

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 10 June 2026

Heading/Title: To determine an application for a premises licence under the Licensing Act 2003 for a trailer Bar situated on the paved area at the eastern end of Queen's Drive, near Orcombe Point in Exmouth

Cabinet Member(s): John Loudoun

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Key decision: No

If a Key Decision has it appeared on Forward Plan: N/a

Document classification: Part A Public Document

Exemption applied: None

1. Background

- 1.1 An application for the grant of a premises licence has been received from: The Can Do Pub Co Ltd of The Grapevine, 2 Victoria Road, Exmouth, EX8 1DL.
- 1.2 The application is for a mobile trailer bar that the applicant proposes to site on the paved area to the East of the turning circle, at the far eastern end of Queen's Drive, Exmouth, near to Orcombe Point.
- 1.3 The applicant has described the proposed location of the mobile trailer bar with a What 3 Words reference of: ///gent.punk.ranges
- 1.4 The application is for a time-limited premises licence. The applicant has requested that the licence commence on the 18th May 2026 and expire on the 5th October 2026.
- 1.5 Due to statutory timescales, the application will not be determined until after the requested commencement date. If the Sub-Committee is minded to grant the application, the earliest commencement date for the premises licence would therefore be the date of determination. The licence cannot extend beyond the requested expiry date of 5 October 2026, as this is the period that

has been advertised and considered by responsible authorities and other interested parties.

- 1.6 The application is to authorise the sale of alcohol for consumption OFF the premises. No other licensable activities have been requested.
- 1.7 The applicant has described the premises as being a small, paved, area at Orcombe Point where they propose to set up a mobile bar for the sale of beer and cider brewed by the applicant in their brewery.
- 1.8 The application form is provided at **APPENDIX A**.
- 1.9 The timings applied for are as follows:
 - 1.9.1 Sale of alcohol (for consumption OFF the premises):
Monday to Sunday: 12noon to 9pm
 - 1.9.2 Opening hours:
Monday to Sunday: 12noon to 9pm
- 1.10 The applicant has stated that, were the licence to be granted, the pop-up bar would operate for no more than 60 days during the licence period.
- 1.11 A plan of the premises, submitted by the applicant, is provided at **APPENDIX B**. The proposed extent of the licensed area is marked by a red and blue rectangle.

2. Advertisement of Application

- 2.1 [The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#) set out the requirements for the advertisement of premises licence applications.
- 2.2 Applicants for the grant of a premises licence are required to publish a notice in a local newspaper circulating in the area in which the premises is situated, within the first 10 working days of the application period (starting on the day after the day on which the application was given to the relevant licensing authority).
- 2.3 The application was accepted by the Licensing Authority on the 20th April 2026 and the applicant published notice of the application in the Exmouth Journal on Wednesday 29th April 2026. A copy of the notice displayed in the newspaper is attached at **APPENDIX C**.
- 2.4 Applicants are also required to display a summary of the application on pale blue paper in a prominent position immediately on or outside the premises for at least 28 consecutive days (starting on the day after the day on which the application was given to the relevant licensing authority).

- 2.5 The applicant displayed notice of the application at the premises, and the Licensing Officer inspected these notices during the consultation period. Photographs of the notices displayed at the premises are provided at **APPENDIX D**.
- 2.6 Two interested parties have referred in their representations to the accuracy of the premises address as stated in the public notices and have raised questions regarding the validity of the application in that regard.
- 2.7 The applicant has described the premises address in the public notices as: *“Orcombe Point, Exmouth (trailer bar to be situated on the paved area)”*.
- 2.8 Two interested parties have stated that the reference to “Orcombe Point” may be inaccurate. They indicate that the proposed location for the trailer bar is correctly known as “Orcombe Gate”, and that “Orcombe Point” more accurately refers to the cliff-top area near the Geoneedle.
- 2.9 The interested parties have expressed concern that this description may have led to some uncertainty regarding the precise location of the proposed premises. In particular, they suggest that persons viewing the public notices may have understood the trailer bar to be located on the cliff-top, rather than on the paved area at the eastern end of Queen’s Drive, and that this may have influenced the number of representations received.
- 2.10 A copy of the interested parties’ initial email correspondence, a copy of the Licensing Officer’s response and a copy of the interested parties’ reply is provided at **APPENDIX E**.
- 2.11 In addition, further detail is included in the interest parties’ representations included at **APPENDIX F**.
- 2.12 Licensing Officers have reviewed the content of the public notices, including those displayed at the premises, and consider that the application has been appropriately advertised.
- 2.13 During a site visit undertaken within the representation period, Licensing Officers observed that the public notices were clearly displayed at the proposed location of the trailer bar.
- 2.14 Licensing Officers consider the description of the premises within the public notices to be sufficient, particularly as it specifies that the trailer bar is “to be situated on the paved area”. It is understood that the area at the eastern end of Queen’s Drive is commonly referred to locally as “Orcombe Point”, with several nearby premises and signage also using this description.
- 2.15 Photographs of the location and surrounding signage are provided at **APPENDIX G**. These include a red information board at the proposed premises location stating “Welcome to Orcombe Point”, and a blue information board located on the cliff-top which refers to the area as “Orcombe Gate”.

- 2.16 Public notices are required to provide a brief summary of the application. They also inform interested parties that further details are available from the Licensing Authority upon request.
- 2.17 The two interested parties referred to above are the only respondents who have raised queries regarding the premises location and requested a copy of the site plan.
- 2.18 A total of 20 additional representations have been received, none of which raised concerns about the description or location of the premises.
- 2.19 The applicant has previously applied for two premises licences at the same location, which were advertised in a similar manner using the same address details.
- 2.20 However, should the Sub-Committee determine that the application has not been correctly advertised, the application must be rejected.

3. Previous premises licences granted at this location

- 3.1 The applicant, The Can Do Pub Company Ltd, has previously applied for, and been granted, two time-limited premises licences for the same site. Details of the licences are as follows:
- 3.2 Premises Licence Number PLWA0978
- 3.2.1 The applicant was granted a time limited premises licence for the 3rd – 4th June 2023, for a pop-up bar on the same site.
- 3.2.2 The licence authorised the sale of alcohol for consumption OFF the premises on Saturday 3rd June and Sunday 4th June from 12 midday to 7pm.
- 3.2.3 Representations were received against this application, and the application was determined by a hearing of a Sub-Committee of the Licensing & Enforcement Committee held on the 22nd May 2023.
- 3.2.4 The Sub-Committee determined to grant the application as applied for, with the following two additional conditions attached:
- 3.2.4.1 Two members of staff to be on duty during the licensable hours
- 3.2.4.2 The Applicant to undertake a litter sweep in a 50-metre radius of the premises at the terminal hour
- 3.3 Premises Licence Number PLWA0987
- 3.3.1 The applicant was granted a time limited premises licence for the 12th August – 3rd September 2023, for a pop-up bar on the same site.

- 3.3.2 The licence authorised the sale of alcohol for consumption OFF the premises on Saturdays and Sundays only, from 12 midday to 7pm.
- 3.3.3 One representation was received against the application, from Devon & Cornwall Police. The applicant and the Police reached an agreed position, and both parties agreed a hearing was not necessary to determine the application. The applicant agreed to the following two conditions being added to the premises licence as requested by the Police:
 - 3.3.3.1 Two members of staff to be on duty during licensable activities
 - 3.3.3.2 The applicant will ensure there is a litter sweep in a 50-metre radius of the premises at the terminal hour
- 3.3.4 The information relating to previous premises licence applications is included for background purposes only. Members are reminded that each application must be determined on its own merits and on the basis of the evidence and representations relevant to the current application.

4. Statutory Bodies' Response

- 4.1 Responsible authorities under the Licensing Act 2003 are notified of all new premises licence applications and may make representations regarding an application, in relation to any of the four licensing objectives.
- 4.2 The following responsible authorities were notified of the application:
 - 4.2.1 Devon & Cornwall Police
 - 4.2.2 Devon & Somerset Fire & Rescue Service
 - 4.2.3 Area Child Protection Committee and Local Safeguarding Children Board
 - 4.2.4 Devon Trading Standards
 - 4.2.5 East Devon District Council, Environmental Health Service
 - 4.2.6 East Devon District Council, Planning & Countryside Service
 - 4.2.7 Primary Care Trust
 - 4.2.8 Home Office
- 4.3 No representations have been received from any of the responsible authorities.

5. Representations

- 5.1 A total of **22** representations have been received in objection to the premises licence application. A list of representations received is attached at **APPENDIX F**.
- 5.2 Representations have been received from:
 - 5.2.1 Exmouth Town Council's Planning Committee
 - 5.2.2 Cllr Brian Bailey – District and Town Councillor for Littleham Ward

- 5.2.3 Cllr Nick Hookway – District and Town Councillor for Littleham Ward
- 5.2.4 Cllr Mark Williamson – Town Councillor for Littleham Ward
- 5.2.5 18 Exmouth residents

5.3 The representations relate to all four of the licensing objectives, being:

- 5.3.1 the prevention of crime & disorder
- 5.3.2 public safety
- 5.3.3 the prevention of public nuisance, and
- 5.3.4 the protection of children from harm

6. Public Spaces Protection Order

- 6.1 Two representations (set out at **APPENDIX F**) refer to the PSPO (Public Spaces Protection Order) currently in place in Exmouth. The current PSPO is provided for information at **APPENDIX H**. The PSPO covers Queen's Drive and the proposed premises location.
- 6.2 PSPOs are tools that councils can use to deal with nuisances or problems affecting a specific area that is, or may be, detrimental to the local community. They can be used for a wide range of problems for which there is evidence of impact.
- 6.3 The PSPO does not prohibit the sale or consumption of alcohol within this particular area. However, it permits an authorised officer to ask a person to surrender alcohol. A person commits an offence if they do not surrender alcohol in their possession when requested to do so by an authorised officer.

7. Responses to Notice of Hearing

- 7.1 Details of the responses to the statutory notice of hearing and any additional comments made by interested parties are attached at **APPENDIX I**.
- 7.2 The applicant will be represented at the hearing by Mr Oliver Bainbridge who is a Director of The Can Do Pub Company Ltd. Further details are provided in the applicant's response to notice of hearing at **APPENDIX I**.
- 7.3 At the time of writing this report, **5** objectors have responded to the notice of hearing indicating that they wish to attend the hearing to address the Sub-Committee.
- 7.4 One of these objectors will also be representing another objector.
- 7.5 At the time of writing this report, **12** objectors have responded to the notice of hearing indicating that they consider a hearing to be necessary but will not attend. Their original written representations set out at **APPENDIX F** and any further key points set out at **APPENDIX I** must be considered by the Sub-Committee.

- 7.6 The other **5** objectors have not responded to the Notice of Hearing. Their representations remain outstanding and their original written representations set out at **APPENDIX F** must be considered by the committee.

8. Proposed Operating Schedule and Mediation

- 8.1 The conditions offered by the applicant in the operating schedule, to promote the licensing objectives, are attached at **APPENDIX I**.
- 8.2 Details of the representations received were provided to the applicant after the last date for representations.
- 8.3 The Licensing Officer sent an email to the applicant on the 22nd May 2026 explaining that the Licensing Authority could facilitate mediation between the applicant and objectors prior to the hearing, if the applicant wished to provide a response to any of the representations raised.
- 8.4 No response was received from the applicant and as such mediation has not been possible within the statutory timeframe.

9. Relevant Statement of Licensing Policy Considerations

- 9.1 The Licensing Act 2003 requires Licensing Authorities to prepare and publish a statement of licensing policy every 5 years. Such a policy must be published before the Authority carries out any function in respect of individual applications made under the terms of the Act. The published policy provides the framework for all decisions on applications relating to the Licensing Act 2003 and sets the way the Licensing Authority will carry out its functions in relation to the legislation.
- 9.2 [East Devon District Council's Licensing Act 2003 Statement of Licensing Policy](#) was published on the 7th January 2026 and will remain in force until the 6th January 2031.
- 9.3 When determining a licence application, the overriding principle adopted by East Devon District Council is that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, the Council's Statement of Licensing Policy under the Licensing Act 2003 and any measures it deems necessary to promote the licensing objectives. The authority may depart from the guidelines in the Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy.
- 9.4 The following sections of the Licensing Act 2003 Statement of Licensing Policy have been reproduced here:
- 9.5 **Licensing Objectives**

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

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

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

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

9.8 **Environmental Factors**

Section 5.6.1 of the Policy states: “The Council Plan for 2024 to 2028 highlights key priorities, principles and values including working towards reducing our carbon footprint and enhancing our environment, along with supporting initiatives that promote the health and well-being of our residents. The Licensing Authority works in support of the Council Plan noting the potential impact to the environment from time limited, outdoor licensed events. The Licensing Authority will expect applicants to be familiar with initiatives that reduce and mitigate the impact upon the environment, for example the relevance of avoiding of single use plastic drink containers, avoidance of materials that have a detrimental effect to the environment and similar initiatives”.

9.9 Section 5.6.2 of the Policy states: “Any operating schedule submitted in respect of time limited premises licences should include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how outside areas will be managed to prevent noise, smell, or obstruction nuisance to residents and the public”.

9.10 Section 5.6.3 of the Policy states: “East Devon’s exceptional coastline forms part of a World Heritage Site (WHS). The East Devon part of the site (for nearly all of its length) also lies in the East Devon Area of Outstanding Natural Beauty. AONB’s enjoy, with National Parks, the highest level of landscape protection in Britain being therefore, a national asset. It should be noted that a very small part of the Dorset AONB also falls in East Devon”.

9.11 Section 5.6.4 of the Policy states: “Experience over many years denotes that trading and licensable events have been eagerly sought along beaches and seafronts and would be significantly over prescribed if permitted to take place with consent of the land owner. Therefore continued preservation and protection of coastal, seafront areas locations will be an ongoing consideration under this policy”.

9.12 **Conditions**

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

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

9.14 Section 6.4 of the policy states: “The licensing authority will avoid imposing disproportionate and over burdensome conditions on premises. The licensing authority does not propose to implement standard conditions on licences across the board but instead, if its discretion is engaged, will attach conditions as appropriate given the circumstances of each individual case”.

9.15 **Licensing Hours**

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

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

9.17 **Nuisance**

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

10. Guidance issued under Section 182 Licensing Act 2003 (issued February 2026)

10.1 Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. The revised guidance takes effect as soon as it is published and the most recent [guidance issued under section 182 of the Licensing Act 2003 was revised in February 2026](#).

- 10.2 Revisions include: That licensing authorities need to have regard to the local economy when making decisions and consider the need to promote growth and deliver economic benefits. The updated guidance also encourages authorities to recognise the significance of spiking and encourages conditions to be added to licences where appropriate and proportionate.
- 10.3 The guidance as a whole should be considered when determining applications but the following sections have been reproduced below:
- 10.4 **Each application on its own merits**
Section 1.17 of the Guidance states: “Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case”.
- 10.5 Section 1.18 of the Guidance states: “When making licensing decisions, all licensing authorities should consider the need to promote growth and deliver economic benefits”.
- 10.6 Section 1.19 of the Guidance states: “In coming to a decision on individual licensing applications, licensing committees should have regard to relevant local plans and strategies – such as those relating to town planning, the night-time economy, or business support – provided these considerations are consistent with the licensing objectives and the authority’s published licensing policy.”
- 10.7 **Crime and Disorder**
Section 2.1 of the Guidance states: “Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)”.
- 10.8 **Public Safety**
Section 2.8 of the Guidance states: “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person’s health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority’s powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene”.

10.9 **Public Nuisance**

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

10.10 **Protection of Children from Harm**

Section 2.27 of the Guidance states: “The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions”.

10.11 **Representations**

Section 9.4 of the Guidance states: “A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives”.

10.12 Section 9.4 of the Guidance also states: “There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises”.

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

10.14 **The Role of Responsible Authorities**

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

to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations”.

10.15 Imposing conditions

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

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

10.17 Proportionality

Section 10.10 of the Guidance states: “The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided”.

10.18 Hours of Trading

Section 10.13 of the Guidance states: “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application”.

10.19 The need for licensed premises

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

11. Legal Advice

11.1 As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.

11.2 The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.

11.3 Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

11.4 The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

11.5 The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

Section 19 - Mandatory conditions relating to the supply of alcohol for consumption OFF the premises

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

3. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Human Rights Act 1998

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

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

11.12 Appeals

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

11.13 Review Provisions

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

11.14 Police Closure

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

11.15 Surveillance Camera Code of Guidance-June 2013

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that

particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

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

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

12. Recommendations/Decision

12.1 That members consider the application for the grant of a premises licence and, having considered and given regard to all relevant representations received, take such steps (from those mentioned below) as it considers appropriate for the promotion of the licensing objectives:

12.2 The steps are:

12.2.1 To grant the licence subject to –

12.2.1.1 the conditions set out in the operating schedule accompanying the application modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

12.2.1.2 any mandatory conditions which must, under sections 19, 20 or 21 of the [Licensing Act 2003](#), be included in the licence

12.2.2 to exclude from the scope of the licence any of the licensable activities to which the application relates,

12.2.3 to refuse to specify a person in the licence as the premises supervisor,

12.2.4 To reject the application

12.3 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the ‘test’ that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be ‘appropriate’ and no longer ‘necessary’.

13. Reasons for Recommendations/Decision

13.1 To comply with the statutory requirements of the Licensing Act 2003 and promote the licensing objectives.

14. Options

14.1 All options available for consideration are set out within the recommendation.

15. Relevance to Council Plan/priorities

- A supported and engaged community that has the right homes in the right places, with appropriate infrastructure
- A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.
- A well-managed, financially secure and continuously improving council that delivers quality services

16. Financial Comments/Implications

6.1 There would be a financial implication should an appeal be lodged on the decision, and possibility of legal/court costs.

17. Legal Comments/Implications

7.1 The legal framework and risks are set out within the body of the report and require no further comment.

18. Risk Implications

Activity/	List significant hazards	People at risk	Assessment of Risk			Existing controls e.g. Safety procedures	What further action Is required to control/mitigate the risk?
			*Impact 1-4	*Likelihood 1-4	Risk Score		
Failure to determine the application for the grant of a premises licence	There is a risk of non-compliance with statutory requirements if the application is not determined within prescribed timescales or procedures are not correctly followed.	Applicant Interested parties East Devon District Council	3	1	4	<p>Prior to the hearing: Officers ensure statutory deadlines are met when processing applications and setting a date for a hearing.</p> <p>Officers ensure all relevant documents and representations are available for consideration by the Sub-Committee.</p>	<p>At the hearing or following the hearing: Officers must ensure the meeting is quorate and sufficient members are present to make the decision.</p> <p>The Sub-Committee must ensure the application is determined within 5 working days of the hearing.</p> <p>The Sub-Committee and officers must follow correct hearing procedures.</p>

<p>Legal challenge or appeal against the decision to grant or refuse the application for the grant of a premises licence</p>	<p>The decision may be appealed to the Magistrates Court by applicant or objectors</p>	<p>East Devon District Council</p> <p>Applicant</p> <p>Interested parties</p>	<p>3</p>	<p>1</p>	<p>4</p>	<p>Prior to the hearing:</p> <p>Officers will prepare and publish a report for the Sub Committee's consideration</p> <p>Legal advice will be included within the report.</p> <p>Clear recommendations and decision options will be included within the report.</p> <p>Officers will arrange for a member of the Council's legal services department to be present at the hearing</p>	<p>At the hearing:</p> <p>The Sub-Committee must provide clear robust reasons for decisions made and ensure that all decisions are appropriate and justified.</p> <p>The Sub-Committee must ensure the decision gives reference to the promotion of the licensing objectives</p> <p>The Sub-Committee must ensure the decision is made in line with the provisions of the Licensing Act 2003 and accompanying section 182 guidance.</p> <p>The Sub-Committee must consider the Council's Statement of Licensing Policy and set out clearly any reasons for departing from policy.</p> <p>The Sub-Committee must ensure consideration is given to the principles of decision making and that the decision is:</p> <ul style="list-style-type: none"> • Legal • Proportionate • Due consultation and taking officer advice • Reasonable • Respect human rights • Open, Rational and Fair • Promote equalities • Sustainable • Evidenced based • Complies with Code of Conduct
<p>Failure to promote the licensing objectives</p>	<p>Granting the application, granting the application with modifications or, refusing the application may, without proper consideration, undermine one or more of the licensing objectives</p>	<p>Applicant</p> <p>Interested parties</p> <p>East Devon District Council</p> <p>Members of the public</p>	<p>3</p>	<p>2</p>	<p>4</p>	<p>Applicants are asked to set out the steps they will take to mitigate any risk to the licensing objectives within the operating schedule of the application form.</p> <p>Notice of the application is served on all responsible authorities prescribed by the Licensing Act 2003 who will consider the application and it's potential impact on the licensing objectives.</p>	<p>At the hearing:</p> <p>The Sub-Committee must carefully consider all relevant representations</p> <p>The Sub-Committee must refuse or modify the application where risks cannot be mitigated.</p> <p>The Sub-Committee must ensure the operating schedule is enforceable</p> <p>The Sub-Committee may consider attaching proportionate conditions to the licence if appropriate.</p>

*Impact – Major = 4 Serious = 3 Significant = 2 Minor = 1

*Likelihood – Very Likely = 4 Likely = 3 Unlikely = 2 Remote = 1

19. Equality Implications (Public Sector Equality Duty)

Scope (<i>Provide an overview, including objectives and desired outcomes</i>)	To determine an application for a premises licence under the Licensing Act 2003
Evidence gathered and engagement (<i>List stakeholders consulted and relevant processes, policies, and data sources</i>)	The application has been circulated to all responsible authorities relevant to the Licensing Act 2003. The application has been advertised in accordance with the statutory process.
Relevance assessment findings (<i>If relevant to equality, undertake a full EIA or If no relevance to equality, explain why with supporting information</i>)	<p>A full EIA is required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, this assessment has demonstrated relevance to equality with regard to: Please check relevant boxes</p> <p><input type="checkbox"/> Age <input type="checkbox"/> Pregnancy and maternity <input type="checkbox"/> Disability <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Race <input type="checkbox"/> Gender reassignment <input type="checkbox"/> Sex <input type="checkbox"/> Marriage or Civil Partnership <input type="checkbox"/> Religion or Belief <input type="checkbox"/> Armed Forces <input type="checkbox"/> Other, e.g. carers, care leavers, low income, rurality/isolation, etc.</p> <p>If no, explain why:</p> <p>The application process is prescribed in legislation. The opportunity to obtain a premises licence, or to make a representation in relation to a premises licence application, is open to all regardless of their protected characteristics.</p>
Relevance ranking	<input type="checkbox"/> High – Very relevant to protected characteristics <input type="checkbox"/> Medium – Somewhat relevant to protected characteristics <input checked="" type="checkbox"/> Low – Not relevant to protected characteristics
Key findings and impacts	The application process is prescribed in legislation. The opportunity to obtain a premises licence, or to make a representation in relation to a premises licence application, is open to all regardless of their protected characteristics. Applications for the grant of a premises licence must be determined as prescribed by legislation.
Conclusion drawn (<i>i.e No major changes needed; EIA found no negative impact or adjust policy/process to remove identified barriers</i>)	No negative impact has been identified. The Licensing Authority's discretion and decision-making role is only engaged following a relevant representation being lodged in respect of an application, which can be made by any person. If any person required assistance with serving an application or making a representation, the Licensing Authority would provide reasonable adjustments and assistance. Any decision made by the Licensing Authority must be to address the promotion of the four licensing objectives and consideration must be given to all representations and supporting evidence received.
Actions (<i>Proposed actions to mitigate negative impacts on identified groups</i>)	The Licensing Sub-Committee must, in the exercise of its functions have due regard to

	<p>public sector equality duty as set out in the Equality Act 2010.</p> <p>The decision to grant the application, grant the application with modifications, or refuse the application must be made in line with legislation and the promotion of the licensing objectives having regard to any relevant representations. Impact on groups with protected characteristics can be considered in relation to the promotion of the licensing objectives.</p>
Signed off by	Matt Blythe

20. HR and Workforce Implications

20.1 None.

21. Community Safety Implications (Crime and Disorder)

21.1 Decisions under the Licensing Act 2003 must promote the four licensing objectives which include the prevention of crime and disorder. The Licensing & Enforcement Committee must take such steps as it considers appropriate for the promotion of the licensing objectives when determining the application, having given regard to all relevant representations received.

22. Climate Change Implications

22.1 When determining an application for the grant of a premises licence under the Licensing Act 2003, the Licensing & Enforcement Sub Committee must consider whether any action or step is appropriate for the promotion of the licensing objectives being: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

22.2 The Licensing & Enforcement Sub Committee cannot refuse or condition a licence because of climate change concerns, or concerns about the environmental impact of an application, unless these concerns specifically fall within the scope of a licensing objective. E.g. light pollution causing a public nuisance.

23. Health & Safety and Health & Wellbeing Implications

23.1 Decisions under the Licensing Act 2003 must promote the four licensing objectives which include public safety. The Licensing & Enforcement Committee must take such steps as it considers appropriate for the promotion of the licensing objectives when determining the application, having given regard to all relevant representations received.

24. Procurement and Social Value implications

24.1 There are no procurement and social value implications arising from the recommendations in this report.

25. Land and Buildings (non-housing)/Asset Management Implications

- 25.1 There are no land and buildings asset management implications. The land on which the applicant proposes to site the mobile bar appears to be a public highway.

26. Overview and Scrutiny Committees Comments/Recommendations

- 26.1 None.

27. Digital and Data

- 27.1 There are no specific digital or data implications arising from the recommendations in this report.

28. Consultation and Engagement

- 28.1 The applicant has advertised the application by way of a public notice for 28 consecutive days and in the local newspaper in accordance with the Licensing Act 2003.
- 28.2 All statutory responsible authorities listed at section 4 of this report have been consulted in relation to the application as required by legislation.

29. Communications

- 29.1 A Decision Notice will be issued within 5 working days after date of the hearing and issued to all interested parties.
- 29.2 Any queries about the application should be directed to the Licensing Department in the first instance.

30. Next Steps

- 30.1 The licensing sub-committee will consider the application as detailed within this report at a hearing on 10 June 2026.
- 30.2 A Decision Notice will be issued within 5 working days of the hearing taking place.

31. Appendices

- 31.1 **APPENDIX A** – Application Form
- 31.2 **APPENDIX B** – Site Plan
- 31.3 **APPENDIX C** – Public Notice in Exmouth Journal
- 31.4 **APPENDIX D** – Public Notices on site
- 31.5 **APPENDIX E** – Emails from Objector re premises location
- 31.6 **APPENDIX F** – Representations List
- 31.7 **APPENDIX F1** – Plans submitted by objector in support of application
- 31.8 **APPENDIX G** – Photos of Orcombe Point/Gate
- 31.9 **APPENDIX H** – Public Space Protection Order - Exmouth
- 31.10 **APPENDIX I** – Response to Notice of hearing
- 31.11 **APPENDIX I1** – Photos submitted by objector as supporting documents
- 31.12 **APPENDIX I2** – Photos submitted by objector as supporting documents
- 31.13 **APPENDIX J** – Conditions offered by applicant in Operating Schedule

Proposed Report Sign Off process

Please make sure you have obtained the relevant sign off and the date completed before submitting your report to Democratic Services.

	Officer Name	Date requested	Date Completed
Legal & Governance	Monitoring Officer or Deputy Monitoring Officer	02/06/2026	02/06/2026
Finance	Section 151 Officer or Deputy S151 Officer	02/06/2026	02/06/2026
Communications	communications@eastdevon.gov.uk		If applicable
Digital and Data	digital@eastdevon.gov.uk		If applicable
Engagement	engagement@eastdevon.gov.uk		If applicable
HR	HR Lead		If applicable
Chief Executive	Chief Executive		If applicable
Director	Relevant Director		If applicable
Assistant Director(s)	Relevant Assistant Director(s)	02/06/2026	02/06/2026
Cabinet Lead Member(s)	Relevant Lead Member (s)		If applicable
Executive Leadership Team	ELT		If applicable
Strategic Leadership Team	SLT		If applicable