

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 8 April 2015; 9.30am

[Members of the Committee](#)

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 1 April 2015



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- 1 Minutes for 25 March 2015 (pages 2-3)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **That members consider an application for variation of a premises licence - To extend the opening hours and the hours for the sale of alcohol on and off the premises at the Kingfisher Inn, Dolphin Street, Colyton, Devon, EX24 6NA**
(pages 4-67)
- 7 **Hackney Carriage Vehicle Suitability** (pages 68-75)
- 8 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary** (pages 76-78)

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)

[Recording the meeting](#)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 25 March 2015

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.35 am

- *29 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 March 2015, were confirmed and signed as a true record.
- *30 Declarations of interest
There were none.
- *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 an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

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

RESOLVED

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

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Woods Village Shop, Exmouth Road, Colaton Raleigh, Sidmouth,
EX10 0LD.

Agreed position reached by the parties:

Following mediation the applicant, the Colaton Raleigh Parish Council and a District Councillor have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

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

1. The on sales of alcohol at the premises shall not commence until 10am every morning. (note this is on sales only – off sales remain as per the application)
2. On sales of alcohol will not take place at the premises unless there is a minimum of two staff on duty at the time

Attendance list
Councillors present

Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Also Present
John O'Leary

Apologies from non members of the Sub Committee
Steve Gazzard

Officers present
Neil McDonald, Licensing Officer
Chris Lane, Democratic Services

Chairman Date

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



Date of Meeting: 8 April 2015

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 a premises licence to be varied.

Recommendation: Recommendation
That members consider an application for variation of a premises licence - To extend the opening hours and the hours for the sale of alcohol on and off the premises at the Kingfisher Inn, Dolphin Street, Colyton, Devon, EX24 6NA.

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 licensing application.
Appendix C – Copy of existing licence – PLWA0064.
Appendix D – Details of representations received.
Appendix E – Details of responses to the Notice of Hearing.
Appendix F– Summary of timings and location plan of 2 x licensed premises in Colyton.
Appendix G – Agreed position following mediation.
Appendix H – Location Plan.

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from Lucy and Mark Dack of the King Fisher Inn, Dolphin Street, Colyton, Devon, EX24 6NA for the variation of a premises licence at the Kingfisher Inn, Dolphin Street, Colyton, Devon, EX4 6NA.
- 1.2 The current and proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A full copy of the application is reproduced at **Appendix B**.
- 1.4 The Kingfisher Inn currently has a premises licence (PLWA0064) and the premises comprises of a bar area, restaurant, skittle alley and a rear beer garden. The premises are situated in the town of Colyton in a mixed commercial and residential area.
- 1.5 The owners would like to extend the hours for the sale of alcohol and opening hours to allow them to compete with other public houses within the town that have longer trading hours. Copies of the premises summary showing the trading hours of the two other pubs within the town and a location plan are reproduced at **Appendix F** for the information of the committee.
- 1.6 A copy of the existing premises licence and conditions is reproduced at **Appendix C**.
- 1.7 A plan of the premises will be available at the meeting to show the layout of the site and the areas of licensable activity.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
No representations have been received.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 2.4 Devon Trading Standards
No representations have been received
- 2.5 East Devon District Council, Environmental Health Service
Representations have been received – now agreed position.
- 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. Details of the representations are attached at **Appendix D**.
- 3.2 Responses to notice of hearing forms have been received from four residents (three of whom will be attending the hearing), one other resident left an answerphone message stating she would not be attending the mediation meeting or sub-committee hearing as she has a

medical problem and may need to go into hospital. The two other residents have reached an agreed position with the applicants at mediation and will not be attending the hearing.

3.3 Both applicants will be attending the Sub Committee hearing.

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

4 Proposed Operating Schedule and Mediation

4.1 The applicants have not offered any additional conditions to those already on the current licence as a result of this variation application.

4.2 Mediation has taken place at the King Fisher Inn chaired by the Licensing Authority and attended by the applicants and five local residents who had made representations and as a result two of the residents have reached an agreed position with the applicants. The agreement follows an offer by the applicants of a condition restricting the times that floodlighting is used in the rear beer garden of the premises. Details of the amendment agreed at mediation are attached at **Appendix G**.

5 Relevant Licensing Policy Considerations

Licensing Objectives

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

These are:-

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

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

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

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

Conditions

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

Licensing Hours

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

5.7 Section 6.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives

unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Anti Social Behaviour

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

Nuisance

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

Capacity

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

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

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

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

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

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

6. Observations

- 6.1 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the 'test' that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be 'appropriate' and no longer 'necessary'.
- 6.2 The application being considered is for the variation of a Premises Licence to:
- Extend the hours for the sale of alcohol.
 - Extend the opening hours of the premises.
- 6.3 The representations received are from local residents that live adjacent to or near to the Kingfisher Inn. The residents are concerned that if later hours are granted to the premises it will extend the time that they are already disturbed by noise nuisance and disorder associated with the premises. Their concerns relate to people noise and disorder in the rear beer garden and skittle alley with customers shouting and singing, banging doors and bottles and glasses being thrown from the beer garden into adjoining properties. There is also disturbance late at night at the front of the premises when people leave and taxis arrive to pick up customers.
Some of the residents are disturbed by floodlighting being used in the rear beer garden.
- 6.4 At the mediation meeting an agreement was reached with the applicants to restrict the times that the floodlighting at the boules pitch at the top of the rear garden was to be used. **Appendix G** refers. Although no other agreement was reached with the remaining residents at the meeting it became apparent that they would like to see the rear beer garden area closed to customers at 11pm to limit the disturbance caused to them. The applicants did not agree as they wanted to keep their options open as they were trying to increase their business. They also had concerns that it would be difficult to enforce the garden closure as their toilets are situated in the rear garden area. However the applicants proposed subject to planning approval to create a new enclosed toilet block to the rear side of the premises. They would hope that a new enclosed block would stop people going outside and so reduce people noise and the noise from toilet doors opening and closing.
- 6.5 One of the objectors Mrs Laughton has included within her response to notice of hearing under supporting documents a copy of a letter she has sent to Colyton Parish Council. The committee should be aware that the parish council had been advised of the application and it was open to them to make representations but did not do so.
- 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 H**.

Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its

own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.

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

The steps are:

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

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

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

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

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

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

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

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

Source: Section 19A Licensing Act 2003

- (b) **Section 20 - Mandatory condition relating to exhibition of films – not required**
 Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.
- (c) **Section 21 - Door Supervision – not required**
 Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

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

6. **Human Rights Act 1998**

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

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

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

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

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

7. **Appeals**

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates' Court. The applicant may also appeal if an application for a premises

licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a persona 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.

The Kingfisher Inn
Existing Timings

	Performance of Live Music – Indoors & Outdoors.	Playing of Recorded Music - Indoors	Supply of Alcohol – On & Off the Premises.	Hours premises are open to the public
Monday	N/A	11am – 11pm	11am – 11pm	11am – 11:20pm
Tuesday	N/A	11am – 11pm	11am – 11pm	11am – 11:20pm
Wednesday	N/A	11am – 11pm	11am – 11pm	11am – 12:20am
Thursday	N/A	11am -Midnight	11am -Midnight	11am – 12:20am
Friday	N/A	11am -Midnight	11am -Midnight	11am – 12:20am
Saturday	4pm – 11pm	11am -Midnight	11am -Midnight	11am – 12:20am
Sunday	4pm – 11pm	Midday – 11:30pm	Midday - 11:30pm	Midday - 11:50pm
New Years Eve except Sundays	4pm – 11pm If falls on a Saturday	11am – 1am	11am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day	11am – 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 Years Eve on a Sunday	4pm – 11pm	Midday – 1am	Midday – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	Midday – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The Kingfisher Inn
Proposed Timings

	Performance of Live Music – Indoors & Outdoors.	Playing of Recorded Music – Indoors	Supply of Alcohol – On & Off the Premises.	Hours premises are open to the public
Monday	N/A	11am – 11pm	10am – Midnight	10am – 12:30am
Tuesday	N/A	11am – 11pm	10am – Midnight	10am – 12:30am
Wednesday	N/A	11am – 11pm	10am – Midnight	10am – 12:30am
Thursday	N/A	11am -Midnight	10am – Midnight	10am – 12:30am
Friday	N/A	11am -Midnight	10am – 1am	10am – 1:30am
Saturday	4pm – 11pm	11am -Midnight	10am – 1am	10am – 1:30am
Sunday	4pm – 11pm	Midday - Midnight	11am - Midnight	11am – 12:30am
Christmas Eve	As Existing	As Existing	Extend hours to 1am	Extend hours to 1:30am
Boxing Day	As Existing	As Existing	Extend hours to 1am	Extend hours to 1:30am
St Patrick's Day, St David's Day, St Georges Day & St Andrews Day	As Existing	As Existing	Extend hours to 1am	Extend hours to 1:30am
Bank Holiday Monday – Applies to every May, Spring, Easter and August Bank Holiday Mondays.	N/A	11am – 11pm	Extend hours to 1am	Extend hours to 1:30am
New Years Eve except Sundays	4pm – 11pm If falls on a Saturday	11am – 1am	10am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	10am – 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 Years Eve on a Sunday	4pm – 11pm	Midday – 1am	11am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	11am – Midnight And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Timings highlighted
in bold print have
been extended.



East Devon
Application to vary a premises licence
Licensing Act 2003

30 JAN 2015

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

ACCEPT REJECT REF

* required information

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

kingfisher

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

Lucy

* Family name

Dack

* E-mail

the_kingfisher@btconnect.com

Main telephone number

01297 552476

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="The Kingfisher"/>
* Street	<input type="text" value="Dolphin Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Colyton"/>
County or administrative area	<input type="text" value="Devon"/>
* Postcode	<input type="text" value="EX24 6NA"/>
* Country	<input type="text" value="United Kingdom"/>

Section 2 of 17

APPLICATION DETAILS

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

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

* Premises Licence Number	<input type="text" value="PLWA0064"/>
---------------------------	---------------------------------------

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	<input type="text" value="The Kingfisher"/>
Street	<input type="text" value="Dolphin Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Colyton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="EX246NA"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text" value="01297 552476"/>
------------------	---

Non-domestic rateable value of premises (£)	<input type="text" value="12,800"/>
---	-------------------------------------

Section 3 of 17

VARIATION

Continued from previous page...

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.

We would like to extend our normal licensing hours.

Section 4 of 17

PROVISION OF PLAYS

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

Yes No

Section 5 of 17

PROVISION OF FILMS

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

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

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

Yes No

Continued from previous page...

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

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

Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

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

Yes No

Section 11 of 17

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

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

Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

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

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

Continued from previous page...

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

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

We would wish the Supply of Alcohol to be to 01:00 hours on Christmas Eve, Boxing Day, St Patrick's Day, St Davids Day, St Georges Day, St Andrews Day, Easter Monday Bank Holiday, May Day Bank Holiday Monday, Spring Bank Holiday Monday and Summer Bank Holiday Monday.

Section 14 of 17

ADULT ENTERTAINMENT

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

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

not applicable

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

not applicable.

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.

We would wish the HOURS PREMISES ARE OPEN TO THE PUBLIC to be 30 minutes after the Supply of Alcohol (as in Section 13) on Christmas Eve, Boxing Day, St Patrick's Day, St Davids Day, St Georges Day, St Andrews Day, Easter Monday Bank Holiday, May Day Bank Holiday Monday, Spring Bank Holiday Monday and Summer Bank Holiday Monday.

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 believe, under Conditions Consistent with the Operating Schedule: Sections 1 to 5 should be removed.

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

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

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

Continued from previous page...

No extra conditions needed.

b) The prevention of crime and disorder

No extra conditions needed.

c) Public safety

No extra conditions needed.

d) The prevention of public nuisance

No extra conditions needed.

e) The protection of children from harm

No extra conditions needed.

Section 17 of 17

PAYMENT DETAILS

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

Non domestic Rateable Value Band

A No rateable value to £4,300

B £4,301 to £33,000

C £33,001 to £87,000

D £87,001 to £125,000

E £125,001 and above

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

Band D X2 (£900)

Band E X3 (£1905)

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	East Devon District Council
Street	Knowle
District	
City or town	Sidmouth
County or administrative area	East Devon
Postcode	EX10 8HL
Country	United Kingdom

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.

You must check the box for this declaration

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	[REDACTED]
* Capacity	Owner, Designated Premis Supervisor
Date (dd/mm/yyyy)	29/1/2015

* Full name	[REDACTED]
* Capacity	Owner
Date (dd/mm/yyyy)	29/1/2015

Remove this signatory

Add another signatory

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

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

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

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

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



Licensing Act 2003 Premises Licence

PLWA0064

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

Kingfisher Inn (The)

Dolphin Street, COLYTON, Devon, EX24 6NA.

Telephone 01297 552476

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Saturday & Sunday	4:00pm	11:00pm
F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday to Saturday	11:00am	Midnight
	Sunday	Noon	11:30pm
	New Year's Eve-Except Sundays	11:00am	1:00am
	New Year's Eve-On a Sunday	Noon	1:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	11:00pm
	Thursday to Saturday	11:00am	Midnight
	Sunday	Noon	11:30pm
	New Year's Eve-Except Sundays	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	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.		

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



Licensing Act 2003
Premises Licence

PLWA0064

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	11:00am	11:20pm
Thursday to Saturday	11:00am	12:20am
Sunday	Noon	11:50pm
New Year's Eve-Except Sundays	11:00am	Midnight
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
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.		

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

Part 2

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

Lucy Ann Dack dacky007@outlook.com	The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA. Telephone 01297 552781
Mark David Dack dacky007@outlook.com	The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA. Telephone 01297 552476

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

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

Lucy Ann DACK	The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA. Telephone 01297 552781
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE0073	Issued by East Devon
----------------------	----------------------

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



Licensing Act 2003
Premises Licence

PLWA0064

R. L. Pocock

Rachel L Pocock
Corporate Legal and Democratic Services Manager



Licensing Act 2003
Premises Licence

PLWA0064

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.
Source: Section 19 Licensing Act 2003
2.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
Source: Section 19 & 19A Licensing Act 2003
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
Source: Section 19 & 19A Licensing Act 2003
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Licensing Act 2003
Premises Licence

PLWA0064

ANNEXES continued ...

Source: Section 19 & 19A Licensing Act 2003

5. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

6. The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Source: Section 19 & 19A Licensing Act 2003

7. (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.

Licensing Act 2003 Premises Licence

PLWA0064

ANNEXES continued ...

- (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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

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

Conditions Consistent with the Operating Schedule

1. If after the expiry of six months from the second appointed date the Licensing Authority serves written notice on the licensee requiring that CCTV be provided it will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and Local Authority and conditions 2 to 5 also complied with.
2. CCTV will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority.
3. CCTV recordings will be maintained for an appropriate period of time (generally one month - but to be agreed with Police and Licensing Authority).

Licensing Act 2003
Premises Licence

PLWA0064

ANNEXES continued ...

4. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
5. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
6. All staff will receive training on licensing issues.
7. Membership of the Local Licensees Association will be maintained.
8. The proprietor will have regular contact with the Licensing Authority and the Devon and Cornwall Constabulary and will have involvement in local crime prevention initiatives.
9. The provision of adequate lighting already in place in bar, restaurant and the beer garden will be maintained.
10. The emergency lighting with which the premises are provided shall be maintained in efficient working order and be in operation during the whole time that the public are in the premises. The existing system must illuminate all exit signs, doorways, step and passages forming exit routes from the licensed premises and including the gardens and car park and shall be independent of the normal lighting system.
11. The management will maintain the four (4) escape routes from the premises.
12. An adequate and appropriate supply of first aid equipment and materials will be available for the use of patrons.
13. Management will provide plastic glasses on extremely busy nights i.e. Colyton Carnival Night.
14. The designated premises supervisor, or such person so authorised by him, will control the volume of music or other apparatus used.
15. All deliveries to the premises will be restricted to arrive during the day.
16. Suitable signage will be displayed at the exit to request the co-operation, of patrons in particular, to be as quiet as possible when leaving the premises.
17. If live music is performed it will be restricted to up to four (4) times per year.
18. No adult entertainment will be provided on the premises.
19. No children's activities will be offered on the premises.
20. A proof of age policy agreed by the police and local authority will be enforced.
21. Children will only be permitted on the premises when accompanied by an adult.

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 hatched in **RED** on the plan deposited with and approved by the Licensing Authority. Recorded music will be restricted to indoors only.

Licensing Act 2003 Premises Licence Summary

PLWA0064

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

Premises Details

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

Kingfisher Inn (The)

Dolphin Street, COLYTON, Devon, EX24 6NA.

Telephone 01297 552476

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors & Outdoors)	Saturday & Sunday	4:00pm	11:00pm
	F. Playing of recorded music (Indoors)		
	Monday to Wednesday	11:00am	11:00pm
	Thursday to Saturday	11:00am	Midnight
	Sunday	Noon	11:30pm
	New Year's Eve-Except Sundays	11:00am	1:00am
	New Year's Eve-On a Sunday	Noon	1:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Wednesday	11:00am	11:00pm
	Thursday to Saturday	11:00am	Midnight
	Sunday	Noon	11:30pm
	New Year's Eve-Except Sundays	11:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	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.			

Licensing Act 2003 Premises Licence Summary

PLWA0064

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Wednesday	11:00am	11:20pm
Thursday to Saturday	11:00am	12:20am
Sunday	Noon	11:50pm
New Year's Eve-Except Sundays	11:00am	Midnight
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
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.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Lucy Ann Dack	The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA.
Mark David Dack	The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA.

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

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

Lucy Ann DACK

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

Not applicable



Rachel L Pocock

Corporate Legal and Democratic Services Manager



REPRESENTATIONS LIST

APPENDIX D

Application No: 038475

Application Date: 9 February 2015

Licence Type: Premises Licence WITH Alcohol

Licence No: PLWA0064

Application Type: Variation Application

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Applicant: Lucy Ann Dack
The Kingfisher Inn, Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: Margaret Clark
2 Bulls Court, COLYTON, Devon, EX24 6NB.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: My cottage is only a few feet away from the "Kingfisher" and I am very affected by the floodlights and noise in the garden. I am pleased that the pub is a success but the later opening hours will mean that sleep will be difficult for all who live in the area.

I have lived here for 35 years and have never had a reason to complain until this past year when several lock ins after hours have meant a lot of noise in the early hours. If the pub is allowed to open until 1:30am this will cause more drunkenness and disorder. Vomit in my courtyard is disgusting and I would not want this to happen.

I want to be good neighbours with everyone and I hope that we can all be considerate and not cause a nuisance to anyone.

Evidence:

Suggestion:

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: Roger Laughton
Dolphin House, Dolphin Street, COLYTON, Devon, EX24 6NA.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Re: Proposed Variation to Licensing Hours for the Kingfisher Inn, Colyton
Application Ref: 038475

I have lived next door to the Kingfisher Inn for 25 years. I am writing to object to the proposal to extend the drinking hours of the Kingfisher Inn. This is a residential area, with 9 residential properties adjoining the pub directly. It is not the commercial centre of the village, and has always been very quiet at night. With this in mind, my objections can be summarised as follows:

Prevention of public nuisance

Noise

1. In the last 12 months, the pub has become noisier, especially in the summer and over Christmas. The bass beat from recorded and live music reverberates through our house, even the rooms away from the party wall with the pub.
2. The pub garden is very popular, and thanks to the anti-smoking regulations this is not just confined to the summer. So the noise is not contained within the pub building, and there is no attempt to keep people quiet in the garden, which is alongside our own small garden. Intoxicated guests can talk very loudly, and on some evenings there has been repetitive loud singing for longer than was reasonable. My wife and I both work and our chief enjoyment of our garden used to be in the evenings. Now it is often too disturbing for us to relax there.
3. The banging of the toilet doors - all outside the pub - also contribute to the noise nuisance.
4. On summer nights we have to keep our windows and back doors shut to try to keep the noise of the pub garden out of our house itself. Just chatting and playing boules is perfectly acceptable up until a normal bedtime, but aggressive shouting and chanting like hooligans is not.
5. The noise nuisance out the back will get worse if hours are extended and the clientele spend longer drinking. At times there has been no attempt to prevent people loitering in the garden in the dead of night even long after closing time.
6. Similarly, there is noise nuisance for us out the front on Dolphin Street itself. We have the noise of diesel taxis and cars, car doors banging and even hooting as people are picked up to be taken home. Drunk people argue very loudly out in the street right below our bedroom and even in our porch. With later hours, the increased noise of departures at closing time will be more disturbing. The Kingfisher could become the 'last stop' destination for binge drinkers and pub crawlers from across the Axe Valley. Signs asking people to disperse quickly and quietly are ignored.
7. The hours applied for are long after a normal bedtime, and this could affect the health of the neighbours, who have a right to an undisturbed night's sleep. Children and working people have to get up early and should not have to have their sleep delayed or disturbed. This is particularly applicable on Saints' Days and Bank Holidays when the following morning is a normal working day.
8. Since the hours have already been exceeded - sometimes badly - on several occasions, we do not understand why this should be rewarded with such late extensions as a matter of course.

Light

9. Dazzling lights have been installed in the garden which shine over the wall into our faces. This would also continue as long as customers were using the garden and toilets.

Prevention of crime and disorder

1. Pub customers frequently drop rubbish in front of our building and in our parking area. Occasionally there has been broken glass or vomit. This mess created after closing time will get worse if the hours are extended, as people will be drunker making them less considerate.
2. To the rear, bottles and glasses are thrown over the wall into our garden, and this will also increase if people are more drunk.

General

1. We do not accept that this variation of the licence is necessary to prevent the failure of the Kingfisher under its current landlords because the turnover is too low. Nor is it at all the case that the current hours are so unattractive (i.e. too short) for their current clientele that it is putting them off from visiting the Kingfisher.
2. The homes and gardens adjoining the pub may only belong to a small group, but the licensing authority still has a duty to ensure we are not unduly affected by licensed activities, which we would be in this case. The balancing 'wider benefits to the community' are negligible or non-existent compared to the nuisance to the near neighbours.
3. Under the current licensees all types of disturbance have got worse. To a degree we have accepted this since it is good to see the business doing well, and no-one lives next door to a pub without expecting it to be merry and noisy at times. But the current application can no longer be seen as reasonable or considerate, and we now find ourselves forced to object. We have tried to be forbearing over the last year and not keep phoning the authorities, but this is not because we have not been suffering. In fact we had reached the last straw and were already planning to complain about the present situation. The idea that it should be encouraged to get even worse is alarming.
4. Section 3 of your own licensing policy refers to your duty to promote the four licensing objectives, and I

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

believe that granting these extensions of hours would be a failure in this duty.

Evidence:

Suggestion:

Please see representation for details of the many nuisance concerns. Restricted use of the garden, such as a complete cut-off time for its evening use, would address some of the worst of these, in combination with soft-closing doors on the toilets.

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Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: Emma Laughton
Dolphin House, Dolphin Street, COLYTON, Devon, EX24 6NA.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Re: Proposed Variation to Licensing Hours for the Kingfisher Inn, Colyton
Application Ref: 038475

Introduction

1. I wish to object to the application to extend the drinking and opening hours of the Kingfisher Inn. I have lived next door to the Kingfisher Inn for 25 years, working and bringing up a family, without problems until last year. Our house is joined to the pub building, and our back garden is adjacent to the pub garden. We accepted the ordinary noise of people socialising in the pub garden, playing skittles and enjoying a drink, and dispersing in the street, during the day and evening. The licensed hours allowed us to go to bed at a normal time and get a good night's sleep - until last year.

2. The Kingfisher under the new landlords obtained later licensed hours last year. This might have been manageable for us if they had obeyed their licence. However they haven't kept to their hours. People have been at the pub until 1.30 or 2.00 in the morning, disturbing us with their noise in the garden and when leaving at the front, even though the pub was supposed to shut at 11.30 or 12.30, depending on the day of the week.

3. We have been long-suffering, tolerant and slow to complain. Please don't underestimate the problem because of this. The situation reached the point where it was the last straw for us, and we had already decided to complain after the recent disturbances through much of December.

The licensing objectives

4. We already suffer from public nuisance and disorder/anti-social behaviour which contravene the licensing objectives, as follows. (EDDC policy 3.4.1 and 3.4.3). Some of these problems will get much worse if the longer hours are granted.

5. Noise nuisance

a. We can't escape anywhere in our house or garden from the raised voices of pub customers talking, shouting, singing and arguing, only yards from our windows at the front and the back. We can't be sure of escaping this in the middle of the night in any of our bedrooms. We hear the outside loo doors banging loudly in the garden and taxi doors banging at the front. People loiter in the porches of our house and shop, shouting loudly outside our bedroom window in the middle of the night. The noise nuisance far into the night is much the worst problem, and this is the one which will become even worse still if the hours are extended.

b. Another noise nuisance problem comes from their rubbish collection truck at 6.00 am every Wednesday, which makes a very loud prolonged racket just below our bedroom window and often wakes us up out of deep sleep. We think their rubbish collection should be covered by the requirement to take place at reasonable times during the day, the same as their deliveries have to.

c. Another noise nuisance comes from their cooling system which is sited on the top of their restaurant roof, very close to one of our bedroom windows. It goes on and off continuously all day and night, and the noise it makes in the otherwise silent dead of night means that we cannot ever sleep with the bedroom window open, however stuffy it is in summer.

6. Light nuisance

The pub garden now has many very bright floodlights installed which shine into our house and garden, dazzling us unpleasantly so that we can't enjoy our garden, but encouraging customers to stay out in the garden making a noise.

7. Odour nuisance

The applicants have recently installed new chimney flues, one of which is very near our kitchen window and the main seating area in our garden. The top level of the flue is well below the height of surrounding roofs, which together with the unsuitable cowl at the top of the flue means that the constant smoke often does not rise when it escapes from the flue, but instead blows down and across to us, filling the garden with unhealthy and unpleasant smoke pollution for long periods.

8. Crime and disorder

We suffer from disorder including bottles being thrown from the pub garden into our garden, as well as bottles, glass, rubbish and vomit to deal with on our doorstep at the front. This anti-social behaviour will get worse if people are staying later and drinking more.

Further issues related to the four licensing objectives and EDDC policy

The duties of the landlords

9. As already stated, the landlords have kept the pub open many times significantly later than their present licence allows. They have an extremely noisy collection every week at 6.00 am despite the conditions on their present licence. They have taken no particular measures to prevent bottles being thrown into our garden from the pub garden (3.4.1). We have never seen them attempt to keep the noise in the beer garden down to reasonable levels, especially late at night (3.4.3). In our opinion therefore the management of customers and the quality of supervision and surveillance are not adequate or effective enough (3.4.1).

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It is not right for the applicants to be rewarded with further extensions to their hours when they have been flouting the present terms of their licence, particularly regarding permitted opening hours.

10. Applicants are required to address the licensing objectives in their operating schedules having regard to the nature of the location and the needs of the local community as well as the lateness of the hours (3.4, 6.2 and 12.6). They are required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The prevention of public nuisance can include low-level nuisance affecting a few people living locally (19.1). Later opening hours for the pub will increase the already unreasonable and sometimes intolerable noise nuisance at night, yet the applicants have offered no suggestions at all in their application for mitigating the additional effect on the neighbourhood.

The Authority's duties under the Licensing Act 2003

11. The Authority has a duty to promote the four licensing objectives (3.1), taking into account all relevant factors. I believe that an objective consideration of all factors should lead the Authority to turn down the application. In addition to the problems already mentioned, I would ask the Authority to consider the following points:

12. The authority recognises (Foreword page 3) the needs of residents for a safe and healthy environment in which to live and work. Noise nuisance late at night can cause serious sleep deprivation which is very bad for health. The nuisance is already a problem for us, and later licensed hours will make it worse.

13. The Authority's policy is that licensed hours beyond midnight require higher standards of control, especially in or near residential areas (6.1). The present application is for hours in a residential area which will be beyond midnight on every day of the year, and much later at weekends. Hours until 1.30 am have been requested not only at weekends, but on a substantial number of other nights too, many of which will be nights followed by a working day. The control of noise nuisance from the pub is already inadequate, so I ask what safeguards and higher standards of control will deal effectively with the proposed later hours?

14. The present closing times are not artificially early, and do not create a particular problem with last-minute bingeing and additional disturbance that would be solved by later hours (Guidance page 16).

15. The Authority must balance the potential for limited disturbance in a particular neighbourhood against any wider benefits to the community which may result from granting an application (12.8). I do not agree that granting later hours would create any significant benefit to the community which could outweigh the serious harm to a number of people living around the Kingfisher.

a. This is not a suitable location for city-centre style night life. The proposed new times are out of character in a quiet residential area of a village and unreasonably late because of the noise nuisance at night and the sleep deprivation it causes. Drinking, nuisance and disturbance into the middle of the night is a disbenefit to the wider community, not a benefit.

b. The noise nuisance at night can have an adverse economic effect on tourism by affecting people trying to sleep in the nearby bed and breakfast establishments.

c. It is good that the pub is doing well now, and I'm happy to see the pub thrive, provided that the legitimate expectations of neighbours are respected. A thriving and well-run pub is a benefit to the community. However I do not accept that the Kingfisher needs such late hours in order to succeed and stay in business. There is no evidence that they are in danger of going out of business. That being the case, the later hours would not provide any significant additional benefits to the wider community at all. The later hours would merely (potentially) provide for the additional financial advantage of the landlords, which is not the same thing.

Conclusion

16. The applicants have done nothing to show that the proposed hours would not adversely affect the licensing objectives. I suggest the exact opposite, that the impact on the neighbours would be disproportionate and unreasonable (19.1), without providing any significant extra benefit to the wider community, and that therefore it is necessary, proportionate and reasonable for the Authority to turn down the application (6.4).

Evidence:

Suggestion:

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: Brian Carroll
6 Bulls Court, COLYTON, Devon, EX24 6NB.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Our property backs onto the garden of the Kingfisher Pub in Colyton, and we are writing concerning the proposed variation in Licensing hours.

Living this close to Licensed premises we accept it is inevitable that there will be a certain amount of ongoing disturbance/noise associated with the outside areas of the pub. We have been tolerant of abnormal levels of noise and lighting late into the evening, since at present this only happens on occasion. However, the proposed changes to basically lengthen the opening hours until 12.30 am during the week, and 1.30 am on Fridays/Saturdays (with additional hours on Bank Holidays and other designated days) appears excessive.

Currently on occasions we have been kept awake late into the night by noise and the flood lighting in the pub garden, although we have never complained about these events. In our opinion with the proposed changes, there would be a significant probability that these adverse events would occur on a more frequent basis. It is likely that these proposed variations in opening hours, would have a negative impact in a residential area.

As a consequence we would like to raise our objection to the proposed changes, since we believe they would have a detrimental impact.

Evidence:

Suggestion:

Person making Representation: Elaine Carroll
6 Bulls Court, COLYTON, Devon, EX24 6NB.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Our property backs onto the garden of the Kingfisher Pub in Colyton, and we are writing concerning the proposed variation in Licensing hours.

Living this close to Licensed premises we accept it is inevitable that there will be a certain amount of ongoing disturbance/noise associated with the outside areas of the pub. We have been tolerant of abnormal levels of noise and lighting late into the evening, since at present this only happens on occasion. However, the proposed changes to basically lengthen the opening hours until 12.30 am during the week, and 1.30 am on Fridays/Saturdays (with additional hours on Bank Holidays and other designated days) appears excessive.

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Evidence:

Suggestion:

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: Zelda Rhodes
The Nourse, Dolphin Street, COLYTON, Devon, EX24 6NA.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We are writing to inform you of our objection to application 038475 where the Kingfisher Inn propose to extend their hours of sale of alcohol and opening hours on the basis that thus far they have not met all of the public nuisance licence objectives.

Choosing to move next to The Kingfisher, we anticipated we would experience some noise within the licensed opening hours and accepted that up until 11pm there would most likely be noise from the beer garden especially during the summer months. We also accepted that we would hear noise from the skittles alley when scheduled matches are played. However since The Kingfisher changed hands in 2014 we have experienced a drastic increase in nightly disturbances, that we previously never encountered. Our concern has been the noise levels later into the night, the amount of out of hour's activity and the general lack of consideration shown for the neighbours.

Please see attached plan, as you will see The Kingfisher is in a highly residential area surrounded closely by houses, the garden is a predominantly paved courtyard enclosed on three sides which further increases the noise levels. As more alcohol is consumed people's voices increase in volume. It only takes a couple of people to produce excessive noise.

As reasonable people we wanted to give the new licensees time to settle in and have not complained about every single disturbance. We have approached them directly on one occasion regarding noise nuisance and formally complained to the licence department at the time. Unfortunately after many months we still experience noise late at night and after hours on a regular basis and little consideration has been shown for the neighbours thus far.

Please find to follow a list of the public nuisance issues we have experienced:
(Please note evidence of only one temporary events licence December 2014).

July 2014

A local singing group met weekly in the beer garden. They practised the same songs over and over, singing at the tops of their voices until very late (past opening hours on one occasion).

24th July 2014 - local singing group practising same songs from 8pm -11.45pm in the beer garden. David Rhodes got out of bed 11.45pm and complained to Lucy Dack.

25th July 2014 - called the licence department who logged the issue. Contact: Steve Saunders.

25th July 2014 - David Rhodes went back to The Kingfisher to discuss the issue again. Singers were asked to practice inside from then on but we could still hear them.

Summer 2014 onwards

The Kingfisher has allowed people into the beer garden until very late at night and past opening hours. On occasion there have been parties with loud music late into the night, skittles being thrown very late at night with loud cheering. It was a very hot summer where we were unable to open our bedroom windows on numerous occasions due to the noise levels, even with the windows shut the noise penetrated. As residents we believe we have the right to fresh air and a peaceful night's sleep.

2015

More recently we have been awoken to the sound of Pink Floyd and the Eagles playing at 1.30am on a couple of occasions. There has been an occasion of vomit on our driveway which we understand from other neighbours was the same time there was vomit outside the pub.

Public nuisance - other ongoing

Bottles from the evening are cleared away and thrown in the bin late at night rather than the next morning at a more civilised time.

The air conditioning unit is fairly loud.

The dog is let outside very late at night after closing and proceeds to bark constantly.

The licensees have clearly been in breach of the licence objectives thus far and The Kingfisher has become a public nuisance. On this basis we cannot see any reason why The Kingfisher should be granted an extension to their hours and we strongly object to an extension. We would like evidence especially over spring and summer 2015 that they can adhere to the current licence objectives and address the current issues raised. We have attached a document produced by another council that may be of interest.

We understand the importance of a thriving local pub for the community, are glad that it is popular again, we wish the owners success but not at the cost of the neighbourhood. We are also sure that with responsible management there are solutions to some of the issues raised by the neighbours but we strongly disagree to the extension of hours.

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Evidence: Plan (attached)

Make it quiet night document (attached)

Suggestion:

Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Person making Representation: David Rhodes
The Norse, Dolphin Street, COLYTON, Devon, EX24 6NA.

Representation Accepted: Representation has been accepted

Reason: N/A

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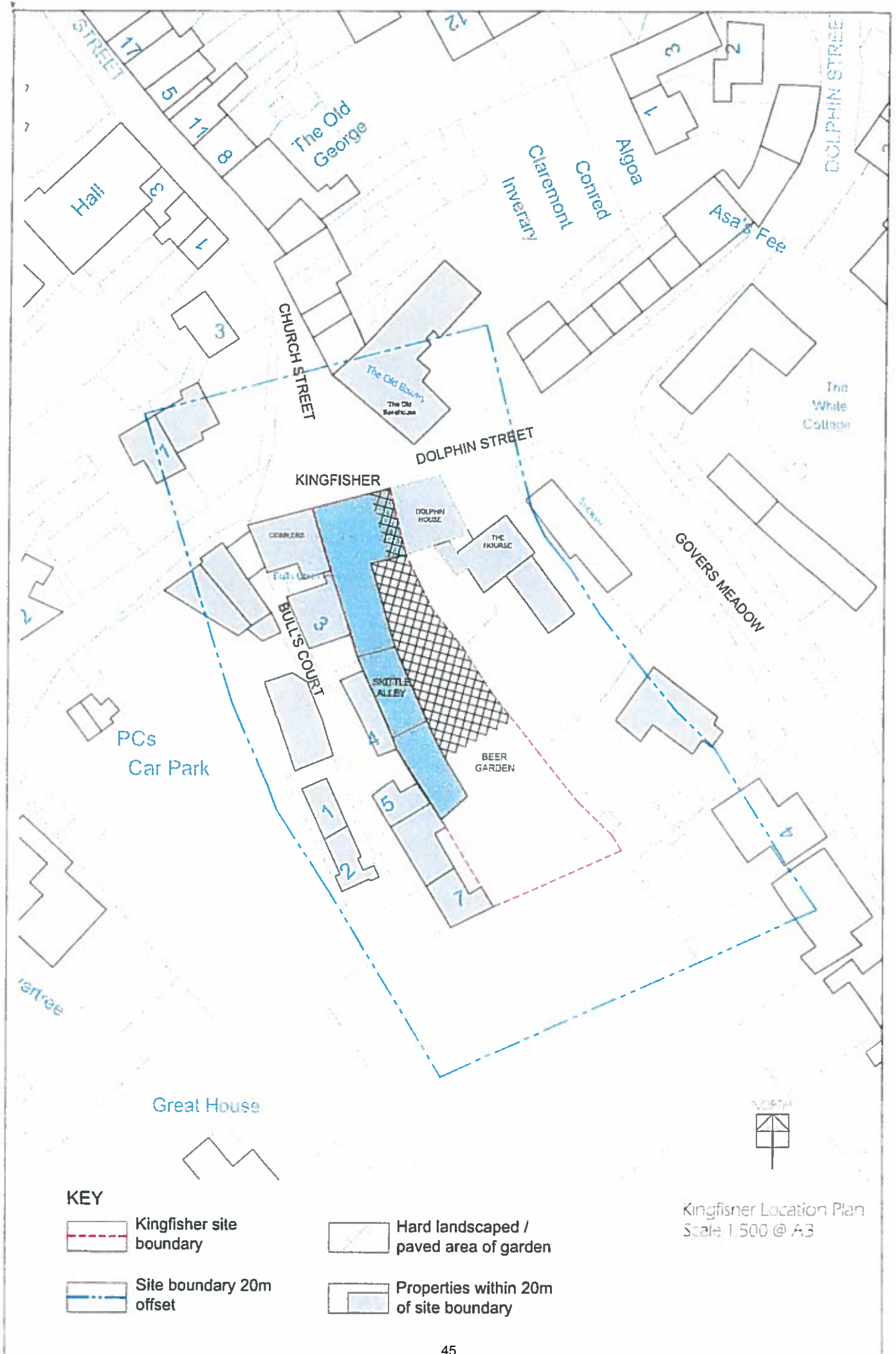
Application No: 038475

Premises: Kingfisher Inn (The)
Dolphin Street, COLYTON, Devon, EX24 6NA.

Evidence: Plan (attached)

Make it a quiet night document (attached)

Suggestion:

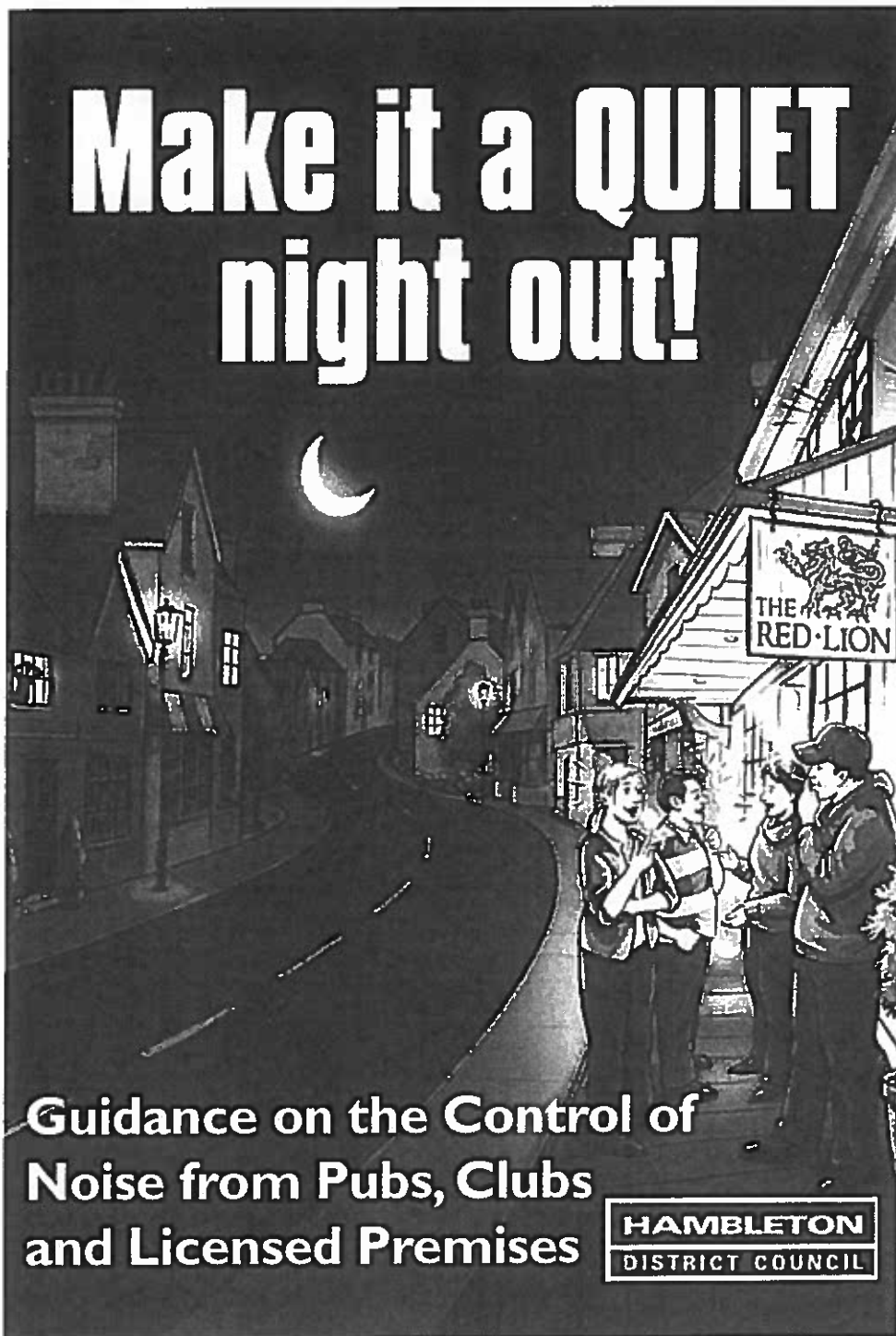


KEY

-  Kingfisher site boundary
-  Site boundary 20m offset
-  Hard landscaped / paved area of garden
-  Properties within 20m of site boundary

Kingfisher Location Plan
Scale 1:500 @ A3

Make it a QUIET night out!



**Guidance on the Control of
Noise from Pubs, Clubs
and Licensed Premises**

**HAMBLETON
DISTRICT COUNCIL**

Entertainment in pubs and clubs is a traditional and important part of community life. It brings business for the licensee and for the local economy.

However, noise disturbance from licensed premises is a common cause of complaint by residents of Hambleton District Council. Complaints can arise from a variety of different sources such as loud music, use of beer gardens, smoking shelters, raised voices, deliveries, and mechanical extract ventilation.

Residents living near to licensed premises should expect a certain amount of disturbance but not to the extent that it causes them a noise nuisance. Modern amplification systems and music styles make noise an increasing problem. Some premises may be open longer and later than they used to be, whilst the introduction of the smoking ban has created additional problems of people entering and leaving the premises throughout the night. However, effective management can resolve these problems and ensure licensing conditions are met.

This information leaflet will assist you in complaint resolution and help you maintain a good relationship with your neighbours.

How to carry out a noise assessment

In preventing noise nuisance it is essential that the location, equipment and structure of your premises are suitable for the intended entertainment. In some areas, existing background noise levels will be very low and will reduce further during the night. Any noise created by licensed activities will seem louder and are more likely to disturb neighbours, especially when they are trying to sleep.

To fully understand the impact your premises has on local residents you will need to carry out a noise assessment. This is very simple. Several times during opening hours - especially during the night or before closing - go outside and walk around the perimeter of your premises and to the boundary of the nearest noise sensitive property.

If you can hear noise from entertainment, singing, voices etc it is likely your neighbours will be hearing the same noise and complaints may follow. Try to determine the source(s) of noise heard and how it is escaping from the premises. Remember that if you have been subject to loud music for an hour or so, your hearing will not be as sensitive and noise levels can easily be underestimated. As part of the assessment also speak to your neighbours, who may be able to give you a valuable insight as to when specific noise problems occur.

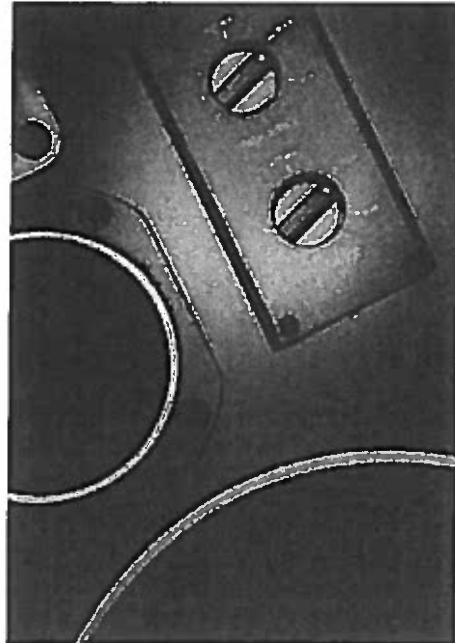
Once the assessment is complete consider how the controls overleaf can reduce noise levels to an acceptable level then repeat the assessment.

A realistic noise assessment may show that your establishment is not suitable for the type of entertainment or hours of operation you wish to operate, due to the likelihood of noise disturbance. In this case you may wish to employ the services of a noise consultant to carry out a more detailed assessment. The Council can provide a list of local providers of this service.



Control of Music Levels

- The louder the music is the louder it will be outside. Reduce and set volume levels on the amplification system.
- Music is made up of many different frequencies. Low frequencies or bass noise, travel easier through surrounding structures i.e. windows and walls, without being absorbed and will more likely be heard outside. Reduce the bass levels on the music amplification system.
- The best way to permanently control music levels is to install a noise-limiting device. There are a variety of systems available and you need to ensure that you get the right one for your business. The device is set at a maximum noise level - chosen to ensure that noise cannot be heard outside or at nearby noise sensitive properties, and the system is then locked. Music played through this device will not be permitted to exceed this preset level. If the music levels start to increase a warning light will be triggered to warn the DJ to reduce the volume. If levels are not reduced the power is cut off and the music stopped. This is a good idea if you have regular or different types of entertainment such as; karaoke, DJs or live bands.
- Correctly position the speakers. Ideally they should not face any windows, external doors or within conservatories where music can escape outside. It is better to have lots of smaller speakers "dotted" around that can be individually controlled rather than one large powerful speaker. The allows music volume from speakers next to windows or doors to be reduced.



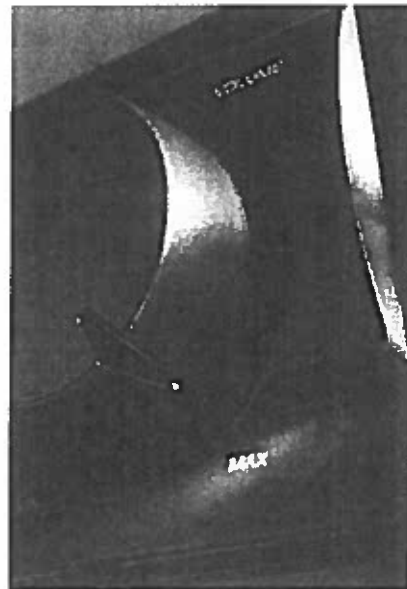
Remember the Noise at Work Regulation 2005 also apply to your premises. An information leaflet on this subject is available from this department.

Structural Adaptations

Sometimes adaptations to the structure may be needed to prevent noise escaping. You may wish to consider:

- Upgrading windows to double or acoustic glazing will help contain more noise.
- Remember that if windows are open or even ajar, noise will escape regardless of the type of glazing you have. Ensure windows are kept closed during entertainment events or kept locked to prevent opening.
- The provision of air conditioning units or mechanical ventilation will avoid the need to open windows in warm stuffy environments. Mechanical ventilation units need to be positioned correctly and may require acoustic baffles to prevent creating further noise problems.
- Consider creating an enclosed lobby to external doors. This allows people to enter through the first door which will close behind them before opening the second door, therefore containing the sound.
- All external doors and emergency exits should be close fitting or acoustically sealed to prevent noise escaping.

If your premises share a party wall, floor or roof with a residential property specific sound insulation works to upgrade walls and ceilings to stop the transmission of noise may be necessary. You may need to consult the Fire Officer, Building Control Service or an acoustic specialist. It is important NOT to place speakers, TV units etc onto party structures, as noise will be transmitted directly through into the adjoining property. Keep loudspeakers away from party walls and place on an absorbent material e.g. acoustic, rubber mats which will minimise noise transmitted through the floor. Speakers can also be hung from the ceiling.



Beer Gardens, Outdoor Areas and Smoking Shelters

Careful consideration should be given to the siting of gardens, play areas, smoking shelters and barbecues to minimise potential nuisance to local residents. The main concern for noise will be during the night but, depending on the circumstances, location and extent of your operations, day time noise may also become a problem, e.g. children's play areas.

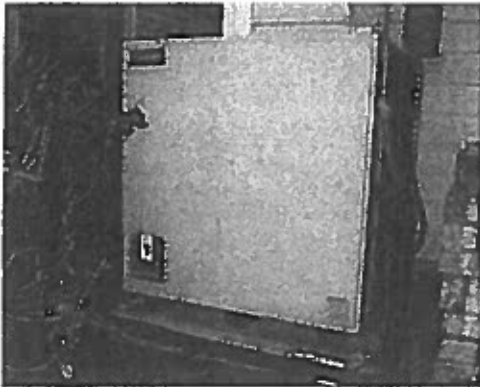
- Careful positioning of outside areas is required. For example, if you place a smoking shelter in the direct line of vision to a residential property then noise will travel directly there. Placing the smoking shelter behind a structure / building will allow some of the noise to be absorbed. Close boarded fences and brick walls can be used in a similar way but you need to consider bedroom windows. Planting of trees offer no reduction in noise levels however it does provide a psychological barrier reduction. Smoking shelters should be sited as far away from houses and gardens as possible.
- Avoid loose gravel paths and timber decking which can create more noise than paving stones. Attach rubber feet to chairs and tables to prevent noise from scratching noise against a stone floor.
- Raised voices from people using a beer garden can easily cause noise problems and these areas need to be carefully managed. Signs should be put up at exits and in beer gardens advising people to be considerate. Also consider restricting or supervising the number of people using these areas, and discourage use after dark i.e. provide only minimal lighting and remove seating or heating.
- If complaints from residents are received you may have to limit the use of these areas and prevent access. A good curfew to apply is 9pm, when it is likely people, especially children, will be using their bedrooms. This will depend on circumstances and location so speak to your neighbours to find out what is suitable.
- Do not permit the use of loud speakers in outside areas.
- Control your customers when they leave. Rowdy behaviour and raised voices in the street can lead to complaints. Try reducing the volume or changing the type of music towards the end of the evening or even stopping 30 minutes before closing time. Encourage customers to leave in small numbers, discourage loitering around the premise or even offer to phone for taxis. Consider how your customers leave and whether there is a different exit they could use which does not go directly past residential properties. Place signs on the exits asking customers to leave quietly or even relay a similar message through the public address system. Door staff should assist in minimising disturbance by actively managing entrances and exits.

Deliveries and Bottle Storage Areas

Deliveries and collections are noisy, eg. the refrigeration units on delivery vehicles, the changing of barrels, rattles of bottles and collection of refuse. The most effective way of minimising impact is to ensure they take place at reasonable times ie. between 8am and 6pm, or provide adequate internal night time storage to prevent having to go outside.



Plant and Machinery



When purchasing new plant or machinery such as chiller units, air conditioning or extract ventilation systems you need to consider the noise output and how and where it will be positioned or fixed. Chiller units may be required to work throughout the night and noise levels which seem reasonable during the day may not be reasonable at 2am in the morning. Ideally plant or

machinery should be sited in such a way that the building structure provides as much screening as possible for the neighbours. If this is not possible controls such as timers, silencers or acoustic enclosures can be used. Seek specialist advice from the installer, manufacturer or an acoustic specialist. Regular maintenance of these machines is essential to ensure noise levels are kept to a minimum. You may need planning permission to install new plant or equipment.

Enforcement Controls

Please enjoy your entertainment, along with your customers, but remember – other people wish to enjoy their homes and gardens and ultimately the following controls can be used:

The Environmental Protection Act 1990 places a duty on the Council to investigate complaints of noise nuisance. If a noise is found to be causing a statutory noise nuisance by affecting the health or materially interfering with the use and enjoyment of a neighbouring property then a legal notice will be served on the person responsible, requiring the abatement of the noise. Failure to comply with the notice can result in a fine of up to £20,000.

The Licensing Act 2003 requires that the activities of a licensable premise must prevent public nuisance. In submitting a license application you will have been required to detail how you intend to achieve this. If complaints of nuisance are received and are shown to be justified your license may be reviewed, revoked or have conditions attached to prevent further nuisance. If you fail to meet the conditions of your license then you may be prosecuted.

The Anti-Social Behaviour Act 2003 allows a local authority to make a 24 hour closure order if it is believed that public nuisance is being caused by noise from licensed premises, and their closure is necessary to prevent the nuisance.

The Noise Act 1996 allows a local authority to serve a fixed penalty notice of £500 where noise from a licensed premises exceeds a permitted level in a domestic property.

If you require any further advice or information please contact:

**Environment Unit, Hambleton District Council, Civic Centre,
Stone Cross, Northallerton, DL6 2UU.
Tel 0845 1211 555 www.hambleton.gov.uk**

A large print version of this leaflet is available



The Civic Centre is accessible to people with a wide range of disabilities.

The Kingfisher Inn – Responses to Notice of Hearing

Applicant

Mr Mark David Dack & Mrs Lucy Ann Dack	
Hearing Unnecessary	N/a
Attending	Yes – Mr & Mrs Dack
Supporting documents	None
Summary of key points	None

Responsible Authorities & Interested Parties

1.	Miss M Clark, 2 Bulls Court, Colyton, EX24 6NB	
Hearing Unnecessary	No (verbal response)	
Attending	No (verbal response)	
Supporting documents	None	
Summary of key points	No	
2.	Mr R Laughton, Dolphin House, Dolphin Street, Colyton, EX24 6NA	
Hearing Unnecessary	No	
Attending	Yes	
Supporting documents	Yes : Photo of shot glass thrown onto our arbour. Bottles thrown over have since gone to the bottle bank.	
Summary of key points	Yes:	
Prevention of Crime and Disorder	Glass and other detritus in our garden and in front of our premises increases with increased drunkenness. Please see representation letter.	
Prevention of Public Nuisance	1. Pub garden next to ours too noisy too late – shouting, singing, banging doors. 2. Noise at closing time out front – cars, disputes, long conversations. Both affect our sleep and force us to shut windows on hot summer nights. 3. Dazzling lights from toilet and garden on too late. Please see representation letter.	
3.	Mrs E Laughton, Dolphin House, Dolphin Street, Colyton, EX24 6NA	
Hearing Unnecessary	No	
Attending	Yes	
Supporting documents	Yes: 1. Letter to the chairman of Colyton Parish Council 12 March 2015. 2. Photo of shot glass thrown into our garden from the Kingfisher.	

<p>Summary of key points</p>	<p>Yes:</p> <p>Please refer to my representation of 3rd March 2015, and letter to the Chair of the Parish Council of 12th March which I enclose today as an additional document in support of point 11 below.</p>
<p>Prevention of Crime and Disorder</p>	<p>1. We suffer from anti-social behaviour by pub customers, who sometimes leave rubbish or vomit outside our front door, and throw glasses and bottles from the pub garden into our garden next door (see enclosed photo). With longer hours there will be more drunkenness and this will get worse.</p>
<p>Prevention of Public Nuisance</p>	<p>1. We live next door and already suffer considerable noise nuisance at the front and back of our house (shouting, singing, arguments, loo doors and small gate banging, taxi doors banging and engines running). 2. With longer hours this will go on later. 3. The noise continues later into the night than it should already. This can prevent us from getting to sleep and/or wake us up. This is already serious on some nights and is likely to get worse. The noise also prevents us from opening bedroom windows on hot summer nights, which makes sleeping even more difficult. 4. Sleep deprivation is a serious health issue as well as causing exhaustion and depriving us of peaceful enjoyment of our home. 5. We suffer light nuisance from the very bright floodlights which dazzle us, and this will continue later. 6. We suffer several other nuisances which would probably not be changed by this application. 7. The landlords are not controlling the customers or the noise nuisance effectively at the moment, nor have they offered any measures in their application to control them better. 8. The application will take the open hours beyond the midnight watershed every single day, and much later still every weekend and many other days. This will cause unreasonable nuisance in a residential area of a village where many near neighbours are trying to sleep. 9. The EDDC policy states that hours after midnight require higher standards of control to prevent nuisance, so the application should not be considered unless such higher standards will be put in place. 10. We wish the applicants well and want the Kingfisher to continue to succeed, but not at any cost to the neighbours. The additional noise nuisance far into the night from later hours is a change in the character of a small, quiet community. It is a disadvantage which outweighs any marginal benefit to the community as a whole resulting from drinks being sold late in the night. 11. Any representation already received from Colyton Parish Council in favour of the application should be disregarded for two reasons: a. Their dealings with the matter flouted due process by suppressing complaints from local residents, specifically about the noise nuisance. b. Natural justice was contravened because the application was supported at the February Council meeting in the absence of any knowledge of neighbours' views.</p>

APPENDIX E

4.	Mr B Caroll, 6 Bulls Court, Colyton, EX24 6NB	
Hearing Unnecessary	Yes. Mediated position.	
Attending	No	
5.	Mrs E Caroll, 6 Bulls Court, Colyton, EX24 6NB	
Hearing Unnecessary	Yes. Mediated position.	
Attending	No	
6.	Mrs Z Rhodes, The Nourse, Dolphin Street, Colyton, EX24 6NA	
Hearing Unnecessary	No	
Attending	No	
Represented by	Mr David Rhodes (husband) The Nourse, Dolphin Street, Colyton, EX24 6NA	
Supporting documents	None	
Summary of key points	Yes:	
Prevention of Public Nuisance	<ul style="list-style-type: none"> - Noise nuisance from beer garden and skittle alley and - Out of hours activity disturbs late at night - Extension of hours will only exacerbate the noise in beer garden and skittle alley - Unreasonable and object. 	
7.	Mr D Rhodes, The Nourse, Dolphin Street, Colyton, EX24 6NA	
Hearing Unnecessary	No	
Attending	Yes	
Supporting documents	None	
Summary of key points	Yes:	
Prevention of Public Nuisance	<ul style="list-style-type: none"> - Noise nuisance from beer garden and skittle alley - Out of hours activity - Extended opening times unreasonable in densely packed residential area 	



Dolphin House, Dolphin Street, Colyton, Devon, EX24 6NA
[REDACTED]

Mr A Parr
Chairman, Colyton Parish Council
Feoffees Town Hall
Market Place, Colyton, EX24 6JR

cc: the Colyton Parish Councillors

12th March 2015

Dear Andrew

Re: The Kingfisher Inn, Premises Licence Variation Application No: 038475

Together with my husband Roger, I wrote to the council c/o the clerk regarding the Kingfisher on 18th February. In case you still haven't seen the letter, I enclose a copy for you. As residents we have a right to expect that our letter to the Parish Council on a serious public matter will be distributed to the councillors, read by them, and discussed at a council meeting. We should not expect our letter to be ignored and binned.

At the council meeting on Monday 9th March I asked whether any of the councillors had read all the letters and emails from neighbours of the pub. As you know, this was met with completely blank silence from everyone. Ludicrously, I was then asked how many letters and emails there were, as if I could know exactly what the council receives. So I asked an even simpler question, had any of the councillors read my own letter specifically? Only Councillor Sheila Smith said that she had received it personally from me and read it. All the rest of you sat there in complete confusion in response to a basic honest question, without making any reply at all. No-one was willing to say they had read it, or they hadn't read it, or to ask me anything about it or to make any other comment whatsoever.

The parish clerk emailed me on Tuesday 10th March (enclosed). Since the councillors were unable or unwilling to confirm or deny that they had read the letter, obviously the clerk can't tell me which ones of them might have done so. She can't possibly "clarify" the position, and in fact she obfuscates it. She says that she printed the letter, listed it on the agenda for the planning meeting on 23rd February, and brought it to the meeting. She says that a minute confirms that it was "noted" by the councillors. None of this actually means that the letter was given to the councillors, read or discussed – and in fact it wasn't. Sheila Smith will confirm that she wasn't given the letter and it wasn't discussed. She only read it because she received it from me subsequently. The clerk has no right to suppress correspondence in this way. It's also completely unacceptable for the clerk to write fantasy minutes as she has done, and they must be corrected at the next meeting.

Of course, a licensing matter is not really a planning matter, and the correspondence about the Kingfisher should have gone to the full council meeting on 9th March anyway. Sheila asked the clerk to put it on the agenda for the council meeting and the clerk refused, citing that the matter had been discussed in February. However as you know, the council discussed the Kingfisher application with no reference at all to the views of neighbours, which were unknown to them. Subsequently the council received at least three written complaints about the application (see below), and it automatically had a duty to consider them. The councillors also have a right to have matters included in the agenda for the council meetings, and the clerk has no right to obstruct Sheila on this.

I must ask you in particular as chair whether you received and read my letter. If you did, why did you say nothing at the meeting on 9th March when you were asked directly? If you did not, you must surely be very concerned that letters sent to the council have been concealed from you by the clerk.

P.T.O.

Margaret Clark emailed you concerning the Kingfisher, and you replied on 17th February. You also received an email from Frances McCarthy on 24th February (enclosed), expressing her grave concerns and her wish that the parish discuss them. These emails were sent to you as leader of the council regarding council matters, so did you make them available to the other councillors? If not, why not? You wrote to Margaret: "it would be very helpful if you could write to the clerk with your objections so that it can go on the agenda for discussion". This is precisely what Roger and I did, since you encouraged and promised us that our letter would go on the agenda. So, when will all this correspondence be discussed by the council, as promised and as is our right?

The clerk also sent my letter on to the licensing authority (as she says in her email). I was amazed that she would forward my letter without asking me. You could hardly make this up – my letter to the councillors is not given to them but is sent elsewhere without my permission instead! This is completely improper. The clerk has failed on several counts to carry out her duties according to proper procedures. She has withheld our letter, blocked the council agenda and exceeded her authority. These are serious failings. She should be reprimanded and I expect a written apology.

I look forward to hearing from you in reply.

Yours sincerely

Emma Laughton

Encs Letter from Emma and Roger Laughton to the Parish Council 18.02.15
Email from Frances McCarthy to Andrew Parr 24.02.15
Email from the Clerk to Emma Laughton 10.03.15 with chain of emails included

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003 Premises Licence Summary

PLWA0273

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

Colcombe Castle Hotel(The)

Market Place, COLYTON, Devon, EX24 6JS.

Telephone 01297 552257

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- 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
C. Indoor sporting event	Monday to Saturday	7:30pm	11:30pm
	Sunday	7:30pm	11:00pm
E. Performance of live music (Indoors)	Monday to Thursday	7:30pm	11:30pm
	Friday & Saturday	7:30pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Thursday	10:00am	Midnight
	Friday & Saturday	10:00am	2:00am
	Sunday	11:00am	11:00pm
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday	10:00am	11:30pm
	Friday & Saturday	10:00am	1:30am
	Sunday	10:00am	11:00pm



Licensing Act 2003 Premises Licence Summary

PLWA0273

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	10:00am	Midnight
Friday & Saturday	10:00am	2:00am
Sunday	11:00am	11:30pm

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Pamela Kathleen Haines
Alison Jayne Ogden

The Colcombe Castle, Market Place, COLYTON, EX24 6JS.
[REDACTED]

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

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

Alison Jayne OGDEN

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

Not applicable



Rachel L Pocock

Corporate Legal and Democratic Services Manager

Licensing Act 2003 Premises Licence Summary

PLWA0285

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

Gerrard Arms

St Andrews Square, COLYTON, Devon, EX24 6JN.

Telephone 01297 552588

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
	2 January extended hours apply only in any year when 1 January is a Sunday.		
E. Performance of live music (Indoors)	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
27 December	10:00am	1:00am	



Licensing Act 2003 Premises Licence Summary

PLWA0285

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

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	continued ...		
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
	2 January extended hours apply only in any year when 1 January is a Sunday.		
F. Playing of recorded music (Indoors)	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
	2 January extended hours apply only in any year when 1 January is a Sunday.		
I. Late night refreshment (Indoors)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	1:00am
	Good Friday	11:00pm	1:00am
	Bank Holiday Mondays	11:00pm	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	11:00pm	1:00am
	27 December	11:00pm	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	11:00pm	1:00am
	2 January	11:00pm	1:00am
	2 January extended hours apply only in any year when 1 January is a Sunday.		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
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East Devon District Council
 Knowle
 Sidmouth
 Devon
 EX10 8HL
 DX 48705 Sidmouth
 Tel: 01395 516551
 Fax: 01395 517507



Licensing Act 2003
Premises Licence Summary **PLWA0285**

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	9:00am	12:30am
Friday & Saturday	9:00am	1:30am
Good Friday	10:00am	1:30am
Bank Holiday Mondays	10:00am	1:30am
Applies to Easter, May, Spring and August Bank Holiday Mondays.		
Christmas Day & Boxing Day	10:00am	1:30am
27 December	10:00am	1:30am
27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
New Year's Day	10:00am	1:30am
2 January	10:00am	1:30am
2 January extended hours apply only in any year when 1 January is a Sunday.		

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

David John Randall	Gerrard Arms, St Andrews Square, COLYTON, EX24 6JN.
Karen Julie Randall	Gerrard Arms, St Andrews Square, COLYTON, EX24 6JN.

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

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

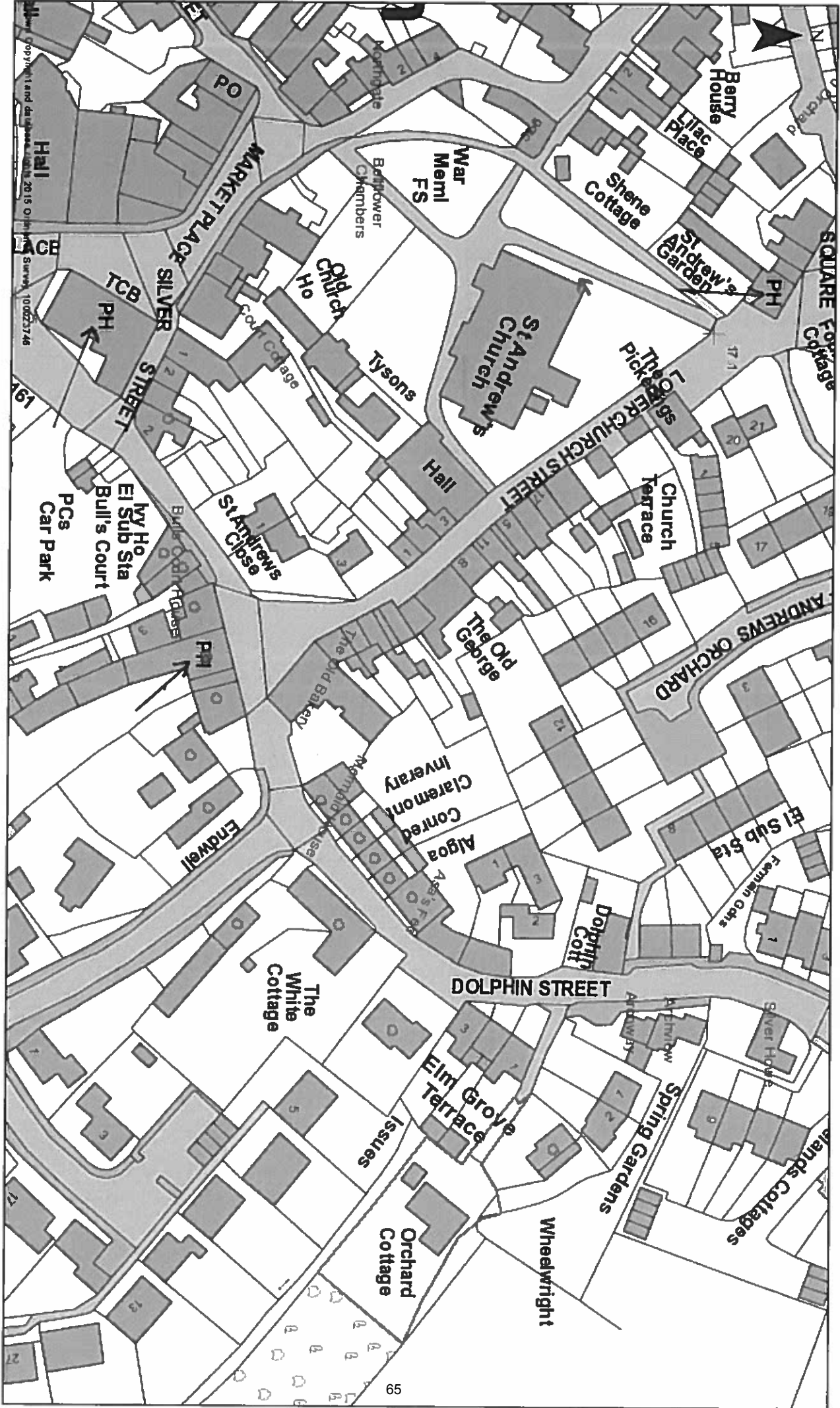
David John RANDALL

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

Not applicable

R. L. Pocock
Rachel L Pocock
 Corporate Legal and Democratic Services Manager





Location Plan

1:1,089

APPENDIX G

AGREED POSITION

1. The floodlighting in the Boules area at the top of the rear beer garden will be turned off by 11pm every night of the week.

Appendix H



The Kingfisher Inn
Licensing sub Committee
8 April 2015

1:1,321

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

Date of Meeting: 8 April 2015

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 7

Subject: **Determination of an application to licence a Hackney Carriage vehicle which does not comply with the Council's vehicle age policy**

Purpose of report: It is the district council's policy that on initial licensing as a hackney carriage a vehicle shall not be more than four years old from the date of first registration as shown on the registration document and shall not normally be licensed in the case of ordinary cars beyond eight years old, and purpose built hackney carriages (as so described in the registration document of the vehicle) beyond ten years of age. Those vehicles continuing to be licensed of a greater age shall be licensed subject to a satisfactory test certificate being obtained every six months.

Recommendation: That the Sub Committee considers the application to licence a 4 year and 5 month old Vauxhall Zafira Elite car, registration number CK60 JMX as a hackney carriage vehicle and determine whether to refuse the application or make an exception to the District Council's vehicle age policy and agree to licence the vehicle. The vehicle falls outside of the criteria as agreed by Council as it is over four years old from date of registration..

Reason for recommendation: To ensure that vehicles licensed with this authority meet a high standard of passenger safety and comfort and are fit to carry out the work that is required as a hackney carriage.

Officer: Steve Saunders, Licensing Officer, Ext. 2014
Direct Dial: 01395 517411, Email: ssaunders@eastdevon.gov.uk

Financial implications: There are no financial implications in this report. If the applicant appeals against the decision made there may be a possibility of court costs.

Legal implications: The legal implications are contained within the report.

Equalities impact: Low Impact
[Click here to enter text on impact level relating to your report. Link to an equalities impact assessment form if necessary.](#)

Risk: Low Risk

Links to background information:

- Minutes of Tourism and Transportation Committee, March 1994
- Hackney Carriage application for vehicle CK60 JMX 10 March 2015

Link to Council Plan: Living in, working in and enjoying this outstanding place

Report in full

Main Body of the Report

- 1.1 The licensing of hackney carriages is the responsibility of the council and is governed mainly by legislation under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 Section 47 Local Government (Miscellaneous Provisions) Act 1976 states that:
 - (a) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary, and
 - (b) Without prejudice to the generality of the foregoing subsection a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear any distinguishing marks as shall clearly identify it as a hackney carriage.
- 1.3 In March 1994 the Council's Tourism and Transportation Committee agreed to consolidate the terms and conditions of hackney carriage and private hire licensing requirements into a policy booklet which should be made available to existing and potential hackney carriage drivers and owners. Within the policy it stated that:
 - On initial licensing as a hackney carriage a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document.
- 1.4 On 10 March 2015, Mr Mohamed Doumboya made an application to the District Council to licence a Vauxhall Zafira car, registration number CK60 JMX. This vehicle was registered on **12 October 2010** making it now **4 years and 5 months old**.
- 1.5 In support of this application the following documentation was produced:
 - (1) An MOT test certificate dated 12 December 2014 - **Appendix A**.
 - (2) V5 United Kingdom Registration Certificate - **Appendix B**.
- 1.6 The vehicle is described in the registration document as a Vauxhall Zafira Elite CDTI Ecoflex and silver in colour. The body type is described as a Multi Purpose Vehicle (MPV) with an engine cylinder capacity as 1686cc.
- 1.7 Mr Doumboya is not a hackney carriage driver or hackney carriage vehicle licence holder with this authority. However he is currently a hackney carriage driver licence holder with Exeter City Council. Mr Doumboya has applied to this council for a hackney carriage driver's licence and if this application is successful he intends to work in the district.
- 1.8 The vehicle subject of this application was shown to East Devon licensing staff prior to the application being received and upon examination the vehicle appeared to be in very good condition, being typical of its age. According to Vauxhall, the vehicle manufacturer, the Elite model of the Zafira has a number of additional refinements including leather seats. The vehicle was displaying Exeter City Council private hire licence No. P263 when inspected and it appeared to be suitable for use in that capacity.
- 1.9 The vehicle configuration has a driver's seat, one front passenger seat, with two sets of seats in the rear for passengers. The applicant has requested that if the application is

granted that he be allowed to carry 5 fare paying passengers which will comply with current policy.

- 1.10 The recorded mileage on 12 December 2014, when the last MOT test certificate was issued was 69,153 miles. Should members agree to licence this vehicle a fresh MOT certificate will be required before a licence is issued.
- 1.11 The vehicle will be produced by the applicant at the Council Offices on the day of the hearing to enable Members the opportunity to inspect it.
- 1.12 An enquiry with Exeter City Council has revealed that the vehicle has been licensed with that authority by the applicant as a private hire vehicle since 14 January 2014. Mr Doumbouya has also been licensed by that authority as a hackney carriage and a private hire driver since 5 March 2013.
- 1.13 He would now wish for the vehicle to be licensed as a hackney carriage vehicle in East Devon and he will surrender his driver and vehicle licences for Exeter if the application is successful.

2 Back Ground Information

- 2.1 As explained at paragraph 1.3, in March 1994 the Council's Tourism and Transportation Committee agreed a policy that on initial licensing as a Hackney Carriage a vehicle shall not be more than **four years** old from the date of first registration as shown in the registration document. This is a policy agreed by members following, as in all cases of policy, consultation with the trade. Policy is more than advice and should not be disregarded unless exceptional circumstances apply. In this case this does not just merely mean that the vehicle should be in exceptional condition. Members may need additional exceptional circumstances. It is for the applicant to provide this information
- 2.2 It is this Council's policy to allow existing licensed hackney carriage and private hire vehicles over four years old to be transferred between owners within the district provided that the vehicle in question had already been licensed in East Devon before the four year deadline. Whilst this vehicle has not been licensed previously by East Devon it has been licensed by a neighbouring council who have confirmed that they have had no issues over the vehicle's use whilst licensed with them. However where an applicant wishes to licence a vehicle which is older than four years and which is licensed in another district it is for members to consider the application as to whether to make an exception to the current policy.
- 2.3 When departing from policy Members should state clearly in their decision the grounds for making the exception.

3 Conclusion

- 3.1 This vehicle subject of this application for a hackney carriage licence is a currently licensed by a neighbouring licensing authority as a private hire vehicle for carriage of the public for hire or reward. It has been licensed by that authority since January 2014 (15 months).
- 3.2 It is the Licensing Manager's recommendation that if members are satisfied that there are exceptional reasons for doing so this application should be granted. Issues that members should consider is that the vehicle is in good condition, it is only just outside the 4 year policy limit and the vehicle is already licensed as a private hire vehicle by another authority and remains licensed. Members will have the opportunity to hear from the applicant and to inspect the vehicle.

- 3.3 Currently there are 155 hackney carriage vehicles licensed by East Devon District Council of which 83 are older than the vehicle Mr Doumbouya is seeking to be licensed today.
- 3.4 If this application is refused the applicant has the right of appeal the decision to a Crown Court within 21 days.

MOT Test Certificate



Vehicle Operator Services Agency

Advisory information

MOT Test Number

785896744387

Make

VAUXHALL

Model

ZAFIRA

Colour

SILVER

Issuer's name

R. J. CLARK

Signature of Issuer

Expiry Date

DECEMBER 11th 2015
(FIFTEEN)

Vehicle Registration Mark

CK60JMX

Vehicle Identification Number

W0L0AHM75B2023540

Country of Registration

GB

Test Class

IV

Odometer Reading and History

12/12/2014: 69153
15/11/2013: 27315
29/08/2013: 25408

Issued

12/12/2014 16:51

Additional Information

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 12/11/2015

Inspection Authority

CENTRAL GARAGE SERVICES EXETER LTD
31-35 OLD TIVERTON ROAD
EXETER
EX4 6LG 01392 428088

Test Station

77882

APPENDIX A

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.
 - 5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.

An executive agency of the
Department for
Transport



Registration number

CK60 JMX



THIS DOCUMENT IS NOT PROOF OF OWNERSHIP.

It shows who is responsible for registering and taxing the vehicle.



Driver & Vehicle
Licensing
Agency

UNITED KINGDOM UK REGISTRATION CERTIFICATE

European Community

свидетелство за регистрация
Permiso de circulación
Osvědčení o registraci
Registreringsattest
Zulassungsbescheinigung
Registreerimistunnistus

Άδεια κυκλοφορίας,
Πιστοποιητικό Εγγραφής
Certificat d'immatriculation
Teastas Cláraithe
Carta di circolazione
Reģistrācijas apliecība

Registrācijas liudijimas
Forgalmi engedély
Čertifikat ta' Registrazzjoni
Kentekenbewijs
Dowód Rejestracyjny
Certificado de matricula

Certificat de înmatriculare
Osvedčenie o evidencii
Prometno dovoljenje
Rekisteröintodistus
Registreringsbeviset
Prometna dozvola

1. Registered keeper

1300664220_001611_40400

MOHAMED DOUMBOUYA

You **must** make sure that the name and address printed here is correct. If it is not, see section 12.

Document reference number

4204 504 3593

Thinking of buying this vehicle?

Buyer beware...

Do you know how to avoid being tricked into buying a stolen vehicle?

For tips and advice go to www.gov.uk/checks-when-buying-a-used-car

2. The previous registered keeper

[Z.1]

[Z.2] ACQUIRED VEHICLE ON 12 10 2010

[Z] NO. OF FORMER KEEPERS 1

3. Special notes (these notes cannot be removed)

1. DECLARED NEW AT FIRST REGISTRATION.

APPENDIX B

UK Registration Certificate

Official use only

1

4. Vehicle details

A Registration number **CK60 JMX** 2 [A.1] Validation character **X** 3

B Date of first registration **12 10 2010**
 [B.1] Date of first registration in the UK **12 10 2010**

D.1 Make **VAUXHALL**
 D.2 Type **A-H/MONOCAB**

Variant **BL11**
 Version **2AACA92DEA7**

D.3 Model **ZAFIRA ELITE CDTI ECOFLEX**
 D.5 Body type **MPV**
 [X] Taxation class **DIESEL CAR**
 [D] Suspension Type
 [Y] Revenue weight
 P.1 Cylinder capacity (cc) **1686 CC**
 V.7 CO₂ (g/km) **134 G/KM**
 P.3 Type of fuel **HEAVY OIL**
 S.1 Number of seats, including driver **7**
 S.2 Number of standing places (where appropriate)
 [D.4] Wheelplan **2-AXLE-RIGID BODY**
 J Vehicle category **M1**
 K Type approval number **e1*2007/46*0497*00**
 P.2 Max. net power (kW) **81**
 E VIN/Chassis/Frame No. **W0L0AHM75B2023540**
 P.5 Engine number **2111822**
 F.1 Max. permissible mass (exc. m/c) **2175**
 G Mass in service **1664**
 Q Power/Weight ratio (kW/kg) (by motorcycles)
 R Colour **SILVER**
 O Technical permissible maximum towable mass of the trailer:
 O.1 braked (kg) **1300**
 O.2 unbraked (kg) **750**
 U Sound level:
 U.1 stationary (dB(A)) **75**
 U.2 engine speed (min-1) **2850**
 U.3 drive-by (dB(A)) **72**
 V Exhaust Emissions:
 V.1 CO (g/km or g/kWh) **0.152**
 V.2 HC (g/km or g/kWh)
 V.3 NOx (g/km or g/kWh) **0.131**
 V.4 HC+NOx (g/km) **0.152**
 V.5 particulates (g/km or g/kWh)

5. Registered keeper

If any details are wrong enter the correct details in section 6, sign section 8, and return to DVLA

C.4.c - This document is not proof of ownership.

C.1.2 **MOHAMED**
 C.1.1 **DOUMBOUYA**
 C.1.3

I **ACQUIRED VEHICLE ON 04 01 2014**
 Please write in black ink and CAPITAL LETTERS.

6. New keeper or new name/new address details

Please see section 12

Mr 1	Mrs 2	Miss 3	Please tick <input checked="" type="checkbox"/> the appropriate box	W 4
Title (for example, Ms, Rev and so on) or business name:				
First names:				
Surname:				
For company use only DVLA/DVA Fleet number 7				
Date of birth (not required by law) Postcode: Please help us to help you by giving your postcode.				

House No: 8

Address: 9

Post town: 10

New keeper? K 12 Date of sale or transfer: 13

Driving licence number of the new keeper (not required by law) 15

Present mileage (not required by law) 16 **R** 17 **S** 17

7. Changes to current vehicle

Only enter corrected or altered details

H 19

Wheelplan / Body type 20

VIN / Chassis / Frame Number 21

New revenue weight 22 Date of change 23 Cylinder capacity (cc) 24

No. of seats inc. driver 25 No. of standing places 26 Type of fuel 27

Engine number 28

New colour 29 Date of change 30 CLR

Tax class* **Y** 31 32

The tax class shown in section 4 can only be changed when taxing. Please apply at your nearest Post Office.

8 Declaration - You MUST sign, date and return this page to DVLA, Swansea, SA99 1BA when you notify any change

Registered keeper: I declare that the new details I have given are correct to the best of my knowledge.

New keeper: I declare that this vehicle was sold or transferred to me on the date shown in section 6 and my name and address are correctly shown.

Signature: Date:

Signature: Date:

Law: If the vehicle is sold or transferred, both the registered keeper and the new keeper must sign this Certificate.

Official use only - Please do not write below this line.

V5C-0414

APPENDIX B

V5C3-0414

981

CK60 JMX

%

Date of sale or transfer

Present mileage

01

* You are not required by law to provide mileage information

Name and address of motor trader

Business name:	
Address:	
Post town:	
Postcode:	VAT number:

Declaration Please read the notes over the page before signing.**Registered keeper:**

I declare that I sold or transferred this vehicle to the motor trader, insurer or dismantler named in this section on the date shown.

Signature: _____ Date: _____

Motor trader, insurer or dismantler:

I declare that this vehicle was sold or transferred to me on the date shown in this section.

Signature: _____ Date: _____

The Law: If the vehicle is sold or transferred both the registered keeper and the motor trader, insurer or dismantler must sign this section. The registered keeper must then return it to DVLA.

Document Ref. No.	4204 504 3593	23 07 14
Despatch Codes	1300664220 / 001611	41

10. New keeper's details - To be kept by the new keeper. Do not return to DVLA (see notes over the page)

Please tear along dotted line

V5C/2

Registration number	CK60 JMX	Validation character	%
Please write new keeper's name and address in black ink			
Write date of sale/transfer here			
Doc. Ref. No.	44204 504 3593	23 07 14	
Despatch Codes	1300664220 / 001611	41	

Make VAUXHALL
Model ZAFIRA ELITE CDTI ECOFLEX

Suspension Type _____
Date of first registration 12 10 2010
Wheelplan 2-AXLE-RIGID BODY
Revenue weight _____
*Taxation class DIESEL CAR
Type of fuel HEAVY OIL
Cylinder capacity 1686 CC
CO2 134 G/KM
No. of seats inc. driver 7

The tax class shown can only be changed when taxing. Please apply at your nearest Post Office.



V5C2-0414

This will not produce a Registration Certificate.

11. Notification of permanent export - Please fill in and return to DVLA (see notes over the page)

Please tear along dotted line

V5C/4

V5C4-0414

Registration number	CK60 JMX	2	Validation character	%	3
Date of export					4
Document Ref. No.	4204 504 3593	23 07 14			
Despatch Codes	1300664220 / 001611	41			

This section **will not** produce an export certificate. The V5C replaces the need for a separate export certificate.

Declaration Please read the notes over the page before signing.

I declare that the vehicle will be exported on the date shown.

Signature: _____

Date: _____

12. What you need to know about the V5C**Selling or transferring your vehicle privately**

What you, the person selling the vehicle as current registered keeper, must do. Failure to tell DVLA may result in a fine or prosecution.

- Fill in section 6. (Give the name and UK address of the new keeper (buyer).)
- Fill in section 10 (V5C/2) and give it to the new keeper.
- Sign and date the declaration in section 8 along with the new keeper.
- Keep a record of the new keeper's name and address.
- Tear off and return section 1 - 8 to DVLA, Swansea SA99 1BA.

What the person buying the vehicle must do

- Sign and date the declaration in section 8 along with the seller.
- Keep section 10 (V5C/2) until you get your Registration Certificate. You can use the V5C/2 to get tax for the vehicle.

What we will do

- Update our vehicle record with the new registered keeper details.
- Send you, the current registered keeper (the seller), an acknowledgement letter to confirm you are no longer liable

If you do not get an acknowledgement letter from us phone DVLA Customer Enquiries on 0300 790 6802, as you could be liable for the vehicle and may get a penalty and/or be prosecuted. If you are deaf or hard of hearing and have a textphone, phone 0300 123 1279.

Your name and/or address details

- If the registered keeper details in section 1 are wrong or you want to change your name or address fill in section 6, sign the declaration and return the whole certificate to DVLA, Swansea, SA99 1BA. (You should also make sure you tell us about these changes on driving licence by sending it to DVLA, Swansea, SA99 1BN).

There is more information on the website at www.gov.uk/vehicle-registration

Data Protection Act - Release of information

Your information may be disclosed in a number of lawful circumstances. Please go to www.gov.uk/data-protection for more information.

Agenda Item 8

Licensing Sub Committee

8 April 2015

NMcD



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

Summary

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.

- a) Reasons for Recommendation
To ensure full compliance with statutory processes.
- b) Alternative Options
The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.
- c) Risk Considerations
Applications must be dealt with within the statutory time limits.
- d) Policy and Budgetary Considerations
Officers have taken into account the Council's Licensing Policy in making the recommendation.
- e) Date for Review of Decision
The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

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	Scrumstock Exmouth Rugby Club Training Pitch, Imperial Recreation Ground, Exmouth, EX8 1DG.	Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the following amendment: 1. That the applicants seek to licence the 2015 event only and to remove the request for an annual licence for the event.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing applications

- Representations received from Responsible Authorities
 - Guidance issued under Section 182 of the Licensing Act 2003
 - The District Council's Statement of Licensing Policy
-

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

8 April 2015