

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 8 November 2017; 9.30am

[Members of the Committee](#)

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

Venue: Enterprise Suite, Seaton Town Hall, Seaton, EX12 2LD

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 1 November 2017



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 Minutes for 25 October 2017 (pages 2-4)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **To consider an application for the variation of a premises licence to add films (on the premises), live & recorded music (on the premises) and the provision of late night refreshment (on and off the premises) and to extend the hours for the sale of alcohol (on and off the premises) at Barrel of Beer, Fore Street, Beer, Devon, EX12 3EQ. (Pages 5-65)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, at 34 Queen Street, Seaton, Devon, EX12 2RB. (Pages 66-68)**

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

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 25 October 2017

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

Apologies: Councillor Maddy Chapman

Officers: Neil McDonald – Licensing Officer
Hannah Whitfield – Democratic Services Officer

The meeting started at 9.00 am and ended at 9.03 am.

- *29 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 October 2017, were confirmed and signed as a true record.
- *30 Declaration of interest
Councillor John O'Leary
Minute *31
Disclosable Pecuniary Interest – Personal Licence Holder
- *31 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 two applications; one for a variation of premises licence and one for a grant of premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

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

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

Schedule:

Type of application:

Application for variation of a premises licence

Name of premises and address:

Central Stores, Market Place, Colyton, EX24 6JR.

Agreed position reached by the parties:

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

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

1. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.
2. CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request.
4. 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 the East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
5. All signs must comply with the requirements of the Data Protection Act 2002.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Safar Restaurant, Old Weighbridge House, Woodmead Road, Axminster, Devon, EX13 5PJ.

Agreed position reached by the parties:

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

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

1. The premises will adopt a challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or government Approved PASS Card.
2. CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and Chief Officer of Police.
3. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.
4. 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.
5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.

6. All signs must comply with the requirements of the Data Protection Act 2002.
7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.
8. No customers will be permitted to take open vessels containing alcohol from the premises.

Chairman Date

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

Date of Meeting: 08 November 2017

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

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

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

Recommendation:

Recommendation

That members consider an application for the variation of a premises licence to add films (on the premises), live & recorded music (on the premises) and the provision of late night refreshment (on and off the premises) and to extend the hours for the sale of alcohol (on and off the premises) at the Barrel of Beer, Fore Street, Beer, Seaton, Devon, EX12 3EQ.

Reason for recommendation: To comply with statutory processes.

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

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

Legal implications: Legal implications are included within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices**

Appendix A – Table of current & proposed times and licensable activities

Appendix B – Copy of current licence (PLWA0355)

Appendix C – Copy of application

Appendix D – Details of representations received

Appendix E – Details of responses to the Notice of Hearing

Appendix F – Details of agreed position – Devon & Cornwall Police

Appendix G – Details of agreed position - EHO

Appendix H – Details of further amendments offered by applicant

Appendix I – Details of Licensing Hours – Dolphin Hotel & Anchor Inn

Appendix J – Location Plan

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from The Barrel of Beer Ltd of Fore Street, Beer, Seaton, Devon, EX12 3EQ for the variation of a premises licence at the Barrel of Beer, Fore Street, Beer, Seaton, Devon, EX12 3EQ.
- 1.2 The current and the proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A copy of the current licence (PLWA0355) is reproduced at **Appendix B**.
- 1.4 A full copy of the application is reproduced at **Appendix C**.
- 1.5 The Barrel of Beer is a two storey licensed premises situated in the main street at Beer and consists of a public area on the ground floor and private staff accommodation on the first floor. The premises was previously named the Barrel o' Beer and operated as a public house until August 2012 when it changed into a licensed restaurant called the Seafood Platter. The premises operated as a restaurant until the current owners took over in July last year and changed the premises back into a public house and renamed it the Barrel of Beer. The premises are situated in a mixed commercial and residential area.
- 1.6 The variation applied for is to add the licensable activities of films (on the premises), live & recorded music (on the premises), and the provision of late night refreshment (on and off the premises) and to extend the sale of alcohol (on & off the premises).
- 1.7 A copy of the plan of the premises will be available at the meeting for the information of the committee to show the layout of the site and the proposed areas of licensable activity.

2 Statutory Bodies' Response

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

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from seven local residents, Devon and Cornwall Police and from the Council's Environmental Health team. Details of their representations are attached at **Appendix D**.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **Appendix E**.
- 3.3 The Police and Environmental Health have reached an agreed position with the applicants and will not be attending the hearing. Six of the local residents who objected will be attending the hearing and the seventh will be represented by one of the other objectors.

4 Proposed Operating Schedule and Mediation

- 4.1 The Devon & Cornwall police mediated with the applicant and have reached an agreed position with them. Details of their agreed position are attached at **Appendix F**.
- 4.2 A mediation meeting chaired by the Licensing Authority was held at the Barrel of Beer on Wednesday 25 October where the applicants agreed to conditions requested by Environmental Health of installing a noise limiter and a doors and windows closed during regulated entertainment condition. Details of the agreed position attached at **Appendix G**. Although none of the objectors felt that they could withdraw their objections the applicant still offered to reduce the hours for live and recorded music to end at 11pm and to reduce the hours for all licensable activities Sunday to Thursday to end at midnight with the closing time of 00:30hrs. Details of this agreement is attached at **Appendix H**.
- 4.3 The applicant has not offered any extra conditions as a result of this variation application.

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 variation of a Premises Licence to allow the addition of:

- ☐ Films - indoors
- ☐ Live music – indoors
- ☐ Recorded music - indoors
- ☐ Late night refreshment – indoors & outdoors

Extend the hours for the sale of alcohol – on & off the premises

6.3 The applicants own the Dolphin Hotel that is situated three doors up from the Barrel of Beer in Fore Street, Beer. They recently purchased The Barrel of Beer with the intention of moving their late night bar trade from the Dolphin Hotel to the Barrel of Beer and to change the Dolphin Hotel into a higher class family hotel with shorter licensing hours. As a result the applicants have applied for additional licensable activities and extended hours for the Barrel of Beer to match those of the Dolphin. Details of the hours for the Dolphin Hotel and the Anchor Inn (nearby public house) are attached at **Appendix I** for the information of the committee.

6.4 Following submission of the variation application, representations were received from the Devon & Cornwall Police, Environmental Health and seven local residents. The Police and Environmental Health have reached an agreed position with the applicant and details of these agreements can be seen at **Appendices F and G**. The applicant also voluntarily offered at mediation to reduce the times for live and recorded music to end at 11pm and to reduce the hours for licensable activities and closing times on Sundays to Thursdays details can be seen at **Appendix H**.

6.5 The local residents who have not reached an agreed position have confirmed that they still have concerns relating to the licensing hours agreed at mediation. Their concern is that the Barrel of Beer has been turned into a sports bar and will be used for more 'vertical drinking' and as a result feel that there is potential for disturbance both from music played inside the premises and when customers leave the premises at closing time. They are concerned that both car and people noise outside the premises may disrupt sleep and cause nuisance to local residents as is already happening at the Dolphin Hotel. They also have concerns relating to crime and disorder as they feel that the late opening hours may lead to prolonged drinking which in turn may lead to alcohol-related disorder and drink driving. They also raised concerns about customer noise and disturbance caused by groups of people smoking outside the premises and in the alleyway next to the premises. There is concern that if extended hours are granted for the Barrel of Beer the applicant may continue to operate a late licence at the nearby Dolphin Hotel and there would then be two late night alcohol premises operating in a small village. There are also concerns that the application is not in keeping with the conservation status for the area and is contrary to the village plan.

- 6.6 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.
- 6.7 A location plan is attached at **Appendix J**

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 alcohol¹. (a)

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

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

Source: Section 19 Licensing Act 2003

2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) —
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

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

Source: Section 19A Licensing Act 2003

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

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

(c) Section 21 - Door Supervision

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

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

6. Human Rights Act 1998

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

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

7. Appeals

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

8. Review Provisions

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

9. Police Closure

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

10. Surveillance Camera Code of Guidance-June 2013

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

Guiding principle one states:

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

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

Timings – Barrel of Beer

Existing Timings

	Supply of Alcohol - On & off the premises	Hours premises are open to the public
Monday	10:00am – 11:00pm	N/A
Tuesday	10:00am – 11:00 pm	N/A
Wednesday	10:00am – 11:00 pm	N/A
Thursday	10:00am – 11:00 pm	N/A
Friday	10:00am – 11:00 pm	N/A
Saturday	10:00am – 11:00 pm	N/A
Sunday	Midday – 10:30 pm	N/A
Good Friday	Midday – 10:30 pm	N/A
Christmas Day	Midday – 3:00pm 7:00pm – 10:30pm	N/A
New Year's Eve – Except Sundays	10:00pm – 11:00pm And from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's day	N/A
New Year's Eve – On a Sunday	Midday – 10:30pm And from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's day	N/A

Proposed Timings – Barrel of Beer

<u>Proposed Timings</u>	Films (indoors)	Provision Of live music (indoors)	Playing of recorded music (indoors)	Late night refreshment (indoors & outdoors)	Supply of Alcohol - On & off the premises	Hours premises are open to the public
Monday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Tuesday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Wednesday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Thursday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Friday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Saturday	09:00am – 01:00am	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00 am	09:00am – 01:00am	09:00am – 01:30am
Sunday	09:00am – 00:30am	09:00am – Midnight	09:00am – Midnight	11:00pm – Midnight	09:00am – Midnight	09:00am – 00:30am
Christmas Eve/ Boxing Day/New Year's Eve on a Sunday	N/A	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00am	09:00am – 01:00am	09:00am – 01:00am
Regatta Week on a Sunday	N/A	09:00am – 01:00am	09:00am – 01:00am	11:00pm – 01:00am	09:00am – 01:00am	09:00am – 01:00am

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



Licensing Act 2003 Premises Licence

PLWA0355

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Barrel of Beer (The)

Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Telephone 01297 20099

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm
	Sunday & Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve-Except Sundays	10:00am	11:00pm
	and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day		
	New Year's Eve-On a Sunday	Noon	10:30pm
	and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day		

THE OPENING HOURS OF THE PREMISES

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

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

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



Licensing Act 2003
Premises Licence

PLWA0355

Part 2

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

Barrel of Beer Ltd
info@dolphinhotelbeer.co.uk

Fore Street, Beer, SEATON, Devon, EX12 3EO.
Telephone 01297 20068

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

Barrel of Beer Ltd

10640955

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

Darren Lawrence CLINCH

2 Lanehead Road, BEER, Devon, EX12 3HB.
Telephone 01297 20068

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

Licence No. EDVE0189

Issued by East Devon



Henry Gordon Lennox
Strategic Lead - Governance & Licensing



Licensing Act 2003 Premises Licence

PLWA0355

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

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



Licensing Act 2003 Premises Licence

PLWA0355

ANNEXES continued ...

- either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- where-
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall



Licensing Act 2003
Premises Licence

PLWA0355

ANNEXES continued ...

- be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

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.
8. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the permitted hours, the taking of alcohol supplied in the premises from the premises unless the alcohol is supplied or taken in an open vessel.
9. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the end of permitted hours the consumption of alcohol on the premises.
10. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first thirty minutes after the permitted hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals.
11. No licence is required for the provision in the premises of public entertainment by the reproduction



Licensing Act 2003
Premises Licence

PLWA0355

ANNEXES continued ...

of wireless (including television) broadcasts or programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcast service or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

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



Licensing Act 2003

Premises Licence Summary

PLWA0355

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Barrel of Beer (The)

Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Telephone 01297 20099

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm
	Sunday & Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve-Except Sundays	10:00am	11:00pm
	and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day		
	New Year's Eve-On a Sunday	Noon	10:30pm
	and from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day		

THE OPENING HOURS OF THE PREMISES

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

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

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



Licensing Act 2003

PLWA0355

Premises Licence Summary

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Barrel of Beer Ltd

Fore Street, Beer, SEATON, Devon, EX12 3EO.

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

Barrel of Beer Ltd

10640955

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

Darren Lawrence CLINCH

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

Not applicable



Henry Gordon Lennox
Strategic Lead - Governance & Licensing





East Devon
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

Is your business registered outside the UK? ☐ Yes ☒ No

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

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.

Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

10,200

Section 3 of 18

VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

Extending hours to open earlier and close later, adding licensing activities such as live music, recorded music and films

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 09:00

End 01:00

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

Start

End

TUESDAY

Start 09:00

End 01:00

Start

End

WEDNESDAY

Start 09:00

End 01:00

Start

End

THURSDAY

Start 09:00

End 01:00

Start

End

FRIDAY

Start 09:00

End 01:00

Start

End

SATURDAY

Start 09:00

End 01:00

Start

End

SUNDAY

Start 09:00

End 00:30

Start

End

Will the exhibition of film take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film.

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

Continued from previous page...

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

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

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End
Start End

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

LIVEMUSIC WILL BE AMPLIFIED DURING PERFORMANCE

State any seasonal variations for the performance of live music

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 performance of live music at different times from those listed, above below.

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

CHRISTMASEVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
BOXING DAY 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
NEW YEARS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
NON STANDRAD TIMINGS DURING BEER REGATTA WEEK WHEN FALLS ON A SUNDAY 09:00AM - 01:00AM

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

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

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

Continued from previous page...

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 playing of recorded music at different times from those listed above, list below.

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

CHRISTMAS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) BOXING DAY 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NEW YEARS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NON STANDARD TIMINGS DURING BEER REGATTA WEEK WHEN FALLS ON A SUNDAY 09:00AM - 01:00AM
--

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 11 of 18

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start 23:00

End 01:00

Start

End

WEDNESDAY

Start 23:00

End 01:00

Start

End

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 00:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

CHRISTMAS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
BOXING DAY 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
NEW YEARS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY)
NON STANDARD TIMINGS DURING BEER REGATTA WEEK WHEN FALLS ON A SUNDAY 09:00AM - 01:00AM

Section 13 of 18

SUPPLY OF ALCOHOL

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

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 above, list below.

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

CHRISTMASEVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) BOXING DAY 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NEW YEARS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NON STANDRAD TIMINGS DURING BEER REGATTA WEEK WHEN FALLS ON A SUNDAY 09:00AM - 01:00AM

Section 14 of 18

ADULT ENTERTAINMENT

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

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

THERE ARE GAMBLING MACHINES ON SITE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	09:00	End	01:30
Start		End	

THURSDAY

Start	09:00	End	01:30
Start		End	

FRIDAY

Start	09:00	End	01:30
Start		End	

SATURDAY

Start	09:00	End	01:30
Start		End	

SUNDAY

Start	09:00	End	00:30
Start		End	

State any seasonal variations.

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

--

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

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

CHRISTMAS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) BOXING DAY 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NEW YEARS EVE 09:00AM - 01:00AM (TO APPLY IF FALLS ON A SUNDAY) NON STANDRAD TIMINGS DURING BEER REGATTA WEEK WHEN FALLS ON A SUNDAY 09:00AM - 01:00AM
--

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

--

☒ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

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

--

Section 16 of 18

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.

--

b) The prevention of crime and disorder

--

c) Public safety

--

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

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

Non domestic Rateable Value Band

A No rateable value to £4,300

B £4,301 to £33,000

C £33,001 to £87,000

D £87,001 to £125,000

E £125,001 and above

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

Band D X2 (£900)

Band E X3 (£1905)

* Fee amount (£)

190.00

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

DARREN LAWRENCE CLINCH

* Capacity

OWNER

* Date

15 / 09 / 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/change-1> to upload this file and continue with your application.

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number	THE BARREL OF BEER LTD
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

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

Application No: 044889	Application Date: 15 September 2017
Licence Type: Premises Licence WITH Alcohol	Licence No: PLWA0355
Application Type: Variation Application	

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Applicant: Barrel of Beer Ltd
Fore Street, Beer, SEATON, Devon, EX12 3EO.

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

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Subject: Premises Application
I have considered the proposal along with the proposed operating schedule. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.
The applicant is requesting Live and Recorded music from 0900hrs until 0100hrs Mondays through to Saturdays and 0900hrs until 0000hrs on Sundays and there are insufficient safeguards in place to prevent a noise nuisance.
It is possible that following further discussions with the applicant, amendments can be made to the operating schedule to introduce the safeguards I would like to see and this would enable me to then withdraw this representation. However, for the time being I recommend that if the Licensing and Enforcement Committee is minded to grant this licence, the following conditions ought to be imposed in order to prevent public nuisance.
The license holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
The license holder must ensure that all doors and windows are kept closed during periods of regulated entertainment

Evidence:

Suggestion:

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Person making Representation: Davison
The Old Lace Shop, Fore Street, BEER, Devon, EX12 3EQ.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We are writing to object to the extended licensing application by the Barrel of Beer Ltd (Darren Clinch). This is for:
-an extension of hours to open earlier and close later,
-live music and recorded music
-Films and late night refreshments.
Our objections are as follows:
The application is contrary to the Village Plan.
-Objective 18.3: Create and promote schemes that reinforce the established character of Beer as a tourist destination.
-Objective 19.2: Resist tourism-related development that would detract from the established character of Beer.
-Objective 19.6: Ensure all development contributes to the economic and social sustainability of Beer.

The Beer plan also states: Development proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation will be supported providing that the development does not have a detrimental effect on the distinct character of Beer. We feel that this application will have a considerable detrimental effect.

-The 2003 Licensing Act requires that: 'licensing authorities and other responsible authorities should be alive to the indirect costs to the community that can arise' from a change in licencing. This public house is in a residential area. Its recent re-designation to a sports pub has already caused considerable disruption and distress to a large number of residents. To extend these hours will significantly increase this disruption and distress to anti-social proportions. The 2003 Act requires that: licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. This is not the case with this requested application.
-This extension of hours and activities will fundamentally change the nature of the village that is valued for its unspoilt nature, family friendly nature and already flourishing community. The Barrel of Beer has a place as a working traditional pub but these requested changes to the licensing hours and activities overstep significantly the nature of a traditional village pub.
-The application for a change of licencing is one that changes the Barrel of Beer to a "vertical drinking" premises, used primarily for the sale and consumption of alcohol, with little seating for patrons. The 2003 Licensing Act states that: previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder. This is not conducive to the character of Beer village.
-This extension of hours and activities seems wholly inappropriate to the designation and nature of a conservation area.
-This extension of hours and activities will have a significantly detrimental effect on a wide number of small accommodation businesses in the village which contribute to the wider health of tourism and economic prosperity of the village.
-We are concerned that Mr Darren Clinch is the Parish Councillor for tourism in Beer while having significant pecuniary interest in this matter.

Our concerns are shared by many of our neighbours and people we have spoken to in Beer. We would be grateful if you could take our concerns into consideration in this matter.
Yours sincerely
Mr and Mrs M. Davison

Evidence:

Suggestion:

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Person making Representation: . Davison
The Old Lace Shop, Fore Street, BEER, Devon.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We are writing to object to the extended licensing application by the Barrel of Beer Ltd (Darren Clinch). This is for:
-an extension of hours to open earlier and close later,
-live music and recorded music
-Films and late night refreshments.
Our objections are as follows:
The application is contrary to the Village Plan.
-Objective 18.3: Create and promote schemes that reinforce the established character of Beer as a tourist destination.
-Objective 19.2: Resist tourism-related development that would detract from the established character of Beer.
-Objective 19.6: Ensure all development contributes to the economic and social sustainability of Beer.

The Beer plan also states: Development proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation will be supported providing that the development does not have a detrimental effect on the distinct character of Beer. We feel that this application will have a considerable detrimental effect.

-The 2003 Licensing Act requires that: 'licensing authorities and other responsible authorities should be alive to the indirect costs to the community that can arise' from a change in licencing. This public house is in a residential area. Its recent re-designation to a sports pub has already caused considerable disruption and distress to a large number of residents. To extend these hours will significantly increase this disruption and distress to anti-social proportions. The 2003 Act requires that: licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. This is not the case with this requested application.
-This extension of hours and activities will fundamentally change the nature of the village that is valued for its unspoilt nature, family friendly nature and already flourishing community. The Barrel of Beer has a place as a working traditional pub but these requested changes to the licensing hours and activities overstep significantly the nature of a traditional village pub.
-The application for a change of licencing is one that changes the Barrel of Beer to a "vertical drinking" premises, used primarily for the sale and consumption of alcohol, with little seating for patrons. The 2003 Licensing Act states that: previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder. This is not conducive to the character of Beer village.
-This extension of hours and activities seems wholly inappropriate to the designation and nature of a conservation area.
-This extension of hours and activities will have a significantly detrimental effect on a wide number of small accommodation businesses in the village which contribute to the wider health of tourism and economic prosperity of the village.
-We are concerned that Mr Darren Clinch is the Parish Councillor for tourism in Beer while having significant pecuniary interest in this matter.

Our concerns are shared by many of our neighbours and people we have spoken to in Beer. We would be grateful if you could take our concerns into consideration in this matter.
Yours sincerely
Mr and Mrs M. Davison

Evidence:

Suggestion:

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Person making Representation: P J Crofts
Ingleside, Fore Street, BEER, Devon.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Dear sir, I am writing to object to the application by the barrel of beer LTD. This is for - 1)an extension of hours - 2) live and recorded music - 3) films and late night refreshment. At present I have a problem with the new owners of the barrel, with people standing in the alleyway between the barrel and Ingleside, Smoking, drinking and taking drugs. This is Clinton estate property. The reason they want to move the extension of hours, live music from the Dolphin to the barrel is because people staying at the Dolphin complain about the noise! So they want to move the problem to the barrel. And the poor residents near the barrel. We want to encourage sensible families and visitors to Beer not a handful of drunks and druggies to increase the assets of the clinic family. Thank goodness the owners of the anchor hotel have regard for residents.

Evidence:

Suggestion:

Person making Representation: Jacqueline Ruth Anne Tite
Rock Villa Off Licence, Fore Street, Beer, Seaton, Devon, EX12 3EG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Prevention of crime and disorder with the application to be open until 1 AM and later, we are worried that drunk customers will cause damage to properties as they walk up the street and to cars parked, also side alleys are used as toilets.

Public Safety when it is advertised that the opening hours are so late, it will be a venue for people from around the area. This may encourage drink-driving as people travel home

Prevention of public nuisance with the current opening hours the noise level from outside the pub and music from inside the pub is very loud, with later hours we will have shouting and swearing until 1:30 AM. It is not fair to keep people awake

The outside area of the pub is at the front of the premises facing onto the road and houses. Because smoking has to be done outside, all night there is a constant noise from patrons standing outside, smoking and talking - the conversations can be heard clearly through open windows. As it gets to a later time at night the noise gets louder as more people congregate outside.

Evidence:

Suggestion: We would like to see the music finish at 11 PM, as this is not too late to have to listen to, through open windows. Monday to Thursday finishing serving at 11:30 then closing at midnight. Friday and Saturday finishing serving at 12:30 then closing at 1 AM. Sunday finishing serving at 11 and then closing at 11:30. Try and encourage customers to leave quickly after closing.

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

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

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

The Police formally object to this application on the Crime and Disorder Objective and Protection of Children.
The applicant is away on holiday but I am hoping to mediate to agreed position.
I did request a copy of the premises plan but I have not received anything to date.

I am in receipt of your application to vary the licence for The Barrel of Beer.
I am told the premises is more of a sports bar then a restaurant these days.
I have compared your application with the current licence and find the current licence is seriously out of date.

In order to bring things up to date I would suggest the following:
Remove all the conditions relating to annex2 as they are from the 1964 Act.
Will you be letting rooms at the Barrel
I have no major issues with your times however I will seek the following conditions to be added to the licence.

- 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.
- 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.
- A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.

All signs must comply with the requirements of the Data Protection Act 2002.

- 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
- No customer carrying open vessels containing alcohol will be admitted to the premises at any time
- No customers will be permitted to take open vessels containing alcohol from the premises
- 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
- SIA security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk for events at the premises. A written risk assessment shall be prepared. The risk assessment shall be made available for inspection by the authorities on demand.

I believe you have received a number of objections to your application and it is possible the above conditions may mitigate these objections.
As with normal practice I have submitted a formal objection with East Devon District Council however hopefully we can come to an agreed position.

As you can see we have reached an agreed position.
Would you please add these conditions to the premises licence when issued

Evidence:

Suggestion:

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Person making Representation: Henry Christopher Stott
Tir Na Nog, Lanehead, BEER, Devon, EX12 3BY.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Extending the Barrel Of Beer licensing to 1:00am is designed to increase the number of people who come to Beer to drink alcohol late at night. This increased customer base largely comes from outside of Beer due to other establishments elsewhere closing at 11:30 The Dolphin Hotel on Fore Street, Beer already has a 1:00 am licensed business.
A significant number of late night Dolphin customers come from outside of Beer. This is evidenced by the significant number of people who get into their cars in the central car parks and drive away from the Dolphin between 1 and 1:30 in the morning. Encouraging more people to drink for longer and then drive is clearly likely to increase the likelihood of drink drive offenses. Noise from people leaving. People making excessive noise whilst gathering around vehicles on street and in car parks until 1:30 - 2am before getting into the vehicles, slamming the doors and driving away at excessive speed. Noise from people gathering outside to smoke and taking their drinks and remaining outside speaking loudly. I bring the authorities attention to the area at the rear of the Barrel of Beer in front of the doctors where the Barrel of Beer licensee already leaves empty barrels. This may be used for smoking.
Evidence of this behaviour and the public nuisance it generates is my witness of the customers of the Dolphin Hotel who generate excessive noise and cause public nuisance especially on summer evenings frequently until 2am. Clearly the Barrel of Beer would generate additional public nuisance by adding to the number of people outside smoking whilst drinking until 1am and leaving Beer between 1 and 2am (cont on separate sheet)

The geography of Beer means that Fore Street is at the focus of a natural amphitheatre accentuating the noise generated by people drinking outside. Whilst in my house with the window open I am regularly kept awake or wakened by loud laughter, abusive language and people getting into cars in the central Beer car park and driving away noisily. This public nuisance frequently happens between 12:30 and 2am as people leave the Dolphin Hotel late due to its 1 am license. 1 am licenses are more suitable for large towns which are centres of entertainment and have late night amenities (eg nightclubs) not to small residential communities such as Beer where the noise affects the whole village. The Anchor Hotel's license is more appropriate for a community such as Beer where the license ends at 11:30 on most nights of the year.

Evidence:

Suggestion: Applicant should maintain current alcohol licensing hours and apply to increase hours for Beer Regata final weekend and Christmas Eve/New Years Eve or use a temporary event license for these specific events.

Person making Representation: Leonora Francis Gibbs
Valhalla, Fore Street, BEER, Devon, EX12 2JQ.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Dear Sirs
Re: Objection to the change in licensing hours of The Barrel of Beer pub
It has come to my attention that an application has been submitted to extend the licensing hours for the above named.
I am most concerned about this and I heartily object.
I believe that the extension of hours and activities will have a detrimental effect on a number of other local businesses in the village impacting on both tourism and economic prosperity.
The extension of hours does not seem in keeping with a designated conservation area.
I believe that an extension of licensed hours will inevitably lead to disruption and distress as a result of anti social behaviour which will follow excess alcohol consumption and extended hours into the evening.
Beer is a beautiful seaside village with a history of being a friendly, convivial and welcoming Devon village.
I strongly believe that by allowing this application you will have effectively altered the character of the village and all of the associated good which goes with it.
Yours faithfully

Evidence:

Suggestion:

Application No: 044889

Premises: Barrel of Beer (The)
Fore Street, Beer, SEATON, Devon, EX12 3EQ.

Person making Representation: Jenny Dolan
Beach Cottage, Fore Street, BEER, Devon.

Representation Accepted: Representation has been accepted

Reason: na

Details: Dear sir/madam I am writing to object to the proposed extensions of hours in The barrel of beer public house in Beer. I support the fact that the barrel has reformed from a restaurant to a village pub that can be enjoyed by locals and tourists alike. However the extension of hours provides no benefit to the community and may indeed seriously be detrimental to the village life.

I therefore request that the licensing hours remain as they are and no extension granted.

Evidence:

Suggestion:

APPENDIX E

The Barrel of Beer – Responses to Notice of Hearing

Applicant

Barrel of Beer Ltd, Fore Street, Beer, EX12 3EQ	
Hearing Unnecessary	N/A
Attending	Yes
Supporting documents	Letter addressing objectors concerns (Please see 2 at rear of appendix)
Summary of key points	None

Interested Parties

1.	Environmental Health Officer, EDDC, Knowle, Sidmouth, EX10 8HL
Hearing Unnecessary	N/A
Attending	No – Agreed Position

2.	Police Licensing Officer, Devon and Cornwall Constabulary
Hearing Unnecessary	N/A
Attending	No – Agreed Position

3.	Ms Jackie Tite, Rock Villa, Fore Street, Beer, EX12 3EG
Hearing Unnecessary	NO
Attending	NO – Being represented by Pete Croft
Supporting documents	Copy of original representation
Summary of key points	<p><u>Prevention of Crime and Disorder</u> – Damage to properties from drunk customers late at night, also damage to vehicles. Also side alleys used as toilets.</p> <p><u>Public Safety</u> - Encouraging people from surrounding areas, possibly drink driving happening as people travel home.</p> <p><u>Prevention of public nuisance</u> – Noise level is very loud and music can also be loud, with the proposed late hours, it keeps people awake as they are outside smoking.</p>

4.	Mr P J Crofts, Ingleside, Fore Street, Beer, EX12 3EG
Hearing Unnecessary	NO
Attending	YES
Supporting documents	Original letter
Summary of key points	NO

APPENDIX E

5.	Ms Jenny Dolan, Beech Cottage, Fore Street, Beer, EX12 3EE
Hearing Unnecessary	NO
Attending	YES
Supporting documents	N/A
Summary of key points	<p><u>Public Safety</u> – Outside space limited, people spill out to the pavement making it difficult for pedestrians to pass.</p> <p><u>Prevention of public nuisance</u> – Although I enjoy music and love to see people having a good time, I feel that an extension to 1AM is contrary to village life</p>

6.	Dr Malcolm Davison, The Old Lace Shop, Fore Street, Beer, EX12 3EQ
Hearing Unnecessary	NO
Attending	YES
Supporting documents	Original objection letter and listed objections to application (Please see 1A and 1B at rear of appendix)
Summary of key points	<p><u>Prevention of crime and disorder</u> – The 2003 licensing act states the environment created by extending hours “can have a significant bearing on the likelihood of crime and disorder.” this is not conducive to the character of the village.</p> <p><u>Public safety</u> – an environment that facilitates the consumption of alcohol for a period of 15 hours is a risk to public safety.</p> <p><u>Prevention of public nuisance</u> k– an extension to the licensing hours of the Barrel of Beer in a residential area will further increase disruption and distress to anti-social proportions for residents and visitors.</p>

7.	Mrs Samantha Davison, The Old Lace Shop, Fore Street, Beer, EX12 3EQ
Hearing Unnecessary	NO
Attending	YES
Supporting documents	Original objection letter and listed objections to application (Please see 1A and 1B at rear of appendix)
Summary of key points	<p><u>Prevention of crime and disorder</u> – The 2003 licensing act states the environment created by extending hours “can have a significant bearing on the likelihood of crime and disorder.” this is not conducive to the character of the village.</p> <p><u>Public safety</u> – an environment that facilitates the consumption of alcohol for a period of 15 hours is a risk to public safety.</p> <p><u>Prevention of public nuisance</u> – an extension to the licensing hours of the Barrel of Beer in a residential area will further increase disruption and distress to anti-social proportions for residents and visitors.</p>

APPENDIX E

8.	Mr Henry Stott, Tir Na Nog, Lanehead, Beer, EX12 3BY
Hearing Unnecessary	NO
Attending	YES
Supporting documents	See original objection
Summary of key points	<p><u>Prevention of crime and disorder</u> – As objection plus no open vessels outside including front of premises after 11PM</p> <p><u>Prevention of public nuisance</u> – As objection plus multiple 1:30 licences will make Beer a late night drinking destination</p>

9.	Mrs L Gibbs, Valhalla, Fore Street, Beer, EX12 2JQ
Hearing Unnecessary	NO
Attending	YES
Supporting documents	N/A
Summary of key points	<p>Separate letter attached – You are in receipt of my original letter and my views are still the same. If you grant a 1:30am extension I as an ex publican know that this will mean that people will be shouting their good nights and car doors slamming at 2-2:30am in the morning. Will give your word that you will police this. Beer is such a wonderful village, please please do not cheapen it!</p>

The Old Lace Shop
Fore Street
Beer
Devon
EX12 3EQ

1A

Objection to the application by the Barrel of Beer Ltd for Darren Clinch.

This application is for:

- an extension of licensing hours to open earlier (10am) and close later (1pm)
- live music and recorded music
- Films and late night refreshments.

Licensing Objectives

Prevention of crime and disorder

- The application is for a change of licencing at the Barrel of Beer to a “vertical drinking” premises, used primarily for the sale and consumption of alcohol. The 2003 Licensing Act states that: previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder. This is not conducive to the character of Beer village.
- Studies have shown that alcohol consumption plays a significant role for violent behaviour. Licensed premises are ‘hot spots’ for such behaviour. It tends to occur more frequently in establishments and when the overall level of intoxication of patrons is high. This is highly likely to occur with an extension of licensing hours at the Barrel of Beer.

Public Safety

- Any environment that facilitates the consumption of alcohol for a period of 15 hours is a risk to public safety.

Prevention of public nuisance

- The 2003 Licensing Act requires that: ‘licensing authorities and other responsible authorities should be alive to the indirect costs that can arise’ from a change in licencing. This public house is in a residential area. Its recent re-designation to a sports pub has already caused considerable disruption and distress to a number of residents. To extend these hours will significantly increase this disruption and distress to anti-social proportions.
- The 2003 Act requires that: licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. This is not the case with this small village pub located in the centre of a residential area. The requested extension in hours and activities overstep significantly the nature of a traditional village pub.

- This extension of hours and activities will fundamentally change the nature of the village that is valued for its unspoilt, family friendly nature and already flourishing community.

Our other objections are as follows:

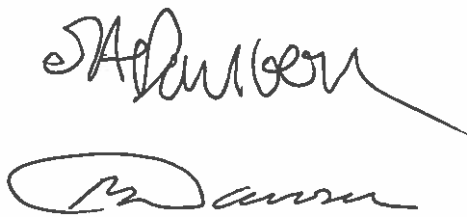
- This extension of hours and activities seems wholly inappropriate to the designation and nature of a conservation area.
- This extension of hours and activities will have a significantly detrimental effect on a wide number of small accommodation businesses in the village which contribute to the wider health of tourism and economic prosperity of the village.
- We are concerned that Mr Darren Clinch is the Parish Councillor for tourism in Beer while having significant pecuniary interest in this matter.

In addition to these objection we feel the application is contrary to the Beer Village Plan.

- Objective 18.3: Create and promote schemes that reinforce the established character of Beer as a tourist destination.
- Objective 19.2: Resist tourism-related development that would detract from the established character of Beer.
- Objective 19.6: Ensure all development contributes to the economic and social sustainability of Beer.

The Beer plan also states: Development proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation will be supported providing that the development does not have a detrimental effect on the distinct character of Beer. We feel that this application will have a considerable detrimental effect.

Malcolm & Samantha Davison

The block contains two handwritten signatures. The top signature is in dark ink and appears to read 'S. Davison'. The bottom signature is in a lighter ink and appears to read 'M. Davison'. Both signatures are written in a cursive, flowing style.

The Old Lace Shop

Fore Street, Beer

Devon,

EX12 3EQ

Dear Sir,

We are writing to make you aware of our objections to the application by the Barrel of Beer Ltd. (Mr. Darren Clinch), as we feel that this application is contrary to the aims of the Beer Village Plan. These aims are to:

Objective 18.3: Create and promote schemes that reinforce the established character of Beer as a tourist destination.

Objective 19.2: Resist tourism-related development that would detract from the established character of Beer.

Objective 19.6: Ensure all development contributes to the economic and social sustainability of Beer.

The Beer plan also states: Development proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation will be supported providing that the development does not have a detrimental effect on the distinct character of Beer.

We are also concerned that Mr Darren Clinch has significant pecuniary interests while holding the position for tourism on the Parish council.

The Barrel of beer is currently applying for :

- an extension of hours to open earlier and close later,
- live music and recorded music,
- films and late night refreshments.

Our objections are as follows:


- The 2003 Licensing Act requires that: 'licensing authorities and other responsible authorities should be alive to the indirect costs that can arise' from a change in licencing. This public house is in a residential area. Its recent re-designation to a sports pub has already caused considerable disruption and distress to a large number of residents. To extend these hours will significantly increase this disruption and distress to anti-social proportions. The 2003 Act requires that: licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. This is not the case with this requested application.
- This extension of hours and activities will fundamentally change the nature of the village that is valued for its unspoilt nature, family friendly nature and already flourishing community. The Barrel of Beer has always been a working traditional pub, and long may it be so, but these requested changes to the licensing hours and activities overstep significantly the nature of a traditional village pub.

- The application for a change of licencing is one that changes the Barrel of Beer to a premises to a "vertical drinking" premises, used primarily for the sale and consumption of alcohol, with little seating for patrons. The 2003 Licensing Act states that: previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder. This is not conducive to the character of Beer village.
- This extension of hours and activities seems wholly inappropriate to the designation and nature of a conservation area.
- This extension of hours and activities will have a significantly detrimental effect on a wide number of small businesses which provide tourist accommodation in the village. These contribute to the wider health of tourism and economic prosperity of the village.

Our concerns are shared by many of our neighbours and people we have spoken to in Beer. We would be grateful if you could take our concerns into consideration in this matter.

Yours sincerely

Malcolm and Samantha Davison



The block contains two handwritten signatures in black ink. The top signature is 'Malcolm Davison' and the bottom signature is 'Samantha Davison'.

Firstly, thank you for coming to this mediation meeting.

We've tried to address your objections and to alleviate your concerns in our responses below:-

1.) ENVIRONMENTAL HEALTH

We're happy to install a noise limiter for all live music, & keeping the doors and windows shut is a sensible idea. We are to finish any live music at 11pm.

2.) Mr & Mrs M DAVIDSON'S LETTER

The licensing act is a very blunt instrument and although it seems on paper as though we are applying for late night refreshment's & live music for all hours – In reality this will not be happening. In fact all we want to do is move our existing business (same hours and licences already held by The Dolphin Hotel) to The Barrel of Beer. As The Dolphin has had a very good track record under our ownership for the last 15 years we would not do anything to tarnish it.

3.) PETER CROFT'S LETTER

The reason we want to move the traditional pub from The Dolphin Hotel to The Barrel of Beer is not noise or nuisance related. It is because we want to move The Dolphin Hotel up market in to a boutique style hotel & a family friendly eatery. As you've mentioned drugs and "druggies", we feel it's imperative that you inform the Police and tell us as we don't condone the use of drugs on either of our premises. Clinton Devon Estate's has given us permission to use the alley to store bins & empty barrels etc. However if there is a problem with people smoking there at night, we will stop this happening.

4.) JAQUELINE – THE OFF LICENCE

As The Dolphin Hotel has been running a licence until midnight Sun – Thurs and until 1am Fri – Sat, I fail to see how moving this trade 200 yards down the road will make any difference to public safety, prevention of crime & disorder or indeed prevention of public nuisance. We are happy to apply your suggestions of finishing music at 11pm and will encourage our customers to leave quickly and quietly from the premises and the surrounding areas.

5.) POLICE

We already have an agreed position with the Police and we are happy to fore fill all their requirements.

6.) Mr H SCOTT'S LETTER

We are not expecting or promoting any additional trade simply by moving the Public Bar to The Barrel of Beer. We do not envisage any additional customers coming to Beer simply to use the late licence as there are already several Pubs & Clubs that are open as late or later in the surrounding Towns

7.) Mrs GIBB'S LETTER

As a Beer born and bred family we wouldn't do anything detrimental to the Village of Beer, quite the opposite....

By regenerating a rundown Pub & Restaurant we've brought back to Beer the life it needs to carry on as a tourist destination, and thrive as a community which is self sustaining and growing as a coastal resort on The Jurassic Coast. The Barrel of Beer is the only Pub in Beer and without a Pub Beer wouldn't be the same happy mix of tourists and locals that make it so special.

8.) JENNY DOLAN

Thank you for supporting the re-opening of the Pub, but quite the contrary, The Barrel of Beer needs the longer hours to continue as a local village Pub to be enjoyed by locals and tourists. Without these hours the business is not sustainable.

Thank You – The Barrel of Beer

1. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.
2. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.
3. 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.
4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.
5. All signs must comply with the requirements of the Data Protection Act 2002.
6. 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.
7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.
8. No customers will be permitted to take open vessels containing alcohol from the premises (as per the red line on the approved plan).
9. 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.
10. SIA security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk for events at the premises. A written risk assessment shall be prepared. The risk assessment shall be made available for inspection by the authorities on demand.

1. The license holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
2. The license holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.

1. Amend application to reduce live and recorded music hours to end at 11pm.
2. Amend application to reduce the hours for all licensable activities Sundays to Thursdays to end at 12 Midnight with the premises closing time being 12:30am.

Details of licensed hours for the Dolphin Hotel and The Anchor Inn, Beer

Licensed Hours – Dolphin Hotel, Beer

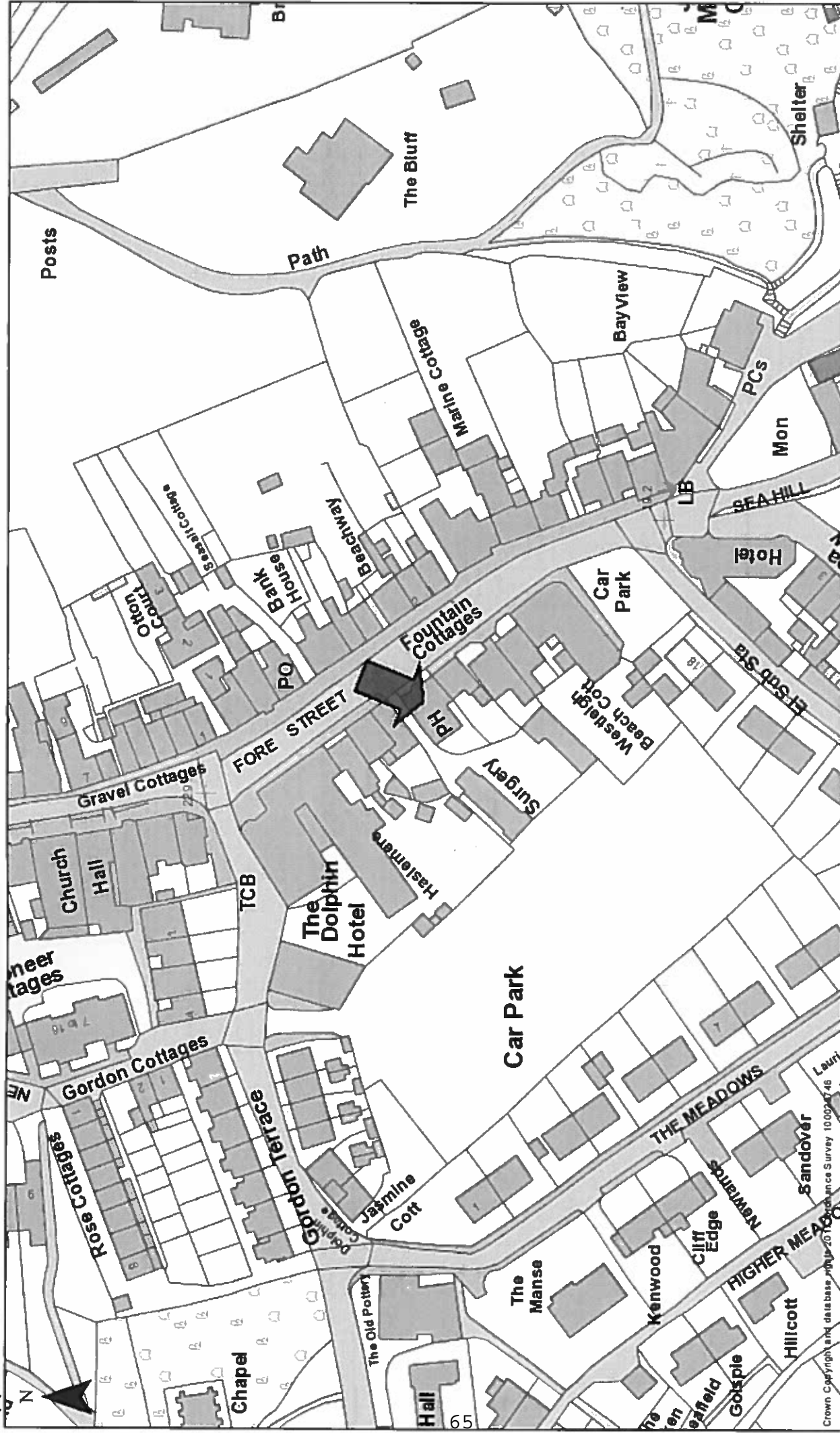
	Plays Indoors	Films Indoors	Live Music Indoors	Playing of recorded music (indoors)	Late Night Refreshment Indoors	Supply of Alcohol – On and Off the premises	Hours premises are open to the public
Monday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Tuesday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Wednesday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Thursday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Friday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Saturday	10:00am- Midnight	10:00am- Midnight	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
Sunday	10:00am- Midnight	10:00am- Midnight	10:00am- Midnight	10:00am- Midnight	11:00pm – Midnight	10:00am- Midnight	10:00am – 12:30am
Christmas Eve/Boxing Day & Beer Regatta on a Sunday	N/A	N/A	10:00am – 01:00am	10:00am – 01:00am	11:00pm – 01:00 am	10:00am – 01:00am	10:00am – 01:30am
New Year's Eve	N/A	N/A	10:00am – Midnight And from the end of	10:00am – Midnight And from the end of	11:00pm – 5:00am	10:00am – Midnight And from the end of	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	permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
--	--	--	---	---	--	---	---

Licensed Hours – The Anchor Inn, Beer

	Playing of live music (indoors)	Playing of recorded music (indoors)	Anything similar to (indoors)	Late night refreshment (indoors & outdoors)	Supply of Alcohol – on & off the premises	Hours premises are open to the public
Monday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Tuesday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Wednesday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Thursday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Friday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Saturday	11:30am – 00:30am	11:30am – 00:30am			11:30am – 00:30am	11:30am – 01:00am
Sunday	7:30pm – 10:30pm	11:30am – 3:00pm and			Noon – 10:30pm	Noon – 10:30pm

		6:30pm – 11:00pm				
New Year's Eve – Except Sundays	11:30am – midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	11:30am – midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day			11:30am – midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	11:30am – midnight 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	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			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	Noon – 00:30am And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day



Report to:

Licensing and Enforcement Sub Committee



Date of Meeting: 08 November 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 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 the 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

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence.	34 Queen Street Seaton Devon EX12 2RB	<p>Following mediation the applicant and the Devon and Cornwall Police 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"> 1. 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. 2. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. 3. Images will be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request. 4. 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. 5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors.

		<p>6. All signs must comply with the requirements of the Data Protection Act 2002.</p> <p>7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.</p> <p>8. No customers will be permitted to take open vessels containing alcohol from the premises.</p>
	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

08 November 2017