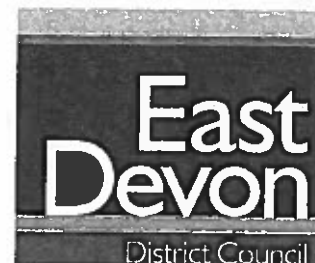


Date: 7 March 2011
Contact number: (01395) 517544
E-mail: clane@eastdevon.gov.uk
Our Reference: Chris Lane
Your Reference: -



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

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To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Chris Gibbings, Steve Hall, Francis Newth)

Licensing Officer
Assistant Solicitor

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 15 March 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 30 November 2010. 4 – 5
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.

(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).

PART A

MATTERS FOR DECISION

5. To agree any items to be dealt with after the public (including the press) have been excluded. (Items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

PART A

<u>MATTERS FOR DECISION</u>			Pages
6.	To consider a Review requested by Devon & Cornwall Constabulary for Seasons, 9 Silver Street, Ottery St Mary under the Licensing Act 2003.	Licensing Officer	6 - 67
7.	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	68 - 70
8.	The Vice Chairman of the Sub Committee to move the following:- "that under Section 100(A) (4)of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)".		70

PART B

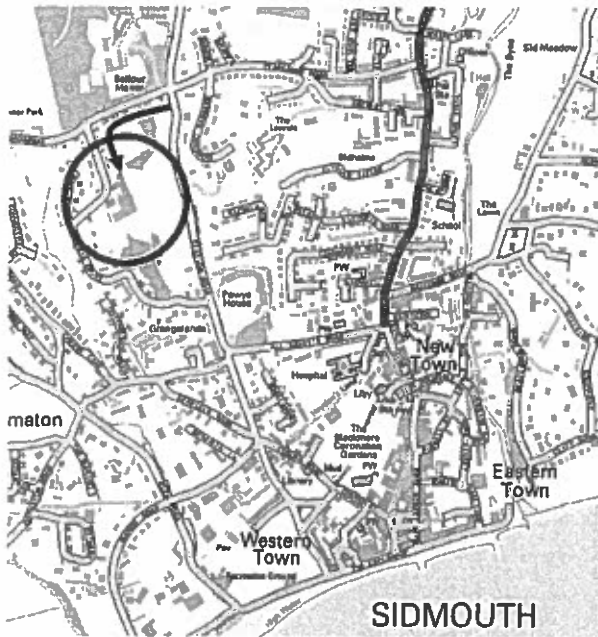
MATTERS FOR DECISION – EXEMPT INFORMATION

9.	Hackney Carriage Drivers Licence	Para 3, Schedule 12A Information relating to the financial or business affairs of any particular person.	Licensing Officer	71 - 80
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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, 30 November 2010

- Present:** Councillors:
Chris Gibbings (Chairman)
David Atkins
Ken Potter
- Officers:** Douglas Jackson – Licensing Officer
Chris Lane – Democratic Services Officer
Giles Salter – Assistant Solicitor
DC Mike Chambers – Devon & Cornwall Constabulary
DS Zoe Newell – Devon & Cornwall Constabulary

The meeting started at 9.30 am and ended at 10.35 am.

***26 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 2 November 2010, were confirmed and signed as a true record.

***27 Exempt Information**

RESOLVED that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

***28 Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

***29 Hackney Carriage Driver's Licence Application**

(Minute no *25 of 2 November and *16 of 2 August 2010 refers)

Consideration was given to whether an existing Hackney Carriage Driver was a fit and proper person to be relicensed as Hackney Carriage driver. Members heard detailed evidence of alleged offences committed by the Hackney Carriage Driver from the Police Officer present at the Hearing. Members gave detailed and lengthy consideration to the case presented by both the Police Officers present and the applicant who had also spoken at the meeting.

***29 Hackney Carriage Driver's Licence Application (Cont)**

- RESOLVED**
1. that Mr CED's Hackney Carriage Driver Licence be restored, it was confirmed that the Sub Committee had considered the serious threat to public safety which was the Sub Committee's brief, however the licence had been suspended for a period of three months from 2 August, and for a further 28 days from 2 November to 30 November. On each occasion the police stated that an arrest was imminent, however no arrest or charge had been brought and on balance of fairness, equality and proportionality the Sub Committee had decided that it could not further suspend the licence. The police were at liberty to return to the Sub Committee to request a new suspension at any time should the situation materially change as this would have a bearing as to whether he would be considered to be a fit and proper person to hold a licence;

 2. that Mr CED's Hackney Carriage vehicle licence be renewed subject to a valid MOT test, compliance certificate and insurance being supplied to the satisfaction of the Licensing Manager.

In reaching these decisions the Licensing & Enforcement Sub Committee had regard to the Human Rights Act 1998 and in particular, Article 6.

Chairman Date

Agenda Item 6

Licensing & Enforcement Sub Committee

15 March 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 Seasons, 9 Silver Street, Ottery St Mary, Devon, EX11 1DB.

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 Seasons, 9 Silver Street, Ottery St Mary, Devon, EX11 1DB. 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 all four of the licensing objectives and follows incidents of unauthorised licensable activity at Seasons during the evening of 5 November 2010 (Tar Barrels Event).
- 1.3 Seasons currently enjoys the benefit of premises licence PLWA0368. The licence permits, subject to conditions:
- (a) the provision of late night refreshment (indoors), and
 - (b) the sale by retail of alcohol for consumption on the premises only.
- 1.4 The licence also has the following 'embedded conditions' carried over during conversion from the Licensing Act 1964 and is shown in Annexe 2 of the licence.
- 1. Alcohol shall not be sold or supplied:
 - (i) Unless the premises have been structurally adapted and bona fide used or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;
 - (ii) On the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
 - 2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
 - 3. 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.
- 1.5 The premises licence was converted from the old licensing regime and granted by the Licensing Authority in the name of Mr Martin Patterson taking effect on the first appointed date of 24 November 2005. Mr and Mrs Patterson previously held the licence under the former licensing regime from 14 September 2004 when they were granted a transfer of a 'Justices Restaurant Licence' by the Licensing Justices sitting at the Central Devon Magistrates Court. Mr Patterson 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:-

- Mr Patterson applied on line for a temporary event notice to authorise off sales of alcohol at his premises on the evening of 5 November 2010 (Tar Barrel event).
- The application was not made within the 10 working day notice period required for a temporary event notice and was rejected.
- Mr Patterson was advised by three licensing officers (including the manager) that the application was 'out of time' and he could not therefore sell alcohol as off sales.
- A confirmation letter was sent to Mr Patterson from the licensing office.
- The police checked the premises during the evening of 5 November 2010 and found that he was selling alcohol for consumption off the premises in a covert manner.
- Mr Patterson was later interviewed by the police and admitted selling alcohol for consumption off the premises without a licence. He has subsequently been dealt with by way of a police caution.

1.7 A map showing the location of the premises is attached at **Appendix C**.

1.8 A plan of 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 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 17 February 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 This application was not suitable for mediation.



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 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 police have not requested any specific conditions or modification of the licence but have indicated that they wish to bring to the attention of the committee the actions of Mr Patterson both as the premises licence holder and designated premises supervisor. In their view his actions call into question his ability to run the premises as he deliberately sold alcohol for consumption off the premises despite the fact that he was advised by three licensing officers (including the manager) from the Licensing Authority that he was not authorised to do so and in the knowledge that he was breaking the law.

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 PLWA0368
- 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

Background Papers

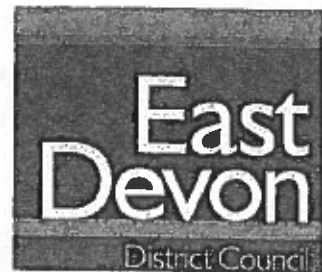
- Review Application dated 19 January 2011
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald ext 2079
Licensing Officer

Licensing & Enforcement Sub Committee
15 March 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"/>

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 Seasons 9 Silver Street Ottery St Mary Devon EX11 1DB	
Post town Ottery St Mary	Post code (if known) EX11 1DB

Name of premises licence holder or club holding club premises certificate (if known) Martin Patterson

Number of premises licence or club premises certificate (if known) PLWA0368

Dated: 16.12.05

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- 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

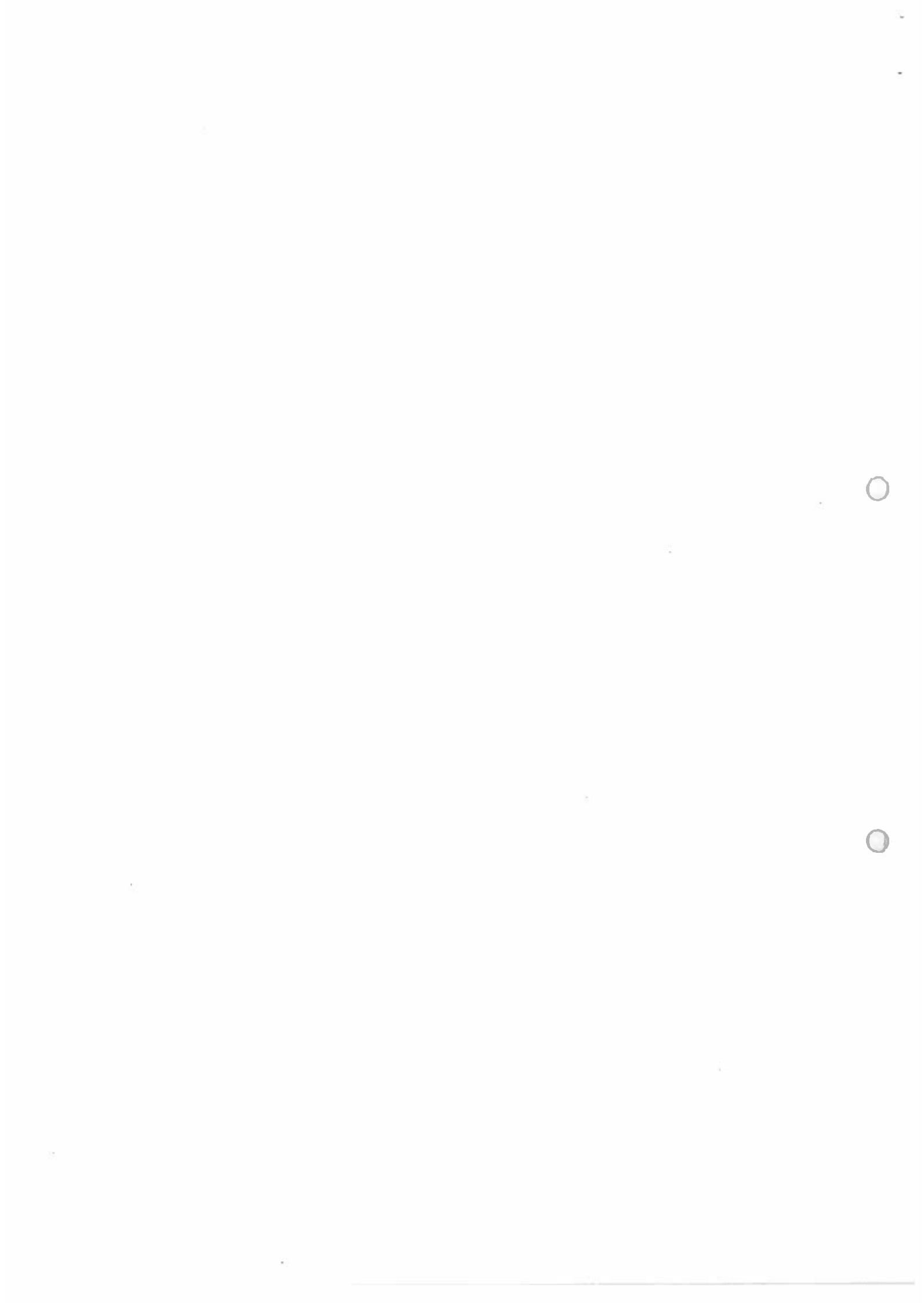
Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)



Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- 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)

Dated: 16.12.05

(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 NORTH STREET EXMOUTH EX8 1 JZ
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 checked="" type="checkbox"/>

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

Seasons holds a premises licence which is a converted restaurant licence. It allows the sale by retail of alcohol for consumption ON the premises only with or ancillary to persons taking table meals.

Knowing this the PLH/DPS Martin Patterson applied on 25th October 2010 for a Temporary Event Notice to be able to sell alcohol for consumption off the premises on the 5th November 2010 the local Tar Barrels event. Mr Patterson was too late in his on line application as he needed to give 10 clear working days notice. As a result officers of East Devon District Council informed him not only in writing but over the telephone his application could not be processed and therefore he could not sell alcohol for consumption off the premises.

Even though he was aware he did not have a licence on the night he advertised and sold mulled wine for consumption off the premises. He also sold cans of lager and cider. No table meals were available and the only food available was takeaway items such as pasties and hot dogs.

Mr Patterson knowing a Temporary Event Notice was required to legally sell alcohol and this had been refused deliberately continued to sell alcohol in a covert manner from his premises

On the 25th November 2010 Mr Patterson was interviewed at Honiton Police Station where he admitted selling without a licence contrary to Section 136 Licensing Act 2003 and received a Police Caution

The Police view by his actions calls into question his ability to fulfill the 4 licensing objectives if he is prepared to carry on and sell despite advice from the council and the knowledge he was breaking the law.

Mr Patterson is the holder of a Personal Licence issued by EDDC, it is not known if Mr Patterson ever attended an accredited licensing course or if he got it by way of "grandfather rights"

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

Dated: 16.12.05

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

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

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

[Large empty rectangular box for text input]

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 19 th January 2011

Capacity 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.

WITNESS STATEMENT

(S.9 C.J. Act 1967, S.S. 5A(3a) & 58 M.C. Act 1980 and R.70 MC. Rules 1981)

Statement of John Loveridge BSc (hons)

Age if under 18 ..over 18..(if over 18 insert 'over 18'). Occupation .. Licensing 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 which I know to be false or do not believe to be true.

Dated the 10 day of November 2010

Signature

I have a Bachelor of Science honours degree in policing and police studies. From March 1982 until June 2002 I was a police constable in the Metropolitan Police Service and from February 2005 I have been a licensing officer at East Devon District Council. I perform a wide range of licensing duties involving a wide range of legislation. Included in this range of legislation is the Licensing Act 2003. On Tuesday 26 October 2010 at about 0900 I was working in my office at East Devon District Council reading emails that had been sent to Licensing@eastdevon.gov.uk/licensing which provides among other matters details of temporary events notices that have submitted on-line via a system called LAGAN. A temporary event notice (otherwise known as a TEN) is a facility provided by the Licensing Act 2003 which permits an event organiser to carry out a limited range of licensable activities to take place without the need of a premises licence or the need to vary an existing premises licence. There are a number of conditions which must be adhered to in order for a TEN to be accepted, one of these conditions is the requirement to serve the TEN on the appropriate licensing authority and a copy to the chief officer of police for that area with a minimum of ten (10) clear working days notice. I read one email indexed "New Lagan Frontline Case: 101000180128" sent by Martin Patterson on Monday 25 October 2010 at 19.19 which provided details of a Temporary Event Notice (TEN). I produce a printed version of this notice as exhibit JRL/1. I passed the details of this notice and attached email to my colleague Neil McDonald who is also a licensing officer at East Devon District Council. The notice showed that the date of the event was Friday 5 November 2010 at the Ottery St Mary Tar Barrels night. I noted that the time that the notice had been that it had not been submitted with sufficient notice required for a TEN. The latest date by which the notice should have been served was Thursday 21 October. In addition no notice of payment of the £21 fee was received. The TEN had therefore not been properly served and therefore could not be accepted. My colleague Neil McDonald agreed to speak to Mr Patterson on the phone, and I later learned that the Licensing Manager John Tippin also spoke to Mr Patterson on the phone. Later the same day I was again reading the emails that had been sent to Licensing@eastdevon.gov.uk and I saw that another email indexed New Lagan Frontline Case: 101000180198 timed at 10.58. The email related to a TEN submitted by Martin Patterson and provided the same details for the TEN previously submitted on-line for 5 November which was not accepted. I produce a copy of this TEN as exhibit JRL/2. In addition no notice of payment of the £21 fee was received. For the same reasons already stated I was not able to accept this (second) TEN. I wrote to and emailed Mr Patterson to explain that both of the TENs he had submitted were not accepted and the reasons why they were not acceptable. I produce a copy of this letter as exhibit JRL/3. On Wednesday 27 October 2010 I was informed that Mr Patterson had made an on-line payment for the first TEN he submitted. I traced the payment and made immediate arrangements for it to be refunded. I sent a letter and emailed Mr Patterson on 27 October to advise that his payment of £21 had been traced and that it had been refunded. I produce this letter as exhibit JRL/4. I summarised in a list the details of TENs submitted and rejected and enquiries we had received for TENs that could not be accepted for 5 November and produce this list as exhibit JRL/5. This list forms my original notes.

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 Barry Reginald SLEIGHT URN:

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Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: ARCRO 56035

This statement (consisting of 3..... 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: 13th November 2010

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

I am an Alcohol Related Crime Prevention Officer employed by The Devon & Cornwall Constabulary stationed at Exmouth Police Station.

My area of responsibility is the Exmouth and East Devon Policing District.

On Friday 5th November 2010 I attended as part of my duties The Ottery St Mary Tar Barrels Celebrations at Ottery St Mary. At this time I was wearing plain clothes and wore nothing to signify I was a member of Police staff.

At about 8pm that evening I was in Silver Street Ottery St Mary outside Seasons Restaurant 9 Silver Street. My attention was drawn to the premises as it was obviously open for business. The lights were on and there were posters in the window advertising food and hot drinks including mulled wine. There was a table across the open restaurant door with a box containing pasties and I could also tea making facilities.

I was aware at the time that the restaurant held a premises licence issued by East Devon District Council. The licence allowed the sale of alcohol by retail for consumption ON the premises only. Also any sale of alcohol had to be to persons taking a table meal and the consumption by such a person was ancillary to such a meal. I was also aware the premises had applied for a Temporary Event Notice to allow them to sell alcohol for consumption off the premises but their application was late and therefore any sales would be illegal

At about 8.05 pm I approached the door way where there were 2 persons waiting for hot pasties. A male person was serving behind the table. I would describe this male as being white; in his mid 50s about 5'07-09 stocky build. He was wearing a horizontal striped polo type shirt which was blue and grey/white in colour and blue jeans.

The male person looked at me and I said 'The mulled wine is it real wine or the stuff you get that comes like tea bags?'

He replied 'Of course I made it myself today'

Signature: Signature witnessed by:

Continuation of Statement of

..... Barry Reginald Sleight

I could not see any mulled wine readily available or any container marked mulled wine. I presumed he would go to kitchen and get anything I ordered.

I said 'I'll have one please'

The male said '£3.00'

I gave the male a £5.00 and received a £2.00 coin as change. The male also gave me a small piece of card with the following printed on it 'Entrance Fee £3.00 Inc 1 Free Mulled Wine' (BRS/1)

The male then pointed to a door to my left and said 'Go up there to my back garden and collect it'

I then went to an open door which led to an alley way and then to a rear garden and living accommodation. On arrival I found a male person in his early 30s of medium build and height with curly hair. Next to him on my left was a table with a stainless steel water heater similar to a tea urn. Immediately in front of me was another table with 3 packs containing alcohol wrapped in plastic. One pack was a cider and the other 2 were lager. All 3 packs were fairly full but had been opened and some cans were missing.

I gave the man my ticket and he placed it on the table next to the water heater and commenced filling up a polystyrene cup with a hot liquid from the water heater. Whilst pouring this liquid I could smell it was similar to mulled wine I have had previously. On completion he offered me a lid which I accepted and he handed the mulled wine to me (BRS/2)

I then said 'Are you selling those?' pointing to the cans.

He replied 'Yes £2.50 a can'

I said 'I'll have a strongbow and a lager please'

As the man got the cans I got a £5.00 note from my wallet and picked up the ticket (BRS/1) placing it in my wallet.


The male then gave me a can of Strongbow cider (BRS/3) and a can of Stella Artois (BRS/4) and I gave him the £5.00 note. I then left the premises.

I walked further down the street away from the premises and sipped the mulled wine (BRS/2). I can say this tasted similar every way to mulled wine I have had previously.

I subsequently took these exhibits to Ottery St Mary Police Station where I secured the lid of the mulled wine (BRS/2) to the cup using sellotape.

At about 21.30 hours and 22.10 hours the same day I returned to Seasons Restaurant on 2 occasions and briefly observed the premises. On both occasions I saw persons go to the restaurant doorway and move to the side door to the garden. The door

Signature: 

Signature witnessed by: 

2004/5

Continuation of Statement of

BARRY REGINALD SWEET

would then open the people would enter and the door close. A short time later the door would open and the people would come out carrying polystyrene cups similar to the one I bought the mulled wine in. The door would then be closed. So people were carrying cans of alcohol including strongbow. I cannot say if these items were purchased from the premises.

On occasions when the door was opened it was either opened by the male in his 50s or the male in his 30s as previously described. On a couple of occasions a male around 50yrs stocky build with a green jumper opened and closed the door.

My observations on the premises reminded me of a 'speakeasy' of the prohibition period in 1920s-30s USA.

Signature:

[Redacted Signature]

Signature witnessed by:

[Redacted Signature]

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 Barry Reginald SLEIGHT URN:

--	--	--	--

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: ARCRO 56035

This statement (consisting of: 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: 18th January 2011

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

I am an Alcohol Related Crime Reduction Officer employed by The Devon & Cornwall Constabulary stationed Exmouth Police Station.

My area of responsibility is the Exmouth and East Devon Policing District.

On 25th November 2010 Martin PATTERSON B.01/06/49 was interviewed at Honiton Police Station for an offence allowing a licensable activity to take place without a licence Contrary to Section 136 Licensing Act 2003.

Following this interview at 19.35 hrs Mr Patterson received an official police caution for the offence recorded on form 199.



Signature: Signature witnessed by:

EXHIBIT LIST

R v **Patterson**URN: **50 KH 60239**

* Tick if exhibit att

Police property reference	Description as per label (indicate if copy)	Exhibit Reference No	Person producing and current location of exhibit
	Temporary Event Notice Application Dated 25/10/10 19.19 hrs	JRL/1	Person Producing: John Loveridge Current Location: Exmouth Police Station
	Temporary Event Notice Application Dated 26/10/10	JRL/2	Person Producing: John Loveridge Current Location: Exmouth Police Station
	Letter sent to M.Patterson 9 Silver Street Ottery St Mary dated 26/10/10	JRL/3	Person Producing: John Loveridge Current Location: Exmouth Police Station
	Letter sent to M. Patterson 9 Silver Street Ottery St Mary Dated 28/10/10	JRL/4	Person Producing: John Loveridge Current Location: Exmouth Police Station
	Summary of Rejected Temporary Event Notices	JRL/5	Person Producing: John Loveridge Current Location: Exmouth Police Station
	Ticket marked Entrance Fee £3.00 Inc 1 free Mulled Wine	BRS/1	Person Producing: Barry Sleight Current Location: Exmouth Police Station
	Mulled Wine	BRS/2	Person Producing: Barry Sleight Current Location: Exmouth Police Station
	Can of Strongbow Cider	BRS/3	Person Producing: Barry Sleight Current Location: Exmouth Police Station
	Can of Stella Artols	BRS/4	Person Producing: Barry Sleight Current Location: Exmouth Police Station

Date of completion: 12 January 2011

2004/05(1): MG 12

**DEVON AND CORNWALL
CONSTABULARY**

OFF LIC



East Devon District Council

Identification Ref. No. JRH/1

Court Exhibit No. _____

R. -v- _____

Description
TEMPORARY EVENT
NOTICE APPLICATION
DATED 25/10/10
19.19 HRS

Time/Date Seized/Produced
0830 26/10/10

Where Seized/Produced
LICENSING OFFICE
EDDC

Seized/Produced by
JOHN LOVERIDGE

Signed _____

Incident/Crime No. _____

Major Incident item No. _____

Laboratory Ref. _____

REG. E. No. _____

Forenames
PREVIOUS NAMES
Title
If you selected 'Other', please state
your title
Surname
Forenames
Your date of birth
Your place of birth

**devon.gov.uk/Ef3/GeneralPrint.jsp?
e Temporary Event Notice**

ensing Act 2003 is available on the website of the
re, Media and Sport:
ov.uk/alcohol_and_entertainment/default.htm
Authority's Helpline 01395 517410 or on the District
accessing the licensing pages.
s notice please read the guidance notes that can be
n.gov.uk/temporary_event_notice_notes.pdf
if necessary, you will be able to scan them and
y will submit a copy of this application to the police
nd return it to you as an acknowledgement of receipt.

TAILS OF PREMISES USERS

ises user,
der section 100
003 of my
a temporary
es described

Mr

, please state

PATTERSON

MARTIN

01/06/1949

HATFIELD HERTS

Temporary event in the area clear description single room

National Insurance Number (UK nationals only)

YLOO3518D

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

9 SILVER ST

Post town

OTTERY ST MARY

Postcode

EX11 1DB

OTHER CONTACT DETAILS

Daytime telephone number

01404 815751

Evening telephone number (optional)

Mobile (optional)

Fax number (optional)

Email (optional)

2. THE PREMISES

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

SEASONS
9 SILVER ST
OTTERY ST.MARY
DEVON
EX11 1DB

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

FRONT SHOP FRONT ONLY SERVING AT DOOR

Please describe the nature of the premises below. (Please read note 4)

A TEAROOM BISTRO

Please describe the nature of the event below. (Please read note 5)

TARR BARREL NIGHT

NOTE 2

For the purposes of the Licensing Act 2003, 'premises' means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

NOTE 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

NOTE 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

3. THE LICENSABLE ACTIVITIES

Please state the licensable activities that you intend to carry on at the premises. (Please read note 6)

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment

The provision of late night refreshment

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)

5TH NOVEMBER 2010

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please

17.30 TO 24.00

read note 8)

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)

15 TO 20

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both. (Please read note 10)

Off the premises only

NOTE 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of 'entertainment facilities' for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

NOTE 7

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

NOTE 8

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you

intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

NOTE 9

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 10

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

4. PERSONAL LICENCE HOLDERS

Please read note 11

Do you currently hold a valid personal licence?

Yes

If 'Yes' please provide the details of your personal licence below.

Issuing licensing authority

EAST DEVON DISTRICT COUNCIL

Licence number

EDVE0481

Date of issue

08/09/2006

Date of expiry

24/08/2015

Any further relevant details

NOTE 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

5. PREVIOUS TEMPORARY EVENT NOTICES YOU HAVE GIVEN

Please read note 12

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?

No

NOTE 12

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an 'associate'

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an 'associate'.

6. ASSOCIATES AND BUSINESS COLLEAGUES

Please read note 13

Has any associate of yours given a temporary event notice for an event

...same calendar year as the
...for which you are now giving a **No**
temporary event notice?

If answering yes, please state the
total number of temporary event
notices your associate(s) have given
for events in the same calendar year

Has any associate of yours already
given a temporary event notice for
the same premises in which the
event period: a) ends 24 hours or
less before; or b) begins 24 hours or
less after the event period proposed
in this notice? (Please tick the box
that applies to you) **No**

Has any person with whom you are
in business carrying on licensable
activities given a temporary event
notice for an event in the same
calendar year as the event for which
you are now giving a temporary
event notice? **No**

If answering yes, please state the
total number of temporary event
notices your business colleague(s)
have given for events in the same
calendar year.

Has any person with whom you are
in business carrying on licensable
activities already given a temporary
event notice for the same premises
in which the event period: a) ends
24 hours or less before; or b) begins
24 hours or less after the event
period proposed in this notice? **No**
(Please tick the box that applies to
you)

NOTE 13

An 'associate' of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships

Act. These amendments are due to take effect from 5th Dec

7. CHECKLIST

I shall (please tick as appropriate)

If the premises are situated in one or more licensing authority areas, notify each additional licensing authority

Make payment of the fee for the application

If you wish to include any continuation sheets or additional documents please upload them using the button below.

8. CONDITION

Please read note 15

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

NOTE 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

9. DECLARATIONS

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised

able activity to be carried on at
any place and that a person is liable
on conviction for any such offence to
a fine not exceeding £20,000, or to
imprisonment for a term not
exceeding six months, or to both.

Please confirm your name

MARTIN PATTERSON

25/10/2010

FOR COMPLETION BY THE
LICENSING AUTHORITY

Acknowledgement

I acknowledge receipt of this
temporary event notice

Signature (on behalf of the licensing
authority)

Date

Name of Officer Signing

101000180198

DEVON AND CORNWALL CONSTABULARY

Identification Ref. No. JRL/2

Court Exhibit No. _____

R. -v- _____

Description
TEMPORARY/EVENT
NOTICE APPLICATION
DATED 26/10/10
10.58 HRS

Time/Date Seized/Produced
1200 26/10/10

Where Seized/Produced
LICENSING OFFICE
EDDC

Seized/Produced by
JOHN LAWRENCE

Signed _____

Incident/Crime No. _____

Major Incident Item No. _____

Laboratory Ref. _____

REG. E. No. _____



East Devon District Council

devon.gov.uk/Ef3/GeneralPrint.jsp?
Temporary Event Notice

Licensing Act 2003 is available on the website of the
e, Media and Sport:
v.uk/alcohol_and_entertainment/default.htm
Authority's Helpline 01395 517410 or on the District
ccessing the licensing pages.
notice please read the guidance notes that can be
gov.uk/temporary_event_notice_notes.pdf
f necessary, you will be able to scan them and
will submit a copy of this application to the police
d return it to you as an acknowledgement of receipt.

DETAILS OF PREMISES USERS

es user;
er section 100
03 of my
emporary
described

Mr

please state

patterson
martin

01/06/1949

hatfield

Surname
Forenames
PREVIOUS NAMES
Title
If you selected 'Other', please state
your title
Surname
Forenames
Your date of birth
Your place of birth

37

National Insurance Number (UK nationals only)

yl003518d

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

9 silver st

Post town

ottery st mary

Postcode

ex11 1db

OTHER CONTACT DETAILS

Daytime telephone number

01404 815751

Evening telephone number (optional)

Mobile (optional)

Fax number (optional)

Email (optional)

2. THE PREMISES

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

9 silver st
ottery st mary
devon
ex11 1db

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

front tearoom only

tearoom & bistro

Please describe the nature of the premises below. (Please read note 4)

tarr barrel event 5th nov

Please describe the nature of the event below. (Please read note 5)

NOTE 2

For the purposes of the Licensing Act 2003, 'premises' means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

NOTE 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

NOTE 4

A description of the nature of the premises assists the chief officer of police in deciding if any crime prevention issues are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

NOTE 5

A description of the nature of the event similarly assists the chief officer of police in making his decision whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

3. THE LICENSABLE ACTIVITIES

Please state the licensable activities that you intend to carry on at the premises. (Please read note 6)

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment

The provision of late night refreshment

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)

5th nov 2010

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please

17.30 to 24 00

read note 8)

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 9)

22

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both. (Please read note 10)

Off the premises only

NOTE 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of 'entertainment facilities' for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

NOTE 7

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

NOTE 8

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you

may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

NOTE 9

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 10

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

4. PERSONAL LICENCE HOLDERS

Please read note 11

Do you currently hold a valid personal licence?

Yes

If 'Yes' please provide the details of your personal licence below.

Issuing licensing authority

east devon

Licence number

edv008976

Date of issue

17/07/2003

Date of expiry

24/08/2013

Any further relevant details

NOTE 11

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

5. PREVIOUS TEMPORARY EVENT NOTICES YOU HAVE GIVEN

Please read note 12

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? **No**

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? **No**

NOTE 12

As stated under Note 11 the holder of a valid personal licence holder issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year. An individual who does not hold a valid personal licence may only give 5 temporary event notices in England and Wales within a calendar year. A calendar year is the period between 1 January to 31 December, inclusive, in any year

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 15 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 13 below sets out the definition of an 'associate'

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 13 below sets out the definition of an 'associate'.

6. ASSOCIATES AND BUSINESS COLLEAGUES

Please read note 13

Has any associate of yours given a temporary event notice for an event

in the same calendar year as the event for which you are now giving a temporary event notice? **No**

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please tick the box that applies to you) **No**

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? **No**

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please tick the box that applies to you) **No**

NOTE 13

An 'associate' of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships

Act. These amendments are due to take effect from 5th December 2005.

7. CHECKLIST

I shall (please tick as appropriate)

If the premises are situated in one or more licensing authority areas, notify each additional licensing authority

Make payment of the fee for the application

If you wish to include any continuation sheets or additional documents please upload them using the button below.

8. CONDITION

Please read note 15

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

NOTE 15

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

9. DECLARATIONS

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised

licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Please confirm your name

jo bloggs

26/10/2010

FOR COMPLETION BY THE
LICENSING AUTHORITY

Acknowledgement

I acknowledge receipt of this
temporary event notice

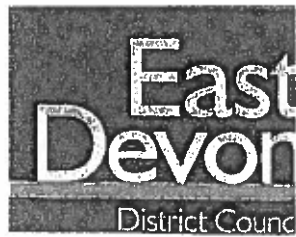
Signature (on behalf of the licensing
authority)

Date

Name of Officer Signing

**DEVON AND CORNWALL
CONSTABULARY**

stdevon.gov.uk



Identification Ref. No. JRL/3

Court Exhibit No. _____

R. -v- _____

Description

LETTER SENT TO
M. PATTERSON 9
SILVER ST. O.S.M.
DATED 26-10-10

Time/Date Seized/Produced
1430 26/10/10

Where Seized/Produced
LICENSING OFFICE
EDDC

Seized/Produced by
BHA LOVERIDGE

Signed _____

Incident/Crime No. _____

Major Incident Item No. _____

Laboratory Ref. _____

REG. E. No. _____

East Devon District Council
Knowlton
Sidmouth
Devon
EX10 8L
DX 48705 Sidmouth
Tel: 01395 51651
www.eastdevon.gov.uk

- 5 November 2010

Two temporary event notices (TEN) forms that you submitted to this office on 5 November 2010.

Notice (ref 10100018198) was submitted on-line and received by this office at 1919 on 25 October 2010. After receipt of the first notice you were contacted by licensing officer [redacted] you that the notice was submitted within the 10 (ten) clear working days to be late to be accepted. You then spoke to Mr Tippin the Licensing Officer for more information. After receipt of the second notice I spoke to you and [redacted]. I acknowledged your opinion on how you counted the 10 clear

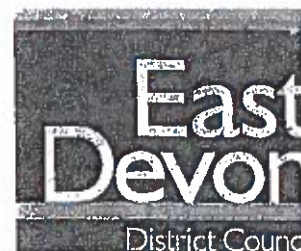
working days. The act also requires that a fee of £21 is required when you submit a notice. No payment was received for either notice that you submitted.

It is therefore with regret that I must advise you I am unable to accept the temporary event notices (TENs) you submitted.

Yours sincerely

John Loveridge
Licensing Officer
Legal, Licensing and Member Services

Date: 26 October 2010
Contact number: 01395 517411
E-mail: Licensing@eastdevon.gov.uk
Direct Fax: 01395 517507
Our Reference: LIC/JL/TEN
Your Reference:



East Devon District Council
Knowlton
Sidmouth
Devon
EX10 8J
DX 48705 Sidmouth
Tel: 01395 5165
www.eastdevon.gov.uk

Mr M Patterson
9 Silver Street
Ottery St Mary
EX11 1DB

Dear Mr Patterson

Temporary Event Notice – 5 November 2010

I confirm receipt today of the two temporary event notices (TEN) forms that you submitted to this licensing authority for an event on 5 November 2010.

The first notice (ref 10100018128) was submitted on-line and received by this office at 1919 on 25 October 2010. The second notice (ref 10100018198) was submitted on-line and received by this office at 1058 on 26 October 2010. After receipt of the first notice you were contacted by licensing officer Neil McDonald who informed you that the notice was submitted within the 10 (ten) clear working days deadline and was therefore too late to be accepted. You then spoke to Mr Tippin the Licensing Manager who gave you the same information. After receipt of the second notice I spoke to you and gave you the same information. I acknowledged your opinion on how you counted the 10 clear working days notice.

The Licensing Act 2003 requires a minimum of 10 (ten) clear working days notice for the submission of a TEN to a licensing authority. For an event planned on 5 November 2010 you should have submitted the TEN so that it reached this office no later than Thursday 21 October 2010. The notice period of ten days for the service of a temporary event notice is prescribed within the Licensing Act 2003. It offers no discretion for late service. The act also requires that a fee of £21 is required when submitting a temporary event notice. No payment was received for either notice that you submitted.

It is therefore with regret that I must advise you I am unable to accept the temporary event notices (TENs) you submitted.

Yours sincerely

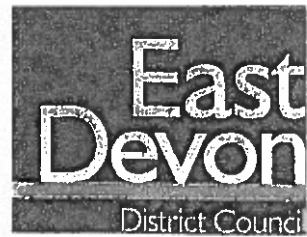
John Loveridge
Licensing Officer
Legal, Licensing and Member Services

47

Copy: The Police Licensing Officer, Devon & Cornwall Constabulary, North Street, Exmouth EX8 1D.

**DEVON AND CORNWALL
CONSTABULARY**

devon.gov.uk



Identification Ref. No. JRL/4

Court Exhibit No. _____

R. -v- _____

Description
LETTER SENT TO
M. PATTERSON 9
SILVER STREET
O.S.M DATED
28-10-10

Time/Date Seized/Produced
13.00 28/10/10

Where Seized/Produced
LICENSING OFFICE
EDDC

Seized/Produced by
JOHN LONERIDGE

Signed

Incident/Crime No. _____

Major Incident Item No. _____

Laboratory Ref. _____

REG. E. No. _____

5 November 2010

With Mr McDonald I am delighted to be able to inform that this office has
sent that you made for the first temporary event notice that you
(ref 10100018128).

I am able to inform you that arrangements have been made for the refund of
acknowledged with the enclosed advice.

Services

Contact number: 01395 517411
E-mail: Licensing@eastdevon.gov.uk
Direct Fax: 01395 517507
Our Reference: LIC/JL/TEN
Your Reference:



East Devon District Council
Know
Sidmou
Devc
EX10 8F
DX 48705 Sidmou
Tel: 01395 51655
www.eastdevon.gov.uk

Mr M Patterson
9 Silver Street
Ottery St Mary
EX11 1DB

Dear Mr Patterson

Temporary Event Notice – 5 November 2010

Further to your conversation with Mr McDonald I am delighted to be able to inform that this office has now been advised of the payment that you made for the first temporary event notice that you submitted on 25 October 2010 (ref 10100018128).

I am therefore pleased to be able to inform you that arrangements have been made for the refund of the £21 that you paid, and is acknowledged with the enclosed advice.

Yours sincerely

John Loveridge
Licensing Officer
Legal, Licensing and Member Services

**DEVON AND CORNWALL
CONSTABULARY**

Ottery St Mary
Tar Barrels 2010

Identification Ref. No. JRL/S

Court Exhibit No. _____

R. -v- _____

Description
SUMMARY OF
REJECTED TEMPORARY
EVENT NOTICES

Time/Date Seized/Produced
10.00 27/10/10

Where Seized/Produced
LICENSING OFFICE
EDDC

Seized/Produced by
JOHN LONERIDGE

Signed _____

Incident/Crime No. _____

Major Incident Item No. _____

Laboratory Ref. _____

REG. E. No. _____

	Catering	
5	John Hamilton	25.10.2010

Notes	Phone number
Allison Devey submitted TENS for herself and on behalf of Sharon Appleton on Fri 22.10.10 at approx 1530. They were not accepted because of late submission. I spoke to both parties at about 16.30 and explained why the TENS could not be accepted. Payment returned with letter of explanation. Allison Devey phoned back before 1700 and spoke to Elizabeth Schofield who confirmed that the last date for the submission for a TEN for 5 November was 21.10.10. She then asked how much a fine would be if she sold hot refreshment after 2300.	[REDACTED]
Allison Devey submitted TENS for herself and on behalf of Sharon Appleton on Fri 22.10.10 at approx 1530. They were not accepted because of late submission. I spoke to both parties at about 16.30 and explained why the TENS could not be accepted. Payment returned with letter of explanation. Allison Devey phoned back before 1700 and spoke to Elizabeth Schofield who confirmed that the last date for the submission for a TEN for 5 November was 21.10.10. She then asked how much a fine would be if she sold hot refreshment after 2300.	[REDACTED]
Was told that it was too late to submit TEN. He stated that he would not sell hot refreshment after 2300.	[REDACTED]
Was told that it was too late to submit TEN. He did not indicate if he would still be going.	[REDACTED]
John Hamilton submitted TEN for LNR only on-line. Lagan case 101000180129 refers. Rejected because: 1. Incorrect d.o.b. (22.10.2010) 2. Insufficient notice period - last date for submission was 21.10.2010 I have left a message (c 10.00) for him to call + sent email advising reject of TEN. I left a message again (c 14.25) to	[REDACTED]

	Name	Date of Enquiry	Notes	Phone number
1	Allison Devey	22.10.2010	Allison Devey submitted TENs for herself and on behalf of Sharon Appleton on Fri 22.10.10 at approx 1530. They were not accepted because of late submission. I spoke to both parties at about 16.30 and explained why the TENs could not be accepted. Payment returned with letter of explanation. Allison Devey phoned back before 1700 and spoke to Elizabeth Schofield who confirmed that the last date for the submission for a TEN for 5 November was 21.10.10. She then asked how much a fine would be if she sold hot refreshment after 2300.	[REDACTED]
2	Sharon Appleton	22.10.2010	Allison Devey submitted TENs for herself and on behalf of Sharon Appleton on Fri 22.10.10 at approx 1530. They were not accepted because of late submission. I spoke to both parties at about 16.30 and explained why the TENs could not be accepted. Payment returned with letter of explanation. Allison Devey phoned back before 1700 and spoke to Elizabeth Schofield who confirmed that the last date for the submission for a TEN for 5 November was 21.10.10. She then asked how much a fine would be if she sold hot refreshment after 2300.	[REDACTED]
3	David Thomas	25.10.2010	Was told that it was too late to submit TEN. He stated that he would not sell hot refreshment after 2300.	[REDACTED]
4	Hamilton Catering	25.10.2010	Was told that it was too late to submit TEN. He did not indicate if he would still be going.	[REDACTED]
5	John Hamilton	25.10.2010	John Hamilton submitted TEN for LNR only on-line. Lagan case 101000180129 refers. Rejected because: 1. Incorrect d.o.b. (22.10.2010) 2. Insufficient notice period – last date for submission was 21.10.2010 I have left a message (c 10.00) for him to call + sent email advising reject of TEN. I left a message again (c 14.25) to	[REDACTED]

Tar Barrels 2010

			<p>advise that his TEN was not accepted. I also sent a letter to advise TEN rejected.</p> <p>Mr Hamilton rang at 09.30 on 27.10.10 and confirmed that he now understands that he cannot have TEN for 05.11.10.</p>	
6	Martin Patterson	25.10.2010	<p>Martin Patterson submitted TEN for off licence only on-line. Lagan case 101000180128 refers. Rejected because:</p> <ol style="list-style-type: none"> 1. Insufficient notice period – last date for submission was 21.10.2010 <p>Neil McDonald and John Tippin have told him the reason for the rejection</p>	
7	Martin Patterson	26.10.2010	<p>Martin Patterson submitted TEN for off licence only on-line. Lagan case 101000180198 refers. Rejected because:</p> <ol style="list-style-type: none"> 1. Insufficient notice period – last date for submission was 21.10.2010 2. No payment <p>Neil McDonald and John Tippin had previously told him the reason for the rejection</p>	

DEVON AND CORNWALL
CONSTABULARY

Identification Ref. No. BRS/1

Court Exhibit No. _____

R. -v- _____

Description

TICKET MARKED
"ENTRANCE FEE £3.00
INC. 1 FREE MULLED
WINE

Time/Date Seized/Produced

20.05 5/11/10

Where Seized/Produced

SEASONS RESTAURANT
OTTLEY ST MARY

Seized/Produced by

B. SWEIGHT

Signed



Incident/Crime No. _____

Major Incident Item No. _____

Laboratory Ref. _____

REG. E. No. _____



East Devon District Council
 Knowle
 Sidmouth
 Devon
 EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



www.eastdevon.gov.uk

Licensing Act 2003 Premises Licence

PLWA0368

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, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Seasons

9 Silver Street, OTTERY ST MARY, Devon, EX11 1DB.

Telephone 01404 815751

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	12:30am
	Sunday & Good Friday	11:00pm	Midnight
	Christmas Day	11:00pm	Midnight
	New Year's Eve	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Saturday	10:00am	Midnight
	Sunday & Good Friday	Noon	11:30pm
	Christmas Day	Noon	11:30pm
	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.			

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 the premises only



Licensing Act 2003
Premises Licence

PLWA0368

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	
Martin Patterson	9 Silver Street, Ottery St Mary, Devon, EX11 1DB. Telephone 01404 811135
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	
Martin PATTERSON	9 Silver Street, Ottery St Mary, Devon, EX11 1DB. Telephone 01404 811135
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. EDVE0481	Issued by East Devon

R. L. Pocock

Rachel L Pocock
Head of Legal, Licensing and Democratic Services

5 5



Licensing Act 2003 Premises Licence

PLWA0368

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 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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. Alcohol shall not be sold or supplied:
 - (i) Unless the premises have been structurally adapted and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;
 - (ii) On the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal.
2. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.
3. 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.
4. The licensable activities authorised by this licence will be confined to the areas that are outlined in **ORANGE** on the plan deposited with and approved by the Licensing Authority.



Licensing Act 2003
Premises Licence Summary

PLWA0368

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

Seasons

9 Silver Street, OTTERY ST MARY, Devon, EX11 1DB.

Telephone 01404 815751

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
L. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	12:30am
	Sunday & Good Friday	11:00pm	Midnight
	Christmas Day	11:00pm	Midnight
	New Year's Eve	11:00pm	5:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Saturday	10:00am	Midnight
	Sunday & Good Friday	Noon	11:30pm
	Christmas Day	Noon	11:30pm
	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.			

THE OPENING HOURS OF THE PREMISES

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



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003

Premises Licence Summary

PLWA0368

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 the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Martin Patterson

9 Silver Street, Ottery St Mary, Devon, EX11 1DB.

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

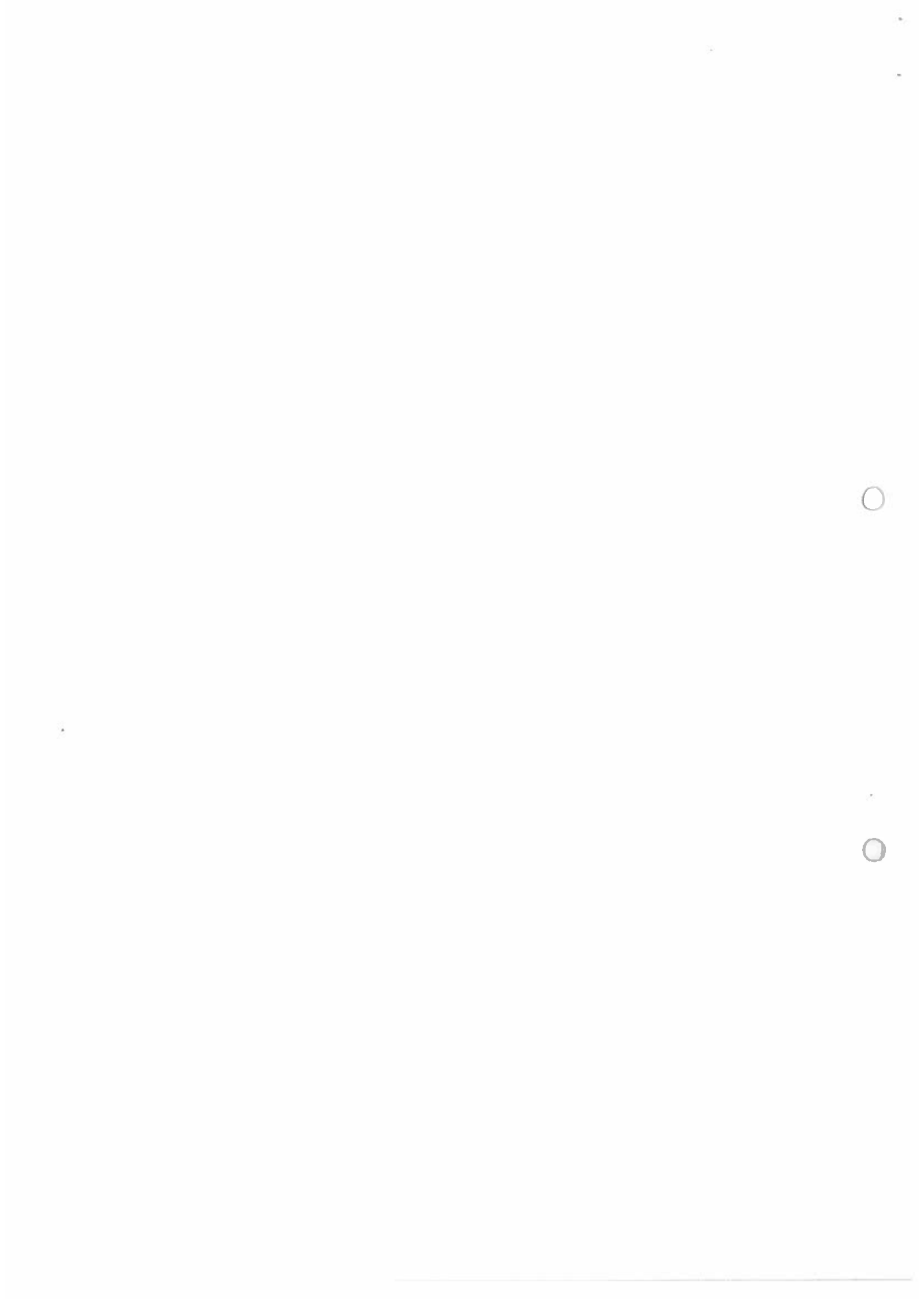
Martin PATTERSON

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

Rachel L Pocock

Head of Legal, Licensing and Democratic Services





Review Seasons 9 Silver Street,
Ottery St Mary.

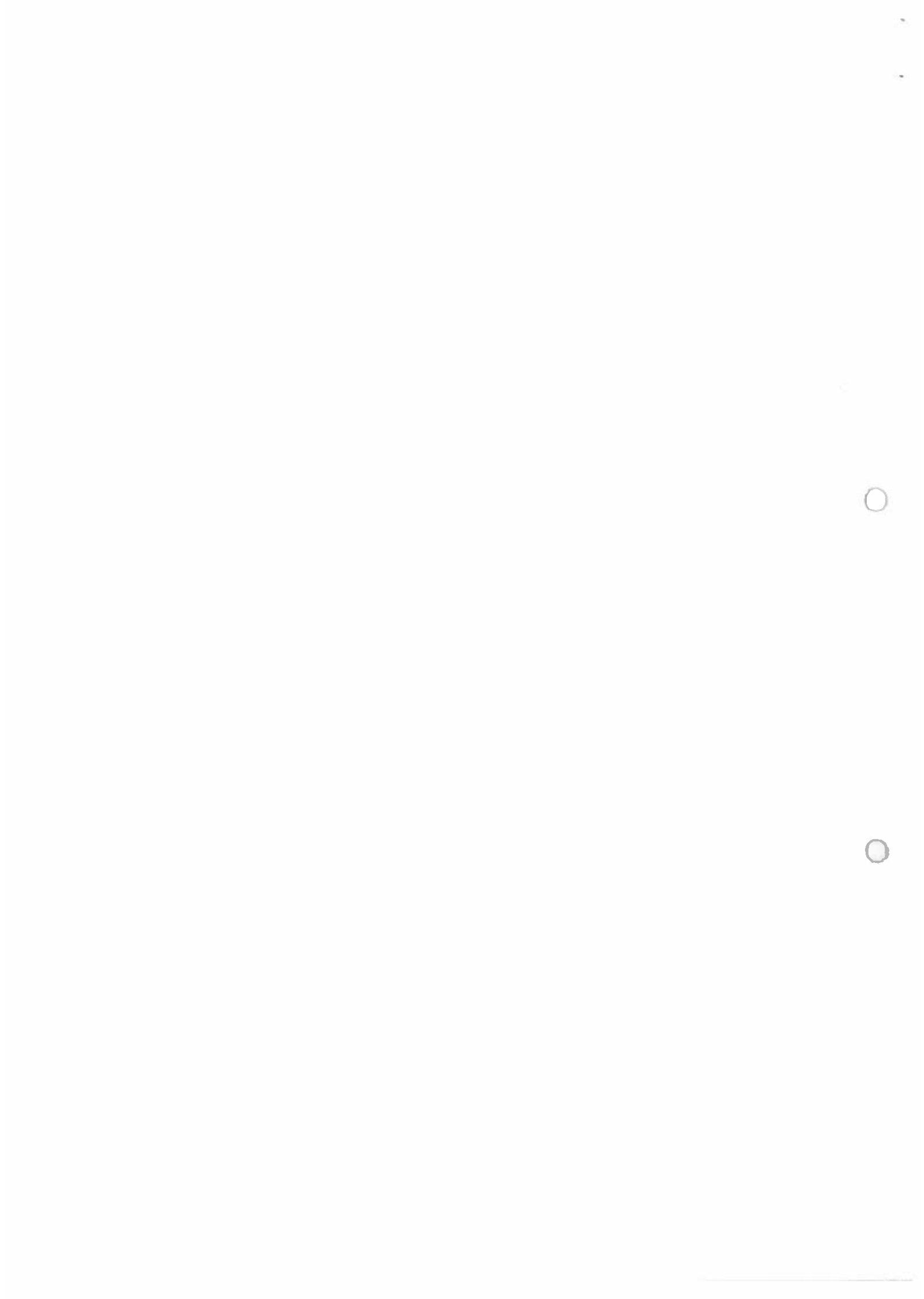
Licensing and Enforcement Sub
Committee 15/03/2011



Appendix C

Map File: SY09955E Full Reference: SY0988 9546

East Devon District Council - © Crown Copyright. All rights reserved. 100023746. 2011.



MAIN TEAROOM.

2nd TEAROOM.

PRIVATE

SC
DP
SC
BOILER ROOM
GENTS CLOAKROOM
LOBBY
GENTS TOILET
LADIES CLOAKROOM
LADIES TOILET

LOBBY

TEA GARDEN

KITCHEN

SEASONS TEAROOM

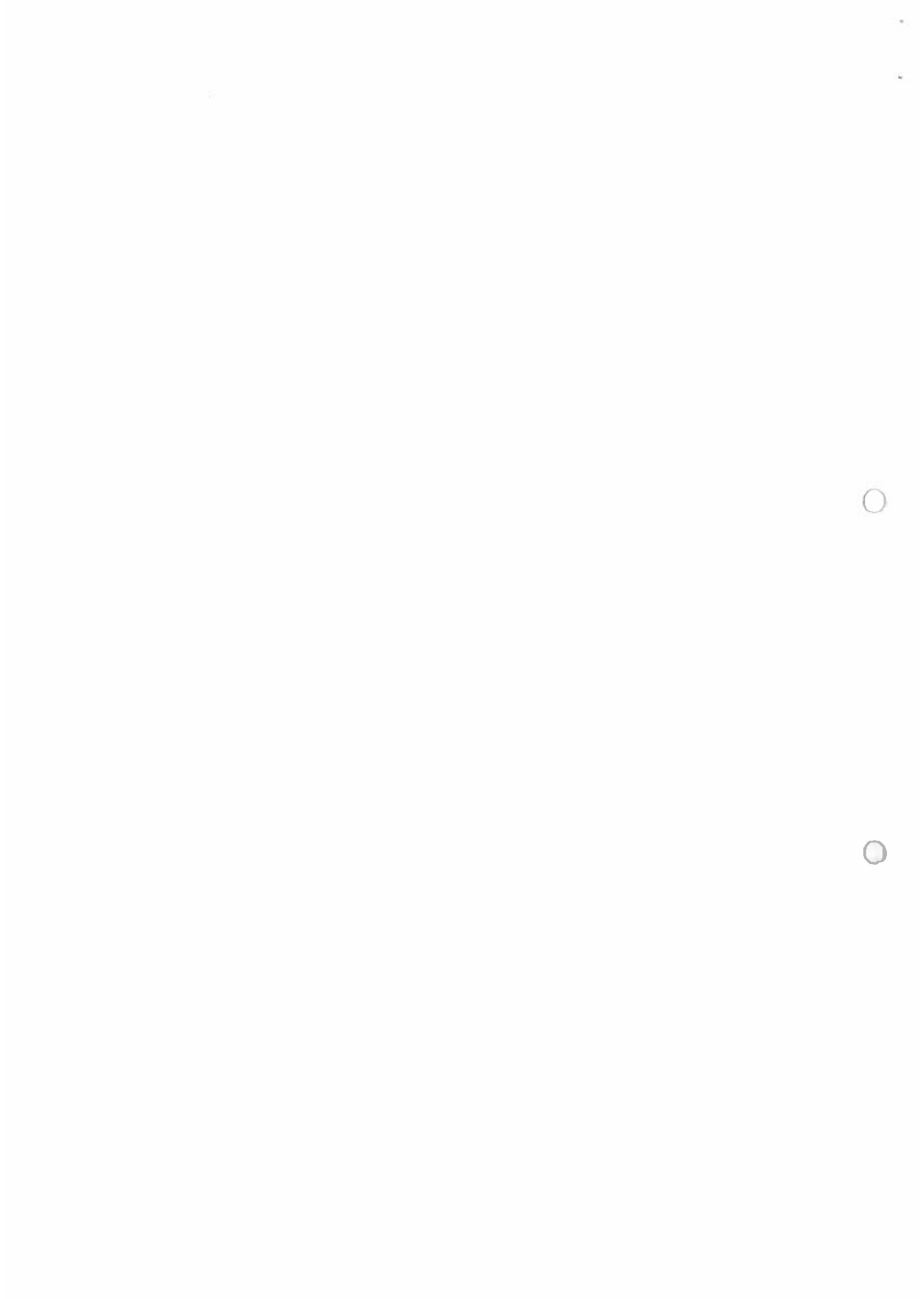
9 SILVER ST, OTTERBY ST MARY

E.D.C
LICENSING AUTHORITY
RECEIVED
15 SEP 2005
ACCEPT RETURN BY

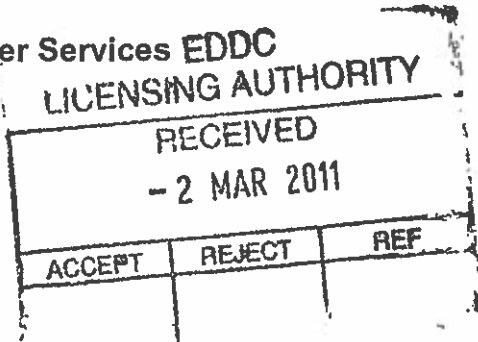
SCALE 1:100

60

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To: Head of Legal and Member Services EDDC
 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 18 February 2011 relating to the following application:

Licence Number: PLWA 0368

Application: Review of a Premises Licence

By: Barry Reginald Sleight

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

Re: Seasons, 9 Silver Street, Ottery St Mary, EX11 1DB

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 type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing		<input checked="" type="checkbox"/>		<input type="checkbox"/>
I intend to be represented at the hearing by:			<input type="checkbox"/>	<input type="checkbox"/>
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and Address	JOHN LOURIDGE LICENSING OFFICER EAST DEVON DISTRICT COUNCIL			
Please explain how this person will be able to assist the Licensing Sub Committee: AS PER HIS STATEMENT ALREADY SUBMITTED				
I enclose the following documents to support my original representations:				
(Please list them) NO FURTHER DOCUMENTS				
		(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"/>
Your Signature:		Your address: C/O EXMOUTH POLICE STATION		
Name:	Barry Sleight			

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:

The Head of Legal, Licensing and Democratic Services,
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

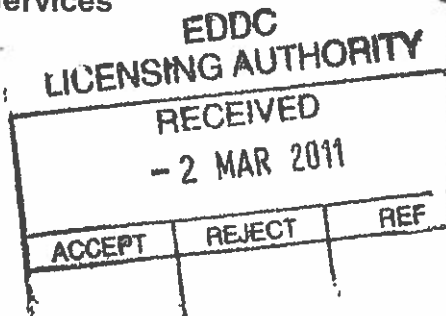
Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

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

28 February 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: PLWA 0368

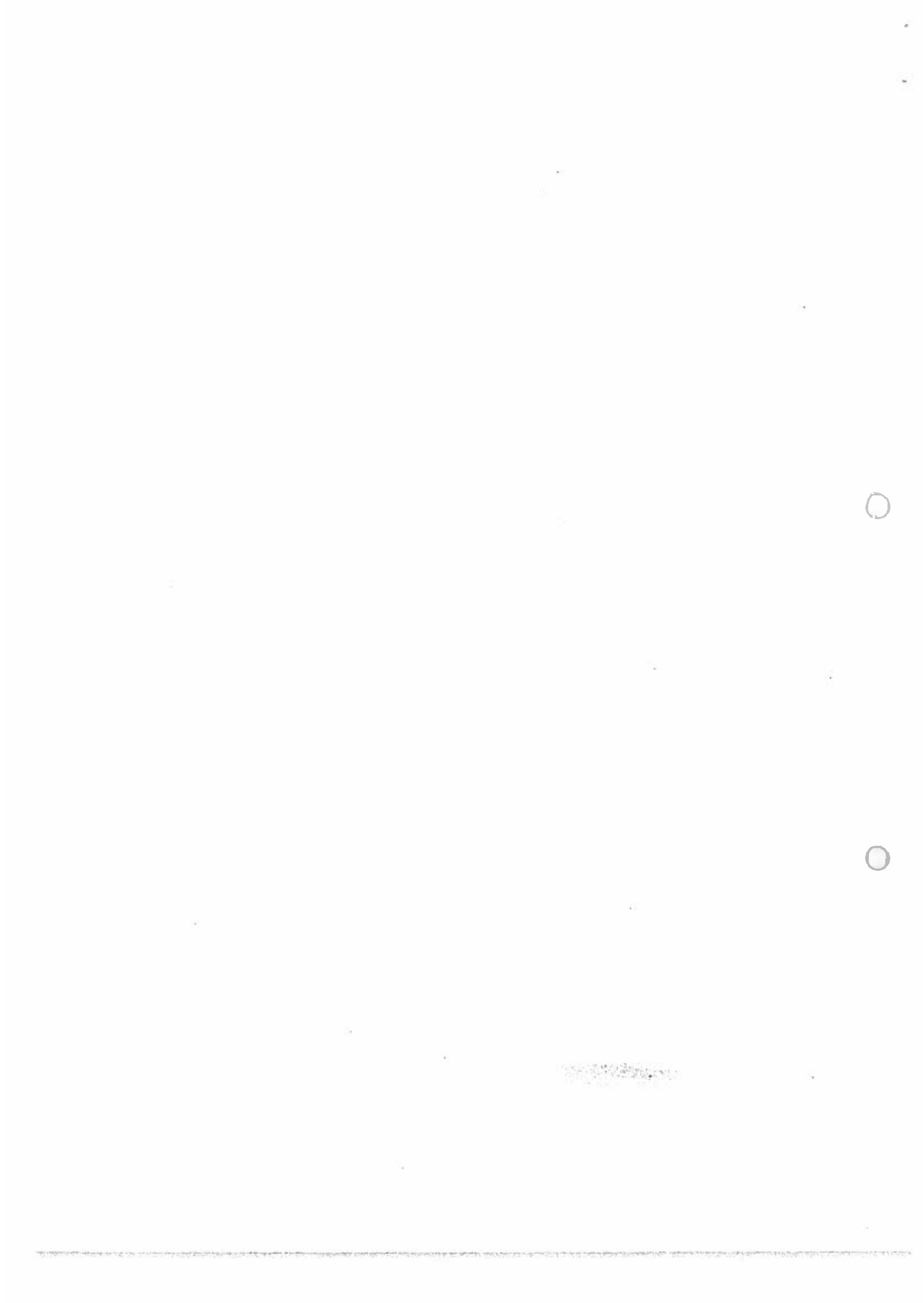
Application: Review of a Premises Licence

By: Barry Reginald Sleight

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

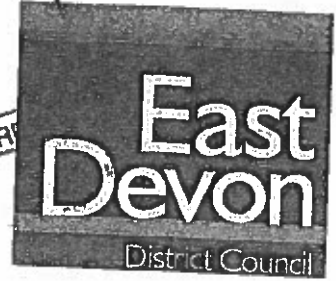
Re: Seasons, 9 Silver Street, Ottery St Mary, EX11 1DB

Key Points		
Which of the four licensing objectives does your application, representation or objection 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 checked="" type="checkbox"/>	As per ORIGINAL OBJECTION
Public safety	<input checked="" type="checkbox"/>	— —
Prevention of public nuisance	<input checked="" type="checkbox"/>	— —
Protection of children from harm	<input checked="" type="checkbox"/>	— —
Your Signature:		Your address:
Name:	Barry Sleight	40 EXMOUTH POLICE STATION



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

EDDC
 LICENSING AUTHORITY
 RECEIVED
 - 1 MAR 2011
 ACCEPT REJECT



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 18 February 2011 relating to the following application:

Licence Number: PLWA 0368

Application: Review of a Premises Licence

By: Barry Reginald Sleight

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

Re: Seasons, 9 Silver Street, Ottery St Mary, EX11 1DB

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

I consider the hearing to be unnecessary	(Tick as appropriate)(✓)	Yes	No
I intend to attend the hearing		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Please see note below (Please give details of the person's name and address in this box)		<input type="checkbox"/>	<input checked="" 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	J.A. PATTERSON 9 SILVER ST OTTERY ST. MARY
------------------	--

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)

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.	(Tick as appropriate)(✓)	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Your Signature: [Redacted]

Your address: 9 SILVER ST OTTERY ST. MARY DEVON EX11 1DB

Name: M PATTERSON

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:

The Head of Legal, Licensing and Democratic Services,
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:

28 February 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: PLWA 0368

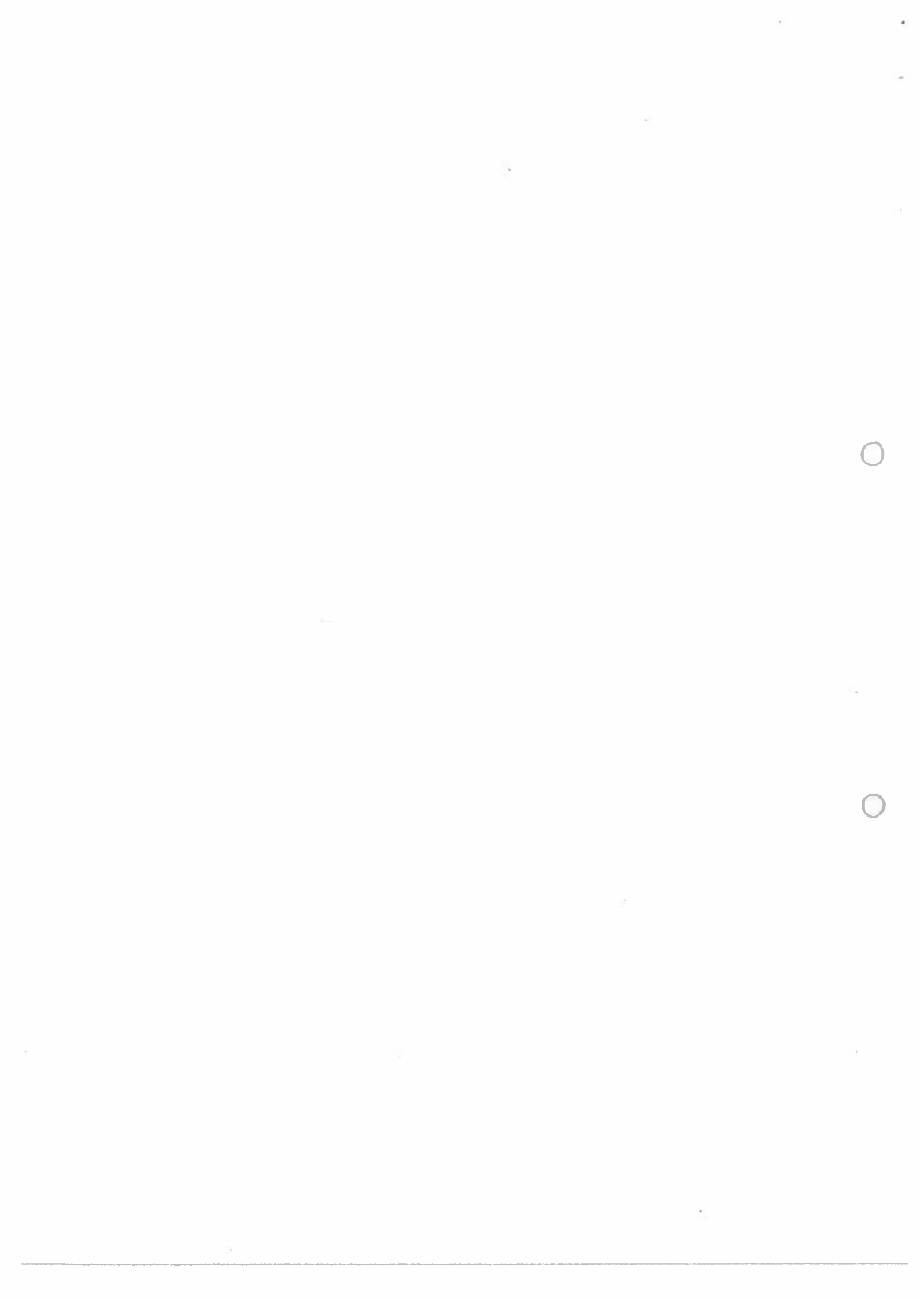
Application: Review of a Premises Licence

By: Barry Reginald Sleight

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

Re: Seasons, 9 Silver Street, Ottery St Mary, EX11 1DB

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 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

Seasons, 9 Silver Street, Ottery St Mary, EX11 1DB

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

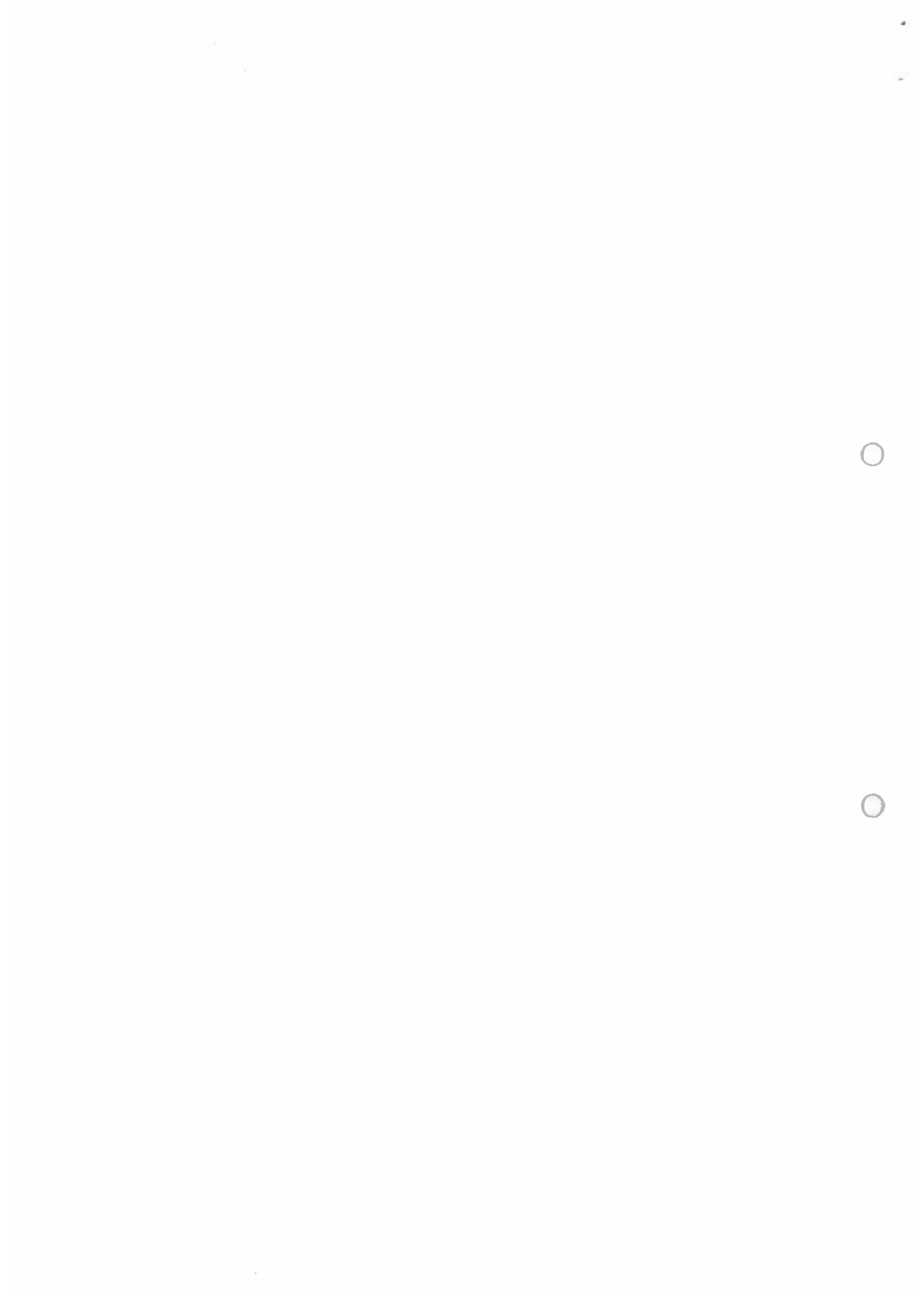
- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Any interested party or responsible authority who wishes to make
representations must make them by **17 February 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
21 February 2011

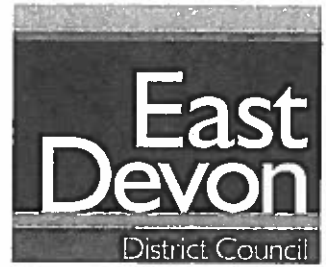


Agenda Item 7

Licensing Sub Committee

15 March 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 this application 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

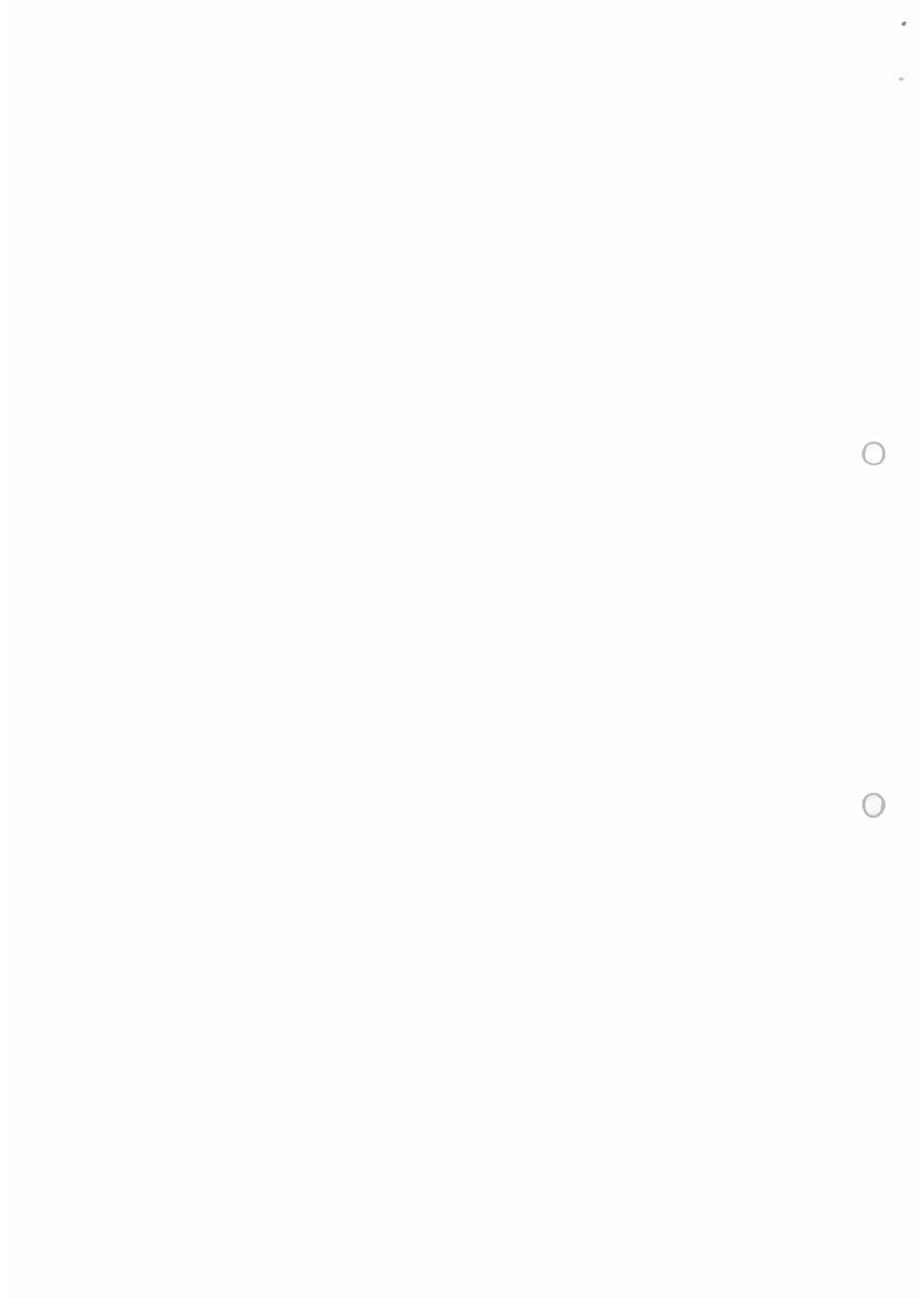
Officers have taken into account the Council's Licensing Policy in making the recommendation.

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	Normandy House, 5 Cornhill, Ottery St Mary, EX11 1DW	<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 addition of the following conditions</p> <ol style="list-style-type: none"> 1. Within six months of this licence being granted 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. 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. 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. 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. 5. Live (non-amplified) music (apart from the



		playing of percussion instruments, including drums) shall be permitted within the indoor basement licensed area during the times 12:00 to 24:00. Such performances of live music shall be limited to no more than two per week.
	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 Sub Committee

Licensing Officer

15 March 2011

8. Exclusion of the Public

The Vice Chairman of the Board to move the following:-

"that under Section 100(A) (4) of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information, of the description(s) set out on the agenda is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)"

