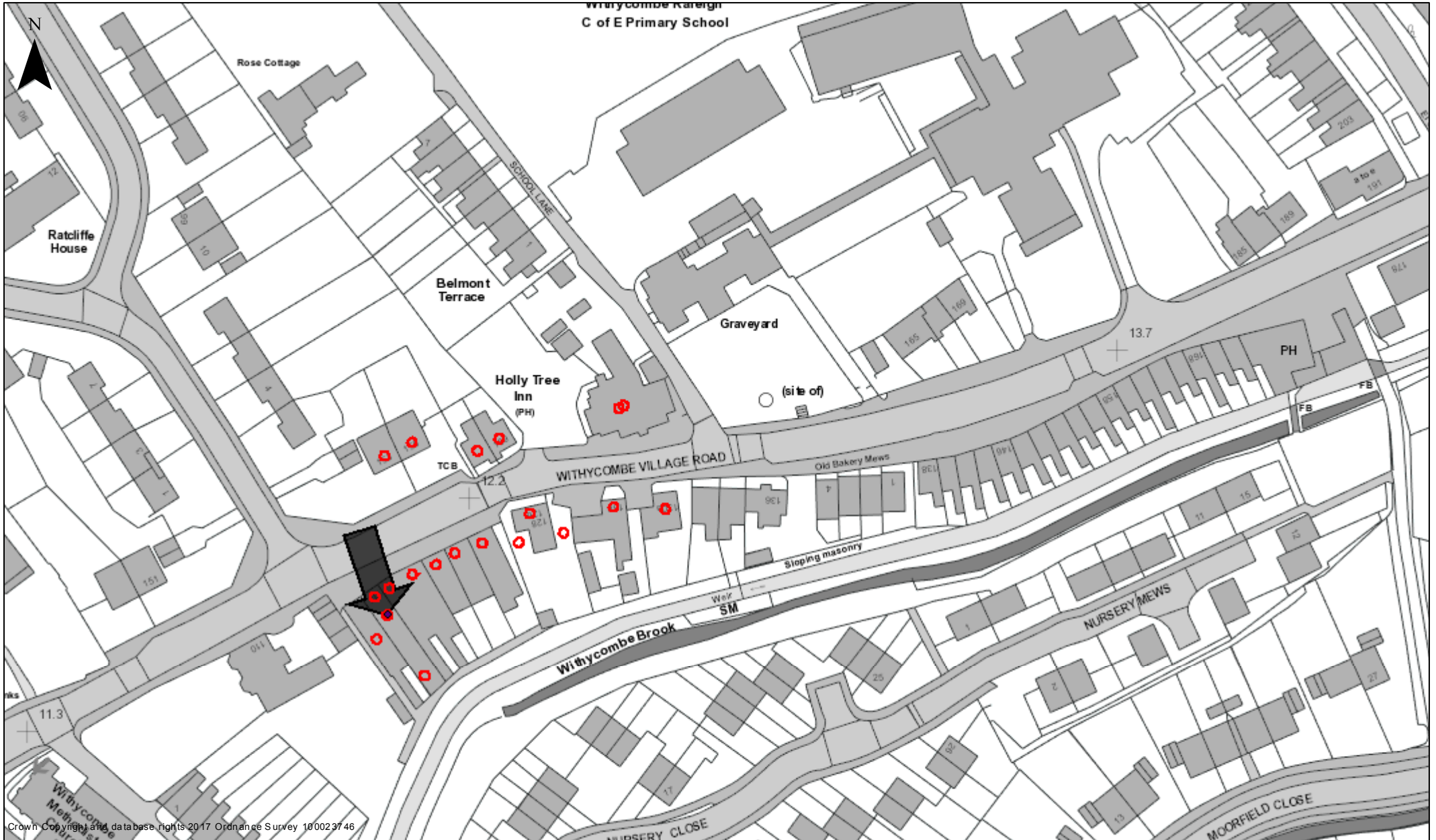






1. A crime prevention policy agreed by us must be in place.
2. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded.
3. An incident book must be kept on the premises at all times and must be made available for inspection by us and the police.
4. The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.
5. The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.
6. A challenge 21 policy will be put in place and all staff will be trained.
7. Nobody under the age of 18 will be allowed on the premises after 21:00

Appendix F



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Tea Pots Café  
Licensing Sub Committee  
24/05/2017

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