

# REPRESENTATIONS LIST

**Application No:** 051627

**Application Date:** 30 December 2020

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

**Premises:** Ric's Kitchen  
Castle Mount, Victoria Place, AXMINSTER, Devon, EX13 5NH.

**Applicant:** Ric's Kitchen

**Person making Representation:** Devon & Cornwall Police  
Licensing Department, Launceston Police Station, Launceston, Cornwall, PL1

**Representation Accepted:** Representation has been accepted

**Reason:** Agreed Position

**Details:** Team,  
With regards to the above New Premises Licence application I would like to make a representation under the Prevention of Crime and Disorder and Protection of Children from Harm, full details of my representation are contained in my email below and you will see that the applicant has agreed to the amendments/additions I have requested.  
Cheers  
Mike  
Mike Norsworthy  
Alcohol Licensing Officer (Teignbridge and East Devon)  
Prevention Department  
HQ Middlemoor  
Devon and Cornwall Police

Dear Richard,  
I am currently dealing with your application for a new premises licence as above, having reviewed your application I would like the following amendments/additions to your application.  
Firstly I see that you have asked for the hours for the sale of alcohol to be:-  
Monday to Saturday 11:00 to 23:00  
Sunday 12:00 to 22:30

You have also asked for the opening hours for your premises to be:-  
Monday to Saturday 09:00 to 23:00  
Sunday 09:00 to 22:30

I see that you have also said, "Drinking up time: 20mins after the stop of sale of alcohol. eg: We stop serving at 23:00. customers will have until 23:20 to finish and exit premises."  
Unfortunately as you have said that your opening hours finish at 23:00 Mon to Sat and 22:30 on a Sunday, the premises would need to be closed and empty of customers by these times. As I would normally expect 30 mins drinking up time prior to the premises closing I would therefore ask that your times for the sale of alcohol are:-  
Monday to Saturday 11:00 to 22:30  
Sunday 12:00 to 22:00  
This would allow for a 30 minute drinking up time prior to your premises closing.

Under the Prevention of Crime and disorder Licensing Objective you have offered the following condition in relation to CCTV:-  
"A CCTV camera will be installed in the premises covering the bar and restaurant area using cloud based software for recording. All recordings will be kept for 31 days and will be available to any authority that requires it."

I would like this replaced with the following condition:-  
PREVENTION OF CRIME AND DISORDER  
CCTV

The premises shall install operate and maintain a 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

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

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

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

Under the protection of Children From harm you have put:-

"The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving license or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDERAGE SALES PREVENTION regularly."

And

"A register of refused sales shall be kept and maintained on the premises"

I would like this replaced with:-

PROTECTION OF CHILDREN FROM HARM

CHALLENGE 25

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.

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

If you are in agreement with these amendments/additions I ask that your reply to me as such and I will advise the Local Authority of the result of our mediation.

Kind regards

Mike

Mike Norsworthy

Hi Mike. I am 100% fine with the changes suggested and am on board.

Kind regards

Ric.

Hi Mike

All noted regarding the conditions.

With regard to the sale of alcohol hours, just to be absolutely clear, can I ask you just to confirm if you are also seeking the finish times for Christmas Eve & New Year's Eve to also be pulled back, which would then allow for a 30 minute drinking up time on those days too? At present the proposed finish time for the sale of alcohol is 00:30, matching the premises closing times. Are you seeking the alcohol timings on Christmas Eve & New Year's Eve to be amended to 11:00 - 00:00? With the opening hours remaining at 09:00 - 00:30.

If you could confirm this I would be grateful.

Richard - if this is the intention could you also please confirm that you accept these amendments, following the Police representation?

Regards

Lesley Barber

Hi Lesley,

Yes that would be my expectation, 30 mins drinking up time on Xmas Eve and NYE.

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Cheers  
Mike  
Mike Norsworthy

I accept the amendmendments and yes, you can pull back the sale of alcohol hours on New year's Eve and Xmas Eve till midnight allowing drinking up time to close at 00:30

**Evidence:**

**Suggestion:**

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**Premises:** Ric's Kitchen  
Castle Mount, Victoria Place, AXMINSTER, Devon, EX13 5NH.

**Person making Representation:** Anthony Mayers

**Representation Accepted:** Representation has been accepted

**Reason:**

**Details:**

15th January 2021  
Dear Sir/Madam

Ref No - 051627  
Applicant - Ric's Kitchen, Castle Mount, Victoria Place Axminster EX13 5NH

We live in the home adjoining the above property and are writing as we already have concerns regarding noise from the business above and wish to make you aware of our concerns in respect of the Licensing Application, in our view this will significantly add to the issues that already exist.

Having been business owners/being a business owner currently, we did not expect no noise, however the amount of noise is having a considerable impact on our lives when at home. We run a construction company and at least one of us, if not both, is regularly at home attending to paper work/admin work.

Since the business opened we have been impacted by what we feel is an unacceptable amount of noise nuisance and noise at unacceptable hours of the day from this business.

We are now concerned that the proposal in the application to extend the hours, serve alcohol, have live entertainment will significantly add to these problems. I have listed below some of the issues we have experienced so far and given that so far the Kitchen has not been open as much as it could have been, due to the Covid restrictions throughout the last year, we foresee this happening more frequently and being more of an issue for us.

Our home was originally part of a larger Georgian house which was split into two separate buildings; our home and the offices/cafe, we assume the Acoustic Sound Transmission survey was carried out when this occurred in accordance with Building Regulations Part E. Our home is connected to the premises all along one side, we have included a plan that roughly shows the layout for information. Unfortunately the adjoining wall (an interior wall of the original house) is the side on which our main living areas are located and in addition to this our cellar runs under the floor of the premises (we have the flying freehold for the cellar). In addition to Ric's Kitchen being on this side we are adjoined to the Castle Public House on the other (currently this is closed). We had a good relationship with the last managers of the pub and no problems, we believe that this maybe due to the fact that the wall between us and the pub is approx 600mm thick and the wall adjoining us and the cafe, being an original interior wall, is only 150mm thick. We are concerned that if the committee grant the request for live music to Ric's Kitchen and then the pub reopens we will be surrounded by noise from both sides & in some instances probably at the same time.

The issues we have experienced since Ric's Kitchen opened are as follows -

- o Music/base vibrations through our property
- o Early morning/weekends (6am) piano playing/singing/radio
- o Coffee machine/kitchen work
- o Customers parking bikes outside of our sitting room window
- o Tables and chairs on pavement in front of our property (though this has now been addressed)

We have approached the owner/manager of the business and suggested that soundproofing the adjoining wall and under the cafe floor would help to reduce this. Unfortunately, so far we have found him to be less than understanding or helpful in finding a way to solve these issues. We would like to discuss soundproofing as we feel this could be a good solution and have offered to soundproof our side of the wall as well, to maximise the effectiveness of this, at our own cost. Obviously there would be little point in doing this if both sides were not done.

Having been in business/currently running a business we are not against someone running a business from this property, but this is our home and we would like to be able to relax, and enjoy our home with as little impact as possible from neighbouring business activities. We all need to work and some noise is to be expected, particularly during daytime (8-5/weekdays). The weekends, we would hope would be quieter to allow us to enjoy our home.

Having read the Licensing Act Policy 2021 - 2026 on the EDDC website in conjunction with the License Application we can see that Ric's Kitchen have supplied conditions which appear to be linked to the business only and not the impact the business could have/is having on us. Ric's Kitchen is proposing to be open for 7 days a week, with live music licensed for Mondays, Fridays and all weekend, at different times.

We would ask the Licensing Committee to help us solve some/all of the issues that we have now and that we believe, will significantly increase without some mitigation, if the application is granted in its current form.

We would ask the committee to consider

- o Restricting the number of days open to Mon - Sat
- o Restricting the opening hours to Mon - Fri a -5, Sat 8 -2, Closed Sunday
- o Limit the number of live sessions

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**Premises:** Ric's Kitchen

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If you feel it would be helpful we would be happy, for you to do a site visit if this helps you understand the location better and we can enlarge further on any of the issues we are currently experiencing if required.

Mr A and Mrs G Mayers

**Evidence:**

**Suggestion:**

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**Application No:** 051627

**Premises:** Ric's Kitchen  
Castle Mount, Victoria Place, AXMINSTER, Devon, EX13 5NH.

**Person making Representation:** Gillian Mayers

**Representation Accepted:** Representation has been accepted

**Reason:**

**Details:**

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Mr A and Mrs G Mayers

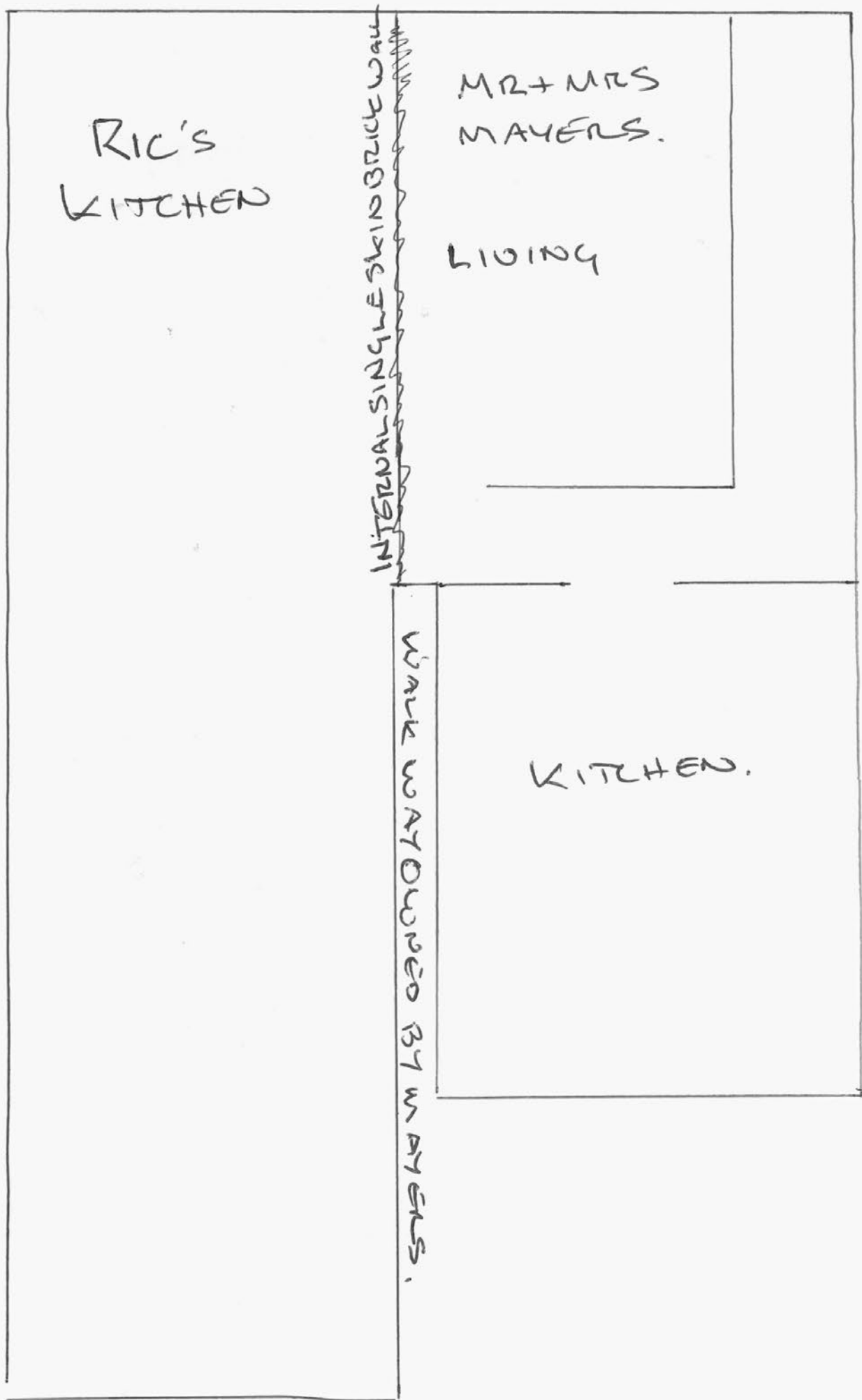
**Evidence:**

**Suggestion:**

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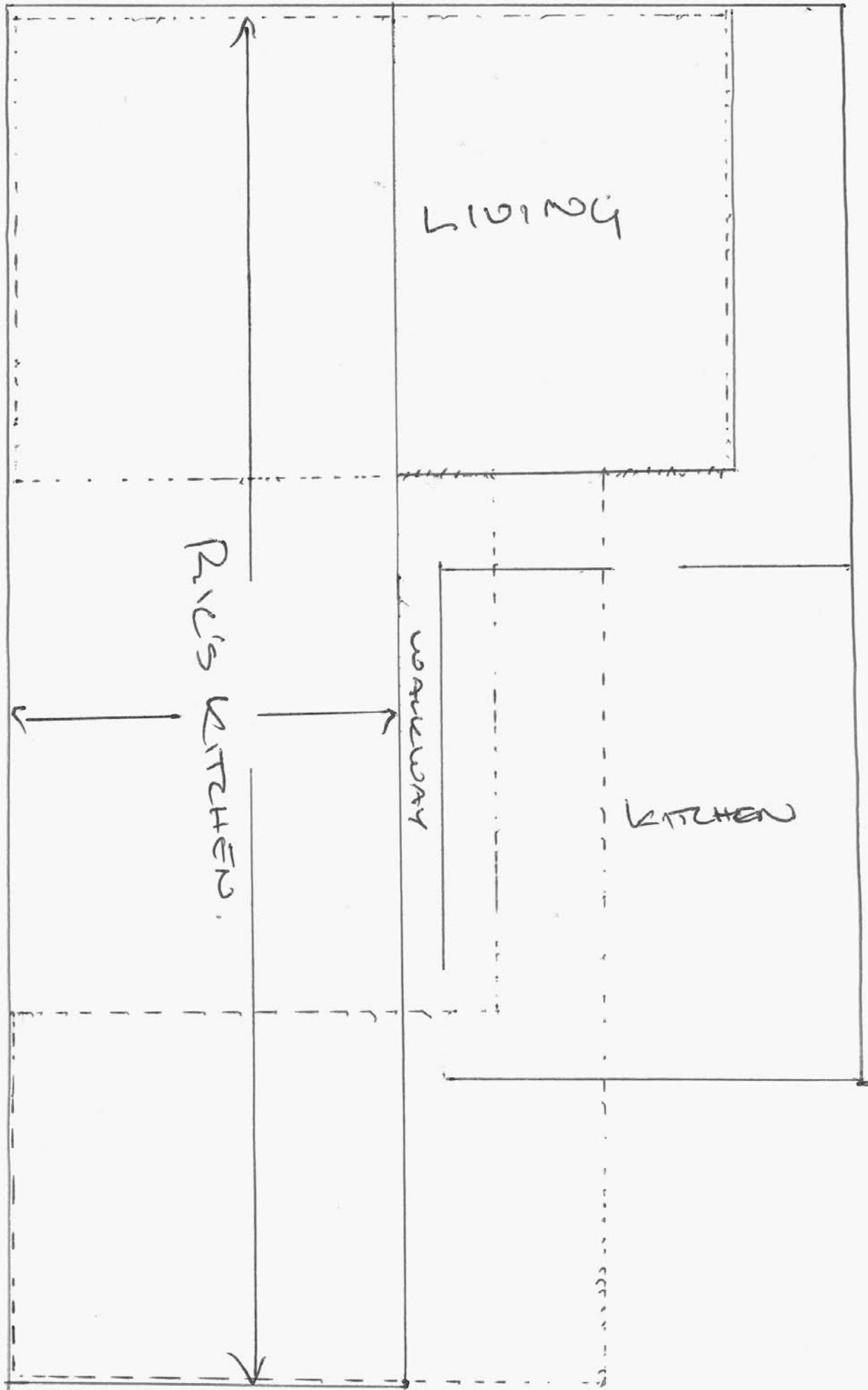
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GROUND FLOOR PLAN.





DOTTED LINE IS CELLAR LAYOUT



# Mr & Mrs Mayers



To whom it may concern.

Please find enclosed a copy of a planning refusal for an outside covered area at the Castle public house (because of excessive noise) though we realise this has nothing to do with us when originally refused or the licence application that Ric's kitchen has submitted, we are in a similar situation to the owners of the castle flats that are located next to the castle public house, who have had noise nuisance from the public house itself over the years and we do not wish to end up in the same situation with Ric's kitchen next to us with inside entertainment.

We hope the committee will take this into consideration

Yours faithfully

Mr A Mayers & Mrs G Mayers

TOWN AND COUNTRY PLANNING ACT 1990  
REFUSAL OF PLANNING PERMISSION

<b>Applicant:</b>	Punch Taverns	<b>Application No:</b>	07/2532/FUL
<b>Address:</b>	Jubilee House 2nd Avenue Burton On Trent DE14 2WF	<b>Date of Registration:</b>	7 September 2007
<b>Agent:</b>	Quay Design Assoc Ltd	<b>Date of Decision:</b>	2 November 2007
<b>Address:</b>	45 Egremont Road Exmouth EX8 1RX		
<b>Proposal:</b>	Retention of cover for part of patio garden		
<b>Location:</b>	The Castle Castle Hill Axminster Devon EX13 5NN		

The Council hereby refuses permission to retain the development described in the application and the plans attached thereto for the following reasons :

1. The covered shelter by virtue of its proximity to nearby residential properties causes a loss of amenity to those properties by reason of excessive noise and therefore is contrary to government guidance, Policies D1 (Design and Local Distinctiveness) and EN15 (Control of Pollution) of the East Devon Local Plan 1995-2011 and Policy CO16 (Noise Pollution) of the Devon Structure Plan 2001-2016.

NOTE FOR APPLICANT

- 1 THE PLANS RELATING TO THIS DECISION NOTICE ARE ENCLOSED.



Head of Planning & Countryside Services

Please refer to the accompanying notes which form part of this decision notice.

