

Agenda for Licensing and Enforcement Sub Committee

Wednesday, 21st April, 2021, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors J Whibley (Chair), K Bloxham, M Chapman

East Devon District Council
Blackdown House
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Venue: Online via the Zoom app. All Councillors and registered speakers will have been sent an appointment with the meeting link

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(or group number 01395 517546)
Tuesday 13th April 2021

Important - this meeting will be conducted online and recorded by Zoom only. Please do not attend Blackdown House. Members are asked to follow the [Protocol for Remote Meetings](#)

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LVI4hcgRnbwBw>

- 1 Minutes of the previous meeting held on 24 February 2021 (Pages 3 - 5)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

- 6 Determination of an application for the grant of a premises licence to allow regulated entertainment, late night refreshment and the sale of alcohol for consumption ON the premises at Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie, Unit 1 Sideshore, Queens Drive, Exmouth EX8 2GD (Pages 6 - 190)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom App on 24 February 2021****Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.06 am

32 Minutes of the previous meeting held on 14 October 2020

The minutes of the meeting held on 14 October 2020 were agreed as a correct record.

33 Declarations of interest

Minute 36. Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

Councillor Ian Hall, Personal, The member knows the interested party and her husband.

34 Matters of urgency

There were no matters of urgency.

35 Confidential/exempt items

There were no confidential / exempt items.

36 Determination of an application for the grant of a premises licence to authorise the sale of alcohol for consumption ON the premises and the provision of regulated entertainment at Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

The Sub-Committee considered the application for the grant of a new premises licence to authorise the sale of alcohol for consumption ON the premises for Ric's Kitchen, Castle Mount, Victoria Place, Axminster EX13 5NH.

The Chair of the meeting introduced the members of the Sub-Committee and the East Devon District Council Officers present. The Chair confirmed that the meeting was a hearing to consider an application for a premises licence under the Licensing Act 2003.

The applicants present and entitled to make representations were Mr Richard Edgell and Mr Ian Keene. The interested party present was Mrs Gillian Mayers. There were no responsible authorities in attendance.

The legal advisor to the Sub-Committee summarised the procedure for the hearing.

The Licensing Officer outlined the application for the sale of alcohol for consumption on the premises, along with regulated entertainment. The premises are in central Axminster and traded as a bistro.

The Police had raised representations relating to the prevention of crime and disorder and also the protection of children from harm. The Police had requested 30 minutes drinking up time to be factored in to the licensed hours and for additional conditions relating to CCTV, tightening up of the Challenge 25 policy and a refusals register, to be placed within the licence should it be granted. The report confirmed that the applicant had agreed to the requests from the Police.

The Licensing Officer's report also outlined the concerns raised by the interested party and the response from the applicant which sought to address those concerns. As the interested party did not consider that their concerns had been alleviated in full, the matter had continued to the Sub-Committee hearing.

The applicants addressed the Sub-Committee and outlined the background to the opening of Ric's Kitchen, the concerns raised by the interested party and the actions proposed to be taken by the applicants to address those concerns, particularly with regard to noise and soundproofing.

In response to a question to the applicant from the interested party regarding soundproofing, the applicant confirmed that he would be happy to consider the guidelines provided by East Devon District Council and how they could be implemented.

The interested party addressed the Sub-Committee and emphasised the need for soundproofing which was key to protecting their private dwelling from noise disturbance from Ric's Kitchen which immediately adjoined their property.

There were no questions for the interested party.

The Chair thanked the applicants and the interested party for their contributions and advised that all participants other than the members of the Sub-Committee would be put into the virtual waiting room until the Sub-Committee had reached a decision.

The recording and livestreaming of the hearing was paused.

The recording and livestreaming of the hearing recommenced and the Council's legal advisor summarised the advice given to the Sub-Committee during its consideration of the application.

The legal advisor confirmed that her involvement had been to assist with formulating the wording for the decision which had already been made by the Sub-Committee in private session. The legal advisor had also assisted with formulating a recommendation which would be added to the decision to the effect that the applicant should liaise with the Council's Environmental Health services in connection with the proposed soundproofing.

RESOLVED

That, the Sub-Committee having read the report and heard all the representations, the premises license be granted.

The Sub-Committee had listened carefully and fully understood the interested party's concerns. The Sub-Committee was of the view that, at this stage, the concerns were not backed by enough evidence to convince the Sub-Committee that the licensing objective, which was the subject of the representation, would be sufficiently compromised.

The Sub-Committee requested that the applicant liaise with East Devon District Council's Environmental Health service in connection with the soundproofing which the applicant had offered to install in order to alleviate the concerns of the interested party.

The Chair advised the interested party that they would have recourse to EDDC's Environmental Health service should they have concerns regarding noise disturbance at a future time.

Attendance List

Councillors present:

K Bloxham (Chair)
A Dent
T Wright (Vice-Chair)

Councillors also present (for some or all the meeting)

I Hall
D Manley

Officers in attendance:

Stephen Saunders, Licensing Manager
Lesley Barber, Licensing Officer
Rebecca Heal, Solicitor
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Louise Bennett, Licensing Support Officer

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 21 April 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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

Report summary:

The report summarises an application for the grant of a premises licence to be considered by the sub-committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider an application for the grant of a premises licence to allow regulated entertainment, late night refreshment and the sale of alcohol for consumption ON the premises at Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie, Unit 1 Sideshore, Queens Drive, Exmouth EX8 2GD

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, lesley.barber@eastdevon.gov.uk, 01404 515616

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

[EDDC Statement of Licensing Policy 2021-2026](#)

[Licensing Act 2003 Guidance issued under Section 182](#)

- APPENDIX A – Licensing application
- APPENDIX B – Plans of premises
- APPENDIX C – Location plan & photo
- APPENDIX D – Representations received
- APPENDIX E – Responses to Notice of Hearing
- APPENDIX F – Operating Schedule
- APPENDIX G – Environmental Health representation and additional documents
- APPENDIX H – Applicant Response to Notice of Hearing
- APPENDIX I – Additional responses to Notice of Hearing (larger documents)

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-

Report in full

1 Description of Application

- 1.1 An application has been received from Maer Beach Limited for a new premises licence at Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 The proposed licensed area incorporates the Mickey's Beach Bar & Restaurant building along with an outside event space, sitting within the Sideshore development. Mickey's Beach Bar & Restaurant is a 150 seater first floor restaurant (internal & external) and 102 seater ground floor bar (internal & external) located on Exmouth seafront. The outside event space sits adjacent to the premises. It is intended this event space area will host events ranging from food & drink festival to marquee style weddings along with co-ordinated events working with Edge Watersports.
- 1.4 The proposed timings and licensable activities applied for are as follows:
 - Sale of alcohol for consumption ON the premises:
Monday to Sunday: 11:00 – 02:00 (outside event space 11:00-23:00 only)
 - Live music (indoors):
Monday to Sunday: 12:00 – 23:00
 - Recorded music (indoors):
Monday to Sunday: 07:00 – 02:00
 - Late Night Refreshment (indoors):
Monday to Sunday: 23:00 – 01:00

Opening hours:

Monday to Sunday: 07:00 – 02:30

- 1.5 Plans of the proposed licensed area are attached at **APPENDIX B**. An overall site plan is included, the event space being marked in purple on the plan. The plan of the ground floor includes the outside seating space. The first floor plan incorporates the internal and external areas.
- 1.6 A location plan is provided at **APPENDIX C** along with images of the building.
- 1.7 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX F**. The Operating schedule includes a number of conditions requested by the Police during informal consultation, prior to submission of the application. These include a list of specific conditions relating to provision of doorstaff, provision of CCTV, and use of polycarbonate/no bottles in the outside event space. The Police also looked to limit the sale of alcohol in the outside event space, to cease at 23:00. The applicant has agreed to all Police requirements and incorporated these within the application when submitted.

2 Statutory Bodies' Response

2.1 Devon & Cornwall Police

No representations received, the Police Licensing Officer has responded to the consultation as follows:

'I received a draft application prior to this formal submission, I asked the applicant for certain amendments to the Operating Schedule and additional conditions all of which are now included in the application. I will therefore not be making any representation and have no objections to this application'.

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

Representation submitted (prevention of public nuisance) – see **APPENDIX G**

2.6 East Devon District Council, Planning & Countryside Service

No representations have been received.

2.7 Primary Care Trust

No representations have been received.

2.8 Home Office

No representations have been received.

3 Representations and Responses to Notices of Hearing

- 3.1 In addition to the representation from Environmental Health noted above, 77 further representations have been received. These representations come from a number of local residents and from Exmouth Town Council. All representations are detailed at **APPENDIX D**.

- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**. A number of responses were several pages long. These larger submissions have been noted within Appendix E as being 'large documents'. This additional paperwork is attached in an additional **APPENDIX I**.
- 3.3 A number of objectors have responded to the notice of hearing indicating that they wish to attend the hearing to address the committee. Those who have responded and cannot attend have nominated others to represent them. Details of the response to notice of hearing and additional comments in support of the representations are attached within **APPENDIX E**.
- 3.4 **APPENDIX H** details the applicant's response to representations received. This includes a detailed response to the points raised within the representations, proposals to mitigate residential concerns and an Environmental Sound Survey.
- 3.5 The applicant's proposals include a suggestion in relation to the glazed first floor area where there are window openings. The relevant text has been highlighted in red within the Appendix H document.
- 3.6 The applicant also proposes an amendment to the application in relation to the outside event space as follows, also highlighted in red within Appendix H:
Events will take place between 1st April – 31 October only.
Live or recorded music will cease at 23:00.
'last orders' will be at 23:30.
The facility will be vacated by midnight.
- 3.7 It should be noted that the original application seeks that sale of alcohol will cease in the outside area by 23:00, therefore already seeking a 'last orders' time of 23:00 for this outside space, rather than 23:30 now proposed by the applicant.

4 Mediation

- 4.1 Due to the number of representations received the Licensing Authority has not initiated any mediation meeting between the applicant and those submitting a representation as it seemed extremely unlikely an agreed position could be reached between ALL parties in the limited time available prior to a sub-committee hearing.
- 4.2 Mediation has taken place between the Environmental Health Officer and the applicant. Details of this can be seen at **APPENDIX G**. The initial Environmental Health representation can be seen at APPENDIX G1, the subsequent update following further discussion with the applicant's noise consultant at G2 and further clarification email at G3.
- 4.3 The Environmental Health Officer is proposing three additional conditions be added to this licence, should it be granted, in order to meet the Prevention of Public Nuisance licensing objective. The conditions can be seen within APPENDIX G, most clearly at G3. These proposals mirror what has been set out within the applicant's Environmental Sound Survey.
- 4.4 It is noted at APPENDIX G3 that an agreed position has now been reached between the applicant and the Environmental Health Officer, agreeing the three conditions to be attached to the licence, should it be granted.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 3.1.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.'

These are:-

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

5.2 Section 3.1.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate in achieving the licensing objectives.

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

5.4 Section 3.2.4 of the Policy states: The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

Conditions

5.5 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.

5.6 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

Licensing Hours

5.7 Section 10.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

5.8 Section 10.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

5.8 Section 16.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

5.10 Section 17.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

5.11 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.

Section 182 Guidance in relation to activities exempt from regulated entertainment

5.12 Section 16 of the Guidance sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and are therefore exempt from the regulated entertainment regime.

5.13 Section 16.6 of the Guidance sets out that as a result of deregulatory changes that have amended the 2003 Act no licence is required for a number of activities. A full list of deregulated activities as set out within the Section 182 Guidance.

5.14 The following activities are therefore deregulated (and relevant to this particular application):

Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- 5.15 Section 16.7 of the Guidance states: The deregulatory changes mean that, for example, an indoor sporting event that takes place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.
- 5.16 Section 16.8 of the Guidance states: Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).
- 5.17 In relation to any conditions that may be imposed on a new premises licence in respect of regulated entertainment Section 16.36 of the Guidance states: Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:
- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
 - if the music is amplified, it takes place before an audience of no more than 500 people; and
 - the music takes place between 08.00 and 23.00 on the same day.
- 5.18 Section 16.38 of the Guidance states: More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

Section 182 Guidance in relation to Licensing Hours

- 5.19 Section 14.51 of the Guidance states: With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 5.20 Section 14.52 of the Guidance states: Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

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 With regard to the sale of alcohol, the applicant has applied for sale of alcohol for consumption ON the premises only. The premises will include all areas shown on the premises plan – the building, outside seating areas and the event space. The proposed licensed area is clearly defined by way of a continuous red line. Should the premises licence be granted it will **not** allow for the sale of alcohol for consumption OFF the premises. Alcohol cannot therefore be taken off site and consumed on the beach or seafront areas.
- 6.3 The application includes the provision of live and recorded music, indoors only. It is to be noted that indoors can include a tent or marquee structure, which may be placed within the outside event space.
- 6.4 A number of representations refer to the licensed hours permitted at the nearby Ocean premises. The details of the Ocean premises have not been included within this report as it is recognised that this particular application must be determined on its own merits.
- 6.5 Although no response has been received from a number of the outstanding objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 6.8 Clare Horne is nominated as the Designated Premises Supervisor. Ms Horne holds a Personal Licence, issued by Mid Devon District Council.
- 6.9 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

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.

Mandatory conditions relating to the supply of alcohol for consumption ON the premises:

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

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

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

where—

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

paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
7. (a) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification applied by the body designated as the authority under Section 4 of the Video Recordings Act 1984.
(b) Where the film classification is not specified or where the Licensing Authority notifies the licence holder that Section 20(3) (b) applies to the film in question, admission of children must be restricted in accordance with any recommendations made by the Licensing Authority.
8. Any person used to carry out a security activity as required under any condition of this licence/certificate must be licensed or authorised to do so by the Security Industry Authority.
5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

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

health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.

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

7. Appeals

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

8. Review Provisions

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

9. Police Closure

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

10. Surveillance Camera Code of Guidance-June 2013

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

Guiding principle one states:

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

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

Financial implications:

The only financial implication is if an appeal is made against the decision, with the possibility of court cost.

Legal implications:

Legal implications are included within the report.

* required information

Section 1 of 21

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

Mickeys Beach Bar & Restaurant and Cafe
Patisserie Glacerie

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

Michael

* Family name

Caines

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House?

Yes No

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

Registration number

10841756

Business name

Maer Beach Limited

If your business is registered, use its registered name.

VAT number

GB 319865072

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name	Mickeys Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1, Sideshore
Street	Queens Drive
District	
City or town	Exmouth
County or administrative area	Devon
Postcode	EX8 2GD
Country	United Kingdom

Contact Details

E-mail	[REDACTED]
Telephone number	
Other telephone number	
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy

* Nationality	British
---------------	---------

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?	<input type="text"/> / <input type="text"/> / <input type="text"/>
	dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end	<input type="text"/> / <input type="text"/> / <input type="text"/>
	dd mm yyyy

Provide a general description of the premises

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

Mickeys Beach Bar & Restaurant is a 150 seater first floor restaurant (internal & external) and 102 seater ground floor bar (internal & external) located on Exmouth beachfront which will deliver a high end casual dining concept for the local population in addition to the influx of tourists during the summer months. There is an external adjacent event space that is within the demise, events will range from Food & Drink festivals to marquee style weddings where the capacity is clearly

Continued from previous page...

more than the space we can provide internally for an exclusive use wedding event, in addition to this there will be co-ordinated events working with Edge Watersports located within the Sideshore complex. Whilst we are seeking to obtain a licence to sell alcohol for the the event space we envisage this area as being managed separately from the business and in relation to the hours for the sale of alcohol this would finish at 23.00hrs.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

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

- Indoors Outdoors Both

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

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

Live music may or may not be amplified and for internal and external events, exclusive use etc. Live music within the event space would be in a tent or marquee.

State any seasonal variations for the performance of live music

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

No seasonal variation for live music, any external events will principally be but not solely restricted to the spring and summer months

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

Continued from previous page...

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

Continued from previous page...

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

Recorded music will be delivered through an amplified system within the first floor Restaurant, the ground floor Bar and the Cafe Patisserie Glacerie. It would also be the intention to provide recorded music if requested within the external event space within a tent or marquee.

State any seasonal variations for playing recorded music

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

We would anticipate the playing of recorded music from 07.00-00.00 Sunday to Thursday and from 0.700-02.00 Friday and Saturday all year round but this may be extended to other days in the summer season (Sunday to Thursday), during the festive season and on Bank Holidays.

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

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

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

Hot food

State any seasonal variations

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

All year round however we anticipate this service to be only on a Friday and Saturday night however this may be extended to other days during the summer months, during the festive season and Bank Holidays

Continued from previous page...

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

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

Same timings

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

We anticipate that the hours of business will be reduced in the during the winter months particularly from Sunday to Thursday 11.00-00.00. The sale of alcohol in the outside event space shall cease at 23.00.

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

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

Same timings

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Continued from previous page...

Issuing licensing authority
(if known)

Mid Devon District Council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

No adult entertainment

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

State any seasonal variations

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

Same timings

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

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

We anticipate the hours of business to reduce in the evenings in the Winter months particularly from Sunday to Thursday

Section 18 of 21

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.

We will undertake all means necessary in order to provide a safe and secure environment for both our guests and our staff members in accordance with the licensing objectives.

b) The prevention of crime and disorder

Door Supervisors - Security Industry Authority (SIA) registered door supervisors will be employed at the premises from 9:00pm on Friday and Saturday nights at a ratio of 2 for the first 150 customers and an additional 1 for every 75 customers thereafter.

At any other time when alcohol is offered for sale at the premises, the DPS will risk assess the need for Door Supervisors depending on the type and size of event planned. Should it be felt that there is a need for Door Supervisors there shall be a minimum of 2 who will be SIA registered. The following details for each door supervisor will be contemporaneously entered

Continued from previous page...

into a register kept for that purpose:

- (i) Full name
 - (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
 - (iii) The date and time they began their duty
 - (iv) The date and time they completed their duty
 - (v) The full details of any agency through which they have been allocated to work at the premises if appropriate
- The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority. The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

CCTV - The premises shall install, operate and maintain a comprehensive digital colour CCTV

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

c) Public safety

We will conduct a suitable fire risk assessment at the premises and implement the necessary control measures. Exit doors from the premises will be regularly checked to ensure they function satisfactorily. All fire doors are maintained unobstructed and effectively self closing and will not be held open other than with approved devices. Upholstered seating is fire retardant and complies with current fire regulations. Furniture and temporary decorations are located so as not to obstruct exits, fire safety signs or fire fighting equipment. Fire safety signs are adequately illuminated. Notices dealing the actions to be taken in the event of a fire will be prominently displayed and maintained in good condition. Access is provided for the emergency vehicles and kept clear at all times. Fire drill and emergency light testing will be conducted regularly and records kept to be available on request. There are adequate arrangements within the premises for disabled guests. Adequate and appropriate first aid equipment will be available on the premises. At least one trained First Aider will be on duty when the public are present in the premises.

All drinks served in the outside event space will be served in polycarbonate containers. The outside event space shall be supervised at all times it is open for the sale of alcohol. Except for the sale of a bottle of wine/champagne, no bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption in the outside event area.

d) The prevention of public nuisance

Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises. The main entrance to the premises has an effective lobby to minimise the breakout of noise. Disposal of bottles into waste receptacles will not be permitted to take place between the hours of 23.00 hrs and 0700 hrs to minimise disturbance to nearby premises. Ventilation and extract systems will be maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises. The waste receptacle building and all waste bins will

Continued from previous page...

be kept clean and maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises. The premises will have a waste collection contract with a reputable local company.

e) The protection of children from harm

The premises will operate a proof of age policy that has been agreed by the Police. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

Non domestic Rateable Value Band A No rateable value to £4,300 - Fee £100 B £4,301 to £33,000 - Fee £190 C £33,001 to £87,000 - Fee £315 D £87,001 to £125,000 - Fee £450 E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol - Band D - £ 900 Band E - £1905 Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

DECLARATION

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Full name

* Capacity

Continued from previous page...

* Date

21	/	12	/	2020
dd		mm		yyyy

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/apply-1> to upload this file and continue with your application.

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

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

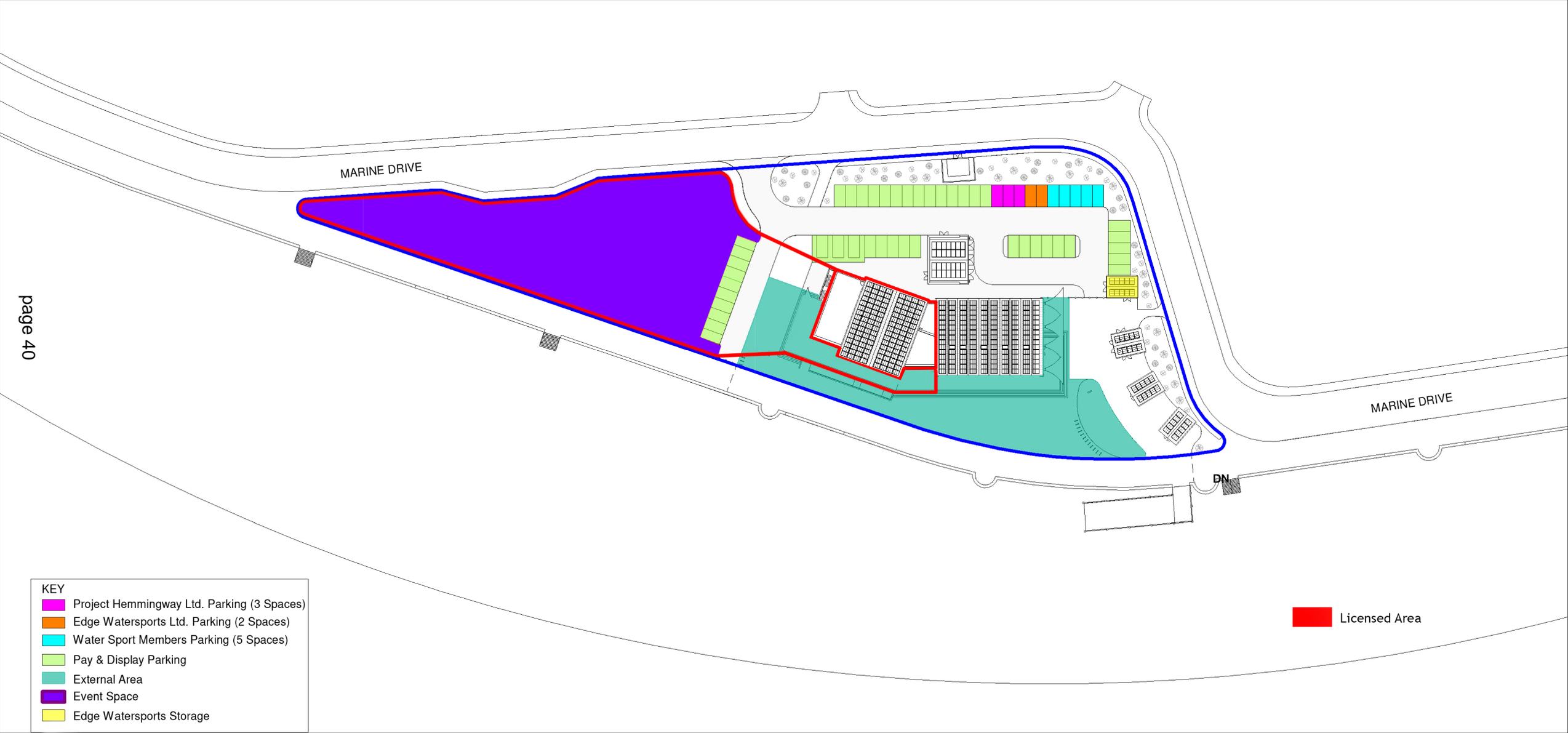
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	Mickeys Beach Bar & Restaurant and Cafe Patis
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

APPENDIX B



page 40

KEY

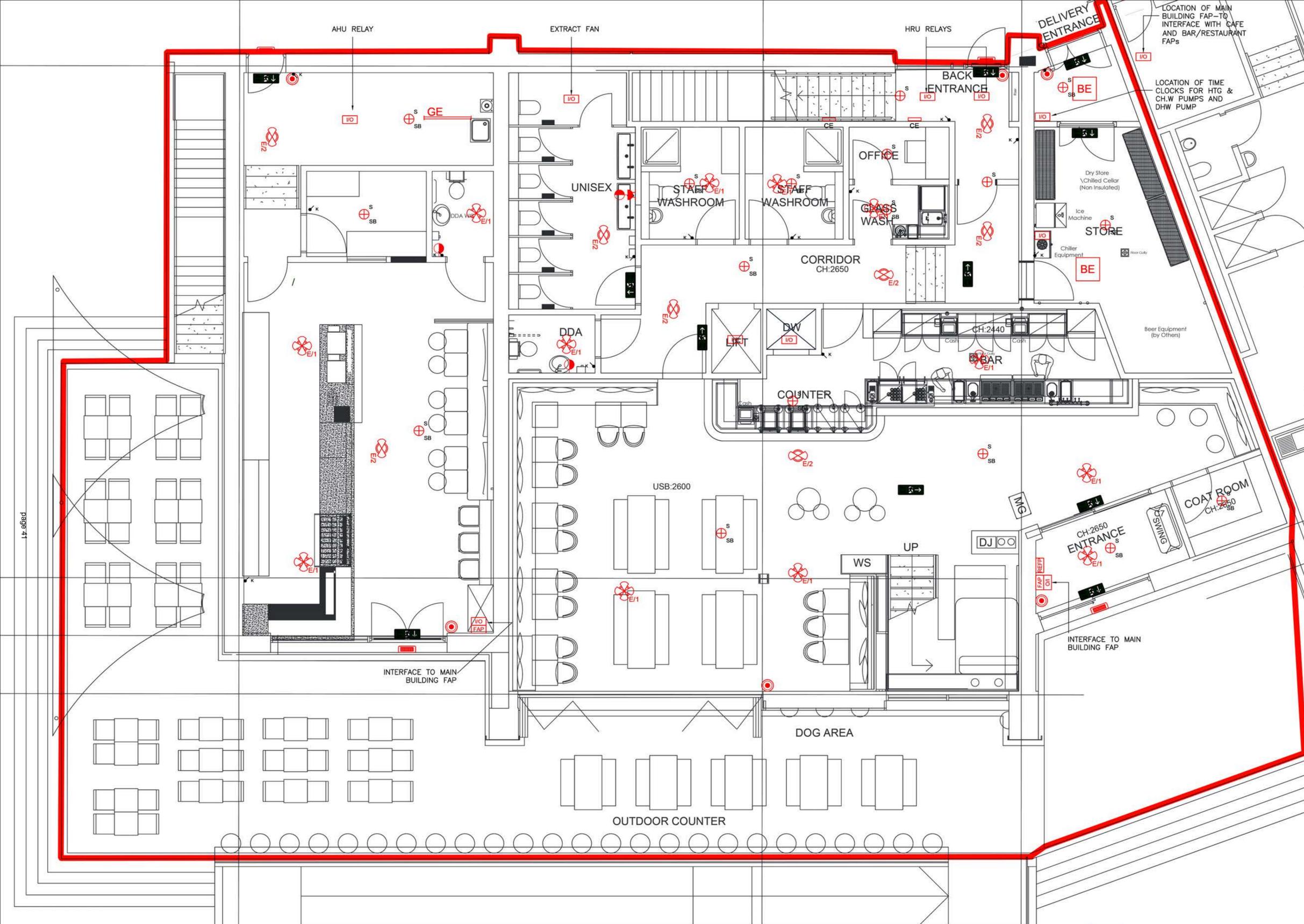
- Project Hemmingway Ltd. Parking (3 Spaces)
- Edge Watersports Ltd. Parking (2 Spaces)
- Water Sport Members Parking (5 Spaces)
- Pay & Display Parking
- External Area
- Event Space
- Edge Watersports Storage

Licensed Area

1

Site - Lease Plan A - Project Hemmingway Ltd

1 : 1000



- FIRE NOTES**
1. FIRE DETECTION SYSTEM TO LINK INTO THE LANDLORD BUILDING FIRE DETECTION SYSTEM
 2. FIRE SYSTEM SHALL BE INSTALLED TO THE REQUIREMENTS OF CATEGORY L2 OF BS 5839-1:2017
 3. SHORT CIRCUIT ISOLATORS TO BE INSTALLED BEFORE AND AFTER THE 1ST AND LAST SOUNDERS ON EACH LOOP
 4. SHORT CIRCUIT ISOLATORS TO BE INSTALLED ON ANY LOOP WHICH PASSES BETWEEN FLOORS.
 5. SMOKE DETECTORS TO BE OPTICAL.
 6. ALL DETECTORS SHALL BE A MINIMUM OF 500MM FROM ANY WALLS OR PARTITIONS.
 7. ALL FINAL CIRCUIT CABLING SHALL BE CARRIED OUT IN FP200 OR EQUAL AND APPROVED.
 8. ALL CABLES LOCATED OVER ESCAPE ROUTES MUST BE SUPPORTED BY METALLIC CLIPS, TIES OR TRUNKING IN COMPLIANCE WITH AMENDMENT BS7671:18th Edition.
 9. ALL WIRING SHALL COMPLY WITH THE RECOMMENDATIONS OF BS7671 AND BS5839-1:2017.
 10. ALL VOIDS AT DEPTH GREATER THAN 800MM SHALL INCORPORATE FIRE DETECTION-UNLESS CONSIDERED VERY LOW RISK AREA. VOID DETECTORS SHALL HAVE REMOTE INDICATORS LOCATED ON THE CEILING OF THE ROOM BELOW.
 11. FIRE ALARM SHALL BE INSTALLED TO THE REQUIREMENTS OF CATEGORY L2 OF BS 5839-1:2017.
 12. VOID DETECTORS SHALL BE <600MM FROM THE APEX OF ANY ROOFS SECTION THEY ARE LOCATED IN AND >500MM FROM ANY WALL OR PARTITION.

- NOTES**
1. ALL FINAL INTERNAL CIRCUIT CABLING SHALL BE CARRIED OUT IN STRANDED COPPER CONDUCTORS 6261B/6242B/6243B (LSF) CABLES.
 2. ALL CABLES LOCATED OVER ESCAPE ROUTES MUST BE SUPPORTED METALLIC CLIPS, TIES OR TRUNKING IN COMPLIANCE WITH AMENDMENT BS7671:18th EDITION.
 3. ALL LIGHTING TO BE AGREED WITH BY THE INTERIOR DESIGNER BEFORE ORDERING.
 4. ALL EMERGENCY LIGHTING IS TO BE SUPPLIED VIA THE LIGHTING CIRCUIT LOCAL TO ITS POINT OF INSTALLATION
 5. ALL FINAL CIRCUITS SHALL BE PROTECTED BY 30mA RCD.
 6. ALL LIGHTING SWITCHES SHALL BE INSTALLED AT 1200MM F.F.L TO THE TOP SWITCH.
 7. ALL FRONT OF HOUSE LIGHTING SHALL BE LUTRON CONTROLLED AND SUPPLIED FROM THE AV RACK LOCATION LUTRON SYSTEM SUPPLIED AND COMMISSIONED BY INTELLIGENT ABODE.

P01	SUITABLE FOR CONTRACT	LS	23.01.20	PB
Mark	Revision	Drawn	Date	Chkd

SCHEDULE OF REVISIONS

Model Name	[Model Number] - [Revision] - [Date Received]
Architects Model:	
Structural Model:	
Furniture, Fixtures, and Equipment (FFE) Model:	

SCHEDULE OF MODELS

HEALTH AND SAFETY NOTES
 Standard Construction Hazards that a competent contractor would be aware of during normal working practises are not identified. Risks that may not be immediately apparent are listed on Design Hazard Reduction Checklist.
 COPYRIGHT EDP: THIS DRAWING REMAINS THE PROPERTY OF EDP ENVIRONMENTAL CONTRACTORS & CONSULTANTS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS ARE TO BE USED. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE WORK PROCEEDS. THIS DRAWING SHALL BE USED ONLY FOR THE PURPOSE INTENDED. NOTES: DO NOT SCALE FROM THIS DRAWING. IF IN DOUBT, ASK.
 THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS, DOCUMENTS AND INFORMATION PREPARED BY THE ARCHITECT, OTHER CONSULTANTS AND SPECIALISTS. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH EDP ENVIRONMENTAL MECHANICAL & ELECTRICAL SERVICES SPECIFICATION & TECHNICAL SCHEDULES

D3 SUITABLE FOR CONSTRUCTION

Drawing Title
**GROUND FLOOR
 FIRE & EMERGENCY LIGHTING LAYOUT**
 Project
**SIDESHORE
 EXMOUTH**
 Client
MICHAEL CAINES LTD

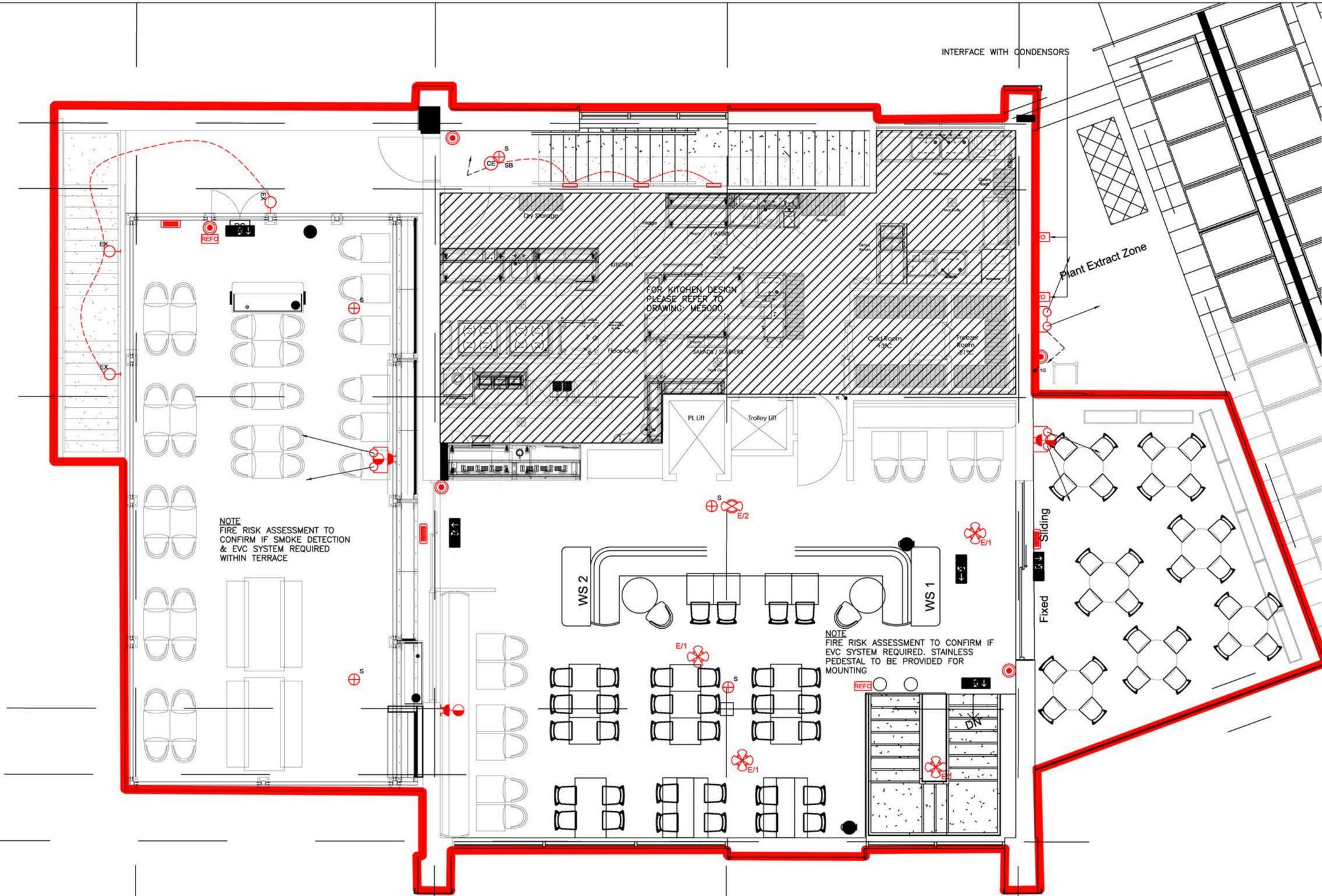
T: 01392 367237 (South West)				
T: 01276 300280 (South East)				
T: 0207 6091899 (London)				
Int Project Ref: 2351				
A1 Scale	Designed by	Drawn by	Checked by	Revision
1:50	LS	LS	MF	P01

Drawing Number
2351-EDP-ZZ-GF-DR-E-4001

- REFP** Refuge Indicator Panel with two-way call functionality
- FAP** Open Protocol Addressable Fire Alarm Panel. 24Hr battery back-up and ARC facility
- Manual Call Points
- H Heat detector
- H+SB Heat detector with Sounder Base
- S Smoke detector
- S+SB Smoke detector with Sounder Base
- VAD with Sounder Base
- VAD
- I/O INPUT/OUTPUT Fire Alarm Interface Relay
- Wall or ceiling mounted 3hr maintained self illuminating exit sign box.
- IP65 Rated Emergency Bulkhead
- Emergency Lighting Key Switch
- GE** Manufacturer Lucoco ECL12021L40 ECO Climate Array 1200mm 21W SURFACE MOUNTED Length:71 mm, Width:1280 mm, Height: 75 mm Tot. system power: 21 W Total luminous flux: 2100 lm Emergency: 400 lm
- BE** Manufacturer Lucoco E66L28N Eco Luxpanel 600x600 33W 4800K Emergency IP65 Length: 595 mm, Width: 595 mm, Height: 0.0 mm Tot. system power:33 W Total luminous flux:2800 lm Luminous flux for emergency lighting: 340 lm (12.1%)
- CE** Manufacturer Lucoco LBSR33W20S40Sierra Bulkhead IP54 2000LM 24W Standard Diameter: 330 mm Height: 79 mm Tot. system power: 24 W Total luminous flux: 2000 lm Luminous flux for emergency lighting: 175 lm (8.8%)
- EX** Manufacturer Kingfisher Lighting Ltd 20w LED Quarto bulkhead with cycle path optic LED Quarto Length: 100 mm, Width: 100 mm, Height: 1 mm Tot. system power: 20 W Total luminous flux: 1670 lm Luminous flux for emergency lighting: 334 lm (20.0%)
- E1** Manufacturer ANSELL AMELED/OA/3NM/STEscape luminaires EMERGENCY - Merlin LED Emergency Downlight - White Diameter: 85 mm Height: 2 mm Total luminous flux: 268 lm Luminous flux for emergency lighting: 268 lm (100.0%) LED 5W Non-Maintained - Open Area - Emergency
- E2** Manufacturer ANSELL AMELED/ER/3NM/ST Escape luminaires EMERGENCY - Merlin LED Emergency Downlight - White Diameter: 85 mm Height: 2 mm Total luminous flux: 247 lm

Licensed Area

page 42



■ Licenced Area

- FIRE NOTES**
1. FIRE DETECTION SYSTEM TO LINK INTO THE LANDLORD BUILDING FIRE DETECTION SYSTEM
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 5. SMOKE DETECTORS TO BE OPTICAL.
 6. ALL DETECTORS SHALL BE A MINIMUM OF 500MM FROM ANY WALLS OR PARTITIONS.
 7. ALL FINAL CIRCUIT CABLING SHALL BE CARRIED OUT IN FP200 OR EQUAL AND APPROVED.
 8. ALL CABLES LOCATED OVER ESCAPE ROUTES MUST BE SUPPORTED BY METALLIC CLIPS/TIES OR TRUNKING IN COMPLIANCE WITH AMENDMENT BS7671:18th Edition.
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- REFC Refuge alarm out-station type B
- FAP Open Protocol Addressable Fire Alarm Panel. 24hr battery back-up and ARC facility
- MCP Manual Call Points
- H Heat detector
- H SB Heat detector with Sounder Base
- S Smoke detector
- S SB Smoke detector with Sounder Base
- VAD SB VAD with Sounder Base
- VAD VAD
- I/O INPUT/OUTPUT Fire Alarm Interface Relay
- DC Security Door Contact
- KP Security Key Pad

- FIRE NOTES**
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- CE Manufacturer Luceco
LBSR33W20S40Sierra Bulkhead IP54 2000LM 24W Standard
Diameter: 330 mm Height: 79 mm
Tot. system power: 24 W
Total luminous flux: 2000 lm
Luminous flux for emergency lighting: 175 lm (8.8%)
- EX Manufacturer Kingfisher Lighting Ltd
20w LED Quarto bulkhead with cycle path optic
LED Quarto
Length: 100 mm, Width: 100 mm, Height: 1 mm
Tot. system power: 20 W
Total luminous flux: 1670 lm
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Diameter: 85 mm Height: 2 mm
Total luminous flux: 268 lm
Luminous flux for emergency lighting: 268 lm (100.0%)
LED 5W Non-Maintained - Open Area - Emergency
- E2 Manufacturer ANSELL
AMELED/ER/3NM/ST Escape luminaires
EMERGENCY - Merlin LED Emergency Downlight - White
Diameter: 85 mm Height: 2 mm
Total luminous flux: 247 lm
Luminous flux for emergency lighting: 247 lm (100.0%)
LED 5W Non-Maintained - Escape Route - Emergency
- E1 Wall or ceiling mounted 3hr maintained self illuminating exit sign box.
- E2 IP65 Rated Emergency Bulkhead
- E1 Emergency Lighting Key Switch

P01	SUITABLE FOR CONTRACT	LS	23.01.20	PB
Mark	Revision	Drawn	Date	Chkd

SCHEDULE OF REVISIONS

Model Name	[Model Number] - [Revision] - [Date Received]
Architects Model:	
Structural Model:	
Furniture, Fixtures, and Equipment (FFE) Model:	

SCHEDULE OF MODELS

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Drawing Issue Status
D3 SUITABLE FOR CONSTRUCTION

Drawing Title
**FIRST FLOOR
FIRE & EMERGENCY LIGHTING LAYOUT**

Project
**SIDESHORE
EXMOUTH**

Client
MICHAEL CAINES LTD

T: 01392 367237 (South West)

T: 01276 300280 (South East)

T: 0207 6091899 (London)

Int Project Ref: **2351**

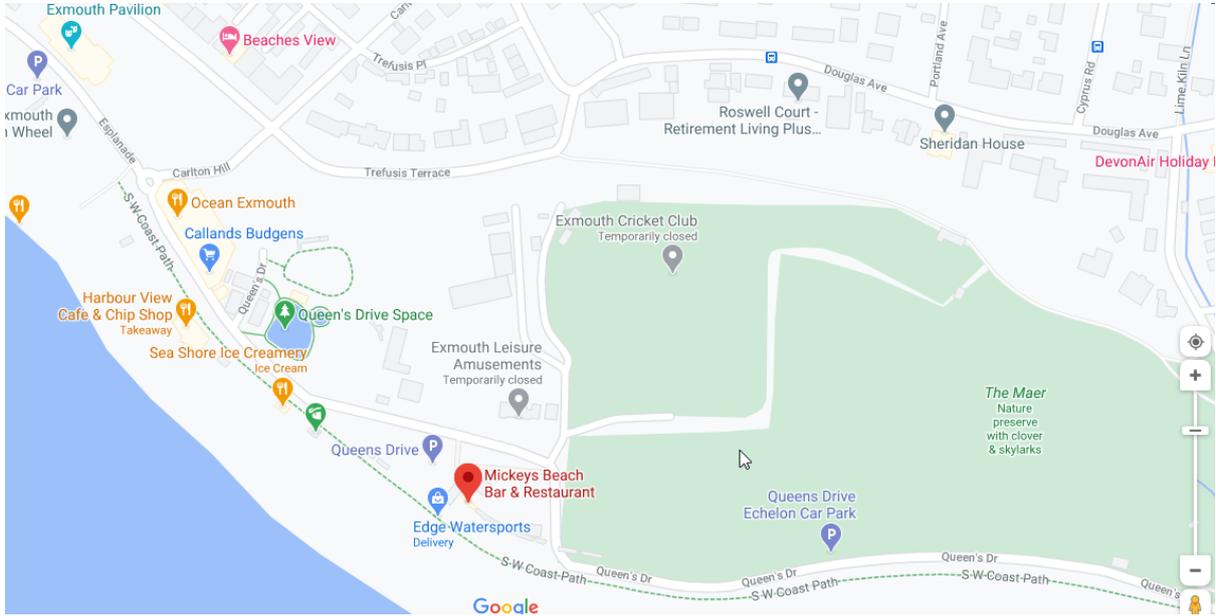
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Drawing Number
2351-EDP-ZZ-01-DR-E-4002

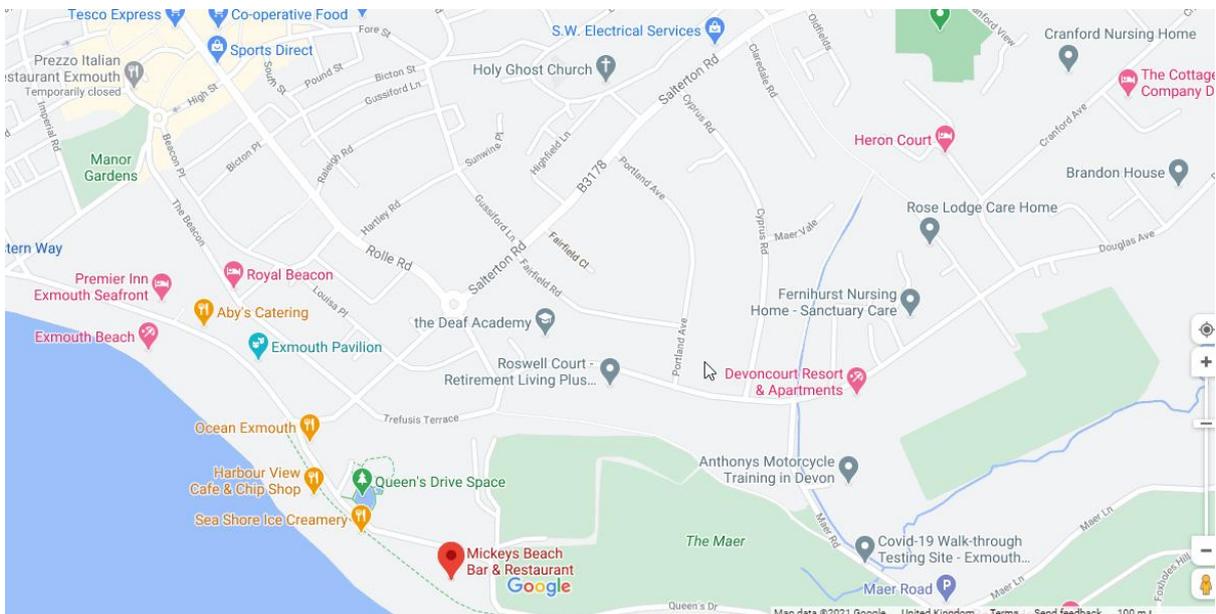
APPENDIX C

LOCATION PLAN AND IMAGES OF PREMISES

PLAN 1



PLAN 2 – ZOOMED FURTHER AWAY





REPRESENTATIONS LIST

Application No: 051731

Application Date: 22 February 2021

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Applicant: Maer Beach Limited
5 Barnfield Crescent, EXETER, Devon, EX1 1QT.

Person making Representation: Mary Nash

Representation Accepted: Representation has been accepted

Reason:

Details:

This application for for sales of alcohol and food from the premises now named as Mike's Beach Bar and Restaurant is a cause for grave concern. I wish to object to lateness of the opening hours as stated in their application both on the grounds of public safety and public nuisance.

Public Safety: Late night drinking in such close proximity to a non-life guarded dangerous area of the beach would be an accident waiting to happen.

Public Nuisance: This is a quiet residential area. At night we can clearly hear the familiar sounds of the sea. The sound of being woken by late night drinkers being turned out at 2.30 am is not acceptable. Any loud party type noises after 11.30pm would prevent me from sleeping peacefully in Trefusis Terrace. Last orders for food at 10.30pm and alcohol at 11.00pm would prevent any late night issues. Those hours would be more in keeping with the licence which is operated at the neighbouring Ocean premises. The terms of the Ocean licence are acceptable and have not caused local residents a problem.

The police are already aware of problems with antisocial behaviour in this area. I refer you to the latest reported incident ref 20402032021 dated March 1st 2021. Invariably, the most serious problems occur in the early hours of the morning.

Personally, I am very much in favour of this new business and feel it can be a great asset to Exmouth; provided they trade responsibly and do not disturb the night time peace of the surrounding area.

Yours sincerely

Mary Nash (Mrs)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Cecilia Jenkins

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir

LICENSE APPLICATION
MICKIE'S BAR, EXMOUTH SEA FRONT

We write regarding the above application with our objections to their proposed licensing hours.

We suggest that if this new premises keeps to the licensing hours at present in place at the existing Ocean complex this could be tolerated.

However, the noise from Ocean during occasional late night licensing hours can be very intrusive. Double that amount of noise would be unacceptable.

As an example of how noise is carried, the sound from the construction site was quite intrusive on occasions but obviously this was only during the day and we knew it was finite.

We appreciate that a seaside town has certain responsibilities towards its businesses but its residents are the backbone of the community.

We are registering our objection to extended licensing hours at the new complex: Mickie's Bar.

Yours faithfully

Rees and Cecilia Jenkins

Evidence:

Suggestion:

Person making Representation: Rees Jenkins

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir

LICENSE APPLICATION
MICKIE'S BAR, EXMOUTH SEA FRONT

We write regarding the above application with our objections to their proposed licensing hours.

We suggest that if this new premises keeps to the licensing hours at present in place at the existing Ocean complex this could be tolerated.

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We appreciate that a seaside town has certain responsibilities towards its businesses but its residents are the backbone of the community.

We are registering our objection to extended licensing hours at the new complex: Mickie's Bar.

Yours faithfully

Rees and Cecilia Jenkins

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Pat Packe

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to raise objections to the application, submitted by Maer Beach Ltd, relating to the alcohol licence and licence for live and recorded music at the new premises of Mickey's Beach Bar and Restaurant and adjacent Cafe Patisserie Glacerie on Exmouth Seafront.

Whilst I appreciate that the new development has the potential to be a welcome asset to Exmouth, attracting visitors to the town and boosting its economy, I am mindful that there may be an undesirable impact on nearby residents. As a local resident, whose house faces Trefusis Terrace, only about 150 metres away from this new development, I am concerned about :

(a) the application for an alcohol licence for EVERY day 11.00 - 02.00 These hours are excessive, especially as they relate to EVERY day of the week. - most licensed premises only serve alcohol until, at the latest, 23.00. Why is it considered necessary to stay open so late into the night and to serve alcohol until 2am? There is a danger that the place will attract undesirable customers from the wider area of Exeter and East Devon, after normal closing hours, who may behave in a disorderly manner and disturb local residents as they arrive late at night and depart well into the early hours of the morning. The adjacent car park is even closer than the cafe to the many residences along Trefusis Place and the starting up and driving of several cars in the early hours will undoubtedly create a disturbance to local residents. The area is already notorious for young car and motorbike drivers roaring along the seafront late at night, and a late night licence for Mickey's etc. provides a perfect excuse for further anti social behaviour.

(b) live music EVERY day 11.00 - 23.00
and

(c) recorded music EVERY day 07.00 - 02.00 There is a significant number of residences along Trefusis Terrace, Louisa Terrace and Douglas Avenue (including two large blocks of sheltered flats for the elderly) that are in close proximity to the new cafe/restaurant. Any music late into the night and early hours is going to create a disturbance and is therefore unacceptable, especially as noise carries more at night. A 'reasonable' cut off time of around 22.00 should be enforced on weekdays and maybe 23.00 at weekends. One or two evenings a week, without any music disturbance, could also provide some welcome respite for residents.

I hope that as the relevant Licensing Authority, you will recognise that these applications are unreasonable for the many local residents living close to this new seafront development and will bear in mind the likely undesirable 'knock on' effects that may result. When granting a licence, I urge you to consider local residents and act responsibly by limiting the hours of alcohol sales and music to an acceptable level.

Regards,
Pat Packe

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Roger Packe

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

I wish to make an objection to the terms and conditions for this Application No 051731

1. Opening Hours.

The above property is very close to residential properties and not in a rural environment and as such, there is no justification for extending the standard closing time of 11pm and it should be reduced to 10pm on Sundays.

2. Safety

The parking for customers is across the diverted Queens Drive. This is a favourite race track for boy racers travelling at speeds up to 60mph as there are few obstacles to slow them down. The nearest official crossing is 200metres away and is unlikely to be used.

3. Noise

This would be unacceptable at such a late hour for local residents living on Trefusis Terrace, Douglas Avenue and surrounding areas and would affect the health and well being of a large number of people. Many of the older buildings having single glazed windows.

4. Car parking

The only car park to serve this venue is across the Queens Drive and only 100metres from those mentioned in 3. One can only imagine the banter coming from there at 2am and later.

5. The very small and insignificant notices have been attached to temporary safety fencing. They do not have an application number or email address and the blue colour does not look official.

I trust that this present application will not be accepted in its present form and that the opening hours on any further application will be significantly reduced.

Roger Packe

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Martin Warren

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs.

I am writing re the above application which seeks permission to operate Mickeys's restaurant with alcohol being served outside until 11pm and inside until 2am with live music until 11pm and recorded music until 2am (all music being played inside). The premises will not close until 230 am as envisaged.

I would make the following observations.

1. I am supportive of the Sideshore development generally as good for Exmouth and in particular promoting water sports in particular kite surfing given the unique water environment we enjoy here (estuary , sandbanks and open sea) but there has been " mission creep " re this development already - eg further planning permission to erect the folding roof which was not part of the original design. This application feels like further significant mission creep and I would question whether it is necessary given the restaurant could operate quite satisfactorily within "normal hours "- closing say 11pm on weekdays and midnight on a Saturday.

2. If this application is granted there is the real risk of the premises becoming a public nuisance given the inevitable noise that would be generated while it operated and the increase in motor and voice noise and following it closing. The reality is a lot of this noise will impact local residents at 2-3 am - which is unreasonable .

3. Exmouth is primarily a " family " resort , we do not have lots of late night venues along the seafront in particular- if this application is allowed this venue given the hours of its operation is likely to become a magnet for antisocial behaviour. We already have a problem with " boy racers " using the seafront as a race track and these hours of operation will exacerbate the issue. I would point out the police had to target speeding on the seafront recently and from media reports they gave out over 30 tickets on one evening.

I would also remind the committee considering this matter of the fighting which took place on Exmouth beach last summer on several occasions when a mix of hot weather and excess alcohol consumption sparked violence. This application should be materially reduced (ie the operating times reduced) in order to prevent crime and disorder - and a qualification should also be added that alcohol can only be served with food - to reduce the risk of late night drinking leading to crime and disorder .

Yours

Martin Warren.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: David Whiter

Representation Accepted: Representation has been accepted

Reason:

Details:

Many thanks for your prompt response. I hope I am correct in assuming that my original email can serve as a formal representation on the basis that the late licencing hours applied for are likely to cause a public nuisance (noise) to residents of the proximity.

Regards
David Whiter

From: Licensing EDDC <licensing@eastdevon.gov.uk>
Sent: 10 March 2021 16:51
Subject: RE: Licensing application ref 051731

Dear Mr Whiter

Thank you for your email. If you wish to submit a formal representation then you can do so by return of email. I have attached a link to our website guidance in relation to making a representation:
<https://eastdevon.gov.uk/licensing/alcohol-and-entertainment/premises-licences-and-club-premises-certificates/current-applications-for-premises-licences-and-club-premises-certificates/guidance-on-representations/>

For a representation to be relevant it must relate to the likely effect of the application on the promotion of the four licensing objectives, which are:

- " Prevention of crime & disorder
- " Public safety
- " Prevention of public nuisance
- " Protection of children from harm

Ideally your representation will state specifically which of the licensing objectives it relates to and it will assist if you give as much detail as possible.

At the present time, based on the final line of your email, I have not accepted your email as a formal representation but will await further contact from you should you decide to submit one. Please be aware that any representations must be received no later than 22 March.

If you have any questions please do not hesitate to contact me.

Regards
Lesley Barber
Licensing Officer

Sent: 10 March 2021 10:19
To: Licensing EDDC <licensing@eastdevon.gov.uk>
Subject: Licensing application ref 051731

Dear Sirs,

I write with reference to the above mentioned licensing application made by Maer Beach Limited in respect of Mickey's Bar and Restaurant. As a local resident I am concerned that such a liberal grant of use, particularly music until 2pm in the morning, will cause nuisance as noise will be blown on the prevailing wind towards residential areas. There is also the issue of parking in local streets as revellers seek to avoid charges. Until now the only commercial activity at the Eastern end of the beach has come from light refreshment establishments and usually limited to daytime operation with early evening at the latest in the summer months. Therefore, this application does potentially represent a significant change in the night time environment for this part of Exmouth. However, I accept that I live in a resort and that forms of entertainment are to be expected so could I suggest that the license granted for the new premises mirrors that of the "Ocean" being the only other enterprise operating late in the area at present. Then, if their noise and crowd control measures prove as effective as they claim, they can always apply for an extension at a later date.

Your advice as to how I go about registering this objection would be greatly appreciated

Regards
David Whiter

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Michael Fardon

Representation Accepted: Representation has been accepted

Reason:

Details:

Summary

The representation we are making concerns the level of noise that this proposed development will generate during the proposed lengthy opening hours and which will become a major nuisance for residents along Trefusis Terrace and other properties which overlook the development.

Conditions offered by the applicant - extract (updated 5 March 2021) state: "Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any noise neighbouring noise sensitive premises." (sic)

Representation - late night noise (disturbance to nearby dwellings)

We believe that the noise/music which will be generated by Mickey's Beach Bar & Restaurant will not be tolerable for the residents of sea-facing houses in Trefusis Terrace, including the block of five dwellings in Rocklands (see photograph) the 'façades' of which directly overlook Mickey's Beach Bar & Restaurant.

These five houses (see photo on next page) are four storey, all with balconies on their 'façade' side, overlooking the proposed Mickey's Beach Bar, Restaurant and car park. Many of our residents spend significant time on these balconies on which there are often seats and tables. Noise from music at Mickey's, particularly if it is being generated as late in the night as 2.00 a.m. will constitute a major disturbance.

The noise from music created at the hours suggested (up to 2.00 a.m.) would also penetrate the main rooms, including bedrooms on the facing façade of the house. Sleep would be seriously affected, particularly in summer months when the day's heat necessitates residents opening windows during the night.

Another source of noise is the car park behind Mickey's. If a 2.00 a.m closing time is chosen it will mean that up to and including that time visitors, quite possibly inebriated, will be returning to their cars making a lot of noise calling out, shouting, slamming car doors, revving engines, and so on, all of which will wake up the local householders.

Other matters - opening hours

It is our view therefore that the requested opening times (and continuous music) is excessive. 2 o'clock in the morning is an unsociable time of day for the adjacent housing. We suggest that the closure timing should be brought back to the normally accepted 11.00 p.m. and the beginning of the day started no earlier than 9.00 in the morning. Starting at 7 a.m., for example, is anti-social and unacceptable, particularly when elderly people who are living in the housing are involved.

Evidence:

Suggestion:

Recommendation

We therefore suggest that:

(a) Sound tests involving the nearby housing are carried out and the sound output reduced accordingly to a level that will not cause a public nuisance.

(b) The opening times are amended to a reasonable schedule, ie 9.00 in the morning until 11.00 at night.

Supporting Pictures with representation from Mr and Mrs Fardon

Representation dated 12 March 2021 from Michael and Anne Fardon, 4 [REDACTED]

Photographs attached:

page 52



View of Micky's from inside Rocklands



Rocklands – windows and balconies

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Anne Fardon

Representation Accepted: Representation has been accepted

Reason:

Details:

Summary

The representation we are making concerns the level of noise that this proposed development will generate during the proposed lengthy opening hours and which will become a major nuisance for residents along Trefusis Terrace and other properties which overlook the development.

Conditions offered by the applicant - extract (updated 5 March 2021) state: "Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any noise neighbouring noise sensitive premises." (sic)

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Evidence:

Suggestion:

Recommendation

We therefore suggest that:

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- (b) The opening times are amended to a reasonable schedule, ie 9.00 in the morning until 11.00 at night.

Supporting Pictures with representation from Mr and Mrs Fardon

Representation dated 12 March 2021 from Michael and Anne Fardon, [REDACTED]

Photographs attached:

page 54



View of Micky's from inside Rocklands



Rocklands – windows and balconies

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Gina Hanson

Representation Accepted: Representation has been accepted

Reason:

Details:

We live at 'Execliff', a converted property of flats in Trefusis Terrace which is a road of residential properties situated above the Ocean Bowling Alley and Leisure Centre and Gunfield Gardens, very close to the premises seeking a licensing application on Queens Drive. We write to object to the application on the following grounds:

Maer Beach Ltd has applied for a licence for the consumption of alcohol for hours that are in excess of similar nearby premises, for example the Ocean Leisure Centre (Harlequins Leisure), which will set a precedent, if agreed, that will allow other businesses, including future ventures, to extend their own licensing hours beyond mid-night. For this reason we object in the strongest of terms. The Applicant is requesting to supply alcohol from 11.00-02.00 Monday -Sunday and 11.30-23.00 for the outside event space in comparison to the Ocean which serves alcohol on the premises only from 09.00-22.30 Mon, Tues, Wed & Sunday and 09.00-23.30 Thurs-Sat.

We believe allowing the consumption of alcohol on the premises till 02.00 in the morning throughout the week will create a public nuisance with the potential for increased crime and disorder. We already experience anti-social behaviour including drug taking and the illegal consumption of alcohol in the Gunfield Gardens on a regular basis throughout the year which is known to the police. We feel this will be exacerbated by allowing drinking into the early hours of the morning on this premises with all the associated behaviours and rubbish after closing time that extends into the environment beyond the premises. There is a real concern that Mickey's Beach Bar will become a magnet for vulnerable young people to congregate around in the early hours with all the inherent dangers this may entail.

We are also unclear what is meant by an 'outdoor event space'. The Licensing Application does not define how it will be used other than in terms of an application for the consumption of alcohol until 23.00 throughout the whole week. If live or recorded music is permitted, this will add to the cacophony of sound from other events in the immediate vicinity particularly in the summer months. Whilst we understand that measures are being put in place to manage the indoor noise/music levels, we are concerned about the noise nuisance to local residents. Sound travels more at night and especially in the summer months, with the wind in certain directions we can clearly hear events as far away as Manor Gardens near the town centre, and this site will be much closer.

We are already experiencing considerable problems of sound at night from outside events from other premises that have emerged as part of the Exmouth seafront development which is being monitored by the Council in liaison with local residents.

We recognise that this is a seaside resort and most income is generated in the summer months but it is also residential in an area of outstanding natural beauty and we have a right to privacy and family life which is not disrupted after midnight. Given the lack of visible Police presence in Exmouth, who will manage the potential increase in issues of public safety and nuisance arising from this application if these hours are accepted?

Presumably all these matters were taken into consideration with regard to the licensing application for the Ocean Leisure Centre which resulted in the maximum licensing time not going beyond 23.30 on certain days of the week; the same should surely be the case for this application. We therefore strongly urge you to take our concerns into account when making a decision about this application.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Charlie Salter

Representation Accepted: Representation has been accepted

Reason:

Details:

We live at 'Execliff', a converted property of flats in Trefusis Terrace which is a road of residential properties situated above the Ocean Bowling Alley and Leisure Centre and Gunfield Gardens, very close to the premises seeking a licensing application on Queens Drive. We write to object to the application on the following grounds:

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We are also unclear what is meant by an 'outdoor event space'. The Licensing Application does not define how it will be used other than in terms of an application for the consumption of alcohol until 23.00 throughout the whole week. If live or recorded music is permitted, this will add to the cacophony of sound from other events in the immediate vicinity particularly in the summer months. Whilst we understand that measures are being put in place to manage the indoor noise/music levels, we are concerned about the noise nuisance to local residents. Sound travels more at night and especially in the summer months, with the wind in certain directions we can clearly hear events as far away as Manor Gardens near the town centre, and this site will be much closer.

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We recognise that this is a seaside resort and most income is generated in the summer months but it is also residential in an area of outstanding natural beauty and we have a right to privacy and family life which is not disrupted after midnight. Given the lack of visible Police presence in Exmouth, who will manage the potential increase in issues of public safety and nuisance arising from this application if these hours are accepted?

Presumably all these matters were taken into consideration with regard to the licensing application for the Ocean Leisure Centre which resulted in the maximum licensing time not going beyond 23.30 on certain days of the week; the same should surely be the case for this application. We therefore strongly urge you to take our concerns into account when making a decision about this application.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: William Treloar

Representation Accepted: Representation has been accepted

Reason:

Details:

As someone who lives in Douglas Avenue, very close to where Mickey's Beach Bar is situated, I've just been made aware that Maer Beach Limited has applied for a licence to play live and recorded music plus sell alcohol and food into the early hours, 365 days a year!

My view is that if this was granted, this would have a hugely detrimental affect on the immediate and surrounding areas. When other pubs are shutting at 11pm, the heavy drinkers would then move onto Mickey's Beach Bar until the early hours and many of them, upon leaving, would cause considerable noise and mayhem.

It would undoubtedly lead to increased crime and disorder in the area, adding to the already overstretched Police burden.

It would also place a huge question mark over public safety. Many residents walk their dogs in this area, others jog, and these people would avoid an area they've been using for years, fearful that they might be attacked or accosted by drunken people leaving Mickey's. Young women planning to walk home after leaving Mickey's would, with some justification, feel anxious at the very least at the prospect of being assaulted, especially in light of the tragic Sarah Everard case.

I have no objection to Mickey's being operated along the same lines as other pubs in the area, but into the early hours every day of the week is a very bad idea. I really hope that the council rejects this application in its present form.

Evidence:

Suggestion:

Person making Representation: Anne Bowser-Haigh

Representation Accepted: Representation has been accepted

Reason:

Details:

I would like to raise an objection to the licensing application for Mickey's Beach Bar & Restaurant in regards to this becoming a 'late night venue'. I have searched through the original planning application and cannot find any mention of this development becoming anything other than a water sports centre, cafe, restaurant and retail units, and I doubt that anyone expected this to be open beyond normal pub licensing hours.

The selling of alcohol and the playing of music up to 2am every day of the year, is neither reasonable or acceptable in such an area, where the patrons are likely to spill out onto the beachfront, the beach, and The Maer Nature Reserve, causing a public nuisance to neighbouring properties, and creating an area where disorder is much more likely to occur and where the resulting noise is amplified and will carry across the adjacent open areas.

We already have to deal with a great deal of late night public disorder across The Maer due to the over indulgence of both alcohol and drugs, and as this takes place away from the roadside, the police appear to take little or no any action against this nuisance or its perpetrators, so the additional threat of alcohol infused crowds in the early hours of the morning is certainly not a welcome addition to what is supposed to be a tourist friendly, safe resort.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Avril Summers

Representation Accepted: Representation has been accepted

Reason:

Details:

We own a home in Douglas Avenue which we purchased as in a quiet peaceful and safe locale and wish to raise concerns in regard to the Licensing Application Ref No 051731. Name of Applicant Maer Beach Ltd , Premises Mickeys Beach Bar and Restaurant and Cafe Patisserie, Queens Drive, Exmouth

When the original planning applications were submitted for the water sports centre residents were not advised of a Bar serving alcohol and playing live and recorded music being part of the complex. Thus Exmouth as a whole had no opportunity to raise concerns before this licence application was submitted, it was sold to us as a facility which would enhance Exmouth seafront and be a family friendly place.

We raise concern that should a Licence for a bar with the hours in this application and music be granted the problems related to crime and disorder that have been present in Exmouth town centre itself over the last few years such as drunken fights, damage to infrastructure and loutish behaviour will be transferred to Exmouth Seafront. Also noise from the said live and recorded music every day and night will have not only a negative impact on the peace for people using the seafront but also those residents living in homes in the surrounding area

To approve a Licence with such excessive opening hours 0700 to 0230 (19.5 hours) 365 days a year is in our view a disaster waiting to happen. Police will have a difficult job controlling inebriated people, the risk to the surrounding neighbourhood including The Deaf Academy will be high risk. The location currently is generally peaceful one not only during the daytime but also during the evening and nighttime, abeit there are occasional rowdy residents wa king home after a night out toward Littleham via Douglas Avenue and The Maer. The area is surrounded by nearby apartments and homes, many purpose built for older residents whose health and safety including ours is of utmost concern.

We therefore strongly OBJECT to this License No 051731 being approved

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jeffery Summers

Representation Accepted: Representation has been accepted

Reason:

Details:

We own a home in Douglas Avenue which we purchased as in a quiet peaceful and safe locale and wish to raise concerns in regard to the Licensing Application Ref No 051731, Name of Applicant Maer Beach Ltd , Premises Mickleys Beach Bar and Restaurant and Cafe Patisserie, Queens Drive, Exmouth

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We raise concern that should a Licence for a bar with the hours in this application and music be granted the problems related to crime and disorder that have been present in Exmouth town centre itself over the last few years such as drunken fights, damage to infrastructure and loutish behaviour will be transferred to Exmouth Seafront. Also noise from the said live and recorded music every day and night will have not only a negative impact on the peace for people using the seafront but also those residents living in homes in the surrounding area

To approve a Licence with such excessive opening hours 0700 to 0230 (19.5 hours) 365 days a year is in our view a disaster waiting to happen. Police will have a difficult job controlling inebriated people, the risk to the surrounding neighbourhood including The Deaf Academy will be high risk. The location currently is generally peaceful one not only during the daytime but also during the evening and nighttime, abeit there are occasional rowdy residents wa king home after a night out toward Littleham via Douglas Avenue and The Maer. The area is surrounded by nearby apartments and homes, many purpose built for older residents whose health and safety including ours is of utmost concern.

We therefore strongly OBJECT to this License No 051731 being approved

Evidence:

Suggestion:

Person making Representation: Trevor Broomhall

Representation Accepted: Representation has been accepted

Reason:

Details:

Ref No 051731 'Mickey's Beach Bar'

We wish to make strong representations against the above application, our reasons being the following:-

1) Noise pollution, because many people like us have properties along the beautiful seafront of Exmouth and our daytime and nighttime rooms face South from an elevated position. Sound travels. The amphitheatre effect.

2) Will the bar have doors and windows open? Then all those local residents who presently enjoy fresh sea air, will have to have their doors and windows firmly closed, against the noise, until the early hours of the morning. Even on Christmas Day and Easter Day and all through the summer. We consider this to be unreasonable. Live bands and amplification are so often a problem. Residents could soon be suffering from serious sleep deprivation.

3) SEA and ALCOHOL do not mix. Everyone knows that. This bar and restaurant is right at the edge of the sea and needs to be particularly aware of this.

4) Closing time should take into account the noise created by many who could be lacking in inhibition and respect the local residents.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Janet Broomhall

Representation Accepted: Representation has been accepted

Reason:

Details:

Ref No 051731 'Mickey's Beach Bar'

We wish to make strong representations against the above application, our reasons being the following:-

- 1) Noise pollution, because many people like us have properties along the beautiful seafront of Exmouth and our daytime and nighttime rooms face South from an elevated position. Sound travels. The amphitheatre effect.
- 2) Will the bar have doors and windows open? Then all those local residents who presently enjoy fresh sea air, will have to have their doors and windows firmly closed, against the noise, until the early hours of the morning. Even on Christmas Day and Easter Day and all through the summer. We consider this to be unreasonable. Live bands and amplification are so often a problem. Residents could soon be suffering from serious sleep deprivation.
- 3) SEA and ALCOHOL do not mix. Everyone knows that. This bar and restaurant is right at the edge of the sea and needs to be particularly aware of this.
- 4) Closing time should take into account the noise created by many who could be lacking in inhibition and respect the local residents.

Evidence:

Suggestion:

Person making Representation: John Sealey

Representation Accepted: Representation has been accepted

Reason:

Details:

We have been very much looking forward to the new waterfront development as an exciting new area for families to visit and enjoy. I am upset to learn that Maer Beach Limited have applied for a licence to remain open until 2:30am which seems entirely at odds with the original purpose of the water sports centre.

Queens drive and the Esplanade has always been a quiet and enjoyable location to walk beside the sea at any time of day. I am concerned that allowing this late night licence will result in instances of disorderly conduct and public nuisance and change the entire character of the Exmouth Seafront.

Please note that I strongly object to this application.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: John Culhane
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

We wish to object to the above application. We feel that such a late night extension creates the additional possibility of public nuisance/public safety which could potentially incur additional police intervention. Our local constabulary are already stretched in the daytime never mind late night activity and there are frequent instances of speeding along the beach front during the daytime which we observe whilst we are out and about daily. One wonders whether restraint by customers would be shown after consuming alcohol for several hours!

This venue has the potential to enhance the seafront at Exmouth and if appropriately managed could be a real asset and we were supportive of its creation. However we think a curfew of no later than midnight for all drinking and musical activity would be more than adequate for what is essentially a family resort and not a Monte Carlo type playground!

The cost of the extra policing would have to be borne locally and fall upon Councils and ultimately Council Tax payers which at the current time, particularly with many additional costs, would simply not be appropriate. We trust, therefore, that the Licensing Authority will refuse the application in its current form.

Evidence:

Suggestion:

A curfew of no later than midnight for all drinking and musical activity would be more than adequate.

Person making Representation: Marian Culhane
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

We wish to object to the above application. We feel that such a late night extension creates the additional possibility of public nuisance/public safety which could potentially incur additional police intervention. Our local constabulary are already stretched in the daytime never mind late night activity and there are frequent instances of speeding along the beach front during the daytime which we observe whilst we are out and about daily. One wonders whether restraint by customers would be shown after consuming alcohol for several hours!

This venue has the potential to enhance the seafront at Exmouth and if appropriately managed could be a real asset and we were supportive of its creation. However we think a curfew of no later than midnight for all drinking and musical activity would be more than adequate for what is essentially a family resort and not a Monte Carlo type playground!

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Evidence:

Suggestion:

A curfew of no later than midnight for all drinking and musical activity would be more than adequate.

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: P L Webster

Representation Accepted: Representation has been accepted

Reason:

Details:

Mickey's Beach Bar & Restaurant Café Patisserie Glacerie

I wish to make it known that I have an objection over the excessive amount of music, live/recorded, that the above premises has applied for on Exmouth seafront.

It is an amazing project, so let's not spoil it all by causing distress and upset to the local residents who have supported this new project, and are looking forward to being part of it all. So maybe, a "quiet" time in the afternoon & night time, not too "late". Let's enjoy what we have & keep everybody happy.

P L Webster

Evidence:

Suggestion:

Person making Representation: Terry Smallwood

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir / Madam

I feel strongly that this license application should be refused. Firstly it is completely at odds with the amenity and ambience of the waterfront, which has been improved through the new centre. This new complex is not meant to be a late night drinking area or a "night club".

Secondly and more importantly, "prevention of public nuisance" is key here. We cannot have noise, rowdy behaviour etc whilst under the influence of alcohol. In my view this would be inevitable as the younger generation would use such a venue.

Thirdly, this would not assist in the "promotion of public safety". This area is used a great deal by residents and the potential for the public being at risk would be very high with the clientele from such a licensed establishment.

Fourthly, "the prevention of crime and disorder". Late night revellers often do scilley and stupid things. This can simply be avoided by refusing this application.

I find it hard to believe that such an application could be successful. There are already many drinking establishments on the seafront, one like this is not required.

Terry Smallwood

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Robert Tweedie

Representation Accepted: Representation has been accepted

Reason:

Details:

The Licensing Manager, East Devon District Council, Blackdown House,
Border Road, Heathpark, Industrial Estate, Honiton,
EX14 1EJ

Representation: Made by Robert Tweedie, Regarding, Licence Application No. 051731 by Maer Beach Ltd for Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie, Unit 1, Sideshore, Queens Drive, Exmouth, EX8 2DS.

Dear Sir or Madam

I am writing to you today to voice my concerns about the public nuisance caused if this application were to go ahead.

I would like you to not allow live or recorded music in this venue on the grounds of public nuisance.

1.As "The main entrance to the premises has an effective lobby to minimise the breakout of noise." This is missing between the Inside and the "Outside Event Space" which would mean continued daily public nuisance in the way of noise pollution to the surrounding residents.

2.There is no mention in their application with regards to trying to keep the doors closed to the "Outside Event Space". These doors would be in continued use or just kept open during nice weather days, the same days in which local residents would like to use their balconies and gardens.

3.It is clear to see that no consideration to inside acoustics and noise levels has been given. With all the hard flat surfaces such as mirrors and windows, hard furnishings and a high roof. This means that there is nothing to deaden or absorb the noise levels coming from inside the venue. On the contrary the high roof will even act as an acoustic amplifier increasing noise levels. I do not see that those responsible will be able to control noise pollution levels coming from Mickey's.

4.The high roof inside Mickey's would favour the amplification of low frequencies these are known as the bass frequencies, which travel much further than other frequencies due to the relatively large size of wavelengths involved. Again, I do not see that those responsible will be able to control noise pollution levels coming from Mickey's.

I would also like you to consider revising the opening hours to that of 0900 to 2300 to avoid a further public nuisance.

1.The noise coming from Mickey's patrons as they leave the premises would disturb local residents late into the night with drunken frolicking, vehicles and other unwelcome behaviour causing increased noise pollution.

2.If Mickey's were to open at 0700 it would disturb local residents by "the disposal of bottles into waste receptacles". A known public nuisance in the way of noise pollution, which would wake local residents.

3.Unfortunately the increased human activity caused by Mickey's being open late, would have an impact on the beach and local nature reserve in the way of litter and noise pollution, which would be a public nuisance to those wishing to enjoy them.

4.I fear drunk and disorderly behavior would turn into a common place event, if the open hours were to be into the night which would devastate the local ambiance.

If you should require any further discussion on the points raised, please do contact me. Yours Sincerely

Robert Tweedie
Live Sound Engineer.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Lynda C Tweedie

Representation Accepted: Representation has been accepted

Reason:

Details:

To:
The licensing manager East Devon district Council Blackdown House
Border Road
Heath Park industrial estate Honiton EX14 1EJ

Re: Mickey's beach bar & restaurant and café patisserie premises licence application.
Ref No. 051731

Noise pollution and prevention of public nuisance

Having watched the whole project being built I am looking forward to being a customer at Mickey's but I am concerned having seen the photos of the interiors that not enough (if any) thought has gone into the acoustics within these buildings, which sadly is often the case. So I am really not confident about the level of noise that we as local residents are going to be subjected to.

Conditions offered

I am very concerned regarding Mickey's license application even though the conditions offered by the applicant state "noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises."

Public nuisance

I believe that the noise and music that will be generated by Mickey's beach bar and restaurant will be of a significant disturbance to residence in both Trefusis Terrace and Douglas Avenue. In my view I think for us to be subjected to noise every day from 7am until 2:30am or later is both anti-social and unacceptable. You also have to take into account that people will be leaving the establishment at such a late hour and after drinking will be louder than normal and there will also be the noise from vehicles etc. Also with live music and the resident weekend DJs I believe that noise will bleed from the building via the outdoor terraces and I imagine in the summer windows will be open too. There will also be the Christmas parties, while I don't want to stop anyone enjoying themselves or celebrating we all know how rowdy they can get!

Protection of children from harm

Exmouth is very much a family seaside resort which is why we have Devon cliffs as one of Havens largest and outstanding holiday parks. The sale of alcohol from 11am until 2am is 15 consecutive hours and this could attract a different kind of holidaymaker that could deter families from coming. To my knowledge there are no other venues that required such opening times, and my feeling is that if this request was granted it could support antisocial behaviour. It simply isn't necessary to be open for those hours.

In all the news papers and reports I've read about this project the onus has been on the fact that it will be a Seafront Watersports Centre. In an article in DevonLive 22 Nov 2020 by Anita Merritt it says "this project has always been about providing a place for the community and visitors to Sideshore to be able to learn a new sport, take part in fun activities that support well-being, and of course provide a relaxed place to sit eat and drink the local produce on offer."

Public safety and well-being

With this in mind please take into account the well-being of local Community and residents and if deprived of not just a good nights sleep but the option to sit on their balconies or have their windows open and have some quiet time to relax in their own homes how this would severely impact on their mental health as well as their emotional and physical health, it could cause a great deal of stress.

Recommendation

I am looking forward to learning a new sport (kayaking) a fun activity that will support my well-being and I am looking forward to being a customer at Mickey's. However it is my recommendation that Mickey's opening times be from 9am to 11pm, and that sound tests are done on a regular basis to monitor noise pollution during the day and throughout the evening.

Environmental impact

I know this isn't part of the licensing objectives but it is still of concern. So, lastly can I remind you that Sideshore also borders The Maer Local Nature Reserve and observations need to take place to monitor the impact on this very special area and the wildlife that live there. What's being done to protect this area of outstanding natural beauty? Please advise.

I ask you at East Devon District Council to behave responsibly in this matter and regarding this decision as you have the well-being of your local residents in your hands.

Kind regards

Lynda Tweedie

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Peter Tweedie

Representation Accepted: Representation has been accepted

Reason:

Details:

Representation on Licence application 051731

License application by Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie, Unit 1 Sideshore, Queens Drive, Exmouth, Devon, EX8 2GD.

Representation by
Peter Tweedie

Crime and Disorder

Last Summer we saw individuals use the Maer Nature Reserve as a toilet. Also last Summer it was reported in the National Media (BBC, Daily Mail, Daily Mirror, Independent, iNews, Metro, The Sun) that there were fights on the Exmouth beach on consecutive nights. In my view unlawful behaviour will increase as a result of the sale of alcohol daily until 2am and the long duration of the sale of alcohol (11:00 - 2:00 being 15 consecutive hours).

Public Safety/Protection of Children from Harm

See also Crime and Disorder above.

Exmouth has long been seen as a Family Holiday Destination so it's no surprise that Devon Cliffs Holiday Park is Haven's largest park. The sale of alcohol daily until 2am and the long duration of the sale of alcohol (11:00 - 2:00 being 15 consecutive hours) and any associated antisocial behaviour could deter Families from choosing Exmouth as a Holiday destination.

Public Nuisance

See also Crime and Disorder above.

The playing of music from 7:00 until 2:00 (19 consecutive hours) could pose a nuisance to properties along Trefusis Terrace, Douglas Avenue and at the Southern end of Rolle Road. I live on Rolle Road but my property as do others at Rocklands (EX8 2DS) have balcony doors that open onto Trefusis Terrace overlooking Madeira Bowling Club and Sideshore.

On the licence application it states:

"Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises. The main entrance to the premises has an effective lobby to minimise the breakout of noise."

While comments are made regarding the main entrance. Mickey's Beach Bar has a balcony and there will obviously be access from the interior to the balcony. This access will enable, presumably, any noise/music/vibration to breakout to nearby residences such as my own. Any open windows will also enable any noise/music/vibration to breakout to nearby residences.

Changes I would like to see made to the Application which would address my concerns

Regarding the Opening Hours

Monday to Sunday 08:00 - 23:00

Regarding the Supply of Alcohol

Monday to Sunday 11:00 - 23:00

Regarding the Provision of Music

I would like further guarantees that any noise or vibration from the premises will not be audible or experienceable (with regards to vibration or bass) at nearby residences.

Provision of music (recorded) Monday to Sunday 11:00 - 23:00 maintained at a level not audible or experienceable at any other premises or residences.

Provision of music (live or DJ) Not Permitted

Disposal of bottles into waste receptacles (hopefully to be recycled) will not be permitted to take place between the hours of 22:00 and 08:00.

Peter Tweedie, Wednesday 17th March 2021

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Ann Louis

Representation Accepted: Representation has been accepted

Reason:

Details:

The Licensing Manager East Devon District Council Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 IEJ 14th March 2021

Dear Sir/Madam

Mickeys Beach Bar and Restaurant and Cafe Patisserie Glacerie Ref No. 051731 Applicant - Maer Beach Limited

I strongly oppose to the above premises remaining open after 11.00 p.m. A license extension can be applied for when necessary and, if granted, on these occasions all windows in the restaurant and bar should stay closed and the outside restaurant/bar patio area should not be used.

Residents in Douglas Avenue, Trefusis Terrace and Louisa Terrace will be adversely affected if permission is given to Maer Beach Limited to remain open after 11.00 p.m. Are the Exmouth police able to effectively patrol the sea front as well as the town centre?

This is a wonderful development and I very much hope that it will be run more along the lines of a restaurant with similar hours to The Grove and Ocean and not a night club, which could attract anti social behaviour to Exmouth's finest asset - the beach.

Yours faithfully

Ann Louis (Mrs)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Michele Ward

Representation Accepted: Representation has been accepted

Reason:

Details:

16/03/2021

Dear Sirs

Planning Application Ref. No.051731

My husband and I read the licence application by Maer Beach Ltd. Regarding Mickey's Beach Bar and Restaurant with some alarm. We had been looking forward to the opening of, what seemed to promise, a prestigious new venue to Exmouth sea front. However, on reading the detail of the application it seems that the bar, at least, will present as being little different to a standard Exmouth pub/club.

Live music until 11.00 pm and recorded music potentially until 02.00 in the morning up to seven days-a-week is worrying. We live in Douglas Avenue directly behind the new venue and probably appear to live far enough away not to have to be concerned by this. We certainly were not sent details of this application directly. However, this is not the case. It is probable that any music playing loudly will be easily carried to us because of the prevailing south-west wind and lack of barriers in between. We can easily hear, for example, from the Pavilion when played outside.

We recognise that the music licence request is only for music to be played indoors. However on a summer's night if the windows of the venue are left open we will be disturbed without doubt. May we request, if the licence is granted, that a condition be laid that doors and windows have to be kept closed when music, live or recorded, is being played. This is a condition applied to other town venues we believe.

Generally we also feel that the range of hours indicated as required for the music playing is rather extreme as are the actual indoor alcohol consumption hours. The range of general opening hours also seems to be unnecessarily long. Closing the premises at 02.30 with drinking allowed until 02.00 seems to indicate that the premises are going to operate more like a disco/nightclub than a bar. The use of door staff at the weekends appears to confirm this. This is certainly not the venue we imagined was coming!

The outdoor ' events space ' is to be used for what other than drinking and eating? In which case, even if no music is allowed outside, this also could lead to problems of noise with potentially large groups congregating after a day at the beach etc. Another condition which should be considered is that this area is also monitored by security staff Especially important would be ensuring no alcohol is consumed outside after 11.00 pm. There have been disorder problems in the past from large numbers of mainly young people congregating in beach areas and we would not like anything to encourage this again. We hope too that the Maer Nature Reserve will not suffer from any side effects from the venue and that this too will be monitored regularly.

We certainly hope that the venue will be everything we hoped it would be- a prestigious venue for use by all ages. We very much hope we will not be disappointed.

Yours sincerely

Michele & Robert Ward

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Robert Ward

Representation Accepted: Representation has been accepted

Reason:

Details:

16/03/2021

Dear Sirs

Planning Application Ref. No.051731

My husband and I read the licence application by Maer Beach Ltd. Regarding Mickey's Beach Bar and Restaurant with some alarm. We had been looking forward to the opening of, what seemed to promise, a prestigious new venue to Exmouth sea front. However, on reading the detail of the application it seems that the bar, at least, will present as being little different to a standard Exmouth pub/club.

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The outdoor ' events space ' is to be used for what other than drinking and eating? In which case, even if no music is allowed outside, this also could lead to problems of noise with potentially large groups congregating after a day at the beach etc. Another condition which should be considered is that this area is also monitored by security staff Especially important would be ensuring no alcohol is consumed outside after 11.00 pm. There have been disorder problems in the past from large numbers of mainly young people congregating in beach areas and we would not like anything to encourage this again. We hope too that the Maer Nature Reserve will not suffer from any side effects from the venue and that this too will be monitored regularly.

We certainly hope that the venue will be everything we hoped it would be- a prestigious venue for use by all ages. We very much hope we will not be disappointed.

Yours sincerely

Michele & Robert Ward

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Michael Golby

Representation Accepted: Representation has been accepted

Reason:

Details:

The Licensing Manager
East Devon District Council Blackdown House
Border Road
Heathpark Industrial Estate Honiton EX14 JEJ

Dear Sir/Madam,

I wish to lodge strong objections to Maer Beach Limited application ref. 051731 for License Mickey's Bar.

These objections are to :-
Premises open hours 07:00 to 02:30
F playing recorded music 07:00 to 02:00
J Supply of alcohol on premises 11:00 to 02:00

All 3 requests, if granted, will be followed by another hour of departures by noisy revellers, drunks and possible drug users frequently revving motor bike and car engines or further beach parties.

"Recorded music" means including DJ controlled and discos.

To submit elderly and infirm residents of the blocks of flat at 2, 4, 6 and 8 Douglas Avenue (perhaps in excess of 1000 people) will be barbaric and inhuman. To reduce their chance of a quiet night's sleep to only 4 hours is also another abuse.

The residents of Louisa and Trefussis Terraces already have had experience of these conditions and in Douglas Avenue we well remember last year when police had to break up beach parties

Please reduce these requests to reasonable hours so that resident can continue to enjoy living in Exmouth and not turn it into a down market Blackpool.

Yours in Hope

Michael Go by

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Martin S Heslop

Representation Accepted: Representation has been accepted

Reason:

Details:

15th March 2021

Dear Sir/Madam

RE: LICENSING APPLICATION NO 051731

Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie

1.This letter to to make representations in respect of the above licensing Application.

2.We live almost immediately behind the site of the property for this application and believe we are therefore in a position to make significant representations under the licensing objectives in respect of the licensing hours applied for.

3.We make it clear that were the licensing hours limited to those operating at the nearby Ocean Premises (Harlequins Leisure) we would have little difficulty with this application.

4. However, extension beyond those hours to include, for example, allowing consumption of alcohol until 02.00 am and the premises closing time of 02.30 am will impact adversely on the first 3 fundamental licensing objectives and will have a significant impact on the right of local residents to privacy and family life.

In respect of the licensing objectives:

5. We have real concern that allowing the premises to remain open so late and permitting the sale of alcohol beyond that already permitted for the nearby Ocean Premises will

- a) be likely to increase crime and disorder
- b) impact adversely upon public safety and
- c) increase the likelihood of public nuisance.

We say this because

6. even with the licensing hours as they are for Ocean, we regularly experience significant anti-social behaviour including drug taking and illegal consumption of alcohol in and around the area after 23.30.

Allowing later licensing hours than Ocean, can only promote the potential for this problem to increase and spread to a larger area, thereby raising the likelihood of an increase in crime and disorder.

Such likely increase in crime and disorder will necessarily impact adversely upon public safety.

Later licensing hours are bound to increase the noise factor generally whether from the premises or on leaving, in an area which is residential and suffers from wind directed noise from a prevailing direction which means many residential properties will be adversely affected.

We have already found the noise from Ocean during occasional late night licenced events is very intrusive.

7. Further, the Committee will appreciate that any grant for licensing hours extended from those of Ocean are likely to set a precedent for other future proposals.

We recognise that the Committee will consider each application upon its merits but suggest the potential for opportunism in further applications is something the Committee should be alive to.

8. The Committee will recognise it has a duty to protect the rights of residents to privacy and family life.

These considerations will obviously have been taken into account when making decisions about the licensing hours for Ocean. It is difficult to see how the situation can have changed so as to allow another entertainment venue to be granted extended hours.

9. In the light of our representations, we ask the Committee to refuse the applied for licensing hours and invite it to impose similar hours to those of Ocean.

Yours faithfully

Jenny and Martin S Heslop QC

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jenny Heslop

Representation Accepted: Representation has been accepted

Reason:

Details:

15th March 2021
Dear Sir/Madam

RE: LICENSING APPLICATION NO 051731
Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie

1. This letter is to make representations in respect of the above licensing Application.

2. We live almost immediately behind the site of the property for this application and believe we are therefore in a position to make significant representations under the licensing objectives in respect of the licensing hours applied for.

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Such likely increase in crime and disorder will necessarily impact adversely upon public safety.

Later licensing hours are bound to increase the noise factor generally whether from the premises or on leaving, in an area which is residential and suffers from wind directed noise from a prevailing direction which means many residential properties will be adversely affected.

We have already found the noise from Ocean during occasional late night licenced events is very intrusive.

7. Further, the Committee will appreciate that any grant for licensing hours extended from those of Ocean are likely to set a precedent for other future proposals.

We recognise that the Committee will consider each application upon its merits but suggest the potential for opportunism in further applications is something the Committee should be alive to.

8. The Committee will recognise it has a duty to protect the rights of residents to privacy and family life.

These considerations will obviously have been taken into account when making decisions about the licensing hours for Ocean. It is difficult to see how the situation can have changed so as to allow another entertainment venue to be granted extended hours.

9. In the light of our representations, we ask the Committee to refuse the applied for licensing hours and invite it to impose similar hours to those of Ocean.

Yours faithfully

Jenny and Martin S Heslop QC

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: P Wedlake

Representation Accepted: Representation has been accepted

Reason:

Details:

The Licensing Manager
EDDC
Honiton

16.03.2021

Dear Sirs

Application for Licensing - Mickey's
Beach Bar, Exmouth. 051731

It is difficult to understand the need for such excessively long opening hours, 7.0 am until 2.0am every day, requested for this bar.

The "fine dining" which Michael Caine had originally explained would be offered seems at odds with the encouragement of binge drinking and drunkenness. This could lead to much traffic & music noise in a residential area.

I would like to protest at these very expansive opening hours being allowed.

Isn't this supposed to be a water sports centre???

Yours faithfully

P.Wedlake (Mrs)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jean Jordan

Representation Accepted: Representation has been accepted

Reason:

Details:

The Licensing Manager East Devon District Council Blackdown House
Border Road
Heathpark Industrial Estate Honiton EX8 1EJ

17th March 2021

To: The Licensing Committee

RE: PREMISES LICENCE APPLICATION NO 051731

By Maer Beach Ltd for
Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie Unit 1, Sideshore, Queens Drive,
Exmouth, Devon EX8 2GD

I wish to make strong representations in respect of the above application.

Having regard to the four primary licensing objectives, I object to it on the following grounds:

- 1 It will be likely to increase crime and disorder.
- 2 It will be likely to impact adversely on public safety.
- 3 It will be likely to increase public nuisance at the site and the surrounding area and
- 4 It will be likely to adversely affect the safety of children.

I live in a residential road directly behind the Ocean Complex and I can see the Sideshore Development from my top floor flat, which is only 5 minute's walk away.

There is already a great deal of disturbance and nuisance often well past midnight in the locality having regard amongst other things to the present licensing hours of Ocean.

Granting this application and thereby extending the licensing hours for it beyond those of Ocean will only exacerbate the problem which already exists including drunkenness and drug taking in the area. This will be likely to increase crime and disorder and impact adversely on public safety. Gunfield Gardens are already regularly being used for anti-social behaviour and as a toilet day and night. We could well see the Maer suffering the same problems.

Further, as the Committee will well appreciate, noise travels further at night and is therefore I kely to create a public nuisance for the surrounding area if allowed to continue as late as the application seeks.

The protection of children is a worry since often groups of youngsters are regularly out and about very late at night and the potential for more inebriated persons dispersing from these premises as late as 02.30, must raise concerns for their wellbeing and indeed that of others in the area around that time.

In addition, I believe as a resident, I am entitled to my privacy and family life. I recognise that this is an holiday destination and the Sea Front should be used appropriately to benefit the Town. But, I fear that licensing these premises to such a late hour will significantly interfere with the quiet enjoyment of my rights and those of other local residents who live nearby.

I hope the concerns I have raised above, will be carefully considered by the Committee in their del berations.

Yours faithfully

Mrs Jean Jordan

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: M J Pickup
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details: 15.03.2021

Ref.number 051731
Mickey's Beach Bar
Unit 1 Sideshore
Queens Drive
Exmouth EX8 2GD

The Licensing Manager,
Dear Sir

I object to the application from Maer Beach Ltd. The opening hours are far too long, and I am concerned about the noise. Where I live it seems the noises from the prom area just drifts up here. I know this from when there were events at the Ocean Grill which is nearby. So I consider the whole proposal absolutely deplorable.

Yours sincerely

M.J. Pickup (Mrs)

Evidence:

Suggestion:

Person making Representation: Sheila M White
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details: EDDC
Licensing Dept

Dear Sirs, Re licence application Mickeys Bar
051731

I object to the granting of a license to this applicant on the grounds of nuisance, noise related and the hours to 2am.
In the summer, doors and windows are open and noise travels! Are decibel levels used in these cases? Is there any control in people being drunk? And them possibly ejected to be in public nuisance. I have had experience of Maer so called parties which got louder and more abusive as time went on.
The police can not be everywhere and its regrettable people fail to act respons bly

Yours faithfully

Sheila M White (Mrs)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Peggy Lancaster

Representation Accepted: Representation has been accepted

Reason:

Details:

Ref number 051731

Dear Sir/Madam

I am writing in connection with the Licence application of Mickey's Beach Bar to have music and the selling of alcohol on the premises up until 2am.

I live on Douglas Avenue and I can see Mickeys Bar across the Maer. I would also be able to hear the music and resulting revellers.

There is already noise of revellers on the front at weekends so I do not relish the thought of more especially all through the week Therefore I suggest the time limit is reduced to Midnight daily both for music and the selling of alcohol but especially the selling of alcohol. This is suggesting a compromise for both parties.

Yours faithfully

Peggy Lancaster

Evidence:

Suggestion:

Person making Representation: Teg Berry

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir/Madam,

Re: new Premises Licence at Mickey's Beach Bar & Restaurant and cafe Patisserie Glacerie Unit 1
Sideshore, Queens Drive, Exmouth, EX8 2GD

I write to express my concerns and objections to this application. Whilst I welcome this new development on Exmouth seafront and think it will be great for the town and the seafront, I cannot support a late bar with music beyond midnight. I live close to this development, in fact I can see it well from the back of my home. Given our prevailing winds are south/south westerly, the noise will carry very easily to all the homes along this part of Douglas Ave and beyond. I am already regularly disturbed by noisy racing cars along the seafront late at night and given this music could be a nightly occurrence I think it is unreasonable given we need to sleep to be fit to work the next day.

In addition, my house adjoins the pedestrian walkway that connects Douglas Ave, via the path between the bowling green and the cricket club, to the Sideshore development so it is inevitably going to be used as a route home for those who have been drinking late at Mickey's bar. Of course, I have no objection to people enjoying themselves but we all know that a few glasses of alcohol can lead to raised voices/singing/ laughing loudly etc on the route home. I would fully expect to be woken nightly at 2am by my dog barking at raised voices on their way home through this wa kway.

Thank you for considering these points Yours sincerely
Teg Berry (local resident)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Rosina Burgess

Representation Accepted: Representation has been accepted

Reason:

Details:

March 17th 2021

Dear Sir, or Madam.

I wish to register my concerns, regarding the application of proposed licensing and opening house of Maer Beach Ltd. Exmouth.

As this area is home to important fauna, and is in close proximity of residential areas, I feel that that opening hours, much of which will have either live or recorded music, to be excessive. The premises is proposing to be open for 20.5 hours in every 24hr period.

Please consider our concerns.

Yours sincerely

Rosina Burgess

Evidence:

Suggestion:

Person making Representation: Geoff Crawford

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear sirs,

I would like to object to the application for 2am music and alcohol license as detailed below.

I consider it inappropriate to allow a 2am licence to a venue outside of town centre and located in an area of outstanding natural beauty.

The additional traffic generated at an unreasonable time and potential for anti social behaviour off premises in an area close to care homes, retirement homes and generally a very very quiet neighbourhood is unacceptable and not with keeping for this specific location.

In addition to the above, the application stated 'indoors' the design of this building has a 30% first floor open area which is classed as semi indoor / outdoor.

Ref 051731 Maer Beach Limited

Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1 Sideshore, Queens Drive,
Exmouth, EX8 2GD
Exmouth Town

Thank you for your consideration.

Regards,

Geoff Crawford

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: David Buller
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir / Madam,

I wish to object to the application for a 7pm - 2am music and alcohol license currently being applied for by Maer Beach Ltd, see more details at the end of this email.

It is entirely inappropriate for a venue outside of the town centre and located in an area of outstanding natural beauty to be playing loud music and selling alcohol after 10:00pm. There is likely to be extra traffic driving to and fro at unreasonable hours, and increased potential for off premises anti-social behaviour within what is currently a very quiet residential neighbourhood having a high proportion of care and retirement homes. My view is that allowing a noisy bar to operate until the early hours is not in keeping with the area.

In addition to the above, the application states 'indoors' but the design of this building has a 30% first floor open area which is classed as semi indoor / outdoor.

Kind regards,

David Buller

Ref 051731 Maer Beach Limited
Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1 Sideshore, Queens Drive,
Exmouth, EX8 2GD

Evidence:

Suggestion:

Person making Representation: Nicholas Sage
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Licensing Manager,

I have recently read the public notice informing me that Mickey's Beach Bar and Restaurant has applied for late night / early morning opening hours until 02.30 in the morning. I feel that this is totally unacceptable given the location of the bar and restaurant which is in a very quiet part of Exmouth and an area of outstanding natural beauty, well away from the town centre and very close to a number of care and retirement homes. It would not be at all acceptable for the new bar and restaurant to be open at these hours, especially given all the additional traffic and noise outside that will occur as a result.

I would therefore like to state my opposition to this proposal.

Yours sincerely,

Nicholas Sage

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Elaine Lewis

Representation Accepted: Representation has been accepted

Reason:

Details:

Licensing application 0151731 Miceys Beach Bar and Restaurant and Cafe Patisserie.

I wish to object to the above Licensing application.

This application relates to a restaurant built in a very sensitive position bordering the sand and seascape of the glorious Exe Estuary, the unique Site of Special Scientific Interest of The Maer and residential dwellings. These three areas stand to suffer significant detriment due to increased noise and light pollution, the classic poor behaviour that follows on from inebriation including disorder, increased littering including smashed glass from bottles taken onto the beach and the loss of a public space of tranquil contemplation to name just a few of the obvious problems that the excessive opening hours and supply of alcohol until 2.30am outdoors every day of the year would inevitably bring if this application is successful in its current form. The fine line between enjoyment and nuisance could be supported by reducing the hours requested by the applicant to those of other restaurants in Exmouth. Also by limiting the number of days that the outside event space could be used and by special application only.

-This application is for late night music until 2am on 365 days of the year. The resultant nuisance from noise, which could happen every night if this application is granted in its present form. would be totally inappropriate in this area which is residential, an SSSI site and beachfront. The terms of the application should have reduced hours specified for music. Also sound mitigation needs to be in place, with consideration of when the sliding roof can be opened as this will negate any efforts for sound baffling.

-A blanket application of 15 hours per day until 2pm for the sale of alcohol indoors for every day of every year would surely encourage drunken behaviour bringing public disorder into this tranquil, family orientated beachside area of Exmouth. I wish to suggest normal restaurant opening hours of 11pm to be specified with no extensions.

- Even more disturbing is that this application is for the sale of alcohol until 2.30am on every day of the year for OUTDOOR consumption. The resulting multiple disturbances inevitably associated with inebriation into the early hours would be a significant public nuisance. The requested 2.30am closing time would be a draw, as the only place open, for people to gather there after a night of drinking elsewhere. The potential for associated noise and disorder from this outdoor space every night until 2.30am would surely constitute a public nuisance.

-This restaurant is adjacent to a notoriously treacherous stretch of water where the River Exe meets the sea. Drunkenness and swimming do not mix.

-Policing this area until 2.30am would stretch an already limited police capacity.

Elaine Lewis 18.3.21

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jane Ashton

Representation Accepted: Representation has been accepted

Reason:

Details:

Licensing Application Ref 051731 Maer Beach Ltd.
Premises: Miceys Beach Bar and Restaurant and Cafe Patisserie Glacerie

Date of this representation 19/03/2021

The entire seafront is an area which ALL Exmouth residents and our visitors should be able to use day and night, all year round and feel safe without encroaching on the enjoyment and activities of others. I, for one, want to continue to enjoy late-night walks along the beach watching the moon on the water, listening to the waves lapping or crashing and just being at one with nature.

The points I wanted to raise as objections and concerns are these.

1) Application states 'All drinks in outside space will be served in polycarbonate containers.' Surely not? Polycarbonate is a non-recyclable plastic which does not biodegrade and the chemicals leech into the environment.

This is an unboundaried site and late-night refreshments outdoors could cause a litter problem and marine pollution. Very tight restrictions would need to be put on timings of use of outside space and monitoring disposal of non-plastic drink containers. Prevention of harm to the environment and wildlife.

2) There is already light pollution from unnecessarily bright lighting of the car-parking area, both at sea-level and from higher in the residential areas. Prevention of harm to the environment and wildlife. As well as wildlife on the Maer, marine life and sea-birds roost on the water and at Dawlish Warren, it must already have an effect on the well-being of walkers, visitors and residents alike and certainly on the residents of Trefusis Terrace and Douglas Avenue. Prevention of public nuisance

3) Application states "Noise and vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises." That's a vague and unsubstantiated statement. Indoor performance of live music or recorded music (streamed or with DJ) cannot be contained when, in mild weather, the doors and roof area will either be open or the movement of customers from indoors to outdoors and vice-versa will entail seepage of sound. Prevention of public nuisance

The potential noise disturbance needs to be properly, scientifically measured before this License is approved. Noise travels differently over water. Prevention of harm to the environment and wildlife. Even at fairly low levels, the sensitivity of wildlife in this area has not been considered along with disturbance to residential properties.

4) Promotion of public safety, Prevention of crime and disorder, The requested timings (until 2am or 2.30am) are inappropriate. I know of no other pub, hotel, restaurant or even glacerie in Exmouth that has such late licensing hours.

The only night-club in the town which had a later licence sadly closed this week.

Giving permission for those hours will set a precedent close to this sensitively sited piece of land. If that precedent is set, I'm concerned that Exmouth will not have sufficient Police resources, NHS resources, and Emergency services to guarantee the safety of late-leaving customers so close to an area of coastline, known to be unsafe for swimmers even in the sober light of day.

Alcohol, late at night, in such close proximity to a dangerous current = a risk to life.

I am certainly not against late-night drinking in bars, night-clubs or discos. Exmouth has other smaller, highly successful restaurant/bar/wine-bars which are licensed for music and late-night drinking and are apparently skilfully managed by experienced proprietors.

If I were convinced that that is the kind of establishment that's being proposed by this application, I'd be partly reassured. However, when the application states "a ratio of 2 doorstaff for the first 150 customers (after 9pm) and an additional one for every 75 customers thereafter" I am alarmed.

Even 150 customers equates to 5 rooms of 30 students- but bigger- all in a comparatively small space. (I have just visualised this as a teacher and also as a night-club frequenter.) Add another 75 and then more

Unless limitations and more conditions were to be laid down, I see this as a safety issue for customers both indoors and out and for late-night passers-by especially at 'turning out time.' Prevention of public nuisance. Please put limitations on the numbers and the hours.

I fully acknowledge that a town like Exmouth needs one or two vibrant 'night clubs', places for the young and the not-so young to BE young. Those need to be in the town. It's a harsh reality that a distinction needs to be made between both the regulations and the suitability of the site.

The Sideshore site is not appropriate, not safe and will damage our would-be eco-friendly reputation. In its current form, without several limitations added and conditions altered, I object to this application.

In the application for planning permission for the premises named above, where were the words 'night-club' or 'late night drinking establishment?' This Licensing application further demonstrates the lack of transparency shown throughout the process of this entire development on what purported to be primarily a 'Watersports' site.

I'd like to request confirmation of receipt of this representation, dated 19/03/2021

Jane Ashton,

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Evidence:

Suggestion:

Person making Representation: Dee Tracey

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir,

We have no objection to the proposed business operating within normal licensing hours. We do, however, object to the application as it stands on the following grounds:

1. There is already a degree of anti-social behaviour on the sea-front, particularly with over-revving of motorbikes driven at excessive speeds. If these should meet, or be exacerbated by, drunken late-night revellers, the consequences could be disastrous. The area is well away from the town centre, where the police are already over-stretched, and is, therefore, very unlikely to be properly and effectively monitored.
 2. This has implications also for the safety of the public at large. Whilst it is unlikely that there will be large numbers involved, people do like to take quiet and peaceful late night strolls along the front, and they do not want to have to avoid crowds of drinkers in order to do so. Alcohol might only be served indoors after 23.00, but does anyone really believe that the drinkers will not spill outside? On a warm summer's evening, are all the doors going to be shut to keep the drinkers inside?
 3. This is quite apart from the fact that the availability of outdoor drinking for twelve solid hours, right on the sea front, is a positive enticement to anti-social behaviour.
 4. Perhaps worse is the threat of music from 7am until 2am. When is there to be any respite? Loud music penetrates a long way in quiet conditions, even when it is played indoors. Whilst this in itself would be bad enough, does anybody seriously expect that all doors and windows are going to remain tightly closed for four hours on a summer night? Even if doors open only to let people in and out, there would be an inevitable escape of noise, and that is the very least that could happen. How are local residents supposed to avoid this penetrating nuisance?
 5. During the day the noise pollution would be to a certain extent masked by the other sounds of daily life, but it would still be very intrusive for people trying to enjoy a peaceful stroll along the seafront, particularly as all doors and windows would doubtless be wide open at those times.
- The development was sold to Exmouth as a watersports centre, with attached restaurant and a few discreet shops. The applicant is trying to turn it into a nineteen-hour night club, and the potential for anti-social behaviour, with all its accompanying risks to the general public, is far too great. Worse still is the noise pollution and disturbance to users of the seafront, and, particularly, to local residents for a large area around, whose days and nights would be endlessly disturbed by something over which they would have no control.

The application should be rejected and the applicant told to come back with something far more suitable to the location.

Yours faithfully,

Mike and Dee Tracey

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Mike Tracey

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir,

We have no objection to the proposed business operating within normal licensing hours. We do, however, object to the application as it stands on the following grounds:

1. There is already a degree of anti-social behaviour on the sea-front, particularly with over-revving of motorbikes driven at excessive speeds. If these should meet, or be exacerbated by, drunken late-night revellers, the consequences could be disastrous. The area is well away from the town centre, where the police are already over-stretched, and is, therefore, very unlikely to be properly and effectively monitored.
2. This has implications also for the safety of the public at large. Whilst it is unlikely that there will be large numbers involved, people do like to take quiet and peaceful late night strolls along the front, and they do not want to have to avoid crowds of drinkers in order to do so. Alcohol might only be served indoors after 23.00, but does anyone really believe that the drinkers will not spill outside? On a warm summer's evening, are all the doors going to be shut to keep the drinkers inside?
3. This is quite apart from the fact that the availability of outdoor drinking for twelve solid hours, right on the sea front, is a positive enticement to anti-social behaviour.
4. Perhaps worse is the threat of music from 7am until 2am. When is there to be any respite? Loud music penetrates a long way in quiet conditions, even when it is played indoors. Whilst this in itself would be bad enough, does anybody seriously expect that all doors and windows are going to remain tightly closed for four hours on a summer night? Even if doors open only to let people in and out, there would be an inevitable escape of noise, and that is the very least that could happen. How are local residents supposed to avoid this penetrating nuisance?
5. During the day the noise pollution would be to a certain extent masked by the other sounds of daily life, but it would still be very intrusive for people trying to enjoy a peaceful stroll along the seafront, particularly as all doors and windows would doubtless be wide open at those times.

The development was sold to Exmouth as a watersports centre, with attached restaurant and a few discreet shops. The applicant is trying to turn it into a nineteen-hour night club, and the potential for anti-social behaviour, with all its accompanying risks to the general public, is far too great. Worse still is the noise pollution and disturbance to users of the seafront, and, particularly, to local residents for a large area around, whose days and nights would be endlessly disturbed by something over which they would have no control.

The application should be rejected and the applicant told to come back with something far more suitable to the location.

Yours faithfully,

Mike and Dee Tracey

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Sue Benz

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

I would like to object to the application for 2am music and alcohol license as detailed below.

I consider it inappropriate to allow a 2am licence to a venue outside of town centre and located in an area of outstanding natural beauty.

The additional traffic generated at an unreasonable time and potential for anti social behaviour off premises in an area close to care homes, retirement homes and generally an extremely quiet neighbourhood is unacceptable and not with keeping for this specific location.

In addition to the above, the application states 'indoors' but the design of this building has a 30% first floor open area which is classed as semi indoor / outdoor.

Ref 051731 Maer Beach Limited
Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1 Sideshore, Queens Drive,
Exmouth, EX8 2GD
Exmouth Town
Thank you for your consideration.

Yours Sincerely
Susan Benz

Evidence:

Suggestion:

Person making Representation: Richard Stradling

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs,

Ref 051731 Maer Beach Limited
Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1 Sideshore, Queens Drive,
Exmouth, EX8 2GD
Exmouth Town

I wish to register my objection to the above application for a 2am music and alcohol licence.

I consider it inappropriate to allow a 2am licence to a venue outside of the town centre and located in an area of outstanding natural beauty.

The the impact should be considered of the additional traffic generated at an unreasonable time and potential for anti social behaviour off premises in an area close to care and retirement homes and a tranquil residential area. In addition I note that the application provides for some door security, but I wish to register my concern that it is unreasonable to expect this limited measure to extend to ensuring anti social behaviour does not take place on the beach and surrounding areas.

Additionally, I wish to raise concerns that the licence will extend to the first floor area which has a retractable roof. Serving alcohol until 2 am seven nights a week in an area where the roof is retracted will only exacerbate the disturbance to the surrounding area.

Yours sincerely
Richard Stradling

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Carol Metcalfe

Representation Accepted: Representation has been accepted

Reason:

Details:

My Details: Carol Metcalfe

Representation Re. Ref. No 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Glacerie
Unit 1 Sideshore, Queens Drive, EX8 2GD

Please note and amend: the applicant's premises is in Littleham Ward, not Town Ward as stated on this application.

Unlike the urban Town Ward, Littleham Ward is a predominately residential area, with the local Maer Nature Reserve and a long, expansive seafront.

I believe that the application for a licence to play live and recorded music, supply alcohol and light refreshments into the early hours of the morning at the applicant's premises, as it stands, should not be approved. The intention of Sideshore was to provide a seafront watersport centre for the benefit of the community. A commercial restaurant and retail outlets selling watersport related goods was included as part of the build. This was to finance the repayment of the cost of the construction. A late-night venue/nightclub was never mooted in the vision and planning for the applicant's premises. There is a great difference between a restaurant/bar and a night club (although the applicant does not specifically describe it as such). A nightclub at this premises, at this location would be inappropriate and a betrayal of intended use and purpose.

I am a resident of Douglas Avenue. The apartment building in which I live is in an elevated position and is one of the closest properties to the applicant's premises. My living room and main bedroom face the applicant's premises. My property is in audible range of the applicant's premises (I can hear the sea which is adjacent to the applicant's premises). Exmouth seafront is an open, low rise, coastal area where noise rises and travels across the town. In the past I have experienced occasions when the sound of music and cinema films played at the nearby 'Queen's Drive' space, Manor Gardens and even from the Imperial Recreational Area have intruded volubly and noisily into my apartment. Although causing some intrusion, disrupting the quiet enjoyment of my home, the events have been infrequent and have ended at 23.00. This is reasonable and acceptable and have not caused a nuisance by preventing sleep at night.

The applicant has applied for a licence to open his premises until 2.30am every day of the year, supply alcohol and play recorded music from 7.00 to 2.00 every day of the year, plus live music from 12.00 to 23.00 every day of the year. A late-night venue, open into the early hours of the morning is inappropriate at this non-urban, residential and coastal location. If this is approved there is a great likelihood that the noise of music into the early hours of the morning, together with drunk and disorderly patrons leaving the premises during the early hours of the night, the time when most people sleep, will cause a significant nuisance to those people who live in surrounding residential properties. Several of the properties overlooking the applicant's premises are residential homes for the elderly. There is also a children's residential school in the local vicinity. Added to the nuisance to human residents there are a number of protected species of birds and other wildlife that inhabit or feed at the adjacent local Nature Reserve and Pole Sands. These could easily suffer harm as the result of noise pollution. It was a condition of the planning approval granted for the premises that any lighting installed must not impact on the protected wildlife. The effects of loud and constant noise will have a similarly detrimental effect on the welfare of the wildlife.

My concern about the potential outcomes of this licensing application, the potential increase of noise, disturbance and subsequent nuisance are exacerbated by a paucity of detail supplied by the applicant. In particular he has failed to provide clear details of any guardrails he would put in place to prevent nuisance and disturbance to local residents and to safeguard against crime.

For example he has omitted to detail the type of live and recorded music he intends to play. Quiet, ambient recorded music, or one person and his acoustic guitar is very different to amplified and vibrating beat music, either live or recorded.

The applicant has provided scant and incomplete information about how he will control and prevent the breakout of sound, noise leakage and vibration from all of the openings of his premises.

The applicant states "The main entrance to the premises has an effective lobby to minimise the breakout of noise." However this is not the full picture. I have viewed the building and observed that the building has many other exit and entrance doors (without lobbies) as well as doors and openings to outside terraces. The ground and first floor terraces have full-height, sliding or folding glass doors which would, when open, expose the majority of the internal space to the outside. Additionally the large first floor terrace has a retractable roof from where a great deal of 'breakout of noise' could occur. The rear of the building has a number of vents and what appears to be opening windows. None of these has been mentioned or addressed in the application

The design and features of the building does not afford the containment of sound. (It does not have a contained space such as a basement below ground, which could easily be soundproofed.) The premises has been designed to be open to the external environment. This is typified by the tall folding/sliding glass doors and open terraces bringing the 'outside in' and the 'inside out' as well as providing necessary

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ventilation during the hot summer months. It has not been designed as closed, noise-insulated nightclub.

It is not clear from the application which properties the applicant considers as "noise neighbouring noise sensitive premises"

He states "Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises". Would the applicant confirm in the licence he is referring to the residential properties that face and are nearby his premises. It would be reassuring to know these properties specifically include Douglas Avenue, Trefusis Terrace and the neighbouring roads.

The applicant uses the word 'facade' of a premises to denote where noise and vibration should not be heard.

The street facing 'facades' of properties on Trefusis Terrace face the applicant's premises. However, it is the rear, not the front facade, of properties in Douglas Avenue that face the applicant's premises and where noise and vibration would be heard and felt most. The noise level heard at the rear of the properties in Douglas Avenue could be much greater in volume compared with the noise level heard at the front facade. Most of the main bedrooms and living rooms in Douglas Avenue are situated at the rear of the properties and would be vulnerable to disturbance by a breakout of noise from the applicant's premises. For clarity could the applicant remove the word 'Facade' or add 'or Rear' to his application.

The applicant does not state that his premises will operate a zero tolerance to drug taking and dealing. This is of concern.

A license to supply alcohol until 2.00 and refreshments until 1.00 every day of the year, will increase the likelihood of noisy, drunk and disorderly people in the neighbourhood at night-time. The only people looking to purchase food at 1.00 will have likely consumed considerable quantities of alcohol. Extended licensing hours will also encourage already intoxicated patrons from the pubs around Exmouth and beyond to imbibe further alcohol at the applicant's premises. With the best will in the world, the management will have little control over their customers once they have left the premises. Noise from the slamming of car doors, hooting of horns, loud voices and taxis running their motors while waiting for their customers will disturb nearby residents' sleep and the quiet enjoyment of their homes. Night-time noise is totally unacceptable and will cause a public nuisance. The proposed closing time is well after the finish of public transport. The premises is a significant distance away from the town centre, main roads and thoroughfares. This will necessitate patrons to walk home through residential streets, use their own transport or a taxi. The longer the licensing hours into the night, the more opportunity for unruly, drunk and disorderly patrons to become a public nuisance, commit a drunk driving offences and possibly other crimes to persons and property. Ultimately this will result in significant and unnecessary pressure being placed on the already stretched police and NHS services.

The applicant has omitted to detail how he will manage litter resulting from his customers eating and drinking outside on the premises' forecourt and from the outside events space.

The containment, collection and disposal of litter is a major issue on the Exmouth seafront. And Exmouth is notable for its strong winds in all seasons. Anything made of lightweight material will not remain in place for very long! The large outside events area is part of the exposed area of the seafront. Any light "polycarbonate containers" referred to in the application (and presumably disposable food containers as well) will easily get blown around causing litter on the public walkways and beach and pollute the sea. The outdoor events space adjoins the cycle and pedestrian paths and is just a few feet from the beach. The applicant intends to supply wine/champagne in glass bottles at the open events space. For reasons of Health and Safety this is a potential hazard and therefore should be prohibited. Damage to cycle tyres, and injury to dogs, children and pedestrians (many of whom walk barefoot on the footpath) from broken glass is a real possibility.

Despite my many concerns I welcome the opening of Mickey's Bar & Restaurant and Cafe Patisserie Glacerie. Michael Caines is a highly acclaimed and respected chef and restaurateur. I am sure his bar and restaurant will be a successful and a popular choice for those who are looking for a meal or a place to socialise at a beautiful beachside and natural setting.

However, as a nightclub/late-night venue, open until 2.30, and where alcohol is supplied until 2.00 every day of the year, the building and location is totally inappropriate. It was not designed and built as a premises for night entertainment, nor will it work as one.

For the reasons listed above, I suggest regular restaurant licensing hours, serving alcohol until 23.00, playing of live and recorded music until 23.00 and the premises closed by 00.00, for every day of the year. I do not think a Late Night Refreshment Licence should be agreed.

Carol Metcalfe

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Deirdre Alice Norman

Representation Accepted: Representation has been accepted

Reason:

Details:

We are concerned that due to the proximity of Miceys Bar from our home, we will hear noise and music during late opening hours, and be disturbed when trying to sleep. Most of the residents both in our apartment block, and those of either side of us are elderly people. We do not keep late hours and are light sleepers, so are worried that the noise will have a serious impact on our daily lives. We are not against people enjoying music, but would request that the late hours should not be allowed. i.e. Not after 11 pm. There is also bound to be noise and commotion from customers when leaving the premises after drinking. Sound does carry well late at night.

Evidence:

Suggestion:

Shorter opening hours and restricted music licence.

Person making Representation: Irene Warman

Representation Accepted: Representation has been accepted

Reason:

Details:

Good afternoon.

Ref 051731 Maer Beach Ltd

I write in support of Mr Geoff Crawford's objection to the application.

I agree with his comments but I would also add the following points.

The Watersports Centre might well prove to be an asset, the cafe/restaurant also, but it is another matter entirely to suggest for such a location what would effectively be a nightclub.

Noise until 2 a.m. every single day of the week?

When the venue closed at 2.30 a.m. many customers would continue partying on the beach. Until what hour?

The alcohol is to be consumed only on the premises - what will stop people from carrying drinks to the beach? Polycarbonate containers are one thing, but bottles of wine/champagne whose 'disposal... into waste receptacles will not be permitted... between 23.00 and 07.00' will end up as jagged shards of glass.

Noise is one ground for objection, but I would suggest that safety is of even greater concern.

This is a much-visited section of our glorious beach. Who would clear up, before dawn each morning, the inevitable broken glass and other debris?

What scene would await early morning walkers?

One of the great pleasures of our sandy beach, for children and also for many adults, is to run, or amble, along the beach barefoot. One shudders to think of the medical consequences of not treading with extreme caution.

And what of wildlife? Is any consideration being given to the inevitable detrimental effect on their health?

Exmouth is a truly wonderful family resort. Yes, we must move with the times, but would a nightclub really be an asset at a beach like ours?

Yours faithfully,
Irene Warman

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Maureen Willis
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

We object to parts of this licence request because the longer alcohol is available to buy the more likely drunkenness will result leading to cases OF PUBLIC DISORDER, CRIMINALITY,PUBLIC NUISANCE AND PUBLIC SAFETY.

The playing of music should be kept to reasonable limits to avoid PUBLIC NUISANCE.

We request an earlier closing time and limits on music volume.

Exmouth needs to protect its reputation and present tenor as a safe and reputable seaside town.

Maureen Willis and Nils Hornsten.

Evidence:

Suggestion:

Person making Representation: Nils Hornsten
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

We object to parts of this licence request because the longer alcohol is available to buy the more likely drunkenness will result leading to cases OF PUBLIC DISORDER, CRIMINALITY,PUBLIC NUISANCE AND PUBLIC SAFETY.

The playing of music should be kept to reasonable limits to avoid PUBLIC NUISANCE.

We request an earlier closing time and limits on music volume.

Exmouth needs to protect its reputation and present tenor as a safe and reputable seaside town.

Maureen Willis and Nils Hornsten.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Ron Metcalfe

Representation Accepted: Representation has been accepted

Reason:

Details:

Representation on Licensing Application No 051731
Mickey's Beach Bar & Restaurant and Café Patisserie Glacerie, Unit 1 Sideshore, Queens Drive,
Exmouth, EX8 2GD

Ron Metcalfe

Like many others, I welcome the opening of Michael Caines premises and look forward to enjoying the restaurant and glacerie facilities.

This representation is not against the licensing of this premises. I would like to see changes in the application to address concerns I will outline below. There needs to be a variation in the currently requested licensing hours, exclusion of one activity and further conditions put in place in order to ensure the licensing objectives are carried out.

Currently, the applicants are seeking to open their premises at Sideshore every day of the week, Monday to Saturday from 7am to 2:30 am (that is 365 days of the year) with

" Live music indoors from noon till 11 pm any night of the week

" Recorded music 7 am till 2 am in the morning any night of the week

" Alcohol being sold indoors from 11 am till 2 am in the morning and outdoors till 11 pm any night of the week

" Late Night Refreshments from 11 pm till 1 am

Other nearby establishments operate with limited hours during the week, shorter licensing hours and earlier closing times.

Granting this application unfettered presents the potential for unintended consequences for the seafront, Maer Nature Reserve, neighbouring communities, police, ambulance services, the NHS and even CoastWatch.

It would also grant this venue licensing hours (with Late Night Refreshments) that are more in keeping with a nightclub than a restaurant and bar. This is not what has previously been planned, or agreed, for this site.

It would change the context of this beachfront area into a late-night destination, no doubt attracting late night revellers from other pubs in town after closing time as well as visitors to Exmouth from other areas.

Setting a precedence with these late-night hours, 365 days of the year, could stimulate other applications to 'liven up' their establishments along the area of the seafront. Such changes to the seafront landscape /streetscene should be discussed, planned and supported not just happen piecemeal.

Car enthusiasts (so called 'boy racers'), already a regular nuisance to many Exmouth residents and a challenge to scarce police resources, would have an attractive venue for late night refreshments and gatherings. This could make Exmouth seafront an even more popular spot for enthusiasts from further afield, causing more and even later, night noise along Queens Drive, Esplanade and on Carlton Hill as well as other roads near the seafront. With increased use by car enthusiasts comes the risk of crime and disorder as well as noise nuisance.

With extended drinking hours and alcohol being served outdoors there is an increased likelihood of rowdy behaviour and potential public disorder on the promenade and beach areas, with more drinking and littering on the beach and risky 'midnight swims'.

The applicant's proposal to serve wine/champagne in glass bottles outdoors poses a public health and environmental risk of broken glass around the promenade area as well as the beach. The Licensing committee would be right in refusing the use of glass outdoors in this area for environmental as well as public safety reasons.

There are no details in the application for patrolling / monitoring of the surrounding area to oversee behaviour and littering. Nor are there details of any facilities for patrons to dispose of the proposed polycarbonate beverage glasses. If these are not disposed of properly for recycling, they severely affect marine life when dumped into the ocean.

There is no clear and explicit statement of zero-tolerance of drugs on the premises.

Noisy customers on foot to and from Miceys after pub closing time or leaving at 2:30 am could also be a nuisance on many nearby roads and streets. The application does not propose any "Customers Departing" measures to ensure patrons are not noisy, not disturbing neighbourhoods on home journeys, using taxis that won't sound horns on collection of customers, etc.

Extended opening hours, Late Night Refreshments and popularity of a late-night hotspot, could increase nuisance behaviour from noisy to rowdy on neighbouring streets, and increase the potential necessity for interventions from police or even ambulance services and NHS.

It's hard to see how noise leakage won't be a problem from this venue without clearer and stricter conditions put in place. The application states "Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises". The use of

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the word "vibration" suggests an intention to play loud 'beat' music late into the night after the dining service, rather than quiet background restaurant music.

Does their statement mean that no sounds at all will be heard by any of the properties overlooking the seafront along the Beacon, Louisa Terrace, Trefusis Terrace and Douglas Avenue, or the properties in nearby streets behind them? Nothing in the application indicates how this could be achieved.

The statement "The main entrance to the premises has an effective lobby to minimise the breakout of noise" is a very small mitigation in a building that has multiple exits, numerous ventilation outlets, a smaller open terrace, a retractable canopy roof over a large outside terrace, and an outdoor sitting area on the ground floor. There are no references to noise management or control of sound leakage from or between these areas, in a building that was designed with an abundance of openable glazing to maximise sea views, but only ever built to be an open-style café restaurant.

Of particular concern is the outdoor events area. At the planning stage, this area was agreed as a space available to the community for public events. The proposed outdoor sale of alcohol 13 hours daily, till 11 pm every day of the year, changes this to a 'beer garden' type of venue 'owned' by Micekeys Bar. It also presents noise and behaviour management issues. A one-off events license with shorter alcohol hours when needed would be more appropriate than this 'carte-blanche' request.

While we all hope that none of these points becomes an issue and that Micekeys will not become "that kind of a place", all these possibilities need to be considered at this application stage by the Licensing Committee.

The applicants should be required to put forward a detailed Noise Management plan developed by a professional acoustician or specialist noise consultant with clear controls on noise breakout from the venue, including sound limiting devices for live and recorded music. This plan should address noise leakage in all areas of the premises, the multiple exits, numerous ventilation outlets, smaller open terrace, large outside terrace with retractable canopy roof, and outdoor sitting area on the ground floor. It should also address noise management for all the proposed types of music in each area.

The applicants should outline a thorough 'Departing Customers' plan and reasonable plans for monitoring their patrons use of outdoor areas around the premises, including promenade, beachfront and the nearby Maer.

The applicants should put forward a clear and explicit statement of zero-tolerance of drugs on the premises.

I would like to see the Committee vary, that is shorten, the licensing hours for
" Live music indoors from noon till 11 pm any Thursday to Saturday
" Recorded music 7 am till 11 pm any night of the week
" Alcohol being sold indoors from 11 am till 11 pm Sunday to Wednesday, till midnight Thursday to Saturday,
" Alcohol being sold outdoors till 11 pm Thursday to Saturday only
All subject to clearer and explicit conditions; premises closing times an hour thereafter.

I would also like to see the Committee exclude the licensing of Late Night Refreshments. I believe such a license would prove problematic for the area and for the town generally. Licenses for special events should be applied for at the relevant times, as other establishments do.

I would like to see the Committee specify explicit conditions to ensure there are guardrails to address the issues outlined above to prevent any public nuisance, crime and disorder happening, as well as ensuring public safety.

I reiterate that I am looking forward to having a Michael Caines establishment on our seafront. Like many others in our town, I believe nightclubs and late-night destinations should not be idiosyncratically allowed where planning agreement has only been made for a Café and Café Restaurant.

Thank you
Ron Metcalfe

Evidence:

Suggestion:

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Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Kevin Brown
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

I am writing to express concerns about the proposed application for extended licensing hours for the above bar. I am concerned that this is likely to cause noise and potential antisocial behaviour as a result of extended drinking, which could impact in the following ways:

- to attract large numbers of people who could drink excessively causing problems on the premises
- people leaving the bar and walking on to the beach or into the town causing antisocial behaviour and increased noise levels as illustrated by difficulties during the first lockdown on the beach. This would have an impact on policing and other emergency services.
- potentially disinhibited behaviour on the beach, particularly in the summer months, which might lead to dangers associated with the water, with increased emergency response from coastguard and RNLI.
- risks from people inebriated crossing the cycle path in front of the premises, and the impact on the many young families who use the promenade and beach during the day and well in to the evenings over the summer.
- there is already frequent use of this area by people in modified cars to socialise and speed up and down the seafront during the evenings, and this, combined with the excessive drinking that arises from long licensing hours, could have potentially fatal consequences.

The risks associated with this application would be reduced if The opening hours were along the lines of normal pub opening hours, not extended into the early hours.
This application does not seem in keeping with the family atmosphere that Exmouth is promoting to attract holiday trade.

Sincerely
Kevin Brown

Evidence:

Suggestion:

Person making Representation: Len Worsfold
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Madam/Sir

I wish to raise an objection as to the times of this application on the grounds it allows noise to go on past a reasonable time of 11.00 (22.00).

The times suggested would mean the public not being able to get enough sleep when the Bar closes as, inevitably, noise will arise from the departure of its clients.

I would also suggest limiting the noise from this site to a reasonable set figure at any time day or night.

Yours,
Len Worsfold

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Ann Smith

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to object to the range of licensing powers applied for in respect of Mickey's Beach Bar and Restaurant and Cafe Patisserie Glacerie:

1. Opening hours for these establishments amount to over 19 hours daily, 7 days per week
2. Live music daily till 11pm and recorded music 7am till 2am : this would cause unacceptable noise levels and would be very intrusive after 11pm
3. Alcohol availability from 11am daily, especially until 2am

The last 2 points would almost certainly result in large numbers of people congregating. This is not the development Exmouth was hoping for, namely an upmarket restaurant and availability of tea, coffee and light refreshments.

Yours faithfully,
Mrs Ann Smith

Evidence:

Suggestion:

Person making Representation: Daphne Barnes-Phillips

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Councillors

Re: Premises Licence Application 051731

Mickey's Beach Bar and Restaurant, Queens Drive, Exmouth

We were concerned when we saw this application for long opening hours, the provision of live music and recorded music and the late-night supply of alcohol. It is clear from the application that Maer Beach Ltd. intends to use the lengthy hours every night. This is contrary to the existing licenses granted to the nearby Ocean and Pavilion premises and will have a major impact on these established businesses.

The application states that:

Premises Open Hours requested is Monday to Sunday 07:00 to 02:30.

Activities - Times requested for Performance of live music (Indoors) Monday to Sunday 12:00 to 23:00

Playing of recorded music (Indoors) Monday to Sunday 07:00 to 02:00

Late night refreshment (Indoors) Monday to Sunday 23:00 to 01:00

Supply of alcohol for consumption ON the premises only Monday to Sunday 11:00 to 02:00

Monday to Sunday Outside event space 11:00 to 23:00.

This is Exmouth not Brighton or Blackpool. Such extreme opening times are totally unacceptable! The applicant states above that three requests are for Indoors only. Can you honestly tell us that on a hot summer night the windows will remain closed and that the customers will be barred from using the outside space?

This is an application for a new license for a venue that has no track record. The applicant should be given a very limited license initially so that the premises can be monitored to see what impact the business has on the immediate area and adjacent residential locality. Maer Beach Ltd. should not be granted such a wide remit for a first application until they can prove that they are able to run the venue without causing upset to those of us living close to it.

Yours faithfully

Daphne & Jim Barnes-Phillips

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jim Barnes-Phillips

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Councillors

Re: Premises Licence Application 051731

Mickey's Beach Bar and Restaurant, Queens Drive, Exmouth

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Yours faithfully

Daphne & Jim Barnes-Phillips

Evidence:

Suggestion:

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Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Robert John Soutter

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Councillors

I have read with disbelief the application concerning these premises. It seems to bear no relation to the original purpose of the building.

My interpretation of the original planning application was that it was for a watersports centre, plus a restaurant and café. Whilst there may be a retail unit relating to watersports, there is no evidence of any other watersports. Neither has a stepped and ramped access to the beach appeared.

Instead we have an application for licences for some sort of late night drinking venue/club. That hardly fits in with the family market, which was one of the intentions.

I would therefore object on the following grounds:

1. Unsuitability of the venue for such activities: it was not built for this purpose.
2. Location of venue -
 - a) too close to the sea - with all its inherent risks for those whose inhibitions are lowered because of the amount of alcohol consumed.
 - b) too close to a large car park, which, as the venue is away from other parts of the town, could lead to more drink driving.
3. Particularly with the outdoor service areas, there will be noise pollution affecting Roswell Court, Trefussis Terrace and East and West Checkstone. Recorded music blaring up until 2am, 7 days a week is just over the top.
4. The risk of even more anti-social behaviour in that area, particularly in the evenings and nights.

It is a great shame that a project such as this will be ruined if the applications are granted.

Yours faithfully

Robert J Soutter FCIB

Evidence:

Suggestion:

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Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Elizabeth Evans

Representation Accepted: Representation has been accepted

Reason:

Details:

Application 051731
Mickey's Beach Bar & Restaurant & Cafe Patisserie Glacerie

Representation from:

Elizabeth Evans

I would like to register a concern about the above license applied for by Maer Beach Limited

This is a residential area. Granting a license for over fifteen hours drinking a day will without a doubt cause a huge amount of noise during the evenings and especially at closing time. Already in the summer months we have large groups on the Maer drinking and singing often after midnight. Cars are raced along the seafront too. Whilst I understand that the facility needs to be able to sell alcohol and provide music I feel that an 11pm end time seems more fair to the LOCALS who live here.

When the plans were submitted for Shoreside nowhere did anyone mention these excessive licensing hours. In fact Sideshore bears no resemblance to what we were promised.

Hopefully East Devon will consider the impact the applied for hours will have on people who have made their homes here and turn down the application - and it can be resubmitted for more reasonable hours.

E Evans

Evidence:

Suggestion:

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Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Anne-Marie Kelly

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear East Devon District Council

I would like to oppose the above open application as a resident at Elford, 6 Douglas Avenue and support the objections already submitted by several of my neighbours here at Elford and other nearby properties. I was shocked to hear of this application only today and sincerely hope that it is not approved as it would cause significant disturbance. The main issues would be:

" Noise disturbance to surrounding residential property, both from the music and loud voices of the revellers, who would mostly be under the influence of alcohol.

" Noise disturbance caused by increased traffic heading to and from the venue, bringing even more 'boy racers' and revving engines along the seafront.

" Noise disturbance from drunken revellers in the vicinity after leaving the premises, potentially way past the proposed 2.30am closure time.

" Potential noise disturbance from broken wine/champagne bottles in the outside event area and the danger of broken glass on the esplanade.

" Customers visiting the Beach Bar late in the evening to purchase food will generally be young people coming from other venues in the town where they have already been consuming alcohol and therefore likely to be in high spirits, talking loudly etc.

" Regarding "Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises", the rear of Elford (and most likely other nearby properties) which faces the sea, is where our living rooms and main bedrooms are, so especially with windows open in the evening, the noise will certainly be audible!

" Noise and light disturbance to wildlife on the adjacent Maer.

If a compromise had to be reached, a cut-off time of 11pm would at least be more acceptable than the proposed 2.30am. For example, I believe the Beach Pub on the Marina has to end its weekly karaoke night by 11pm due to its proximity to residential property. Just because Mickey's Beach Bar is not directly adjacent to residential property does not mean that loud music, loud voices and additional late night traffic and revving engines will not be heard up on Douglas Avenue, Trefusis Terrace etc as sound travels and we are already disturbed by the 'boy racers' up and down Queen's Drive late at night!

The application description really sounds more like a nightclub than a bar and a seafront nightclub is the last thing that Exmouth needs! Please don't allow Exmouth to deteriorate into another 'Torquay' (recently voted the 9th worst place to live in the UK!). There is also no mention of a zero tolerance drugs policy in the application - we know that drugs are a common element of the UK nightclub scene now and again, would bring further noise/behavioural disturbance to our beautiful seafront.

I hope that my comments, along with those of other neighbours in the vicinity, will be given serious consideration.

Kind regards

Anne-Marie Kelly

Evidence:

Suggestion:

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Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Daphne Currier

Representation Accepted: Representation has been accepted

Reason:

Details:

From Mrs D Currier

Premises open hours requested time from time to
Money to Sun 7am. to 2.30 a.m.

Dear Sirs,

This is a representation regarding concerns relating to the proposals in application 051731.

I begin by listing the times of proposed activities so that I can reference them specifically. My comments are below.

Activities

E Live music indoors Mon to Sun 12 noon to 23.00 (11 p.m.)

F Playing of recorded music indoors
Mon to Sun 7a.m. to 2.a.m.

I Late night refreshment (indoors)
Mon to Sun 7a.m. to 2.30 a.m

J Supply of alcohol for consumption ON the premises only
Mon to Sat 11 a.m. to 2 a.m.

Mon to Sun Outside event space
11 a.m. to 11 p.m.

*General comment. Taken together , these proposals represent an enormous amount if activity, light, noise, fuel exhaust and smell in an area previously just a daytime car and coach park, next to the Maer nature reserve.

Recent studies have shown that vulnerable animal (including fish) species are affected within 200 metres of any road or busy building. Can this damage to the environment be mitigated when it does not even figure in the licensing objectives ? Last night at 7 p.m.I walked on the Maer. Not a single rabbit. Not one. There were plenty a couple of years ago. No sand lizards that I used to watch as a child. Very worrying.

Prevention of crime and disorder.

Prevention of Public nuisance.

It seems that the provision made in the application is thorough ,however, it is people leaving the site who are likely to be causing a disturbance.The application is for possibly hundreds of people, most of whom will require transport home.

Items F, I and J above, with activities until 2 or 2.30 a.m. will inevitably result in disturbance. Anyone who has lived down the road from a pub will know about urinating in the street, fighting, shouting, swearing, arguments and car doors banging with shouts of 'Goodnight'.

Also unexpected items (condoms) chucked over the garden wall, vomit, cars scraped by careless driving and the rest. Ask any police officer for a complete list of poor behaviour.

For the above reasons, I would propose that all the permissions stop at 11 a.m., which leaves a half hour to clear the premises and get everyone safely home.

Promotion of public safety.

The premises are adjacent to the beach at the most dangerous part of the sea. It is a non-swimming area with a deep and fast moving channel. Anyone doing what we used to do- going for a midnight swim after a party- is likely to be swept away ,in the dark, within minutes they could be out in the middle of the channel off Orcombe Point with nobody able to see them or find them .

It was o.k. for us as youngsters raised locally because we knew where it was safe and would never go there. In the dark, visitors will not see the danger flags, no guards will be available at 2 a.m. to notice someone slip into the waves. Alcohol plays a big part on drowning incidents. This is an accident waiting to happen.

Again, a good reason to stop at 11 p.m.

Sent Monday March 22 by
Mrs. Daphne J. Currier.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Richard Lewis

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir,

>> I write in objection to the application ref 051732.

>> Firstly, I wish to point out that the applicant has applied stating that the venue subject to this application is in Exmouth Town Ward. This is incorrect. The venue is in Exmouth Littleham Ward.

>> My objections include the following:-

>> - The suggested opening hours from 07.00 until 02.30 are not in keeping with any other similar restaurant business in Exmouth. To grant the application in its existing form would undoubtedly encourage late night drunken behaviour with its associated public disorder from people who will have had access to alcohol for 15 hours on every day of the year on these premises.

>> - This application would allow the potential to have music of undetermined levels playing until 2am on every night of the year. The building in question is adjacent to a residential area and the potential for public nuisance is very real. The noise mitigation suggested would not eliminate this nuisance. I request a reduction in the available days and late night hours on this application to reflect the licences available in similar restaurants in Exmouth.

>> - The applicant has requested for these premises to supply alcohol in the outside event space until 23.00 on 365 days of the year. I would like to see the event space being available only by specific application to Licensing for each event to mitigate the public nuisance to the residential area nearby.

>> - The increase in glass bottles being taken onto the adjacent beach from the outside event space would increase the probability of broken glass being a hazard for children playing on this public beach.

>> - This proposed application is for premises directly adjacent to a beachside area where the river Exe flows into the sea creating a life threatening environment. Entering the sea in this particular area is forbidden due to strong currents and rip tides, but inebriation often creates the sense of infallibility and the excessive hours for the sale of alcohol being requested in this application could easily encourage drunk and disorderly behaviour which in this particular environment could involve a fatal drunken dip in the sea. Public safety is at risk in this environment.

>> - The potential for increase in crime and disorder associated with alcohol consumption for such lengths of time every day is very real in this situation. Policing is already stretched and to add to the burden in an area a mile away from town needs consideration.

>>

>> R. E. Lewis

>> 20th March 2021.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Wanda Marshall
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir/Madam,

My husband and I are owners of [REDACTED]

Although on the whole we welcome the developments currently in progress, we wish to make a representation against some of the items listed in the licensing application 051731 re Mickey's Beach Bar.

Music until 2am will be a public nuisance, disturbing residents in Trefusis Terrace and in other neighbouring residences and streets.

The supply of alcohol for such a long span of hours in the outside event space will also fuel noise and probable disturbance which will again affect the above residents.

The supply of alcohol for such a long span of hours ON the premises will inevitably result in noise, rowdiness, and disturbance of the peace.

We would like you to take our objections into account while considering the application by Maer Beach Ltd.

Yours sincerely,
Wanda Marshall

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: EXMOUTH TOWN COUNCIL PLANNING COMMITTEE

Representation Accepted: Representation has been accepted

Reason:

Details:

The Exmouth Planning Committee OBJECTS to the above new premises license application on the grounds of prevention of public nuisance.

It was felt that the opening hours should be the same as Ocean (hours below) in order to protect the nearby residential amenity.

Sunday to Wednesday the opening hours are 09.00 - 00.30am with live music (indoors) 9.00 - 00.00
Thursday to Saturday the opening hours are 09.00 - 1.30am with live music (indoors) 9.00 - 1.00am

Kind Regards
Rons Boatman
Planning Administrator/Tourism Officer

Dear Licensing,

The Exmouth Planning Committee discussed the new premises licence application and wish to comments as follows:

Members were concerned about noise pollution in terms of public nuisance for the residential amenity. It was felt that the premises opening hours until 2:30am, Monday to Sunday appeared to be excessive when compared to other premises in the area. Concern was also raised over crime and disorder and public safety given the close proximity of the premises to the beach. Members questioned if this had been factored in when considering the door security provision. Member acknowledged that they did not have the level of detail regarding the applicant's intended use of the premises.

Kind Regards
Rons Boatman
Planning Administrator/Tourism Officer

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Tim Todd

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Committee members,

I will attempt to minimise the reading that my OBJECTIONS could take up by using bullet points - or you can have my 896 word fuller version if you wish where I explain worse scenario in more detail- with reasons and evidence.

" OBJECT to applications to 23:00 hrs
" Fiercely OBJECT to applications to 02:00 hrs
" Social media suggests support- but largely from me, me,me crowd only thinking of themselves. Committee should think of wider implications below.
" Consider impact on police. Get an officer before you and get the full picture. Impact on police will likely be considerable.
" Consider the impact on local and wider NHS. Alcohol related patients are a massive impact on all elements of NHS - the scale would shock most of you.Mickey's will add to it.
" Consider what a precedent this will set-when this is premier night spot for south Devon! All manner of applications will follow- kebab anyone? Litter by people and gulls.
" Impact on wildlife, breeding birds- May affect the SSSI- I am still awaiting confirmation from local respected experts.
" Seems like a nice chap applying-it won't be too bad! Really! Only thing guaranteed are written restrictions in any licence. Why did applicant not mention this ambition way back?
" Given public ownership of land, and cost to taxpayer, is the extension of use to a nightclub really an appropriate and fair use of public land and finances etc?
" Applicant offers various controls- well they would all have been a requirement of a licence anyway so don't interpret necessarily as a sign of good faith etc.. Don't wish for good behaviour, impose waterproof written conditions if inclined to grant.
" Genuinely serious chance of deaths. Who will guarantee to stop any inebriated client, and there will be some, going for a dip in the most dangerous part of estuary? Nobody can, certainly not the licensed bouncers. A very real issue putting others at risk for rescue.
" Lord Clinton's Covenant with the town would have stopped this dead, not too late to respect the original intention of protecting the area from inappropriate development but instead for peaceful enjoyment.
Thank you

T Todd

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Gordon Hodgson
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir/Madam

In general the opening hours until 2.30 am 7 days a week is excessive and unnecessary.

In addition to consumption of alcohol near a dangerous section of beach until the early hours the applicant seeks to serve late night refreshments. This is intended to draw late night visitors who are likely to have been drinking elsewhere increasing the risks of trouble arising and to safety issues around the premises and nearby.

There is already an issue in Exmouth and on the seafront area generally with speeding and noisy cars late at night and this application would very likely increase this risk. The capacity of the police to be effective in this area is limited.

A licence in line with pub hours would be more acceptable with extensions requested for special events.

My concerns are in respect of the need to prevent crime and disorder, promotion of public safety (both on the roads and proximity to the sea), and preventing public nuisance.

Signed

Gordon Hodgson

Evidence:

Suggestion:

Person making Representation: Connie T Horn
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear EDDC,

Re: Premises Licence Application 051731 - Mickey's Beach Bar and Restaurant, Queens Drive, Exmouth
I strongly object to the above application.

The people of Exmouth were promised a world class watersports centre and what we have got is a restaurant/bar, shop and fast food outlets. Allowing late night entertainment and alcohol consumption will turn this into a late night drinking venue and night club with the associated crime and disorder.

The close proximity to a dangerous stretch of coastline means that accidents to people who have been drinking is inevitable.

The late night noise will also cause a public nuisance to the residents on Douglas Avenue as the prevailing winds will carry sound in that direction.

I feel the licence should be limited to 11pm and only on certain nights of the week.

Regards.

Mrs C.T. Horn

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: The Avenues Residents Association

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

Please find attached a letter of objection to the above application.

This objection is lodged on behalf of The Avenues Residents Association (TARA) in Exmouth Littleham Ward.

Yours sincerely,

Simon Davidson

Chair, The Avenues Residents Association (TARA)

LETTER OF OBJECTION ON BEHALF OF THE AVENUES RESIDENTS ASSOCIATION (TARA),
EXMOUTH, 19th MARCH 2021

Re: Premises Licence Application 051731

Mickey's Beach Bar and Restaurant, Queens Drive, Exmouth

We were concerned when we saw this application for long opening hours, the provision of live music and recorded music and the late night supply of refreshment and alcohol. It is not clear from the application whether the applicant intends to use the lengthy hours every night or for special events.

We would like to object for the following reasons:

This development was originally conceived as a family area. In the Decision Notice the development was for:

Construction of new water sports centre including various facilities for water sports users, a cafe, restaurant and retail plus car parking and open space together with associated infrastructure including new stepped and ramped access to the beach and landscaping.

What has actually been built is a restaurant/bar with fast food outlets and very limited public water sports facilities. Allowing late night alcohol and music licences would allow this to additionally be run as a late night drinking venue and night club.

Prevention of crime and disorder:

At present there is no CCTV coverage on that part of the sea front for monitoring crime and anti social behaviour caused by the late night consumption of alcohol.

Promotion of public safety:

There is a significant and unavoidable health and safety risk for people who leave the venue and then decide to enter the sea. Late night alcohol and the sea do not mix and the venue is not adjacent to the 'safe bathing' area. As is well known, the currents just off-shore are very strong and it seems inevitable that accidents will occur possibly resulting in serious injury or even death. The emergency services would then have to attend to resolve the situation late at night.

Prevention of public nuisance:

1. The venue was not designed or built as a venue for loud music whether live or not so insulation standards are likely to be poor. This should be assessed before any final decision is made. Both The Ocean and the Pavilion are purpose built and easily able to contain noise within their premises. Noise from this venue, which has an outdoor service area, will adversely affect neighbours in Trefussis Terrace, East and West Checkstone and Roswell Court, the latter being for retired residents. As noise seems to travel more at night, other areas of the Avenues, further away from the immediate area will also be affected.

2. There is an on-going issue with anti-social behaviour along the Esplanade and Queens Drive particularly during the period from April to October and on any night of the week. This mostly takes the form of 'boy racers' whether in cars or on motor bikes. As is apparent to anyone living in the general area, this sound carries a long way at night and is further spread along connecting roads as people arrive and depart. Neither the police, EDDC or the Town Council have been able to control this. Approval of a further source of late night alcohol provision will only exacerbate matters and reduce the confidence of the public in their local councillors' ability to address their legitimate concerns.

3. It is clear from anyone's experience that people who have consumed alcohol have lower social inhibitions (hence the Covid restrictions on pubs and bars). As a result, rowdy behaviour leaving a late night bar is inevitable. Given that patrons will leave mainly on foot and have to make their way through residential areas the potential for unacceptable behaviour is obvious and only preventable by a heavy police presence. This resource is not available. There is no public transport in this area this late in the evening so the number of cars/taxis will add to both pollution and noise nuisance as customers leave the area late at night.

It appears that the Applicant is not taking any responsibility, or suggesting any actions, to mitigate any of the above and they should be required to do so before any decision is made.

It is not clear that the number of covers proposed for the period after food service ends can be safely and realistically contained within the building. This needs evaluation. In any event it should be clearly stipulated that music and drinking on the external and balconied areas of the property should not be permitted after 11pm.

A seven day/52 week application for late opening is unwarranted. It should be restricted to fewer nights per week and probably further restricted between October and April. The nearby Ocean and Pavilion do not have such late licensing.

Yours sincerely

Simon Davidson, Chair of The Avenues Residents Association

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Evidence:

Suggestion:

Person making Representation: Olly Davey
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

As an Exmouth resident and councillor for the neighbouring ward, I have no overall objection to this application, except for the lateness of the proposed hours. I feel that 2.30am is much too late for a premises in this location, and I would prefer 1am at the latest. The same applies to the playing of recorded music, which in the summer months is likely to be audible over a considerable distance and I would prefer to see this restricted to midnight.

Given the instances of anti-social behaviour that we saw over the summer months last year, I feel this would place further stress on police resources, and add a night-club style venue to an area well away from the town centre where most of these are situated. My understanding was that this was a Watersports Centre, not an entertainment venue, yet so far I have seen little evidence of the former and a great deal of the latter. I appreciate that those visiting for watersports may also wish to have entertainment on hand, but 1pm is still quite late enough.

The committee may wish to consider whether given the proximity of water to this location, possibly encouraging reckless late-night swimming, and other anti-social behaviour potential, whether a late evening licence is appropriate at all.

I do object to the current terms of the application, though I would be minded to accept earlier closure times.

Olly Davey
Councillor Olly Davey,
Town and District Councillor for Exmouth Town Ward

Evidence:

Suggestion:

Person making Representation: Angela Broadberry
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

March 19th 2021

Dear Sir/Madam

Ref: Licence application No 051731

I object to the application for a licence for Mickey's Beach Bar and Restaurant to be open to 02:30am by Maer Beach Ltd on the grounds of causing public nuisance.

Opening hours to 02:30am, Monday to Sunday, will result in traffic noise through residential areas in the early hours as guests arrive at and depart from the premises.

Music, recorded or live, Monday to Sunday, can also cause disturbance into the early hours.

Alcohol consumption has the potential to result in inebriation, rowdiness and disturbance - all an extra concern for local residents wishing to have, and entitled to, an undisturbed night's sleep.

Yours sincerely

Angela Broadberry
(Mrs Angela Broadberry)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: R L Ward

Representation Accepted: Representation has been accepted

Reason:

Details:

March 16 2021
Licensing East Devon
District Council
Blackdown House
Honiton EX14 1EJ

Re: Licensing Extension Mickeys Beach Bar Ref: 051731

Dear Ms
As a rate payer over looking "Sideshore" Queens Drive I object strongly to the extension of licensing hours on the grounds of:
The Prevention of Public Nuisance, Noise
Prevention of Crime and Disorder
Promotion of Public Safety

Yours sincerely

R L Ward

Evidence:

Suggestion:

Person making Representation: Margaret Stoddart

Representation Accepted: Representation has been accepted

Reason:

Details:

18th March 2021
Dear Sir,

I am writing to object to Licensing application 051731 Mickeys Beach Bar Restaurant and Café Patisserie. I object on the following grounds:-
-This application is for late night music until 2am on every day of the year. The resultant noise nuisance to the public would be inappropriate in this residential neighbourhood and if the application is successful it should include a clause to significantly reduce late night noise.
-This application is for the sake of alcohol until 2:30am on every day of the year. This is also inappropriate in this residential setting as the resulting multiple disturbance caused by inebriation into the early hours would be a public nuisance.
The normal licensing hours for restaurants in Exmouth end between 10pm and 11pm. I would strongly suggest that the house for this application are in line with other similar restaurants in the area.

Yours faithfully
Margaret Stoddart. (Mrs)

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Environmental Health Officer

Representation Accepted: Representation has been accepted

Reason:

Details:

Premises: Micekys Beach Bar & Restaurant and Cafe Patisserie Glacerie

Subject: Premises licence application

I have considered the proposal and the associated plans. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.

I am therefore proposing that additional measures are put in place to promote the prevention of public nuisance from this premises. The necessity of these measures are required due to a range of factors including: the addition of an outdoor events area, the location of the premises and the hours which the premises are operating.

Our aim is to ensure that the music noise level from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm.

In order to achieve this the following condition is recommended:

Between 07.00hrs - 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs - 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs - 07.00hrs The unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz - 125 Hz 1/1-Octave bands, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Michael Tross
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Licensing Committee,

As residents of a property on Trefusis Terrace, we have some concerns about certain aspects of the application # 051731. We should first make clear that we welcome the arrival of the restaurant and cafe which we believe is a positive addition to the Exmouth seafront. However, its quite isolated location - surrounded by nothing but empty beach and sea on one side and the Maer - an empty grass expanse - on the other, give rise to concerns as a result of the proposed late hours of operation.

The application proposes that alcohol be available for sale and consumption on the premises 7 days a week from 11am to 2:00 am, for sale and consumption outside the event space until 11 pm and 'Late night refreshment indoors' from 11 pm - 1 am. There is no need of a crystal ball to confidently predict that drunk, sometimes violent and extremely loud and disturbing behaviour will become the nightly norm on the beach, in the Maer and in Gun Cliff Gardens. The latter was already the site of regular obnoxious and violent disturbances last summer and early autumn. We believe that the proposed extended hours of alcohol sales are a guaranteed recipe for increased crime and disorder, significant public safety concerns and overt public nuisance. Our police force is already stretched thin and does not have the resources to respond multiple times per evening to those who are violent, drunk and aggressive. We propose that the hours permitted for alcohol consumption be cut back so that they finish at 11 pm, Monday to Sunday and that alcohol sold for consumption outside the event space stop at 9 pm.

We also have concerns about the performance of recorded music indoors 7 days a week until 2am. The establishment has installed a retractable glass canopy around their outdoor terrace and it is clear that when this is retracted, the sound of music will easily travel with the onshore wind the few hundred feet over the Maer to the residences along Trefusis Terrace and Douglas Avenue. This will be extremely disturbing for residents in the area who need to sleep. Many of the residents are elderly, many work from home or have to be up early for work elsewhere. Their sleep is important. We propose that the playing of recorded music indoors finish at 11 pm on weekdays. We propose that the playing of recorded music finish at midnight on weekends if the retractable canopy is closed at 10 pm. We also propose that the decibel level of the music after 9 pm be significantly restricted if the canopy is open.

Finally, we propose that any approval of this application in regards to the above points be made on a probationary basis - such that the hours of alcohol sale and consumption and playing of music be reviewed by the Council in 6 months.

Thank you for your attention to this matter.

Regards,

Michael Tross

Evidence:

Suggestion:

Person making Representation: John Benson
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

We would object to the application for 2am music and alcohol license as detailed below. We consider it inappropriate to allow a 2am licence to a venue outside of town centre and located in an area of outstanding natural beauty.

The additional traffic generated at this late hour and the potential for anti social behaviour off premises in an area close to care homes, retirement homes and generally a very very quiet neighbourhood is unacceptable and not with keeping for this specific location. In addition to the above, the application states 'indoors' but the design of this building has a 30% first floor open area which is classed as semi indoor / outdoor

Evidence:

Suggestion:

Application No: 051731

Premises: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie
Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Domini Barrett

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to object to the application of Mickey's Beach Bar to open from 0700hrs - 0230hrs, seven days a week. During this time permission for various activities have been sought including to play recorded music and sell alcohol every day of the year until 0200hrs.

Such activities will have a significant impact on the local neighbourhood including a significant number of private properties and hotels. Noise levels are likely to cause significant nuisance and distress to all, but especially young children seeking rest and sleep. Those arriving at the venue and leaving it, having consumed alcohol are highly likely to promote disorderly behaviour, which may in turn lead to an increase in crime.

I understand the need for bars and entertainment venues in Exmouth - my dismay at this application rests in the hours of opening requested over seven days a week, every day of the year. Opening into the early hours of the morning is an imposition on the rights of all to enjoy quietness during a commonly acceptable time of rest.

Evidence:

Suggestion:

Person making Representation: Exmouth Community Association

Representation Accepted: Representation has been accepted

Reason:

Details:

Exmouth Community Association wishes to comment on the above Premises Licence Application for extended opening hours, the provision of live music and recorded music and the late-night supply of refreshment and alcohol.

The application implies that the facility could become a late-night drinking bar / night club and it is not clear whether the applicant intends to use the lengthy hours every night or for special events. This is not what was expected by many when the original planning application was approved. If extended hours are now being sought we would not have expected them to exceed those already established for Ocean.

Sideshore is located in an area close to tranquil residential area and the Maer Nature Reserve. It is possible that frequent extended late-night opening could prove detrimental to the area. We welcome, therefore the conditions offered in Annex 2. However, regarding noise, we feel that 'Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any noise neighbouring noise sensitive premises.' requires clarification; 'sensitive premises' must clearly include any property where people live, eg houses, flats, care homes, hotels and the Deaf Academy.

The key to the effectiveness of the conditions will be their robust application, particularly in controlling alcohol consumption and the consequent behaviour of revellers when leaving the premises. It would seem appropriate, therefore, to review the licence after, say, 6 months. This, after all, is a very sensitive issue for people living nearby.

Our Association welcomes initiatives which help promote business opportunities, employment and enhanced visitor experience. This, however, needs to be balanced with the requirements of residents.

This comment is also supported by the Exmouth Civic Society.

Evidence:

Suggestion:

3.	Mr Jim Barnes-Phillips	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	Prevention of public nuisance is my main licensing objection though "prevention of crime and disorder" and "public safety" could also become issues with such excessive hours involving alcohol and music in force each day throughout the year.	

4.	Ms Domini Barrett	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

5.	Mr John Benson	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

6.	Mrs Susan Benz	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

7.	Mrs Teg Berry	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

8.	Exmouth Town Council	[REDACTED]
	Exmouth Town Hall, First Floor, St Andrews Road, Exmouth EX8 1AW	
Hearing Unnecessary	Yes/No – not completed	
Attending	Yes – Cllr Brian Bailey on behalf of Exmouth Town Council	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	Prevention of public nuisance Objection to the proposed opening hours to 2:30. It was felt that the opening hours should be the same as Ocean in order to protect the nearby residential amenity.	

9.	Ms Anne Bowser-Haigh	[REDACTED]
Hearing Unnecessary	Yes/No – not completed	
Attending	Yes/No – not completed however advised being represented by TARA – The Avenue Residents Association – Simon Davidson so am assuming not attending.	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	None	

10.	Mrs Angela Broadberry	
Hearing Unnecessary	No	
Attending	No	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of public nuisance Opening hours to 02:30am every day of the week will result in traffic noise through residential areas into the early hours of the morning. Also possible disturbance from the music.</p>	

11.	Mrs Janet Broomhall	
Hearing Unnecessary	No	
Attending	No (rep. by Simon Davidson TARA (The Avenues Residents Ass.))	
Email Address		
Supporting documents	None	
Summary of key points	None	

12.	Mr Trevor Broomhall	
Hearing Unnecessary	No	
Attending	No (rep. by Simon Davidson TARA (The Avenues Residents Ass.))	
Email Address		
Supporting documents	None	
Summary of key points	None	

13.	Mr Kevin Brown	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder A – Potential to attract large numbers of people who could drink excessively on the premises. B – Potential for greater use of the seafront by people speeding in modified cars who may consume alcohol at this facility.</p> <p>Public Safety The potential for disinhibited behaviour on the beach which might impact on other tourist/locals and might lead to dangers associated with water.</p> <p>Prevention of public nuisance People leaving the bar and walking onto the beach or into town causing antisocial behaviour and increased noise levels. This could impact on policing and other emergency services.</p> <p>Protection of harm from children The potential impact on children and families using the cycle track/beach as a result of intoxication and antisocial behaviour.</p>	

14.	Mr David Buller	[REDACTED]
Hearing Unnecessary	Yes/No – not completed	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	Large Document received see Appendix I	
Summary of key points	<p>Prevention of crime and disorder It seems likely that if the extended near 24 hour licensing hours are granted it will lead to unacceptable/increased levels of disruptive behaviour, possibly leading to property damage and affray, as late-night revellers leave Sideshore and journey through the quiet residential areas nearby.</p> <p>Public Safety There is no CCTV monitoring of that section of the seafront and there will be an increased need for police patrols to deal with anticipated uptake in anti-social behaviour and possibly petty crime. The sea directly in front of Sideshore is a dangerous stretch of water and late night revellers may be tempted to enter the water.</p> <p>Prevention of public nuisance From personal experience I know that loud music can carry a long way from the shoreline at night under calm conditions. This has caused disturbed sleep. Sideshore is close to a quiet residential area containing several assisted-living developments. Rowdy behaviour of patrons leaving Sideshore late at night will add to public nuisance.</p> <p>Close to a Nature reserve and estuary Sideshore is located at the edge of The Maer nature reserve at the southern edge of the exe estuary. This stretch of coastline is a globally important area for the overwintering birds. Thousands of birds fly from the Arctic to spend their winter on our estuary, one of Devon’s most impressive spectacles. Many of these birds migrate at night and excessive artificial light at night causes light pollution that can impact these birds by disrupting circadian rhythms and disorientation during flight. There is a serious risk therefore that light and noise from the restaurant and bar over its extended opening times will interfere with the migratory behaviour of our visiting flocks of birds. This is the most critical stage of their annual cycle.</p>	

15.	Mrs R Burgess	[REDACTED]
Hearing Unnecessary	Yes/No – Not completed	
Attending	No – but Mrs M Ward will represent. “Mrs Ward will be able to present my views on the proposed opening hours of Mikey’s Beach Bar and Restaurant.	
Email Address	None	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder The opening hours seem excessive, and potentially, large numbers of people drinking alcohol until 02:30am daily could incite disorder and crime.</p> <p>Prevention of public nuisance Public nuisance, could ensue, due large numbers of people drinking alcohol until 02:30, can create more noise to nearby residents, as could loud music.</p>	

16.	Mr Geoff Crawford	[REDACTED]
Hearing Unnecessary	No	
Attending	No but will be represented by TARA (The Avenue Residents Association) – Mr S Davidson	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder This development is supposed to be primarily a water sports facility. There is already a known “boy racer” issue in this area and a late licence will add to this issue.</p> <p>Public Safety Late licence, alcohol, beach front location and strong river currents directly outside.</p> <p>Prevention of public nuisance A late license alcohol and music venue located in an area of outstanding natural beauty and adjacent to a protected habitat.</p>	

17.	Mr John Culhane	[REDACTED]
Hearing Unnecessary	No	
Attending	No but will be represented by TARA (The Avenue Residents Association) – Mr S Davidson “Mr Davidson is representing the above association which includes a large number of people who will be affected by the proposals and have expressed concern.”	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Extended licensing hours leads to excessive drinking leading to potential disorderly behaviour and drug taking therefore much more policing required in the early hours. Additional burden on an already stretched police force.</p> <p>Public Safety Very dangerous beach within 50 yards.</p> <p>Prevention of public nuisance Potential for noise (into the early hours 11:30am–2:30am!) and music very late at night to cause great nuisance for nearby residents.</p> <p>Protection of harm from children Late night music/dancing potential to bring more drugs/dealers into Exmouth. The costs involved in late night policing of extra traffic, excessive noise and unruly behaviour.</p>	

18.	Mrs Marian Culhane	[REDACTED]
Hearing Unnecessary	No	
Attending	No but will be represented by TARA (The Avenue Residents Association) – Mr S Davidson “Mr Davidson is representing the above association which includes a large number of people who will be affected by the proposals and have expressed concern.”	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Extended licensing hours – leading to potential excessive alcohol consumption and disorderly/criminal behaviour – additional requirement for “out of hours” policing.</p> <p>Public Safety Potentially dangerous activity on nearby beach area and uneven ground on adjacent Maer area. Potentially catastrophic for any reckless activity due to excess alcohol consumption.</p> <p>Prevention of public nuisance Activity as above and noise from music for two hours after midnight which is unacceptable.</p>	

	<p>Protection of harm from children Opportunity for “underage drinking” Additional burden on an already stretched police force in the inevitable event of complaints, reckless driving, excessive noise and potentially dangerous behaviours. The costs involved in additional policing as above.</p>
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19.	Mrs Daphne Currier	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None – see notes in Key points	
Summary of key points	<p>I have no printer available but have drawn on the 2018 planning application for the water sports centre 18/0376/MFUL also internet research on the law relating to beach safety. “Managing Beach Safety – GOV.UK and Water Safety at the Beach/Royal Life Saving Society UK CRLSS UK”.</p> <p>Prevention of crime and disorder Drinkers leaving the site in the early hours of the morning could cause damage to parked cars and misbehave in public on the way home – closed lavatories might cause urination in public place. Large numbers – 150 plus – are released. People might be sick.</p> <p>Public Safety Danger of drowning by drinkers, at night, in the unsafe no swimming zone. Can the council be sued if signage is inadequate?</p> <p>Prevention of public nuisance Noise, litter and unruly behaviour caused by drinkers leaving the site in the early hours of the morning. Car doors banging, shouts of “goodnight” etc. This would extend all the way to the public transport areas. Large numbers referred to.</p> <p>Protection of harm from children I now believe that causing environmental harm affects the youngest generation most. It is a slow almost un-noticeable creep from clean air and biodiversity – to extinction.</p>	

20.	Cllr Olly Davey	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder The possibility of anti-social behaviour by those leaving the venue, or possibly those denied entry, placing extra strain on emergency services at a considerable distance from the Town Centre, where they would normally expect to have to deal with incidents.</p>	

	<p>Prevention of public nuisance Noise nuisance to properties further back from the Beach, such as Trefusis Terrace and Douglas Avenue at hours which are definitely unsocial.</p> <p>Public Safety/Protection of harm from children The possibly of broken glass in the area and especially on the beach. The possibly of ill-advised swimming by those under the influence of alcohol.</p>
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21.	The Avenues Residents Association (TARA) c/o Mr Simon Davidson	
	[REDACTED]	
Hearing Unnecessary	Yes/No – not completed	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	Large Document received see Appendix I	
Summary of key points	<p>Prevention of crime and disorder There is no CCTV coverage in this area to help prevent or detect any criminal activity that might result from late night consumption of alcohol.</p> <p>Public Safety The venue is immediately adjacent to a dangerous stretch of the beach front exposed to very fast currents running parallel to and just off the beach. It is well known that alcohol reduces inhibitions and some may enter the sea late at night risking injury/death. Callouts of the RNLI, Coastguard and emergency services would happen.</p> <p>Prevention of public nuisance 1 – The venue was not sound insulated with music in mind so a noise nuisance is very likely. 2 – People leaving the area would travel through residential areas. Excess alcohol reduces inhibitions and shouting is a frequent result – this would cause a noise nuisance. 3 – On going antisocial behaviour in this area is likely to become worse through late night access to alcohol. 4 – The prevailing westerly winds will tend to cause sound to carry in the direction of Trefusis Terrace, East & West Checkstone, Roswell Court, Maer Road and Douglas Avenue. This is already experienced today as a result of antisocial behaviour (point 3)</p>	

22.	Ms Elizabeth Evans	[REDACTED]
Hearing Unnecessary	No	
Attending	No	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Yes</p> <p>Prevention of Crime and Disorder Customers leaving venue late will stay in Exmouth. Customers who have been drinking for hours will “amuse” themselves along the seafront-no doubt in large groups leaving rubbish too.</p> <p>Prevention of public nuisance Noise – this is a residential area People leaving the venue in the early hours will love to The Maer. We already have trouble in the summer months with drinking and singing on The Maer well after 11pm.</p>	

23.	Exmouth Community Association c/o Geoff Skinner,	[REDACTED]
Hearing Unnecessary	No	
Attending	No	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	None	

24.	Mrs Anne Fardon	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes by Zoom and to be represented by Martin Warren “Martin will help by amplifying the objections currently made in summary form”	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder If licenced for such <u>long</u> hours <u>every</u> day, potential for fighting and antisocial behaviour outside breaking glass, drunken driving due to excessive drinking.</p> <p>Prevention of public nuisance <u>Excessive</u> noise during antisocial hours both early in the morning and until 2:30am potentially, during summer months especially when windows will be open noise from inebriated people leaving the premises going to parked cars near to residents sleeping.</p>	

25.	Mr Michael Fardon	██
Hearing Unnecessary	No	
Attending	Yes by Zoom and to be represented by Martin Warren (Chairman of Rocklands Management Committee) “Martin will help by amplifying the objections currently only made in summary form elsewhere in this documentation”	
Email Address	██	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder If licence is permitted for use up to 2:30am there is potential for alcoholic excess antisocial disorder and drunken driving.</p> <p>Prevention of public nuisance Excessive noise during antisocial hours, outside the premises – caused by crowds of drunks getting into cars in the rear carpark, shouting and slamming doors – all very audible to overlooking housing – at 2:30am adding to which in the late night noise of music.</p>	

26.	Mr Michael Golby	██
Hearing Unnecessary	Yes/No – not completed	
Attending	Yes - however will be represented by Mrs M Ward “Mrs Ward will represent me as a close neighbour who shares the same objections”	
Email Address	██	
Supporting documents	None – see key points	
Summary of key points	<p>Prevention of crime and disorder Staying open after 11:00pm will encourage a lot of antisocial behaviour which may well turn into beach parties when Mickey's closes. Are there sufficient police in Exmouth to patrol the sea front and the town effectively?</p> <p>Public Safety Increased police presence to deter any antisocial behaviours when Mickey's closes.</p> <p>Prevention of public nuisance Residents living in Trefusis Terrace, Louisa Terrace and Douglas Avenue will certainly be adversely affected by any music played late at night and by antisocial behaviour as people make their way home. If music is played after 10:00pm all windows and doors should be closed. It is totally unacceptable to supply alcohol to people using the outside event space after 10:00pm.</p> <p>Protection of harm from children Serving alcohol every day of the week from 11:00 in the morning to 11:00 at night will certainly encourage drunken behaviour on the beach which has always been a wonderful area for children. Exmouth finest asset could be compromised. A police presence will certainly be needed.</p>	

27.	Ms Gina Hanson	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>As residents living in close proximity to the applicant's premises, we are not against granting the licence to serve alcohol but object to:</p> <p>Prevention of crime and disorder The licence application being for hours that are in excess of similar nearby premises that is: 11.00 - 2.00 am Monday to Sunday, in a residential area with the potential for increased crime and disorder. We already experience anti-social behaviour including drug-taking and the illegal consumption of alcohol in the Gunfield Gardens on a regular basis throughout the year which is known to the police. This will be exacerbated by allowing drinking into the early hours of the morning on these premises with all the associated behaviours and rubbish after closing time that extends into the environment beyond the premises. Given the lack of visible Police presence in Exmouth, who will manage the increased potential for crime and disorder arising from granting this licence until 2.00am in the early hours?</p> <p>Public Safety Given the lack of visible Police presence in Exmouth, who will manage the potential increase in issues of public safety and nuisance arising from this application if these hours are accepted?</p> <p>Prevention of public nuisance The licence application is for hours that are in excess of similar nearby premises that is until 2.00 am throughout the week. This will set a precedent for other/future businesses to extend their licensing hours beyond midnight in a residential area. Allowing the proposed consumption of alcohol on the premises till 02.00am in the early hours throughout the week is likely to create a public nuisance with all the associated behaviours and rubbish after closing time that extends into the environment beyond the premises. The term 'outdoor event space' in the licensing application is not clearly defined in terms of how it will be used other than for the consumption of alcohol until 23.00 hours throughout the week. If live or recorded music is permitted, this will add to the cacophony of sound from other events in the immediate vicinity particularly in the summer months.</p>	

	<p>Whilst we understand that measures are being put in place to manage the indoor noise/music levels, we are concerned about the noise emanating from outside events and how this will be managed and controlled so as not to become a public nuisance to local residents.</p> <p>Sound travels more at night and especially in the summer months, with the wind in certain directions we can clearly hear events as far away as Manor Gardens near the town centre, and this site will be much closer.</p> <p>We are already experiencing considerable problems of sound at night from outside events from other premises that have emerged as part of the Exmouth seafront development which is being monitored by the Council in liaison with local residents. We recognise that this is a seaside resort and most income is generated in the summer months but it is also residential in an area of outstanding natural beauty and we have a right to privacy and family life which is not disrupted after midnight.</p> <p>Protection of harm from children</p> <p>Given our experience of young people's anti-social behaviour locally in to the early hours, there is a real concern that Mickey's Beach Bar will become a magnet for vulnerable young people to congregate around in the early hours with all the dangers this may entail.</p>
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28.	Mrs Jenny Heslop	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	Large document received see Appendix I	

29.	Mr Martin S Heslop QC	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	Large document received see Appendix I	

30.	Mr Gordon Hodgson	[REDACTED]
Hearing Unnecessary	No	
Attending	No	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Events of summer 2020 drew very large numbers to Exmouth Beach areas which resulted to national news coverage of illegal gatherings and activity which required high levels of police in attendance. Other events such as fireworks once held on the beach have been stopped due to risk of harm, alcohol related offences and vandalism.</p> <p>The attraction and of a very late night venue until <u>2.30 am every day and night</u> is very likely to result in a significant increase in crime and vandalism in the wider area including the protected area of the Maer as well as in the immediate area.</p> <p>Public Safety Risk to Public Safety is likely to be increased due to</p> <ol style="list-style-type: none"> 1. Traffic. Late night high speed driving is already a feature of the seafront. The substantially increased draw that a very late night venue, open every night at hours well beyond normal pub hours, is very likely to result in an increase in this activity. 2. The location of a very late night alcohol outlet immediately next to one of the most dangerous sections of the sea/estuary with fast currents would be a much enhanced risk to public safety. The RNLI and others drew attention to this when considering the planning application for a Water Sports Centre but without the issue of late night alcohol being available immediately adjacent. <p>Prevention of public nuisance Excessive noise and speed at night has been discussed at council meetings and in the press. Not limited to "boy racers" the issue has been reported on by the police who have acknowledged that it still continues.</p> <p>A very late night food and drink venue for entertainment, which is intended to draw people who are moving on from other venues that have closed at normal hours, is very likely to bring about a significant increase in this nuisance and that the Police will be too stretched to cope. Litter left or strewn across the road at night, a particular ongoing issue currently at Orcombe Point, is likely to increase if there is a very late night food and alcohol outlet in the immediate vicinity. The issue is likely to overspill to areas such as the Maer and the Beach where the applicant has no responsibility. A nuisance to the public and to the local authorities required to clear it up daily.</p>	

31.	Mrs Connie Horn	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

32.	Mr Nils Hornsten	[REDACTED]
Hearing Unnecessary	No	
Attending	No	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Such an extended sale of alcohol will lead to drunkenness. Disorder and crime are the results of inebriation.</p> <p>Public Safety As above. Having drunken behaviour on the sea front will cause extreme nervousness particularly among women and the elderly. It might well prevent people walking along there.</p> <p>Prevention of public nuisance Loutish behaviour resulting from alcohol causes abuse both verbal and physical. Keep it out of Exmouth particularly the seafront.</p>	

33.	Mrs Cecilia Jenkins	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>All boxes ticked for four objectives – no extra notes</p> <p>Prevention of crime and disorder</p> <p>Public Safety</p> <p>Prevention of public nuisance</p> <p>Protection of harm from children</p>	

34.	Mr Rees Jenkins	[REDACTED]
Hearing Unnecessary	No	
Attending	No – but will be represented by Mrs C Jenkins	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	None	

35.	Mrs Jean Jordan	[REDACTED]
Hearing Unnecessary	Yes/No – not completed	
Attending	No	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Yes</p> <p>Prevention of crime and disorder There is already a great deal of disturbance and nuisance well past midnight in the locality, drunkenness and drug taking by groups of young people. Granting this application will only exasperate the problem.</p>	

	<p>Public Safety This will become more relevant as the period will be extended way past 2:30am. I feel the existing licensing laws for The Ocean set the whole tone for the 2 miles of seafront and indeed the whole of Exmouth. Granting this application ill only exasperate the problem.</p> <p>Prevention of public nuisance Exactly he same as stated in objective 1.</p> <p>Protection of harm from children This is a serious concern already. Drugs are being sold to minors in The Gunfield Gardens behind The Ocean complex. Drunkenness, noise, litter e.g. broken bottles, cans or litter abound. Also the Gunfield Gardens are regularly used as a toilet. Granting this application will only exasperate the problem.</p>
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36.	Ms Anne-Marie Kelly [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	Box ticked but none enclosed

37.	Mrs Peggy Lancaster [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	<p>Prevention of public nuisance Serving alcohol in the early hours of the morning will disturb local residents who live within sight and sounds of Mickey's bar and Restaurant.</p>

38.	Mrs Elaine Lewis [REDACTED]
Hearing Unnecessary	No
Attending	Yes
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	None

39.	Mr Richard E Lewis [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	None
Supporting documents	None
Summary of key points	None

40.	Mrs A E Louis	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes, however will be represented by Mrs M Ward	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Staying open after 11:00pm will encourage a lot of anti-social behaviour which may well turn into beach parties when Mickey's closes. Are there sufficient police in Exmouth to patrol the sea front and the town effectively?</p> <p>Public Safety Increased police presence to deter any antisocial behaviour when Mickey's closes.</p> <p>Prevention of public nuisance Residents living in Trefusis Terrace, Louisa Terrace and Douglas Avenue will certainly be adversely affected by any music played late at night and by antisocial behaviour as people make their way home. If music is played after 10:00pm all windows and doors should be closed. It is totally unacceptable to supply alcohol to people using the outside event space after 10:00pm.</p> <p>Protection of harm from children Serving alcohol every day of the week from 11:00 in the morning to 11:00 at night will certainly encourage drunken behaviour on the beach which has always been a wonderful area for children. Exmouth's finest asset could be compromised. A police presence will certainly be needed.</p>	

41.	Mrs Wanda Marshall	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

42.	Mrs Carol Metcalfe	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	Large document received see Appendix I	
Summary of key points	None	

43.	Mrs Ron Metcalfe	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes - Would like to speak at meeting	
Email Address	[REDACTED]	
Supporting documents	Large document received see Appendix I	
Summary of key points	None	

44.	Mrs Mary Nash	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	Large document received see Appendix I	
Summary of key points	<p>Prevention of crime and disorder There is an existing problem of late night drug dealing in this area. Police incident 20402032021 DTD March 1st 2021 refers.</p> <p>Public Safety Late night (past midnight) drinking in close proximity to a red flag area of the beach.</p> <p>Prevention of public nuisance The prevailing wind carries the sounds in direction of building where I live. Live music and late night customers leaving the premises after mid-night will be a public nuisance.</p>	

45.	Mrs Deirdre Norman	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

46.	Mrs Pat Packe	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes and to be represented by Martin Warren (Chairman of Rocklands Management Committee) "Martin will be amplifying the objections currently made in summary form"	
Email Address	[REDACTED]	
Supporting documents	Large document received see Appendix I	
Summary of key points	<p>The applicant's intention to be open for 19.5 hours, selling alcohol for 15 of those hours, EVERY day is unreasonable and unnecessary, especially as other licensed premises are required to stop serving alcohol at 11 pm.</p> <p>Crime and Disorder -Likelihood that customers will leave at 2.30 am in a disorderly, drunken state. -Likelihood of drunken driving as customers leave at 2.30 am after potentially several hours of drinking. -Possibility that the premises will become a magnet for late night drinking, after other licensed premises have closed at 11pm, with all the inevitable associated problems. -The Exmouth seafront is already notorious for disruptive and disorderly behaviour e.g. large illegal gatherings and fighting during Lockdown, young drivers regularly revving up their cars loudly and speeding along the seafront late at night. These problems are likely to be exacerbated.</p> <p>Public Safety The car park for Sideshore is on the opposite side of the road to the premises and main amenities. Customers returning to their cars in the early hours must cross the road with no pedestrian crossing, as large numbers of other cars are leaving.</p>	

	<p>Prevention of Public Nuisance</p> <p>The applicant's premises and car park are very close (car park approx 75 metres) to local housing in Trefusis Terrace, Douglas Avenue and Louisa Terrace. The opening hours and licensing hours are unreasonable and unnecessary with a residential area so close by. Residents will be adversely affected by noise from :</p> <p>(a) Car park - customers leaving inebriated around 2.30 am, shouting /talking loudly, revving their cars and driving noisily through residential roads.</p> <p>(b) Loud music - played until 2 am</p> <p>These problems will be particularly severe</p> <p>1. During summer months when windows are open</p> <p>2. At night, when sound tends to carry more, causing significant sleep disturbance</p> <p>3. When there is an onshore wind carrying the noise towards the houses</p>
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47.	Mr Roger Packe	
Hearing Unnecessary		No
Attending		Yes and to be represented by Martin Warren (Chairman of Rocklands Management Committee) "Martin will assist as he has experience of similar applications"
Email Address		
Supporting documents		None
Summary of key points		<p>Public Safety</p> <p>The car park for "Mickey's" is across a busy road without a pedestrian crossing. The local "boy racers" can approach 50-60mph at late hours.</p> <p>An 11pm close would be reasonable. 2am not.</p> <p>Prevention of public nuisance</p> <p>The Rocklands development is approx. 200 metres from "Mickey's" and 100 metres from the car park. After 11pm the noise from these areas will be unacceptable.</p>

48.	Mrs M J Pickup	
Hearing Unnecessary		No
Attending		No
Email Address		None
Supporting documents		None
Summary of key points		None

49.	Mr Nicholas Sage	[REDACTED]
Hearing Unnecessary	No	
Attending	No – will be represented by TARA (The Avenues Residents Ass.)	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Yes</p> <p>Prevention of Crime and Disorder Very late night opening will increase problems of crime and disorder in the area.</p> <p>Public Safety Late night alcohol consumption near the beach and sea could result in serious safety issues.</p> <p>Prevention of public nuisance Proximity to retirement and care homes poses problems of public nuisance with late night opening hours.</p>	

50.	Mr C Salter	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>As residents living in close proximity to the applicant's premises, we are not against granting the licence to serve alcohol but object to:</p> <p>Prevention of crime and disorder The licence application being for hours that are in excess of similar nearby premises that is: 11.00 - 2.00 am Monday to Sunday, in a residential area with the potential for increased crime and disorder. We already experience anti-social behaviour including drug-taking and the illegal consumption of alcohol in the Gunfield Gardens on a regular basis throughout the year which is known to the police. This will be exacerbated by allowing drinking into the early hours of the morning on these premises with all the associated behaviours and rubbish after closing time that extends into the environment beyond the premises. Given the lack of visible Police presence in Exmouth, who will manage the increased potential for crime and disorder arising from granting this licence until 2.00am in the early hours?</p> <p>Public Safety Given the lack of visible Police presence in Exmouth, who will manage the potential increase in issues of public safety and nuisance arising from this application if these hours are accepted?</p> <p>Prevention of public nuisance The licence application is for hours that are in excess of similar nearby premises that is until 2.00 am throughout the week. This will set a precedent for other/future businesses to extend their licensing hours beyond midnight in a residential area.</p>	

	<p>Allowing the proposed consumption of alcohol on the premises till 02.00am in the early hours throughout the week is likely to create a public nuisance with all the associated behaviours and rubbish after closing time that extends into the environment beyond the premises.</p> <p>The term 'outdoor event space' in the licensing application is not clearly defined in terms of how it will be used other than for the consumption of alcohol until 23.00 hours throughout the week. If live or recorded music is permitted, this will add to the cacophony of sound from other events in the immediate vicinity particularly in the summer months. Whilst we understand that measures are being put in place to manage the indoor noise/music levels, we are concerned about the noise emanating from outside events and how this will be managed and controlled so as not to become a public nuisance to local residents.</p> <p>Sound travels more at night and especially in the summer months, with the wind in certain directions we can clearly hear events as far away as Manor Gardens near the town centre, and this site will be much closer.</p> <p>We are already experiencing considerable problems of sound at night from outside events from other premises that have emerged as part of the Exmouth seafront development which is being monitored by the Council in liaison with local residents.</p> <p>We recognise that this is a seaside resort and most income is generated in the summer months but it is also residential in an area of outstanding natural beauty and we have a right to privacy and family life which is not disrupted after midnight.</p> <p>Protection of harm from children</p> <p>Given our experience of young people's anti-social behaviour locally in to the early hours, there is a real concern that Mickey's Beach Bar will become a magnet for vulnerable young people to congregate around in the early hours with all the dangers this may entail.</p>
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51.	Mr John Sealey	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of Public Nuisance</p> <p>A late night licence is likely to result in disorderly conduct and require a police presence. This would change the entire character of the Exmouth seafront.</p>	

52.	Mr Terry Smallwood	
Hearing Unnecessary	Yes/No – Not completed	
Attending	No	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Late night drinking inevitably leads to poor behaviour and bravado. Crime against property and people becomes a shoreline threat.</p> <p>Public Safety The new water sports area will attract a lot of people. The whole intent of this new development was to provide a centre for water sport. Late night drinkers will pose a threat to public safety.</p> <p>Prevention of public nuisance By refusing this application you prevent public nuisance or the potential. Late revellers are noisy and uncontrolled.</p>	

53.	Mrs Ann Smith	
Hearing Unnecessary	No response received	
Attending	No response received	

54.	Mr Robert J Soutter	
Hearing Unnecessary	No	
Attending	No	
Email Address		
Supporting documents	None	
Summary of key points	None	

55.	Mrs Margaret Stoddart	
Hearing Unnecessary	No	
Attending	No	
Email Address	None	
Supporting documents	None	
Summary of key points	None	

56.	Mr Richard Stradling [REDACTED]
Hearing Unnecessary	No
Attending	No but will be represented by TARA (The Avenue Residents Association) – Mr S Davidson
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	<p>Public safety The proximity of the premises to the beach and in particular an area in which it is unsafe to swim may be a threat to public safety. Revellers exiting the premises may be tempted to go into the water at great risk to themselves and others.</p> <p>Prevention of public nuisance The 2am licence creates potential for anti-social behaviour in an area close to residential and care homes.</p>

57.	Mrs Avril Summers [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	None

58.	Mr Jeffery Summers [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	None

59.	Mr Tim Todd [REDACTED]
Hearing Unnecessary	No response received
Attending	No response received

60.	Mrs Dee Tracey [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	No

61.	Mr Mike Tracey [REDACTED]
Hearing Unnecessary	No
Attending	No
Email Address	[REDACTED]
Supporting documents	None
Summary of key points	No

62.	Mr William Treloar	[REDACTED]
Hearing Unnecessary	No response received	
Attending	No response received	

63.	Mr Michael Tross	[REDACTED]
Hearing Unnecessary	No	
Attending	No	
Email Address	Not given	
Supporting documents	None	
Summary of key points	None	

64.	Mrs Lynda C Tweedie	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Sale of alcohol for 15 consecutive hours until 2am and the late night/early hours of public traffic is a nuisance to local residents and the adjoining Nature Reserve. Unlawful behaviour such as: defecating in the Nature Reserve – the exchange of drugs- alcohol fuelled fights.</p> <p>Public Safety The disruption and stress that the above will have on local residents would severely impact on their mental health as well as three emotional and physical health.</p> <p>Prevention of public nuisance The sale of alcohol for 15 consecutive hours is not conducive to healthy family relationships and Exmouth is a family holiday destination. The constant noise causing stress for local residents.</p> <p>Protection of harm from children More exposure to alcohol fuelled adults because of the long opening hours.</p>	

65.	Mr Peter Tweedie	[REDACTED]
Hearing Unnecessary	No	
Attending	Yes	
Email Address	[REDACTED]	
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Unlawful behaviour using the Maer Nature Reserve as a toilet and fighting on the beach occurred last summer. The sale of alcohol for 15 consecutive hours till 2am will, most likely, increase unlawful behaviour.</p> <p>Public Safety See Crime and Disorder above</p>	

	<p>Prevention of public nuisance Can guarantees be made that any noise or vibration from the premises (when windows and/or balcony doors are open) will not be audible or experienceable (with regards vibration/bass) at nearby residences.</p> <p>Protection of harm from children See Crime and Disorder above</p>
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66.	Mr Robert Tweedie	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder Destruction of habitat caused by increased human activity late at night on or near the nature Reserve.</p> <p>Prevention of public nuisance Noise coming from the building and patrons. This includes as the patrons make their way home to the night bus and taxis.</p>	

67.	Mrs Michele Ward	
Hearing Unnecessary	No	
Attending	No	
Email Address		
Supporting documents	None	
Summary of key points	<p>The points are extreme scenarios but Mickey's Bar has not published any overview of its business intentions and the extreme licensing hours requested have of course rung alarm bells!</p> <p>Prevention of crime and disorder If Miceys is "not to be a nightclub" why the excessively late drinking hours 7 days a week? How many other venues in Exmouth allow drinking until 2am? Will the venue attract late night drinkers to congregate after normal "time" is called elsewhere?</p> <p>After good weather days especially I can foresee potentially rowdiness/drunken behaviour/drug taking etc. into the early hours outside the venue. Will the Police be able to patrol more often than they do now? Will the internal security cope?</p> <p>Public Safety Possible rowdiness/drunkenness etc. can lead potentially to scenarios where public safety could be compromised. Will there be sufficient protocols in place to protect the general public not only at the venue but at the beach itself and the Maer nature reserve if there is any spread to these areas of possible trouble.</p> <p>Prevention of public nuisance Turning out from a venue as late as 2-3am can lead to noise (shouting/car door slamming etc.) carrying up to Douglas Avenue/Trefusis Terrace and disturbing peoples sleep. Music played potentially all evening through to 2am could be a nuisance both to local residents and visitors. What steps could be put in place to minimise this? Closed windows/doors/sound proofing?</p>	

	<p>Protection of harm from children What steps will be in place to prevent alcohol being purchased in the outdoor area being taken on the beach or Maer Nature Reserve?</p> <p>Playing children be distressed by any poor behaviour or even physically harmed in some scenarios. How will Mickey's work to prevent this?</p>
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70.	Mrs Irene Warman	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Yes</p> <p>Prevention of crime and disorder Drunkenness leads to disorder. Fighting on the beach will ruin Exmouth's reputation. Difficult to police, as beach is so long.</p> <p>Public Safety Danger of broken glass. If injuries occur, Exmouth's reputation is at stake.</p> <p>Prevention of public nuisance Noise until 2AM and after that on the beach. How far will the nuisance spread along the beach?</p> <p>Protection of harm from children Children barefoot on the beach strewn with glass and rubbish. Will Exmouth still be a family resort? Blue flag aware at risk.</p>	

71.	Mr Martin Warren	
Hearing Unnecessary	No	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Introduction</p> <p>When the premises was given planning permission residents were led to believe a water sports centre was being built with catering on site. In fact the focus is food and drink sales with a small water sports facility onsite. Residents have been misled.</p> <p>The license applied for is excessive in ambit. I appreciate the need to sell alcohol onsite-but to do so until 2:30am will lead to all the usual problems, shouting, violence etc. – note the events of last summer.</p> <p>The licence creates a public nuisance given the noise from music and revellers and the noise of revellers leaving the site. Public nuisance is likely construed under licensing law.</p>	

76.	Mrs Maureen Willis	
Hearing Unnecessary	No	
Attending	No	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder The very long licensing hours will lead to more alcohol consumption with the potential for disorderly behaviour and possibly crime.</p> <p>Public Safety As above, drink driving might well be involved.</p> <p>Prevention of public nuisance The long hours of alcohol availability. The very late sale of alcohol and the prolonged playing of music are all potential causes of nuisance. Music should always be kept to a moderate volume.</p>	

77.	Mr Len Worsfold	
Hearing Unnecessary	Yes	
Attending	Yes	
Email Address		
Supporting documents	None	
Summary of key points	<p>Prevention of crime and disorder This idea add to the drug problem police to note.</p> <p>Prevention of public nuisance The times are excessive and should be reduced to prevent annoying neighbours and noise on exiting.</p>	

OPERATING SCHEDULE – CONDITIONS OFFERED BY THE APPLICANT

Doorstaff

Security Industry Authority (SIA) registered door supervisors will be employed at the premises from 21:00 on Friday and Saturday nights at a ratio of 2 for the first 150 customers and an additional 1 for every 75 customers thereafter.

At any other time when alcohol is offered for sale at the premises, the DPS will risk assess the need for Door Supervisors depending on the type and size of event planned. Should it be felt that there is a need for Door Supervisors there shall be a minimum of 2 who will be SIA registered.

The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:

- (i) Full name
- (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
- (iii) The date and time they began their duty
- (iv) The date and time they completed their duty
- (v) The full details of any agency through which they have been allocated to work at the premises if appropriate

The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority. The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

Event Space

All drinks served in the outside event space will be served in polycarbonate containers.

The outside event space shall be supervised at all times it is open for the sale of alcohol.

Except for the sale of a bottle of wine/champagne, no bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption in the outside event area.

Other

We will conduct a suitable fire risk assessment at the premises and implement the necessary control measures. Exit doors from the premises will be regularly checked to ensure they function satisfactorily. All fire doors are maintained unobstructed and effectively self-closing and will not be held open other than with approved devices. Upholstered seating is fire retardant and complies with current fire regulations. Furniture and temporary decorations are located so as not to obstruct exits, fire safety signs or fire-fighting equipment. Fire safety signs are adequately illuminated. Notices dealing the actions to be taken in the event of a fire will be prominently displayed and maintained in good condition.

Access is provided for the emergency vehicles and kept clear at all times. Fire drill and emergency light testing will be conducted regularly and records kept to be available on request.

There are adequate arrangements within the premises for disabled guests. Adequate and appropriate first aid equipment will be available on the premises. At least one trained First Aider will be on duty when the public are present in the premises.

Noise or vibration from the premises will be maintained at a level that will not be audible at the facade of any noise neighbouring noise sensitive premises. The main entrance to the premises has an effective lobby to minimise the breakout of noise. Disposal of bottles into waste receptacles will not be permitted to take place between the hours of 23:00 and 07:00 to minimise disturbance to nearby premises. Ventilation and extract systems will be maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises. The waste receptacle building and all waste bins will be kept clean and maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises. The premises will have a waste collection contract with a reputable local company.

The premises will operate a proof of age policy that has been agreed by the Police. There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

APPENDIX G1

Premises: Mickeys Beach Bar & Restaurant and Cafe Patisserie Glacerie

Subject: **Premises licence application**

I have considered the proposal and the associated plans. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.

I am therefore proposing that additional measures are put in place to promote the prevention of public nuisance from this premises. The necessity of these measures are required due to a range of factors including: the addition of an outdoor events area, the location of the premises and the hours which the premises are operating.

Our aim is to ensure that the music noise level from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm.

In order to achieve this the following condition is recommended:

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs The unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant, inside any noise sensitive premises, with the windows open or closed, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

APPENDIX G2

Premises: Mickeys Beach Bar & Restaurant and Cafe Patisserie Glacerie

Subject: **Premises licence application**

I have considered the proposal and the associated plans. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.

I am therefore proposing that additional measures are put in place to promote the prevention of public nuisance from this premises. The necessity of these measures are required due to a range of factors including: the addition of an outdoor events area, the location of the premises and the hours which the premises are operating.

Our aim is to ensure that the music noise level from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 11pm.

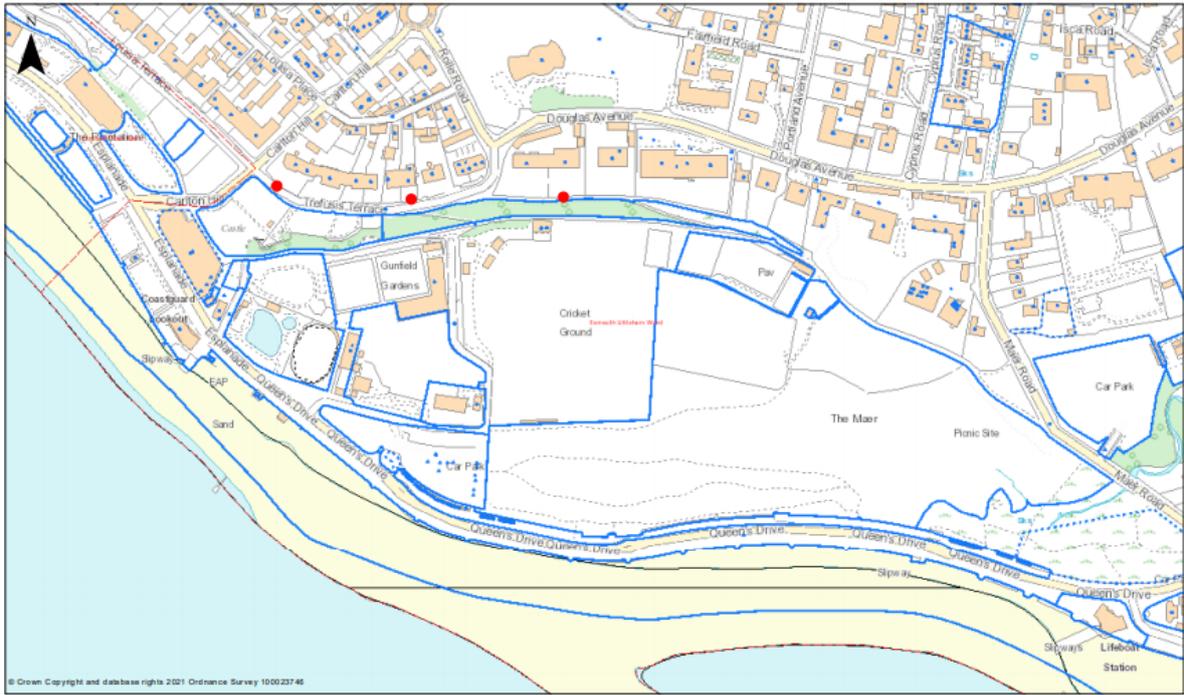
In order to achieve this the following condition is recommended:

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

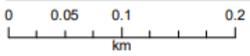
Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. I have attached a map of the monitoring points for measuring the LAeq 15 min and LZeq 15 min with entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.



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Map Tile: SY0080SE Full Reference: SY00659 80211



1:3,697

EMAIL FROM ENVIRONMENTAL HEALTH RECEIVED 07/04/2021

Hi Lesley

The conditions on the Representation that I sent on 01.04 were changed from those sent on 22.03. The ones sent on 01.04 should be the final recommended conditions. These conditions were amended following comments from the applicants Noise Consultant. These are within the attached Amended Representation. There are three conditions but also a paragraph which starts as 'To comply with these conditions...' I am not sure whether this should/could be included as a condition? It forms part of our recommendations.

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. I have attached a map of the monitoring points for measuring the LAeq 15 min and LZeq 15 min with entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

Please note that the applicants Noise Consultant has advised that these new conditions above will be included in the Noise Survey Report which will form part of the Applicants representation.

The Proposed Monitoring sites document is a new document which we have sent to the Noise Consultant. Can this be included in the Supporting documents within the Notice of Response? The Proposed Monitoring sites document shows the recommended monitoring sites, equivalent to residential property boundaries, for measuring the music noise level when noise entertainment is taking place at the licensed premises.

The applicant's Noise Consultant has already carried out noise monitoring at a location in public gardens in front of the properties on Trefusis Terrace. This is to determine the existing LAeq 15 minutes at a pre-agreed location with no noise entertainment taking place.

Any further queries, just let me know. If you want to see correspondence that I have had with the Noise Consultant, please let me know.

Apologies for the amendments to the conditions.

Thanks

Alice

EMAIL FROM APPLICANT'S SOLICITOR RECEIVED 07/04/2021, CONFIRMING THE APPLICANT ACCEPTS THE PROPOSED CONDITIONS RECOMMENDED BY ENVIRONMENTAL HEALTH

Dear Lesley

I can confirm that we accept the proposed conditions.

Regards

Gareth Pinwell

Partner

g.pinwell@ashfords.co.uk

Direct +44 1752 526015

Mobile +44 7843 633058

Fax +44 1752 526215

ashfords

Ashfords LLP

Princess Court 23 Princess Street Plymouth PL1 2EX

From: Licensing EDDC <licensing@eastdevon.gov.uk>

Sent: 07 April 2021 15:51

To: Pinwell, Gareth <G.Pinwell@ashfords.co.uk>

Cc: Alice Gill <AGill@eastdevon.gov.uk>

Subject: Licensing Sub Committee Hearing - Mickey's Beach Bar & Restaurant

Dear both

I am in receipt of the response to Notice of Hearing and supporting information from both Environmental Health and the applicant. As far as I can see there does appear to be an agreed position between EH and the applicant? Following discussion with the applicant's noise consultant EH are now seeking the following three conditions:

Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

EH have also added the following recommendation:

To comply with these conditions we would expect a noise consultant to be appointed to determine the existing LAeq 15 minutes at the pre-agreed location with no noise entertainment taking place. I have attached a map of the monitoring points for measuring the LAeq 15 min and LZeq 15 min with entertainment taking place. We would require a copy of the monitoring results for approval prior the first use of the premises.

This does appear to be in line with the information submitted within the applicant's Environmental Sound Survey.

Gareth, are you able to confirm on behalf of your client that an agreed position has been reached and that your client agrees to the addition of the three conditions on the licence?

If this is the case I will be able to advise the committee within the report that an agreed position has been reached between the applicant and EH which may to some degree reduce the need for a protracted discussion at the hearing. Timescales are tight on adding this to the report so I would be grateful if you could confirm as soon as you are able to speak with your client.

Regards
Lesley

Lesley Barber
Licensing Officer
Governance & Licensing
East Devon District Council

1 April 2021

Strategic Lead Governance & Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Your Ref:
Our Ref: GDP/DGR/360476-00005
Email: g.pinwell@ashfords.co.uk
Direct Dial: 01752 526015
Direct Fax: 01752 526215

By Email and Post

Dear Madam

Application for Premises Licence - New Venue, Exmouth – Application 051731

I act for and on behalf of Maer Beach Limited who have submitted the above licensing application in the terms set out. I am also in receipt of the representations made by members of the public as a consequence of the advertisement of the application. Before responding to the issues raised by members of the public, I consider it appropriate to set out the approach taken by the applicants in the development of its application.

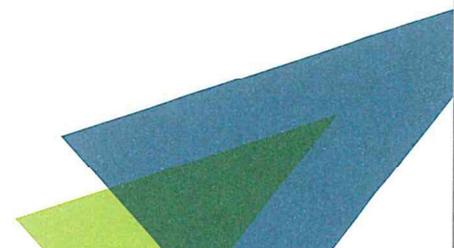
The directors of the company are very experienced and well-respected participants in the restaurant and hospitality industry. As a consequence of this, the company gave clear guidance to its design team that it required a building that to be up to modern and sustainable standards and with interior plant machinery and facilities to enable it to operate as a modern facility that respects its location and can provide a facility that is complementary to its location.

A key element of the process was to consider the sound system to be installed in the premises and to consider any impact from noise generated within the premises on the external environment.

It is readily apparent that the construction of the building is such that all of the openings and outside areas face away from the nearest residential properties, which are over 240 meters away to the rear of the premises.

In that regard once the premises had reached practical completion, it had appointed an acoustic consultant to assist it with the development of the proposal and in particular to advise the company on an appropriate

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operating regime, together with advice on appropriate licensing conditions that may be imposed as part of the licensing process.

Most recently between the afternoon of Friday 19th March and the morning of Tuesday 23rd March a consultant from Clarke Saunders Acoustics has carried out an ambient background noise survey at a point close to the nearest residential dwellings to understand the existing background noise climate and had previously attended an on-site meeting on the morning of Friday 19th March with the Environmental Health Officer, Ms Alice Gill and Licensing Officer Ms Lesley Barber, to demonstrate the operation of the internal sound system and its effect on the locality. This has involved being present both inside and outside the premises with the sound system operating at its maximum level. This maximum level is controlled by an internal control system to which only management staff will have access, and as a consequence, is not capable of alteration.

This approach has resulted in the agreement of a licensing condition with the Environmental Health Officer to regulate noise emanating from the premises which would be recommended to the Committee as a condition to ensure that the premises, when operating will be within recognised limits.

A copy of the acoustic conditions report is attached to this letter with his professional recommendations to the noise climate and the agreed measures.

In addition, the client is mindful that there is a glazed area at first floor level where there are window openings. From the testing carried out, it is not considered that there is a need to enforce that all window apertures in the area are closed. The company is prepared to ensure that from 2300 hours the only apertures open in the building will be the windows which front directly onto the sea front. This scenario has been considered in the acoustics report.

I would respectfully suggest that the process indicates the careful and thorough approach of the client company in making their licensing application and to listen to inputs from professional officers of the Council and as a consequence of those, to examine in detail any acoustic implications and agree an appropriate way forward.

I appreciate that this application has to be considered strictly on its merits and considered against the four licensing objectives, namely :

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

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In terms of the Prevention of Crime and Disorder, many of the representations make un-substantiated assertions that the operation of the premises will offend this objective. Clearly as part of the application process the applicants have consulted the local police and they have raised no objection to the application. In addition, the Applicant Company have devised operating procedures and the use of security staff at appropriate times to ensure compliance with this objective. There is no objective basis to reach a conclusion that the application will offend this objective.

Linked to this licensing objective is public safety. Again, there is a clear operating regime and in the event of a licence being granted, a set of licensing conditions will ensure public safety with the operation of this venue. The operating procedures are robust and clear and with the correct operation of the facility, including security staff when appropriate, it will ensure that the safety of the public is maintained at all times by those in proximity to the premises. Again, assertions are made in the representations which are unsubstantiated as to perceived impacts which have not actually occurred. The Applicant company is confident that it can operate the premises in a way that does not in any shape, way or form, compromise public safety.

In terms of the prevention of public nuisance, significant numbers of the representations raise issues of the perceived noise impact of the premises and the hours of operation.

As I have set out early in this letter, the operation of the premises and any noise impact has been one of the key considerations that the client company have had in mind for the premise operating in such a prominent location. It has engaged the services of an acoustic consultant to advise it as to ambient noise levels, together with the likely impact of the sound system being used internally at the premises and in his report, his professional advice is set out in the attached report.

The client company can appreciate the concerns of interested members of the public, however, it takes its responsibilities very seriously and has designed the premises, carried out tests at the premises and engaged an acoustic consultant to liaise with the licensing authority through its environmental health officer, to present to the authority an acoustic management regime, which the environmental health officer considers appropriate for the location.

Therefore, it is considered that by its approach it has taken all steps possible in advance of the granting of the licence to provide an acceptable operating regime.

Many of the representations refer to the sought hours of operation, both for the service of alcoholic drinks, and the playing of recorded and live music. The application presents an application which is in such terms as to provide the venue which reflects modern practice. Many representations suggest that the premises should be given the same operating hours as the Ocean facility which is on the seafront.

I would respectfully suggest that this is not an appropriate suggestion as the application before the Committee should be determined on its own merits and whether it offends the licensing objectives.

All of the consultees (namely the Police and the Council's own Environmental Health Officer) are not concerned as to the opening hours of the main premises.

As part of the wider consideration of the application, the Committee also has to consider the area known as The Events Place. This is to be an area where a Marquee is erected for events to be held and effectively hired out by patrons.

In connection with the event space, the client company is prepared to amend its application so that those events will take place from 1 April to 31 October in each year. Any live or recorded music will cease at 2300 hours, last orders will be at 2330 hours and the facility will be vacated by midnight. A noise consultant has considered this approach and he considers that in the attached report.

Again, I consider that this demonstrates to the Licensing Authority that the client company has liaised with its acoustic consultant and is now proposing a regime which the acoustic consultant and the environmental health officer consider to be appropriate in the location.

The final licensing objective relates to the protection of children from harm. In terms of the operation of the facility, it will have the benefit of allowing children (under 16 years of age) into the bar and restaurant area until 23.00. The event space outside will have the conditions of live/recorded music finishing at 23.00, last orders at 23.30 and event finishing at midnight, there will be children at these private events. After that time children will not be permitted in the premises and as such the conditions imposed will be adequate to safeguard any children from harm.

In conclusion having considered the letters of representation, the majority of them are focused on the noise impact of the premises and how it is perceived it may cause public nuisance. If one considers this letter which sets out the approach of the client company and the advice of the acoustic consultant, there appears to be an operating regime which is acceptable to him in his professional capacity and which has met with the approval

of the Council's Environmental Health Officer. In such circumstances, it is considered that this element of the application has been scrutinised and a solution arrived at which respects all parties' interests.

The application in all respects complies with the licensing objectives and as a consequence, I would respectfully suggest that with the imposition of appropriate conditions the application should be approved by the Committee.

Yours sincerely



Gareth Pinwell
for Ashfords LLP
Enc

1 April 2021

Strategic Lead Governance & Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Your Ref:
Our Ref: GDP/DGR/360476-00005
Email: g.pinwell@ashfords.co.uk
Direct Dial: 01752 526015
Direct Fax: 01752 526215

By Email and Post

Dear Madam

Application for Premises Licence - New Venue, Exmouth – Application 051731

I act for and on behalf of Maer Beach Limited who have submitted the above licensing application in the terms set out. I am also in receipt of the representations made by members of the public as a consequence of the advertisement of the application. Before responding to the issues raised by members of the public, I consider it appropriate to set out the approach taken by the applicants in the development of its application.

The directors of the company are very experienced and well-respected participants in the restaurant and hospitality industry. As a consequence of this, the company gave clear guidance to its design team that it required a building that to be up to modern and sustainable standards and with interior plant machinery and facilities to enable it to operate as a modern facility that respects its location and can provide a facility that is complementary to its location.

A key element of the process was to consider the sound system to be installed in the premises and to consider any impact from noise generated within the premises on the external environment.

It is readily apparent that the construction of the building is such that all of the openings and outside areas face away from the nearest residential properties, which are over 240 meters away to the rear of the premises.

In that regard once the premises had reached practical completion, it had appointed an acoustic consultant to assist it with the development of the proposal and in particular to advise the company on an appropriate

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operating regime, together with advice on appropriate licensing conditions that may be imposed as part of the licensing process.

Most recently between the afternoon of Friday 19th March and the morning of Tuesday 23rd March a consultant from Clarke Saunders Acoustics has carried out an ambient background noise survey at a point close to the nearest residential dwellings to understand the existing background noise climate and had previously attended an on-site meeting on the morning of Friday 19th March with the Environmental Health Officer, Ms Alice Gill and Licensing Officer Ms Lesley Barber, to demonstrate the operation of the internal sound system and its effect on the locality. This has involved being present both inside and outside the premises with the sound system operating at its maximum level. This maximum level is controlled by an internal control system to which only management staff will have access, and as a consequence, is not capable of alteration.

This approach has resulted in the agreement of a licensing condition with the Environmental Health Officer to regulate noise emanating from the premises which would be recommended to the Committee as a condition to ensure that the premises, when operating will be within recognised limits.

A copy of the acoustic conditions report is attached to this letter with his professional recommendations to the noise climate and the agreed measures.

In addition, the client is mindful that there is a glazed area at first floor level where there are window openings. From the testing carried out, it is not considered that there is a need to enforce that all window apertures in the area are closed. The company is prepared to ensure that from 2300 hours the only apertures open in the building will be the windows which front directly onto the sea front. This scenario has been considered in the acoustics report.

I would respectfully suggest that the process indicates the careful and thorough approach of the client company in making their licensing application and to listen to inputs from professional officers of the Council and as a consequence of those, to examine in detail any acoustic implications and agree an appropriate way forward.

I appreciate that this application has to be considered strictly on its merits and considered against the four licensing objectives, namely :

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

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In terms of the Prevention of Crime and Disorder, many of the representations make un-substantiated assertions that the operation of the premises will offend this objective. Clearly as part of the application process the applicants have consulted the local police and they have raised no objection to the application. In addition, the Applicant Company have devised operating procedures and the use of security staff at appropriate times to ensure compliance with this objective. There is no objective basis to reach a conclusion that the application will offend this objective.

Linked to this licensing objective is public safety. Again, there is a clear operating regime and in the event of a licence being granted, a set of licensing conditions will ensure public safety with the operation of this venue. The operating procedures are robust and clear and with the correct operation of the facility, including security staff when appropriate, it will ensure that the safety of the public is maintained at all times by those in proximity to the premises. Again, assertions are made in the representations which are unsubstantiated as to perceived impacts which have not actually occurred. The Applicant company is confident that it can operate the premises in a way that does not in any shape, way or form, compromise public safety.

In terms of the prevention of public nuisance, significant numbers of the representations raise issues of the perceived noise impact of the premises and the hours of operation.

As I have set out early in this letter, the operation of the premises and any noise impact has been one of the key considerations that the client company have had in mind for the premise operating in such a prominent location. It has engaged the services of an acoustic consultant to advise it as to ambient noise levels, together with the likely impact of the sound system being used internally at the premises and in his report, his professional advice is set out in the attached report.

The client company can appreciate the concerns of interested members of the public, however, it takes its responsibilities very seriously and has designed the premises, carried out tests at the premises and engaged an acoustic consultant to liaise with the licensing authority through its environmental health officer, to present to the authority an acoustic management regime, which the environmental health officer considers appropriate for the location.

Therefore, it is considered that by its approach it has taken all steps possible in advance of the granting of the licence to provide an acceptable operating regime.

Many of the representations refer to the sought hours of operation, both for the service of alcoholic drinks, and the playing of recorded and live music. The application presents an application which is in such terms as to provide the venue which reflects modern practice. Many representations suggest that the premises should be given the same operating hours as the Ocean facility which is on the seafront.

I would respectfully suggest that this is not an appropriate suggestion as the application before the Committee should be determined on its own merits and whether it offends the licensing objectives.

All of the consultees (namely the Police and the Council's own Environmental Health Officer) are not concerned as to the opening hours of the main premises.

As part of the wider consideration of the application, the Committee also has to consider the area known as The Events Place. This is to be an area where a Marquee is erected for events to be held and effectively hired out by patrons.

In connection with the event space, the client company is prepared to amend its application so that those events will take place from 1 April to 31 October in each year. Any live or recorded music will cease at 2300 hours, last orders will be at 2330 hours and the facility will be vacated by midnight. A noise consultant has considered this approach and he considers that in the attached report.

Again, I consider that this demonstrates to the Licensing Authority that the client company has liaised with its acoustic consultant and is now proposing a regime which the acoustic consultant and the environmental health officer consider to be appropriate in the location.

The final licensing objective relates to the protection of children from harm. In terms of the operation of the facility, it will have the benefit of allowing children (under 16 years of age) into the bar and restaurant area until 23.00. The event space outside will have the conditions of live/recorded music finishing at 23.00, last orders at 23.30 and event finishing at midnight, there will be children at these private events. After that time children will not be permitted in the premises and as such the conditions imposed will be adequate to safeguard any children from harm.

In conclusion having considered the letters of representation, the majority of them are focused on the noise impact of the premises and how it is perceived it may cause public nuisance. If one considers this letter which sets out the approach of the client company and the advice of the acoustic consultant, there appears to be an operating regime which is acceptable to him in his professional capacity and which has met with the approval

of the Council's Environmental Health Officer. In such circumstances, it is considered that this element of the application has been scrutinised and a solution arrived at which respects all parties' interests.

The application in all respects complies with the licensing objectives and as a consequence, I would respectfully suggest that with the imposition of appropriate conditions the application should be approved by the Committee.

Yours sincerely



Gareth Pinwell
for Ashfords LLP
Enc



PREPARED: Thursday, 01 April 2021

AS12084 Miceys Beach Bar & Restaurant Environmental Sound Survey

CONTENTS

1.0	EXECUTIVE SUMMARY	1
2.0	INTRODUCTION	1
3.0	SITE DESCRIPTION AND DEVELOPMENT PROPOSAL	1
4.0	LOCAL AUTHORITY CONSULTATION	2
5.0	ENVIRONMENTAL SOUND SURVEY	3
6.0	CONCLUSIONS	5

LIST OF ATTACHMENTS

ASI2084/SP1	Site Plan and Measurement Location
ASI2084/TH1-TH4	LTI Time Histories
APPENDIX A	Acoustic Terminology

Project Ref:	ASI2084	Title:	Mickeys Beach Bar & Restaurant, Exmouth
Report Ref:	ASI2084.210325.ENS.V1.2.docx	Title:	Environmental Sound Survey
Client Name:	Maer Beach Ltd		
Project Manager:	Mike Mcloughlin		
Report Author:	Mike Mcloughlin		
Clarke Saunders Acoustics Winchester SO22 5BE		This report has been prepared in response to the instructions of our client. It is not intended for and should not be relied upon by any other party or for any other purpose.	

1.0 EXECUTIVE SUMMARY

- 1.1 This application is for a new bar & restaurant on Exmouth seafront operating live music events until 23:00 hours, and recorded music until 02:00 hours. Events will be held within the adjacent external green space with live and recorded music until 23:00 hours (April - October).
- 1.2 An environmental sound survey has been undertaken at a location representative of the nearest residential dwellings to establish the baseline sound climate and background sound levels at these locations for any future assessment if required.
- 1.3 Background noise levels ($L_{A90, 15min}$) have been determined during the potential most sensitive periods (23:00 – 02:00 hours) at the noise sensitive receptors for weekends (Friday and Saturday nights) and weekdays (Sunday – Thursday nights).
- 1.4 It is noted that the noise survey was conducted during travel and business restrictions put in place by the Government due to the COVID-19 pandemic which may have resulted in lower than typical ambient and background sound levels.

2.0 INTRODUCTION

- 2.1 Clarke Saunders Acoustics has been commissioned by Maer Beach Ltd to undertake a sound survey at residential locations closest to the Mickeys Beach Bar & Restaurant, Exmouth to determine the background noise levels at existing noise sensitive receptors.
- 2.2 The proposed development is a new bar and restaurant on Exmouth sea front, with proposed opening hours until 02:30 hours, with live music offered until 23:00 hours, and recorded music until 02:00 hours.
- 2.3 Events will be held within the adjacent external green space with live and recorded music until 23:00 hours, and events ceasing at 00:00 hours, restricted to the period April - October.
- 2.4 The survey data collected may be used in a subsequent assessment if required to determine the potential noise impact of the proposed development on surrounding noise sensitive receptors, and, where required, assist in specification of mitigation in order to achieve the licensing requirements of East Devon District Council.

3.0 SITE DESCRIPTION AND DEVELOPMENT PROPOSAL

- 3.1 Mickeys Beach Bar & Restaurant is located on Exmouth Seafront as shown in Figure ASI2084/SP1 to the south of Queen's Drive.
- 3.2 The opening hours of the bar and restaurant are detailed in following proposed licensable activities.
 - The supply of alcohol for consumption on the premises: Monday to Sunday 11.00 hours - 02.00 hours;
 - The provision of light refreshment: Monday – Sunday 23.00 hours - 01.00 hours;
 - The provision of live music: Monday to Sunday 12.00 hours - 23.00 hours;
 - The provision of recorded music: Monday to Sunday 07.00 hours - 02.00 hours;
 - Premises opening hours: Monday to Sunday 07.00 hours - 02.30 hours.

- Events will be held within the adjacent external green space with live and recorded music until 23:00 hours, and events ceasing at 00:00 hours, restricted to the period April - October.

3.3 The nearest noise sensitive receptors are located directly the north of the proposed development site on Trefusis Terrace. These receptors are shown in Figure ASI2084/SP1 and are approximately 240m from the Mickeys Beach Bar & Restaurant building.

3.4 The ambient sound climate at the noise sensitive receptors is low and determined by noise from local roads in the vicinity, including vehicles on Queen's Drive. There are secondary noise impacts from activity within the park land to the south of Trefusis Terrace.

3.5 Consultation with the East Devon District Council licencing department has indicated they would seek to place noise limits on regulated and deregulated licensable activities based on background noise level (L_{A90}) over 15-minute periods.

4.0 LOCAL AUTHORITY CONSULTATION

4.1 Consultation with the local authority was conducted during a site visit (19/03/21) to Mickeys Beach Bar & Restaurant by the report Author, attended by the applicant and Lesley Barber, East Devon District Council's Licensing Officer, and Environmental Health Officer (EHO), Alice Gill.

4.2 During this meeting, the proposed noise conditions for the licence were discussed and demonstrations were provided of the pre-set levels of the internal sound system. The operation of retractable terrace windows and roof system was explained and how these would be closed at 23:00h with the exception of two windows facing the sea (away from the noise sensitive receptors).

4.3 The internal sound system volume was increased to the loudest pre-set level, and the attendees carried out an external walk around of the building to subjectively rate the noise emissions with the terrace windows and roof closed. The report Author and EHO agreed that there was limited noise emissions from the site under these conditions.

4.4 The location and duration of noise monitoring for the survey was agreed with the EHO prior to the noise survey commencing.

4.5 In subsequent correspondence with the EHO, the noise conditions for the licence have been discussed further and agreed as below

'Between 07.00hrs – 23.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (L_{Aeq}) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable L_{Aeq} 15min, with no entertainment taking place.

Between 23.00hrs – 02.00hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (L_{Aeq}) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed

monitoring points when compared against the agreed comparable $L_{Aeq\ 15min}$, with no entertainment taking place.

Between 23.00hrs – 07.00hrs the unweighted (i.e. linear) equivalent noise level (L_{Zeq}) in the 63Hz – 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable $L_{Zeq\ 15min}$, with no entertainment taking place. ‘

5.0 ENVIRONMENTAL SOUND SURVEY

- 5.1 A survey of the existing ambient and background sound levels was undertaken at the location shown in site plan ASI2084/SP1. This survey was carried out to determine representative background sound levels at the nearest noise sensitive receptors.
- 5.2 Automated sound level monitoring equipment was installed at position LT1 to record measurements of consecutive 5-minute L_{Aeq} , L_{Amax} , L_{A10} and L_{A90} sound pressure levels. The monitoring was undertaken between the morning of Friday 19th March 2021 and the morning of Tuesday 23rd March 2021.
- 5.3 The sound level meter was located in a free-field location, 1.5 m above local ground level.
- 5.4 The following equipment was used during the survey:
 - 1 no. NTi XL2 sound level meter
 - 1 no. Norsonic sound level calibrator type 1251.
- 5.5 The calibration of the sound level meter was verified before and after use, and no significant calibration drift was detected (<0.5 dB). All equipment has current laboratory certified calibration which is available on request.
- 5.6 Measurements were made following procedures in BS 7445:1991 (ISO1996-2:1987) *Description and measurement of environmental noise Part 2-Acquisition of data pertinent to land use.*
- 5.7 The weather during the monitoring period was dry with low windspeeds, therefore suitable for collection of environmental sound data.

5.8 NOISE SURVEY RESULTS

- 5.8.1 Figures ASI2084/TH1-TH4 show the L_{Aeq} , L_{Amax} , L_{A10} and L_{A90} sound pressure levels as time histories at measurement position, LT1.
- 5.8.2 The dominant sound source at the noise sensitive receptors is vehicles on local roads in the vicinity, including vehicles on Queen's Drive. There are secondary noise impacts from activity within the park land to the south of Trefusis Terrace.
- 5.8.3 Travel and business restrictions enforced by the Government due to the COVID-19 pandemic were in place during the survey and may have resulted in a reduction in road and general activity levels in the local area. This may have led to ambient and background sound levels being atypical, and lower, than pre-COVID.

5.8.4 The average sound pressure levels measured during the survey during the ‘Daytime’ and ‘Night-time’ periods at Position LTI are shown in the table below, together with the typical highest L_{AFmax} , defined as the 90th percentile of the L_{AFmax} dataset, and typical lowest L_{A90} , defined as the 10th percentile of the L_{A90} dataset.

LOCATION	PERIOD	$L_{Aeq,T}$	TYPICAL L_{Amax} (90 th PERCENTILE)	TYPICAL L_{A90} (10 th PERCENTILE)
LTI (free-field)	Daytime (07:00-23:00 hours)	52 dB	71 dB	34 dB
	Night-time (23:00-07:00 hours)	47 dB	66 dB	27 dB

Table 4.1 – Results of environmental sound survey [dB ref. 20µpa]

5.8.5 The greatest potential for noise impacts from the premises is likely to occur during 23:00 – 02:00 hours due to lower ambient sound levels occurring during this period when compared the rest of the proposed operational hours for the venue. Based on measurements, the ambient average sound levels ($L_{Aeq, 15min}$) have been determined during these periods at the noise sensitive receptors for weekends (Friday and Saturday nights) and weekdays (Sunday – Thursday nights) as show in the table below.

LOCATION	PERIOD	WEEKEND AMBIENT AVERAGE $L_{Aeq, 15min}$	WEEKDAY AMBIENT AVERAGE $L_{Aeq, 15min}$
LTI (free-field)	23:00 – 00:00 hours	42 dB	32 dB
	00:00 – 01:00 hours	43 dB	34 dB
	01:00 – 02:00 hours	43 dB	32 dB

Table 4.2 – Analysis of Ambient L_{Aeq} Sound Levels [dB ref. 20µpa]

5.8.1 East Devon District Council have requested consideration of the potential late night / early morning noise impacts in the 63 Hz and 125 Hz octave bands. Based on measurements, the ambient average sound levels ($L_{eq, 15min}$) in the 63 Hz and 125 Hz octave bands have been determined during 23:00 – 02:00 hours at the noise sensitive receptors for weekends (Friday and Saturday nights) and weekdays (Sunday – Thursday nights) as show in the table below.

LOCATION	PERIOD	WEEKEND AMBIENT AVERAGE <i>L</i> _{eq, 15min}		WEEKDAY AMBIENT AVERAGE <i>L</i> _{eq, 15min}	
		63 Hz	125 Hz	63 Hz	125 Hz
LTI (free-field)	23:00 – 00:00 hours	48 dB	40 dB	45 dB	37 dB
	00:00 – 01:00 hours	45 dB	38 dB	45 dB	37 dB
	01:00 – 02:00 hours	45 dB	37 dB	43 dB	31 dB

Table 4.3 – Analysis of Ambient *L*_{eq} Sound Levels in 63 Hz and 125 Hz Octave Bands [dB ref. 20µpa]

6.0 CONCLUSIONS

- 6.1 Clarke Saunders Acoustics has been commissioned by Maer Beach Ltd to undertake noise measurements at residential locations closest to the Mickeys Beach Bar & Restaurant, Exmouth.
- 6.2 It is proposed to operate the bar & restaurant with live music events until 23:00 hours, and recorded music until 02:00 hours. In addition, events will be held within the adjacent external green space with live and recorded music until 23:00 hours (April - October).
- 6.3 An environmental sound survey has been undertaken at the acoustically equivalent monitoring location between Friday 19th March 2021 and Tuesday 23rd March 2021 to determine the background sound levels at the nearest noise sensitive receptors to the site.
- 6.4 The data collected has been analysed to determine typical ambient sound levels to be used in any subsequent assessment to determine the potential noise impact of the proposed development on surrounding noise sensitive receptors during late night / early morning operations.



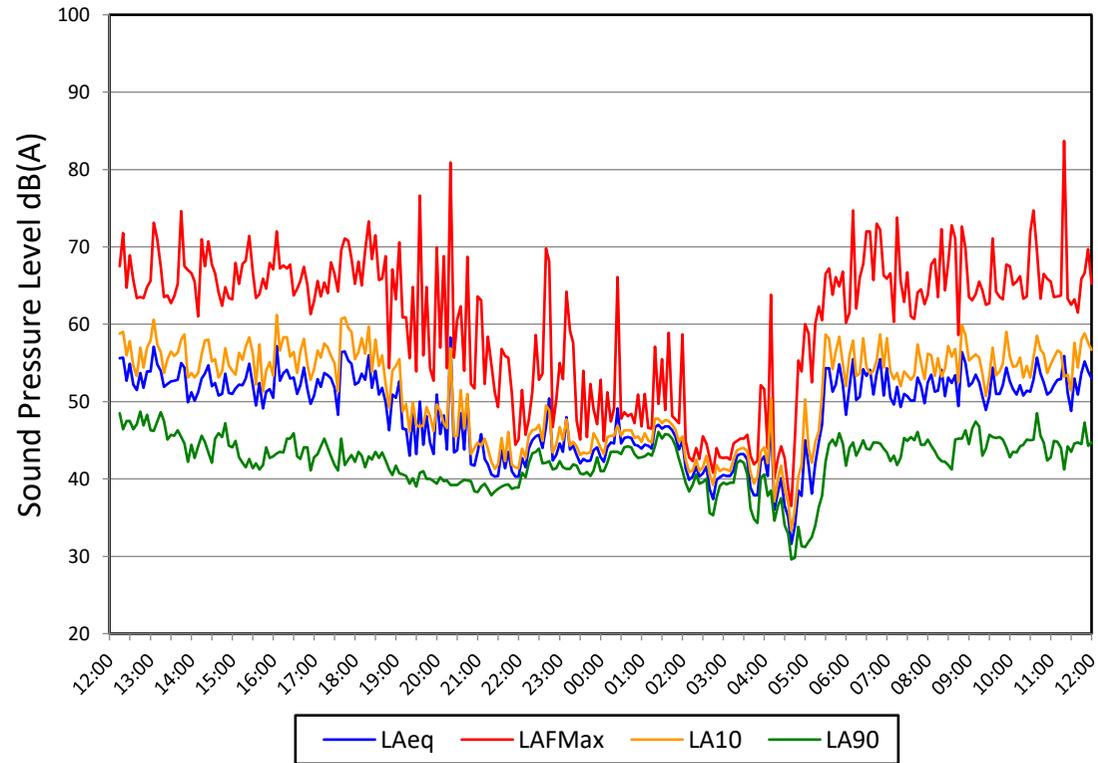
Mike McLoughlin MIOA
CLARKE SAUNDERS ACOUSTICS



page 161

Michael Caines, Exmouth

Environmental Noise Time History: LT1

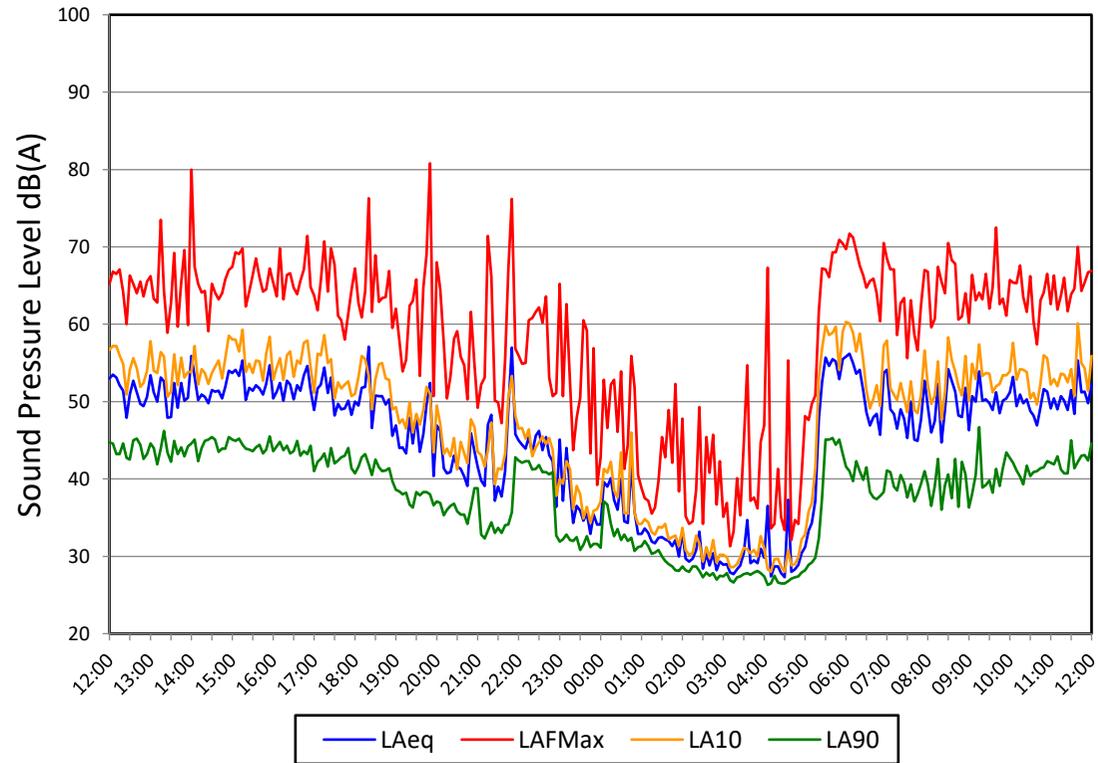


Friday 19 March to Saturday 20 March 2021

Figure AS12084/TH1

Michael Caines, Exmouth

Environmental Noise Time History: LT1

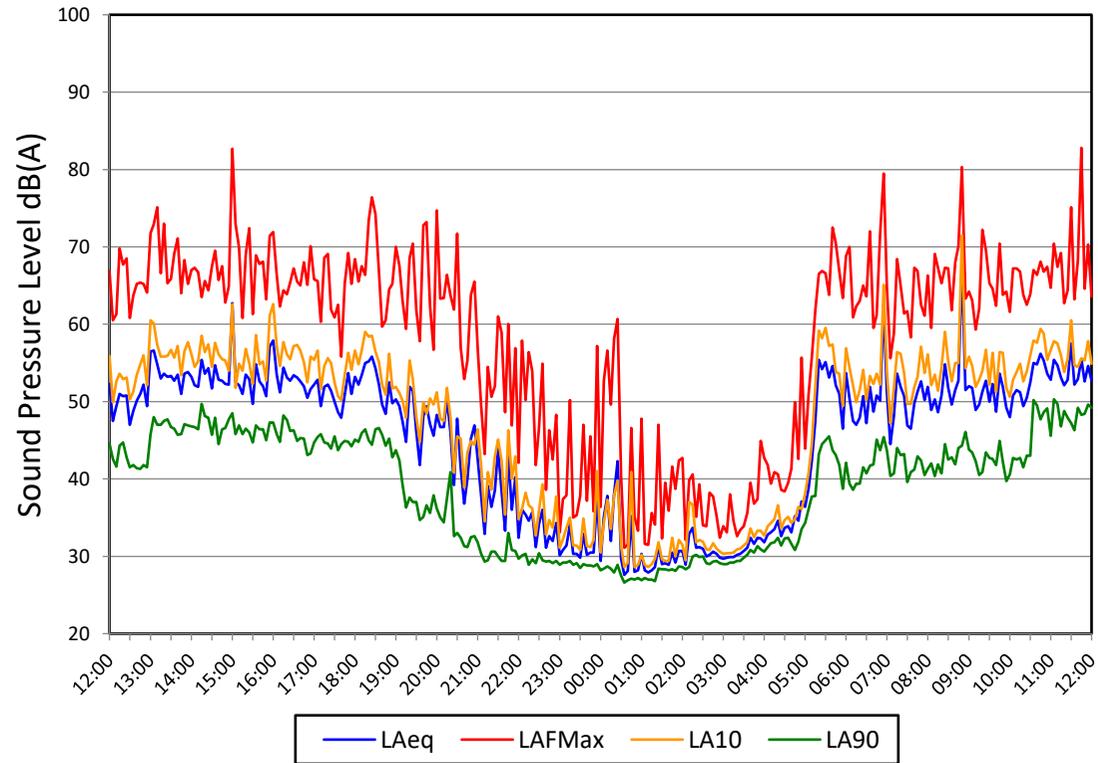


Saturday 20 March to Sunday 21 March 2021

Figure AS12084/TH2

Michael Caines, Exmouth

Environmental Noise Time History: LT1

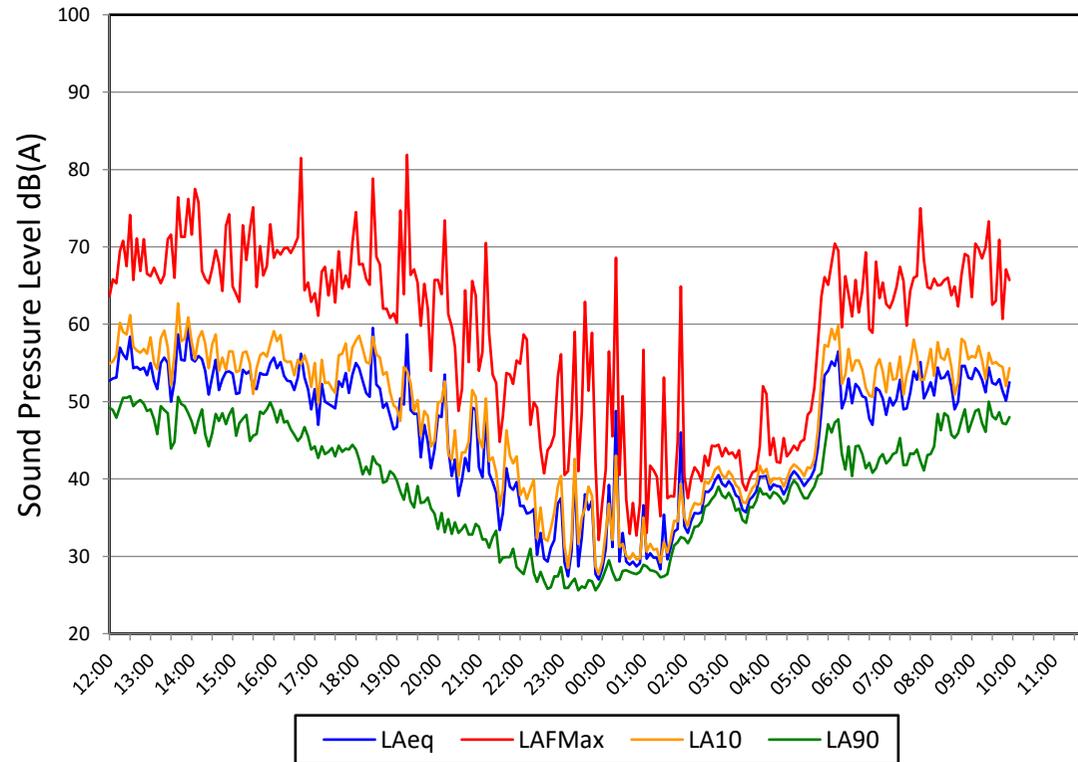


Sunday 21 March to Monday 22 March 2021

Figure AS12084/TH3

Michael Caines, Exmouth

Environmental Noise Time History: LT1



Monday 22 March to Tuesday 23 March 2021

Figure AS12084/TH4

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L_A .
L_{eq}:	<p>A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc).</p> <p>The concept of L_{eq} (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction.</p> <p>Because L_{eq} is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.</p>
L_{10} & L_{90}:	<p>Statistical L_n indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, L_{10} is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L_{90} is the typical minimum level and is often used to describe background noise.</p> <p>It is common practice to use the L_{10} index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.</p>
L_{max}:	The maximum sound pressure level recorded over a given period. L_{max} is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L_{eq} value.
R_w D_w $D_{nT,w}$ $D_{n,e,w}$ $D_{n,f,w}$	Value of parameter, determined as above, but weighted in accordance with the procedures laid down in BS EN ISO 717-1 to provide a single-figure value.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred"

bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz	63	125	250	500	1000	2000	4000	8000
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1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

INTERPRETATION

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial

1.4 Earth Bunds and Barriers - Effective Screen Height

When considering the reduction in sound level of a source provided by a barrier, it is necessary to establish the "effective screen height". For example if a tall barrier exists between a sound source and a listener, with the barrier close to the listener, the listener will perceive the sound as being louder if he climbs up a ladder (and is closer to the top of the barrier) than if he were standing at ground level. Equally if he sat on the ground the sound would seem quieter than if he were standing. This is explained by the fact that the "effective screen height" is changing with the three cases above. In general, the greater the effective screen height, the greater the perceived reduction in sound level.

Similarly, the attenuation provided by a barrier will be greater where it is aligned close to either the source or the listener than where the barrier is midway between the two.

APPENDIX I - NOH Responses - Interested Parties

APPLICATION NUMBER 051731

ASHTON - Supporting Doc

		<small>(Tick as appropriate)</small>	Yes	No
I consider this hearing to be unnecessary		<i>It IS necessary</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:				
Please see note below <small>(Please give details of the person's name and address in this box)</small>				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations:				
<p>1) This covering letter 2) Document A page 1 3) Document A page 2 4) Document B 5) Document C 6) Document D.</p> <p><i>Key points summarised with references.</i></p> <p><i>New information and obj. Key Point - <u>V. important</u>.</i></p> <p><i>6 document/sheets in all.</i></p>				
		<small>(Tick as appropriate)</small>	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:	JANE ASHTON	Tel No & Email:		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

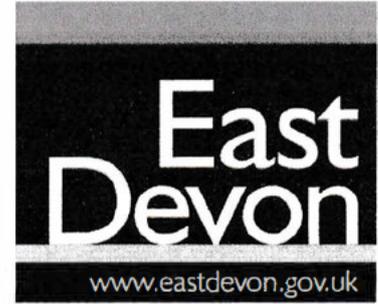
Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel:01404 515616
 E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

APPLICATION NUMBER. 051731

Strategic Lead - Governance and Licensing Document A page 1
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my ~~application, representation~~ / **objection** (*delete as applicable).

Application Number: 051731

Application: Premises Licence WITH Alcohol New Application

By: Maer Beach Limited

Of: 5 Barnfield Crescent, EXETER, Devon, EX1 1QT,

Re: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD,

SUMMARY OF KEY POINTS

Document A page 1

I am relying on these key points to support my objection.

Specific reference in the application . Premises Open Hours requested at Point **J**.

**J: Supply of alcohol for consumption ON the premises only Monday to Sunday 11:00 02:00
Monday to Sunday **Outside event space 11:00 23:00****

Since sending my original objection, enquiries have led to the following being confirmed :-

The Outside Event Space referred to in **J** is the triangular piece of **land to the West** of Mickey's Bar & Restaurant, Café Patisserie, Glacerie, **in addition to** the outdoor terraces alongside those premises. Hence, this document A, pages 1 and 2 are additional to my original representation/objection.

On the **Planning Application 18/0376/FUL** approved June 2018 this is named **Event Space** and there is no mention of an eatery and no mention of a licensed premises operating from that land.

Link to that Application:

<https://planning.eastdevon.gov.uk/online-applications/caseDetails.do?action=dispatch&keyVal=P4537NGH01A00&caseType=Application>

Documents 16 Feb 2018 Statements and Surveys **Design and Access Statement** (Document bottom of list)

Chapter 4 Concept Development Page 8 Design Concept 3 areas identified – 1st bullet point,

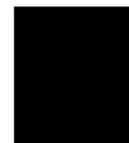
"Public Open space to the West to provide space for events and activities"

Chapter 2 Page 5

Under **Key benefits and Long Term Legacy** (7th Bullet point)

" Create a stage for staging community events.."

(No mention of alcohol being served outdoors on events space.)



Other points of reference in the original planning application 18/0376/FUL are:

16 Feb 2018 Statements and Surveys Planning Support Statement (13th doc from bottom)

3:5 Notes the Maer as a designated County Wildlife Site.

5:2 Pre- application discussions noted a number of ecological sensitivities

6:6 Outdoor event space described

7:7 Other refs re protecting local wildlife and (7:8) not damaging natural assets of District.

16 Feb 2018 Statements and Surveys Ecological Assessment (2nd doc from bottom)

A long document, listing amongst other things a number statutory designated sites of importance and their proximity to the land which now accommodates the premises applying for this licence.

Research into Coastal Communities has shown that the benefits of open spaces and multi-generational activities, preserving opportunities for nostalgia contribute to health and well-being.

Research also shows that seaside regeneration which does not show sensitivity to residents' needs and wishes can be damaging and a block to successful regeneration.

I've included references and links to that research in Document C

.....

****Suggest:** Please can you clarify the points below before the hearing.

- How often is the applicant hoping to use that public event space?
- Shouldn't a separate special events licence be applied for at each appropriate time?
- On this open green space, is there an intention to erect permanent furniture?
- If so, I believe that should have appeared in the original planning application and this would now constitute a Change of Use.

Suggest: License to serve alcohol on the Events Space to be applied for at appropriate time for each event.

Suggest: Serving alcohol outside should be limited to serving seated customers on terraces immediately outside Mickey's Bar & Restaurant, Café Patisserie, Glacerie and checks made that customers leaving the premises do not take drinks with them.

*This would be impracticable when special events are taking place on the Events Space.

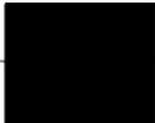
Suggest: Members of staff be employed long after closing hours to ensure that the public footpath, cycle path and particularly the beach are all free from wind-blown, discarded or escaped plastic drinking vessels. Leaving that for the morning shift will be too late. We have a tide, fast currents and strong winds.

Key points Document B with references Please read my initial objection (e-mailed) alongside these points

Key Points	These are the key points I rely on to support my objection.
Which of the four Licensing objectives does representation or objection relate to	Please enter a summary of your key points in the table below. Please use an additional page if necessary
<p>Please read column on right first.</p> <p>Prevention of harm to environment and wildlife</p>	<p>Justification: I believe every one of the 4 'objectives' below must take into account '<u>Prevention of harm to environment and wildlife</u>'. I hope this shows how previous comments in my objection, rightfully sit in each of those categories below.</p> <p>Licensing and enforcement laws are out of date. How can we have a climate emergency but not consider these factors?</p>
Prevention of crime an disorder	<ul style="list-style-type: none"> • Adequate Police resources? Stronger Police presence necessary? What percentage Police work alcohol related? • Littering and causing excess noise are crimes. • Polluting and causing a threat to the environment and wildlife IS a crime. Polycarbonate-plastic litter, threat to bird life, marine life, biodiversity, noise and light pollution relevant here. <p>Street Scene is over-stretched.</p> <p>.....</p> <p>References: <u>Littering</u> is Criminal offence under Section 87 of the <u>Environmental Protection Act 1990 (EPA)</u>, /Clean Neighbourhoods and Environment Act 2005). Includes dropping litter in water such as rivers, streams and lakes., Sea.. Tourist beaches, pedestrian areas, =land for which local authority has responsibility.</p> <p><u>Noise</u> General noise pollution = statutory nuisance under <u>EPA Act 1990</u>. Councils may not need to prove a statutory nuisance where the premises hold a public entertainment licence.. Noise between 11pm and 7am -Council may not need to prove a statutory nuisance where the premises hold a public entertainment licence. Action can be taken against premises operating outside of their licensing agreement</p> <p><u>Pollution - Environmental Impact</u> Polycarbonate due to the complex chemical chains takes longer to break down and can take hundreds of years to naturally decompose. Basic Information on Enforcement Enforcement EPA www.epa.gov/enforcement/basic-information-enforce... Environmental civil liability is strict. Doesn't consider what the responsible party knew about the law or regulation they violated. Environmental criminal liability is triggered through some level of intent.</p> <p><u>The major environmental problems of 2020</u> Poor Governance, Plastic Pollution *, Air Pollution, Agriculture Biodiversity Loss *, Deforestation, Food Waste. This application could have impact on Plastic pollution and biodiversity loss.</p>

Key points with references Please read my initial objection alongside these points

Key Points	These are the key points I rely on to support my objection.
Which Licensing objective	Please enter a summary of your key points in the table below. Please use an additional page if necessary
Public safety	<ul style="list-style-type: none"> • Long licensing hours + dark sky + proximity to dangerous stretch of coast + alcohol= Risk to Life • <u>All</u> local Emergency Services risk being stretched. Police, NHS, Ambulance, Coastguard, RNLI. • Public safety' includes health, well-being and feeling safe. It is proven that inability to enjoy safe, uninterrupted enjoyment of one's own environment and to be fearful of harm to oneself, to that environment and to wildlife threatens emotional and mental well-being. This is so for residents and tourists to this once special environment Observing one's environment and wildlife at threat also damages well-being. <p>.....</p> <p>Refs: If not already provided, opinion and statistics from <u>all local Emergency Services</u> should be sought re-alcohol related incidents. Comparisons made with similar coastal locations with fast current, particularly late night/early hours incidents.</p> <p>.....</p> <p>Refs: Research has shown effect of nostalgia on our well-being and that unsympathetic regeneration can be harmful to coastal communities.</p> <p>http://clock.uclan.ac.uk/9621/1/Jarratt%20David%20Final%20e-Thesis%20%28Master%20Copy%29.pdf A socio-cultural analysis of the traditional seaside resort and its contemporary meaning to tourists. David Jarratt</p> <p>https://www.gov.uk/government/uploads/system/.../Health_and_Wellbeing_Final.pdf Future of the Sea: Health and well-being of coastal communities https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/639432/Health_and_Wellbeing_Final.pdf</p>
Prevention of public nuisance	<ul style="list-style-type: none"> • Vibration, sound and light pollution. How measured/monitored? How contained? All pose threat to environment & wildlife and that's a threat to public ecological principles. • Residents and loyal visitors will be deterred from area if even daytime music, at high volume. Effect on enjoyment of those who prefer sound of gulls & lapping or crashing of the waves. How will 'after hours'/route-home-behaviour & noise be managed? • Also points made above under Public Safety <p>.....</p> <p>References: Noise. Environmental Protection Act 1990 (EPA) Separate powers under the Noise Act 1996 to give warnings over excessive noise between 11pm and 7am from dwelling houses or licensed premises if they have received a complaint by a person residing in the area affected by the noise. 'Commercial noise' - the council may not need to prove a statutory nuisance where the premises hold a public entertainment licence. Action can be taken against premises that operate outside of their licensing agreement.</p>



Key points with references Please read my initial objection alongside these points

Key Points	These are the key points I rely on to support my objection.	
Which of the four Licensing objectives does representation or objection relate to	Please enter a summary of your key points in the table below. Please use an additional page if necessary	
Protection of children from harm	<ul style="list-style-type: none"> Children’s health and well-being. Another green, open space suitable for child-centred, outdoor physical and practical events is at risk of the applicant acquiring a license to sell alcohol, 12 hours a day on the Events Space for an unspecified number of days a year. <p>Reference ***Separate Document A pages 1 and 2</p> <ul style="list-style-type: none"> A license to serve alcohol on that piece of land should not be unconditionally granted. For specific events, a separate, individual event license might be considered at each appropriate time. Harm to the environment and wildlife is harming the quality of life of our children both now and in years to come. 	
Your signature		
Your name and e-mail	Jane Ashton 	Address 

For all 4 categories above, I suggest:

***Restrict timings.**

Music to end 12.00 midnight (Indoors)

Serving alcohol outdoors to end 23:00 (**none** in Events Space except by licence for special event.)

***See Document A pages 1 and 2**

Premises to close **01.00 latest.**

***Limit numbers.**



Objection to Application # 051731

The following sections detail my objections to the current application by Maer Beach Ltd for a Premises License With Alcohol New Application for Mickey's Beach Bar & Restaurant at Unit 1, Sideshore, Queens Drive, Exmouth.

1) Inappropriate For the Area as Envisaged:

Exmouth Neighbourhood Plan¹ as adopted in 2019 states that "ideas for the site (*Queens Drive Development*) were to create a vibrant, colourful and active recreation/leisure zone for all ages focused on water sports and play, with supporting tourist accommodation". However, what seems to have happened in the interim is that the emphasis has very much shifted from creating a leisure zone focussed on water sports & play to one that is focussing largely on facilities for eating, drinking and entertainment with only very limited associated public facilities that support water sports. This Plan also states that "In June 2018, full planning permission with conditions was granted for a new water sports centre including various facilities for water sports users, cafe, restaurant, and retail plus car parking and open space, with associated infrastructure including new stepped and ramped access to the beach and landscaping." Again, the emphasis is on creating a water sports centre; there is no mention made of establishing what is a night club in all but name.

What is being applied for in practice is a near 24-hour operating license for eating, drinking and entertainment, i.e. supply of alcohol from 11am through to 2am every day plus potential for some form of music to be played from 7am through to 2am every day. To the best of my knowledge granting such a license is extremely rare in the UK, with actual closing times for licensed premises having extended by only an average of less than 30 minutes since the relaxation of our drinking laws in England and Wales in 2005. Such extended bar opening times are certainly unprecedented for those pubs and live music venues that I frequent along the seafront - Exmouth Pavilion, Ocean, The Bath House, The Grove and The Beach Pub. Typically all close well before midnight, even if they are permitted to stay open later.

2) Safety Concerns

There is currently no CCTV monitoring of that section of the seafront and so there will be an increased need for police patrols through the area for dealing with the anticipated uptick in crime and antisocial behaviour that I fear will inevitably result from extended, late-night consumption of alcohol. This will be difficult to achieve given Devon and Cornwall Police's already stretched resources.

Added to this we know that levels of alcohol-related crime and anti-social behaviour still remain at unacceptable levels² since our licensing laws were relaxed, with the police complaining that more than 50% of their time is spent dealing with drink-related crime. In addition, 50% of ambulance staff report they have been injured when trying to deal with drink-related violence. So I am certainly alarmed by the thought that a late-night drinking venue might soon open a short distance from the quiet residential area in which I live.

On a different safety issue, it is well-known that the sea directly in front of Sideshore is a very dangerous stretch of water because of strong currents arising from the sandbar off the shore and as a result of its proximity to the mouth of the Exe Estuary. EDDC is responsible for the signs on the beach that warn of this danger but, although they claim that these are of a sufficient legal standard to warn people of the dangers, it seems inevitable to me that they are less likely to be seen by any late-night

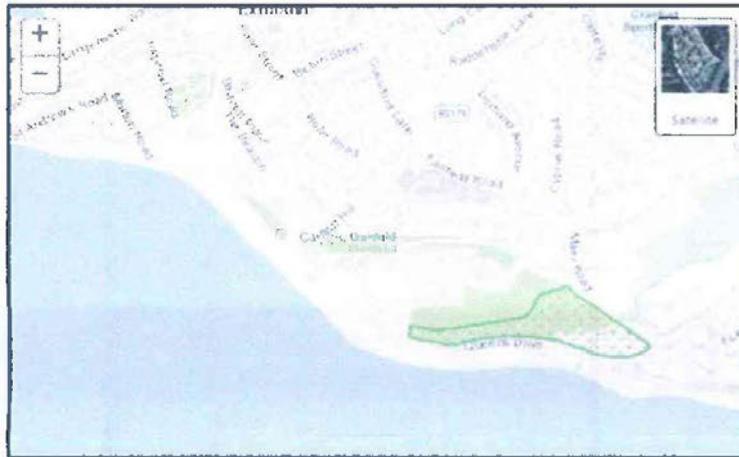
¹ <https://eastdevon.gov.uk/media/2881689/exmouth-neighbourhood-plan-referendum-version-jan-2019.pdf>

² <https://www.gov.uk/government/publications/2010-to-2015-government-policy-alcohol-sales/2010-to-2015-government-policy-alcohol-sales>

revellers tempted to enter the water. This may well lead to tragic consequences, to say nothing of the risks to those of the emergency services that are called out to these incidents.

3) Close Proximity To a Nature Reserve and the Estuary

Sideshore is situated on the edge of the Maer Nature Reserve (see figure below) which itself is located at the southern end of the Exe Estuary, a massive area of tidal sand and mud. This stretch of coastline is a globally important area of overwintering waders and waterfowl. In the autumn thousands of birds fly from the freezing Arctic to spend the winter months on our estuary, one of Devon's most impressive natural spectacles.



Map legend

 Reserve Boundaries

Many of these species migrate at night and excessive or misdirected artificial light at night (ALAN) produces light pollution that influences several aspects of the biology and ecology of birds, including disruption of circadian rhythms and disorientation during flight³. There is a serious risk therefore that light pollution and noise emanating from Mickey's Beach Bar and Restaurant over its extended opening times will interfere with the migratory behaviour of our visiting flocks of birds. Migration is the most critical stage in their annual cycle. There is the added possibility that light and noise pollution from the restaurant and bar will also disrupt the feeding patterns of bats and other nocturnal animals in the Maer Nature Reserve.

It should be noted that Policy EE6 of the Neighbourhood Plan¹ states that with respect to Queens Drive improvement "Development should have regard to the Maer local nature reserve and the nearby AONB {Area of Natural Beauty} and also to the adjacent sports facilities."

4) Potential For Public Nuisance

The new license application allows for the possibility that some form of music (live or recorded) will be played at the Beach Bar and/or Restaurant from 7am through to 2am every day of the week. This is a concern because of the close proximity of The Avenues residential area which is likely to be impacted

³ Light pollution is greatest within migration passage areas for nocturnally-migrating birds around the world – S.A. Cabrera-Cruz, et al, Scientific Reports, 21st July 2017.

BULLER - Supporting doc

adversely, in particular if music is played from the 1st floor open area of Sideshore. This area is classed in its design as being semi indoor/outdoor. Roswell Court, an assisted-living development for retirees, is one of the closest buildings to Sideshore.

I know from bitter personal experience that disruptive noise from loud music can carry a long way from the shoreline at night under calm conditions. Over the past few years late-night music events at Powderham Castle and an illegal rave last year at Dawlish Warren has disturbed my sleep. Thankfully these incidents have been infrequent. However, I dread to think what it will be like if this occurs on a weekly, or even more frequent basis, because of entertainment put on at Sideshore! We even hear those music events that are held in Exmouth Pavilion gardens over the summer, even though we live almost 1 km from the seafront. However, these, many of which we attend and enjoy, are not an issue as they are of short duration and are held during the day.

Anti-social behaviour in the form of boy-racers in cars or on motor bikes is rife along the seafront and other areas of Exmouth, especially during the summer and autumn months. Unfortunately neither the local constabulary nor any of the governing authorities have been able to deal with it effectively. I am confident therefore that a late-night drinking and fast-food venue will act as a magnet and draw more of this type of disruptive behaviour into the area. Again, noise from these vehicles, some of which have only partly-baffled exhausts, can carry a long way at night and disturb residents over a wide area.

Rowdy behaviour of patrons leaving Sideshore late at night is another major concern. Consumption of alcohol is well-known to lower social inhibitions and it seems highly likely that this will manifest as unacceptable levels of disruptive behaviour, possibly leading to property damage or affray, as late-night revellers leave and journey through nearby residential areas. Most customers of the bar will hopefully be travelling by foot although, because this area of Exmouth is served poorly at night by public transport, more cars and taxis will inevitably be driving to and fro if these extended licensing hours are granted. This will add to both noise and pollution nuisances in adjacent neighbourhoods.

My final but not least concern is the possibility of increased plastic and other litter on Exmouth beach dropped by customers of the Bar and Restaurant. Several groups, such as Clean Beach Exmouth, and many conscientious locals devote a significant amount of voluntary time to protecting the marine habitat and other wildlife and maintaining the beach by carrying out regular social litter picking to keep it clean. This is of great support to our local authority whose budgets are over-stretched. More visitors to the area combined with lowered social inhibitions as a result of alcohol consumption will inevitably lead to more litter being dropped which will blow onto the beach where it will pollute the shoreline and pose a threat to wildlife.

David Buller

28 March 20121

SUMMARY REPRESENTATIONS

Re

LICENSING APPLICATION NO 051731

MICKEY'S BEACH BAR & RESTAURANT

by

Jenny and Martin S Heslop QC

1 PRELIMINARY ISSUE

If there is no Exmouth Town Councillor sitting on the Sub-Committee dealing with this application, then we object to the hearing proceeding at all on the basis of unfairness and unreasonableness as to the composition of the decision making body - Please see our letter of 17th March 2021 to the Licensing Manager which we have asked to be circulated to the Licensing Committee.

2 THE APPLICATION ITSELF

- A) We live [REDACTED] the site of the property for this application and believe we are therefore in a position to make significant representations under the licensing objectives in respect of the licensing hours applied for.
- B) We make it clear that were the licensing hours limited to those operating at the nearby Ocean Premises we would have no representations.

3 IN RESPECT OF THE LICENSING OBJECTIVES:

- A) Extension beyond those hours to include, for example, allowing consumption of alcohol until 02.00 am and the premises closing time of 02.30 am will impact adversely on the first 3 fundamental licensing objectives and will have a significant impact on the right of local residents to privacy and family life.

Heslop - Summary of Key Points

- B) We have real concern that allowing the premises to remain open so late and permitting the sale of alcohol beyond that already permitted for the nearby Ocean Premises will
- i) be likely to increase crime and disorder
 - ii) impact adversely upon public safety and
 - iii) increase the likelihood of public nuisance.

We say this because

- C) - even with the licensing hours as they are for Ocean, we regularly experience significant anti-social behaviour including drug taking and illegal consumption of alcohol in and around the area after 23.30.

Allowing later licensing hours than Ocean, can only promote the potential for this problem to increase and spread to a larger area, thereby raising the likelihood of an increase in crime and disorder.

Such likely increase in crime and disorder will necessarily impact adversely upon public safety.

- Later licensing hours are bound to increase the noise factor generally whether from the premises or on leaving, in an area which is residential and suffers from wind directed noise from a prevailing direction which means many residential properties will be adversely affected.

We have already found the noise from Ocean during occasional late night licenced events is very intrusive.

Further

- D) The Committee will recognise it has a duty to protect the rights of residents to privacy and family life.

These considerations will obviously have been taken into account when making decisions about the licensing hours for Ocean under the fundamental licensing objectives. It is difficult to see how the situation can have changed so as to allow another entertainment venue to be granted extended hours.

We invite the Committee to note that this development was supposed to be a watersports venue !!

Heslop - Summary of Key Points

Considerations

- E) When assessing the impact these extended hours may have in respect of the licensing objectives, we invite the Sub-Committee to consider the following:

What explanation is advanced by the applicant for the longer hours applied for? Is this little more than seeking to obtain a commercial advantage over other entertainment venues in the vicinity?

What numbers of people are they expecting to receive?

How many covers are proposed?

What are the prices they expect to charge, since this is relevant to the clientele likely to be attracted?

What kind of musical entertainment is considered both inside and outside? The application is silent in relation to any details.

What provision is being made to control potential nuisance and misbehaviour once customers leave the premises and are therefore beyond the control of however many doormen are to be provided?

What provision is there for security cameras outside the premises and, if any, what areas are they going to cover?

What noise cancelling provision has been made for both inside and most particularly, outside the premises? We assume that the Applicant has carried out noise surveys in respect of the surrounding residential area so as to ensure the Committee that there will not be disturbance from noise at the later hours proposed.

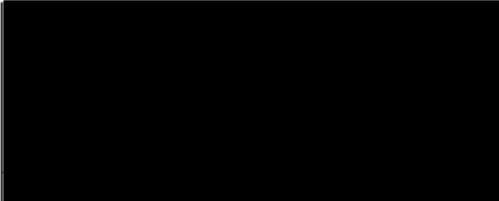
Summary

- 4 In the light of our representations, we ask the Committee to refuse the applied for licensing hours and invite it to impose similar hours to those of Ocean.



Jenny Heslop LLB
31st March 2021

and



Martin S Heslop QC
31st March 2021

C Metcalfe - Supporting Doc - Pedestrian route /Night bus

PEDESTRIAN - MICKEYS TO NIGHT BUS STOPS
ROUTE

BUS STOPS - 157, 57 & N57



C Metcalfe's request to include R Metcalfe Supporting letter

[REDACTED]

Lesley Barber, Licensing Officer
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



30 March 2021

Premises: Mickleys Beach Bar & Restaurant and Cafe Patisserie Glacerie, Exmouth
Application Number: 051731

Dear Ms Barber

For the record, and for the avoidance of doubt, I am writing to confirm

- I DO consider this hearing to be necessary
- I intend to attend the hearing
- I would like to speak at the meeting to my representation submitted by email on 19th March 2021
- I have not enclosed a summary of the key points. I will rely on supporting points already made in my representation. I understand the representation I submitted will have been circulated to members within the full committee reports.

I have specifically not completed the Summary of Key Points form because I was advised in a telephone conversation with Mr Saunders on Friday March 26th that this is only necessary if I wish to add additional information to the representation I have already submitted. I point this out because the form itself states

"These are the key points I rely on to support my application, representation or objection (delete as applicable)"

Confusingly this suggests the form should be completed. I do not wish my representation to be compromised because it has not been completed properly.

As a matter of feedback, I suggest this point could have confused other members of the public making representations. So too could the use of a double negative at the top of the un-named form (which I have completed, signed and enclosed with this letter). I note on the minutes of a previous Sub-Committee hearing this double negative has muddled other members of the public making representations, saying "yes" to this question when they obviously do want a hearing. As well as having no title to identify it, the un-named form also has no place to record what application number it refers to. This could easily lead to it not being matched to the correct application, or lost completely.

Because I have spent some considerable time reading and grappling with the blank spaces, meanings, double negative question and contradictions within the forms I believe it is relevant to feed back to you this "users" experience. I know a number of other people have also struggled. It is somewhat frustrating at the bottom of the un-named form to then be warned

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

As well as my documents, please find those also from Carol Metcalfe who holds the same view regarding the obscurity of the forms and unnecessary complications.

I look forward to receiving the relevant meeting papers and information about joining the zoom hearing on April 21st.

Yours sincerely

[REDACTED]

Ron Metcalfe

R Metcalfe - Supporting letter (same as above letter but included in R Metcalfes response)

[REDACTED]

Lesley Barber, Licensing Officer
Blackdown House, Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



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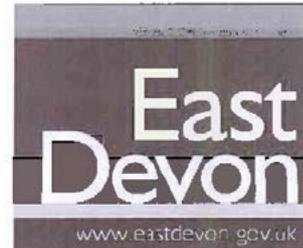
Yours sincerely

[REDACTED]

Ron Metcalfe

M Nash - Supporting comments

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 051731

Application: Premises Licence WITH Alcohol New Application

By: Maer Beach Limited

Of: 5 Barnfield Crescent, EXETER, Devon, EX1 1QT,

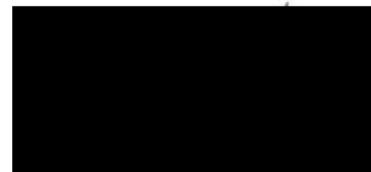
Re: Mickey's Beach Bar & Restaurant and Cafe Patisserie Glacerie, Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD,

I WILL NOT CONSIDER THIS LICENCING
COMMITTEE HEARING TO HAVE ANY
LEGITIMACY UNLESS THERE ARE COUNCILLORS
FROM EXMOUTH ON THE COMMITTEE.

I CONSIDER THIS LICENCE ~~AND~~ APPLICATION
TO BE FOR SALE OF FOOD + ALCOHOL ONLY

I WOULD REGARD A MUSIC LICENCE TO
HAVE ^{TO} BE CONSIDERED SEPARATELY.

I HAVE ENCLOSED A COPY OF MY
EMAIL DATED 5TH MARCH 2021



M Nash - Supporting docs - original rep included in response

Public Nuisance: This is a quiet residential area. At night we can clearly hear the familiar sounds of the sea. The sound of being woken by late night drinkers being turned out at 2.30 am is not acceptable. Any loud party type noises after 11.30pm would prevent me from sleeping peacefully in [REDACTED] Last orders for food at 10.30pm and alcohol at 11.00pm would prevent any late night issues. Those hours would be more in keeping with the licence which is operated at the neighbouring Ocean premises. The terms of the Ocean licence are acceptable and have not caused local residents a problem.

The police are already aware of problems with antisocial behaviour in this area. I refer you to the latest reported incident ref [20402032021](#) dated March 1st 2021. Invariably, the most serious problems occur in the early hours of the morning.

Personally, I am very much in favour of this new business and feel it can be a great asset to Exmouth; provided they trade responsibly and do not disturb the night time peace of the surrounding area.

Yours sincerely

Mary Nash (Mrs)

[REDACTED]
Sent from my iPad

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[Email disclaimer](#)

M Nash - Supporting docs - original rep included in response

From: Licensing EDDC licensing@eastdevon.gov.uk
Subject: RE: Application 051731
Date: 5 Mar 2021 at 16:21:56
To: Mary Nash [REDACTED]

Dear Mrs Nash

Thanks you for your email. Your representation has been recorded. I will be in contact with you again in due course to advise you of the next step.

Regards
Lesley Barber
Licensing Officer

-----Original Message-----

From: Mary Nash [REDACTED]
Sent: 02 March 2021 16:29
To: Licensing EDDC <licensing@eastdevon.gov.uk>
Subject: Application 051731

[REDACTED]
2nd March 2021

Dear Officers and Licensing Committee Members,

Re: Application 051731 Maer Beach Ltd

This application for for sales of alcohol and food from the premises now named as Mike's Beach Bar and Restaurant is a cause for grave concern. I wish to object to lateness of the opening hours as stated in their application both on the grounds of public safety and public nuisance.

Public Safety: Late night drinking in such close proximity to a non-life guarded dangerous area of the beach would be an accident waiting to happen.

SUPPORTING DOCUMENTS :

1. LICENSING ACT 2003

Section 1 Licensing Aims and Objectives:

Section 1.2 Prevention of crime and disorder

1.3 Prevention of a public nuisance

1.5 Protecting the public and local residents from crime and anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

Section 2 Licensing Objectives:

Section 2.1 Crime and Disorder

Public nuisance:

Section 2.15 Consider what constitutes public nuisance and what is appropriate to prevent it. The licensing authority *should focus on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which may be disproportionate and unreasonable.*

2.16 reduction in living amenity of persons living in the area

2.17 prevention of noise nuisance, *especially during sensitive periods when residents in adjacent properties may be attempting to go to sleep or are sleeping plus noise emanating from the premises customers enter/leave.*

2. EDDC Statement of Licensing Policy

Section 5.

5.3.3 The authority will also have regard to wider consideration affecting the residential population, businesses and amenity of an area. These include alcohol related violence and disorder, anti-social behaviour, littering and noise, particularly late at night and in the early morning.

Section 5.3.4 ...public nuisance especially excessive noise from music and disturbance caused by customers congregating outside premises.

Section 5.3.6

Section 5.6.4

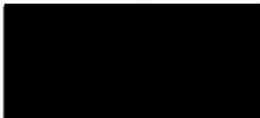
Section 6

Section 6.2 - impact on the local area

Section 6.3 - result of anti social behaviour

Section 16 Nuisance

Section 16.1 Prevention of public nuisance. Should not have a disproportionate or unreasonable impact on people living in the vicinity.



Supporting Document - original objection

Application
No. 051731

From: Pat Packe [REDACTED]
Subject: Application for alcohol and music licences by Maer Beach Ltd
Date: 9 Mar 2021 at 14:23:09
To: licensing@eastdevon.gov.uk

I wish to raise objections to the application, submitted by Maer Beach Ltd, relating to the alcohol licence and licence for live and recorded music at the new premises of Mickey's Beach Bar and Restaurant and adjacent Cafe Patisserie Glacerie on Exmouth Seafront.

Whilst I appreciate that the new development has the potential to be a welcome asset to Exmouth, attracting visitors to the town and boosting its economy, I am mindful that there may be an undesirable impact on nearby residents. As a local resident, whose house faces [REDACTED] only about 150 metres away from this new development, I am concerned about :

(a) the application for an alcohol licence for EVERY day 11.00 - 02.00
These hours are excessive, especially as they relate to EVERY day of the week. - most licensed premises only serve alcohol until, at the latest, 23.00. Why is it considered necessary to stay open so late into the night and to serve alcohol until 2am? There is a danger that the place will attract undesirable customers from the wider area of Exeter and East Devon, after normal closing hours, who may behave in a disorderly manner and disturb local residents as they arrive late at night and depart well into the early hours of the morning. The adjacent car park is even closer than the cafe to the many residences along Trefusis ^{Terrace} ~~Place~~ and the starting up and driving of several cars in the early hours will undoubtedly create a disturbance to local residents. The area is already notorious for young car and motorbike drivers roaring along the seafront late at night, and a late night licence for Mickey's etc. provides a perfect excuse for further anti social behaviour.

(b) live music EVERY day 11.00 - 23.00

and

(c) recorded music EVERY day 07.00 - 02.00

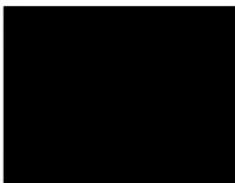
There is a significant number of residences along Trefusis Terrace, Louisa Terrace and Douglas Avenue (including two large blocks of sheltered flats

P Packe - Supporting docs

for the elderly) that are in close proximity to the new cafe/restaurant. Any music late into the night and early hours is going to create a disturbance and is therefore unacceptable, especially as noise carries more at night. A 'reasonable' cut off time of around 22.00 should be enforced on weekdays and maybe 23.00 at weekends. One or two evenings a week, without any music disturbance, could also provide some welcome respite for residents.

I hope that as the relevant Licensing Authority, you will recognise that these applications are unreasonable for the many local residents living close to this new seafront development and will bear in mind the likely undesirable 'knock on' effects that may result. When granting a licence, I urge you to consider local residents and act responsibly by limiting the hours of alcohol sales and music to an acceptable level.

Regards,
Pat Packe



Sent from my iPad

EDDC Licensing Application 051731

Objection by The Avenues Residents Association:

Supporting document

Sideshore

The planning consent (18/0376/MFUL) grants permission *“to carry out the development as described in the application”*. The application is for *“Construction of a new water sports centre including various facilities for water sports users, a café, restaurant and retail plus car parking and open space together with the associated infrastructure and landscaping.”*

Section 10 of the application shows a net reduction in car parking spaces of 144.

Section 18 of the application mentions shops, restaurants and leisure but not a late-night bar. No hours of opening were submitted.

The accompanying Design & Access statement states that the aim is *“to create space for a new water sports centre with **restaurant**, associated car parking and improved beach access.....the lease will restrict the use of the site as a Water Sports Centre with **ancillary restaurants and retail only**.”*

An analysis of the actual use by floor area (Fig. 1) shows:

Food – 69%

Retail – 15%

Possible water sports – 16%

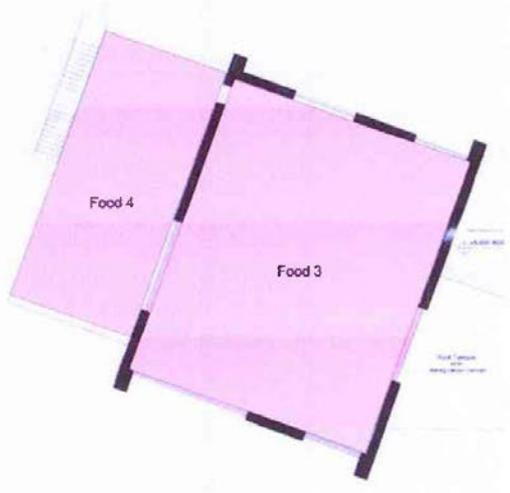
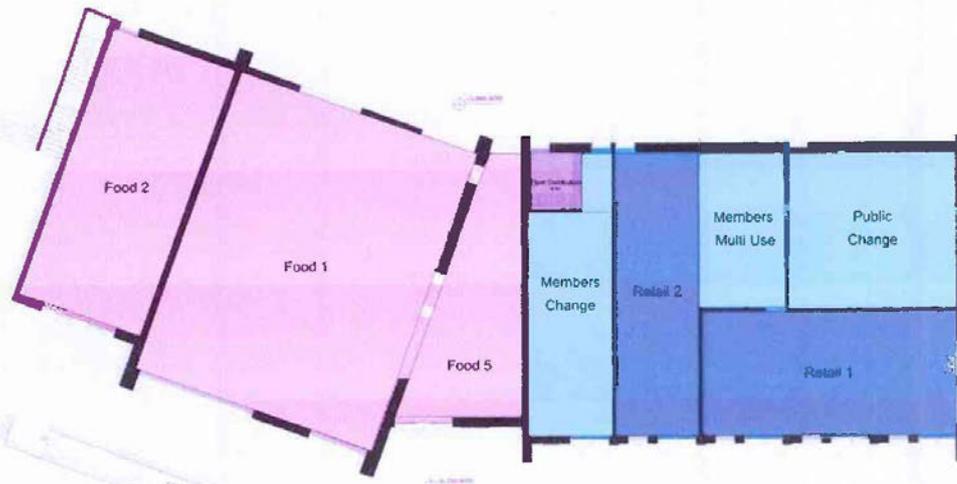
The development is therefore not *“as described in the application”*.

Whilst there is no doubt that Exmouth is in need of high-quality restaurant facilities, this is an application by stealth. It is therefore up to the licence committee to ensure that the remaining vestiges of the spirit of the application are upheld by limiting the sale of alcohol and the playing of music late into the night.

With the closure of Exmouth’s last night club, allowing late night licences for alcohol & music will result in this becoming the late-night venue for Exmouth.

Fig.1

Exmouth Sideshore Use



Area Use by Percentage Floor Area

- Food = 69%
- Retail = 15%
- Members Use = 9%
- Public use = 7%