

Chris Lane
Date: 23 May 2011
Contact number: (01395) 517544
E-mail: clane@eastdevon.gov.uk
Our Reference: Chris Lane
Your Reference: -



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Steve Hall, Jim Knight, Ken Potter)

Licensing Officer
Assistant Solicitor

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 31 May 2011 at 9.30am

The Licensing & Enforcement Sub Committee meeting will take place in the Council Chamber, Knowle, Sidmouth, to consider the matters detailed on this agenda.

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

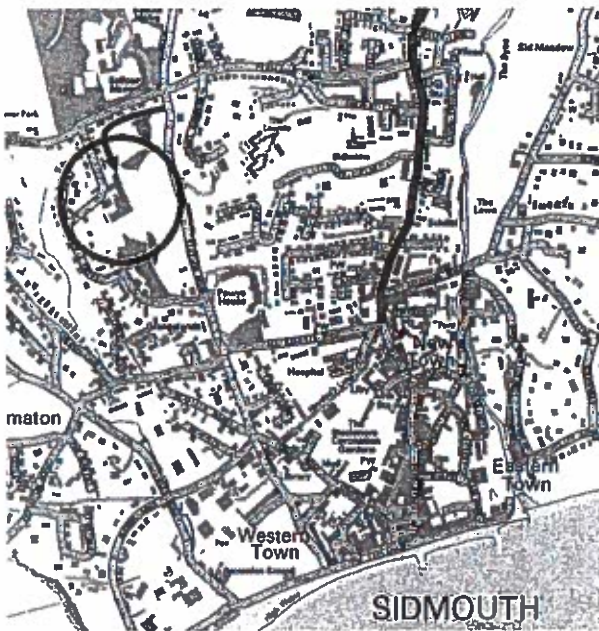
A G E N D A

- | | Page/s |
|---|---------------------------|
| 1. To confirm the minutes of the meetings of the Licensing and Enforcement Sub Committee held on 3 May 2011. | 3 - 4 |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To receive any declarations of interests relating to items on the agenda. | |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. | |
| <p>(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).</p> | |
| 5. To consider a Review of a premises licence requested by Devon & Cornwall Constabulary for Fat Jax, 8 Victoria Road, Exmouth under the Licensing Act 2003. | Licensing Officer 5 - 92 |
| 6. Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary. | Licensing Officer 93 - 95 |

Members Remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Tuesday, 3 May 2011

Present: Councillors:
Chris Gibbings (Chairman)
Steve Hall (Vice Chairman)

Officers: Chris Lane – Democratic Services Officer
Neil McDonald – Licensing Officer
John Tippin – Licensing Manager

The meeting started at 9.30 am and ended at 9.35 am.

***38 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 5 April 2011 were confirmed and signed as a true record.

***39 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary**

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the application and the negotiations carried out.

RESOLVED

that the applications be granted as below, subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Application for a premises licence to be granted	The Chronicle, 3 Chapel Hill, Exmouth, EX8 1NY	<p>Following mediation the applicant, Devon & Cornwall Constabulary and the Councils Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the reduction of the hours for the opening times of the premises from 01:00 to 00:30 Monday to Sunday, and from 02:00 to 01:30 on Christmas Eve, Boxing Day and Valentines Day and with the addition of the following conditions:-</p> <ol style="list-style-type: none">1. All alcohol must be served by way of waiter/waitress service to persons seated at tables.2. No alcohol or glasses must be taken outside the premises.
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		3. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Chairman Date

Agenda Item 5

Licensing & Enforcement Sub Committee

31 May 2011

NMcD

Application for Review of a Premises Licence under the Licensing Act 2003

Summary

The report summarises an application to review a premises licence.

Recommendation

That the Committee considers an application for a review of a premises licence made under the Licensing Act 2003 for Fat Jax, 8 Victoria Road, Exmouth, Devon, EX8 1DL.

a) Reasons for Recommendation

The Licensing Authority has received an application for the review of a premises licence in accordance with Section 51 of the Licensing Act 2003 (the Act) and the Committee is asked to consider the request in light of the representation which has been made by the Devon and Cornwall Constabulary.

b) Committee Options

The Licensing Authority must, having regard to the application and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives. These steps are:

- (a) To modify the conditions of the licence;
- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the designated premises supervisor;
- (d) To suspend the licence for a period not exceeding 3 months;
- (e) To revoke the licence.

Alternatively the Sub-Committee may consider that no action is required or issue a warning regarding future conduct.

Under Section 52(6), the committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

c) Risk Considerations

None

d) Policy and Budgetary Considerations

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the

applicant's court costs if a successful appeal is brought against the decisions made by the Sub Committee.

e) Review of Decision

The council's decision may be appealed to the Magistrates Court.

1 Description of Application

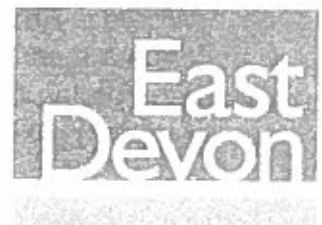
- 1.1 The Licensing Authority has received an application from the Devon and Cornwall Constabulary, for the review of the premises licence relating to Fat Jax, 8 Victoria Road, Exmouth, Devon, EX8 1DL. A copy of the application is attached at **Appendix A**.
- 1.2 The police have stated that the grounds for the review have been made under three of the four licensing objectives being (1) The prevention of crime and disorder, (2) Public safety and (3) The prevention of public nuisance.
- 1.3 Fat Jax currently enjoys the benefit of premises licence PLWA0411. The licence permits, subject to conditions:
- (a) performance of live music (indoors)
 - (b) playing of recorded music (indoors)
 - (c) performance of dance (indoors)
 - (d) provision of facilities for making music (indoors)
 - (e) provision of facilities for dancing (indoors)
 - (f) the provision of late night refreshment (indoors), and
 - (g) the sale by retail of alcohol for consumption on and off the premises.
- 1.4 The current premises licence was converted from the old licensing regime and amalgamated a 'Justices On Licence', a Public Entertainment Licence and a Special Hours Certificate. It was granted by the Licensing Authority in the names of Robert David Stuart Macrae and his wife Angela Christine Macrae and took effect on the first appointed date of 24 November 2005.
- 1.5 Mr and Mrs Macrae previously held the Justices Licence under the former licensing regime from 14 January 2003 when they were granted a transfer of a 'Justices On Licence' by the Licensing Justices sitting at the Central Devon Magistrates Court. The Special Hours Certificate was granted on 11 January 2005 by the Licensing Justices and the Public Entertainment Licence was issued by East Devon District Council Licensing on 1 November 2004. Mrs Macrae is also the designated premises supervisor. A copy of the premises licence including the conditions relating to the licence is attached at **Appendix B**.
- 1.6 A summary of the grounds on which the application is made are:-
- The premises licence holders not complying with the conditions of the premises licence particularly with regards to the CCTV system and Doorstaffing.
 - The police have concerns about the ability of the licence holders to run the premises correctly and have listed a number of incidents of violent disorder, fights and assaults that occurred at the premises between 28 July



and 6 November last year. One assault is listed as a serious offence of 'inflicting GBH with intent' and two others being assaults on doorstaff on duty and employed at the premises.

- Police are very concerned that only one doorman was routinely being employed at the premises and was not able to control and deal with incidents on their own.
- In all the listed cases there was an issue with the CCTV system and nothing of evidential value could be obtained from it.
- 18 November 2010 the police held a pre-review meeting at Exmouth Police Station with Mrs Macrae and an EDDC Licensing Officer. An agreement was reached with Mrs Macrae concerning the upgrading of the CCTV system, early closure on Thursday evenings, minimum numbers and the times doorstaff to be employed at the premises on weekends. Also a minor variation was to be submitted in consultation with the police licensing office to amend the conditions on the premises licence. Specific dates for implementation were agreed by all parties.
- On 2 December 2010 Mrs Macrae submitted a minor variation but failed to complete it in an acceptable format and did not cover all the issues agreed at the pre-review meeting. Following advice from the police and the EDDC Licensing Office an amended minor variation was submitted but again was incorrect and the application was held for a month at the request of Mrs Macrae whilst she liaised with the police before it was returned/rejected.
- On 7 December 2010 as the CCTV system at the premises had not been upgraded by the date agreed at the pre-review meeting the police issued a Section 19 closure order on the premises requiring that the CCTV system be upgraded. On the 9 December 2010 the order was withdrawn by the police when an acceptable system had been installed.
- On Friday 7 and Saturday 8 January 2011 no doorstaff were on duty at the premises in breach of the premises licence conditions and the agreement reached at the pre-review meeting.

- 1.7 A map showing the location of the premises is attached at **Appendix C**.
- 1.8 A plan of the premises is attached at **Appendix D**.
- 1.9 In accordance with section 51(3) (a) of the Licensing Act 2003 the police have served a copy of the application for review on the holder of the Premises Licence and on all responsible authorities.
- 1.10 The Licensing Authority has complied with the requirements of Section 51(3) (b) and (d) of the Licensing Act 2003 by advertising the review application at the premises, for not less than 28 consecutive days and by displaying a copy of the notice at the East Devon Council Offices and on the licensing pages of the East Devon District Council's website. A copy of the notice is attached at **Appendix F**.
- 1.11 The purpose of the notices is to give others the opportunity to join the police in the review application.
- 1.12 Any representation in respect of this application made by responsible authorities or interested parties had to be received by the licensing authority by 13 April 2011 and must be relevant to the four licensing objectives of the Licensing Act 2003.



The Licensing objectives are:

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

1.13 No further relevant representations were received.

2. Mediation Meeting & Amended Application

2.1 Since the review notice has been served a mediation meeting has taken place between the licence holders, their solicitors (Crosse & Crosse Solicitors) and the police. As a result it was agreed that a minor variation be submitted to remove certain conditions from the premises licence and to add further conditions including CCTV and Doorstaff conditions. The minor variation was duly submitted by the solicitors on 12 May 2011 and the last date for which representations can be made against the application is the 26 May 2011. A copy of the application is attached at Appendix G.

3 Statutory Bodies' Response

3.1 Devon & Cornwall Constabulary
Served Review Notice.

3.2 Devon Fire & Rescue Service
No representations have been received.

3.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received

3.4 Devon Trading Standards
No representations have been received

3.5 East Devon District Council, Environmental Health Service
No representations have been received

3.6 East Devon District Council, Planning & Countryside Service
No representations have been received

4 Responses to Notices of Hearing

4.1 Details of the response to notice of hearing are attached at Appendix E.

5 Relevant Licensing Policy Considerations

5.1 Paragraph 12.9 of the Policy states:

Responsible Authorities or Interested Parties may lodge an application for review of a licence/certificate with the Licensing Authority at any time. Where a Review application is made, the Licensing Authority encourages all parties to work in partnership to achieve the promotion of the licensing objectives. The Licensing Authority expects that Responsible Authorities will give



licence holders early warning, where possible, of any concerns identified at premises.

6. Guidance

- 6.1 Guidance is offered by the Secretary of State to Licensing Authorities under Section 182 of the Act, in relation to the review of premises licences (paragraph 11.1 – 11.21). In particular, the guidance refers to the options available to the authority (see first page of this report at paragraph (b) 'Committee Options').
- 6.2 Paragraph 11.18 of the guidance states 'In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives'.
- 6.3 Members are reminded that despite the title implying otherwise the designated premises supervisor's role as defined by the Licensing Act only relates to the sale of alcohol. It does not automatically mean the position is responsible for the supervision of the whole premises although often that is the case.
- 6.4 Paragraph 11.21 of the guidance relates to modification of the premises licence, stating 'Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the licence for up to three months may be imposed. This could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review'.

7. Observations

- 7.1 The minor variation application (paragraph 2.1) submitted following the mediation meeting between the police, licence holders and their solicitors cannot be completed until the expiry of the last date for the receipt of representations being 26 May 2011. If there are no representations made against the application and as it has been properly made then under the legislation the application is automatically granted and an update will be



given verbally at the sub committee hearing. If the minor variation is granted on 27 May 2011 the police have not requested any further specific conditions or modification of the licence.

8. Legal Implications

8.1. The licensing authority must determine the application in accordance with Section 52 of the Act which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.

8.2. An appeal may be made, against the decision taken in relation to the application for review, by

- the applicant for the review,
- the holder of the premises licence or
- any other person who made relevant representations in relation to the application.

An appeal must be made to a magistrates' court within the period of 21 days beginning with the day on which the appellant is notified of the decision.

9. Human Rights Act 1998

9.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are

- Article 6 (right to a fair trial),
- Article 8 (right to respect for private and family life),
- Article 11 (freedom of association) and
- Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions).

These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

9.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

9.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.



- 9.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 9.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Copy of review application
- Appendix B – Copy of premises licence PLWA0411
- Appendix C – Map showing location of premises.
- Appendix D – Plan of premises
- Appendix E – Response to notice of hearings
- Appendix F – Copy of review notice
- Appendix G – Copy of minor variation application

Background Papers

- Review Application dated 16 March 2011
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald ext 2079
Licensing Officer

Licensing & Enforcement Sub Committee
31 May 2011



Licensing Office
 Central Services Directorate
 East Devon District Council
 Council Offices
 Knowle
 Sidmouth
 Devon EX10 8HL



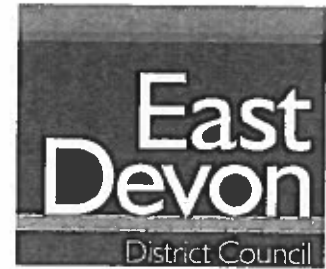
Ref: EDP301

East Devon District Council
Licensing Authority
Licensing Act 2003

**Application for the review of a premises licence or club
 premises certificate under the Licensing Act 2003**

Applicant's Check List	
	Please tick ✓ yes
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirement my application will be rejected	<input checked="" type="checkbox"/>

To: Head of Legal and Member Services
 Attn Licensing Manager
 Central Services Directorate
 East Devon District Council
 Council Offices
 Knowle
 Sidmouth
 Devon EX10 8HL



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 14 April 2011 relating to the following application:

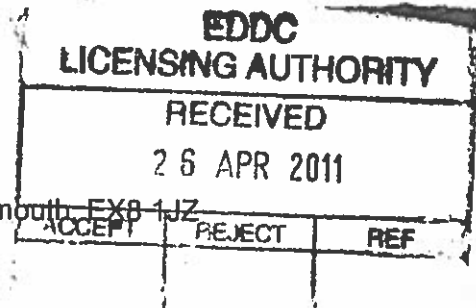
Licence Number: PLWA0411

Application: Review of a Premises Licence

By: The Chief Constable

Of Devon & Cornwall Constabulary, North Street, Exmouth, EX8 1JZ

Re: Fat Jax, 8 Victoria Road, Exmouth, EX8 1DL



Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate) (✓)		Yes	No
I consider the hearing to be unnecessary		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by: <i>PROVISIONALLY MR DAVID CAMPBELL FIELDS LEGAL</i> Please see note below (Please give details of the person's name and address in this box)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)					
Name and Address		/			
Please explain how this person will be able to assist the Licensing Sub Committee:					
/					
I enclose the following documents to support my original representations:					
/					
(Please list them)					
		(Tick as appropriate) (✓)		Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:	<i>B Sleight</i>	Your address: <i>EXMOUTH POLICE STATION</i>			
Name:	<i>BARRY SLEIGHT</i>				

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Corporate Legal and Democratic Services Manager,
Attn Licensing Manager
East Devon District Council,
Council Offices, Knowle, Sidmouth, Devon, EX10 8HL

Tel: 01395 517410 Fax: 01395 517507
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

24 April 2011

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

To: Head of Legal and Member Services
 Attn Licensing Manager
 Central Services Directorate
 East Devon District Council
 Council Offices
 Knowle
 Sidmouth
 Devon EX10 8HL



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Licence Number: PLWA0411

Application: Review of a Premises Licence

By: The Chief Constable

Of Devon & Cornwall Constabulary, North Street, Exmouth, EX8 1JZ

Re: Fat Jax, 8 Victoria Road, Exmouth, EX8 1DL

Key Points		
Which of the four licensing objectives does your <i>application, representation or objection</i> relate	(✓)	Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime & disorder	<input type="checkbox"/>	
Public safety	<input type="checkbox"/>	
Prevention of public nuisance	<input type="checkbox"/>	
Protection of children from harm	<input type="checkbox"/>	
Your Signature:		Your address:
Name:		

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



Ref: EDP301

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **BARRY REGINALD SLEIGHT FOR AND ON BEHALF OF THE CHIEF
CONSTABLE DEVON AND CORNWALL POLICE**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description FAT JAX 8 VICTORIA ROAD	
Post town EXMOUTH	Post code (if known) EX8 1DL

Name of premises licence holder or club holding club premises certificate (if known) ROBERT DAVID STUART MACRAE ANGELA CHRISTINE MACRAE
--

Number of premises licence or club premises certificate (if known) PLWA0411

Part 2 - Applicant details

I am

- 1) an interested party (please complete (A) or (B) below) Please tick yes
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick
Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post town Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address BARRY REGINALD SLEIGHT LICENSING OFFICE DEVON AND CORNWALL POLICE EXMOUTH POLICE STATION NORTH STREET EXMOUTH EX8 1JZ
Telephone number (if any) 01395 226147
E-mail address (optional) barry.sleight@devonandcornwall.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Fat Jax is a licensed premises situated at 8 Victoria Road Exmouth Devon EX8 1DL. The premises has a premises licence number PLWA0411 issued by East Devon District Council.

The premises licence holders are Robert David Stuart Macrae and his wife Angela Christine Macrae with Angela Macrae being the Designated Premises Supervisor. During the latter part of 2010 the police became concerned regarding the running of the premises mainly concerning the CCTV and Door staffing which are conditions of the premises licence. The licence was in being prior to the change over to the Licensing Act 2003 in November 2005. It contains a mixture of conditions from the Licensing Act 1964, conditions from a Special Hours Certificate, Public Entertainment Licence and the Licensing Act 2003. At the change a number of premises sought and successfully consolidated their conditions bringing them up to date and removing unnecessary conditions. Unfortunately Mr and Mrs Macrae did not take such action and as a result their licence has become unworkable and as such unenforceable by the Police.

On the 28th July 2010 an offence of Inflicting GBH without intent was committed on the premises following a fight between 2 women (KE/10/2014). The investigation of the matter was hampered by a substandard CCTV being installed and poor tape usage procedure. The CCTV was of no use to the investigation.

On the 15th August 2010 Mr Phillip Horrocks a SIA registered doorman employed at the premises was assaulted at the premises whilst performing his duties. This resulted in him receiving injuries consistent with an offence of actual bodily harm (KE/10/2123). The matter is still under investigation with the offender still to be arrested. This offence highlighted to the police one doorman was insufficient to provide security to the premises to fulfil the licensing objectives. The premises have a capacity of 100 and two entrances/exits. One at the front to Victoria Street and one to the rear Elm Grove.

Again there were issues with the CCTV as the tape was allegedly being changed at the time the assault took place.

On 30th August 2010 a further assault was reported at the premises (KE/10/2269). There were issues again with CCTV as it appears the offence happened during the 3 second delay as cameras rotated through their recording sequence. The CCTV could not assist the investigation.

On 3rd October 2010 a fight took place within the premises between a group of men. The CCTV was of such poor quality that it did not aid the investigation and no further action was taken against those who were arrested. (KE/10/2555)

On 10th October 2010 Mr Donald Spencer a SIA registered doorman was on duty at the premises when he was called upon to deal with some disorderly behaviour and was assaulted and impeded in the course of his duties by 3rd parties (KE/10/2618). He was acting on his own as only one doorman was employed. Again the CCTV was not up to standard to provide evidence.

On the night 29th-30th October 2010 disorderly behaviour took place between customers at the premises starting at the rear and then outside the front of the premises.

Further disorder took place on 6th November 2010 where a female was arrested for being drunk and disorderly. Officers attending stated the SIA Doorman was on his own and seemed unable to cope. He was trying to cover both front and rear doors at the same time.

On Thursday 18th November 2010 a Pre Review meeting took place at Exmouth Police Station regarding the Police concerns regarding the premises. The persons attending were

Angela Macrae PLH and DPS
Neil McDonald East Devon Council Licensing Officer
Barry Sleight Devon and Cornwall Police
Sgt Richard Crosby Devon and Cornwall Police

The items on the agenda for discussion were

The premises CCTV and quality

Door staffing

Breaches of Licensing Conditions

Persons frequenting the premises

After discussion the following was agreed

Due to the impact of the premises Public Entertainment Licence conditions the premises would close at 11pm on Thursdays from 18th November 2010

With effect from Friday 26th November 2010 the premises would employ 2 door staff on a Friday and Saturday night from 21.30 to 30 minutes after the premises closes.

The current door staffing condition states door staff should be employed from 10AM on Thursdays till midnight and 10AM on Fridays and Saturdays till 1AM. The premise's has never complied with this condition.

With effect from Friday 3rd December 2010 the premises would upgrade or install a CCTV system that complies with the minimum standards for CCTV as set out in the East Devon District Council policy.

With effect from 3rd December the Premises Licence Holders would submit an application in whole or part to address the licence conditions.

Attached is a list of the conditions considered to be being breached, unworkable or unenforceable.

Mrs Macrae subsequently submitted an application to vary the licence yet despite subsequent advice from the East Devon District Council licensing office and the police it was rejected as it was not of the required standard.

By 7th December 2010 the CCTV system had not be upgraded or fully installed so the police issued a closure order on the premises under the provisions of section 19 Licensing Act 2010 which was terminated on 9th December 2010 when the CCTV had been installed and appeared to be workable although one camera was defective.

At the time the CCTV was considered to be suitable for the operation of the premises.

On Friday 7th and Saturday 8th January 2010 no door staff were on duty at the premises. Mrs Macrae stated she had been let down at short notice by her security company. On the evenings the premises were closed at midnight. It appears the Macraes' thought it in order to open till midnight without having door-staff. This action shows a complete disregard of the conditions at worse or at best a complete lack of understanding

The premises appears to date have resolved their door-staffing issues and it has been noticed by the police that since 2 door staff have been employed at the premises there are less instances of disorder. However this is only a voluntary agreement and if the management decide to terminate the Police would find it difficult to enforce the conditions.

In summary

1. Although the current management of the premises try to run the pub successfully their inability to act swiftly to incidents and take measures to resolve issues despite advice and warnings gives grave concerns over their ability to satisfy the Licensing Objectives

2. The Licence Conditions are very confusing and antiquated making it impossible for the current owners to run their premises successfully

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

Day Month Year

If yes please state the date of that application

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity


.....
16/3/11

.....
licensing officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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Licensing Act 2003 - Premises Licence register as at 12:11 on Tue 15 Feb 2011

Fat Jax

8 Victoria Road, EXMOUTH, Devon, EX8 1DL

Premises Licence from 24/11/05 to indefinite



Licence Holder(s)

Full name

Mr Robert David Stuart Macrae

Full name

Mrs Angela Christine Macrae

Designated Premises Supervisor

Premises supervisor name

Mrs Angela Christine Macrae

Permitted Activities:

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

Premises Open Hours granted

Time From Time To

Activities - Times granted

	Time From	Time To
E. Performance of live music (Indoors)		
Monday to Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am
Sunday	8:00pm	10:45pm
New Year's Eve		

The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

F. Playing of recorded music (Indoors)

Monday to Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am

Sunday	8:00pm	10:45pm
New Year's Eve		

The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

G. Performance of dance (Indoors)

Monday to Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am
Sunday	8:00pm	10:45pm
New Year's Eve		

The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

I. Provision of facilities for making music (Indoors)

Monday to Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am
Sunday	8:00pm	10:45pm
New Year's Eve		

The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

J. Provision of facilities for dancing (Indoors)

Monday to Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am
Sunday	8:00pm	10:45pm
New Year's Eve		

The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

L. Late night refreshment (Indoors)

Thursday	11:00pm	12:30am
Friday & Saturday	11:00pm	1:30am
New Year's Eve	11:00pm	5:00am

Applies when New Year's Eve falls on a Thursday to Saturday only.

M. The sale by retail of alcohol for consumption ON and OFF the premises

Monday to Wednesday	10:00am	11:00pm
Thursday	10:00am	Midnight
Friday & Saturday	10:00am	1:00am
Sunday & Good Friday	Noon	10:30pm
Christmas Day	Noon	3:00pm
Christmas Day	7:00pm	10:30pm
New Year's Eve-Except Sundays	10:00am	Midnight

And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

New Year's Eve-On a Sunday	Noon	Midnight
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And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Additional Conditions

ANNEXE 1 - MANDATORY CONDITIONS

1. a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Source: Section 19 & 19A Licensing Act 2003

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Source: Section 19 & 19A Licensing Act 2003

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Source: Section 19 & 19A Licensing Act 2003

5. Any person used to carry out a security activity as required under condition 5 of the standard Public Entertainment Licence conditions and condition 2 of the Special Hours Certificate Conditions must be licensed by the Security Industry Authority.

Source: Section 21 Licensing Act 2003

MANDATORY CONDITIONS 6 & 7 LISTED BELOW WILL COME INTO FORCE ON THIS LICENCE ON THE 1 OCTOBER 2010

6. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The 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 a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

7. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Source: Section 19 & 19A Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**Embedded Conditions Consistent with the Licensing Act 1964**

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
8. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the permitted hours, the taking of alcohol supplied in the premises from the premises unless the alcohol is supplied or taken in an open vessel.
9. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the end of permitted hours the consumption of alcohol on the premises.
10. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first thirty minutes after the permitted hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals.
11. The licensable activities authorised by this licence will be confined to the areas that are outlined in RED on the plan deposited with and approved by the Licensing Authority.

In addition to conditions 1 to 11 the conditions 12 to 14 shall also apply on Thursdays to Saturdays (the days on which the premises held a Special Hours Certificate on the date of the the original grant of this licence).

12. Subject to the following paragraphs, the permitted hours on Thursday shall extend to midnight and Friday and Saturday shall extend until 1 am in the morning except that:
 - (a) The permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight.
 - (b) On any day that music and dancing ends between midnight and 2.00am, the permitted hours shall end when the music and dancing ends.
13. In relation to the morning on which summer time begins, condition (12) shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning (or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.).
14. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

Conditions Consistent with the Justices On Licence relating to the premises

1. CCTV to be installed, maintained and operated to the satisfaction of the Chief Officer of Police.

Conditions attached to the Special Hours Certificate by the Licensing Justices.

1. CCTV to be installed, operated and maintained to the satisfaction of the Chief Officer of Police.
2. Doorstaff to be available throughout the Section 77 Special Hours - (for clarification these hours are -Thursdays 10 am to midnight and Fridays & Saturdays - 10 am to 1:00 am)
3. No entry to persons after 11:30 pm.

Conditions Consistent with the Public Entertainment Licence Conditions

1. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
2. The maximum number of persons to be permitted in the bar area at any one time shall not exceed 100.
3. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).
4. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by

a staff of attendants or stewards according to the following scale:-

- (b) At every performance to which Section 12 of the Children and Young Persons Act 1933 applies, the number of attendants or stewards in those parts of the premises which are not more than ten feet above or below ground level, shall not be less than two per cent of the seating capacity of those parts of the premises, and in all other parts of the premises it shall not be less than four per cent of the seating capacity for those parts of the premises provided that where children are in the charge of school teachers, those teachers may be regarded as attendants or stewards in respect of not more than one half of the number of attendants or stewards required in section (a) of this condition.
- (c) At every performance where children are accommodated above ground level there shall be an attendant or steward at the foot of each stairway used for entrance while the audience is entering the premises and at the head of each stairway used for exit throughout the performance and while the audience is leaving the premises. Where children are accommodated below ground level those attendants or stewards shall be stationed at the head of each stairway while the audience is entering the premises and at the foot thereof during the performance and while the audience is leaving the premises.
- (d) Throughout the time when the public are in attendance, attendants and stewards shall wear either distinctive clothing or suitable armbands.
- 5 All persons primarily employed in premises licensed to sell alcohol who vet customers in order to maintain good order shall be approved and licensed by the Security Industry Authority.
6. A register of names of persons on duty to vet customers and maintain good order at any given time, shall be kept on the premises and made available to a Police Officer or a duly authorised officer of the Licensing Authority on request by either of those officers.
7. A procedure to be followed in the event of fire or other emergency shall be devised.
8. All persons employed to work in the premises and all attendants and stewards shall be given instruction and training in the procedure to be followed in the event of fire or other emergency.
9. The licensee shall be responsible for organising the training of staff and all attendants and stewards shall be responsible for co-ordinating the actions to be taken in the event of fire or other emergency. Effective arrangements shall be made for a nominated deputy to carry out the above duties.
10. All means of escape, i.e. corridors, gangways, passages, stairways, exit ways, etc. shall be kept free from obstruction at all times when members of the public are on the premises.
11. All stairs and steps shall be maintained with non-slippery and even surfaces and any stair coverings shall be secured and maintained so that they will not in any way be a source of danger to persons escaping in case of fire.
12. Before carrying out any alterations to the premises, including the wall and ceiling linings or any material alteration in the furnishings or in the internal arrangement of the premises, or equipment with which the premises are provided, 28 days written notice must be given to the Licensing Authority and to the Fire Authority.
13. The licensee shall furnish to the Licensing Authority annually at the time of renewal of the licence a certificate as to the condition of the electrical installation with which the premises are provided. In the case of premises licensed for only one or more specific occasions, such certificate shall be provided when required by the Licensing Authority. The certificate to be signed by a qualified electrician.
14. Any alterations, modifications or extensions to the electrical installation with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with I.E.E. Regulations and any portable electrical equipment or appliances used in the premises shall be in efficient working order and correctly wired and connected.
15. In the case of any outbreak or suspected outbreak of fire the Devon Fire and Rescue Service shall be called immediately.
16. A conspicuous notice clearly stating the location of the nearest telephone and the correct method of summoning the Devon Fire and Rescue Service shall be displayed in the foyer or entrance to the premises.
17. No explosive or highly inflammable material shall be brought into the premises and any curtains, drapes or other decorative materials introduced into the premises shall either be inherently non-flammable or comply with B.S. 5867: part 2, type 2.
18. No portable heating appliances shall be permitted on the premises during the time they are used for the purpose to which this Licence applies.
19. The use of pyrotechnics shall be permitted only after consultation and with the agreement of the fire authority. In this connection pyrotechnics means the use of apparatus or other devices for the production of smoke, coloured smoke or firework-like effects.
20. The emergency lighting with which the premises are provided shall be maintained in efficient working order and be in operation during the whole time that the public are in the premises. The existing system must illuminate all exit signs, doorways, step and passages forming exit routes from the licensed premises and any other part of the premises specified in the schedule of conditions and shall be independent of the normal lighting system. Oil lamps and candles shall not be used.
21. All 'exit' signs shall be maintained in a good state of repair.
22. The use of naked lights or flames during performances is prohibited unless prior written consent of the Licensing Authority has been obtained.
23. Any doors required to be fire resisting shall be effectively maintained, and where such doors are also required to be self-closing they shall be maintained as such, and shall not be provided with means of holding them in open position, other than automatic releases where these have been specifically approved by the Licensing Authority.
24. (I) The doors of any doorway through which persons might have to pass to leave the premises shall be capable of being easily and immediately opened without the aid of a key at all times when members of the public are on the premises.
- (II) All doors fitted with panic bolts or latches shall be prominently indicated by the words 'Push Bar to Open' in block

letters in a distinctive colour, preferably white letters on a green background.

25. If the premises are to be used for any entertainment involving a closely seated audience the Licensing Authority must have approved the seating arrangements in writing. Before such approval can be given, copies of a plan showing the proposed seating arrangements shall be submitted to the Licensing Authority and to the Fire Authority.

26. Notwithstanding the foregoing condition: -

(a) In any premises exclusively used for a closely seated audience all seats shall be securely fixed to the floor.

(b) In premises not exclusively used for a closely seated audience, chairs, if provided shall be battened or otherwise securely fixed together to the satisfaction of the Licensing Authority in lengths of not less than four nor more than twelve chairs, and if more than 400 people are to be accommodated the chairs or seats adjoining any gangway shall be securely fixed to the floor.

(c) There shall be an unobstructed seatway or space of at least 12 inches (300 mm) measured between perpendiculars between the back of one seat and the front of the seat immediately behind.

(d) The maximum number of chairs or seats in any row shall not exceed:-

(i) Seven where there is a gangway at one end only of the row, and

(ii) Fourteen where there is a gangway at each end of the row *except* that the number of seats in a row served by only one gangway may be increased to eleven if the seatway is increased by one inch (25 mm) for each additional seat over seven and the number of seats in a row served by two gangways may be increased to 22 if the seatway is increased by one inch (25mm) for each additional seat or pair of seats over fourteen.

27. At any time when an entertainment to which this licence applies is being, or is about to be given and at any other reasonable time, a constable, authorised officer of the East Devon District Council, or authorised officer of the Devon Fire and Rescue Service in uniform shall be given free ingress to the premises for the purpose of inspection.

28. A log book shall be kept in which there shall be recorded details of tests and maintenance of fire fighting equipment, fire warning system (where applicable) and emergency lighting and the dates on which staff, attendants and stewards received training in the action to be taken in case of fire.

29. The use of the premises hereby licensed shall not be or become a nuisance to nearby residents or passers by.

30. The volume of any apparatus used shall be under the control of the Management, from a part of the premises, which is not accessible to the public.

31. Where volume-limiting devices are required to control the amplification of sound, they shall be effectively operated and maintained to ensure that the volume does not exceed the permitted sound level.

32. The Fire Officer's recommendations (if any) shall be strictly observed.

33. All fire fighting equipment with which the premises are provided shall be maintained in efficient working order.

34. The fire warning system (if provided) shall be maintained in efficient working order.

35. 1. Any exhibition, demonstration or performance (hereafter referred to as a performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.

2. An application for consent under Condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7 - 14 days: less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police: and the authority may also copy it to the local fire authority if it considers this necessary.

3. The application shall contain the following:

(a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when); and

(b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotist Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)

4. The following conditions shall apply to any consent given:

(a) No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere:

(b) Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement: "Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance."

(c) The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested: and it must be available for inspection at the performance.

(d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.

(e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.

(f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform: informing the audience of the possible risks from embarrassment or anxiety; and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence

of alcohol or other drugs or are pregnant."

(g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques, which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.

(h) If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety.

(i) The performance shall be so conducted as not to be likely to cause offence to any other person in the audience or any hypnotised subject.

(j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include: (i) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.);

(ii) any suggestion that the subject has lost something (e.g., a body part) which, if it really occurred, could cause considerable distress;

(iii) any demonstration in which the subject is suspended between supports (so-called catalepsy)

(iv) the consumption of any harmful or noxious substance;

(v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).

(k) The performance shall not include giving hypnotherapy or any other form of treatment.

(l) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.

(m) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).

(n) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell).

(o) Where - (i) a constable, or

(ii) an authorised officer of the licensing authority, or

(iii) an authorised officer of the fire authority

has reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

Conditions Consistent with the Public Entertainment Licence Additional Conditions

1. The wrought iron gate from the rear courtyard is to be secured open at all times that public entertainment is taking place.
2. A noise limiter device capable of being sealed to be installed and monitored to the satisfaction of the Corporate Director - Communities.
3. No amplified sound shall be audible outside the property.

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**IN THE PETTY SESSIONAL DIVISION OF CENTRAL DEVON
TRANSFER**

Date of Session : 14th January 2003

Permit/Licence No : 1990

Liquor Type : INTOXICATING LIQUOR-ALL DESCRIPTIONS

Licence Holders :
**ROBERT DAVID STUART MACRAE
ANGELA CHRISTINE MACRAE**

Name & Address of Premises :
**THE GATHERING
& VICTORIA ROAD
EXMOUTH
DEVON**

Owner : **ROBERT DAVID STUART MACRAE**
Owner : **ANGELA CHRISTINE MACRAE**

JUSTICES' ON LICENCE

THE LICENSING JUSTICES hereby grant by way of TRANSFER to the above applicant this JUSTICES' ON LICENCE authorising the applicant to sell by retail at the above premises, in substitution of the previous licence holder, the type of intoxicating liquor stated for consumption either on or off the premises.

This Licence is granted subject to the conditions and undertakings endorsed and shall have effect from the date hereof until 4 April 2004 or any triennial of that date.

Given under the official stamp of the Licensing Justices which is hereto affixed under their authority by me.



CLERK TO THE JUSTICES

31

I HEREBY CERTIFY THAT THIS IS A TRUE AND COMPLETE COPY OF THE CORRESPONDING PAGE OF THE ORIGINAL

CHARLES L. DOWELL, SOLICITOR, WITCH PENNY, 1 MANOR COURT, DIX'S FIELD, EXETER

CONDITIONS

- 1 CCTV TO BE INSTALLED, MAINTAINED AND OPERATED TO THE SATISFACTION OF THE CHIEF OFFICER OF POLICE.

UNDERTAKINGS

I HEREBY CERTIFY THAT THIS IS A TRUE AND COMPLETE COPY OF THE CORRESPONDING PAGE OF THE ORIGINAL


CHARLES L.R. DOWELL, SOLICITOR. WITCH PENNY, 1 MANOR COURT, DIX'S FIELD, EXETER

Public Entertainment Licence

PEL192

Premises Name and Address

Fat Jax
 8 Victoria Road
 Exmouth
 Devon
 EX8 1DL

Proprietor(s)

Robert David Stuart MACRAE Inns. Unit 6A Greendale Barton Business Park Woodbury Salterton Devon EX5 1EW
Angela Christine MACRAE Westcountry Inns. Unit 6A Greendale Business Park. Woodbury Salterton Devon EX5 1EW

Licence valid from 01 Nov 2004

expires...

31 Mar 2005

Areas of Premises Licensed	Dance/Informal	Restaurant	Closely Seated
Bar	100	N/A	N/A
Total Capacity of Premises Not to Exceed:	100		

Hours and Days of Opening:

Description	Time From	Time To
Sunday	8:00pm	10:45pm
Monday	11:00am	11:00pm
Tuesday	11:00am	11:00pm
Wednesday	11:00am	11:00pm
Thursday	11:00am	Midnight
Friday	11:00am	1:00am
Saturday	7:00pm	1:00am

IMPORTANT NOTES

- Public Entertainment is prohibited during any other hours except such public entertainment as is authorised by Section 182(1) Licensing Act 1964.
- This licence is subject to the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and the Conditions attached to the licence made under it, and any other relevant Acts.
- The possession of this document does not guarantee that the licence is in force. Its validity may be established by reference to the Council's Licensing Office.
- This licence is not transferable without the consent of the Council.

33

I HEREBY CERTIFY THAT THIS IS A TRUE AND COMPLETE COPY OF THE CORRESPONDING Standard Conditions and any Special Conditions attached to this licence are

clearly printed on the reverse. WITCH PENNY, 1 MANOR COURT, DIX'S FIELD, EXETER

1. The wrought iron gate from the rear courtyard is to be secured open at all times that public entertainment is taking place.
2. A noise limiter device capable of being sealed to be installed and monitored to the satisfaction of the Corporate Director - Communities.
3. No amplified sound shall be audible outside the property.

34

I HEREBY CERTIFY THAT THIS IS A TRUE AND COMPLETE COPY OF THE CORRESPONDING PAGE OF THE ORIGINAL



CHARLES L.R. DOWELL, SOLICITOR, NETCH PENNY, 1 MANOR COURT, DIX'S FIELD, EXETER

**LICENSING ACT 1964
SPECIAL HOURS CERTIFICATE**

Before **Central Devon Licensing Committee**
on **11 January 2005**
held at **The Court House, Heavitree Road, Exeter.**

The Licensing Justices for the said Division, being satisfied as respects the licensed premises known as

Fat Jax, 8 Victoria Road, Exmouth. EX8 1DL

- (a) that a Public Entertainments Licence for music and dancing is in force as respects the premises; and
- (b) that the premises are structurally adapted and bona fide (intended to be) used for the purpose of providing for persons resorting to the premises music and dancing and substantial refreshment to which the sale of intoxicating liquor is ancillary

hereby grant under Section 77 of the Licensing Act 1964 this Special Hours Certificate as respects the said premises.


The operation of this Certificate shall be limited to the following:

Part of Premises: As detailed in the plans lodged with the court.

The operation of the certificate to be limited to the following on all floors:
Thursday until 12.00am
Friday to Saturday until 1.00am

Conditions:

1. *CCTV to be installed, operated and maintained to the satisfaction of the chief officer of police.*
2. *Door staff to be available throughout the Section 77 Special Hours.*
3. *No entry to persons after 11.30pm.*



Clerk to the Licensing Justices.

3 5

It is an offence not to keep posted in some conspicuous place on the parts of the premises where permitted hours are hereby modified a notice stating the effect of this certificate, and the days on which it applies. Display of the certificate will not suffice. If the Public Entertainments Licence for music and dancing is allowed to lapse, this certificate will be revoked.

I HEREBY CERTIFY THAT THIS IS A TRUE AND COMPLETE COPY OF THE CORRESPONDING PAGE OF THE ORIGINAL


CHARLES L.R. DOWELL, SOLICITOR, NITCH PENNY, 1 MANOR COURT, DIX'S FIELD, EXETER

**LICENSING ACT 1964
SPECIAL HOURS CERTIFICATE**



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1. *CCTV to be installed, operated and maintained to the satisfaction of the chief officer of police.*
2. *Door staff to be available throughout the Section 77 Special Hours.*
3. *No entry to persons after 11.30pm.*

A handwritten signature in black ink, appearing to read "A. Quinn".

Clerk to the Licensing Justices.

It is an offence not to keep posted in some conspicuous place on the parts of the premises where permitted hours are hereby modified a notice stating the effect of this certificate, and the days on which it applies. Display of the certificate will not suffice. If the Public Entertainments Licence for music and dancing is allowed to lapse, this certificate will be revoked.

Continuation of Statement of

Again there were issues with the CCTV as the tape was allegedly being changed at the time the assault took place.

On 30th August 2010 a further assault was reported at the premises (KE/10/2269). There were issues again with CCTV as it appears the offence happened during the 3 second delay as cameras rotated through their recording sequence. The CCTV could not assist the investigation.

On 3rd October 2010 a fight took place within the premises between a group of men. The CCTV was of such poor quality that it did not aid the investigation and no further action was taken against those who were arrested. (KE/10/2555)

On 10th October 2010 Mr Donald Spencer a SIA registered doorman was on duty at the premises when he was called upon to deal with some disorderly behaviour and was assaulted and impeded in the course of his duties by 3rd parties (KE/10/261). He was acting on his own as only one doorman was employed. Again the CCTV was not up to standard to provide evidence.

On the night 29th-30th October 2010 disorderly behaviour took place between customers at the premises starting at the rear and then outside the front of the premises.

Further disorder took place on 6th November 2010 where a female was arrested for being drunk and disorderly. Officers attending stated the SIA Doorman was on his own and seemed unable to cope. He was trying to cover both front and rear doors at the same time.

On Thursday 18th November 2010 a Pre Review meeting took place at Exmouth Police Station regarding the Police concerns regarding the premises. The persons attending were

Angela Macrae PLH and DPS

Neil McDonald East Devon Council Licensing Officer

Barry Sleight Devon and Cornwall Police

Sgt Richard Crosby Devon and Cornwall Police

The items on the agenda for discussion were

The premises CCTV and quality

Door staffing

Breaches of Licensing Conditions

Persons frequenting the premises

After discussion the following was agreed

Signature:

Signature witnessed by:

2004/5

Continuation of Statement of

Due to the impact of the premises Public Entertainment Licence conditions the premises would close at 11pm on Thursdays from 18th November 2010

With effect from Friday 26th November 2010 the premises would employ 2 door staff on a Friday and Saturday night from 21.30 to 30 minutes after the premises closes.

The current door staffing condition states door staff should be employed from 10AM on Thursdays till midnight and 10AM on Fridays and Saturdays till 1AM. The premise's has never complied with this condition.

With effect from Friday 3rd December 2010 the premises would upgrade or install a CCTV system that complies with the minimum standards for CCTV as set out in the East Devon District Council policy.

With effect from 3rd December the Premises Licence Holders would submit an application in whole or part to address the licence conditions.

Attached is a list of the conditions considered to be being breached, unworkable or unenforceable.

Mrs Macrae subsequently submitted an application to vary the licence yet despite subsequent advice from the East Devon District Council licensing office and the police it was rejected as it was not of the required standard.

By 7th December 2010 the CCTV system had not be upgraded or fully installed so the police issued a closure order on the premises under the provisions of section 19 Licensing Act 2010 which was terminated on 9th December 2010 when the CCTV had been installed and appeared to be workable although one camera was defective but a replacement could not be easily obtained due to snow in the south east of England.

On Friday 7th and Saturday 8th January 2010 no door staff were on duty at the premises. Mrs Macrae stated she had been let down at short notice by her security company. On the evenings the premises were closed at midnight. It appears the Macraes' thought it in order to open till midnight without having door-staff. This action shows a complete disregard of the conditions at worse or at best a complete lack of understanding

The premises appears to date have resolved their door-staffing issues and it has been noticed by the police that since 2 door staff have been employed at the premises there are less instances of disorder.

Barry Sleight Alcohol Related Crime Reduction Officer

Signature: Signature witnessed by:

Fat Jax Unworkable/Unenforceable Conditions
(All references relate to EDDC Website Licence)

Page 1 No premises opening hours
(Such hours should be fixed. This will allow Customers, Staff and Responsible Authorities to know the hours of the premises. It would assist in order to ascertain the correct hours door staff should work and when the winding down period comes into effect)

Page 4 Annexe 2

Conditions 7,8,9,10 antiquated and should be removed

Condition 8 gives 20 minutes drinking up time when majority of premise's are now 30 minutes wind down. This should be a new condition giving 30 minutes wind down time.

Conditions 12 and 13 are unnecessary in view of sections E to M and should be removed.

Condition 14 The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
This condition is being breached on a daily basis as the sale of alcohol is not ancillary and should be removed.

Conditions consistent with the Justices On Licence relating to the premises

Conditions attached to the Special Hours Certificate by the Licensing Justices.

Conditions 1 in both sections are duplicates. The standard East Devon District Council CCTV Policy conditions should be added.

Condition 2 This condition states door-staff on Thursday, Friday and Saturday should start at 10 am. This condition is breached every Thursday Friday and Saturday and is totally unworkable.

The East Devon District Council Licensing Policy conditions relating to door staff should be added.

There should be a condition that a minimum of 2 door staff must be employed from 20.00 hrs on a Friday and Saturday evening until 30 minutes after the premises closes

Door staff will be employed at the ratio of 1-75

Condition 3 No entry to persons after 11.30 which again is breached every Thursday Friday and Saturday and should be removed. There is a problem with

customers stood at the doorway and in the street smoking thus obstructing the kerb and entrance way. Some of these persons will stand there drinking alcohol as well. Persons using the pavement can feel threatened when passing and these customers can be obstructive to door staff dealing with incidents.

This should be replaced by a condition stating

' No person shall leave the premises carrying an open bottle or vessel'

' No person shall enter the premises carrying an open bottle or vessel'

Conditions consistent with the Public Entertainment Licence Conditions

Page 4 to Page 7

These conditions do not relate to police functions and it would be wrong of the Constabulary to comment on them. However in the spirit of clarity condition 35 relates to exhibitions of hypnotism which is somewhat antiquated and unnecessary as the premise does not have exhibitions of hypnotism.

This should be replaced by a condition 'There will be no exhibition, demonstration or performance of Hypnotism at the premises as defined in the Hypnotism Act 1952.

Conditions consistent with the Public Entertainment Licence Additional Conditions

Condition 1 relates to the wrought iron gate from the rear courtyard being secured open at all times that public entertainment is taking place. This condition makes it very difficult for the management and door-staff to monitor activity at the rear. Non customers will enter and use the toilet sometimes causing confrontation. Also Fat Jax customers leave with glasses and bottles and get involved in confrontation with persons queuing to get into The Q Club late at night. This entrance also impacts on the no entry after 11.30 condition.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Andrew BOUNDY** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 21/1/11

Tick if witness evidence is visually recorded (supply witness details on rear)


I am Police Constable 6801 BOUNDY of the Devon & Cornwall Constabulary, currently stationed at EXMOUTH Police Station. I am a response officer.

At around 2300hrs on Saturday 8th January 2011 I attended the Fat Jax Public House, Victoris Road, Exmouth in order to complete a licensing check on behalf of the Licensing Officer at Exmouth Police Station. This is due to a number of licensing issues which have been identified by the premises.

I attended the pub along with PC 11745 RITCHIE, as we approached the front door there was a drunk male in the doorway. This male asked, quite aggressively, what we wanted, As he did so a female exited the pub and spoke to me. She identified herself as Angela McCrae, the licensee. I spoke to McCRAE and asked if she had any door staff working at the pub. She told me that she was supposed to have two, but that the company supplying them had sent a mobile phone text message stating that they were unable to supply any door staff. She told me that the text was from a male named Steven FRY, who was now supplying their doorstaff.

She confirmed that as they had no door staff the pub would be closing at mid-night. It was checked at this time and found to be closed.

There was also no premises license displayed, however she stated that this was currently being amended and was with either her solicitor or the Licensing Department.

Signature:  Signature witnessed by: Self Written.....

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Andrew SPITTLE**..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ... **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **14.01.2011**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Sergeant 4491 SPITTLE of the Devon and Cornwall constabulary currently stationed at Exmouth Police Station as a response Sergeant.


At approximately 2149 hours on Friday 7th January 2011, I was on duty in full uniform in the company of PC 11821 DRURY.

At this time I attended Fat Jack's Public House in Victoria Road Exmouth in order to conduct a licensing check. This check was being conducted at the request of the licensing officer due to concerns as to the running of the premises.

Myself and PC DRURY approached the premises on foot and as I approached I observed a group of 6 persons stood on the step and on the footpath directly outside the premises. I observed that if a member of the public needed to walk past they would have to push past the group as they were obstructing the pavement, I said "excuse me" as I entered the premise but I virtually had to push past the group to enter the premise. The group were all laughing and joking and the impression I got was that they were all customers from the pub. At least two of the group had glasses of beer which I observed being consumed outside the premise. At this time there was no door staff at all at the front of the premise.

One of the group was a white male about 6'1" tall wearing glasses in his early 40's. This male was laughing and joking with the group and was playing with a rubber glove and making a joke with the group. At the time I assumed he was a customer.

On entering the premise I saw a female member of staff serving behind the bar, there were about 10 customers within the premises most of these were stood at the bar, but there were about 4 people towards the rear of the premise near the dart board. I noticed a small school age child with ginger hair, this child was about 9 or 10 years old.

Signature: ..... signature witnessed by:

Continuation of Statement of Andrew SPITTLE

I spoke to the female staff member behind the bar and asked her who was in charge, she said "the boss" and indicated to a male walking towards me from the general direction of the front door, to my surprise this was the male who had been joking with the group outside, this male was still holding the yellow rubber glove he was messing with outside.

I introduced myself to this male and asked for his details. He gave his details as Rob MACREE born 24.12.1959, MACREE stated that he was the licensee.

I informed MACREE that I was conducting a licensing check and asked him if he had any doorstaff on duty, he stated that he did not need any registered door staff as long as he closed prior to midnight which he intended to do. I also asked MACREE to produce his licence certificate and he stated he had not got one as it was in Sidmouth.

As we spoke to MACREE, a male customer approached us, this male had been sitting next to us at the bar and was consuming a pint of beer which was half empty. This male approached myself and PC DRURY and stated questioning our actions. This male was clearly drunk and was very unsteady on his feet, I asked the male to walk away and leave us alone but he became argumentative, MACREE made no attempt to intervene or challenge the man's behaviour. This customer was warned about his behaviour and he stumbled off back to the bar. I pointed out to MACREE that the male was clearly drunk and quarrelsome. MACREE said "oh he is alright".

I challenged MACREE that if there was any disorder within the premises without door staff he would have no resilience to deal with it. MACREE brushed this off saying "I disagree" I found his attitude to our check dismissive and arrogant.

It is my opinion that MACREE was more of a friend to his customers and from what I observed I would seriously question if MACREE was in complete control of the premise.



Signature:

Signature witnessed by:

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **John INGRAM** URN:

50	KE	2269
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Crime Investigator**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **3rd Nov 2010**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Crime Investigator 50933 INGRAM, of DEVON & CORNWALL CONSTABULRY, currently based at EXMOUTH POLICE STATION.

I am currently dealing with a complaint of assault amounting to a common assault, which occurred at FAT JAX PUBLIC HOUSE, VICTORIA ROAD, EXMOUTH on 30th August 2010, at approx 0001-0005 hrs. Crime Reference KE/I0/2269 refers.

As part of the enquiry I had cause to attend FAT JAX in an attempt to obtain the CCTV footage from within the pub to assist me in my enquiries.

Initially there were problems locating the time on the tape. The incident happened just after midnight on 1/8/2010.

The tape times for that time were showing approx 2245 hrs.

Due to the way the tape records, which is on video tape format, there are several camera images recorded, by several camera recording simultaneously. The footage "jumps" from camera to camera and there is approximately a 3 second gap with the continuity of the recorded data.

Initially the incident could not be located at all, possibly in part due to the timing discrepancy. The victim attended the public house voluntarily to show the landlady MRS MCCRAE exactly where the incident occurred.


The landlady then advised me that she had re-viewed the CCTV and unfortunately the incident occurred in that 3 second gap in continuity. I made arrangements to attend the pub and seize the tape however, in preparation to disclose if required.

When I went to collect the CCTV tape on 27th SEPTEMBER 2010. MRS MCCRAE told me that all CCTV's had been collected already and taken by an officer, the details of whom she could not remember.

Signature:  Signature witnessed by: Saf

Continuation of Statement of **John INGRAM**

At this time, I have been unable to locate the CCTV footage.

I have checked the property system for 3 days before and 2 days after the date I attended FAT JAX to collect, no trace of any property having been entered under Reg E. 

Signature: 

Signature witnessed by: SELF

2004/5

WITNESS STATEMENT


(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Darren Campbell** URN:

50	DE		10
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 5603**.....

This statement (consisting of **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: **15/11/10**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Detective Constable 5603 Darren Campbell of the Devon and Cornwall constabulary currently stationed at Exmouth CID.

I am the investigating officer for an offence of GBH which happened on 28th July 2010, this offence took place in Fat Jax, Victoria Road, Exmouth.


During this investigation CCTV was seized from Fat Jax which covered the date of the offence. I viewed the CCTV tape provided by, the landlord Rob Macrea, the tape had the number 28 marked on its spine.

The tape was somewhat confusing as it was initially very difficult to find the 28th July 2010 on the tape. The offence happened between 2130-2200hrs, I had already found the time difference from real time to the time of the tape being 1hr 20mins slow.

I eventually found the correct date and was able to view the multi plex images, however at 14:40hrs the recording on 28th July 2010 stops. When I say stops the tape doesn't stop as it is still some way from the end of the tape, what happens is at 14:40hrs the tape runs into another day this date is 2 months earlier. The tape carries on from 16:40hrs on 28th May 2010.

I viewed more of the tape and was unable to find 2130-2200hrs on 28th July 2010. Therefore the CCTV provided is of no use to this investigation.



Signature:  Signature witnessed by:



File No.:	Computer URN:	Minute No.:
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Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: FAT JAY
 Address: VICTORIA RD Beat code: LIE
 Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:
LICENSING CHECKS AS REQUESTED
 Date: 8/1/11 Time: 2300 OIS Ref: 486 of 7/1/11 Crime No.:
 Exact location (e.g. on premises, outside etc.): INSIDE
 Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify):

Brief Summary of Incident / Intelligence:
Licensing / Door staff checks requested.
No Door STAFF ON DUTY, PREMISES CLOSED
AT MID-NIGHT

Officer completing (name): Benny Rank: PC No.: 16807
 Signed: [Redacted] Date: 9/1/11

CCTV:
 CCTV on the premises? Yes No
 Was it working at time of visit? Yes No
 Was the image quality? Good Poor
 Any comments: NOT CHECKED

Doorstaff:
 Were doorstaff on duty? Yes No
 If yes, number on duty?
 Were all staff SIA badged? Yes No
 If no, record details overleaf.
 Number of customers present (from doorstaff):
 Door staff employed by (i.e. name of company):

Was the premises licence displayed? Yes No Not known
 Was the designated premises supervisor (DPS) on the premises? Yes No Not known
 Name of premises supervisor on duty (or duty manager if no DPS): ANGELA MC CRAE
 Any remarks about the conduct of the DPS/manager at time of incident/visit:
At first was not keen to allow us entry to premises.

Police Officers Injured:

Yes

No

Not known

If yes, officers' details:

Persons Involved (if known):

1. Name:

DoB:

Address:

2. Name:

DoB:

Address:

3. Name:

DoB:

Address:

4. Name:

DoB:

Address:

Action Taken OIC:

LOG UPDATED

Name:

No.:

Signed:

Date:

Action Taken by Licensing Unit:

Licensing officer:

Signed:

Date:

Date input on computer:

51

L10 acknowledged? Yes No

File No.:	Computer URN:	Minute No.:
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Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: FAT JAX

Address: 8 VICTORIA ROAD Beat code: KE2D

Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

L.P VISIT AT REQUEST OF LICENSING OFFICER

OIS Ref.: 486 7/11 Crime No.: N/A

Date: Time: Exact location (e.g. on premises, outside etc.):

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify): CHECK

Brief Summary of Incident / Intelligence:

SEE ATTACHED

Officer completing (name): SPITTLE Rank: PS No.: 4491

Signed: [Signature] Date: 8/1/11

CCTV:

CCTV on the premises? Yes No

Was it working at time of visit? Yes No

Was the image quality? Good Poor

Any comments: NONE

Doorstaff:

Were doorstaff on duty? Yes No

If yes, number on duty?

Were all staff SIA badged? N/A Yes No

If no, record details overleaf.

Number of customers present (from doorstaff): N/A

Door staff employed by (i.e. name of company): N/A

Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS): ROB MACROE

Any remarks about the conduct of the DPS/manager at time of incident/visit: SEE ATTACHED

Police Officers Injured:

Yes

No

Not known

If yes, officers' details:

Persons Involved (if known):

1. Name: DoB:
 Address:
2. Name: DoB:
 Address:
3. Name: DoB:
 Address:
4. Name: DoB:
 Address:

Action Taken OIC:

log updated

Name: No:
 Signed: Date:

Action Taken by Licensing Unit:

Licensing officer: Signed: Date:

Date input on computer:

53

L10 acknowledged? Yes No

LP VISIT CARRIED OUT AT 2149 HOURS ON FRIDAY 07.01.2011 BY PS 4491 AND PC 11821 ON APPROACHED THE PREMISE THERE WERE 6 PERSONS SMOKING AND GENERALLY LAUGHING AND JOKING WITHIN THE DOORWAY OF THE PUB I HAD TO ASK TO BE LET BY AND PUSH PASSED ONE PERSON TO GET IN AS IT TURNS OUT ONE OF THESE PERSONS WAS THE LICENSEE ROB MACREE HE MADE NO ATTEMPT TO INTRODUCE HIMSELF TO OFFICERS AS THEY ENTERED INSIDE THE PREMISE THERE WAS ONE FEMALE MEMBER OF STAFF SERVING BEHIND THE BAR (DEON BARTLET) I ASKED HER WHO WAS IN CHARGE AND SHE INDICATED TO MACREE WHO BY THIS TIME HAD ENTERED THE PREMISE. I INTRODUSED MYSELF TO MACREE AND INFORMED HIM OF THE PURPOSE OF THE CHECK AT THE TIME THERE WERE ABOUT 15 PERSONS IN THE BAR INCLUDING ONE CHILD OF PRIMARY SCHOOL AGE NEAR THE DARTS BOARD I ASKED MACREE ABOUT THIS CHILD TO WHICH HE STATED THAT THE CHILD WAS WITH A WHEELCHAIRE USER WITHIN THE PUB WHO WAS PLAYING DARTS (CONFIRMED) I CHALLENGED MACREE WITH REGARDS TO NO DOOR STAFF BEING ON AND HE STATED THAT HE COULD TRADE UNTIL MIDNIGHT. WHILST SPEAKING TO MACREE A MALE CUSTOMER STOOD NEXT TO ME APPROACHED OFFICERS AND WAS CLEARLY DRUNK HE HAD A HALF FULL BEER ON THE BAR AND CLAERLY WOULD HAVE BEEN DRUNK AT THE TIME OF SERVICE HE INTERFERED WITH THE CONVERSATION AND WAS ASKED TO GO AWAY HE THEN USED OFFENSIVE LANGUAGE AND WAS GIVEN A S5 POA WARNING. I CHALLENGED MACREE THAT HE WOULD NOT BE ABLE TO DEAL WITH ANY PUBLIC ORDER INCIDENT FROM WITHIN THE PUB A POINT WHICH HE DISAGREED I ASKED IF I COULD SEE HIS LICENCE CERTIFICATE AND ASKED IF HE COULD POINT OUT WHERE THIS WAS DISPLAYED HE STATED HE DID NOT HAVE IT AND IT WAS IN SIDMOUTH I FOUND MACREE'S ATTITUDE VERY DISMISSIVE AND WOULD SERIOUSLY QUESTION IF HE HAD PROPER CONTROL OVER HIS PREMISE. PATROLLS MONITORED THE PREMISE THROUGHOUT THE SHIFT AND IT CLOSED ABOUT 0010 ONCE CUSTOMERS HAD DRANK UP ON LEAVING A FEW PERSONS WERE ROWDEY.



File No.:

Computer URN: NTIS/

Minute No.:

Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises:

FAT JAX

Address: VICTORIA ROAD EXMOUTH

Beat code: KE

Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

DISORDER OUTSIDE THE PREMISES BETWEEN 3 DRUNKEN FEMALES

OIS Ref.: 122

Crime No.:

Date: 06/11/10 Time: 0132

Exact location (e.g. on premises, outside etc.):

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify):

Brief Summary of Incident / Intelligence:

TAXI DRIVERS BROUGHT INCIDENT'S ATTENTION TO OFFICERS ON ASSISTANCE FOUND THAT DRUNKEN FEMALES WHO HAD COME OUT OF THE PREMISES WERE FIGHTING OUTSIDE IN THE STREET ONE FEMALE WAS LATER ARRESTED FOR BEING DRUNK & DISORDERLY.

Officer completing (name): POWELL

Rank: PC

No. L715

Signed: 

Date: 06/11/10

CCTV:

CCTV on the premises? Yes No
Was it working at time of visit? Yes No
Was the image quality? Good Poor

Any comments: NOT SERVED AS NO COMPLAINTS

Doorstaff:

Were doorstaff on duty? Yes No
If yes, number on duty?
Were all staff SIA badged? Yes No
If no, record details overleaf.
Number of customers present (from doorstaff):
Door staff employed by (i.e. name of company):

Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS): MIL MCCLELLAN

Any remarks about the conduct of the DPS/manager at time of incident/visit: THE DUTY MANAGER WAS ON HIS OWN AND SEEMED UNWILLING TO CARE. HE WAS TRYING TO COVER BOTH FRONT AND REAR DOORS AT THE SAME TIME.

File No.:

Computer URN:

Minute No.:

Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises:

Fat Jax

Beat code: Sake

Address: VICTORIA ROAD

Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

Fight outside front of Fat Jax

OIS Ref: /

Crime No: /

Date: 29/30 Oct Time: ?

Exact location (e.g. on premises, outside etc.):

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify):

Brief Summary of Incident / Intelligence:

Shortly after incident at rear of Fat Jax the same males were involved in a further altercation. This was called in by 900 when officers arrived incident had broken up and all parties had dispersed.

Officer completing (name): MORRISON

Rank: PC No: 6102

Signed: [Redacted]

Date: 4/11/10

CCTV:

CCTV on the premises? Yes No

Was it working at time of visit? Yes No

Was the image quality? Good Poor

Any comments: UK

Doorstaff:

Were doorstaff on duty? Yes No

If yes, number on duty? 1

Were all staff SIA badged? Yes No

If no, record details overleaf.

Number of customers present (from doorstaff):

Door staff employed by (i.e. name of company):

Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS):

Any remarks about the conduct of the DPS/manager at time of incident/visit:

File No.:	Computer URN:	Minute No.:
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Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: FAT JAX

Address: VICTORIA ROAD Beat code: SOKE

Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

Whilst stood at @ Club a fight inside Fat Jax began. Officers diffused situation. OIS Ref: N/A Crime No: N/A

Date: 29/30 Oct Time: ? Exact location (e.g. on premises, outside etc.): Inside rear

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify):

Brief Summary of Incident / Intelligence:

Whilst stood at the rear of Fat Jax and outside @ Club a small altercation began just inside the rear of Fat Jax. Officers could see something happening and entered as no door staff on at the rear. Situation soon dissipated with no offences or complaints. Did not go into premises to speak to staff at the time so unknown how many in or whether CCTV working.

Officer completing (name): MORRISON Rank: PC No: 6108

Signed: [Signature] Date: 4/11/10

<p>CCTV:</p> <p>CCTV on the premises? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Was it working at time of visit? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Was the image quality? Good <input type="checkbox"/> Poor <input type="checkbox"/></p> <p>Any comments: <u>u.k. as did not enter</u></p>	<p>Doorstaff:</p> <p>Were doorstaff on duty? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, number on duty? <u>1</u></p> <p>Were all staff SIA badged? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If no, record details overleaf.</p> <p>Number of customers present (from doorstaff):</p> <p>Door staff employed by (i.e. name of company):</p>
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Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS):

Any remarks about the conduct of the DPS/manager at time of incident/visit:

File No.:	Computer URN:	Minute No.:

Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: FAT JAX

Address: 8 VICTORIA ROAD, EX Beat code: KE

Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

DOOR STAFF ASSAULTED BY MALE

OIS Ref.: 21 Crime No.: KE/10/2618

Date: 10/10/10 Time: 00.5hrs Exact location (e.g. on premises, outside etc.): IN PREMISES

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify):

Brief Summary of Incident / Intelligence:

A FIGHT BROKE OUT IN THE CENTRE OF FAT JAX BETWEEN 2 MALES, MEMBER OF DOOR STAFF INTERVENED AND WHILST DOING SO THE DOOR STAFF MEMBER WAS ASSAULTED BY A THIRD MALE. ALL THREE MALES THEN LEFT THE PREMISES. THE MALE WHO ASSAULTED THE DOOR STAFF WAS IDENTIFIED AND LATER ARRESTED.

Officer completing (name): DYE Rank: PC No.: 2125

Signed: [Signature] Date: 10/10/10

CCTV:

CCTV on the premises? Yes No

Was it working at time of visit? Yes No

Was the image quality? Good Poor

Any comments:

Doorstaff:

Were doorstaff on duty? Yes No

If yes, number on duty:

Were all staff SIA badged? Yes No

If no, record details overleaf.

Number of customers present (from doorstaff):

Door staff employed by (i.e. name of company):

Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS):

Any remarks about the conduct of the DPS/manager at time of incident/visit:

Police Officers Injured:

Yes

No

Not known

If yes, officers' details:

Persons Involved (if known):

1. Name: DAVID HESLOP DoB: [REDACTED]
Address: [REDACTED]
2. Name: DoB:
Address:
3. Name: DoB:
Address:
4. Name: DoB:
Address:

Action Taken OIC:

MALE WHO ASSAULTED DOOR STAFF WAS IDENTIFIED AS
 KNOWN LOCALLY. HE WAS THEN LOCATED AND ARRESTED
 FOR COMMON ASSAULT. THE TWO MALES THAT WERE
 FIGHTING IN FAT JAX AT THIS TIME HAVE NOT BEEN IDENTIFIED

Name: Dye No: 2125
 Signed: [REDACTED] Date: 10/10/10

Action Taken by Licensing Unit:

.....

Licensing officer: Signed: Date:

Date input on computer: L10 acknowledged? Yes No

N T N. KE187

File No.:	Computer URN:	Minute No.:
	✓	

Licensing Incident / Intelligence Report

To be completed for every incident which occurs at or emanates from licensed premises regardless of any further proceedings. This form to be submitted to the Licensing Unit as soon as possible.

Name of Premises: FAT JAX

Address: 3 VICTORIA ROAD Beat code: _____
Town: EXMOUTH

Report Type: Routine visit Incident Intelligence

Details:

Date: _____ Time: _____ OIS Ref.: _____ Crime No.: KE10/2011

Disorder Drunkenness Criminal damage Assault Drugs Underage Other (specify): _____

Brief Summary of Incident / Intelligence:

Only investigation of SBU. CCN served for date of incident. Incident took place at around 2200 hrs.

System stopped recording around 16:16 hrs on 28/05/10 at 16:40 hrs. System is now 1 hr 20 mins out of time.

Officer completing (name): CAMPBELL Rank: DC No: 3603

Signed: _____ Date: 14/10/10

<p>CCTV:</p> <p>CCTV on the premises? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Was it working at time of visit? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Was the image quality? Good <input checked="" type="checkbox"/> Poor <input type="checkbox"/></p> <p>Any comments: <u>please see above summary.</u></p>	<p>Doorstaff:</p> <p>Were doorstaff on duty? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, number on duty? _____</p> <p>Were all staff SIA badged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If no, record details overleaf.</p> <p>Number of customers present (from doorstaff): _____</p> <p>Door staff employed by (i.e. name of company): _____</p>
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Was the premises licence displayed? Yes No Not known

Was the designated premises supervisor (DPS) on the premises? Yes No Not known

Name of premises supervisor on duty (or duty manager if no DPS): _____

Any remarks about the conduct of the DPS/manager at time of incident/visit: _____

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003 Premises Licence

PLWA0411

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

Part 1 - Premises Details

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

Fat Jax

8 Victoria Road, EXMOUTH, Devon, EX8 1DL.

Telephone 01395 225440

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am
Thursday	11:00am	Midnight	
Friday	11:00am	1:00am	
Saturday	7:00pm	1:00am	
Sunday	8:00pm	10:45pm	
New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	<hr/>		
I. Provision of facilities for making music (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	<hr/>		
J. Provision of facilities for dancing (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	<hr/>		
L. Late night refreshment (Indoors)	Thursday	11:00pm	12:30am
	Friday & Saturday	11:00pm	1:30am
	New Year's Eve	11:00pm	5:00am
	Applies when New Year's Eve falls on a Thursday to Saturday only.		
<hr/>			
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Sunday & Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve-Except Sundays	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	New Year's Eve-On a Sunday	Noon	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551
Fax: 01395 517507



Licensing Act 2003
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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

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

Robert David Stuart Macrae	3 Church Lane, Payhembury, Honiton, Devon, EX14 3HS. Telephone 01295 233877 or 01404 841767
Angela Christine Macrae	3 Church Lane, Payhembury, Honiton, Devon, EX14 3HS. Telephone 01395 233877

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

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

Angela Christine MACRAE	3 Church Lane, Payhembury, Honiton, Devon, EX14 3HS. Telephone 01395 233877
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE0604	issued by East Devon
----------------------	----------------------

R. L. Pocock

Rachel L Pocock
Corporate Legal and Democratic Services Manager

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Licensing Act 2003 Premises Licence

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ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1.
 - (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
 - (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Source: Section 19 Licensing Act 2003
2.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
Source: Section 19 & 19A Licensing Act 2003
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
Source: Section 19 & 19A Licensing Act 2003
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.



Licensing Act 2003 Premises Licence

PLWA0411

ANNEXES continued ...

5. Source: Section 19 & 19A Licensing Act 2003
- (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The 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 a holographic mark.
6. Source: Section 19 & 19A Licensing Act 2003
- The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
7. Source: Section 19 & 19A Licensing Act 2003
- Any person used to carry out a security activity as required under condition 5 of the standard Public Entertainment Licence conditions and condition 2 of the Special Hours Certificate Conditions must be licensed by the Security Industry Authority.
- Source: Section 21 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of

Licensing Act 2003
Premises Licence

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ANNEXES continued ...

alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

8. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the permitted hours, the taking of alcohol supplied in the premises from the premises unless the alcohol is supplied or taken in an open vessel.
9. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first twenty minutes after the end of permitted hours the consumption of alcohol on the premises.
10. The permitted hours to sell alcohol on this licence do not prohibit or restrict, during the first thirty minutes after the permitted hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals.
11. The licensable activities authorised by this licence will be confined to the areas that are outlined in RED on the plan deposited with and approved by the Licensing Authority.

In addition to conditions 1 to 11 the conditions 12 to 14 shall also apply on Thursdays to Saturdays (the days on which the premises held a Special Hours Certificate on the date of the the original grant of this licence).

12. Subject to the following paragraphs, the permitted hours on Thursday shall extend to midnight and Friday and Saturday shall extend until 1 am in the morning except that:
 - (a) The permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight.
 - (b) On any day that music and dancing ends between midnight and 2.00am, the permitted hours shall end when the music and dancing ends.
13. In relation to the morning on which summer time begins, condition (12) shall have effect with the substitution of references to three o' clock in the morning for references to two o' clock in the morning (or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.).
14. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

Conditions Consistent with the Justices' On Licence relating to the premises

1. CCTV to be installed, maintained and operated to the satisfaction of the Chief Officer of Police.

Conditions attached to the Special Hours Certificate by the Licensing Justices.

1. CCTV to be installed, operated and maintained to the satisfaction of the Chief Officer of Police.
2. Doorstaff to be available throughout the Section 77 Special Hours - (for clarification these hours are -Thursdays 10 am to midnight and Fridays & Saturdays - 10 am to 1:00 am)
3. No entry to persons after 11:30 pm.

Conditions Consistent with the Public Entertainment Licence Conditions

7 0



Licensing Act 2003
Premises Licence

PLWA0411

ANNEXES continued ...

1. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
2. The maximum number of persons to be permitted in the bar area at any one time shall not exceed **100**.
3. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).
4. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by a staff of attendants or stewards according to the following scale:-

	Capacity of Premises	Number of Attendants or Stewards		Number of Male Attendants or Stewards
Under	250	1	Including	1
	250 but less than 500	3	Including	1
	500 but less than 750	4	Including	1
	750 but less than 1000	6	Including	2
	1000 but less than 1250	9	Including	2
	1250 but less than 1500	10	Including	2
	1500 but less than 1750	12	Including	3
	1750 but less than 2000	13	Including	3
	2000 but less than 2500	15	Including	3
Over	Over 2500	One for every 120 persons (or Part thereof)		One for every 600 persons(or Part thereof)

- (b) At every performance to which Section 12 of the Children and Young Persons Act 1933 applies, the number of attendants or stewards in those parts of the premises which are not more than ten feet above or below ground level, shall not be less than two per cent of the seating capacity of those parts of the premises, and in all other parts of the premises it shall not be less than four per cent of the seating capacity for those parts of the premises provided



Licensing Act 2003
Premises Licence

PLWA0411

ANNEXES continued ...

that where children are in the charge of school teachers, those teachers may be regarded as attendants or stewards in respect of not more than one half of the number of attendants or stewards required in section (a) of this condition.

- (c) At every performance where children are accommodated above ground level there shall be an attendant or steward at the foot of each stairway used for entrance while the audience is entering the premises and at the head of each stairway used for exit throughout the performance and while the audience is leaving the premises.

Where children are accommodated below ground level those attendants or stewards shall be stationed at the head of each stairway while the audience is entering the premises and at the foot thereof during the performance and while the audience is leaving the premises.

- (d) Throughout the time when the public are in attendance, attendants and stewards shall wear either distinctive clothing or suitable armbands.

- 5 All persons primarily employed in premises licensed to sell alcohol who vet customers in order to maintain good order shall be approved and licensed by the Security Industry Authority.
6. A register of names of persons on duty to vet customers and maintain good order at any given time, shall be kept on the premises and made available to a Police Officer or a duly authorised officer of the Licensing Authority on request by either of those officers.
7. A procedure to be followed in the event of fire or other emergency shall be devised.
8. All persons employed to work in the premises and all attendants and stewards shall be given instruction and training in the procedure to be followed in the event of fire or other emergency.
9. The licensee shall be responsible for organising the training of staff and all attendants and stewards shall be responsible for co-ordinating the actions to be taken in the event of fire or other emergency. Effective arrangements shall be made for a nominated deputy to carry out the above duties.
10. All means of escape, i.e. corridors, gangways, passages, stairways, exit ways, etc. shall be kept free from obstruction at all times when members of the public are on the premises.
11. All stairs and steps shall be maintained with non-slippery and even surfaces and any stair coverings shall be secured and maintained so that they will not in any way be a source of danger to persons escaping in case of fire.
12. Before carrying out any alterations to the premises, including the wall and ceiling linings or any material alteration in the furnishings or in the internal arrangement of the premises, or equipment with which the premises are provided, 28 days written notice must be given to the Licensing Authority and to the Fire Authority.
13. The licensee shall furnish to the Licensing Authority annually at the time of renewal of the licence a certificate as to the condition of the electrical installation with which the premises are provided. In the case of premises licensed for only one or more specific occasions, such certificate shall be provided when required by the Licensing Authority. The certificate to be signed by a qualified electrician.
14. Any alterations, modifications or extensions to the electrical installation with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with I.E.E. Regulations and any portable electrical equipment or appliances used in the premises shall be in efficient working order and correctly wired and connected.
15. In the case of any outbreak or suspected outbreak of fire the Devon Fire and Rescue Service shall be called immediately.



Licensing Act 2003 Premises Licence

PLWA0411

ANNEXES continued ...

16. A conspicuous notice clearly stating the location of the nearest telephone and the correct method of summoning the Devon Fire and Rescue Service shall be displayed in the foyer of or entrance to the premises.
17. No explosive or highly inflammable material shall be brought into the premises and any curtains, drapes or other decorative materials introduced into the premises shall either be inherently non-flammable or comply with B.S. 5867: part 2, type 2.
18. No portable heating appliances shall be permitted on the premises during the time they are used for the purpose to which this Licence applies.
19. The use of pyrotechnics shall be permitted only after consultation and with the agreement of the fire authority. In this connection pyrotechnics means the use of apparatus or other devices for the production of smoke, coloured smoke or firework-like effects.
20. The emergency lighting with which the premises are provided shall be maintained in efficient working order and be in operation during the whole time that the public are in the premises. The existing system must illuminate all exit signs, doorways, step and passages forming exit routes from the licensed premises and any other part of the premises specified in the schedule of conditions and shall be independent of the normal lighting system. Oil lamps and candles shall not be used.
21. All 'exit' signs shall be maintained in a good state of repair.
22. The use of naked lights or flames during performances is prohibited unless prior written consent of the Licensing Authority has been obtained.
23. Any doors required to be fire resisting shall be effectively maintained, and where such doors are also required to be self-closing they shall be maintained as such, and shall not be provided with means of holding them in open position, other than automatic releases where these have been specifically approved by the Licensing Authority.
24. (i) The doors of any doorway through which persons might have to pass to leave the premises shall be capable of being easily and immediately opened without the aid of a key at all times when members of the public are on the premises.
(ii) All doors fitted with panic bolts or latches shall be prominently indicated by the words 'Push Bar to Open' in block letters in a distinctive colour, preferably white letters on a green background.
25. If the premises are to be used for any entertainment involving a closely seated audience the Licensing Authority must have approved the seating arrangements in writing. Before such approval can be given, copies of a plan showing the proposed seating arrangements shall be submitted to the Licensing Authority and to the Fire Authority.
26. Notwithstanding the foregoing condition: -
 - (a) In any premises exclusively used for a closely seated audience all seats shall be securely fixed to the floor.
 - (b) In premises not exclusively used for a closely seated audience, chairs, if provided shall be battened or otherwise securely fixed together to the satisfaction of the Licensing Authority in lengths of not less than four nor more than twelve chairs, and if more than 400 people are to be accommodated the chairs or seats adjoining any gangway shall be securely fixed to the floor.
 - (c) There shall be an unobstructed seatway or space of at least 12 inches (300 mm) measured between perpendiculars between the back of one seat and the front of the seat immediately behind.



Licensing Act 2003
Premises Licence

PLWA0411

ANNEXES continued ...

- (d) The maximum number of chairs or seats in any row shall not exceed:-
- (i) Seven where there is a gangway at one end only of the row, and
 - (ii) Fourteen where there is a gangway at each end of the row *except* that the number of seats in a row served by only one gangway may be increased to eleven if the seatway is increased by one inch (25 mm) for each additional seat over seven and the number of seats in a row served by two gangways may be increased to 22 if the seatway is increased by one inch (25mm) for each additional seat or pair of seats over fourteen.
27. At any time when an entertainment to which this licence applies is being, or is about to be given and at any other reasonable time, a constable, authorised officer of the East Devon District Council, or authorised officer of the Devon Fire and Rescue Service in uniform shall be given free ingress to the premises for the purpose of inspection.
28. A log book shall be kept in which there shall be recorded details of tests and maintenance of fire fighting equipment, fire warning system (where applicable) and emergency lighting and the dates on which staff, attendants and stewards received training in the action to be taken in case of fire.
29. The use of the premises hereby licensed shall not be or become a nuisance to nearby residents or passers by.
30. The volume of any apparatus used shall be under the control of the Management, from a part of the premises, which is not accessible to the public.
31. Where volume-limiting devices are required to control the amplification of sound, they shall be effectively operated and maintained to ensure that the volume does not exceed the permitted sound level.
32. The Fire Officer's recommendations (if any) shall be strictly observed.
33. All fire fighting equipment with which the premises are provided shall be maintained in efficient working order.
34. The fire warning system (if provided) shall be maintained in efficient working order.
35. 1. Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.
2. An application for consent under Condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7 - 14 days: less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police: and the authority may also copy it to the local fire authority if it considers this necessary.
3. The application shall contain the following:
- (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when): and
 - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been

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Licensing Act 2003 Premises Licence

PLWA0411

ANNEXES continued ...

- convicted of an offence under the Hypnotist Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)
4. The following conditions shall apply to any consent given:
- (a) No poster, advertisement or programme for the performance which is likely to cause public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere;
 - (b) Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement: "Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance."
 - (c) The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested: and it must be available for inspection at the performance.
 - (d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.
 - (e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.
 - (f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform: informing the audience of the possible risks from embarrassment or anxiety: and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:
"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant."
 - (g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques, which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.



Licensing Act 2003
Premises Licence

PLWA0411

ANNEXES continued ...

- (h) If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety.
- (i) The performance shall be so conducted as not to be likely to cause offence to any other person in the audience or any hypnotised subject.
- (j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:
 - (i) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.);
 - (ii) any suggestion that the subject has lost something (e.g., a body part) which, if it really occurred, could cause considerable distress;
 - (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy")
 - (iv) the consumption of any harmful or noxious substance;
 - (v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
- (k) The performance shall not include giving hypnotherapy or any other form of treatment.
- (l) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.
- (m) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
- (n) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell).
- (o) Where -
 - (i) a constable, or
 - (ii) an authorised officer of the licensing authority, or
 - (iii) an authorised officer of the fire authorityhas reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

Conditions Consistent with the Public Entertainment Licence Additional Conditions

1. The wrought iron gate from the rear courtyard is to be secured open at all times that public entertainment is taking place.
2. A noise limiter device capable of being sealed to be installed and monitored to the satisfaction of the Corporate Director - Communities.
3. No amplified sound shall be audible outside the property.

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East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003
Premises Licence

PLWA0411

ANNEXES continued ...



Licensing Act 2003 Premises Licence Summary

PLWA0411

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

Premises Details

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

Fat Jax

8 Victoria Road, EXMOUTH, Devon, EX8 1DL.

Telephone 01395 225440

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	F. Playing of recorded music (Indoors)	Monday to Wednesday	11:00am
Thursday	11:00am	Midnight	
Friday	11:00am	1:00am	
Saturday	7:00pm	1:00am	
Sunday	8:00pm	10:45pm	
New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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Licensing Act 2003 Premises Licence Summary

PLWA0411

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	I. Provision of facilities for making music (Indoors)	Monday to Wednesday	11:00am
Thursday	11:00am	Midnight	
Friday	11:00am	1:00am	
Saturday	7:00pm	1:00am	
Sunday	8:00pm	10:45pm	
New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
J. Provision of facilities for dancing (Indoors)	Monday to Wednesday	11:00am	11:00pm
	Thursday	11:00am	Midnight
	Friday	11:00am	1:00am
	Saturday	7:00pm	1:00am
	Sunday	8:00pm	10:45pm
	New Year's Eve	The permitted hours will extend from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
	L. Late night refreshment (Indoors)	Thursday	11:00pm
Friday & Saturday		11:00pm	1:30am
New Year's Eve		11:00pm	5:00am
Applies when New Year's Eve falls on a Thursday to Saturday only.			
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Sunday & Good Friday	Noon	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve-Except Sundays	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
	New Year's Eve-On a Sunday	Noon	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		



Licensing Act 2003
Premises Licence Summary

PLWA0411

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
-------------	-----------	---------

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Robert David Stuart Macrae

3 Church Lane, Payhembury, Honiton, Devon, EX14 3HS.

Angela Christine Macrae

3 Church Lane, Payhembury, Honiton, Devon, EX14 3HS.

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

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Angela Christine MACRAE

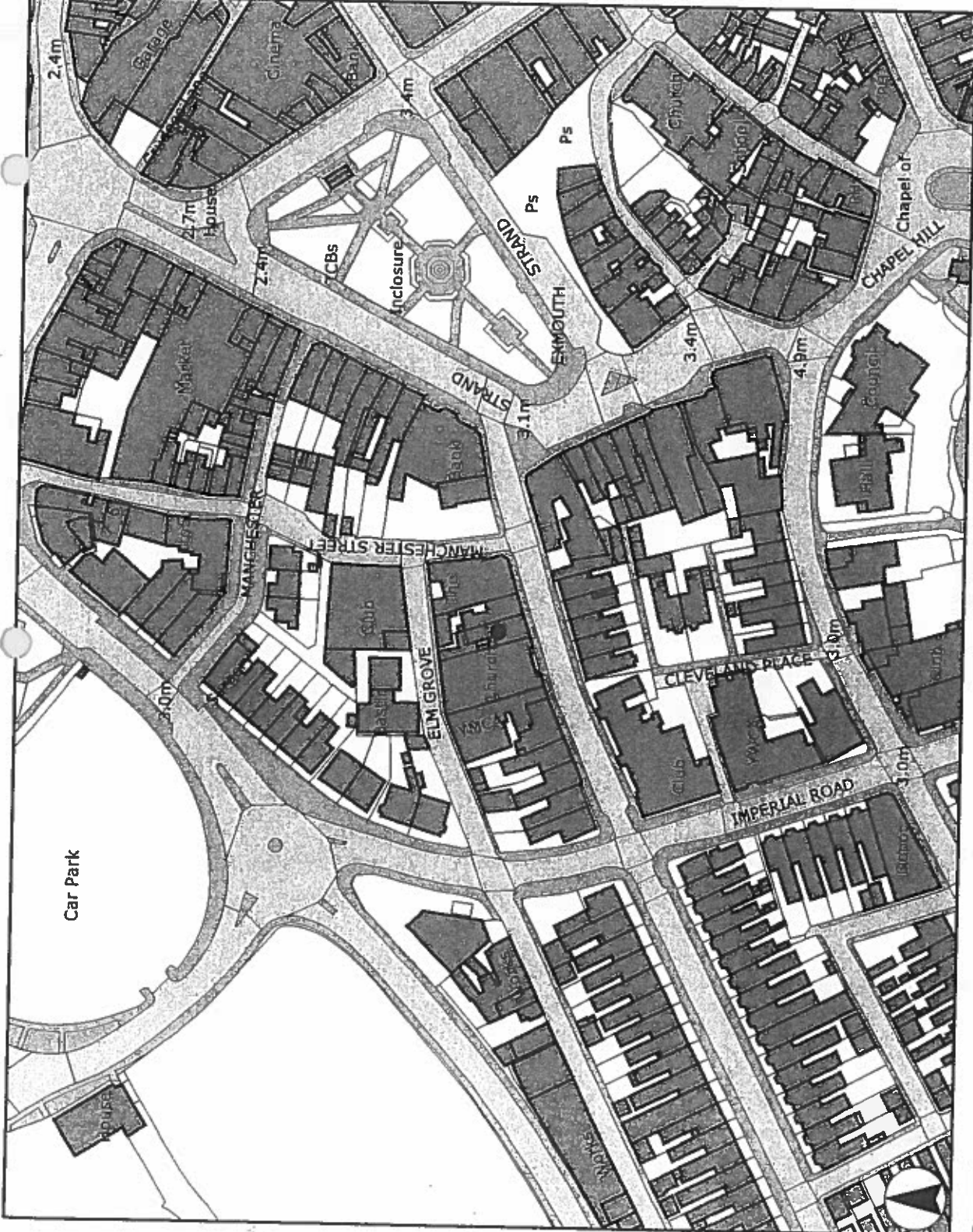
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

R. L. Pocock

Rachel L Pocock

Corporate Legal and Democratic Services Manager

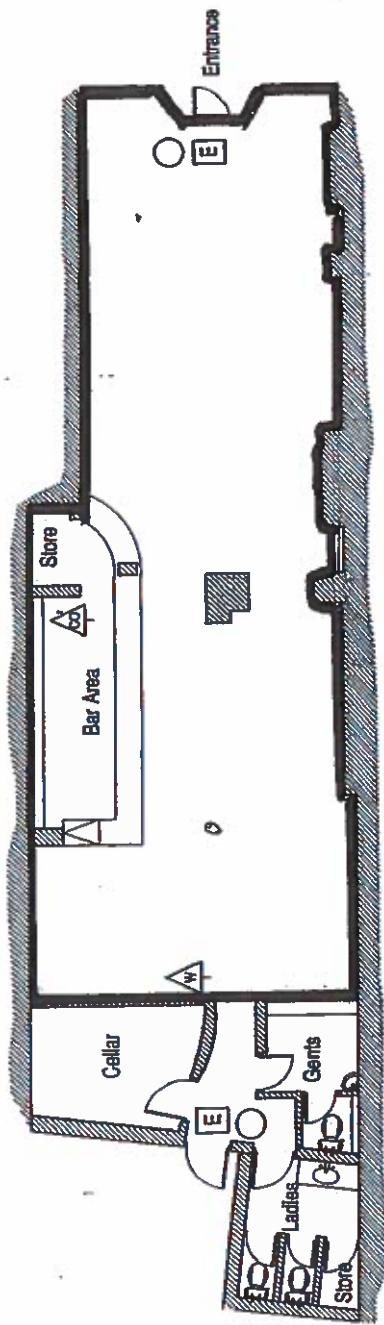




Appendix C

Map File: SX9980NE Full Reference: SX9994 8092

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Proposed Plan
1:100

- Emergency Lighting
- E Emergency Exit Sign
- △ W (Water) Fire Extinguisher (B.S. 542)
- △ (Carbon Dioxide) Fire Extinguisher (BS 5423)

● = LICENSED PREMISES AREA
/ = PLUS LICENSEABLE ACTIVITIES

E.D.D.C
LICENSING AUTHORITY
RECT 1/EG
15 SEP 2005
ACCEPTED

Project: 'FAT JAX'
The Gathering
8 Victoria Road
Exmouth, For
Mr & Mrs Macrae

drawing
Proposed Licencing Drawing
scale 1:100 drawn
date July 2004 checked
drawing no. 5092-02

ara
ara architect
39 Rolle Street, Exmouth, Devon, EX8 2SH
Tel (01398) 271819 Fax (01398) 270386
e-mail: ara.architect@btinternet.com

Fat Jax - Responses to Notice of Hearing

Applicant

Devon & Cornwall Constabulary	
Hearing Unnecessary	No
Attending	Yes
Represented by	Mr David Campbell – Force Legal (provisionally)
Supporting documents	None
Summary of key points	No

Responsible Authorities & Interested Parties

1.	Mr R D S Macrae & Mrs A C Macrae, 3 Church Lane, Payhembury, Honiton, EX14 3HS	
Hearing Unnecessary	Response to Notice of Hearing not returned	
Attending		
Represented by		
Supporting documents		
Summary of key points	Not returned	

100

100

100

100

100



Licensing Office
Legal, Licensing and Democratic Services
East Devon District Council
Knowle
Sidmouth
EX10 8HL



APPLICATION FOR REVIEW OF A PREMISES LICENCE

East Devon District Council has received an application from the
Devon & Cornwall Constabulary
for a review of the premises licence issued to

Fat Jax, 8 Victoria Road, Exmouth, EX8 1DL

This application to review relates to a failure to promote the
following licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

Any interested party or responsible authority who wishes to make
representations must make them by **13 April 2011** to the
Licensing Authority at the address below.

The application for review may be inspected at
**East Devon District Council, Council Offices,
Knowle, Sidmouth, EX10 8HL**

or on the website at www.eastdevon.gov.uk.

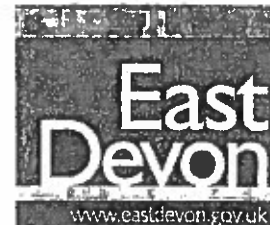
It is an offence to knowingly or recklessly make a false statement in
connection with an application for a review and the maximum fine
for which a person could be liable on summary conviction for the
offence is scale 5 on the standard scale which is currently £5000.

This notice must be displayed for 28 consecutive days from

17 March 2011 until 13 April 2011

Licensing Office
 Legal, Licensing and Democratic Services
 East Devon District Council
 Knowle
 Sidmouth
 Devon EX10 8HL

Ref: EDP310



Application for a minor variation to a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the Guidance Notes at the end of the form, especially Note 1.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

Robert David Stuart Macrae and Angela Christine Macrae

(Insert name(s) of applicant)

being the premises licence holder(s) / club holding a club premises certificate, apply to vary a premises licence under section 41A / club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises (or, if none, ordnance survey map reference, or description) Fat Jax 8 Victoria Road	
Post town Exmouth	Post Code EX8 1DL

Telephone number at premises (if any)

01395 225 440

Premises licence number/club premises certificate number

PLWA0411

Brief description of premises (Please see Guidance Note 2)
 Licensed premises known as Fat Jax.

Part 2 – Applicant Details

I am/ we are the premises licence holder/club premises certificate holder *Please tick ✓ yes*

Contact phone number in working hours (if any)

Applicant Postal address IF DIFFERENT FROM PREMISES ADDRESS	
Post town	Postcode
Please provide email address if you would prefer us to contact you by email (optional)	

Part 3 – Proposed variation(s)

Do you want the proposed variation to have effect as soon as possible? *Please tick ✓ yes*

If not, from what date do you want the variation to take effect?

State - Day
Month
Year

Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):

Details of proposed variations (Please see Guidance Note 3)

Following discussions with the Devon and Cornwall Police licensing office the applicant appreciates that their licence is out of date and needs to be varied in order to be able to demonstrate their promotion of the licensing objectives. Such variation to include:

INSERTION OF OPENING HOURS AS FOLLOWS

MONDAY - 1000 to 2330
TUESDAY - 1000 to 2330
WEDNESDAY - 1000 to 2330
THURSDAY - 1000 to 0030
FRIDAY - 1000 to 0130
SATURDAY - 1000 to 0130
SUNDAY - 1000 to 2330

THE REMOVAL OF CLAUSES 7, 8, 9 AND 10 AT ANNEXE 2 AS THESE CONDITIONS ARE ANTIQUATED. THE REMOVAL OF CONDITIONS 12 AND 13 AS THEY ARE CONSIDERED TO BE UNNECESSARY. CONDITION 14 TO BE REMOVED AS THIS IS UNWORKABLE FOR THE APPLICANT AS THE SALE OF ALCOHOL IS NOT ANCILLARY TO THE USE OF THE PREMISES.

INSERTION OF THE FOLLOWING CONDITIONS TO PROMOTE PREVENTION OF CRIME AND DISORDER:

CCTV MUST BE INSTALLED, OPERATED AND MAINTAINED TO THE SATISFACTION OF THE LICENSING AUTHORITY AND THE CHIEF OFFICER OF POLICE IN ACCORDANCE WITH THE REQUIREMENTS SET OUT IN THE EDDC LICENSING POLICY.

CCTV IMAGES MUST BE MAINTAINED FOR A MINIMUM OF 14 DAYS AND TO BE PRODUCED ON THE REQUEST OF THE POLICE OR A LICENSING OFFICER OF EAST DEVON DISTRICT COUNCIL. RECORDING MEDIA MUST BE SET TO 25 FRAMES PER SECOND.

THE CCTV SYSTEM MUST BE OPERATIONAL AT ALL TIMES WHILST THE PREMISES ARE TRADING. IF THE SYSTEM IS FAULTY OR NOT WORKING THEN THE POLICE AND EAST DEVON LICENSING SERVICE MUST BE INFORMED IMMEDIATELY. DETAILS OF THE MALFUNCTION MUST BE RECORDED IN THE PREMISES INCIDENT BOOK.

A4 SIZED WARNING NOTICES MUST BE DISPLAYED IN PUBLIC AREAS OF THE PREMISES AND AT ALL ENTRANCES ADVISING THAT CCTV IS IN OPERATION. THE SIGNS LOCATED AT ENTRANCES SHOULD BE LOCATED ON THE EXTERIOR OF THE BUILDING AT, AND ADJACENT TO, ALL PUBLIC ACCESS DOORS. ALL SIGNS MUST COMPLY WITH THE REQUIREMENTS OF THE DATA PROTECTION ACT 2002.

TWO DOOR SUPERVISORS MUST BE EMPLOYED FROM 2100 ON FRIDAY AND SATURDAY UNTIL 30 MINUTES AFTER CLOSING.

Details of proposed variations (Continued)

DOOR SUPERVISORS WILL BE EMPLOYED AT THE RATIO OF 1-75.

NO PERSONS CARRYING OPEN OR SEALED BOTTLES/GLASSES WILL BE ADMITTED TO THE PREMISES AT ANY TIME.

NO CUSTOMERS WILL BE PERMITTED TO TAKE OPEN CONTAINERS OF ALCOHOLIC OR SOFT DRINKS FROM THE PREMISES.

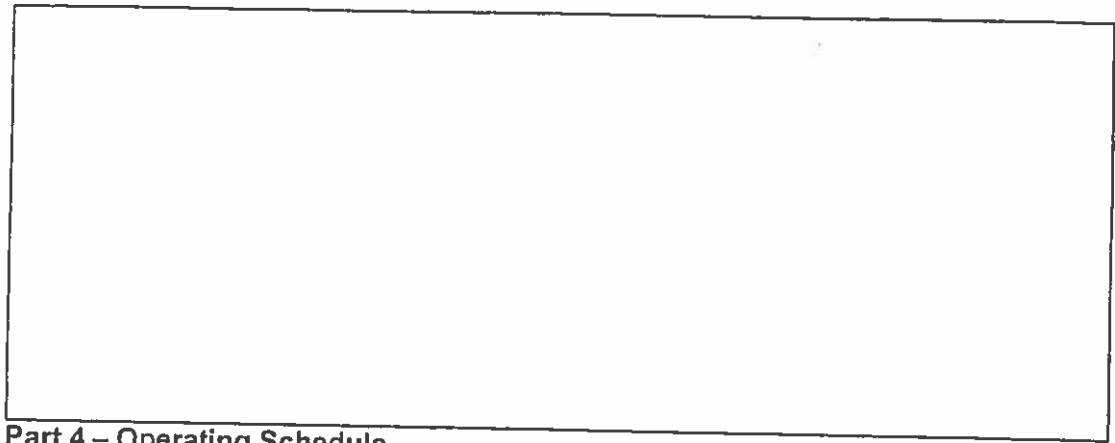
THERE WILL BE A 30 MINUTE PERIOD PRIOR TO THE PREMISES CLOSING WHEN ALCOHOLIC BEVERAGES WILL NOT BE SOLD.

REMOVAL OF CONDITION 1 OF CONDITIONS CONSISTENT WITH THE JUSTICES ON LICENCE RELATING TO THE PREMISES WHICH WILL BE REPLACED WITH THE CCTV CONDITIONS ABOVE. ALSO THE REMOVAL OF CONDITION 2 AS IT IS UNWORKABLE AND CONDITION 3 (NO ENTRY TO PERSONS AFTER 11:30pm) ON CONDITIONS ATTACHED TO THE SPECIAL HOURS CERTIFICATE.

REMOVAL OF CONDITION 35 AS THIS IS NOT RELEVANT TO THE LICENSED PREMISES. THIS CONDITION TO BE REPLACED WITH -

THERE WILL BE NO EXHIBITION, DEMONSTRATION OR PERFORMANCE OF HYPNOTISM AT THE PREMISES AS DEFINED IN THE HYPNOTISM ACT 1952.

REMOVAL OF CONDITION 1 OF CONDITIONS CONSISTENT WITH THE PUBLIC ENTERTAINMENT LICENCE ADDITIONAL CONDITIONS.



Part 4 – Operating Schedule

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

Provision of regulated entertainment

Please tick ✓ yes

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

Provision of entertainment facilities for

Please tick ✓ yes

- i. making music
- j. dancing
- k. entertainment of a similar description to that falling within (i) or (j)

Provision of late night refreshment

Sale by retail of alcohol

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Enclosures

I have enclosed the premises licence/club premises certificate

I have enclosed the relevant part of the premises licence/
club premises certificate

I have included a copy of the plan
(necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

Reasons why you have failed to enclose the premises licence/club premises certificate or relevant parts.
THIS WILL FOLLOW AS SOON AS POSSIBLE.

Any further information to support your application. (See Guidance Note 4)

CHECKLIST:

- | | <i>Please tick</i> | <i>✓ yes</i> |
|--|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> I have made or enclosed payment of the fee | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> I understand that if I do not comply with the above requirements my application will be rejected. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> I understand that I am required to advertise my application by posting a white notice a or on the premises for ten consecutive working days commencing on, and including the day after the day when my application is given to the licensing authority. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures and Contact Details
(See Guidance Note 5)

Premises Licence: Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (See Guidance Note 6) If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature: 

Date: 12th MAY 2011

Capacity: I / We (insert full name and capacity) **CROSSE AND CROSSE SOLICITORS** sign on behalf of and have authority to bind the applicant.

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (See Guidance Note 7). If signing on behalf of the applicant please state in what capacity.

Signature:

Date:

Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.

Where the premises is a club

I (insert full name)make this application on behalf of the club and have authority to bind the club

Signature:

Date:

Capacity: I / We (insert full name and capacity) sign on behalf of and have authority to bind the applicant.

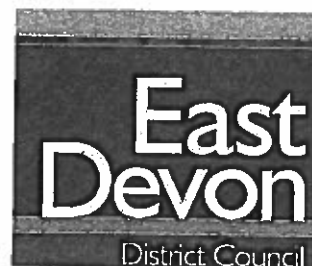
Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 8) JASON MINGO of CROSSE + CROSSE SOLICITORS, 14 SOUTHERNHAY WEST,	
Post town EXETER	Post code EX1 1PL
Telephone number (if any) 01392 677180	If you would prefer us to correspond with you by email your email address (optional) JASONM@CROSSE.CO.UK

Agenda Item 6

Licensing Sub Committee

31 May 2011

NMcD



Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Summary

The report details these applications.

Recommendation

That these applications be granted as applied for subject to the agreed positions set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary,

require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	The Redwing Inn, Church Road, Lypstone, Devon, EX8 5JT.	<p>Following mediation the applicant and the Councils Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. Music or any amplified sound from the premises shall not be audible at or within the site boundary of any residential property (that is not under the control of the applicant) 2. To install a noise limiter on each floor and the levels must be set by an Environmental Health Officer for Pollution from East Devon District Council. 3. A designated area must be allocated for the provision of smoking outside the building to the satisfaction of the Environmental Health Officer for Pollution from East Devon District Council.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	
Application for a premises licence to be granted.	Lyme Bay Auctions Ltd, Harepath Road, Seaton, Devon, EX12 2SX.	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.

		<p>2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.</p> <p>3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.</p> <p>4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</p>
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing applications
- Representations received from Responsible Authorities
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald Ext.2079

Licensing Officer

Licensing Sub Committee

31 May 2011

