

Agenda for Licensing and Enforcement Sub Committee

Wednesday, 29th January, 2025, 9.30 am

Members of Licensing and Enforcement Sub Committee

Councillors: K Bloxham (Chair), R Jefferies and S Westerman

Venue: Tale Room, Blackdown House, Honiton

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(or group number 01395 517546)

Tuesday, 21 January 2025



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- 1 Minutes of the previous meeting held on 11 December 2024 (Pages 3 - 5)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 6 To consider an application for the variation of a premises licence for the premises known as Heydays at Unit 1 Sideshore, Queens Drive, Exmouth EX82GD (Pages 6 - 58)

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 11 December 2024

Attendance list at end of document

The meeting started at 9.35 am and ended at 11.30 am

18 Minutes of the previous meeting held on 6 November 2024

The minutes of the previous meeting held on 6 November 2024 were approved and signed as a true record.

19 Declarations of interest

There were no declarations of interest.

20 Matters of urgency

There were no matters of urgency.

21 Confidential/exempt items

There were three items which officers recommended should be dealt with in Part B at minute numbers 23, 24 and 25.

22 Exclusion of 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 in the agenda, is likely to be disclosed and on balance the public interest is in discussing these items in private session (Part B).

23 Hackney carriage driver suitability

The purpose of the item was to determine whether the person named in the report is a fit and proper person to be licensed as a Hackney carriage driver in line with legislative and policy requirements.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The applicant was in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the background to the application and the reasons as to why it had come before the Sub Committee.

In response to a question from the Sub Committee, the Licensing Officer advised that officers had supported the applicant in trying to obtain the documentation as required under the Council's Hackney Carriage and Private Hire Licensing Policy.

The applicant had no questions for the Licensing Officer.

The applicant confirmed that they had nothing to add to their application and then answered questions from the Sub Committee.

The Chair thanked the applicant for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The applicant left the meeting.

24 **Private hire driver suitability**

The purpose of the item was to determine whether the person named in the report is a fit and proper person to be licensed as a private hire driver in line with legislative and policy requirements.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The applicant, accompanied by a support person, was in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the reasons why the application had been brought to the Sub Committee.

The Licensing Officer answered questions from members of the Sub Committee.

The applicant had no questions for the Licensing Officer.

The applicant addressed the Sub Committee and answered members' questions.

The Chair thanked the applicant for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The applicant and the support person left the meeting.

25 **Application for consent to street trade**

The purpose of the item was to determine an application for consent to street trade following receipt of valid representations during the period for consultation which had not been withdrawn.

The Chair introduced the members of the Sub Committee and the officers in attendance.

The applicant was in attendance.

The Legal Advisor, Giles Salter, outlined the procedure to be followed.

The Licensing Officer, Lee Staples, presented the report and outlined the key points regarding the relevant legislation and the Council's Street Trading Policy.

The Licensing Officer answered members' questions regarding the relevant definitions in the Street Trading Policy.

Members were made aware of issues encountered by applicants using the Council's online street trading consent application process.

The applicant addressed the Sub Committee and highlighted key issues from their application.

There were no further questions from members.

The Chair thanked the applicant for attending and advised that the Sub Committee would retire to make its decision which would be notified in writing within five working days.

The applicant left the meeting.

Attendance List

Councillors present:

O Davey
R Jefferies
J Whibley (Chair)

Councillors also present (for some or all the meeting)

S Westerman

Officers in attendance:

Sarah Jenkins, Democratic Services Officer
Phillippa Norsworthy, Licensing Manager
Giles Salter, Solicitor
Lee Staples, Licensing Officer
Rebecca Heal, Solicitor
Shannon Manning, Licensing Officer

Councillor apologies:

Chair

Date:

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 29 January 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



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

Report summary:

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

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That members consider an application for the variation of a premises licence for the premises known as Heydays at Unit 1 Sideshore, Queens Drive, Exmouth EX82GD.

The applicant seeks to add the sale of alcohol for consumption OFF the premises.

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

APPENDIX D – Representations received

APPENDIX E – Response from Police

APPENDIX F – Responses to Notice of Hearing

APPENDIX G – Copy of Current Premises Licence (PLWA0877)

APPENDIX H – Current licence conditions

APPENDIX I – Section 9: Statement of Licensing Policy

APPENDIX J – Pool of Conditions- Glassware & Bottles

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 Exe Exe Exe Ltd for a variation to premises licence PLWA0877 at Heydays, Unit 1 Sideshore, Queens Drive, Exmouth. These premises were formerly known as Mickeys Beach Bar & Patisserie Glacerie.
- 1.2 A location map is provided at **APPENDIX C**.
- 1.3 The application is provided at **APPENDIX A**.
- 1.4 The premises are currently licensed for a number of activities as follows:
 - The sale of alcohol for consumption ON the premises
 - Performance of live music
 - Playing of recorded music
 - Provision of late night refreshment
- 1.5 The variation application seeks to add the sale of alcohol for consumption OFF the premises. This will apply to one specific area of the premises only. It is referred to in the application as the bakery/retail space. This is the area of the premises formerly known as the Patisserie Glacerie. This is on the ground floor only.
- 1.6 Any alcohol sold for consumption OFF the premises from this area will be Monday to Sunday: 11:00 – 18:30 only.
- 1.7 Premises plans, submitted with the application, are provided at **APPENDIX B**. Three plans are provided in total:

- Site
- Ground floor
- First floor

- 1.8 Plans are submitted to clearly identify the area where the OFF sale of alcohol is proposed to take place. The area is identified by way of a solid green line on both the site and ground floor plans.
- 1.9 The first floor plan is provided for information only.
- 1.10 Other than identifying the proposed OFF sales area, the plans remain the same as the current approved plans. There is no extension to the overall licensed area and no amendment to the footprint of the building.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police
No representations. Additional information received from the Police Licensing Officer is provided at **APPENDIX E**.
- 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 Exmouth Town Council and two Exmouth residents. Details of their representations are attached at **APPENDIX D**.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX F**, including a summary of key points submitted by all parties.

4 Proposed Operating Schedule

- 4.1 The current premises licence is provided at **APPENDIX G**. All existing licensable activities and the existing permitted hours will remain as they currently are.

- 4.2 The existing licence includes a number of conditions. These are set out at **APPENDIX H**.
- 4.3 The conditions at Annexe 2 (**APPENDIX H**) are those offered when the licence was initially applied for in 2021, or conditions agreed at the time with the Responsible Authorities.
- 4.4 The conditions at Annexe 3 (**APPENDIX H**) were added as a result of a licensing sub-committee hearing, on grant of the initial licence in 2021.
- 4.5 The applicant is not seeking to remove any of the existing conditions, they will remain.
- 4.6 No additional conditions have been offered within the variation application. Reference is made within the application to CCTV, a Challenge 25 policy and also noise levels. The licence already includes conditions relating to these matters.

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.

Nuisance

- 5.6 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.

Cumulative Impact

- 5.7 Section 9.1 – 9.8 of the Policy refers to cumulative impact of licensing premises on the promotion of the licensing objectives. This is set out at **APPENDIX I.**

Pool of Conditions

- 5.8 When submitting a new or variation application applicants are required to set out the steps they intend to take to promote the licensing objectives.
- 5.9 East Devon District Council has produced a pool of licensing conditions to assist applicants in completing their application. This is intended to provide a range of conditions to cover most eventualities. Applicants should consider offering conditions that are appropriate to their particular application.
- 5.10 The Pool of Conditions are set out within Appendix C of the Statement of Licensing Policy.
- 5.11 Representations received refer to suggested conditions contained within the Pool of Conditions, specifically those relating to glassware and bottles at Section 32. Provided at **APPENDIX J.**

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

Public Safety

- 6.1 Section 2.8 of the Guidance states:

Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

6.2 Public Nuisance

Section 2.21 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

- 6.3 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.

- 6.4 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

- 6.5 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

- 6.6 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.
- 6.7 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.

6.8 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.

6.9 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.

- 6.10 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

- 6.11 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 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.
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.

(b) Section 20 - Mandatory condition relating to exhibition of films – not required

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

(c) Section 21 - Door Supervision

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

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

6. Human Rights Act 1998

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

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

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

7. Appeals

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

8. Review Provisions

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

9. Police Closure

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

10. Surveillance Camera Code of Guidance-June 2013

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

Guiding principle one states:

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

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

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 set out within the report and require no further comment.



East Devon
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@eastdevon.gov.uk
 Telephone: 01404 515616

* required information

Section 1 of 18

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

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

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

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.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

96,500

Section 3 of 18

VARIATION

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

☒

Yes

☐

No

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

☐

Yes

☒

No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The addition of 'off sales' of alcohol (Canned/bottled beers/wines) from our bakery/retail store which is attached to our current premises from 11:00 - 18:30 7 days a week.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

☐

Yes

☒

No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

☐

Yes

☒

No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

☐ Yes ☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

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

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations.

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

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

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

We propose to have off sales in the GREEN area as identified on the plans with the corresponding key stating 'off sales alcohol area'. This is our bakery/retail space where we will be serving our breads, sweet & savoury pastries, grab n go food, deli items, local cheese & charcuterie, soft drinks, coffee's, ice creams & 'lifestyle' products.

We propose opening from 08:00 until 18:30 with alcohol sales from 11:00 - 18:30 Monday - Sunday .

Section 14 of 18

ADULT ENTERTAINMENT

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

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

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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 above, list below.

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

Continued from previous page...

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

Currently our license is for ON sales only. We would like to add a variation here so we have the ability to sell OFF sales in our bakery/retail store along side our ON sales. We are not asking for OFF sales in our main restaurant.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

THE PREVENTION OF CRIME & DISORDER
PUBLIC SAFETY
THE PREVENTION OF PUBLIC NUISANCE
THE PROTECTION OF CHILDREN FROM HARM

b) The prevention of crime and disorder

CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES.
ALL OFF SALES WILL ONLY TAKE PLACE IN THE GREEN AREA AS IDENTIFIED ON THE PLANS WITH THE CORRESPONDING KEY STATING 'OFF SALES ALCOHOL AREA'.

c) Public safety

CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES
CHALLENGE 25

d) The prevention of public nuisance

CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES
CHALLENGE 25
NOISE LEVELS DISPLAYED WHEN LEAVING THE PREMISES

e) The protection of children from harm

Continued from previous page...

CHILDREN TO BE ACCOMPANIED BY ADULTS AT ALL TIMES

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

Non domestic Rateable Value Band A No rateable value to £4,300 B £4,301 to £33,000 C £33,001 to £87,000 D £87,001 to £125,000 E £125,001 and above

A multiplier will be applied to premises in Bands D & E where they are used exclusively or primarily for the supply of alcohol for consumption on the premises Band D X2 (£900) Band E X3 (£1905)

* Fee amount (£)

450.00

DECLARATION

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

☒ 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

ANDREW BRIGGS

* Capacity

DIRECTOR

* Date

19 / 11 / 2024
dd mm yyyy

Add another signatory

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

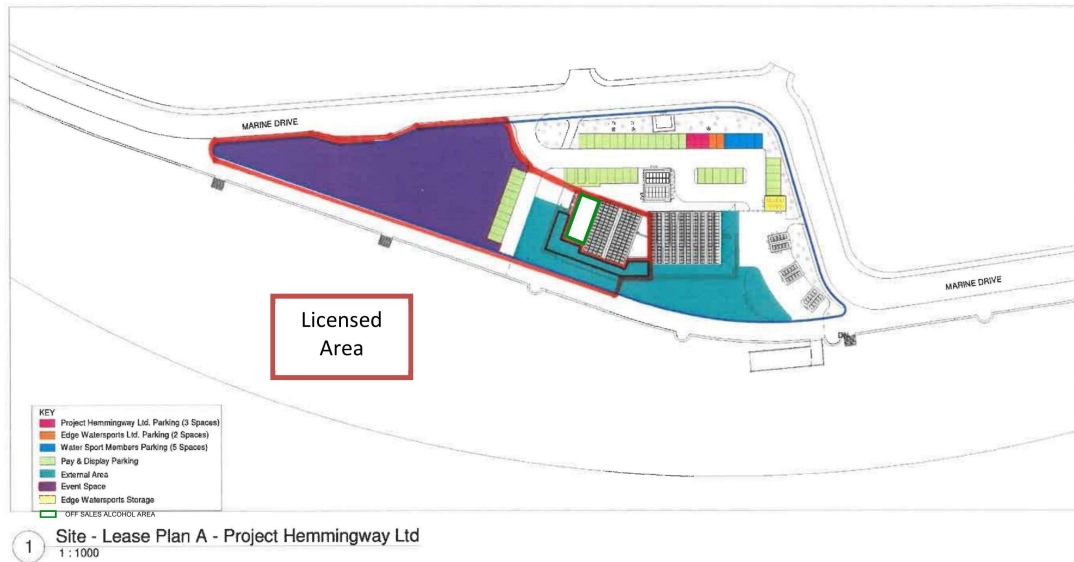
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/change-1> to upload this file and continue with your application.

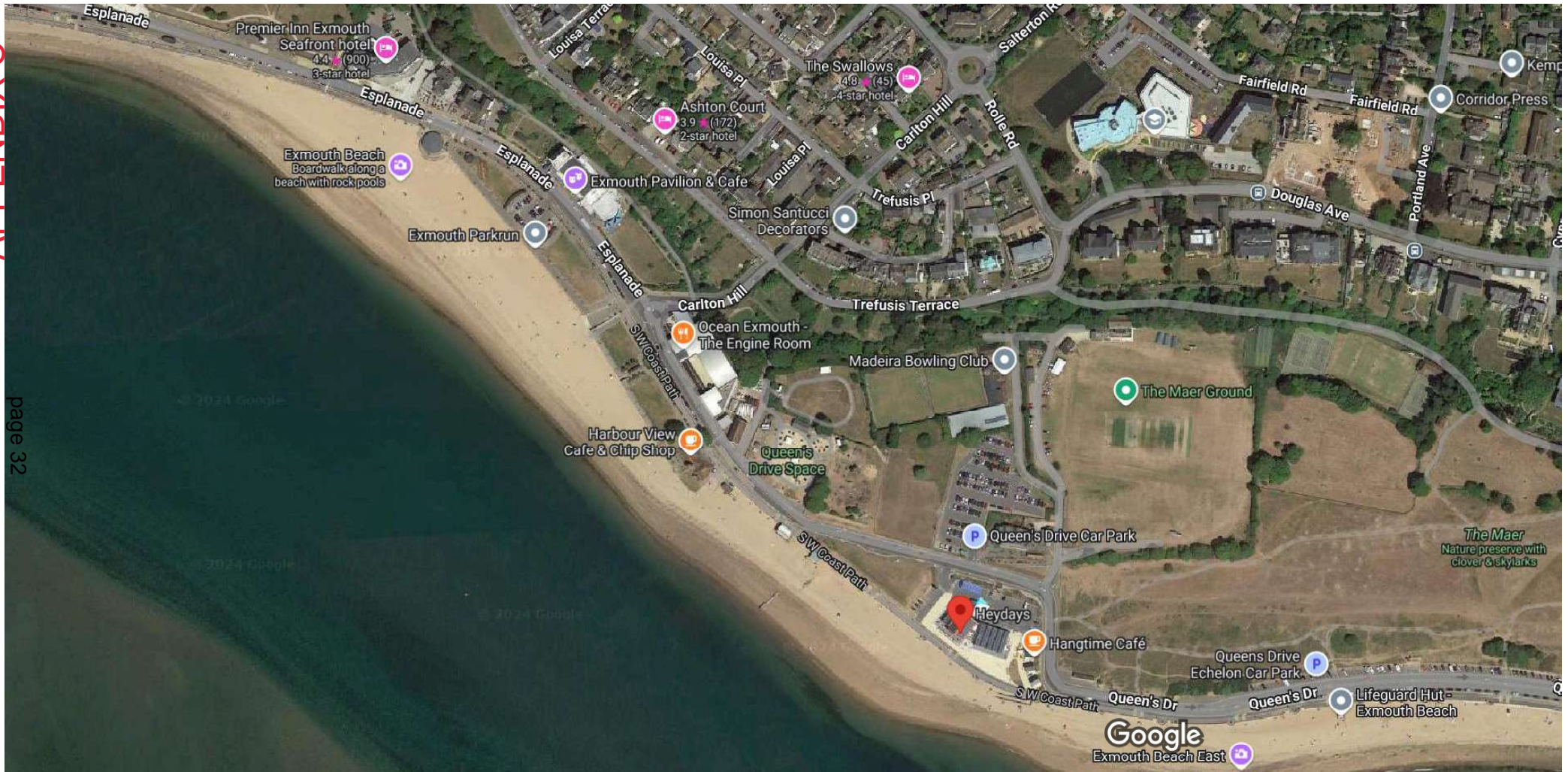
Don't forget to make sure you have all your supporting documentation to hand.

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

OFFICE USE ONLY

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





REPRESENTATIONS LIST

APPENDIX D

Application No:	059059	Application Date:	5 December 2024
Licence Type:	Premises Licence WITH Alcohol	Licence No:	PLWA0877
Application Type:	Variation Application		
Premises:	Heydays Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.		
Applicant:	Exe Exe Exe Limited Leanne House, 6 Avon Close, Weymouth, Dorset, DT4 9UX.		

Person making Representation: Exmouth Town Council
Exmouth Town Hall, First Floor, St Andrews Road, EXMOUTH, Devon, EX8 1

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance & Children from Harm

Details:

Dear Licencing,

Thank you for consulting us on the above application.

The application was discussed by the Planning Committee on Monday 16 December.

Members objected to variation of the application for off-sales of alcohol from the bakery/retail space under the licencing outlined below:

The Prevention of crime and disorder
Members were concern that the application would increase the risk for anti-social behaviour in an area where there is well documented evidence of anti-social behaviour.

Public Safety
Concerns were raised regarding the consumption of alcohol in a beach environment, particularly due to the associated risks to water safety.

Prevention of Public Nuisance
The consumption of alcohol may lead to anti-social behaviour, which could disrupt the family-friendly nature of the area.

Protection of Children from Harm
The presence of alcohol consumption increases the risk of anti-social behaviour, potentially compromising the family-friendly atmosphere and the safety of children.

Please note that I am now on annual leave until 13 January. In my absence, please correspond with Lisa Bowman, who is cc'd in this email.

Thank you in advance.

Rons Boatman
Planning Administrator/Tourism Officer

Evidence:

Suggestion:

Application No: 059059

Premises: Heydays

Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Jenny Heslop

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:

Dear Committee

RE: Ref 059 059 re licence number PLWA 0877

1 We wish to make representations in respect of the above application.

2 This is an application to vary the existing licence now held by Exe Exe Exe Limited to permit off sales of alcohol for premises known as Heydays (formerly Mickey's) for the original bakery area.

3 The fact that the application is limited to the former bakery area of course ignores the wider impact of the effect of an offside licence which will enable alcoholic drinks to be consumed near or at distance to its present location.

4 We are residents in [REDACTED] and therefore directly overlook the location site. We are concerned about the variation of this licence to allow off sales.

5 We recognise that representations must relate to the likely effect of the application for variation under the licensing objectives.

6 Our representations relate to ALL FOUR of the licensing objectives as follows:

a) The premises open directly onto a popular beach area used by the public including children throughout the year.

b) The variation, if granted, will allow the applicant to sell alcohol for consumption off the premises without any restrictions beyond those already contained in the licence.

c) There is clearly no restriction on the containers in which alcoholic drinks will be served.

d) We note that the applicant, perhaps surprisingly, has not offered any additional conditions to those on the existing licence whilst seeking a variation.

e) IT FOLLOWS THEREFORE THAT THERE IS A REAL RISK THAT GLASS CONTAINERS WILL BE TAKEN FROM THE LICENCED PREMISES IF THE VARIATION IS GRANTED, ONTO THE BEACH AREA WITH THE OBVIOUS AND DANGEROUS IMPACT THAT DISCARDED GLASS WILL REMAIN ON THE BEACH AND PRESENT OPPORTUNITIES FOR HARM AND DISORDER. BROKEN GLASS IS AN OBVIOUS DANGER TO SAFETY FOR BOTH ADULTS AND CHILDREN AND PETS AND GLASS CONTAINERS PROVIDE UNFORTUNATELY AN OPPORTUNITY FOR VIOLENT DISORDER.

f) We consider and represent that without appropriate conditions preventing glass containers to be supplied to persons able to leave the premises will create obvious and dangerous circumstances which are likely to impact adversely on the licensing objectives of the

Prevention of crime and disorder
Public Safety
Prevention of public nuisance
Protection of children from harm

g) The above situation represents real obvious and significant dangers which should be properly represented in appropriate conditions as set out in East Devon's Licensing Policy Statement at Annex C, in particular S17, S18, S23 and S24.

h) In short, we represent that there should be a condition preventing the applicants from serving alcohol for consumption off the premises in glass or in other non-biodegradable material.

7 Further, we represent that the sub-committee should consider the "cumulative impact" of this variation as set out in its own policy statement at Section 9.

a) There are now a significant number of premises along the beach which are able to sell alcohol either as a public house or a simple bar facility.

b) The cumulative impact of this variation to the licence may lead to the area becoming saturated with premises selling alcohol. Already Hangtime has a licence and if this application is granted, it will in effect create a new public house/bar in a small area where there are already nearby a large number of similar facilities.

8 We believe these views are shared by other residents.

These are our representations.

Evidence:

Application No: 059059

Premises: Heydays

Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Suggestion:

In short, we represent that there should be a condition preventing the applicants from serving alcohol for consumption off the premises in glass or in other non-biodegradable material.
Further, we represent that the sub-committee should consider the "cumulative impact" of this variation as set out in its own policy statement at Section 9.

Application No: 059059

Premises: Heydays

Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Person making Representation: Martin S Heslop

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:

Dear Committee

RE: Ref 059 059 re licence number PLWA 0877

1 We wish to make representations in respect of the above application.

2 This is an application to vary the existing licence now held by Exe Exe Exe Limited to permit off sales of alcohol for premises known as Heydays (formerly Mickey's) for the original bakery area.

3 The fact that the application is limited to the former bakery area of course ignores the wider impact of the effect of an offside licence which will enable alcoholic drinks to be consumed near or at distance to its present location.

4 We are residents in [REDACTED] and therefore directly overlook the location site. We are concerned about the variation of this licence to allow off sales.

5 We recognise that representations must relate to the likely effect of the application for variation under the licensing objectives.

6 Our representations relate to ALL FOUR of the licensing objectives as follows:

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c) There is clearly no restriction on the containers in which alcoholic drinks will be served.

d) We note that the applicant, perhaps surprisingly, has not offered any additional conditions to those on the existing licence whilst seeking a variation.

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f) We consider and represent that without appropriate conditions preventing glass containers to be supplied to persons able to leave the premises will create obvious and dangerous circumstances which are likely to impact adversely on the licensing objectives of the

Prevention of crime and disorder
Public Safety
Prevention of public nuisance
Protection of children from harm

g) The above situation represents real obvious and significant dangers which should be properly represented in appropriate conditions as set out in East Devon's Licensing Policy Statement at Annex C, in particular S17, S18, S23 and S24.

h) In short, we represent that there should be a condition preventing the applicants from serving alcohol for consumption off the premises in glass or in other non-biodegradable material.

7 Further, we represent that the sub-committee should consider the "cumulative impact" of this variation as set out in its own policy statement at Section 9.

a) There are now a significant number of premises along the beach which are able to sell alcohol either as a public house or a simple bar facility.

b) The cumulative impact of this variation to the licence may lead to the area becoming saturated with premises selling alcohol. Already Hangtime has a licence and if this application is granted, it will in effect create a new public house/bar in a small area where there are already nearby a large number of similar facilities.

8 We believe these views are shared by other residents.

These are our representations.

Evidence:

Application No: 059059

Premises: Heydays

Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

Suggestion:

In short, we represent that there should be a condition preventing the applicants from serving alcohol for consumption off the premises in glass or in other non-biodegradable material.
Further, we represent that the sub-committee should consider the "cumulative impact" of this variation as set out in its own policy statement at Section 9.

From: NORSWORTHY Mike 57895
Sent: 12 December 2024 13:02
To: Licensing EDDC
Subject: RE New premises licence variation application received - Heydays (formerly Mickeys) - PLWA0877

Team,

I have considered this application in its entirety and note that the applicant wishes to add OFF sales of alcohol to the licence.

I am aware that alcohol sales near the beach/sea is an emotive subject, I have therefore given this application some considerable thought.

I have taken into account the proximity of these premises to the beach/sea and assessed the possible impact of the four licensing objectives and in particular THE PREVENTION OF CRIME AND DISORDER, PUBLIC SAFETY and THE PROTECTION OF CHILDREN FROM HARM

I have spoken at length with the applicant, for 7 years he has owned and run a similar premises, Swim in Lyme Regis, also situated on the sea front, these premises have OFF sales of alcohol allowed until 8pm, this application is only to allow alcohol sales as an OFF sale until 6.30pm.

I have spoken with Sgt Gareth Gosling, the Licensing Sgt in Dorset, he has confirmed that there have never been any issues at the applicants premises in Lyme Regis.

The premises subject of this application have never come to the attention of the police in a detrimental way since the licence was granted in 2021 and although they have recently changed hands I see no reason to believe this situation will change, I do not feel that the addition of OFF sales to the licence will have an impact on CRIME AND DISORDER in the area.

Taking THE PROTECTION OF CHILDREN FROM HARM into account, the alcohol on sale at these premises will be high end products, wines and craft beers which I do not believe will be attractive to the younger generation, they also have a robust Challenge 25 condition on their licence. I do not feel there will be an issue with under age sales at these premises.

With regards to PUBLIC SAFETY there is an argument that allowing OFF sales from these premises may lead to a danger of drunken individuals entering the sea after purchasing and consuming alcohol from these premises. I have taken this into account and also acknowledge the fact that there is a general store with an OFF licence only 200 metres away on the same road on the sea front with a much larger offering of alcohol than these premises intend to offer.

I have also considered that a local businessman operated a "Pop up" Bar/Trailer on the sea front last summer selling similar products to those intended to be offered from these premises and there were no issues arising from the presence of that bar.

Taking all of the above into account I am satisfied that the applicant has adequately demonstrated how they will promote the licensing objectives and I do not feel that this variation will have a detrimental

effect on the Licensing Objectives, I will therefore not be offering any objection/representation to this application.

Kind regards

Mike

Mike Norsworthy

Alcohol Licensing Officer (Teignbridge and East Devon)
Prevention Department
Devon and Cornwall Police

Heydays – Responses to Notice of Hearing

Applicant

Exe Exe Exe Ltd	
Hearing Unnecessary	No
Attending	Yes – DPS Sam Beaton. Being able to explain, in detail the intention of the business and business use, the practical application of the license variance, examples, pricing and comparisons from another existing business that sells similar items, both for us as a business and other "competitors" locally. To clarify the sale of alcohol from the premises.
Supporting documents	N/A
Summary of key points	<p><u>SUMMARY OF KEY POINTS</u></p> <p>Prevention of crime and disorder CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES. ALL OFF SALES WILL ONLY TAKE PLACE IN THE GREEN AREA AS IDENTIFIED ON THE PLANS WITH THE CORRESPONDING KEY STATING 'OFF SALES ALCOHOL AREA'.</p> <p>Public safety CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES CHALLENGE 25</p> <p>Prevention of public nuisance CCTV INSTALLED BOTH INSIDE & OUTSIDE THE PREMISES CHALLENGE 25 NOISE LEVELS DISPLAYED WHEN LEAVING THE PREMISES</p> <p>The protection of children from harm CHILDREN TO BE ACCOMPANIED BY ADULTS AT ALL TIMES</p>

Other Persons

1. Exmouth Town Council	
Hearing Unnecessary	
Attending	Yes – Councillor Graham Deasy will represent the Town Council Planning Committee.
Supporting documents	N/A

Summary of key points	<p>Prevention of crime and disorder Concerns that the application may increase the risk of anti-social behaviour in an area with documented issues.</p> <p>Public Safety Alcohol consumption in a beach environment raises risks to water safety.</p> <p>Prevention of public nuisance Alcohol consumption could lead to anti-social behavior, disrupting the family-friendly nature of the area.</p> <p>Protection of children from harm Alcohol consumption may increase anti-social behavior, threatening children's safety and the area's family-friendly atmosphere.</p>
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2.	Martin Heslop
Hearing Unnecessary	No
Attending	Yes
Supporting documents	N/A
Summary of key points	<p>1 Our representations relate to all Four of the Licensing Objectives.</p> <p>2 We rely on our representations as set out in our original document email of 2nd January 2025 at 15.23 at Paragraph 6(a) - (h).</p> <p>3 We are concerned that if this application is granted without any condition as to the nature of the containers in which alcoholic drink is to be sold for consumption off the premises, there is a real risk that glass containers will be taken onto the beach with the obvious and dangerous impact that discarded glass will remain on the beach and present opportunities for harm and disorder (See Paragraph 6(e)).</p> <p>4 (a) The Committee may note that the Existing Licence at Annex 2 - setting out conditions consistent with the Operating Schedule - clearly recognises the dangers we set out by specifying <i>“All drinks served in the outside event space will be served in polycarbonate containers and except for the sale of a bottle of wine/champagne, no bottles containing beverages of any kind whether opened or sealed shall be given to customers for consumption in the outside event space.”</i> Although this contains an exemption in respect of glass for wine and champagne, it will be remembered this is for consumption ON THE PREMISES - and not to be taken away. (b) The applicants do not seem to have addressed this issue at all.</p>

	<p>5 Correction We wish to make a correction to our original representations. At Para 7 (b), we suggested that this application, if granted, would “create a new public house/bar in a small area ...” We have now had the opportunity to inspect the full application and clearly this is not correct. The application, if granted, will create an off sales retail outlet for alcoholic drinks. However, our representations remain the same in relation to the cumulative effect of this variation as set out at Para 7 (a) - (b) and invite the Committee to consider its Policy Statement at Section 9 dealing with Cumulative Impact.</p> <p>6 In addition to our original representations, we support those of the Exmouth Town Council, based upon the concern that if granted this variation will be likely to increase alcohol consumption in this family friendly beach area and risk an increase in anti-social behaviour potentially compromising the family friendly enjoyment and atmosphere of the area and the safety of children.</p> <p>7 We suggest therefore that these representations relate to all four of the Licensing Objectives and the application contains no attempt to address them.</p>
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3.	Jenny Heslop
Hearing Unnecessary	No
Attending	Yes (Mr Heslop will speak on behalf of Mrs Heslop)
Supporting documents	N/A
Summary of key points	<p>(please note all submission below matches that received from Mr Heslop above)</p> <p>1 Our representations relate to all Four of the Licensing Objectives.</p> <p>2 We rely on our representations as set out in our original document email of 2nd January 2025 at 15.23 at Paragraph 6(a) - (h).</p> <p>3 We are concerned that if this application is granted without any condition as to the nature of the containers in which alcoholic drink is to be sold for consumption off the premises, there is a real risk that glass containers will be taken onto the beach with the obvious and dangerous impact that discarded glass will remain on the beach and present opportunities for harm and disorder (See Paragraph 6(e)).</p> <p>4 (a) The Committee may note that the Existing Licence at Annex 2 - setting out conditions consistent with the Operating Schedule - clearly recognises the dangers we set out by specifying “<i>All drinks served in the outside event space will be served in polycarbonate containers and except for the sale of a bottle of wine/champagne,</i></p>

	<p><i>no bottles containing beverages of any kind whether opened or sealed shall be given to customers for consumption in the outside event space.” Although this contains an exemption in respect of glass for wine and champagne, it will be remembered this is for consumption ON THE PREMISES - and not to be taken away. (b) The applicants do not seem to have addressed this issue at all.</i></p> <p>5 Correction We wish to make a correction to our original representations. At Para 7 (b), we suggested that this application, if granted, would “create a new public house/bar in a small area ...” We have now had the opportunity to inspect the full application and clearly this is not correct. The application, if granted, will create an off sales retail outlet for alcoholic drinks. However, our representations remain the same in relation to the cumulative effect of this variation as set out at Para 7 (a) - (b) and invite the Committee to consider its Policy Statement at Section 9 dealing with Cumulative Impact.</p> <p>6 In addition to our original representations, we support those of the Exmouth Town Council, based upon the concern that if granted this variation will be likely to increase alcohol consumption in this family friendly beach area and risk an increase in anti-social behaviour potentially compromising the family friendly enjoyment and atmosphere of the area and the safety of children.</p> <p>7 We suggest therefore that these representations relate to all four of the Licensing Objectives and the application contains no attempt to address them.</p>
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East Devon District Council
 Blackdown House
 Border Road
 Heathpark Industrial Estate
 Honiton
 EX14 1EJ
 DX 48808 Honiton
 Tel: 01404 515616



Licensing Act 2003 Premises Licence

PLWA0877

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

Part 1 - Premises Details

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

Heydays

Unit 1, Sideshore, Queens Drive, EXMOUTH, EX8 2GD.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	Noon	11:00pm
	Outside event space	Noon	11:00pm
	1 April - 31 October only		
F. Playing of recorded music (Indoors)	Sunday to Wednesday	7:00am	Midnight
	Thursday to Saturday	7:00am	1:00am
	Monday to Sunday	7:00am	11:00pm
	1 April - 31 October only		
I. Late night refreshment (Indoors)	Sunday to Wednesday	11:00pm	Midnight
	Thursday to Saturday	11:00pm	1:00am
	Monday to Sunday	11:00pm	1:00am
	1 April - 31 October only		
J. Supply of alcohol for consumption ON the premises only	Sunday to Wednesday	11:00am	Midnight
	Thursday to Saturday	11:00am	1:00am
	Monday to Sunday	11:00am	11:00pm
	Outside event space		
	1 April - 31 October only		



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THE OPENING HOURS OF THE PREMISES			
	Description	Time From	Time To
Outside event space	Sunday to Wednesday	7:00am	12:30am
	Thursday to Saturday	7:00am	1:30am
	Monday to Sunday	7:00am	Midnight
	1 April - 31 October only		
External Terraces		7:00am	Midnight
Permitted hours for use of the two external terraces (one at ground floor & one at first floor level)			

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- J. Supply of alcohol for consumption ON the premises only



Licensing Act 2003
Premises Licence

PLWA0877

Part 2

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

Exe Exe Exe Limited
[REDACTED]

Leanne House, 6 Avon Close, Weymouth, Dorset, DT4 9UX.
Telephone [REDACTED]

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

Exe Exe Exe Limited

15990542

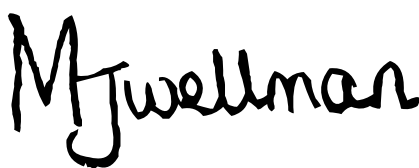
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Samuel Robert BEATON
[REDACTED]

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

Licence No. 2013/01841/02SPEN

Issued by Southampton



Melanie Wellman
Director of Governance and Licensing



Licensing Act 2003 Premises Licence

PLWA0877

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

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

Licensing Act 2003

Premises Licence

PLWA0877

ANNEXES continued ...

- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 (2) For the purposes of the condition set out in paragraph 7(1) -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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



Licensing Act 2003 Premises Licence

PLWA0877

ANNEXES continued ...

- penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
7. (a) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification applied by the body designated as the authority under Section 4 of the Video Recordings Act 1984.
- (b) Where the film classification is not specified or where the Licensing Authority notifies the licence holder that Section 20(3) (b) applies to the film in question, admission of children must be restricted in accordance with any recommendations made by the Licensing Authority.
8. Any person used to carry out a security activity as required under any condition of this licence/certificate must be licensed or authorised to do so by the Security Industry Authority.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Doorstaff

Security Industry Authority (SIA) registered door supervisors will be employed at the premises from 2100hrs on Friday and Saturday nights at a ratio of 2 for the first 150 customers and an additional 1 for every 75 customers thereafter.

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

The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:

- (i) Full name
- (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
- (iii) The date and time they began their duty
- (iv) The date and time they completed their duty
- (v) The full details of any agency through which they have been allocated to work at the premises if appropriate

The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.



Licensing Act 2003 Premises Licence

PLWA0877

ANNEXES continued ...

The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer of a responsible authority to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

CCTV

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

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

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

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

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

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

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

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

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

All drinks served in the outside event space will be served in polycarbonate containers.

The outside event space shall be supervised at all times it is open for the sale of alcohol.

Except for the sale of a bottle of wine/champagne, no bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption in the outside event space.

All exit doors from the premises shall be regularly checked to ensure they function satisfactorily. Records shall be kept and shall be available for inspection by any authorised officer of a responsible authority on request.

All fire doors shall be maintained unobstructed, self-closing, and shall not be held open other than with approved devices.

Licensing Act 2003 Premises Licence

PLWA0877

ANNEXES continued ...

All furniture and temporary decorations shall be located so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Notices explaining the actions to be taken in the event of a fire will be prominently displayed and maintained in good condition.

Access shall be provided for emergency vehicles and kept clear at all times.

Fire drill and emergency light testing shall be conducted regularly. Records shall be kept and shall be available for inspection by any authorised officer of a responsible authority on request.

Adequate and appropriate first aid equipment shall be available on the premises.

At least one trained First Aider shall be on duty when the public are present in the premises.

The acoustic lobby installed at the main entrance to the premises shall be retained so as to minimise the breakout of noise.

The waste receptacle building and all waste bins will be kept clean and maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises.

There shall be no disposal of bottles into waste receptacles between 2300hrs and 0700hrs to minimise disturbance to nearby premises.

The premises shall have a waste collection contract with a reputable local company.

Ventilation and extract systems shall be maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises.

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

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

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

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

Between 0700hrs - 2300hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must

Licensing Act 2003 Premises Licence

PLWA0877

ANNEXES continued ...

not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 2300hrs - 0200hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 2300hrs - 0700hrs, the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz - 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

After 2300hrs, all external doors and windows at the premises shall be kept shut, except for:

- access and egress through external doors; and
- the two windows on the first-floor glazed restaurant area which face directly onto the sea.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The permitted hours for use for all external areas to the Bar & Restaurant and Cafe building are Monday to Sunday 07.00 - 00.00 only.

During the hours of operation of the premises (including operation of the outside event space), sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the outside event space. This area shall be swept and / or washed, and litter and sweepings collected and stored by close of business, in accordance with a refuse storage arrangement approved in writing by the Council.

Clear and legible notices shall be prominently displayed at all exits to the outside event space, warning patrons of the dangers of swimming.

At all times when the outside event space is in operation, portable toilets shall be located in the outside events space and shall be available for use by the public.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence will be confined to the areas that are outlined in **RED** on the plans submitted to and approved by the Licensing Authority.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Doorstaff

Security Industry Authority (SIA) registered door supervisors will be employed at the premises from 2100hrs on Friday and Saturday nights at a ratio of 2 for the first 150 customers and an additional 1 for every 75 customers thereafter.

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

The following details for each door supervisor will be contemporaneously entered into a register kept for that purpose:

- (i) Full name
- (ii) SIA licence/badge number, and registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
- (iii) The date and time they began their duty
- (iv) The date and time they completed their duty
- (v) The full details of any agency through which they have been allocated to work at the premises if appropriate

The register shall be available for inspection and copying at all reasonable times by an authorised officer of a responsible authority.

The register shall be kept at the premises at all times and be so maintained as to enable an authorised officer of a responsible authority to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.

CCTV

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

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

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

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

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

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

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

with copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

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

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

All drinks served in the outside event space will be served in polycarbonate containers.

The outside event space shall be supervised at all times it is open for the sale of alcohol.

Except for the sale of a bottle of wine/champagne, no bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption in the outside event space.

All exit doors from the premises shall be regularly checked to ensure they function satisfactorily. Records shall be kept and shall be available for inspection by any authorised officer of a responsible authority on request.

All fire doors shall be maintained unobstructed, self-closing, and shall not be held open other than with approved devices.

All furniture and temporary decorations shall be located so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Notices explaining the actions to be taken in the event of a fire will be prominently displayed and maintained in good condition.

Access shall be provided for emergency vehicles and kept clear at all times.

Fire drill and emergency light testing shall be conducted regularly. Records shall be kept and shall be available for inspection by any authorised officer of a responsible authority on request.

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The acoustic lobby installed at the main entrance to the premises shall be retained so as to minimise the breakout of noise.

The waste receptacle building and all waste bins will be kept clean and maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises.

There shall be no disposal of bottles into waste receptacles between 2300hrs and 0700hrs to minimise disturbance to nearby premises.

The premises shall have a waste collection contract with a reputable local company.

Ventilation and extract systems shall be maintained so as to prevent noxious smells causing any nuisance to the public or nearby premises.

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

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

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

Between 0700hrs - 2300hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) from music noise level emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase by more than +5 dB at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 2300hrs - 0200hrs, the noise climate of the surrounding area must be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured at monitoring points over any 15 minute period with entertainment taking place, must not increase at the agreed monitoring points when compared against the agreed comparable LAeq 15min, with no entertainment taking place.

Between 2300hrs - 0700hrs, the unweighted (i.e. linear) equivalent noise level (LZeq) in the 63Hz - 125 Hz 1/1-Octave bands, measured using the "fast" time constant at the monitoring points, over any 15 minute period with entertainment taking place, must not increase when compared against the agreed comparable LZeq 15min, with no entertainment taking place.

After 2300hrs, all external doors and windows at the premises shall be kept shut, except for:

- access and egress through external doors; and
- the two windows on the first-floor glazed restaurant area which face directly onto the sea.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The permitted hours for use for all external areas to the Bar & Restaurant and Cafe building are Monday to Sunday 07.00 - 00.00 only.

During the hours of operation of the premises (including operation of the outside event space), sufficient measures will be taken to remove and prevent litter and waste arising or accumulating from customers in the outside event space. This area shall be swept and / or washed, and litter and sweepings collected and stored by close of business, in accordance with a refuse storage arrangement approved in writing by the Council.

Clear and legible notices shall be prominently displayed at all exits to the outside event space, warning patrons of the dangers of swimming.

At all times when the outside event space is in operation, portable toilets shall be located in the outside events space and shall be available for use by the public.

Licensing Act 2003 Statement of Licensing Policy

Section 9

9. Cumulative Impact

9.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.

9.2 The licensing authority may receive representations from either a responsible authority or an interested party (see glossary), that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application. The onus is on any person or organisation making such representations to prove any assertion that the addition of the premises concerned would cause the cumulative impact claimed.

9.3 The licensing authority will not operate a quota of any kind, which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

9.4 In determining whether to adopt a 'saturation' policy for a particular area the licensing authority may, among other things: -

- gather evidence or identification of serious and chronic concern from a responsible authority or local residents about nuisance and disorder
- identify the area from which problems are arising and the boundaries of that area
- make an assessment of the causes
- adopt a policy about future applications for premises within that area.

9.5 If a 'saturation' policy is adopted it will be reviewed regularly to assess if it is needed any longer or should be expanded.

9.6 Where there is evidence that a particular area of the District is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.

As such the licensing authority may take into account matters such as: -

- The character of the surrounding area

- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences
- The nature and character of the proposed operation.

9.7 The licensing authority recognises that as well as the licensing function there are a number of mechanisms for addressing issues of unruly behaviour that occurs away from licensed premises. These include: -

- planning controls
- ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
- powers to designate parts of the District as places where alcohol may not be consumed publicly
- confiscation of alcohol in designated areas
- police enforcement of the law with regard to disorder and anti-social behaviour
- police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise
- the power of police, local businesses or residents to demand a review of the licence
- enforcement action against those selling alcohol to people who are already drunk.

9.8 The licensing authority may address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the District.

Where the number, type and density of licensed premises are unusually high, serious problems of nuisance and disorder have sometimes arisen or have begun to arise outside or some distance from the licensed premises. This has been described as the cumulative impact of the increasing capacity of all premises taken together. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these cases than the usual impact from customers of individual premises. In these circumstances, a licensing authority may receive representations from a responsible authority or interested party that an area is becoming saturated with certain premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. Such representation would need to be based on evidence.

This might be creating exceptional problems of disorder and nuisance over and above the impact from any individual premises. If this is the case it might lead the licensing authority to consider, through consultation, if adopting a special policy not to grant further licences would be one solution in helping to control the problem. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the control of the licence holder but is still a key aspect of such control and will be part of a holistic approach to the management of the evening economy in towns and city centres.

32. Glassware & Bottles

- S17 All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers.
- S18 All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers from the (specify areas).
- S19 All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers during the following events or occasions (enter specified events).
- S20 Except for the sale of a bottle of wine for consumption with a meal in the (designate area of the premises), no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar.
- S21 No drinking vessel, glass or bottle may be taken from the premises.
- S22 No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
- S23 The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- S24 Bottle bins shall be provided at the exit doors and staff shall take steps to prevent bottles and glasses being taken from the premises.
- S25 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.