

Agenda for meeting of the Licensing and Enforcement Sub Committee
Wednesday, 24th August, 2022, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors K Bloxham (Chair), O Davey and A Dent

East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

Venue: Online via the Zoom app

Contact: Sarah Jenkins 01395 517406; email
sjenkins@eastdevon.gov.uk

(or group number 01395 517546)
Friday, 12th August 2022

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/UCmNHQruge3LV4hcgRnbwBw>

- 1 Minutes of the previous meetings held on 8 June 2022 and 15 June 2022
(Pages 3 - 9)
- 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 To consider the suspension or revocation of a personal licence issued by this Licensing Authority (Pages 10 - 21)

[Decision making and equalities](#)

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

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 8 June 2022

Attendance list at end of document

The meeting started at 9.30 am and ended at 9.34 am

1 Public speaking

No members of the public had registered to speak.

2 Minutes of the previous meeting held on 27 April 2022

The minutes of the previous meeting held on 27 April 2022 were agreed as a true record.

3 Declarations of interest

There were no declarations of interest.

4 Matters of urgency

There were no matters of urgency.

5 Confidential/exempt items

There were no confidential / exempt items.

6 Determination of an application for the grant of a Temporary Street Trading Consent under schedule 4 of the provisions of the Local Government (Miscellaneous Provisions) Act 1982

The Chair advised that the meeting was a hearing to determine an application for a temporary street trading consent under schedule 4 of the provisions of the Local Government (Miscellaneous Provisions) Act 1982. The application sought a time limited temporary street trading consent on behalf of Exmouth Pride for 19 trading stalls that will be attending a one day event in Manor Gardens, Exmouth on 18th June 2022.

It was noted that no statutory body had made representations in relation to the application and no objections had been received.

The applicant did not attend the meeting.

The Sub Committee considered the application and it was noted that this event had been held over a number of recent years and that no issues had arisen.

RESOLVED

That the application be granted.

Attendance List

Councillors present:

K Bloxham (Chair)

A Dent

T Woodward

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Rebecca Heal, Solicitor

Giles Salter, Solicitor

Stephen Saunders, Licensing Manager

Zoe Jones, Licensing Support Officer

Sarah Jenkins, Democratic Services Officer

Councillor apologies:

None

Chair

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom app on 15 June 2022

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.42 am

7 Declarations of interest

There were no declarations of interest.

8 Matters of urgency

There were no matters of urgency.

9 Confidential/exempt items

There were no confidential / exempt items.

10 Determination of an application for the grant of a premises licence to allow the sale of alcohol ON and OFF the premises, the provision of regulated entertainment and the provision of late night refreshment at Lympstone Manor Hotel, Courtlands Lane, Exmouth EX8 3NZ

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol ON and OFF the premises, the provision of regulated entertainment and the provision of late night refreshment at Lympstone Manor Hotel, Courtlands Lane, Exmouth EX8 3NZ. The meeting was a hearing to consider the application for a premises licence under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, Michael Caines of Lympstone Manor Ltd, had given notice that he would not attend and would not be represented at the hearing.

The interested parties, present and entitled to make representations were Jessica Dawkins, Jeffrey Kitson, Kathryn Kitson and John Longstaff.

The Licensing Authority had received representations from Devon & Cornwall Police and East Devon District Council Environmental Health Service.

The Sub Committee's legal advisor, Rebecca Heal, outlined the procedure for the meeting.

The Licensing Officer, Phillippa Norsworthy, outlined the application including the proposed licensable activities, which were set out at Appendix A of her report. The existing premises licence covered the hotel building only and provided for the same licensable activities as currently applied for, with the new application seeking slightly different timings. The existing conditions on the current premises licence were set out at

Appendix K and the conditions offered by the applicant within the operating schedule were set out separately at Appendix I.

The Licensing Officer advised that twelve representations had been received in total. The applicant had come to an agreed position with the two responsible authorities who had submitted representations, and had agreed to additional conditions being imposed on the operating schedule which were set out at Appendix J. The remaining ten representations in objection had been received from local residents, none of which had been withdrawn. The representations were set out at Appendix D. Local residents' key points and supporting documentation was set out at Appendices E, F, G and H. The applicant's response to the notice of hearing was set out at Appendix E. There had been no updates to the report since publication.

In response to questions from Members of the Sub Committee, the Licensing Officer advised the following:

- The regulated entertainment applied for would take place indoors only.
- The late night refreshment would be open to the public, with the 24 hours for alcohol sales for hotel residents and their bonafide guests only.
- No complaints had been received with regard to the current premises licence. A complaint had been received regarding a temporary event notice for an outdoors event in the previous year.
- The determination of bonafide guests of hotel residents would be a matter for the hotel.

In response to a question and concerns raised by the interested parties, the Licensing Officer advised that with regard to doors and windows remaining closed during events, this would depend on the conditions imposed on the licence for regulated entertainment.

The Legal Advisor confirmed that, within the agreed conditions, the applicant had agreed that all external windows and doors to any room where regulated entertainment was taking place must be kept closed except for access and egress.

In response to a query from an interested party regarding the report for the meeting, the Chair advised that all papers had been available on the Council's website and a link sent to the interested parties. The Legal Advisor suggested that the meeting could be adjourned briefly to allow the interested parties to view the report. An interested party requested a summary of the points which had been agreed with the applicant.

The Licensing Officer advised that the conditions put forward by the Police and Environmental Health, and agreed with the applicant, were set out in Appendix J of the report.

As the only licensing objective which was at issue was that of public nuisance, the Licensing Officer summarised the agreed position on public nuisance which had been reached with the Police and Environmental Health as set out in Appendix J of the report.

The Licensing Officer also summarised the conditions which had been put forward by the applicant in the Operating Schedule [Appendix I] in connection with the licensing objective of the prevention of public nuisance.

The Chair noted that a brief adjournment had been suggested and asked the interested parties whether the Licensing Officer's summary had provided sufficient information.

In response an interested party requested clarification of the definition of noise sensitive properties and whether this included residential homes in close proximity to the application site, such as those occupied by the interested parties.

It was noted that a temporary event had previously been held and noise had been audible. The Licensing Officer advised that only the Police and Environmental Health could object, and would take into account any previous complaints. An application for a temporary event would not be put out for public consultation.

The Environmental Health Officer, Ian Winter, joined the meeting.

Responding to questions and concerns from interested parties, the Environmental Health officer advised the following:

- In relation to noise sensitive properties, it was confirmed that local residents' dwellings in close proximity to the application site would be included in the definition.
- Regarding the issue of noise levels at property boundaries, and where a complaint had been made, the owner of the premises would be given the opportunity to address concerns in the first instance. Following which diary evidence could be submitted to EDDC in various ways, including online or paper diaries. In order to satisfy legal requirements in the event of a breach of conditions, noise monitoring equipment could be supplied and installed by EDDC Environmental Health at a resident's property for a short duration.
- Ambient noise levels vary depending on the surroundings and weather conditions. An ambient decibel level had not been set for this site as the location was generally quiet. Conditions stated that the noise level should not be more than 5 decibels above the background level at any given time. Site specific levels were more appropriate rather than a generic decibel level for East Devon.
- Where noise monitoring equipment was installed, this could be activated by a resident during a time of high noise levels and would record for a set period of time. This would provide Environmental Health with the evidence required to determine noise levels and feed back to the licence holder in the event of a breach and where further action was needed under Environmental Health legislation.
- A noise limiter would be fitted to equipment at the licensed premises and provided by the premises to ensure that levels did not exceed those permitted.
- Environmental Health had moved away from audibility clauses in conditions due to uncertainty and issues with enforcement. Conditions which set out decibel levels were clear and concise and more robustly meet with the licensing objectives.
- It was noted that the conditions included that music must be played through the system provided by Lymphstone Manor and not through equipment brought in by an entertainer.

The Chair advised that review powers were in place and, in the event of a complaint, and supported by sufficient evidence, the licence could be reviewed by the Sub Committee at a future date.

An interested party raised a concern regarding how realistic it was that even low levels of noise would not be heard beyond the boundary of the premises, given that a number of properties were only 50 metres away. In response the Environmental Health Officer advised that conditions would be imposed due to the proximity of the residential properties. Should the applicant not adhere to the conditions, the licence could be called back in for review.

The Chair queried whether the interested parties felt that they had had the opportunity to raise all their concerns through the questions to the Licensing Officer and the Environmental Health Officer.

In response an interested party noted that the pool complex would be licensed for up to 60 people and that access was by way of a gravel path which in itself created noise disturbance.

An interested party queried the submitted plan for the pool house which included the outside terrace area. The Licensing Officer advised that she had sought clarification from the applicant as to whether or not the terrace would be included in the licensable area, although regulated entertainment would be held indoors only.

The Licensing Officer further advised that, with regard to the licensable hours sought by the applicant, it was the Sub Committee's decision whether to grant the hours as sought or whether they should be amended.

An interested party advised that he and his wife worked long hours in demanding public sector work and needed to be able to rest at home undisturbed. He appealed to the Sub Committee to consider the hours which could not be policed all of the time and noise disturbance would be detrimental and intrusive.

In response to a query from an interested party regarding the report on noise levels, the Environmental Health Officer advised that noise assessments would be carried out at the time of any complaint. At that time, noise monitoring equipment would be installed and the complaint investigated.

In response to a query, the Environmental Health Officer further advised that noise levels have not been set, but the conditions include the requirement for noise not to exceed 5 decibels above the background noise level during the day from 7am to 11pm and no increase above background noise between 11pm and 7am. Background noise levels would change during the day depending on weather conditions at the time and therefore noise levels would be monitored at the time of assessment as a result of any complaint.

An interested party referred to the noise conditions in the grant of planning permission for the premises and asked that this be taken into account by the Sub Committee.

The Legal Advisor advised that any breach of planning conditions should be referred to the Local Planning Authority as the planning and licensing functions are separate regimes.

The interested party requested greater clarity on the planning condition regarding noise levels not being audible beyond the boundary and at noise sensitive properties.

In response, the Environmental Health Officer clarified that audibility had been found by the courts to be uncertain as it varies from person to person. For this reason, a decibel level had been set with regard to the licensing application as this was a clear, concise and enforceable condition.

The Legal Advisor advised that if the interested parties were content that their case had been put, the meeting could proceed to the next stage.

The Chair confirmed that none of the interested parties indicated that they wished to speak further.

The Chair then thanked all participants for attending the meeting and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

Attendance List

Councillors present:

T Woodward
T Wright (Appointed Chair for this meeting)
S Gazzard (Appointed Vice-Chair for this meeting)

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer
Rebecca Heal, Solicitor
Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Officer
Alethea Thompson, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Ian Winter, Environmental Health Officer

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting: 24 August 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release: N/A

To consider the suspension or revocation of a personal licence issued by this Licensing Authority.

Report summary:

The report summarises the powers of the Licensing Authority under S132A of the Licensing Act where a licensing authority becomes aware that the holder of a personal licence has been convicted of any relevant offence.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider the suspension or revocation of a personal licence issued under the Licensing Act 2003.

Reason for recommendation:

To comply with statutory processes.

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

Portfolio(s) (check which apply):

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

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](#)

[Licensing Act 2003](#)

APPENDIX A – Copy of personal licence

APPENDIX B – Certificate of Conviction

APPENDIX C – Section 132A Notice

APPENDIX D – Mr Hayball's Representation

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1 Details of Personal Licence

- 1.1 Mr Peter David HAYBALL is the holder of a personal licence, issued by this Authority on 25 May 2005. The licence was granted during the transition period prior to the commencement of the Licensing Act 2003 in November 2005. The personal licence was then renewed in 2015, ten years after first being issued.
- 1.2 A copy of the personal licence (EDVE0057) is provided at **APPENDIX A**. Page two of the licence sets out the duties of a personal licence holder.
- 1.3 A personal licence authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
- 1.4 A personal licence holder may be nominated as Designated Premises Supervisor (DPS) on a Premises Licence. Mr Hayball is not currently the nominated DPS on any premises licence in the East Devon District.
- 1.5 A Personal Licence permits the holder to submit a greater number of Temporary Event Notices (fifty a year) than a non Personal Licence holder (five a year).

2 Conviction and Sentence Information

- 2.1 On 28th March 2022 Mr Hayball was convicted at Exeter Crown Court of three offences of Sexual Assault on a female (Section 3, Sexual Offences Act 2003).
- 2.2 On 24th May 2022 Mr Hayball was sentenced as follows:
 - 18 months imprisonment
 - Registration under S92 Sexual Offences Act 2003 for a period of ten years
 - To be placed on Barring List by the Disclosure and Barring Service
- 2.3 Section 128 of the Licensing Act sets out that where a holder of a personal licence is charged with a relevant offence they must produce their personal licence to the court or if

that is not practicable they must notify the court of the personal licence. It cannot be confirmed if Mr Hayball notified the court of his personal licence.

- 2.4 The details of these convictions were first disclosed to the Licensing Authority on 19th May 2022 during a conversation with Mr Hayball about the requirement to update his address with this Licensing Authority. No written notification of the convictions have been received from Mr Hayball.
- 2.5 The Licensing Authority became aware of the sentence imposed by the court when the matter was reported in the local press. No written confirmation of the sentence imposed has been received from Mr Hayball.
- 2.6 A Certificate of Conviction is provided at **APPENDIX B**. This was obtained from Exeter Crown Court on 6th July 2022 in order to confirm the conviction and sentence information.
- 2.7 Following further enquires with the Crown Court on 3rd August 2022 it is confirmed that Mr Hayball has not lodged an appeal against either the convictions or sentence imposed.
- 2.8 The offences for which Mr Hayball has been convicted and sentenced are listed as relevant offences, as set out at Schedule 4 of the Licensing Act 2003.

3 Notice issued under Section 132A Licensing Act 2003

- 3.1 The Licensing Act sets out at Section 132A that where a Licensing Authority has granted a Personal Licence and becomes aware that the holder of the licence has been convicted of any relevant offence the licensing authority may –
 - (a) suspend the licence for a period not exceeding six months, or
 - (b) revoke the licence
- 3.2 If the licensing authority is considering whether to suspend or revoke the licence the authority must give notice to the licence holder.
- 3.3 A notice under Section 132A (4) was issued to the licence holder on 13th July 2022. A copy of the notice is provided at **APPENDIX C**.
- 3.4 The licence holder may make representations to the Licensing Authority within the period of 28 days beginning with the day the notice was issued. Any representation may be made regarding:
 - (a) the relevant offence that has caused the licensing authority to issue the notice,
 - (b) any decision of a court under section 129 or 130 in relation to the licence, and
 - (c) any other relevant information (including information regarding personal circumstances).
- 3.5 Representations received from Mr Hayball on 3rd August 2022 are attached at **APPENDIX D**.
- 3.6 In his representation Mr Hayball advises that he and his partner run a mobile bar service. The sale of alcohol at such an outside bar event would be authorised by a Temporary Event Notice. A Temporary Event Notice may be submitted either by Mr Hayball or by his partner. Mr Hayball's partner holds a personal licence with this authority. The holder of a personal licence is permitted to submit up to fifty temporary event notices per calendar year.

4 Relevant Legislation Licensing Act 2003 - Section 132A Licensing Authority powers on conviction of a Personal Licence Holder

- 4.1 Section 132A (3) states: this section applies where a licensing authority has granted a personal licence and it becomes aware that the holder of the licence has been convicted of any relevant offence the licensing authority may
- (a) suspend the licence for a period not exceeding six months, or
 - (b) revoke the licence
- 4.2 Section 132A (7) states: before deciding whether to suspend or revoke the licence the licensing authority must take into account –
- (a) any representations made by the licence holder
 - (b) any decision of a court under section 129 or 130 of which the licensing authority is aware, and
 - (c) any other information which the authority considers relevant
- 4.3 Section 129 & 130 of the Act referenced at 4.2 deal with the powers of a court to order the forfeiture or suspension of a personal licence and are not therefore relevant in this instance as the licensing authority has not been notified by the court of any such action being taken.
- 4.4 Section 132A (10) states that when a licensing authority has taken into account matters set out at 4.2 and proposes NOT to revoke the licence the authority must give notice to the Chief Officer of Police and invite the officer to make representations regarding the issue of whether the licence should be suspended or revoked having regard to the crime prevention objective.
- 4.5 The Police may make representations to the licensing authority within the period of 14 days beginning with the day the notice was received.
- 4.6 Where the licensing authority has given notice to the police the authority must then take into account any representations from the officer and matters set out at 4.2 above.
- 4.7 Any decision does not have effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.

5 Relevant Licensing Policy Considerations

- 5.1 Section 4.2.3 of the Policy sets out that suspension or revocation of a Personal Licence (on relevant conviction) is a matter to be considered by sub-committee, this decision is not delegated to officers.

6 Relevant Section 182 Guidance Considerations – Licensing Authority powers to revoke or suspend personal licences.

- 6.1 Section 4.45 of the Guidance states: The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out

at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee, but the actions required before making a final decision may be made by a licensing officer.

- 6.2 Section 4.46 of the Guidance states: The licensing authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the licensing authority may not take action until the time limit for making an appeal has expired.
- 6.3 Section 4.47 of the Guidance states: If a licensing authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances. The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. The licensing authority does not need to hold a hearing to consider the representations. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant. The licensing authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the licensing authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the licensing authority from deciding to take action itself. Licensing authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision about the licence.

Right to Appeal

- 6.4 Where a licensing authority revokes or suspends a personal licence under section 132A(8) or (12) the holder of the licence may appeal against that decision as set out in Paragraph (5B), (6) & (7) of Schedule 5 of the Act.

An appeal under this paragraph must be made to a magistrates' court.

An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the designated officer for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Financial implications:

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

Legal implications:

The legal framework and implications are included within the report.

East Devon District Council
 Blackdown House
 Border Road
 Heathpark Industrial Estate
 Honiton
 EX14 1EJ
 DX 48808 Honiton
 Tel: 01395 516551



Licensing Act 2003
Personal Alcohol Licence

EDVE0057

East Devon District Council has granted a Personal Licence to the person named on this licence who is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

DURATION OF LICENCE

Commenced: 25 May, 2015

Expires: no expiry

NAME & ADDRESS OF HOLDER OF PERSONAL LICENCE

Peter David HAYBALL



Henry Gordon Lennox
 Strategic Lead - Governance & Licensing

ANNEX 1 : RELEVANT CONVICTIONS

Conviction Date	Offences	Sentence
	None Recorded	

The Duties of a Personal Licence Holder

1. Change of Address

If you change address you must notify the Licensing Authority, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ as soon as reasonably practicable. Your licence must be returned with the notification and a new licence will be issued. A fee is payable for this service.

Note: Wherever in England and Wales you may now decide to live your licence will be issued or renewed by East Devon District Council. Do not send your licence to any other licensing authority even if you are no longer resident in East Devon. Failure to notify a change of address is an offence.

2. Duty to Produce Licence

- a) The Licensing Authority is required to update your personal licence whenever a change is required as a result of a notification from you or a court. The Licensing Authority may require you to produce your licence within a period of 14 days. Failure to provide your licence to the Licensing Authority is an offence.
- b) You must provide your personal licence for examination by a Constable or an authorised officer of the Licensing Authority whenever you are engaged in the supply or sale of alcohol. Failure to produce the licence for examination is an offence.

3. Theft, loss, etc of personal licence

Where your personal licence has been lost, stolen, damaged or destroyed, you may apply to the Licensing Authority for a copy of the licence. A fee is payable for this service.

4. Surrender of Licence

If you wish to surrender your personal licence you must return the licence to the Licensing Team, East Devon District Council together with a signed letter stating that you wish to surrender the licence.

5. Convictions after Grant of Licence

- a) If you appear in court on a charge relating to a relevant offence, you must produce your licence to the court. If you cannot produce your licence, you must notify the court that you are a personal licence holder.
- b) If you are informed that you have been granted a personal licence after your first appearance in court, you must inform the court at the next hearing that you are now a personal licence holder.
- c) Where you have produced your licence to the court, or notified them of its existence, you must also notify the court at your next appearance, if any of the following events have occurred:
 - You have made or withdrawn an application for renewal of your personal licence,
 - You have surrendered your personal licence,
 - Your personal licence has been revoked
- d) If you are convicted of a relevant offence the court may order the forfeiture or suspension of your licence. The court will notify the Licensing Authority of this.
- e) You are also required to notify this Licensing Authority if you are convicted of a relevant offence, foreign offence or if you are required to pay an immigration penalty. The notification must provide the nature and date of conviction and the sentence imposed. Your personal licence must be returned with the notification. Failure to make this notification is an offence.
- f) If you are convicted of a relevant offence, foreign offence or are required to pay an immigration penalty the Licensing Authority may revoke your licence or suspend it for a period of up to six months. If the Licensing Authority is considering whether to suspend or revoke a licence, you will be given notice of this and you will be invited to make representations.



Certificate of Conviction

Concerning Peter David HAYBALL
Surname, Family name HAYBALL
Date of birth 13.03.1966
 who on 28.03.2022
 in this Crown Court
 was tried and convicted on indictment
 of Sexual Assault on a female x 3

The said Peter David HAYBALL
 was on 24.05.2022
 in this Crown Court
 sentenced to
 18 months imprisonment
 Registration under S92 SOA 2003 for a period of 10 years
 To be placed on Barring List by the Disclosure and Barring Service

This certificate is subject to any appeal against conviction and sentence of which notice, or notice of application for leave to appeal, has been or may be given under the Criminal Appeal Act 1968.

I certify that the details in this Certificate are a true and complete extract from the court record to the best of my knowledge and belief.

Signed Susan Hill
 An Officer of the Court

Date 06.07.2022

Date: 13/07/2022
 Direct phone:
 Direct email: licensing@eastdevon.gov.uk
 Our ref: EDVE0057



Mr Peter David HAYBALL



Dear Mr Hayball

Notice under Section 132A (4) of the Licensing Act 2003
Suspension or Revocation of Personal Licence
EDVE0057 Peter David HAYBALL

I write to advise you that the Licensing Authority is considering suspending (for a period not exceeding six months) or revoking your Personal Licence following receipt of information that you were convicted of a relevant offence under Schedule 4 of the Licensing Act 2003.

We are aware that on 24th May at Exeter Crown Court you were convicted on three counts of Sexual Assault on a female, under Section 3 of the Sexual Offences Act 2003.

You are entitled to make representations to the Licensing Authority about this Notice regarding the following:

- (a) the relevant offence that has caused the licensing authority to issue the notice,
- (b) any decision of a court under section 129 or 130 in relation to the licence, and
- (c) any other relevant information (including information regarding your personal circumstances).

INVESTORS IN PEOPLE™
 We invest in people Platinum

Blackdown House, Border Road, Phone: 01404 515616
 Heathpark Industrial Estate, Email: csc@eastdevon.gov.uk
 Honiton, EX14 1EJ eastdevon.gov.uk
 DX 48808 Honiton @eastdevon

Download the free East Devon App
 to access council services at
eastdevon.gov.uk/app

Representations must be made within the period of 28 days beginning with the date the Notice is issued 13th July 2022. Any representations must therefore be received no later than 9th August 2022.

At the end of the 28 day representation period you will be notified of the Licensing Authority's decision.

Please be advised this notice has been sent to the address provided by you when you spoke to my colleague on 19th May, when you made this Authority aware that you no longer reside at the address shown on your Personal Licence, namely [REDACTED]. As a personal licence holder, you have a duty under section 127 of the Licensing Act 2003 to notify the Licensing Authority 'as soon as reasonably practicable' of any change of address and a person commits an offence if they fail without reasonable excuse to comply with this requirement.

You are also subject to a duty under section 132 of the same Act to notify the Licensing Authority as soon as reasonably practicable after receiving a conviction for a relevant offence, giving the Authority a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. A person commits an offence if they fail without reasonable excuse to comply with this requirement.

We are now aware that you have been sentenced to 18 months imprisonment, having verified this information with Exeter Crown Court.

If you wish to discuss the content of this letter please contact the licensing department at licensing@eastdevon.gov.uk.

Should you wish to formally surrender your personal licence you may do so in writing or by email. If you choose to surrender your licence you must also return the paper licence and badge to: Licensing Team, East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ.

Yours sincerely



Henry Gordon Lennox
Strategic Lead – Governance and Licensing

In replying to this letter please write on the envelope:

Number [REDACTED]

Name

Peter HAYBALL

RECEIVED

03 AUG 2022

REF; EDVE 0057
To Who it may Concern.

My name is Peter Hayball. I am writing with reference to my personal licence.

I am 56 years old and together with my partner, we run a Mobile bar Service known as Premier Bar Service. Since giving up the Village Inn inn a public house in Exwick Exeter. This business is our only form of income. We have work very hard building up the business travelling all over the South of England and South Wales and we also accept bookings Midweek as we no longer have the pub to run.

To say the allegations, subsequent Court hearings and now my imprisonment has been a massive life-changing event for both myself and my partner is a huge understatement. It has had a catastrophic impact on us both, on our business and mental wellbeing.

Since my conviction I have had conversations with my probationer and legal representatives about my attitude while in public I now

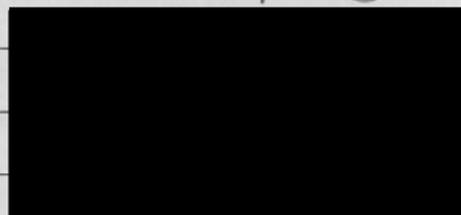
Know my Comments and actions where at one time Commonplace are now not acceptable and in fact illegal.

I can assure the Committee that I have learnt a very hard lesson, I will once released along with my partner work very hard to correct the mistakes of the past.

I would like to say in defence that being sent to prison has had a huge impact on me in so many ways. I can also assure the Committee ^{I will} work with probation and undertake any recommendations they see fit.

I would therefore ask you to take into consideration when you are making your decision to suspend or revoke my licence the impact it will have on myself, my partner and our business on which we have worked enormously hard to build, having left the village inn.

Yours truthfully



PETER HAYBARR