

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

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

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: Team,

Please see the below email trail between myself and the applicant with regards to the above application, you will see that we have come to an agreed position. In light of that I would like to make a representation under the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives to have the conditions detailed in my email below added to the licence should it be granted.

M ke

Good morning Mike,

I can confirm all of the above has been agreed with reference to the current premise license for Hangtime Limited at Hangtime Cafe.

Thank you for taking the time to review the application and it was a pleasure speaking with you,

Megan

It was nice to speak with you earlier and discuss your application, in light of our conversation I would like the following conditions added to your licence in order to further promote the Prevention of Crime and Disorder and the Protection of Children From Harm licensing objectives:-

PREVENTION OF CRIME AND DISORDER

" All alcohol purchased from the premises must be consumed by persons sat at tables within the licensed area delineated on the approved plan lodged with the Local Authority.

PROTECTION OF CHILDREN FROM HARM

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 the above conditions please reply as such and I will inform the Local Authority.

M ke

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Ruth West

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

We would like to make representation regarding the above application number from Hangtime, Sideshore, Queens Drive, Exmouth to sell alcohol and play music.

We understood that when planning permission was originally given that the small units would be for seaside retail outlets. We feel that if alcohol is sold from Hangtime that the area between them and Edge would become congested with people drinking and making it difficult for others to walk along the sea front. They have stated that drink will be served in plastic cups, which is surely not very environmentally friendly so close to the sea shore! No matter how many bins they may have, the wind or seagulls will inevitably cause these plastic cups to end up on the beach and possibly even in the sea. We thought that the council were in the process of making the beach an alcohol free zone after the problems experienced last year. Will this mean that people can drink alcohol on the esplanade and not on the beach?

With regard to the music licence, during the summer months we have music on the Pavilion gardens and in the Ocean and various venues in the town. We feel that music 9.00 until 22.00 7 days a week is unnecessary if the alcohol is just served on a take away basis. Although they state that there is no residential properties within 0.25km, any music would drift over to the McCarthy & Stone flats at Roswell Court and Douglas Avenue, where many of the residents are of the older generation and would not appreciate the noise all day every day.

We are not against them selling take away hot drinks, which seems to have been very successful judging by the queues that they have, but to sell alcohol would just leave a lovely area potentially open to anti social behaviour and litter problems.

Kind Regards.

Ivan & Ruth West

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Ivan West

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

We would like to make representation regarding the above application number from Hangtime, Sideshore, Queens Drive, Exmouth to sell alcohol and play music.

We understood that when planning permission was originally given that the small units would be for seaside retail outlets. We feel that if alcohol is sold from Hangtime that the area between them and Edge would become congested with people drinking and making it difficult for others to walk along the sea front. They have stated that drink will be served in plastic cups, which is surely not very environmentally friendly so close to the sea shore! No matter how many bins they may have, the wind or seagulls will inevitably cause these plastic cups to end up on the beach and possibly even in the sea. We thought that the council were in the process of making the beach an alcohol free zone after the problems experienced last year. Will this mean that people can drink alcohol on the esplanade and not on the beach?

With regard to the music licence, during the summer months we have music on the Pavilion gardens and in the Ocean and various venues in the town. We feel that music 9.00 until 22.00 7 days a week is unnecessary if the alcohol is just served on a take away basis. Although they state that there is no residential properties within 0.25km, any music would drift over to the McCarthy & Stone flats at Roswell Court and Douglas Avenue, where many of the residents are of the older generation and would not appreciate the noise all day every day.

We are not against them selling take away hot drinks, which seems to have been very successful judging by the queues that they have, but to sell alcohol would just leave a lovely area potentially open to anti social behaviour and litter problems.

Kind Regards.

Ivan & Ruth West

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Martin S Heslop

Representation Accepted: Representation has been accepted

Reason:

Details:

SUMMARY REPRESENTATIONS

re
LICENSING APPLICATION NO 051967
HANGTIME LIMITED
By
Jenny and Martin S Heslop QC

1 REPRESENTATION

We object to this application since, if granted, it is likely to have a serious adverse impact upon all Four of the Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) Prevention of Public Nuisance
- d) The Protection of Children from Harm

It will increase the potential for crime and disorder and public nuisance, be likely to endanger public safety and has real potential to increase harm to children.

2 OUR POSITION

A) We live almost immediately behind the site of the property for this application and believe we are therefore in a position to make significant representations under the Licensing Objectives in respect of this application.

B) We refer in our representations to the Statement of Licensing Policy for East Devon District Council 2021 - 2026 and indicate the relevant passages by paragraph number.

C) Our objection under the licensing objectives relates to:

- a) the type of premises - Para 5.3.2
wholly inappropriate by reason of size without sufficient measures to promote the objectives
- b) the nature of the location - Para 5.3.2
by reason of being next to a dangerous section of beach, potentially enticing late night drinkers onto the beach without any apparent control
- c) the needs of the local community - Para 5.3.2
near a quiet residential area which will obviously be adversely affected by increased noise and disturbance from recorded music, customers congregating outside and coming and going from the premises - all of which will impact upon the amenity of the area and the residential population
- d) the potential for crime and disorder - Para 5.3.3
including alcohol related violence and disorder, antisocial behaviour and littering
- e) public nuisance - Para 5.3.4
including noise from recorded music and general disturbance by the introduction of a full on and off licence
- f) harm to children - Para 11
a family area of limited size frequented at present by children who will be exposed to the increased dangers attached to alcohol consumption
- g) the amenity of local residents being placed under severe pressure with the granting of this licence - Para 16

D) We argue this application falls foul of all four objectives under these considerations.

3 APPROACH

A) The application will have to be considered in the light of the provisions of Para 5.3 of the Policy.

B) This specifically requires the Authority to make a judgement under Para 5.3.6 about the risk of granting the application - to make an informed assessment of the risk of things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.

4 DETAIL

- A) The application relates to a small hut in an area originally intended as a watersports centre but which has now become little more than an eating and entertainment area with a few retail outlets.
- B) It is in a family area, limited in size, heavily frequented by children and young adults and is in very close proximity to Miceys Cafe which already has a full on licence with restricted hours.
- C) In effect, the application amounts to seeking to obtain for this tiny hut, permission for a public house with full on and off licence facilities extending to 22.00 and the playing of recorded music all day, every day - both inside and outside until the same time which will be open until 23.00.
- D) The sale of alcohol both On and Off the premises in such a small area, opposite a highly dangerous section of beach, presents real risks of contravention of the licensing objectives.
- E) The premises at the moment are a small hut selling coffee, pastries etc and if this licence is granted it will have a cumulative adverse impact on the local amenity and the licensing objectives, particularly having regard to the licence which already exists for Miceys cafe.

5 SPECIFIC OBJECTIONS

A) POLICY 5.3.2 and 5.3.3 - LICENSING OBJECTIVES / CRIME & DISORDER / SAFETY

The type of premises, the nature of the location and the needs of the local community (a quiet residential

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area), are such that this licence should not be granted since in this case, these matters impact upon all the licensing objectives - including potential for alcohol related violence and disorder; antisocial behaviour; littering; nuisance generally and noise.

The Committee will have to have regard to the wider considerations affecting the residential population and the amenity of the area.

B) PARA 5.3.4 and PARA 16 - PUBLIC NUISANCE

The proposal is to play music inside and outside the premises between 09.00 - 22.00.

This is recorded music.

The application provides no details of how this is to be supplied; nor levels of noise control.

This contrasts with the Mickeys Cafe Application where there were detailed discussions with Environmental Health and an Agreement specifying noise levels that were said to be acceptable.

There does not appear to be any such report or any control intended over the level of music to be played and this is likely adversely to impact upon the nearby residential areas, contrary to the Licensing Objective.

PARA 16 requires the applicants to demonstrate they have in place measures for the prevention of public nuisance and the impact their activities will have on people living in the vicinity - which should not be disproportionate or unreasonable - these include noise, light, smells and litter and this can include low level nuisance affecting a few people living locally and the environment of interested parties.

We have not seen any measures aimed at dealing with these issues and are surprised that the applicants appear not to have considered or addressed these matters.

We have not see any proposal for lavatories. At present there are none - except in Mickeys Cafe. If there are proposals to deal with this issue, why have they not been included within the application since this obviously is of serious concern in relation to public nuisance. The premises are, of course, too small to provide their own conveniences and it is not clear what is intended by the applicant.

C) PARA 11 - THE PROTECTION OF CHILDREN FROM HARM

This is a small area used by families many of whom come from the beach area. Allowing the consumption of alcohol both inside and, in particular, outside will lead to a change of character of this area and inevitably impact upon the children and young adults who use it at present.

D) PARA 9 - CUMULATIVE IMPACT

Para 9.2 - This confirms that the Authority will consider the cumulative impact of a new licence and whether it is likely to lead to this area becoming 'saturated with premises of a particular type, thereby making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

This is to be taken into account when considered the individual merits of this application.

We believe it is quite clear that the granting of this licence will have a cumulative impact upon the area adverse to the licensing objectives.

With a full On Licence at close proximity to Mickeys Cafe, we believe this is exactly what is likely to happen.

We base this upon the character of the premises concerned (a small hut); the location in an area which is limited in size and very close to a section of the beach which is highly dangerous and all the matters set out above including, perhaps most importantly, that this is a family location.

There is a real danger that Shoreside will become little more than a significant drinking venue, particularly in the evenings.

Having regard to the existing licence granted to Mickeys - we believe there is a real danger that the granting of this licence will adversely affect the amenity of local residents and the authority should consider the issue of any cumulative impact on the amenity of the local area in particular local residents being placed under severe pressure of nuisance, noise, disturbance and crime.

D) PARA 9.6 - The Committee will consider:

a) The character of the surrounding area

b) The impact upon the surrounding area both individually and cumulatively with the existing licences and

c) The nature and character of the proposed operation

We suggest that nothing in the application deals with the issues to be considered under this Paragraph.

6 SUMMARY

These objections should be seen in the light of the existing concern about anti-social drinking on Exmouth's beaches and public areas where there are already major problems about serious alcohol and drug abuse and other anti-social behaviour.

This is reflected in the recent anti-social behaviour issues that the local authority has had to consider, and the increase in public funding in an attempt to deal with it.

The granting of a new on and off licence in this area has clear potential to exacerbate this problem and offend against all 4 Licensing Objectives.

7 POLICE

A) At a late stage, we have learnt that the Police have made a representation.

B) We have not seen that representation, but we understand it is designed to limit the consumption of alcohol to persons inside or seated outside within the proposed licensing area. We ask that the details of these matters are provided to us so that we can consider them.

C) Were the Applicants to agree such a proposal, it is difficult to see how any effective control can be exercised to prevent people taking drinks away from the licenced open site and into the surrounding areas, including the beach, the Maer etc.

D) The police have different considerations from those of the Licensing Committee who must consider all issues within their policy. It follows that our concerns are not allayed by any conditions limited consumption of alcohol to persons seated outside.

JENNY and MARTIN S HESLOP QC

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Jenny Heslop

Representation Accepted: Representation has been accepted

Reason:

Details:

SUMMARY REPRESENTATIONS

re
LICENSING APPLICATION NO 051967
HANGTIME LIMITED
By
Jenny and Martin S Heslop QC

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- b) Public Safety
- c) Prevention of Public Nuisance
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It will increase the potential for crime and disorder and public nuisance, be likely to endanger public safety and has real potential to increase harm to children.

2 OUR POSITION

A) We live almost immediately behind the site of the property for this application and believe we are therefore in a position to make significant representations under the Licensing Objectives in respect of this application.

B) We refer in our representations to the Statement of Licensing Policy for East Devon District Council 2021 - 2026 and indicate the relevant passages by paragraph number.

C) Our objection under the licensing objectives relates to:

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wholly inappropriate by reason of size without sufficient measures to promote the objectives

- b) the nature of the location - Para 5.3.2

by reason of being next to a dangerous section of beach, potentially enticing late night drinkers onto the beach without any apparent control

- c) the needs of the local community - Para 5.3.2

near a quiet residential area which will obviously be adversely affected by increased noise and disturbance from recorded music, customers congregating outside and coming and going from the premises - all of which will impact upon the amenity of the area and the residential population

- d) the potential for crime and disorder - Para 5.3.3

including alcohol related violence and disorder, antisocial behaviour and littering

- e) public nuisance - Para 5.3.4

including noise from recorded music and general disturbance by the introduction of a full on and off licence

- f) harm to children - Para 11

a family area of limited size frequented at present by children who will be exposed to the increased dangers attached to alcohol consumption

- f) saturation with premises of the similar nature in close proximity in a small area creating exceptional problems of crime and nuisance over and above the impact from the individual premises - Para 9 and

g) the amenity of local residents being placed under severe pressure with the granting of this licence -

Para 16

- D) We argue this application falls foul of all four objectives under these considerations.

3 APPROACH

A) The application will have to be considered in the light of the provisions of Para 5.3 of the Policy.

B) This specifically requires the Authority to make a judgement under Para 5.3.6 about the risk of granting the application - to make an informed assessment of the risk of things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.

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C) In effect, the application amounts to seeking to obtain for this tiny hut, permission for a public house with full on and off licence facilities extending to 22.00 and the playing of recorded music all day, every day - both inside and outside until the same time which will be open until 23.00.

D) The sale of alcohol both On and Off the premises in such a small area, opposite a highly dangerous section of beach, presents real risks of contravention of the licensing objectives.

E) The premises at the moment are a small hut selling coffee, pastries etc and if this licence is granted it will have a cumulative adverse impact on the local amenity and the licensing objectives, particularly having regard to the licence which already exists for Mickey's cafe.

5 SPECIFIC OBJECTIONS

A) POLICY 5.3.2 and 5.3.3 - LICENSING OBJECTIVES / CRIME & DISORDER / SAFETY

The type of premises, the nature of the location and the needs of the local community (a quiet residential area), are such that this licence should not be granted since in this case, these matters impact upon all the licensing objectives - including potential for alcohol related violence and disorder; antisocial behaviour;

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Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

littering; nuisance generally and noise.

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There is a real danger that Shoreside will become little more than a significant drinking venue, particularly in the evenings.

Having regard to the existing licence granted to Mickeys - we believe there is a real danger that the granting of this licence will adversely affect the amenity of local residents and the authority should consider the issue of any cumulative impact on the amenity of the local area in particular local residents being placed under severe pressure of nuisance, noise, disturbance and crime.

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6 SUMMARY

These objections should be seen in the light of the existing concern about anti-social drinking on Exmouth's beaches and public areas where there are already major problems about serious alcohol and drug abuse and other anti-social behaviour.

This is reflected in the recent anti-social behaviour issues that the local authority has had to consider, and the increase in public funding in an attempt to deal with it.

The granting of a new on and off licence in this area has clear potential to exacerbate this problem and offend against all 4 Licensing Objectives.

7 POLICE

A) At a late stage, we have learnt that the Police have made a representation.

B) We have not seen that representation, but we understand it is designed to limit the consumption of alcohol to persons inside or seated outside within the proposed licensing area. We ask that the details of these matters are provided to us so that we can consider them.

C) Were the Applicants to agree such a proposal, it is difficult to see how any effective control can be exercised to prevent people taking drinks away from the licenced open site and into the surrounding areas, including the beach, the Maer etc.

D) The police have different considerations from those of the Licensing Committee who must consider all issues within their policy. It follows that our concerns are not allayed by any conditions limited consumption of alcohol to persons seated outside.

JENNY and MARTIN S HESLOP QC

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Joy Whipps

Representation Accepted: Representation has been accepted

Reason:

Details:

2nd email received 09/06/2021

I would like to add a post script! I forgot to mention that it will be the already stretched local police force who will have to manage any disturbances that occur and also keep an eye on the area. These extra responsibilities are not fair and quite frankly unnecessary. The local police will have enough on their hands with extra workload as a result of more people holidaying in Exmouth due to COVID without adding to the pressure.

Councillor Joy Whipps

From: Councillor Joy Whipps

Subject: Hang time Cafe application 051967

Dear Sir/Madam

I have been contacted by several people within my ward of Littleham who are very unhappy and strongly object to the above application. Having read through the application myself I see their point and heartily agree!

Considering all the problems we had with youngsters on the beach last year which was alcohol fuelled I consider this application extraordinary. Having said that considerations must be given to the prevention of crime and disorder, prevention of public nuisance, public safety not to mention protecting children from harm!! The list goes on.

There are enough premises along the seafront selling alcohol without adding to it. Locals and visitors alike come to Exmouth for a pleasant family day out but the sentiment applies to everyone whether that be people who come as couples or groups of friends or people on their own to enjoy the beauty of the beach and enjoy the facilities on offer. What they don't want is loud music blasting out disturbing the peace with people getting drunk and being incredibly rowdy and behaving in a threatening way like the scenes we had last year.

Another area is the layout of the venue. It is after all a small cafe type hut selling teas coffees and non alcoholic drinks etc so it is not suitable for selling alcoholic beverages. Apart from drunkenness in general consideration must be given to under age drinking. Exmouth simply cannot be seen as encouraging this. Then there is the nuisance of people congregating and blocking footpaths never mind the noise they will create. I can also see problems with deliveries and collections in that area with the flow of traffic affected. I am also concerned with younger people. Those who are with their parents (or not) but are old enough to buy ice creams drinks etc by themselves being intimidated or feeling vulnerable when trying to make a purchase through a crowd of adults or teenagers! Consideration must also be given to residents in that area. It's not fair on them to have to listen to loud music and the noise of people congregating. After all most of the residents in that area are retired.

Exmouth should be marketed as a brilliant place to come for everyone to enjoy it's beautiful beach wonderful countryside views and the facilities it offers along the seafront. It only takes a handful of people to spoil the enjoyment of everyone else and we must not let that happen. We must not encourage drinking directly on the path of the seafront so therefore I strongly urge you to refuse this application.

Yours faithfully

Councillor Joy Whipps

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Frank Allen

Representation Accepted: Representation has been withdrawn

Reason: after mediation

Details:

Representation objecting to the above Licensing Application. Reference No 051967 From :- Frank Allen (address and telephone number have been removed)
Details of licensing application:- Playing recorded music outdoors, 9am to 10 pm Every day of the year. Alcohol being sold for consumption On and Off the premises, from 10am to 10pm Every day of the year.
Details of the Representation Objecting to the relative License Objections:- This venue is a shed with a few outside tables with no supervision as to where the alcohol will be consumed. Considering that this area is supposed to be for water sports activity, the two elements of alcohol and water will be dangerous. There are already 6 venues in the immediate vicinity where alcohol can be purchased, this application will only lead to more irresponsible behaviour on the "Alcohol Free Beach" leading to more litter, poor behavioural problems locally and dangerous driving when people are leaving the area to go home. We live with this latter aspect daily and in to the early hours of the morning. Police say they are too short staffed to deal with this obvious problem.
Loud outdoor music, particularly in certain wind directions will also add to the cacophony of existing "music", clashing together from the Fairground, Queens Drive Pop Up Area stage, Micky's Bar. The Ocean and outdoor concerts at the Pavilion, which can cause locals to despair.
Regards Frank Allen

Evidence:

Suggestion:

Person making Representation: Exmouth Community Association

Representation Accepted: Representation has been accepted

Reason:

Details:

Licence Application 051967

This is a representation on behalf of the Exmouth Community Association and is supported by the Exmouth Civic Society.

We do not consider that this application, in its current form, provides enough safeguards to prevent public nuisance.

We have some difficulty understanding what constitutes the premises as there seem to be no clear boundaries. What area is the proprietor intending to exert control over?

At a time when the PSPOEXmouthextension21 is being considered to control better antisocial behaviour on Exmouth sea front and beaches, the sale of alcohol for consumption off the premises seems totally inappropriate and should not be permitted.

With regard to music it seems to be left solely to the proprietor to decide what is an acceptable noise level. There must be clear limits set down together with the means of measurement. Given that this area has begun to attract buskers, there must be give and take on who prevails.

In general we are pleased with the Sideshore development and would not wish to spoil the enjoyment of this facility by residents and visitors but we do believe the application as it stands is somewhat wanting.

Geoff Skinner
Chairman

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Nick Hookway

Representation Accepted: Representation has been withdrawn

Reason: after mediation

Details:

Licensing Application for Hangtime at units 6 and 7 Sideshore, Queen's Drive, Exmouth. EX8 2GD 051967

I am writing to state my objection to the granting of a License to Hangtime on the grounds of The Protection of Children from Harm

The Hangtime cafe is a kiosk which forms part of the Watersports area of the Sideshore development. My objection concerns the fact that there is no clearly defined boundary around this kiosk. Indeed the area around it is completely open without any form of boundary whatsoever. Members of the public are free and expect to walk through this area, either to continue to walk along the seafront itself or to walk to the on site car park or even to cross the road to walk onto the Maer, which is a local nature reserve. To put it bluntly this site is completely open, this is where the protection of Children from Harm is the key issue. I do not see how any form of security or boundary can be imposed on site without affecting the normal habits of people to walk around and through this site. Therefore it will be possible for young persons, under the age of 18, to purchase alcohol from the Hangtime cafe and quickly run away onto the beach down the nearby ramp. Even more concerning is the possibility of young people buying alcohol and then running across the road to get onto the Maer. Traffic can be heavy on Queen's Drive in the early evening, with the antics of boy racers in car and motorbikes being a particular concern for road safety. Should young people try to run across the road carrying alcohol they will be at even greater risk from Harm. It is not unusual for groups of young people to meet up on the Maer, such as the Barbecue area, which is on the far side of the Maer, with alcohol. Granting this licence will therefore make such matters worse.

It is well known that many young people will go onto Exmouth beach in the summer months to gather in groups. On certain occasions matters have got out of hand and disorder has taken place with Police action required. One example of such behaviour was a serious incident that took place at Orcombe Point after Lockdown in June 2020 and received national media coverage. The Police have now requested that a Public Space Protection Order (PSPO) be put in place along the entire seafront. It therefore seems illogical to grant a licence to an establishment without any form of boundary where young people could get access to alcohol easily and thereby come to Harm that happens to sit within the proposed PSPO.

Evidence:

Suggestion:

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Premises: Hangtime Cafe
Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Cecilia Jenkins

Representation Accepted: Representation has been accepted

Reason:

Details:

We do hope you will read this and not lose the will to live half way through. It is written with passion and conviction - and a love of Exmouth.

Thank you for your phone call a few days ago.

We would like to object in the strongest terms to this application for an extended period alcohol licence and for music to be played inside and outside for most of the waking day.

Thoughts on the way forward?

As residents of Exmouth, we were enthusiastic supporters of the town having facilities to bring in visitors and trade. We thought that a Premier Inn was a good idea and that Ocean would be a great addition to the town's attractions. We also thought that a proposal for a Water Sports Centre (we gathered that it would be all about tuition, provision of water sports with the possible addition of boat/windsurfer storage and again possibly some sort of refreshment facility) was a brilliant idea. It seemed to us that what was being suggested was a Top Quality State of Excellence Water Sports Centre.

NOT SO!

The new area along the sea front between the roundabout and the Life Boat Station is becoming one long food and drink development with attendant all day music.

Not what we expected AT ALL.

As passionate supporters of returning our complicated world to simpler things, may we suggest that the sea shore is all about water, waves, swimming, sailing, windsurfing, birds, bird calls, the odd seal, storms, sand, big skies as well as fishing boats and yachts - and the visitors to Exmouth enjoying all this - with already quite enough outlets to buy their teas and coffees.

AND

Why oh why would you want to cover up the noise of the sea when that is exactly what our visitors have come to be beside

Official objections:

Prevention of Crime and Disorder

We cannot see how proper policing can be put in place either by the proprietors of the outlets or by the Devon and Cornwall Police who have their work cut out already.

Anti social behaviour is not unknown on Exmouth Sea Front - do we need more?

Litter is an offence - it will quite obviously become a bigger problem.

Public Safety

We are very aware of the dangers of the tidal flow on that part of the estuary/sea shore and have personal experience of people getting into difficulties. Even local people can misjudge the tides and tidal flow. How visitors with no knowledge of the sea and its vagaries, with the possible effects of alcohol as an added hazard will cope, heaven only knows?

Protection of Children

Without doubts, under-age 'punters' will be using these new facilities. What protection will there be in place for their supervision?

Environmental Impact

Most societies are trying to find ways of returning to a more natural life style; we want our children to experience clean air and good healthy food. It also follows that we want times of peace and quiet - and the residents of this area can and should expect that experience to be respected. We also would like DARK some of the time - as would the sea creatures who are still manfully clinging on to life down on our bit of sea shore.

Please Licensing Committee - East Devon and the estuary at Exmouth is an area of Extraordinary and Astounding Natural Beauty. Can we not make an efforts to keep it Extraordinary.

Thank you for reading this - if you have been.
Cecilia and Rees Jenkins

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Rees Jenkins

Representation Accepted: Representation has been accepted

Reason:

Details:

We do hope you will read this and not lose the will to live half way through. It is written with passion and conviction - and a love of Exmouth.

Thank you for your phone call a few days ago.

We would like to object in the strongest terms to this application for an extended period alcohol licence and for music to be played inside and outside for most of the waking day.

Thoughts on the way forward?

As residents of Exmouth, we were enthusiastic supporters of the town having facilities to bring in visitors and trade. We thought that a Premier Inn was a good idea and that Ocean would be a great addition to the town's attractions. We also thought that a proposal for a Water Sports Centre (we gathered that it would be all about tuition, provision of water sports with the possible addition of boat/windsurfer storage and again possibly some sort of refreshment facility) was a brilliant idea. It seemed to us that what was being suggested was a Top Quality State of Excellence Water Sports Centre.

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Please Licensing Committee - East Devon and the estuary at Exmouth is an area of Extraordinary and Astounding Natural Beauty. Can we not make an efforts to keep it Extraordinary.

Thank you for reading this - if you have been.

Cecilia and Rees Jenkins

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Pat Packe

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir

We wish to object to the licensing application no. 051967 submitted by Hangtime Ltd.

We feel it is unnecessary and unreasonable for this small takeaway cafe outlet :

(a) to play recorded music 9am-10pm (indoors and outdoors)

(b) to sell alcoholic drinks 10am-10pm (for consumption on and off the premises)

Recorded music is likely to cause noise disturbance to neighbouring houses and is unsympathetic to the adjacent Maer Nature Reserve.

The selling of alcohol is likely to add to existing anti social behaviour along the seafront area and is in conflict with current proposals to make the beach area a PSPO.

The sale of alcohol in glass bottles and drinking glasses creates a safety issue for the surrounding area.

The selling and increased consumption of alcohol may also create safety issues if inebriated customers choose to enter the sea, as this area of the beach adjacent to Hangtime, has very strong currents.

Exmouth beach is very much a 'family' beach and as such, it is undesirable to encourage the consumption of alcohol in the beach area.

Any antisocial behaviour and noise, as a result of alcohol consumption, will have an undesirable effect on houses in the vicinity of Hangtime.

Regards,
Pat and Roger Packe

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Roger Packe

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir

We wish to object to the licensing application no. 051967 submitted by Hangtime Ltd. We feel it is unnecessary and unreasonable for this small takeaway cafe outlet :
(a) to play recorded music 9am-10pm (indoors and outdoors)
(b) to sell alcoholic drinks 10am-10pm (for consumption on and off the premises)

Recorded music is likely to cause noise disturbance to neighbouring houses and is unsympathetic to the adjacent Maer Nature Reserve.

The selling of alcohol is likely to add to existing anti social behaviour along the seafront area and is in conflict with current proposals to make the beach area a PSPO.

The sale of alcohol in glass bottles and drinking glasses creates a safety issue for the surrounding area.

The selling and increased consumption of alcohol may also create safety issues if inebriated customers choose to enter the sea, as this area of the beach adjacent to Hangtime, has very strong currents.

Exmouth beach is very much a 'family' beach and as such, it is undesirable to encourage the consumption of alcohol in the beach area.

Any antisocial behaviour and noise, as a result of alcohol consumption, will have an undesirable effect on houses in the vicinity of Hangtime.

Regards,
Pat and Roger Packe

Evidence:

Suggestion:

Person making Representation: Pamela Wedlake

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs, ref number 051967

I wish to oppose this licensing application to open Hangtime Café every day from 7am till 10.0pm, with the sale of alcohol from 10.0am to 10.0pm every day, together with recorded music (indoors and outdoors) from 9.0am to 10.0pm.

As EDDC is considering extending Exmouth PSPO to include the beach, this application appears to be in opposition and can increase disorder and crime in Exmouth leading to more strain on an already stretched police force.

Yours faithfully
Pamela Wedlake (Mrs)

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Mary Nash

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to make representations (objections) concerning the Hangtime Licensing application No 051967.

The licencing sub-committee listened to the concerns of nearby residents when granting the licence to Maer Bay Ltd for the adjacent premises called Mike's Bar and Restaurant. As a resident of nearby "location removed" this application is even more worrying.

The premises associated with Hangtime Ltd consists of two small huts, one selling coffee, cakes and savoury snacks and a second hut used to house equipment associated with Kite Surfing. Their application does not make clear how all the paraphernalia and legal restrictions on the sales of alcohol to the public could possibly be applied

There are a limited number of tables and chairs situated outside the Cafe Hut and it would appear this would then effectively become an open air pub, should a licence to sell alcohol be granted. This area is not many meters from the existing Mike's Bar which has an outside drinking area. This would mean a saturation of alcohol consumption at The Sideshore Development, bringing with it all the associated problems and in direct contravention of Paragraph 9 of EDDC Statement of Licensing Policy for 2021- 2026.

Summary:

A) Prevention of Crime and Disorder

The Police regularly have to attend to disturbances along the seafront largely caused by over consumption of alcohol on the beach. An outlet, which can only sell alcohol to be consumed outside will, in my view, add to this problem

B) Public Safety

This outlet is targeting the younger market and is adjacent to a very dangerous part of the beach. The RNLI have already expressed publicly their fears in this respect.

C) Public Nuisance

The application refers to recorded music being allowed during opening hours. There is no reference to what form this will take nor is there any infonnation from the applicant as to how the noise levels will be monitored or controlled. Playing of music outside will adversely impact on local residents

D) The Preventions of Children from Harm Both visiting and local children are already accustomed to going unaccompanied to the Hangtime Cafe serving hatch to buy soft drinks. It would appear that the applicant has not taken into consideration that it is illegal for children to stand at or buy anything from a bar selling alcohol.

It is astonishing that an area that EDDC planning department promoted to the public as a Water Sports Centre' is now predominantly a commercial retail location.

Yours sincerely

MaryNash

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Elaine Lewis

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir,

I wish to object to the application from Hangtime Cafe, units 6&7 Sideshore Exmouth Ex82GD requesting opening hours for 16 hours every day of the year, indoor and outdoor music for 14 hours per day year round plus supply of alcohol ON and Off the premises for 12 hours per day year round.

- One objection is that the premises in question being a Kiosk hut and not a cafe (as it names itself) indoor space does not exist for the public, so all of the requests in this application are for OUTDOOR activities only. The fact that this is only a Kiosk for takeaways is not clear in this application.

- To date this has been a kiosk serving beverages, ice cream and cakes for the takeaway trade. A couple of tables are available outside the kiosk, but there is nothing at all to prevent customers from wandering to the adjacent beach or The Maer, a protected SSSI site, with their purchases. The fact that this is a takeaway business would also apply if an alcohol licence was permitted for this Kiosk. Who would police alcohol purchased here being kept within the designated outdoor space?

- to move from being a takeaway coffee shop to being licensed to sell takeaway alcohol for 12 hours a day is a huge move away from Hangtime's original business purpose.

- outdoor music is being requested all day until 10 pm but there is no mention in this application as to how loud this will be or what measures would be put in place to mitigate this nuisance to the nearby residential areas, which include residential homes for the elderly.

-The Sideshore area and immediate vicinity are at a point of saturation for premises selling alcohol and playing music outdoors almost around the clock year round. Sideshore is already very well served for providing alcohol at various venues within Mickey's without additional outlets being added on the same site, especially if the said premises are proposing takeaway alcohol as in this licence application. The implications for the wider residential community having to live with increased alcohol fuelled antisocial behaviour and disorder, increased littering and increased noise from both music and drunks are reason enough to reject this application.

Thank you.
Elaine Lewis 10/06/21

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe
Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Gina Hanson

Representation Accepted: Representation has been accepted

Reason:

Details:

Premises: Hangtime Limited, Unit 6/7 Sideshore, Queens Drive, Exmouth, EX8 2GD
Application No: 051967

Key Points:

1. The application relates to a small hut in an area originally intended as a water sports centre but which has now become little more than an eating and entertainment area with a few retail outlets.

2. In effect, the application amounts to seeking to obtain for this tiny café in a hut (originally intended to sell coffee, ice creams and pastries etc.) permission for a "public house" with full on and off licensing facilities extending to 22.00hrs and the playing of recorded music all day, every day of the year both inside and outside until the same time. Thus taking this business to a whole new level, the premises will remain open until 23.00hrs with all the attendant noise, nuisance and associated rubbish and pollution.

3. Hangtime Café is in a family area, limited in size, heavily frequented by children and young adults and in very close proximity to Mickey's Café, Beach Bar and Restaurant which already has a full licence with restricted hours.

4. We have not seen any proposals for toilet facilities. The premises are too small to provide their own; the only facilities are at Mickey's premises. This is a serious concern to public nuisance and hygiene.

5. This licensing application is at variance with the EDDC's major concern about growing alcohol fuelled anti-social behaviour on Exmouth Beach and Councillors unanimous decision to back plans, through public consultation, to extend the Public Spaces Protection order (PSPO) to cover the main Exmouth Beach Area. There is support for urgent implementation of this order to be in place for this summer given the anticipated increase in staycations due to Covid.

6. As residents living almost immediately behind the applicant's premises, we strongly object to the granting of a licence to sell alcohol as it is likely to have a serious impact upon all four of the licensing objectives:

Prevention of Crime and Disorder

The granting of a new on and off licence for this tiny premises all day every day of the year for the consumption of alcohol until 22.00hrs has clear potential to increase the likelihood of alcohol fuelled anti-social behaviour and therefore crime and disorder.

Given the numbers of people visiting from outside Exmouth it is likely to become a magnet for young people and there is a real danger that shoreside will become little more than a significant drinking venue, particularly in the evenings. Because the premises (hut) is so small, alcohol will inevitably be taken beyond the licenced outside area into the surrounding environment, for example the beach, the Maer and Gunfield Gardens directly beneath where we live. With regard to this latter area, we already have significant problems of anti-social behaviour, drugs and underage drinking. Clearly, there is a major concern about how the consumption of alcohol and related anti-social behaviour on and off the premises will be managed, controlled and policed.

We are sure the Licensing Committee would be concerned that the cumulative impact of a new licence in an area saturated with premises of a particular type will make the area a focal point, thereby creating exceptional problems of nuisance over and above the impact from the individual premises themselves.

Public Safety

The character of the premises concerned (a small hut) in a location and area which is limited in size and very close to a section of the beach which is highly dangerous gives rise to the concern that people under the influence of alcohol will attempt to enter the water and put their lives (and others) at risk.

Prevention of public nuisance

The applicant seeks to play recorded music indoors and outdoors every day from 9am to 10pm. This will add to the cacophony of noise already experienced particularly in the summer months that emanates from other premises on this beach location now including Mickey's outside events space.

In the Council's policies, the applicant is required to demonstrate they have in place measures for the prevention of public nuisance and the impact their activities will have on people living in the vicinity (which should not be disproportionate or unreasonable), these include noise, light, smells and litter and this can include low level nuisance and the environment of interested parties. We have not seen any measures aimed at dealing with these issues, particularly regarding noise, pollution, the environment and are surprised that the applicants have not addressed these matters.

Although the premises will close at 23.00hrs, it is the case that resultant late night noise will continue beyond this time in the vicinity which, although a seaside town, is still a quiet residential area and we have "a Right to Family Life."

As mentioned under the section Key Points, we are concerned there is no provision of toilet facilities as none exist at present for the premises with the exception of Mickey's and we are sure they would not be happy for their facilities to be used by patrons of Hangtime Café. This could give rise to issues of public

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

nuisance and hygiene in an area of outstanding beauty.

This is an area of outstanding natural beauty and there is a real concern that, with the increase in off-premises consumption of alcohol, there will be a corresponding increase in littering, particularly plastic cups which, even if they are compostable, create rubbish on the beach, in the sea and surrounding area.

Protection of children from harm

This is a small area with some retail outlets used by families (and water-sports enthusiasts), many of whom come from the beach area. Allowing the consumption of alcohol both inside and in particular outside, will lead to a change of character of this area and inevitably impact on the children and young adults who use it at present with increased exposure to the dangers of alcohol consumption.

As we have already stated there is a current significant problem with underage drinking, drug taking and related anti-social behaviour in this area which authorities and we, as residents, are acutely aware of and for which there has been an increase in public funding to attempt to deal with it. The granting of this licence will only exacerbate the problem further.

Gina Hanson and Charlie Salter

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe
Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Charlie Salter

Representation Accepted: Representation has been accepted

Reason:

Details:

Premises: Hangtime Limited, Unit 6/7 Sideshore, Queens Drive, Exmouth, EX8 2GD

Application No: 051967

Key Points:

1. The application relates to a small hut in an area originally intended as a water sports centre but which has now become little more than an eating and entertainment area with a few retail outlets.

2. In effect, the application amounts to seeking to obtain for this tiny café in a hut (originally intended to sell coffee, ice creams and pastries etc.) permission for a "public house" with full on and off licensing facilities extending to 22.00hrs and the playing of recorded music all day, every day of the year both inside and outside until the same time. Thus taking this business to a whole new level, the premises will remain open until 23.00hrs with all the attendant noise, nuisance and associated rubbish and pollution.

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4. We have not seen any proposals for toilet facilities. The premises are too small to provide their own; the only facilities are at Mickey's premises. This is a serious concern to public nuisance and hygiene.

5. This licensing application is at variance with the EDDC's major concern about growing alcohol fuelled anti-social behaviour on Exmouth Beach and Councillors unanimous decision to back plans, through public consultation, to extend the Public Spaces Protection order (PSPO) to cover the main Exmouth Beach Area. There is support for urgent implementation of this order to be in place for this summer given the anticipated increase in staycations due to Covid.

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The granting of a new on and off licence for this tiny premises all day every day of the year for the consumption of alcohol until 22.00hrs has clear potential to increase the likelihood of alcohol fuelled anti-social behaviour and therefore crime and disorder.

Given the numbers of people visiting from outside Exmouth it is likely to become a magnet for young people and there is a real danger that shoreside will become little more than a significant drinking venue, particularly in the evenings. Because the premises (hut) is so small, alcohol will inevitably be taken beyond the licenced outside area into the surrounding environment, for example the beach, the Maer and Gunfield Gardens directly beneath where we live. With regard to this latter area, we already have significant problems of anti-social behaviour, drugs and underage drinking.

Clearly, there is a major concern about how the consumption of alcohol and related anti-social behaviour on and off the premises will be managed, controlled and policed.

We are sure the Licensing Committee would be concerned that the cumulative impact of a new licence in an area saturated with premises of a particular type will make the area a focal point, thereby creating exceptional problems of nuisance over and above the impact from the individual premises themselves.

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The character of the premises concerned (a small hut) in a location and area which is limited in size and very close to a section of the beach which is highly dangerous gives rise to the concern that people under the influence of alcohol will attempt to enter the water and put their lives (and others) at risk.

Prevention of public nuisance

The applicant seeks to play recorded music indoors and outdoors every day from 9am to 10pm. This will add to the cacophony of noise already experienced particularly in the summer months that emanates from other premises on this beach location now including Mickey's outside events space.

In the Council's policies, the applicant is required to demonstrate they have in place measures for the prevention of public nuisance and the impact their activities will have on people living in the vicinity (which should not be disproportionate or unreasonable), these include noise, light, smells and litter and this can include low level nuisance and the environment of interested parties. We have not seen any measures aimed at dealing with these issues, particularly regarding noise, pollution, the environment and are surprised that the applicants have not addressed these matters.

Although the premises will close at 23.00hrs, it is the case that resultant late night noise will continue beyond this time in the vicinity which, although a seaside town, is still a quiet residential area and we have "a Right to Family Life."

As mentioned under the section Key Points, we are concerned there is no provision of toilet facilities as none exist at present for the premises with the exception of Mickey's and we are sure they would not be happy for their facilities to be used by patrons of Hangtime Café. This could give rise to issues of public

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

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As we have already stated there is a current significant problem with underage drinking, drug taking and related anti-social behaviour in this area which authorities and we, as residents, are acutely aware of and for which there has been an increase in public funding to attempt to deal with it. The granting of this licence will only exacerbate the problem further.

Gina Hanson and Charlie Salter

Evidence:

Suggestion:

Person making Representation: Toby Osborn

Representation Accepted: Representation has been withdrawn

Reason:

after mediation

Details:

Dear Sirs

It has come to my attention that Hangtime Café has applied for a music and alcohol license (on and off sales) at Sideshore and I would like to make a representation to object to this application for a number of reasons.

1. The application seems to imply that that Hangtime has indoor premises. It does not - it is a wooden hut with service hatches serving the general public going for walks along the beach and surfers , paddle boarders. There is some seating around the café but it is unclear if this is going to be extended???? I think residents expected an upmarket development not Torbay/Paignton approach to developing the seafront.
2. How is the licensee going to check age requirements from someone in a wet suit.
3. How will they guarantee that the person purchasing the offsale is not passing it on to underage drinkers? EDDC has already passed an extension to the ASBO to cover the beach. Providing another licensed premises, particularly for off sales, will provide a public nuisance in terms of additional rubbish along the seafront which they will not clear up
4. As there is no indoor space at Hangtime it means that music will be blaring out externally for 12 hours a day 7 days a week, 52 weeks of the year and will impinge on the environment of the coffee shop and the Mickeys restaurant (which only has a music license for indoors!).
5. Allowing alcohol sales off the premises will just encourage youths to purchase alcohol on the way to the Maer where they congregate way passed the permitted time of 10.00 pm and leave the Maer in a disgraceful state every day. Are Hangtime going to agree to come and clean up the Maer?
6. The Sideshore development was agreed on the basis of a restaurant and seaside related outlets. I thought that there would be more food outlets in this area anyway? We do not need another bar, particularly as we already have a nice bar at the Cricket club which is set back from the beach. I also feel that Budgens, who do off sales deserve support as a community service - they have stepped up during the pandemic to help all the residents of the area with deliveries and I would not like to see their business suffer.
7. I cannot see that the unit will be safe on a wet and windy night. Break ins will become a regular event increasing crime etc.

I hope that these views will be taken into consideration when the application is discussed. It seems contradictory to bring in an extension to ASBO order along the beach and then allow, what is effectively a "kiosk" to sell alcohol and play loud music all day/all year.

Yours faithfully

Sally & Toby Osborn

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Sally Osborn

Representation Accepted: Representation has been withdrawn

Reason: after mediation

Details:

Dear Sirs

It has come to my attention that Hangtime Café has applied for a music and alcohol license (on and off sales) at Sideshore and I would like to make a representation to object to this application for a number of reasons.

1. The application seems to imply that that Hangtime has indoor premises. It does not - it is a wooden hut with service hatches serving the general public going for walks along the beach and surfers , paddle boarders. There is some seating around the café but it is unclear if this is going to be extended???? I think residents expected an upmarket development not Torbay/Paignton approach to developing the seafront.
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Yours faithfully

Sally & Toby Osborn

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Jane Ashton

Representation Accepted: Representation has been accepted

Reason:

Details:

I wish to make a representation re Licensing Application 051967
Hangtime Cafe, Units 6 and 7, Sideshore, Queen's Drive, Exmouth EX82GD

Opening hours , - Monday to Sunday 7 am - 11:00 pm every day of the week.

If it is to serve its approved function - a cafe, ancillary to the water-sports centre, the proposed opening hours for this cafe /kiosk are acceptable.

I would ask for some conditions to control the level of light pollution after dark.

The applicant must clarify the location of toilet facilities provided for customer use.

Other matters in this application do give me cause for concern.

Playing Recorded music (indoors & outdoors) 9 am - 10 pm every day of the week

My concerns relate to Prevention of Public Nuisance and Promotion of Public Safety.

Residents living nearby should not be subjected to music as early as 9am on a Sunday morning.
Although there is no customer seating inside the kiosk/pod, I would suggest that recorded music could be played inside the kiosk - but not before 10am on Sundays.
Can the applicant show how noise level of music being played inside has been measured?

I suggest that no music should be played outside the kiosk.
The outside is a public area. It is inappropriate for premises of this size to do so. It would set a precedent for other kiosk/hut-style premises along Queen's Drive to play music outside of their premises , creating a cacophony of unwelcome sound in that area.

An increase in noise and light pollution so close to the Maer and seafront-wa kway is not acceptable. Residents and tourists should be allowed to continue enjoying uninterrupted early morning or evening walks along the seafront - or at any time of day for that matter. Some of us wish to still hear the lapping of the waves, the sound of the gulls and be able to look out and see the lights of fishing vessels or others against a dark sky.
Ignoring the effect of noise and light pollution on human well-being equates to ignoring the good mental health of residents and tourists and that is vital to Public Safety.

It is unclear how the applicant intends to manage lighting and noise levels.

References which follow are from EDDC Licensing Statement of Policy Jan 2021-Jan 2026
Para 5.3.2 points out that the needs of local community and the nature of the location must be taken into consideration.
Paras 5.3.3 and 5.3.4 note that applicants' operating schedules should include steps to control littering, excessive noise and disturbance caused by customers congregating outside licensed premises.
Those three policy references also apply to the sale of alcohol.

Alcohol being sold for consumption ON and OFF the premises 10 am -10 pm every day of the week.

There is only a small area outside Hangtime which is not shared space. If the serving of alcoholic drinks were to be limited to a small number of seated customers only in that area, the monitoring of alcohol consumption and the whereabouts of used containers might be possible.

Even so, taking into account Hangtime's close proximity to other premises licensed to sell alcohol, it is clear that the area is becoming saturated by such.
At last count, from Premier Inn to the Sideshore site, only 2 of those 8 buildings are not licensed to sell alcohol!

EDDC Policy paragraph 9.2 states that the matter of cumulative impact can be taken into account when considering the individual merits of any application.

It is inappropriate for a family resort to have an over-supply of licensed premises along such a short stretch of coastline.
It is not advisable for alcohol to be in ready supply in the very area where young people are attempting to manoeuvre equipment which they are possibly unacquainted with in order to take part in water-sports activities.
Watersports is the primary activity for which this development was intended.
A site visit by members of the licensing authority and committee members might give credibility to these concerns.

I suggest that no alcohol should be sold for consumption off the premises to comply with all four objectives.
Prevention of Public Nuisance
Prevention of Crime and Disorder

Application No: 051967

Premises: Hangtime Cafe
Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Prevention of Children from Harm
Promotion of Public Safety.

EDDC is currently proposing to extend the Public Space Protection Order in Exmouth. Because potential risk has been identified in certain areas, steps are being taken to deal with alcohol related incidents resulting in crime and disorder, public nuisance and potential harm to children. Approval of this application to sell alcohol for consumption off the premises would increase that potential risk and be contrary to the intention of the PSPO.

Further concerns about the sale of alcohol off the premises

Alcohol-inspired revelry so close to an area of coastline with such a dangerous current presents a risk to public safety, indeed a risk to life.

The Licensing Authority has a responsibility to assess risk before it happens and take steps to prevent such risk, not merely to respond to incidents once they have happened.

See: EDDC Licensing Statement of Policy paragraph. 5.3.6

.....
Hangtime's licensing application states that alcohol will be served in plastic containers.

We are told that the goal is to eliminate all plastic from the Sideshore site and that there is a move to do that. Understandably progress towards 'plastic free' will not happen overnight.

I suggest that any consideration of an alcohol license for these premises should await that happy day.

It would be prudent for the committee to be updated on an intended time-frame and details of the moves the applicants are taking towards 'plastic free' premises.

I read that currently the plastic used by Hangtime is Vegware, plant-based and compostable. I believe that such plastic is only compostable if disposed of in certain bins which, I imagine, are on the premises.

Even if the same plant-based vegware is to be used for alcohol, we would need assurances that the applicant has realistic arrangements for monitoring and tracking the disposal of those containers, 7 days a week, all year round to ensure they do not find their way onto the beach, The Maer or even into mixed refuse which is to be incinerated.

Whilst, shockingly, prevention of harm to the environment is not a licensing objective, it is proven that plastic pollution harms today's children and will harm children and adults for generations to come. It is a threat to public safety - our health and well-being.

Failing to address this would be failing to address the objectives of
Protection of Children from Harm and Promotion of Public Safety.

In ascertaining exactly what kind of plastic drinking containers are being proposed. I hope there will be knowledgeable interested parties who can share their knowledge and suggestions with the committee, the applicants and other interested parties.

That could allay some fears and misconceptions.

If this application is approved, conditions and limitations should be put on these proposals until the applicant can demonstrate how and when the move to eliminate all plastic drinking containers from the premises will be put into action.

My suggestions:

The Opening Hours as an unlicensed cafe seem acceptable to me.

Details of toilet facilities need to be clarified.

Conditions to be put on level of lighting.

Playing of music inside the kiosk/pod acceptable at moderate volume

from 9am until 10pm, (from 10am -10pm on Sundays)

No music outside the kiosk/pod.

Sale of alcohol. I do not approve of the sale of alcohol from this kiosk/pod at this time.

If alcohol is to be sold, it should be to customers seated on the premises.

No alcohol should be sold for consumption off the premises.

No single-use plastic containers to be used.

By the authority making realistic decisions on the application at this time, I, like many other residents would wish the applicants success in their venture.

Thank you for reading my thoughts on this application,

Jane Ashton

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Alan Whipps

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sirs

I am contacting you as newly elected Councillor for the Littleham Ward of Exmouth Town Council to express concern and submit formal representation against the above Licensing Application. I have been approached by a number of residents in the Ward who are really concerned with the application.

I submit the following representations:

- 1.
2. **Public Nuisance:** there is concern that if granted permission the premises will be a focus for young people to purchase alcohol. Being so close to the beach this will be an attraction to purchase and then consume alcohol on the beach. In the summer of 2020(after the first lockdown) there was an unpleasant incident when a large number of young people created significant distress/open fighting and litter fueled by alcohol and, allegedly, illegal drugs.
3. **Public Nuisance:** selling alcohol from the premises raises concern for public safety. Located adjacent to the public highway, Queens Drive, the risk of young people wandering onto the highway presents a risk to themselves and other road users. It is difficult to see how the proprietor/staff within the Cafe can take any responsibility for their customers. As mentioned in (1) there is free access to the beach within 15 metres of the premises and this section of beach leads immediately to a section of water deemed unsafe for bathing.
4. **Public Nuisance:** the location of the Cafe barely has sufficient space between the adjacent premises to effect unhindered serving of soft drinks, teas/coffees and snacks. The selling of alcohol will lead to greater "congestion" from those buying/drinking alcohol. Invariably crowds tend to accumulate where alcohol is sold and this will have a negative impact on this section of the seafront.
5. **Public Nuisance:** the application refers to the playing of music external to the premises. As no details are provided on the method of sound control and decibel limits this poses a risk public health if uncontrolled.
6. **Protection of Children:** the original remit of the Cafe is to sell soft drinks, teas/coffees and snacks. I have witnessed families using the Cafe which is good for business. However the introduction of alcohol poses a risk to families and young children in the vicinity of the Cafe and on the beach. Based on the above points I recommend the application is rejected.

The license to sell alcohol at the nearby Mickeys restaurant is predominantly for internal consumption with prepared meals. The Hangtime Cafe application is completely different as all alcohol will be consumed outside.

I confirm my home address as:
Address details removed

Yours faithfully
Alan Whipps

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Carol Metcalfe

Representation Accepted: Representation has been accepted

Reason:

Details:

My Details: Carol Metcalfe

Contact details removed

Representation Re: Ref. No 051967

Hangtime Cafe, Unit 6 & 7, Queens Drive, Exmouth, EX8 2GD

The above premises application is of both concern and interest to me. My property is one of the closest to the Hangtime Cafe

I am making this representation to object to the application of the Hangtime Cafe to play recorded music indoors and outdoors from 9.00 to 22.00 and to supply alcohol on and off the premises from 10.00 to 22.00 every day of the year.

Noise Nuisance

The Hangtime Cafe is located inside a small hut that affords little space for other uses other than the preparation and dispensing of food and beverages. On a recent visit to the premises I observed there were no customers accommodated inside the hut. It follows that the recorded music is intended solely for the entertainment of customers outside the hut and therefore will be played or amplified in the outside space. The recent licence approval for Miceys Beach Restaurant and Bar on the same Sideshore site specified that recorded music will only be played inside the building or in a tent/marquee. The applicant does not offer any means of containment of the sound in the outside area. Regarding the playing of the recorded music, the applicant states "the volume of which will be carefully monitored and controlled". However the applicant does not provide any evidence of carrying out sound tests, proposed maximum sound values and levels that they intend play the music or if they intend to install limiters to control sound levels. An unfettered permission to play recorded music, especially late into the evening, and at any volume every day of the year would very likely cause a significant disturbance to local residents and prevent the quiet enjoyment of their homes. It could also result in detrimental effects on the wildlife inhabiting the adjacent Maer Local Nature Reserve.

Light Nuisance

The lighting of the Sideshore buildings is required to be buffered to prevent light pollution and nuisance to the wildlife and local residents. Any additional lighting to the premises and customer seating area would need to comply with lighting requirements.

Crime, Disorder and Anti-Social Behaviour

EDDC is currently conducting a public consultation with the view to extend the Public Spaces Prevention Order along the seafront to Orcombe Point. This would include the whole of the Sideshore site plus the beach and the Maer. This has been initiated following several incidents of violent and antisocial behaviour by groups of people, fuelled by alcohol, congregating on the beach. The applicant is intending to supply alcohol to be consumed outside of the premises. Even if a condition was made for customers to consume alcoholic drinks within a designated area, how realistic is it for the applicant to monitor and prevent customers wandering off site to the beach or the Maer, especially when tables are fully occupied at busy times or late into the evening? I also question how the applicant would differentiate and manage customers who are drinking alcohol with those with non alcoholic drinks when the latter can be supplied for consumption off site, outside the demise of the premises.

There is no toilet provision within the Hangtime Cafe hut and no public toilets in the near vicinity. This creates the risk of customers, particularly during the evening, causing a public nuisance, by relieving themselves on either the adjacent beach or similarly adjacent nature reserve.

Littering, Pollution and Environmental Damage

I commend the applicant for their support of and efforts to use environmentally friendly, biodegradable/compostable drinking vessels and packaging. However, the containment, collection and disposal of litter on Exmouth seafront is an ongoing problem. It is a very windy area where lightweight, disposable food and beverage containers can easily be blown onto the beach and into the sea as well as to the adjacent nature reserve. Despite "routine removal of rubbish" plus any requests and notices for customers to act responsibly and ensure the safe disposal of their litter, there can be no certainty that every customer would comply. The expanded trading hours, subsequent increase in customers plus the increased use of single-use containers could easily exacerbate the existing litter problem. Furthermore, and more concerning, is the adverse impact it would have on the environment.

Cumulative Impact

The granting of a premises licence to Hangtime Cafe to supply alcohol and play recorded music during the same hours as the adjacent Miceys Restaurant and Beach Bar would signpost Sideshore as a destination for drinking. This in turn would significantly increase the likelihood of alcohol related disorderly behaviour and public nuisance. Furthermore, with the two premises simultaneously playing recorded music there could be a significant risk of noise nuisance and a loss of amenity for nearby residents.

Sideshore was conceived as a Watersports Centre with auxiliary retail outlets and a restaurant, set in a natural coastal location. It was not conceived as a noisy, drinking venue and commercial hub. Without curtailment and the refusal of opportunist applications for alcohol licences and similar, the vision and its actualisation as a watersports leisure resource would be placed even further in jeopardy.

Carol Metcalfe

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Evidence:

Suggestion:

Person making Representation: Jean Jordan

Representation Accepted: Representation has been accepted

Reason:

Details:

Re Licensing Application 051967 - Hangtime Cafe at Sideshore Watersports Centre

Dear Lesley Barber
Licensing Officer

I wish to object to this application as I believe it is likely to have a detrimental effect upon all four of the Licensing Objectives.

I live in a residential road directly behind the Ocean complex and I can see the Sideshore Development from all my sea facing windows which is only a 5 minute walk away.

a. The prevention of crime and disorder

It will likely exacerbate the problems already occurring in the area namely drunkenness and due to the lack of public conveniences along the sea front urinating occurs day and night in Gunfield Gardens in front of Trefusis Terrace where families picnic and play during daylight hours. Also drug taking occurs late at night.

b. Public Safety

I fear that people will become inebriated in what is predominantly a family area and cause distress and should they venture on to the beach the water is dangerous on that stretch of the shore and a serious situation could occur.

c. Prevention of public nuisance

Noise travels further at night and therefore likely for local residents could be disturbed.

d. Protection of children from harm

There are often groups of youngsters out and about late at night and they could be vulnerable to adults drinking outside the premises.

In addition, I believe as a local resident I am entitled to peace of mind.

I recognise that this is a holiday destination and the sea front should be used appropriately to the benefit of the town.

This very small wooden hut is attempting to become a public house but I have not seen any mention of toilet facilities being provided inside said hut.

Sideshore development was presented as a watersports centre but it appears to have become a retail and hospitality area.

I hope the concerns I have raised will be carefully considered by the licensing committee in their deliberations.

Yours sincerely,

Mrs Jean Jordan

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Ron Metcalfe

Representation Accepted: Representation has been accepted

Reason:

Details:

Representation on Licensing Application No 051967

Hangtime Cafe
Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD

My details (not for release on the internet)
Ron Metcalfe
Contact details removed

My property directly overlooks Sideshore and the beach huts where Hangtime Café is located. This is also true for hundreds of other properties facing the seafront. Noise, music and even the lighting from Sideshore all impact and risk impinging on the quiet enjoyment of our properties and homes.

The Sideshore huts were originally intended to provide seaside related retail outlets. For the existing coffee kiosk to move from selling take away coffee, pastries & ice cream from their hatch to selling alcohol moves this business to a whole new level. A daytime (8-6) café kiosk wants to become a drinking destination open till 11 pm every night, not dissimilar to a full licensed pub premises and complete with amplified music.

This application impacts on, and risks undermining, all four of the Licensing principles.

EDDC is so concerned about alcohol fuelled anti-social behaviour on Exmouth beach it is proposing to extend Exmouth Public Spaces Protection Order to cover this area. Licensing another premises to sell alcohol located steps away from the beach potentially adds to the risk of anti-social behaviour and public disorder. The applicant offers little, if any, reassurance they can mitigate against this risk.

The application states "Background recorded music will be provided as set out above. The volume of which will be carefully monitored and controlled." There is no evidence that sound tests have or will be carried out to establish controls on volume, beats or vibration for music broadcast in the outdoor area. "Carefully monitoring and controlling volume" clearly relies on the judgment of the applicant and is no reassurance that other people nearby will not experience music volumes as a public nuisance.

The applicant states "All alcoholic drinks will be served in plastic" and later in the application "Only plastic containers will be used for serving alcohol."

The use of plastic is stated twice, yet Hangtime advertises they currently use compostable drink containers. This mixed message is not helpful in understanding their intentions. Compostable plastic glasses are a hazard to the environment, particularly sea life and are not an eco-friendly solution. Also, any one-use drink container, compostable or otherwise, presents a high risk of increasing the litter problem on Exmouth Beach. The greater number of beverages sold, the more the risk is enlarged. The police have made a representation that "All alcohol purchased from the premises must be consumed by persons sat at tables within the licensed area delineated on the approved plan lodged with the Local Authority." Nothing put forward in the application indicates how the applicants can safely and effectively control which of the beverages taken away from this delineated area is coffee or shakes rather than alcohol. A member of staff "regularly" patrolling the outdoor area to supervise the orderly conduct of customers offers little reassurance against the risk of public disorder and maintenance of public safety. The applicant offers no solution to what they could do to stop those who choose not to comply and simply take away their alcohol from the take away kiosk.

Hangtime selling alcohol and broadcasting amplified music on the same site as another establishment also selling alcohol and broadcasting amplified music (and on occasions near to the events area also selling alcohol and broadcasting amplified music) creates multiple alcohol outlets in one concentrated area.

It also would add several competing sources of music on the site. The impact of this would obviously be greater than that from the existing licensed establishment.

Overall, this would produce a saturation of alcohol venues, each with amplified music, at Sideshore and would further identify the location as a focal point for evening entertainment and a drinking destination. Given its nature as a take away kiosk, its location next to the beach, very little scope for seating and based in a very public family area, there is considerable potential for risks of nuisance and disorder.

This problem of Cumulative Impact, is outlined in Section 9 of the EDDC Licensing Policy. Granting another license to sell alcohol on the Sideshore site will lead to saturation, as this would be in addition to Mickey's Bar selling alcohol and any activities selling alcohol on the outside Events Space.

Playing music outdoors and selling alcohol outdoors until 10 pm every day will cause a nuisance of noise and light pollution to nearby residents particularly those in direct line of the Hangtime kiosk and its outside area.

There are no toilet facilities available to the general public anywhere in the vicinity of this kiosk. At other licensed premises with outdoor drinking, customers can use the premises' toilets or, like Queens Drive Space, customers use the nearby EDDC public toilets. Without any provision of public toilets there is a

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

considerable risk of public nuisance, particularly in the evenings, of customers resorting to relieving themselves in nearby public places such as the Maer, the beach or nearby carparks. The Licensing Committee will need to consider how feasible it would be to grant a license for selling alcohol under such circumstances.

Overall, there are too many risks of undermining the licensing principles and too few factors to mitigate against these risks. I believe a license to sell alcohol and play recorded music outdoors at this kiosk is not suitable for this location and therefore should not be granted.

Evidence:

Suggestion:

Person making Representation: Sylvia H Hope-Milne

Representation Accepted: Representation has been withdrawn

Reason: after mediation

Details:

I wish to make a representation to state my concerns regarding the above Licensing Application.

1. Noise nuisance from music played at Hangtime Cafe and a neighbouring venue.
2. The sale of alcohol for consumption on and off the licensed premises could promote anti-social and/or irresponsible behaviour both on the area of the Maer and the Beach.
3. Alcohol related safety issues concerning irresponsible behaviour in close proximity to tidal water.

Yours sincerely,
S.H. Hope-Milne (Mrs.)
Contact details removed

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Peter Tweedie

Representation Accepted: Representation has been accepted

Reason:

Details:

Representation on Licence application 051967

License application by Hangtime Cafe, Unit 6 & 7 Sideshore, Queens Drive, Exmouth, Devon, EX8 2GD.

Representation by
Peter Tweedie, Contact details removed

Crime and Disorder

Last Summer we saw individuals use the Maer Nature Reserve as a place to discard their waste. Also last Summer it was reported in the National Media (BBC, Daily Mail, Daily Mirror, Independent, iNews, Metro, The Sun) that there were fights on Exmouth beach on consecutive nights. In my view, unlawful behaviour will increase as a result of the long duration of the sale of alcohol (12 hours) from this place so close to the beach and nature reserve.

Public Safety/Protection of Children from Harm

The presence of intoxicated people in this area could pose a safety issue because Hangtime Cafe is bordered on two sides by a busy road and on one side by a well-used cycle path. The area also has people participating in water sports and moving large items of equipment for these activities through Sideshore.

Public Nuisance

The playing of music from 9:00 until 22:00 outdoors would pose a nuisance to residential properties along Trefusis Terrace, Douglas Avenue and at the southern end of Rolle Road.

On the licence application it states that the volume of background recorded music will be carefully monitored and controlled. What does this mean in reality? How will any noise/music/vibration be kept to a level so as not to be a nuisance to nearby residences?

Changes I would like to see made to the Application which would address my concerns

Regarding the Supply of Alcohol
Not permitted

Regarding the Provision of Music Outdoors
Not permitted

Regarding the Provision of Music Indoors

I would like guarantees that any music, noise or vibration from the premises will not be audible or experienceable (with regards to vibration or bass) at nearby residences.

Peter Tweedie, Sunday 13th June 2021

Evidence:

Suggestion:

Application No: 051967

Premises: Hangtime Cafe

Unit 6 & 7 Sideshore, Queens Drive, EXMOUTH, Devon, EX8 2GD.

Person making Representation: Gordon Hodgson

Representation Accepted: Representation has been accepted

Reason:

Details:

Dear Sir/ Madam

I am writing to you with my concerns about the Hangtime application to sell alcohol and play music at Sideshore.

The applicants offer does not seem to recognise the issues around the location of the outlet.

Mickeys is adjacent and offers alcohol almost all day and everyday as does Hangtime. Mickeys indoor and outdoor area is more or less defined but Hangtime isn't and hard to monitor and control and it's quite likely that alcohol purchased will be consumed on the beach or promenade.

At a time when measures are being introduced to control alcohol consumption on the beach, due to an increase in trouble, to offer this at this location which does not seek to preclude consumption away from the premises seems to be contradictory and unhelpful.

There has been a steady increase of availability of alcohol along the seafront and to make it so easily available a few metres away from the beach and the promenade itself presents additional risks. Entering the sea at this location is considered dangerous in particular.

Budgens shop, the LED bar in the Queens Drive Space, and Mickeys have all appeared with the Ocean also offering alcohol. There are plenty of outlets and not so immediately inviting people take alcohol on to the beach.

Outdoor music is also requested. There is no mention that this may also come from Mickeys at the same time nor any measurement or controls on volume. It could be loud and generally detrimental to peaceful enjoyment of the beach and seafront which is a major selling point of Exmouth.

Regards

Evidence:

Suggestion:
