



Agenda for Licensing and Enforcement Sub Committee
Wednesday, 23rd August, 2023, 9.30 am

Members of Licensing and Enforcement Sub Committee

Councillors: O Davey, P Faithfull and J Whibley (Chair)

Venue: Tale Room, Blackdown House, Honiton

Contact: Sarah Jenkins;

01395 517406 email sjenkins@eastdevon.gov.uk

(or group number 01395 517546)

Tuesday, 15 August 2023

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

DX 48808 HONITON

Tel: 01404 515616

www.eastdevon.gov.uk

- 1 Minutes of the previous meetings held on 12 July 2023 and 19 July 2023 (Pages 3 - 8)
- 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 permit the sale of alcohol for consumption ON and OFF the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE (Pages 9 - 59)

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

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 12 July 2023****Attendance list at end of document**

The meeting started at 9.30 am and ended at 11.20 am

7 Minutes of the previous meeting

The minutes of the previous meeting held on 21 June 2023 were agreed as a correct record.

8 Declarations of interest

There were no interests declared.

9 Matters of urgency

There were no matters of urgency.

10 Confidential/exempt items

There were no confidential / exempt items.

11 Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy

The Sub Committee considered an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

The Chair introduced the members of the Sub Committee and the officers present.

The applicant, Mr Jason Vincent of Axminster Private Hire, was present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Mrs Emily Westlake, presented the report and made the following points:

- It was the district council's policy that on initial licensing as a private hire vehicle, a vehicle should not be more than 5 years old from the date of first registration as shown on the vehicle registration document.
- The application to licence a private hire vehicle was for a 9 seater (including the driver) MPV which was 5 years and 3.5 months old, and therefore did not meet the policy and was to be determined by the Licensing and Enforcement Sub Committee.
- Where exceptional circumstances may apply to licence vehicles that were more than five years old from the date of first registration as shown in the vehicle registration document would be considered on a case by case basis.
- Each application would be considered on its own merits.
- Factors such as the condition of the vehicle and the mileage would be relevant.
- The Council would expect the vehicle to have a full service history and a certification that the recorded mileage was correct.

- When considering to licence an older vehicle Members would expect to be provided with an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. An AA test report had been provided by the applicant and was included at Appendix H of the report.
- The date of the MOT and advisories to monitor and repair were noted. The applicant had provided an invoice to document repairs carried out to the vehicle following the MOT, in addition to another invoice for further repairs.
- The applicant had provided an approved compliance test report which indicated that the vehicle had passed all of the required tests. The tester had certified that they had found the vehicle to be safe, comfortable and in sound mechanical condition.
- The MOT indicated that on 11 April 2023 the vehicle's mileage was shown as 249,087 miles.

The vehicle was presented by the applicant at the Council offices on the day of the hearing to allow Members the opportunity to inspect the vehicle. The Licensing and Enforcement Sub Committee was asked to consider the application and determine whether to refuse the application or make an exception to the Council's vehicle age policy and agree to grant the application and licence the vehicle.

The applicant informed Members that he had purchased the vehicle as he required an additional MPV to transport school children as part of his contract with Devon County Council. He already owned an electric 7 seater MPV but this was not suitable for the school runs and was used for private hire. He advised the Committee that 9 seater vehicles were very expensive and he had purchased the vehicle four months ago in the hope that a licence would be granted. The vehicle represented good value for money.

In response to questions from members, the applicant confirmed that:

- The vehicle had not been used much since its purchase so the mileage remained much the same as at MOT. The high mileage did not concern him as the vehicle would not be used by the general public for private hire and therefore not accumulate large mileage.
- The vehicle had a very comprehensive service history and all of the required works had been completed.
- The seats were fixed forwards and could not be rotated.
- The vehicle would be used to transport children, with three school runs a day, as part of a Devon County Council (DCC) contract.
- DCC provided the necessary car seats for the children, where applicable. DCC also specified where the children could sit within the vehicle.
- There were bodywork repairs required on the vehicle. The applicant was reluctant to carry out cosmetic repairs until a licence was agreed.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

This item finished at 10:10am and the meeting was adjourned until 11:00am.

The applicant, Cllr Brian Bailey, and the Licensing Officers left the meeting.

12 **Determination of an application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton, EX14 3PD.**

On resumption of the meeting, the Chair introduced the members of the Sub Committee and the officers to those present.

The meeting was a hearing under the Licensing Act 2003.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for hearing the application.

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton EX14 3PD.

The applicant, present and entitled to make representations, was represented by Justin Lascelles, Estate Manager, Combe Estate.

A representation had been received from Gittisham Parish Council. The Parish Council had given notice that it would not attend or be represented at the meeting.

The Licensing Officer, Phillippa Norsworthy, presented the report which covered the following points:

- The applicant had applied for the sale of alcohol to be consumed on and off the premises, with sales to be limited to the café and the courtyard area.
- The premises was located in Gittisham, on the outskirts of Honiton and was a family run business.
- The farm shop currently held a premises licence for off sales only, Monday to Saturday 9am to 6pm and Sunday 9am to 12 midday.
- The applicant advertised the application at the premises and in the local newspaper in accordance with the Licensing Act 2003. During consultation the application received one representation from Gittisham Parish Council with concerns relating to possible public nuisance and to public safety towards persons leaving the premises at night after consuming alcohol.
- A representation was received from the Devon and Cornwall Police Service to which the applicant came to an agreed position.
- Since publication of the agenda an email was received on 7 July from the clerk of Gittisham Parish Council advising that after their Parish Council meeting on 6 July the parish council maintained its objection to the proposed extended hours for off sales but did not object to the extended hours for on sales.

There were no questions from members or from the applicant for the Licensing Officer.

The applicant, represented by Justin Lascelles (Combe Estate Manager) made the case for the application and highlighted the following points:

- Combe Farm Shop and Café had been trading in its current form since 2020.
- The shop was successful, but marginal and they were always trying to refresh the offer by doing everything possible to make the business more successful.
- 'Dine in' evening events had been well received and successful. The aim was to hold these two or three times a month, with up to 25 people at a time, providing seasonal offers. This had previously occurred under a temporary event licence.
- The current licence application was customer demand led. The events had been and would be food led, not alcohol led. It would allow flexibility.
- An agreed position had been agreed with the Police whereby there would be a 30 minute drinking up period, with no alcohol being served prior to closure.
- The farm shop was already well used and no additional on-site activity was anticipated during standard hours as a result of the application.
- The applicant believed that the parish council's 'off sales' objection was unfounded. They would like the ability to sell alcohol to customers who had attended the onsite events.
- Combe Farm Shop and Café employed four full time and three full time members of staff and offered a local shopping experience.

- To date there had been no complaints/issues and the business was responding to customer feedback.
- There was CCTV cover in place.

In response to questions from the Sub Committee the applicant stated that:

- It was not envisaged that the 'dine in' events would be expanded to other events such as birthday parties. The events were primarily designed to showcase the food produce on offer from the shop, rather than promoting the premises as a venue for hire.
- The licence application was in response to events where people expected to be able to have alcohol with their meal, as the events were primarily held to showcase the products available in the shop.
- The events would be pre-booked (maximum seating capacity was 25 in the café, with additional seating in the courtyard) in order to plan and make the events viable.
- Depending on demand, it was anticipated that two or three events would be held per month.
- Opening hours would only be extended when events were being held.
- It was not viable to open full time as a restaurant and a pub was not envisaged.
- The licensing application would give flexibility rather than having to keep applying for temporary event licenses.

In his closing statement the applicant highlighted that he did not feel that Gittisham Parish Council's concerns about 'off sales' were realistic. The range of alcohol on offer was limited and the price point was likely to be higher than other local establishments.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)
O Davey
S Gazzard

Councillors also present (for some or all the meeting)

B Bailey
C Nicholas

Officers in attendance:

Phillippa Norsworthy, Licensing Officer
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Emily Westlake, Licensing Officer

Councillor apologies:

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 19 July 2023

Attendance list at end of document

The meeting started at 11.00 am and ended at 11.22 am

13 Declarations of interest

There were no declarations of interest.

14 Matters of urgency

There were no matters of urgency.

15 Confidential/exempt items

There was one item which officers recommended should be dealt with under Part B.

16 Exclusion of the Press and Public

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, was likely to be disclosed and on balance, the public interest was in discussing this item in private session (Part B).

17 Hackney Carriage driver - fit and proper

The purpose of the meeting was to determine whether the driver named in the Officer's report is a fit and proper person to continue to be licensed as a hackney carriage driver.

The driver was not present at the meeting.

The Licensing Officer presented the report.

In response to Members' questions, the Licensing Officer and the Interim Licensing Manager clarified the options open to the Sub Committee to either suspend or revoke the driver's hackney carriage licence, or to take no action, and outlined the implications for the driver of these decisions.

The Sub Committee Members retired to make their decision.

Attendance List

Councillors present:

T Dumper (Vice-Chair)

N Hookway

J Whibley (Chair)

Officers in attendance:

Sarah James, Democratic Services Officer

Giles Salter, Solicitor

Emily Westlake, Licensing Officer

Lee Staples, Interim Licensing Manager

Chair:

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 23 August 2023

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 new 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 permit the sale of alcohol for consumption ON and OFF the premises at Azura Tapas & Cocktails, 11 – 12 Milton's Yard, West Street, Axminster EX13 5FE.

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](#)

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan & photo

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Operating Schedule

APPENDIX G – Proposed amendment to application

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 Description of Application

- 1.1 An application has been received from Ms Ana Isabel CAMPOS DE CARVALHO for a new premises licence.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 The proposed timings and licensable activities applied for are as follows:

Sale of alcohol:	Monday to Sunday	11:00 – 22:20
Opening hours:	Monday to Sunday	11:00 – 23:00
- 1.4 The premises is described by the applicant as being a restaurant and tapas bar. The premises comprises of a ground floor area incorporating a fixed bar structure, along with an outside seating area.
- 1.5 A plan of the premises is provided at **APPENDIX B**. The proposed licensed areas are outlined in red.
- 1.6 The building has three entrances marked on the plan. For the purposes of this report the entrance points are marked on the premises plan in blue as A,B & C.
- 1.7 Entrances A & B are accessed via Milton's Yard. Milton's Yard is accessed via a wooden gated entrance from West Street. The gate can be locked to prevent access to Milton's Yard.
- 1.8 Entrance C is accessed via Belle Vue. Belle Vue is accessed via a footpath from West Street, or via a footpath from Tesco car park. This access route is unrestricted.
- 1.9 A plan of the area, showing the location within Axminster town centre is provided at **APPENDIX C**. A further maps showing the premises access routes is also provided at

APPENDIX C, along with photos taken by the Licensing Officer during a site visit to Milton's Yard and Belle Vue.

2 Statutory Bodies' Response

2.1 Devon & Cornwall Police

No representations. The following comment received: Having assessed this application I am satisfied that the applicants have adequately demonstrated how they will promote the licensing objectives, I will therefore not be offering any representations 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

No representations have been received.

2.6 East Devon District Council, Planning & Countryside Service

No representations have been received.

2.7 Primary Care Trust

No representations have been received.

2.8 Home Office

No representations have been received.

3 Representations and Responses to Notices of Hearing

3.1 Representations have been received from seven local residents. Details of their representations are attached at **APPENDIX D**.

3.2 Two residents have responded to the notice of hearing indicating that they wish to attend the hearing to address the committee. Three will not attend, with no response being received from a further two (at the time of writing this report).

3.3 Details of the responses to notice of hearing and additional comments in support of the representations are attached at **APPENDIX E**, including site photos submitted by two local residents.

4 Proposed Operating Schedule and Mediation

4.1 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX F**.

4.2 As a result of representations received the applicant has proposed an amendment to the application, attached at **APPENDIX G**.

4.3 The applicant proposes to remove the OFF sales provision, then permitting the sale of alcohol for consumption ON the premises only. The 'premises' will include all areas marked in red on the plan attached at **APPENDIX B** and will include the outside seating area.

4.4 The proposed amendment was forwarded to residents for their consideration. At the time of writing this report no representations have been withdrawn as a result of this proposed amendment.

5 Relevant Licensing Policy Considerations

Licensing Objectives

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

These are:-

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

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

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

Conditions

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

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

Licensing Hours

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

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

Nuisance

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

disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

6 Guidance issued under Section 182 Licensing Act 2003 (revised July 2023)

6.1 Public Nuisance

Section 2.20 of the Guidance states: The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Representations

6.2 Section 9.4 of the Guidance states: A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

6.3 Section 9.9 of the Guidance states: It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Role of Responsible Authorities

6.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Imposing conditions

6.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

6.7 Proportionality

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the

premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

6.8 Hours of Trading

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with 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.

- 6.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

The need for licensed premises

- 6.10 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

7. Observations

- 7.1 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’.
- 7.2 Although no response has been received from two of the outstanding objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 7.3 It is noted that access to this particular premises can be restricted by the lockable gate on the Milton’s Yard entrance. It is not known who holds keys to this gate, or if access may be restricted at particular times of the day or night.
- 7.4 Maria Leonor GUINE SANTOS DOS REIS is nominated as the Designated Premises Supervisor, Personal Licence, issued by South Somerset Council.
- 7.5 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.

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

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

- period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 7(1) —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

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 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 the applicant appeals against the decision made, with the possibility of court costs.

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	Azura	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
<p>Are you an agent acting on behalf of the applicant?</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>		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	Ana Isabel	
* Family name	Campos de Carvalho	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number		
<input checked="" type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

<p><input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader</p> <p><input type="radio"/> Applying as an individual</p>	<p>A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.</p>
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Applicant Business

<p>Is the applicant's business registered in the UK with Companies House?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>Is the applicant's business registered outside the UK?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	<p>Note: completing the Applicant Business section is optional in this form.</p>	
Business name	Azura Tapas & Cocktails	If the applicant's business is registered, use its registered name.
VAT number	- None	Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

Yes No

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

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Applicant Contact Details

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

Yes No

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

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="Portuguese"/>
Right to work share code	<input type="text"/>

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

Continued from previous page...

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.

It's restaurant and tapas bar. We have tables and chairs for our costumers and also toilet facilities

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

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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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

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

Continued from previous page...

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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 / /

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="South Somerset 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'.

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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.

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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.

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

State any seasonal variations

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

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

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

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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) page 30

Continued from previous page...

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

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. An incident log shall be kept at the premises and made available on request to the Police or an authorized officer of the Local Authority All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act

b) The prevention of crime and disorder

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be always available at the premises that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

An incident log shall be kept at the premises and made available on request to the Police or an authorized officer of the Local Authority.

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately

Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

- a) must be logged and kept on the premises for the duration of the employment; and
- must be retained for a minimum of 12 months after employment has ceased.

c) Public safety

There shall be no vertical drinking at the premises. Table service only
The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

Continued from previous page...

d) The prevention of public nuisance

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours

No beers, ales, lagers, or ciders of 6% ABV or above to be sold

e) The protection of children from harm

A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises. All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be located in the immediate vicinity of the entrances and exit to the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the Internet, customers should be informed of

Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorized officer of the Local Authority

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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

Continued from previous page...

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

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

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

IT IS AN OFFENCE LIABLE 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

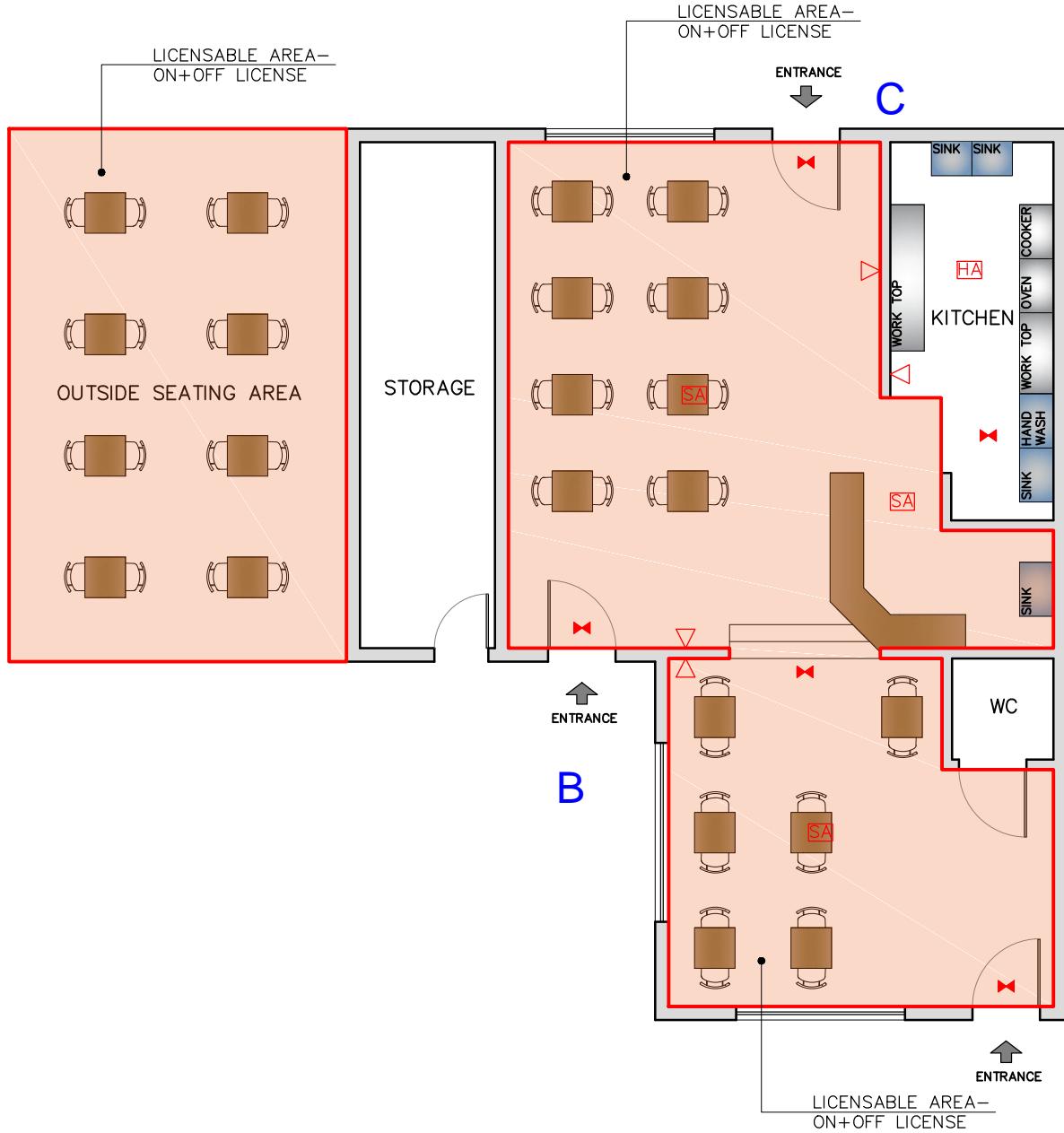
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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	<input type="text" value="Azura"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

APPENDIX B



LICENSABLE AREA

SA SMOKE ALARM

△ FIRE EXTINGUISHER

HA HEAT ALARM

✕ EMERGENCY LIGHT

RESTAURANT
ALCOHOL LICENSE – ON+OFF LICENSE

JOSE MANUEL ROCHA
UNIT 35 – BATTERSEA BUSINESS CENTRE 99–109 LAVENDER HILL
LONDON SW11 5QL
TEL: +44 (0) 7868–697778 / E–MAIL: manuelrocha01@hotmail.com

APPLICANT:
AZURA TAPAS & COCKTAILS
11–12 MILTON’S YARD
WEST STREET – AXMINSTER
EX13 5FE

SCALE:
A4_1/100

DATE:
28–JUNE–2023

Azura Tapas & Cocktails – 11-12 Milton's Yard, Axminster

Image taken from Google Maps

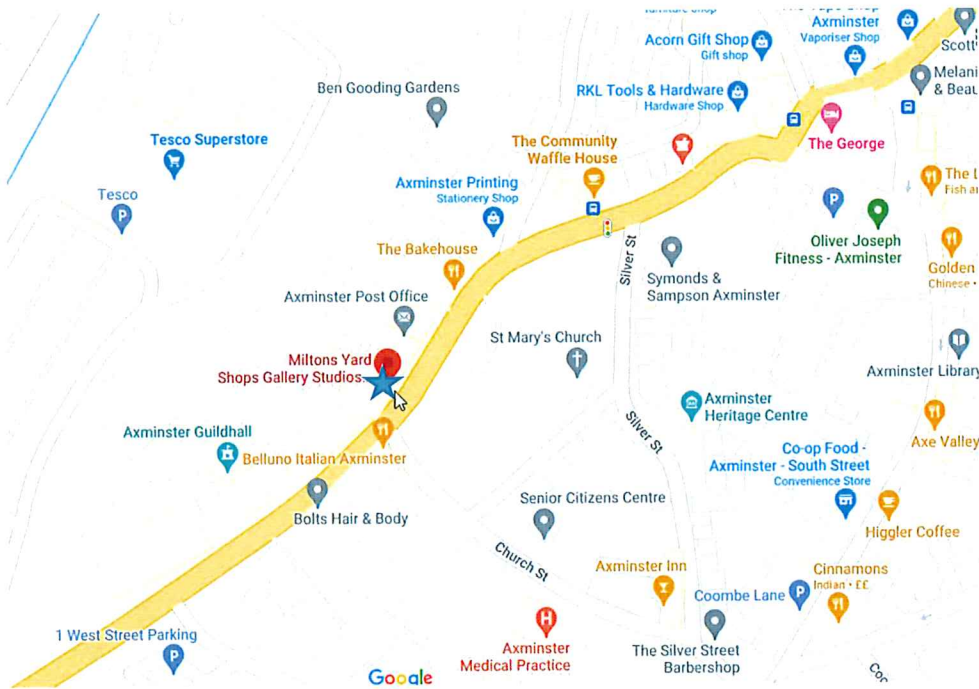
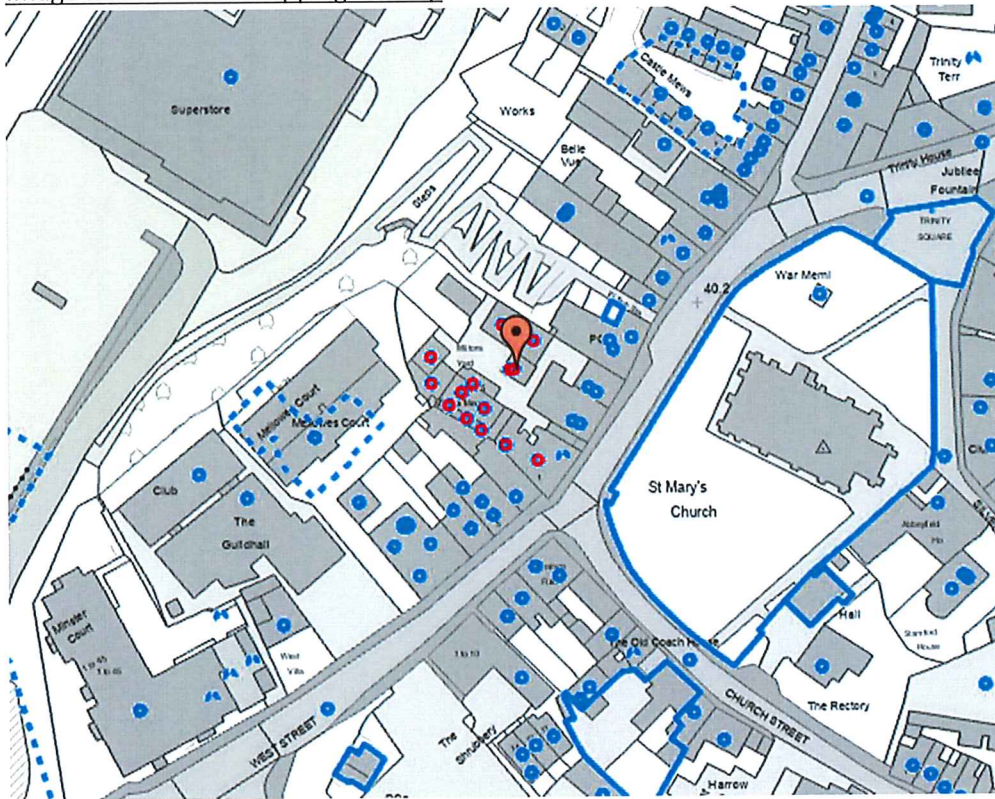
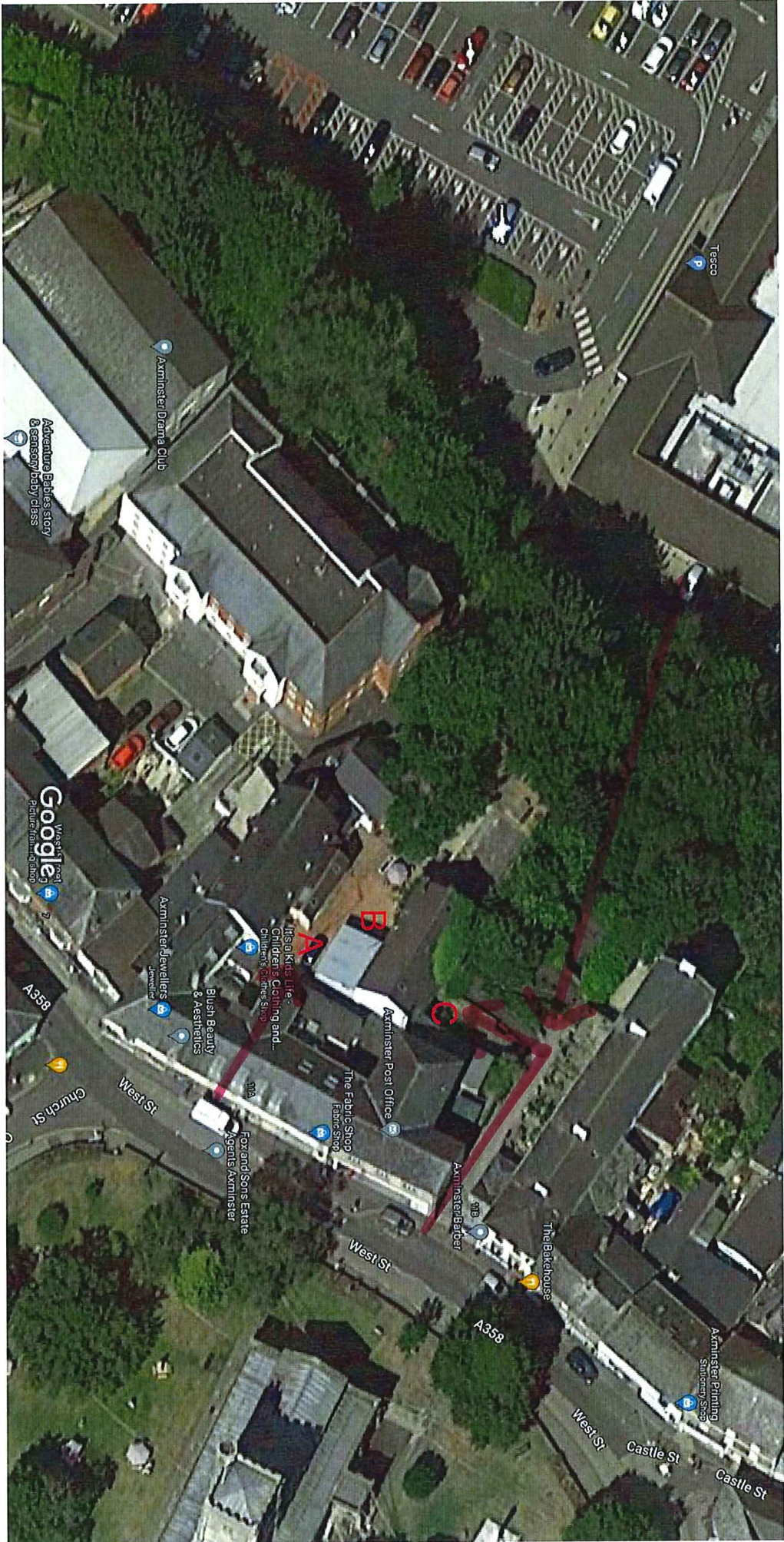


Image from Council Mapping - Emap

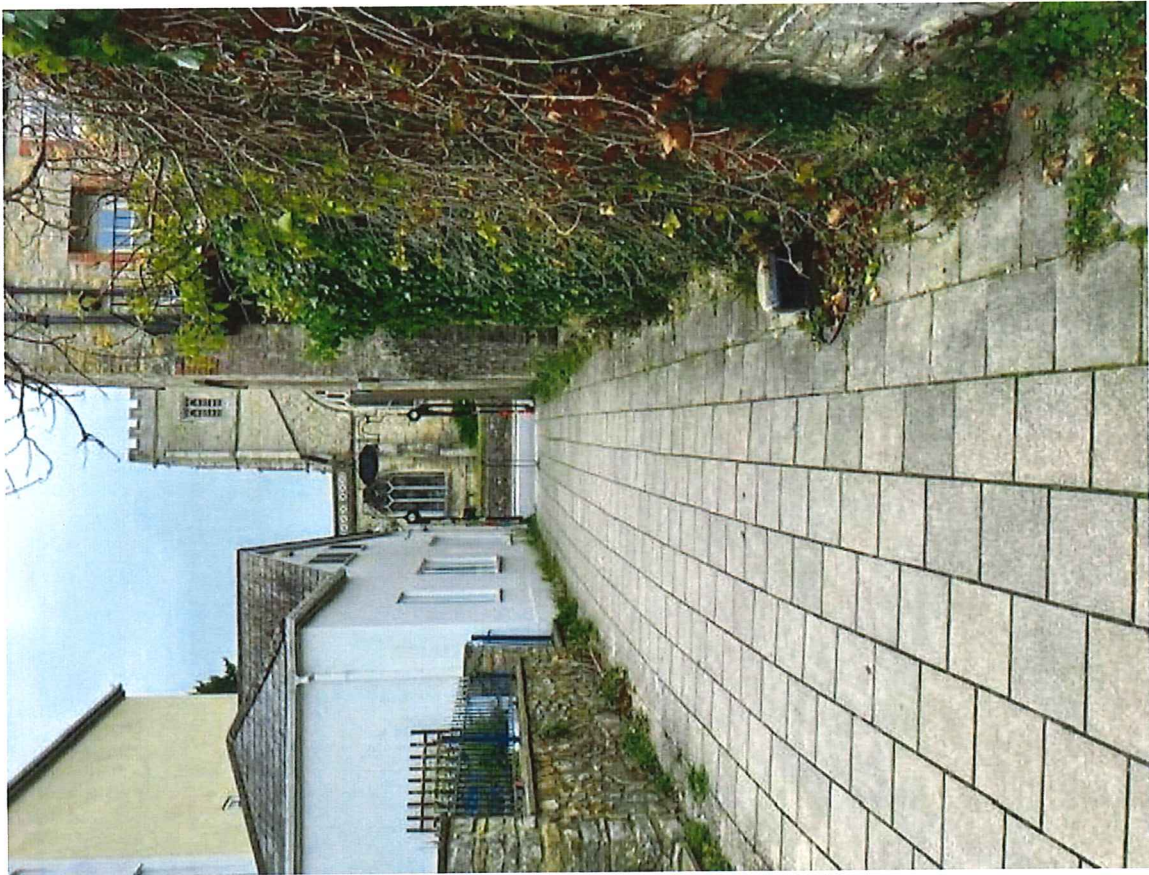


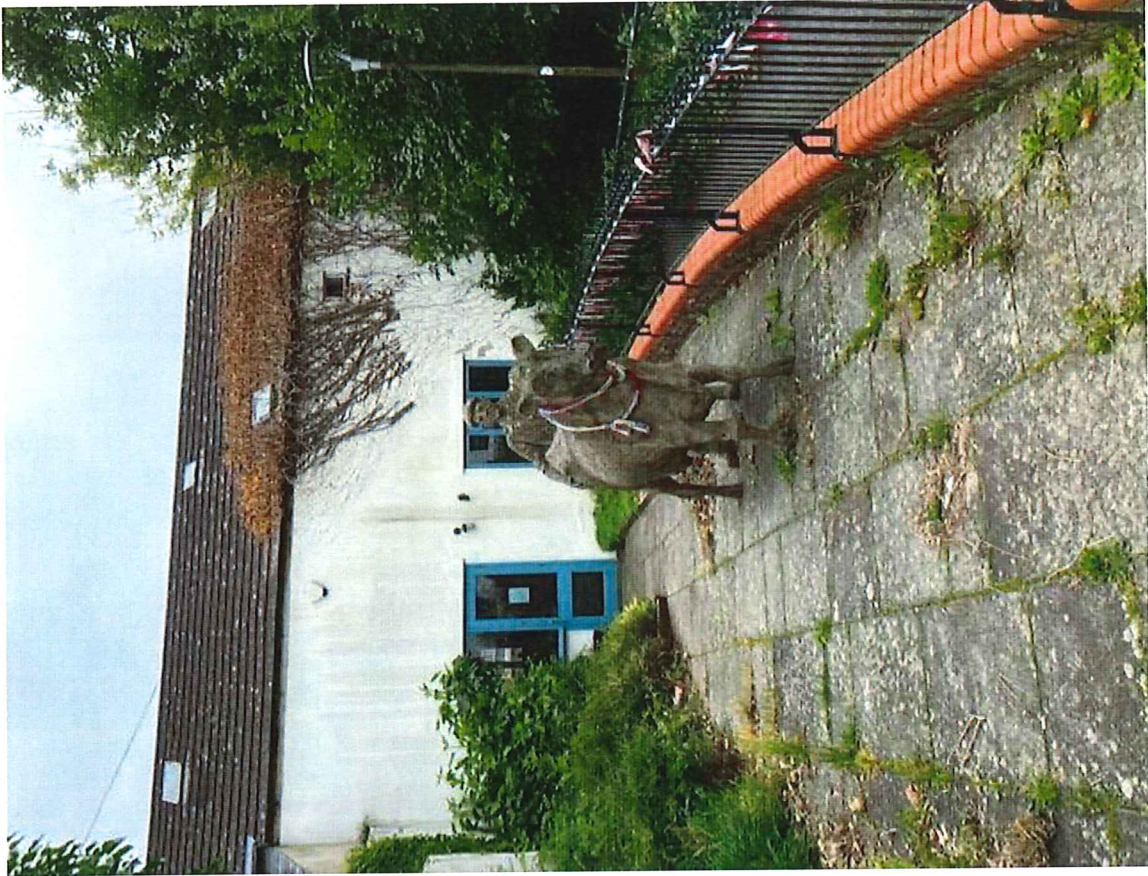
PREMISES - ENTRANCE ROUTES SHOWN



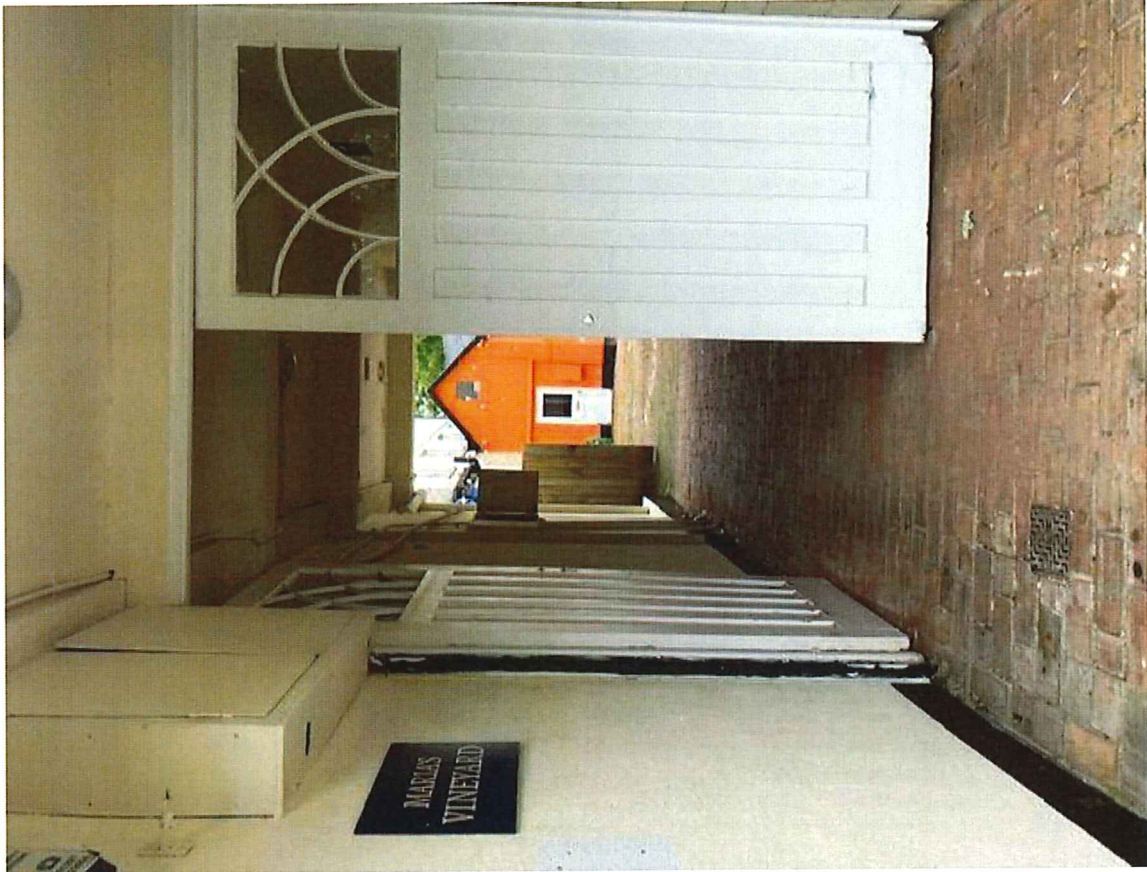
Map data ©2023, Map data ©2023 10 m

SITE PHOTOS - BELLE VUE ENTRANCE
(ROUTE TO PREMISES ENTRANCE C)





SITE PHOTOS - MILTON'S YARD ENTRANCE
(ROUTE TO PREMISES ENTRANCE A & B AND EXTERNAL SEATING AREA)





REPRESENTATIONS LIST

Application No: 056120

Application Date: 3 July 2023

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

Applicant: Ana Isabel Campos de Carvalho

Person making Representation: Susan Crawford

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: BY RECORDED DELIVERY

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

21 July 2023

For your kind attention

Ref: Licensing Public Notice on behalf of:

Ana Isabel Campos de Carvalho for a New Premises licence at: 11-12 Miltons Yard, West Street, Axminster WX13 5FE and known as Azura Tapas and Cocktails for the Sale of (On and OFF Licence) Monday to Sunday from 11.00 until 22.30hrs and Premises Opening Hours Monday to Sunday 11.00 am to 23 hrs

Firstly, I feel it is important for the members of the Licensing Committee to know, that, while the Premises Licence application address for Azura Tapas and Cocktails in Miltons Yard, is in the EX13 5FE postcode there is also an entrance door opening directly on to the Tesco Belle Vue walkway in the EX13 5NU postcode. This door directly faces Belle Vue flats and residents' front doors, patio gardens and front-facing bedrooms creating privacy issues. [REDACTED] residents are concerned that late-night noise and drink-related disturbance issues may result from the Tapas Bar premises late closing hours if customers are allowed to use that door.

It should also be noted that, while the Tapas Bar is requesting an OFF licence as well, there is already an existing Off Licence directly to the left of the Miltons Yard entrance.

I, and other [REDACTED] residents I have spoken to, request that the following conditions be included in the Applicants Premises licence:

- 1) that the Licensees are obliged to ensure that all customers exit the premises by the Miltons Yard entrance at all times and not via the doorway that opens on to the Belle Vue Walkway. The Belle Vue Walkway doorway should be classified as an Emergency Exit only and always be kept clear. No outside eating or drinking, tables, chairs or benches should be permitted in that public area.
- 2) that the Applicants request for their opening hours to be allowed from 11.00 am to 23.00 hours every day of the week be reduced on Sundays to 11.00 hrs to 17.00 hrs. Sunday Trading laws were created to allow workers, the general public, and in this case, residents in the immediate neighbourhoods, a certain level of peace and quiet on a Sunday. The location of the Tapas & Cocktails Bar in the centre of this residential area, with flats and homes on two sides overlooking the premises, and additionally the residents of Belle Vue Flats on the Tesco Walkway side, means residents would have no respite from the constant daily activity, associated with the premises - customers or deliveries. We fully understand the applicants desire to introduce a new hospitality venue to Axminster, but it is also vital that local residents should have their point of view and quality of life respected as well.
- 3) that, if a Music Licence has been, or will be applied for, by the applicants, that, as the premises are in the middle of a residential area, such a Licence must include appropriate restrictions on sound levels for any recorded or live music played - inside or outside the premises. These restrictions should also include any external seating or additional dining or food service areas.

Yours faithfully

Susan Crawford, Mrs

Evidence:

Suggestion:

Application No: 056120

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

Person making Representation: Michael Lowery

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 20th July 2023

The Licensing Manager,
We, the undersigned, wish to express our concerns regarding the granting of an alcohol license to 11-12 Miltons Yard, Axminster.

Belle Vue flats are set in a conservation area, approximately 17 metres from the license application. All bedrooms are situated along the front of the building. The proposed Tapas bar has a side door opening directly into the area that the flats face. Would this door be for emergency only?

We also question the proposed off sales. This would encourage such drinking to take place on the way to Tesco's, this runs from the main road past our flats. We have experienced late night drunken rowdiness on a regular basis.

There is also concern that there will be light pollution and loud noise emanating from the venue and its garden, thus disturbing the change of tranquility of the neighbourhood. The bar closing at 23 hours means that vacating patrons will extend beyond this time - not everyone will leave quietly.

We also question the length of the opening hours - is it really necessary to stay open so late on Sundays?

Mary Lowery
Michael Lowery

Evidence:

Suggestion:

Person making Representation: Mary Lowery

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 20th July 2023

The Licensing Manager,
We, the undersigned, wish to express our concerns regarding the granting of an alcohol license to 11-12 Miltons Yard, Axminster.

Belle Vue flats are set in a conservation area, approximately 17 metres from the license application. All bedrooms are situated along the front of the building. The proposed Tapas bar has a side door opening directly into the area that the flats face. Would this door be for emergency only?

We also question the proposed off sales. This would encourage such drinking to take place on the way to Tesco's, this runs from the main road past our flats. We have experienced late night drunken rowdiness on a regular basis.

There is also concern that there will be light pollution and loud noise emanating from the venue and its garden, thus disturbing the change of tranquility of the neighbourhood. The bar closing at 23 hours means that vacating patrons will extend beyond this time - not everyone will leave quietly.

We also question the length of the opening hours - is it really necessary to stay open so late on Sundays?

Mary Lowery
Michael Lowery

Evidence:

Suggestion:

Application No: 056120

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

Person making Representation: James Carroll
[REDACTED]

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: Dear Sir/Madam,

I am writing with reference the application for a licence at Azura Tapas & Cocktails, 11-12 Miltons Yard, West Street, Axminster, EX13 5FE.

My details are:-
James Carroll

[REDACTED]
[REDACTED]
[REDACTED]

As a resident [REDACTED], whilst I have no objection to the tapas/cocktail bar, I STRONGLY OBJECT to this venue being open seven days a week between the hours of 11 am and 11 pm.

We live in a conservation area with a number of elderly residents and, as such, with the serving of alcohol and the extended hours, this is an open invitation for noise and disorder. Having seen criminal behaviour in the town as early as it becomes dark, to invite such possibilities down dark courtyards/alleys until 11 pm is at best foolhardy.

Yours faithfully,

James Carroll

Evidence:

Suggestion:

Application No: 056120

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

Person making Representation: Patricia Whiteside

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 28 July 2023.

For your kind attention
Ref: Licensing Public Notice on behalf of:
Ana Isabel Campos de Carvalho for a new Premises Licence at : 11-12 Miltons Yard, West Street, Axminster, EX13 5FE and known as Azura Tapas and Cocktails for the sale of (ON and OFF Licence) Monday to Sunday from 11.00 until 22.30hrs and Premises Opening Hours Monday to Sunday 11.00am to 23hrs.

Firstly, I feel it is important for the members of the Licensing Committee to take into account that, while the Premises Licence application address for Azura Tapas and Cocktails in Miltons Yard is in the EX13 5FE postcode an entrance door also opens directly on to the Tesco Belle Vue walkway in the EX13 5NU postcode. This door directly faces Belle Vue flats, their residents' front doors, patio gardens and bedrooms creating privacy issues.

Whilst I, [REDACTED] proposed Tapas Bar, have no objection in principle to the opening of a new hospitality business in Miltons Yard I believe this must have suitable restrictions and conditions in place to avoid disrupting [REDACTED], and other neighbourhood residents, right to a peaceful atmosphere without excessive noise from continual to-ing and fro-ing of the Bar's clientele and daily deliveries etc.

I, and my neighbours [REDACTED] Miltons Yard, will not easily forget the mayhem and appalling behaviour, huge bonfires, loud noise, general criminality and the immense amount of damage, smells and litter caused by the last occupants of Miltons Yard (finally expelled from Axminster by the Police).

I, [REDACTED] the applicant's premises, together with neighbouring residents flats whose windows are either immediately above, or to the side of Miltons Yard, would be directly affected by any late night noisy behaviour, from Tapas Bar customers using outdoor seating area or any loud music being played.

For that reason I do have serious concerns about possible late night noise, and drink related disturbance issues, which could result from the seven day week, late opening hours requested in the Tapas & Cocktail Bar's premises application. Sundays are a day off work for many people and also, traditionally, a day to relax and enjoy some peace and quiet. Closing at 11pm on Sundays is not acceptable in a closely-knit residential neighbourhood such as ours.

For the above reasons and concerning issues I, would request that the following conditions, and restrictions be included in the Applicants Premises Licence documentation:

1 that the opening hours requested by the Licensees be reduced, and only allowed from, 11.00am to 21.00 hours daily during the week and on Sundays only, from 11.00 hrs to 19.00hrs.

2 that the new Premises Licence should not be extended to an OFF Licence as there is already an existing Off Licence immediately to the left of the entrance doors to Miltons Yard. This is open from 8.00hrs to 22.00hrs every day of the week - Sunday included.

3 that the Licensees are obliged to ensure that all customers from 17.00hrs exit the premises by the Miltons Yard entrance at all times and not via the doorway that opens on to the Belle Vue Walkway. This doorway should be classified as an emergency Exit only and always be kept clear. There should be no customer seating outside that door of the Tapas Bar as it is directly across the walkway from Belle Vue residents' gates, doors and windows and would affect their privacy.

4 that, if a Music Licence has been, or will be applied for, by the applicants, that, as the premises are in the middle of a three-sided residential area, such a Licence must include appropriate restrictions on sound levels for any recorded or live music played - inside or outside the premises. These restrictions would also include any external seating or additional dining or food services.

As I mentioned at the start of my letter that are at least 15 residential properties, in and around Miltons Yard in the postcodes indicated above, which would be affected by the granting of the premises licence opening hours requested by the applicants. These properties are:

a flats and other dwellings within Miltons Yard including: in close proximity to the outdoor seating area flats Nos. 11 and 12 Miltons Yard, two first floor flats opposite, one house, one cottage and, one flat above the main entrance to the yard.

b [REDACTED] South West House - with a bedroom and living room overlooking Miltons Yard.

c a first floor flat, "Battens", accessed from West Street. It has three windows (bedroom and living room) directly overlooking Miltons Yard and would therefore be affected by the opening hours requested.

d Belle Vue flats, Belle Vue Walkway EX13 5NU. There are 6 flats facing the Tapas Bar premises, each with bedrooms, living rooms etc and access on to individual or shared patio gardens.

Application No: 056120

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

I do hope your Committee will understand mine, and my neighbours,' concerns about the long opening hours, especially on Sundays, requested by the Premises Licence applicants of the Azura Tapas and Cocktails Bar together with the other points and concerns raised and expressed in my letter.

Thank you.

Yours faithfully

Patricia Whiteside, Mrs

Evidence:

Suggestion:

Person making Representation: Sarah McClymont

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs

RE: Licensing Public Notice on behalf of:

Ana Isabel Campos de Carvalho for a new Premises Licence at : 11-12 Miltons Yard, West Street, Axminster, EX13 5FE and known as Azura Tapas and Cocktails for the sale of (ON and OFF Licence) Monday to Sunday from 11.00 until 22.30hrs and Premises Opening Hours Monday to Sunday 11.00am to 23hrs.

Ref:056120

We [REDACTED] address and of which the rear off the property is open and in close proximity to the above Tapas Bar. Our property is a [REDACTED]

At the rear there is a fire escape that goes past [REDACTED] onto Ax News fire exit door. There is also a flat roof accessible from the fire escape stairs [REDACTED]. This area is easily accessible to anyone going around the side of the Tapas Bar to [REDACTED] which is for use by ourselves and the Fabric Shop. We have had incidences of children going on the flat roof, which is all open with only 1 fenced side by the fire escape. We have had to inform parents how dangerous this is. We are concerned that patrons of the tapas bar, especially if drunk, may go wandering up there or use the side of the building as a toilet, create a nuisance, drug abuse or fornication.

With regard to security of our property, The Fabric Shop and Ax News, at present the gates into Miltons Yard (new signage shows a name change to Maria's Vineyard) are closed during the evenings. Does the licence cover which entrance is to be used for the Tapas Bar? The other being in Belle Vue Wa kway. We are concerned that having the gates open every single evening until 23.00 or later creates a security and safe guarding issues for residents and patrons.

Will the licensee be responsible for making sure all patrons have left the premises including the outside dining area once it has closed? We are concerned about people hanging around, especially if drunk and creating a disturbance.

We would like to see the Sunday trading hours reduced to 11.00am - 17.00, allowing for some peace over the weekend. We would also like to see the licensing hours for Monday to Saturday reduced from 11.00 - 22.30 to 11.00 - 21.30. Late night noise, bad behaviour and alcohol related disturbances are a concern to us being in such close proximity to the applicants premises.

Sarah McClymont

Evidence:

Suggestion:

Application No: 056120

Premises: Azura Tapas & Cocktails
11 - 12 Miltons Yard, West Street, AXMINSTER, Devon, EX13 5FE.

Person making Representation: Michael Rooks

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sirs

RE: Licensing Public Notice on behalf of:

Ana Isabel Campos de Carvalho for a new Premises Licence at : 11-12 Miltons Yard, West Street, Axminster, EX13 5FE and known as Azura Tapas and Cocktails for the sale of (ON and OFF Licence) Monday to Sunday from 11.00 until 22.30hrs and Premises Opening Hours Monday to Sunday 11.00am to 23hrs.
Ref:056120

We [REDACTED] and of which the rear off the property is open and in close proximity to the above Tapas Bar.

At the rear there is a fire escape that goes past [REDACTED] Ax News fire exit door. There is also a flat roof accessible from the fire escape stairs [REDACTED]. This area is easily accessible to anyone going around the side of the Tapas Bar to [REDACTED] which is for use by ourselves and the Fabric Shop. We have had incidences of children going on the flat roof, which is all open with only 1 fenced side by the fire escape. We have had to inform parents how dangerous this is. We are concerned that patrons of the tapas bar, especially if drunk, may go wandering up there or use the side of the building as a toilet, create a nuisance, drug abuse or fornication.

With regard to security of our property, The Fabric Shop and Ax News, at present the gates into Miltons Yard (new signage shows a name change to Maria's Vineyard) are closed during the evenings. Does the licence cover which entrance is to be used for the Tapas Bar? The other being in Belle Vue Wa kway. We are concerned that having the gates open every single evening until 23.00 or later creates a security and safe guarding issues for residents and patrons.

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Michael Rooks

Evidence:

Suggestion:

RESPONSES TO NOTICES OF HEARING

Applicant

Ms Ana Isabel Campos De Carvalho	
Hearing Unnecessary	
Attending	Yes, applicant to attend

Other Persons

1.	Mrs Susan Crawford
Hearing Unnecessary	No
Attending	No
Summary of key points	<p>1. As this is very much as residential area in close proximity I think the hours should be reduced to 11:00 – 21:00 during the week and for Sunday 11:00 – 17:00.</p> <p>2. That the door facing Belle Vue flats will only be used as an emergency fire door (exit). As the late hour of 23:30 has been applied for I feel it will take away a certain way of life from us. Although I didn't object in my first letter to the timing, on second thoughts I have changed my mind as it will take away some of our privacy.</p>

2.	Mrs Mary Lowery
	No response received

3.	Mr Michael Lowery
	No response received

4.	Mr James Carroll
Hearing Unnecessary	No
Attending	No
Summary of key points	<p><u>PREVENTION OF CRIME & DISORDER</u></p> <p>Entrance to Milton's Yard can be a point for groups to congregate. External seating may need to be taken in at night to remove chance of the furniture being used by groups tucked out the way of the main road and damage to said furniture (causing disturbance and alarm to residents)</p> <p><u>PREVENTION OF PUBLIC NUISANCE</u></p> <p>The potential for disturbance late at night to local residents. Consideration must be given to elderly residents in immediate vicinity with groups leaving and noise. Earlier finishing times would help in this regard.</p>

5.	Mrs Patricia Whiteside
Hearing Unnecessary	No
Attending	No
Summary of key points	<ol style="list-style-type: none"> 1. Opening hours reduced to 11:00 – 21:00 during the week and 11:00-19:00 on Sundays 2. Premises not granted licence for OFF LICENCE. 3. All customers enter & exit from Milton’s Yard. 4. Rear door on to Belle Vue not to be used – emergency access only.

6.	Ms Sarah McClymont
Hearing Unnecessary	
Attending	Yes
Supporting documents	Seven photos of premises (provided below)
Summary of key points	<p><u>PREVENTION OF CRIME & DISORDER</u></p> <p>When the restaurant closed, will all patrons be vacated off the premises, including outside dining area, and area secured? The entrance from West St via gate is usually kept closed in the evenings for safety and security.</p> <p><u>PUBLIC SAFETY</u></p> <p>The rear of our property is an open space which has a fire escape that runs past our bedroom window and onto Axe News. We are concerned about people accessing this area and the fire escape.</p> <p><u>PREVENTION OF PUBLIC NUISANCE</u></p> <p>Licensing hours 11am – 10:30pm Monday to Sunday is excessive. We are concerned about noise and disturbance every night.</p>

7.	Mr Michael Rooks
Hearing Unnecessary	
Attending	Yes
Supporting documents	Seven photos of area (provided below)
Summary of key points	<p>We are concerned with the length of licensing hours, Monday – Sunday 11am to 10.30pm and opening times 11am – 11pm, Monday to Sunday.</p> <p>We are worked about noise, anti-social behaviour and criminal behaviour in areas not associated with the restaurant.</p> <p>We are concerned with security i.e. patrons removed from premises after closing and gates in West St be locked.</p>

PREVENTION OF CRIME & DISORDER

Will the licensee be responsible for clearing patrons from the outside dining area and securing the area and gates on closing?

PUBLIC SAFETY

There is an open area to the rear of our property which is not closed off, for parking and deliveries and for fire escape to above Axe News and our bedroom window. We are worried that patrons may explore this area.

PREVENTION OF PUBLIC NUISANCE

We are worried about excess noise from the outside area, 7 days a week from 11am to 11pm. We are also worried about patrons using the outside area behind our property as a urinal, or criminal activity i.e. drug taking, as at night this area is dark and hidden.



RESTURANT



OUTSIDE SEATING



RESTURANT & OUTSIDE SEATING

Older Area Ground Property



Access by Side of Restaurant

GARAGE



FIRE ESCAPE.

AZURA TAPAS & COCKTAILS – OPERATING SCHEDULE

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be always available at the premises that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

An incident log shall be kept at the premises and made available on request to the Police or an authorized officer of the Local Authority.

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately.

Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

All delivery orders shall be to a registered residential or business address. There shall be no deliveries to public/communal areas or open spaces.

All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents must be logged and kept on the premises for the duration of the employment; and must be retained for a minimum of 12 months after employment has ceased.

There shall be no vertical drinking at the premises. Table service only.

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the Police and local authority officers upon reasonable request.

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.

No beers, ales, lagers, or ciders of 6% ABV or above to be sold

A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of

sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be located in the immediate vicinity of the entrances and exit to the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the Internet, customers should be informed of Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training.

Training records shall be kept at the premises and made available upon request to either Police Officers or an authorized officer of the Local Authority.

AZURA TAPAS & COCKTAILS - AMENDMENT TO APPLICATION

RECEIVED 03/08/23

Dear Neighbours and Local Residents

I read your representations and I understand your concerns. This business is a Tapas Bar. We are not a Pub or Bar. We will sell food and drinks. The hours and activities we apply are reasonable; Sale of Alcohol On and OFF License from 11:00 Am Until 22:30 and Closing hours at 23:00. We didn't apply for any type of music or entertainment. Any music will be background music

We already proposed robust conditions to protect the 4x license objectives. From CCTV. Under 25 Challenge, Dispersal Policy and many others.

The business wants to have the best relationship with the neighbours and local authorities.

In our application we apply for ON and OFF License sales, but OFF Sales are not very important for our business. We don't mind removing the OFF-License Sales from our Application. So will amend our application for Sale of Alcohol ON LICENSE from 11:00 Am Until 22:30