

REPRESENTATIONS LIST

Application No: 051801 **Application Date:** 26 March 2021
Licence Type: Premises Licence WITH Alcohol **Licence No:** N/A
Application Type: New Application

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Applicant: St Austell Brewery Co Ltd
63 Trevarthian Road, St Austell, Cornwall, PL25 4BY.

Person making Representation: Robert Pond
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

16th April 2021
Dear Licensing Manager
We are writing to object to the application by the Blue Ball Inn for a change to its licence. The proposed licence would permit very late activities including late night refreshment until 01:00 on Fridays and Saturday, outdoor live music until 23:30 Monday to Sunday, indoor recorded music and dance until midnight Monday to Sunday, supply of alcohol for consumption on or off the premises until midnight Monday to Thursday and Sunday and until 01:00 on Friday and Saturday. These proposals are completely inappropriate for a public house in an otherwise quiet semi-rural hamlet. The entrance/exit to the inn and its beer garden face directly onto the road with residential properties immediately opposite and adjacent. Consequently, the noise is likely to be a considerable nuisance to local residents. Even with the current licence there has been a history of unsocial behaviours late at night needing the intervention of the Environmental Health Department, though not recently under the management of the current franchise holder. We are very concerned about possible change to our local community which would be very detrimental to the wellbeing of its residents. It is important that the pub is integral to the community, and we are concerned that the new licence might be exploited by publican in the future.
Yours sincerely
Robert and Hazel Pond

Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: Hazel Pond
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

16th April 2021

Dear Licensing Manager

We are writing to object to the application by the Blue Ball Inn for a change to its licence. The proposed licence would permit very late activities including late night refreshment until 01:00 on Fridays and Saturday, outdoor live music until 23:30 Monday to Sunday, indoor recorded music and dance until midnight Monday to Sunday, supply of alcohol for consumption on or off the premises until midnight Monday to Thursday and Sunday and until 01:00 on Friday and Saturday. These proposals are completely inappropriate for a public house in an otherwise quiet semi-rural hamlet. The entrance/exit to the inn and its beer garden face directly onto the road with residential properties immediately opposite and adjacent. Consequently, the noise is likely to be a considerable nuisance to local residents.

Even with the current licence there has been a history of unsocial behaviours late at night needing the intervention of the Environmental Health Department, though not recently under the management of the current franchise holder. We are very concerned about possible change to our local community which would be very detrimental to the wellbeing of its residents. It is important that the pub is integral to the community, and we are concerned that the new licence might be exploited by publican in the future.

Yours sincerely

Robert and Hazel Pond

Evidence:

Suggestion:

Person making Representation: R Pascoe
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

17th April 2021

Dear Licensing Manager

We are writing to object to the application by the Blue Ball Inn for a change to its Licence.

The licence application would permit late activities including late night refreshment until 01 .00 on Fridays and Saturday, supply of alcohol on and off the premises until 1 .00am Friday and Saturday, outdoor live music until 23.30 Monday to Sunday amongst other requests.

These proposals are inappropriate for a public house in what is a quiet semi-rural/open countryside location. The entrance and exit to the beer garden faces onto Clyst Road which has residential properties directly opposite and adjacent to.

Considerable concern is placed with the supply of alcohol externally until a late hour will undoubtedly generate anti-social behaviour and loud social noise in the beer garden. Thus creating disturbance what is generally a very quiet area. This is already the case on occasion.

Equal concern is placed with regards to the request for live music in the beer garden until 23.30 and recorded music until midnight. The disturbance to the local residents is already taking place.

In fact on Saturday 17th April the Pub had live music playing during the day at a considerable volume for several hours.

Within the Annexe 2 of the application it states that there will be noise checks taking place but it does not mention how or at what time this will be measured, how it will be controlled or if the check will be made by an independent body, just that it will be logged and the log made available to an authorised officer.

We are regular visitors to the Pub, we enjoy the service that it gives and it is of course an important part of the community, however the area is quiet and has been for the 12 years we have lived in the area. The quiet, semi-rural location was one of the reasons we moved to our home.

The application we feel will create issues for our home and family in the future.

As stated we therefore must unfortunately object to change in their licence.

Yours sincerely

Mr and Mrs R Pascoe

Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: C Pascoe

Representation Accepted: Representation has been accepted

Reason:

Details:

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Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: Michael Rist
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Ind Estate, Honiton
17/04/21
Dear Licensing Manager
We are writing to object to an application by the Blue Ball in for a change to its license.
This proposed licence would permit very late activities to include late night refreshments until 1:00am on Fridays and Saturday, outdoor live music until 23:30pm, Monday to Sunday, indoor recorded music and dance until Midnight Monday to Thursday and Sunday and until 1:00am on Friday and Saturday.
Those proposals are absolutely inappropriate for a public house in an otherwise quiet semi-rural hamlet. The entrance/exit to the inn and its beer garden face directly onto the road with residential properties immediately opposite and adjacent. Consequently the noise is definitely going to be a nuisance to all local residents.
Even with the current licence there has been a history of insocial behaviour late at night and needing the interventions of the Environmental Health Dept, although not recently under the management of the current franchise holder. We are very concerned about possible changes to our local community which could be very detrimental to the wellbeing of its residents. It is important that the pub is integral to the community and we are concerned the proposed licence could very well be exploited by a publican in the future.
Yours sincerely
Michael and Dianne Rist

Evidence:

Suggestion:

Person making Representation: Dianne Rist
[REDACTED]

Representation Accepted: Representation has been accepted

Reason:

Details:

Licensing
East Devon District Council
Blackdown House
Border Road
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Michael and Dianne Rist

Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: Jonathan Sewell

Representation Accepted: Representation has been accepted

Reason:

Details:

17 April 2021

OBJECTION TO LICENCE CHANGES - The Blue Ball, Sandygate, Exeter EX2 7JL Ward - Clyst Valley Ward

Name of Applicant - St Austell Brewery Co Ltd

Dear Licensing Manager

We are writing to object to the application by The Blue Ball Inn for a change to its license. Please accept the below as our representation.

The proposed changes include extending opening hours 7 days a week, most notably until 1:30am on Friday and Saturday nights, as well as permitting outdoor music until 11:30pm 7 days a week.

OBJECTION TO OUTDOOR MUSIC UNTIL 11:30pm -

Our property is next to the beer garden of the Blue Ball and therefore the music especially will impact us. All bedrooms and living areas are on that side of the house with no option to use different rooms when the music is playing, which can be heard indoors from every room even with all windows and doors closed.

When live music has been played in the beer garden it has also been unbearably loud in our garden deeming it unusable on those occasions which has a detrimental impact on us as a family.

We have a 5 year old who has been kept awake on previous occasions when music has been played at the Blue Ball. On the last occasion (August Bank Holiday Weekend 2020) the advertised finish time for live music was 5:00pm but this was not adhered to. On 30 August 2020 the manager finally stopped the music at 7:40pm after I made a number of calls to him to discuss the false advertising and the fact that the noise was so loud in our sons bedroom he could not sleep.

It should also be noted that since reopening this week (w/c 12 April 2021) recorded music has been played outside during opening hours without a licence. On Saturday 17 April 2021, a live band played music in the beer garden until 7pm. This was not advertised nor did the manager do us the courtesy of informing us it would be happening. We also believe this occurred without the appropriate licence. On visiting the pub to speak with the manager, I was informed that the music would stop at 6pm but it continued for an additional hour, again impacting my sons sleep.

It is worth noting that on every occasion the live music acts have set up at the front of the beer garden backing on to the road. Amp speakers have also been used increasing the impact of noise to our property. For these reasons we do not believe that any licensing rules will be adhered to in the future and will certainly be exploited.

On Sunday 17 April, during a conversation with Adam, he informed me that we had his word that he had no intention on playing music past 6pm. I made it clear that our concern was that if the license was authorised as per the application that he could play music past 6pm if he so wished and we would not have a leg to stand on in terms of making a compliant. I made the suggestion that if he has no intention of playing music past 6pm then he needed to change the application. Adam stated that he would contact the solicitors to discuss making the necessary changes. To date I am unaware if this has happened and I informed Adam that I would be submitting this objection to the application as it stands.

Adam suggested that should he wish to play music past 6pm on 'a rare occasion' (his words) then he would pay for my family to stay in a hotel. The fact that the manager has deemed the only way for us to get any peace in our own home is for my family to leave our property is unacceptable and a complete infringement on our human rights. It is also a clear acceptance by the manager that the entertainment is detrimental to us as neighbours.

SUGGESTED CHANGES TO APPLICATION -

Given the proximity to neighbouring properties and the historic issues with noise problems due to outdoor music we would propose that, if external music must be played, that music of any nature is not permitted past 6pm at the latest and is limited to 2 hours at most to ensure we are able to use our garden for the remainder of the day and that we have peace in our own home.

In addition, we would request that amp speakers are not used and that live music acts set up at the top of the beer garden, adjacent to the road rather than next to it and that the musicians are in line with the back of the pub building as apposed to next to our house. This may go some way to limit the noise impact and enable us to use some of the rooms in our property without hearing the music.

OBJECTION TO EXTENDED SUPPLY OF ALCOHOL HOURS -

Another request of the new license is to enable the supply of alcohol until midnight on Sunday - Thursday and until 1am on Friday and Saturday. We believe this will increase the noise and unsociable behaviour late at night.

We have experienced drunk people sitting, standing and climbing over our joining wall from the pub beer garden on to our driveway (which has caused damage), leaving rubbish and plastic pint glasses on our property and because of this we believe increasing the licensing hours will generate more of this behaviour. We have tried to raise these issues with The Blue Ball on previous occasions to be told that once the customers are off their property there is nothing they can do about their behaviour so this increases our concerns should the changes be implemented. The proposal even mentions consideration being given to the requirement for door staff (SIA License Holders) which speaks volumes that this once quiet local pub is going to implement changes that will increase alcohol related problems, for example drunkenness and violence. As neighbours, this creates a huge concern for not only noise disturbance but issues with damage to our property and vehicles if customers are ejected from the pub due to a dispute or disturbance within.

This is not a town centre establishment and the licensing rules should reflect that.

For note, on Saturday 17 April we witnessed two men, one of whom was too drunk to stay on his feet, wrestle each other over the pub fence and roll into the road. An approaching car had to slam their breaks on to avoid hitting the men. No members of staff dealt with the situation. This occurred at 7pm which adds weight to our concerns that extending the licensing hours will create additional antisocial behaviour.

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

SUGGESTED CHANGES TO APPLICATION -

Given the semi-rural nature of the Blue Ball Inn and the extremely close proximity to the neighbouring properties, we believe the current opening hours and supply of alcohol hours are appropriate and should remain unchanged.

OBJECTION TO CHANGES TO ALLOW MUSIC AND DANCING INSIDE UNTIL MIDNIGHT -

The application mentions regular Friday Night Discos as an example. During the previous 3 lockdowns, music and disco lights have been utilised in the pub (we assume for private purposes or to trial the equipment) and this has been heard clearly from our property. Therefore, this change will impact us and our neighbours in terms of noise disturbance.

I am sure the landlord and others may say we shouldn't have bought a house next door to a pub if we didn't want to experience noise. However, prior to purchasing the house in 2014, we were frequent visitors to The Blue Ball Inn and it was a friendly village pub renowned as somewhere you could go for good food and a quiet drink. It was never a 'party' pub or live music venue which it appears the current application is trying to turn it into. We would never have bought a house next to a pub like that. The Blue Ball Inn is in the middle of approx. 8 properties on a quiet lane, it is not in the middle of town where noise is expected or in the middle of a wide-open space where neighbours will not be impacted.

SUGGESTED CHANGES TO APPLICATION -

Given the close proximity to neighbouring properties and the historic issues with noise problems due to music we would propose that, if music must be played, then music of any nature within the property is not permitted past 7pm.

SUMMARY -

We draw your attention to the East Devon Council Licensing Act Policy 2021-to-2026 which should be considered when reviewing each licensing application. The policy states that 'the Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights' (section 3.2 summary). The aforementioned Article 8 of the European Convention on Human Rights states that residents have a 'right to the peaceful enjoyment of the home'.

The East Devon Council Licensing Act Policy 2021-to-2026 also states that whilst consideration must be given to enable businesses to operate their premises without unnecessary restraints, the licensing authority will also give 'regard to wider considerations affecting the residential population and the amenity of any area' (section 3.2.7).

We believe that allowing the requested changes to the license will have a detrimental impact on the wellbeing of the residents. Whilst we appreciate that the last 12 months have been hard for public houses due to restrictions, consideration needs to be given to the locality of this particular public house and the close proximity of neighbouring properties and a determination made that the requests are not suitable.

I think consideration needs to be given to the fact that the manager has given residents his word that he will not play live music after 6pm and therefore any license should reflect that. Also consideration should be given to any temporary requests (TEN) to extend those timings as the manager has clearly accepted that it will negatively impact residents resulting in the only option for peace would be to leave the property overnight at his suggestion.

On a final note, if the license was granted as set out, during the time we have lived here, we will have gone from a quiet semi-rural location to having a 12,000+ sporting arena with late licensing, a 250 bedded hotel with functions capacity and no doubt a 24hr license and a local country pub with a license to play outdoor music until 11.30am all within 300 yards of the house we bought because of its location. Recognising not all of these are within the jurisdiction of East Devon, the impact of neighbouring authority areas must surely be a consideration. We appreciate things develop and have to move on, but the issues outlined above (noise, disturbances, property damage) are created in no small part to the alcohol and entertainment licenses. The granting of this request will not only add to this but will be detrimental to our quality of life in our own home and garden as well as any future sale of our property.

Yours Sincerely
Mr & Mrs Sewell

Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: Devon & Cornwall Police
Licensing Department, [REDACTED]

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: Please find attached and in the email trail below the agreed position I have come to with the applicant for the above New premises licence. I wish to make a representation under all 4 licensing objectives to have the conditions contained in the attached operating schedule included on the licence should it be granted

REMOVE

A CCTV system shall be maintained and operated at all times when the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets) and any external area associated with the premises. The images will be kept for a period of 31 days and the images will be produced to a Police employee in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. The CCTV will be operating in accordance with the relevant Data Protection legislation. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put equipment back into action.

TO BE REPLACED WITH

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 31 days with date and time stamping.

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

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

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

REMOVE

The DPS/Manager will undertake a risk assessment in relation to any night where regulated entertainment and/or sale of alcohol is provided at the premises past 23:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives.

Where the risk assessment identifies the need for SIA door staff, these will be provided at the times and in the numbers deemed by the risk assessment to be appropriate in the circumstances

TO BE REPLACED WITH

The DPS will undertake a risk assessment in relation to any night where regulated entertainment and/or sale of alcohol is provided at the premises past 23:00hrs in order to determine whether SIA door staff will be required to promote the licensing objectives.

Where the risk assessment identifies the need for SIA door staff, there will be a minimum of two these will be provided at the times deemed by the risk assessment to be appropriate in the circumstances

REMOVE

The risk assessment is to be in written form and kept at the premises for at least 30 days after the night or series of nights to which it relates.

TO BE REPLACED WITH

The risk assessment is to be in written form and kept at the premises for at least 30 days after the night or series of nights to which it relates and be made available to responsible authorities upon request.

REMOVE

A Challenge 25 policy shall operate in the premises in relation to the sale of alcohol.

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.

All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.

The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Age Standards Scheme) or accredited Military identification cards.
TO BE REPLACED WITH

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.

ADD NEW CONDITION - 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.

Evidence:

Suggestion:

Application No: 051801

Premises: Blue Ball (The) - new
Sandygate, EXETER, Devon, EX2 7JL.

Person making Representation: H Sewell

Representation Accepted: Representation has been accepted

Reason:

Details:

17 April 2021

OBJECTION TO LICENCE CHANGES - The Blue Ball, Sandygate, Exeter EX2 7JL Ward - Clyst Valley Ward

Name of Applicant - St Austell Brewery Co Ltd

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SUGGESTED CHANGES TO APPLICATION -

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This is not a town centre establishment and the licensing rules should reflect that.

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SUMMARY -

We draw your attention to the East Devon Council Licensing Act Policy 2021-to-2026 which should be considered when reviewing each licensing application. The policy states that 'the Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights' (section 3.2 summary). The aforementioned Article 8 of the European Convention on Human Rights states that residents have a 'right to the peaceful enjoyment of the home'.

The East Devon Council Licensing Act Policy 2021-to-2026 also states that whilst consideration must be given to enable businesses to operate their premises without unnecessary restraints, the licensing authority will also give 'regard to wider considerations affecting the residential population and the amenity of any area' (section 3.2.7).

We believe that allowing the requested changes to the license will have a detrimental impact on the wellbeing of the residents. Whilst we appreciate that the last 12 months have been hard for public houses due to restrictions, consideration needs to be given to the locality of this particular public house and the close proximity of neighbouring properties and a determination made that the requests are not suitable.

I think consideration needs to be given to the fact that the manager has given residents his word that he will not play live music after 6pm and therefore any license should reflect that. Also consideration should be given to any temporary requests (TEN) to extend those timings as the manager has clearly accepted that it will negatively impact residents resulting in the only option for peace would be to leave the property overnight at his suggestion.

On a final note, if the license was granted as set out, during the time we have lived here, we will have gone from a quiet semi-rural location to having a 12,000+ sporting arena with late licensing, a 250 bedded hotel with functions capacity and no doubt a 24hr license and a local country pub with a license to play outdoor music until 11.30am all within 300 yards of the house we bought because of its location. Recognising not all of these are within the jurisdiction of East Devon, the impact of neighbouring authority areas must surely be a consideration. We appreciate things develop and have to move on, but the issues outlined above (noise, disturbances, property damage) are created in no small part to the alcohol and entertainment licenses. The granting of this request will not only add to this but will be detrimental to our quality of life in our own home and garden as well as any future sale of our property.

Yours Sincerely
Mr & Mrs Sewell

Evidence:

Suggestion:
