

LICENSING SUB-COMMITTEE

Date: Friday 28 July 2017
Time: 10.00 am
Venue: Bad Homburg Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email Mark.Devin@exeter.gov.uk

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

Membership -
Councillors Holland, Newby (Chair) and Owen

Agenda

Part I: Items suggested for discussion with the press and public present

1 **Appointment of Chair**

To appoint a Chair for the meeting.

2 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press excluded from the meeting for items 6 and 7 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

LICENSING ACT 2003

4 **Application to VARY an existing premises licence**

Details of the application may be found at <https://exeter.gov.uk/licensing/>

(Pages 3 -
122)

Search the public register and the link is to the right of the page or may be viewed at the Licensing office between 09.00 and 16.00 Monday to Friday.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

5 Renewal of a licence relating to a Private Hire vehicle over 8 years old.

To consider the report of the Environmental Health and Licensing Manager.

(Pages
123 - 138)

Part II: Items suggested for discussion with the press and public excluded

6 To determine if an Applicant is fit and proper to hold a taxi drivers licence in accordance with the relevant Legislation

To consider the report of the Environmental Health and Licensing Manager.

(Pages
139 - 146)

7 To determine if an Applicant is fit and proper to hold a taxi drivers licence in accordance with the relevant Legislation

To consider the report of the Environmental Health and Licensing Manager.

(Pages
147 - 154)

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing: 28 July 2017

Report of: Environmental Health and Licensing Manager

Type of Application: Licensing Act 2003 application for the VARIATION of a premises licence in respect of THE TALLY HO! 2 COUNTESS WEAR ROAD, EXETER, EX2 6LG.

Legislation: Licensing Act 2003

Ward Application Refers to: PRIORY

Applicant: Edward C Borthen and Deborah L Borthen

Premises: The Tally Ho! 2 Countess Wear Road, Exeter, EX2 6LG

1. What is the report about?

1.1 The application attached as Appendix A together with the plan at Appendix B was received for the VARIATION of the premises licence at the above Premises on 9th June 2017. The existing premises licence and plan is attached at Appendix C.

1.2

The existing licence provisions are as follows:

Opening Hours

Monday to Saturday 10.00-23.30

Sunday 12.00-23.00

Christmas Eve 10.00-23.59

New Year's Eve 10.00-23.00 (NYD)

Supply of alcohol on and off the premises

Monday to Saturday 10.00-23.00

Sunday 12.00-22.30

Christmas Eve 10.00-23.30

New Year's Eve 10.00-10.00

Regulated Entertainment

Monday to Saturday 10.00-23.00

Sunday 12.00-22.30

Christmas Eve 10.00-23.30

New Year's Eve 10.00-10.00

Late Night Refreshment

Monday to Saturday 23.00-23.30

Christmas Eve 23.00-23.59

New Year's Eve 23.00-05.00

1.3 The proposed variation:

Opening Hours

Monday to Thursday 08.00-00.00
Friday & Saturday 08.00-01.00
Sunday 10.00-00.00
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Supply of alcohol on and off the premises

Monday to Thursday 10.00-23.30
Friday & Saturday 10.00-00.30
Sunday 11.00-23.30
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Live Music (indoors & outdoors)

Monday to Thursday 08.00-00.00
Friday 08.00-00.30
Saturday 10.00-00.30
Sunday 10.00-23.30
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Recorded Music (indoors & outdoors)

Monday to Thursday 10.00-23.30
Friday & Saturday 10.00-00.30
Sunday 12.00-00.30
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Films & Indoor Sporting Events

Monday to Thursday 08.00-23.00
Friday & Saturday 08.00-00.00
Sunday 10.00-23.00
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Boxing & Wrestling (Indoors & Outdoors)

Monday to Thursday 08.00-23.00
Friday & Saturday 08.00-23.00
Sunday 10.00-23.00
Christmas Eve 08.00-00.00
New Year's Eve 08.00-10.00 (NYD)

Plays (Indoors & Outdoors)

Monday to Thursday 08.00-23.00
Friday & Saturday 08.00-23.30
Sunday 10.00-23.00
Christmas Eve 08.00-00.00

New Year's Eve 08.00-10.00 (NYD)

Performance of Dance (Indoors & Outdoors)

Friday & Saturday 10.00-00.00

Christmas Eve 08.00-00.00

New Year's Eve 08.00-10.00 (NYD)

Anything of a Similar Description: (To music and dancing)

Monday to Thursday 10.00-00.00

Friday & Saturday 10.00-01.00

Sunday 10.00-00.00

Christmas Eve 08.00-00.00

New Year's Eve 08.00-10.00 (NYD)

Late Night Refreshment (Indoors & Outdoors)

Monday to Thursday 23.00-23.30

Friday & Saturday 23.00-00.30

Sunday 23.00-23.30

Christmas Eve 23.00-00.00

New Year's Eve 23.00-05.00 (NYD)

- 1.4 The Application includes the revised plan to clarify the area within which licensable activities may take place.
- 1.5 The Premises is situated in a residential area of Exeter by Countess Wear and has been operated by the Applicant since 8th July 2016.

2. Are there any representations?

- 2.1 There have been 30 representations objecting to the variation relating to the Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder and Public Safety. The objections are listed at Appendix D.
- 2.2 There are five letters of support letters listed at Appendix E.
- 2.2 In response to the objections the Applicant has provided a written submission offering amendments to the Application and this is attached at Appendix F.
- 2.3 Details relating to three noise complaints received by Environmental Health in respect of an event held at the Premises on 8th July 2017 are attached at Appendix G. An e-mail from the Applicant to the Licensing Authority dated 14th July 2017 explaining the event held at the Premises on 8th July 2017 is attached at Appendix H.
- 2.4 No representations have been received from Environmental Health, the Police or any other Responsible Authorities.

3. Report details:

3.1 The application was advertised on the Premises and in the local newspaper on 22nd June 2017 in line with above legislation. The Premises advertisement is held at Appendix I and the newspaper advertisement is at Appendix J.

4. What are the legal aspects?

4.1 The Licensing Sub-Committee are required to have regard to;

4.1.1 the representations (including supporting information) presented by all the parties; and

4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2017 which can be viewed at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf; and

4.1.3 the Licensing Authorities Statement of Licensing Policy which can be viewed at <https://exeter.gov.uk/media/1427/statement-of-licensing-policy-2015-2020.pdf>

4.2 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.

4.3 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the Licensing Objectives.

- to modify the conditions of the licence; and/or
- to reject the whole or part of the application.

If the Licensing Sub-Committee considers that none of the above steps are appropriate for the promotion of the Licensing Objectives the Application shall be granted as applied for.

5. Recommendations:

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

APPENDIX

A

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617117.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. 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.

We EDWARD C. BORTHEN AND DEBORAH L. BORTHEN

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number EXE-P00282
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE TALLY HO! 2 COUNTESS WEAR ROAD			
Post town	EXETER	Postcode	EX2 6LG

Telephone number at premises (if any)	01392 271794
Non-domestic rateable value of premises	£29500

Part 2 – Applicant details

Daytime contact telephone number	01392 271794		
E-mail address (optional)	EDBORTHEN@HOTMAIL.COM		
Current postal address if different from premises address			
Post town		Postcode	

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	Y <input type="checkbox"/>
Mon	08.00	23.00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	08.00	23.00			
Wed	08.00	23.00	<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur	08.00	23.00			
Fri	08.00	23.30	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Sat	08.00	23.30			
Sun	10.00	23.00			

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	08.00	23.00			
Tue	08.00	23.00			
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed	08.00	23.00			
Thur	08.00	23.00			
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Fri	08.00	00.00			
Sat	08.00	00.00			
Sun	10.00	23.00			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Y	08.00	23.00			
Tue	08.00	23.00	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed	08.00	23.00			
Thur	08.00	23.00	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Fri	08.00	23.00			
Sat	08.00	23.00			
Sun	10.00	23.00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10.00	23.30			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Tue	10.00	23.30			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Wed	10.00	23.30			
Thur	10.00	23.30			
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	12.00	00.30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon	10.00	00.00		Outdoors	<input type="checkbox"/>
				Both	Y
Tue	10.00	00.00	<u>Please give further details here</u> (please read guidance note 5)		
Wed	10.00	00.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur	10.00	00.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Fri	10.00	01.00			
Sat	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		
Sun	10.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	Y
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	10.00	23.30			
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30			
Fri	10.00	00.30			
Sat	10.00	00.30			
Sun	11.00	23.30			
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEARS EVE, 08.00-10.00 NEW YEARS DAY CHRISTMAS EVE, 08.00-00.00		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	08.00	00.00	
Tue	08.00	00.00	
Wed	08.00	00.00	
Thur	08.00	00.00	
Fri	08.00	01.00	
Sat	08.00	01.00	
Sun	10.00	00.00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

NEW YEARS EVE, 08.00-10.00
NEW YEARS DAY
CHRISTMAS EVE, 08.00-00.00

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

WE WILL TRAIN STAFF FULLY ON HOW TO LOOK OUT FOR POTENTIAL PROBLEMS SUCH AS ,
DRUGS
UNDERAGE DRINKERS
CRIMINAL ACTIVITY
AND HOW TO PROMOTE CUSTOMERS TO NOT DISTURB NEIGHBOURS LATE AT NIGHT.

b) The prevention of crime and disorder

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
Prevention and vigilance in illegal drug use.
Staff will be well trained in asking customers to use premises in an orderly and respectful manner.

c) Public safety

Internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. Training and implementation of underage ID checks.

d) The prevention of public nuisance

WILL MINIMISE NOISE AFTER 11 BY NOT EMPTYING BOTTLE BINS AFTER 11.
ASKING CUSTOMERS TO LEAVE QUIETLY, WILL ENCOURAGE CUSTOMERS TO SMOKE IN THE BEER GARDEN AT NIGHT TO AVOID LOUD TALKING AT NIGHT ON THE STREET.

e) The protection of children from harm

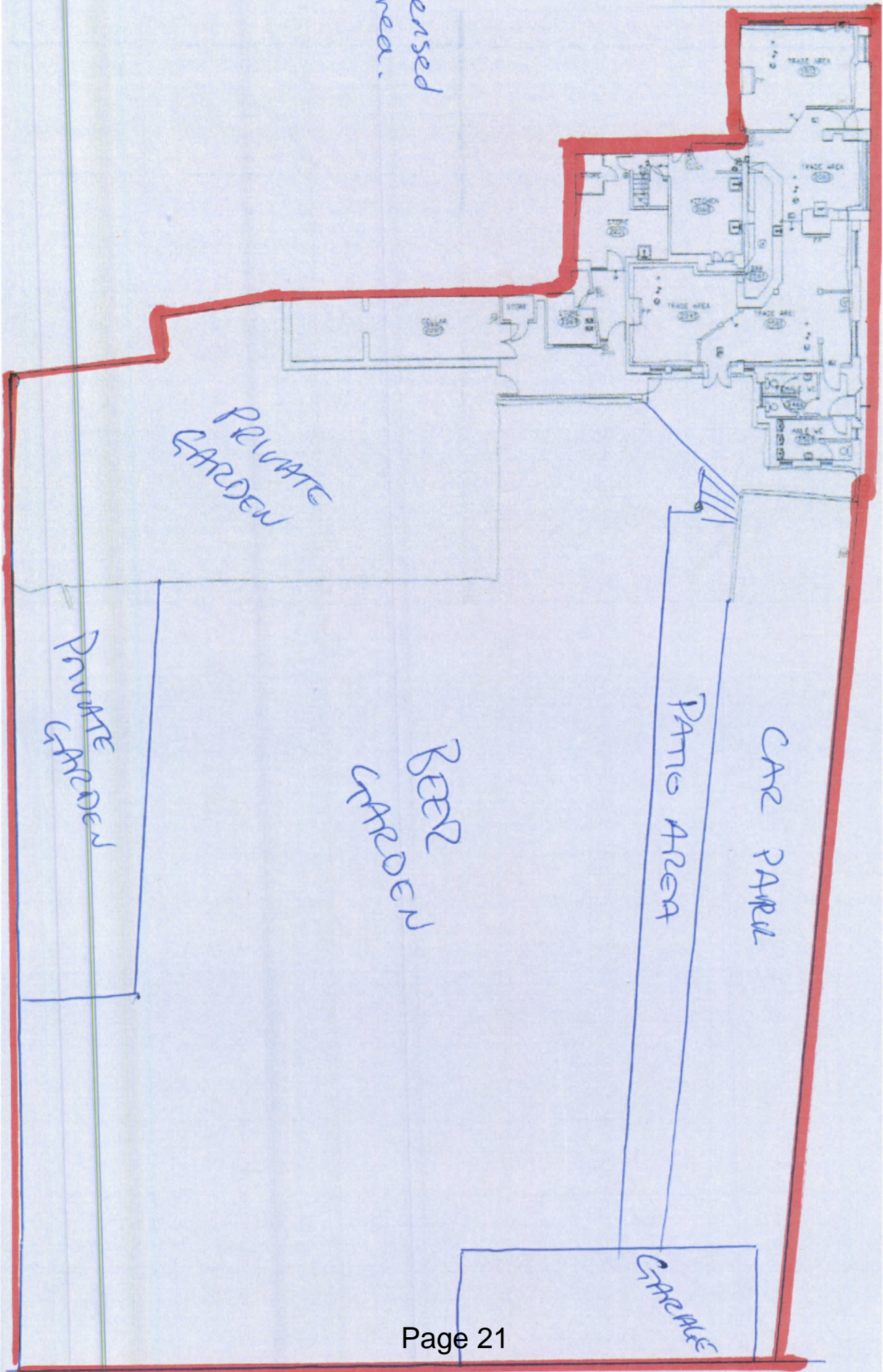
WELL TRAINED STAFF TO THE IMPORTANCE OF UNDERAGE SELLING.
NO ID NO SALE, PASS, PASSPORT OR UK DRIVING LICENSE

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APPENDIX B

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APPENDIX C

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Licensing Act 2003

Premises Licence

EXE-P00282

Part 1 - Premises Details

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

The Tally Ho!

The Tally Ho, 2 Countess Wear Road, Exeter, EX2 6LG

WHERE THE LICENCE IS TIME LIMITED THE DATES

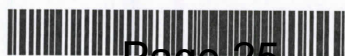
Not applicable

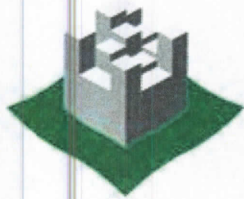
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Saturday	10:00am	11:30pm
	Sunday	Noon	11:00pm
	Christmas Eve	10:00am	11:59pm
	New Years Eve	10:00am	10:00am
F. Playing of recorded music (Indoors)	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	11:59pm
	New Years Eve	10:00am	10:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm
	Christmas Eve	10:00am	11:30pm
	New Years Eve	10:00am	10:00am
I. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	11:30pm
	Christmas Eve	11:00pm	11:59pm
	New Years Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm
	Sunday	Noon	10:30pm





Licensing Act 2003

Premises Licence

EXE-P00282

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

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...	Christmas Eve	10:00am	11:30pm
	New Years Eve	10:00am	10:00am
			New Years Day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	11:30pm
	10:00am	11:30pm
Sunday	Noon	11:00pm
	Noon	11:00pm
Christmas Eve	10:00am	11:59pm
New Years Eve	10:00am	11:59pm
	10:00am	10:00am
		New Years Day
		New Years Day

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

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

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

Edward Christopher Borthen	The Tally Ho!, 2 Countess Wear Road, Exeter, EX2 6LG
Deborah Louise Borthen	The Tally Ho Inn, 2 Countess Wear Road, Exeter, EX2 6LG Telephone 01392 271794

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

Edward Christopher BORTHEN	The Tally Ho!, 2 Countess Wear Road, Exeter, EX2 6LG
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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EXE-000761	Issued by Exeter
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ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS





Licensing Act 2003

Premises Licence

EXE-P00282

ANNEXES continued ...

There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) 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.

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

Any person used to carry out a security activity must be licensed by the Security Industry Authority.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age





Licensing Act 2003

Premises Licence

EXE-P00282

ANNEXES continued ...

(or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula-
$$P = D + (D \times V)$$
 where-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a





Exeter
City Council

Licensing Authority
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1RQ

Tel: 01392 265702
Fax: 01392 265844
e-mail: licensing.team@exeter.gov.uk

Licensing Act 2003

Premises Licence

EXE-P00282

ANNEXES continued ...

day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

There will be a 30 minute period prior to the premises closing when alcoholic beverages will not be supplied.

The premises will be a member of Pubwatch and a representative will attend meetings and participate in Pubwatch initiatives.

All bottles, glasses will be removed from public areas as soon as practicable once finished with.

Any person who appears to be under the age of 18 will be asked for identification if attempting to purchase alcoholic drinks.

Only a valid Passport, Photo card Driving Licence or ID carrying the PASS logo will be accepted as proof of age.

Non-alcoholic beverages shall be available at all times when the premises is open

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING

None.

ANNEXE 4 - PLANS

Copy attached to Licence.





Licensing Act 2003

Premises Licence Summary

EXE-P00282

Premises Details

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

The Tally Ho!

The Tally Ho, 2 Countess Wear Road, Exeter, EX2 6LG

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

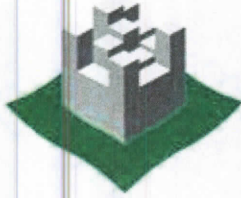
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
C. Indoor sporting event	Monday to Saturday	10:00am	11:30pm	
	Sunday	Noon	11:00pm	
	Christmas Eve	10:00am	11:59pm	
	New Years Eve	10:00am	10:00am	New Years Day
F. Playing of recorded music (Indoors)	Monday to Saturday	10:00am	11:00pm	
	Sunday	Noon	10:30pm	
	Christmas Eve	10:00am	11:59pm	
	New Years Eve	10:00am	10:00am	New Years Day
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Saturday	10:00am	11:00pm	
	Sunday	Noon	10:30pm	
	Christmas Eve	10:00am	11:30pm	
	New Years Eve	10:00am	10:00am	New Years Day
I. Late night refreshment (Indoors)	Monday to Saturday	11:00pm	11:30pm	
	Christmas Eve	11:00pm	11:59pm	
	New Years Eve	11:00pm	5:00am	New Years Day
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	11:00pm	
	Sunday	Noon	10:30pm	





Licensing Act 2003

Premises Licence Summary

EXE-P00282

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

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...			
	Christmas Eve	10:00am	11:30pm
	New Years Eve	10:00am	10:00am New Years Day

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	11:30pm
	10:00am	11:30pm
Sunday	Noon	11:00pm
	Noon	11:00pm
Christmas Eve	10:00am	11:59pm
	10:00am	11:59pm
New Years Eve	10:00am	11:00pm New Years Day
	10:00am	10:00am New Years Day

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

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Edward Christopher Borthen The Tally Ho!, 2 Countess Wear Road, Exeter, EX2 6LG
Deborah Louise Borthen The Tally Ho Inn, 2 Countess Wear Road, Exeter, EX2 6LG

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

Edward Christopher BORTHEN

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

No person under the age of 16 shall be on the premises after 22:00, further restrictions apply within the Licensing Act 2003.

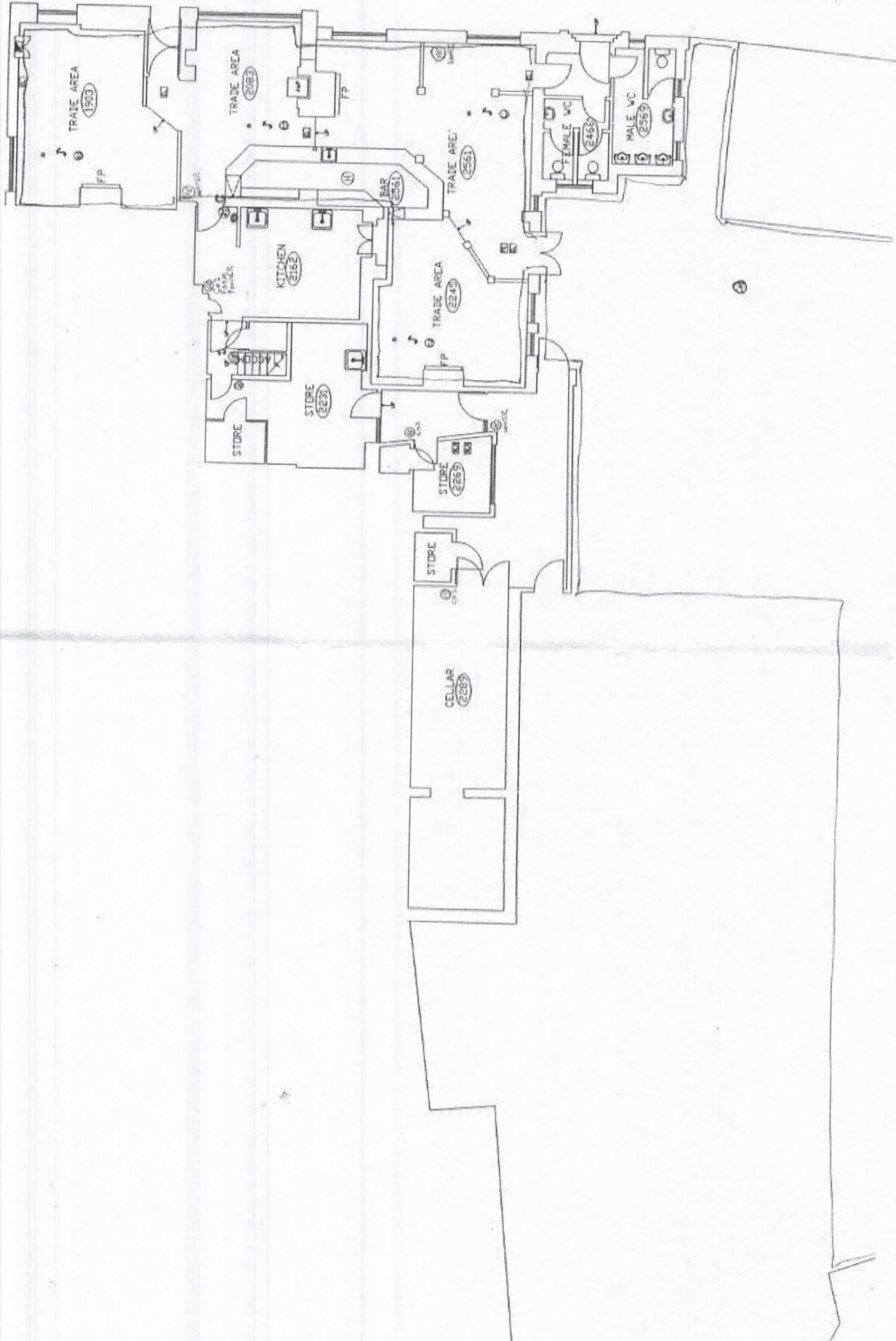


Latest Plan of Premises details for The Tally Ho Inn

Details entered: 12 January 2006 at 9:19 by Rosie Ward
Date requested:
Date received: 05/04/2005
Appointment date:
Result:
Name:
Date commences:

Reason:
Appointment time:
Result Date:
Number:
Date expires:

Notes:



APPENDIX D

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R OPEN APPLICATION 029924

Variation of Premises license

"The Sally Ho" Pub

THURSDAY
29th JUNE 2017

Dear Sirs

It seems the request is for a "Full Variation" as the license changes asked for will impact on the licensing objectives in that they will cause much disturbance - a public nuisance and safety issues.

Please register my objection to the above application and especially to the following points.

- ① I object to an extension of time Friday - Saturday from 23.59 to 1AM.
- ② I object to extending the licensing area to the external gardens for the purpose of - see ③
- ③ I object to plays - films - Boxing - wrestling live music & dance being performed in the external gardens.

Page ①

Page 3

To give license to these
disturbing activities regularly
and at any time - until 1 AM -
during the year is something
I strongly object to.

I am faithfully,





[REDACTED]

[REDACTED]

Sent: 05 July 2017 09:22
To: Licensing Team
Subject: Open Application 029924 Variation of Premises Licence Tally Ho ! Pub

G'morning Licensing Team,

It is reasonable to assume (surely) the subject request is for a "Full Variation" as the changes proposed will impact on the Licensing Objectives in so much as they will clearly cause disturbance, public nuisance and safety issues.

We note the existing license states opening hours for Monday to Saturday are 10:00 - 11:30pm and until 11:00 on Sundays.

However, over the past 12 months these licensing rules have often been broken with the pub staying open until past midnight on occasions. Needless to say, patrons who smoke, loiter about outside talking loudly and leave the pub travelling along School Lane and Countess Wear Road often do so in a noisy and disturbing manner. Not uncommon when people are "in their cups".

We do not want this nuisance licensed further into the quiet hours. Nor do we want it exaggerated by outside live music, boxing, films wrestling, films, plays or anything else externally.

On safety, both personal and property - the street lights are extinguished just after midnight in this area so revellers (as they surely would be) will be walking the streets in complete darkness. Not a good idea!

There is a lively city just a mile or so up the road. The facilities requested by the Tally Ho! are readily available there and do not need to be transported to this quiet village scenario. It would be much worse for the area if boisterous patrons are attracted this way.

I wish to register my strong objection to the application and in particular the following points:

1. Object to extension of time on Friday & Saturday from 23:59 to 01:00.
2. Object to extending licensing area to the external gardens for the purpose of:
3. Object to plays, films, boxing & wrestling, live music and dance being performed in the gardens.

Please let me know that you have received my representation and that it will be fully considered in your decision making.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 July 2017 09:19
To: Licensing Team
Subject: Application 029924 Tally Ho Public House

Exeter Licensing Team,

Objection to the subject application.

The Tally Ho is centred in this very quiet residential area. Our home is within a few yards of the Pub and we are already disturbed by customers leaving early in the morning on some weekends. Mostly customer's loud chattering and intemperate exhortations as they progress along School Lane. The noisy disturbance appears very loud at that time of the night. Extending this disturbance until 01:00 - 01:30 (including clearing-out time) and adding the potential for loud amplified music, commentary and cheering from performances at anytime of the day but especially until 01:00 on Saturday and Sunday mornings is entirely out-of-keeping and unwanted.

There are no businesses, no shops and no other activities that cause a noise or late night disturbance and nuisance. Furthermore, the street lights are extinguished just after midnight around here so patrons will be vacating the pub into darkness. This would not be a good step regarding the safety and security of patrons or neighbours and their property.

We have lived here for 12 years and on occasions the previous Licensees arranged temporary extensions to opening hours for the purpose of a band or a party internally. These activities were advertised to neighbours with notices and on such occasions residents could either attend the pub, arrange to be away or just not retire until the noisy activities had ceased. However, to "give license" to these disturbances regularly and at any time (until 01:00) during the year is something I strongly object to.

Please register my formal objection to the extension of opening hours until 01:00 and having external activities such as plays, films, boxing & wrestling, live music and dance being performed externally or in the gardens.

I would be grateful for a receipt to my email and that you will include my objections in the representations against the application.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 July 2017 23:53
To: Licensing Team
Subject: Tally Ho! license application objection

To whom it may concern,

I am writing to make my objections known to the application for the variation in license of the Tally Ho!

While I am supportive of the current tenants and the work they have undertaken I am concerned that as a resident living within 100m of the establishment I and other residents would be negatively effected by the extension of licensing hours to 00:00 and 01:00.

I am already often awoken by patrons leaving the establishment at weekends, particularly on a Sunday night following the popular pub quiz.

I would not be against an extension of the license in to the garden provided this was limited to daylight hours.

The area is seeing many new residents moving in with young families and would see any late night open air entertainment as a detriment to the local community. We also have 2 excellent community venues that are popular and cause numerous parking issues and fear these problems would be exacerbated by live events hosted at Tally Ho!

Kind regards

[REDACTED]

Sent from my iPhone

[REDACTED]

From: [REDACTED]
Sent: 04 July 2017 14:19
To: Licensing Team
Subject: Tally Ho Inn

Hello

I believe from correspondence through my door that the landlord of the Tally Ho Inn has submitted a request to vary the current licence.

While I can see that extended hours can allow the business to grow, I would be more concerned if the licence were to be extended to the gardens, especially if live music were to be allowed. This pub is situated in a tightly packed area, with properties adjacent at several angles, and the peace of residents needs to be taken into account.

So I am not concerned about extended hours but I would be concerned at any permission for sales/events outside the walls of the pub itself.

Thank you for taking my views into consideration.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: 03 July 2017 17:19
To: Licensing Team
Subject: Tally Ho licensing extension

Open Application 029924

Dear sir/madam

I wish to register my objection to the application made by the landlord of the Tally Ho pub for a variation to the premises license.

1). My main objection is to the extension of licensing hours till 1pm on Friday and Saturday which after drinking up time would probably extend to at least 1.30am. Also the Sunday-Thursday extension till 12am will inevitably make a disturbance at this late hour.

2). I object to extending licensing to the garden which means there maybe loud music and clapping, cheering etc throughout the evening.

3). This is a quiet RESIDENTIAL area and living in my street (School Lane) are families with young children and elderly people who will be particularly disturbed by the noise and disturbance causing lack of sleep, especially if it carries on till the early morning.

I sincerely hope you consider these points.

[REDACTED]

Sent from my iPad

[REDACTED]

From: [REDACTED]
Sent: 04 July 2017 15:02
To: Lane, Phillipa; Licensing Team
Subject: Variation Application - The Tally Ho, 2 Countess Wear Road, Exeter, EX2 6LG

Phillippa c/o ECC Licensing

Please may I make my written objection to the proposed changes at the above. It is unfortunate that I need to write as I have been pleased to see the pub succeed recently and perhaps increase trade, as well as continue to be a friendly place of quality. The changes proposed are most concerning particularly from a point of view of noise and the likely effect on the immediate neighbours. I live a short distance away but I am most concerned with those living closer.

I believe that introducing the entertainment and the sports factor, coupled with the late hours will bring significant disturbance. The later hours will affect everybody in the vicinity from the premises. The impact from either the inconsiderate or even courteous persons on foot or driving by its nature will affect this residential area.

It beggars belief that the proposed closing hours of 00:00 Sunday to Thursday and 00:30 at the weekend, including the garden would be considered reasonable by anybody. If I am reading the forms correctly this included live music outdoors as well.

The notes about discouraging loud talking seem virtually unenforceable. My opinion is the external use beyond current hours with entertainment should not be allowed to exceed the current license under any circumstances.

The general public have plenty of alternative choices when it comes to finding somewhere opening later with entertainment in less quiet residential locations.

It would not seem unreasonable to allow some changes to allow for the watching of sports indoors. I ask that those making the decision do not permit this variation.

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: [REDACTED]
Subject: Tally Ho Application

[REDACTED]

From: [REDACTED]
Sent: 06 July 2017 12:01
To: Staples, Lee
Cc: Licensing Team
Subject: Application to Vary Premises Licence Tally Ho Exe P00282

Variation of Premises Licence for Tally Ho, 2 Countess Wear Road, Exeter EX2 6LG

[REDACTED]

I am concerned that the proposed extension of the licencing hours, range of permitted activities and inclusion of the beer garden will -

- generate a significant increase in the volume of cars parking in School Lane , Countess Wear Rd and Mill Rd in the evenings, increase safety risks and difficulties for residents accessing their own drives
- generate considerable noise into the early hours of the morning by people leaving the Tally Ho, talking loudly on the street, starting up cars etc
- disturb residents into the early hours by the proposed activities in the beer garden which is at the same level as bedrooms in surrounding houses

I request that conditions are attached to this variation application -

- latest time allowed for activities be 11.30 pm in the building and at 10pm in the beer garden on all days of the week (it is relevant that the Village Hall in School Lane is subject to a planning condition that no activities take place in the building after 11.30pm)
- that if the variation as applied for is approved with out the above condition then the landlord be required to inform residents in School Lane, Mill Road and Countess Wear Road between Exe Vale Road and School Lane by a note to each house in good time of the intention to run the proposed activities in the beer garden and beyond 11.30pm in the building on all occasions stating the time it will end (The Double Locks do this)

Please acknowledge receipt of this representation and confirm that it will be submitted to the Licencing Committee

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 July 2017 08:27
To: Licensing Team
Subject: Representation in respect of the Tally Ho!, Countess Wear

FAO: Licensing Section

[REDACTED]

While we wish Edward Borthen every success with the Tally Ho!, we object to any extension of the opening hours and activities provided therein.

There is an inevitable amount of closing time noise on an otherwise quiet street and the prospect of this noise being even later than it is now is unwelcome.

Kind regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 03 July 2017 11:08
To: Licensing Team
Subject: Variation of licence got the Tally Ho, Exeter

Re: The Tally Ho! 2 Countess Wear , Exeter, EX2 6LG

Dear Sir/Madam,

I am writing to express my concern about the extension of the pub licence for longer opening hours, including the garden, and licensable activities such as boxing, music etc. I live very close to the Tally Ho! with my two children. We already have noise from the garden and loud arguments at closing time.

I am very much against longer opening hours as this will cause disturbance at an even later hour. It will also cause difficulties with parking outside my home.

[REDACTED]

From:
Sent:
To:
Subject:

[REDACTED]
01 July 2017 10:04
Licensing Team
Application for a variation to the premises license for the Tally Ho!, 2 Countess Wear
Road, Exeter, EX2 6LG.

Dear Sirs

I am writing to you in opposition to application for a variation to the premises license for the Tally Ho!, 2 Countess Wear Road, Exeter, EX2 6LG.

We are a family with young children living just three houses away from the pub. The activities of the pub already have a detrimental affect on our lives, from having to negotiate round badly, and often illegally, parked cars, through to noise and disrpution around closing time.

A while back there was some live music in the gardens which was so bad our children were unable to get any sleep until it had finished at after 11pm. If the hours were extended to even later, and live music allowed outside, I dread to think what regular disruption like this would have on our lives, and in particular our children.

Regards
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 July 2017 22:08
To: Licensing Team
Subject: EXE-P00282 Variation of Premises Licence - Tally Ho!, 2 Countess Wear Road

[REDACTED]

Could you please register my objection to the above application, as the impact of the changes requested will likely cause disturbance, public nuisance and safety issues.

Please register my objection to:

- the extension of time on Friday & Saturday from 23:59 to 01:00; and from Sunday to Thursday until 00.00.
- the extending of the licensing area to the external gardens during these hours.
- the intention for plays, films, boxing & wrestling, live music and dance being performed in the gardens.

The Tally Ho is centred in a very quiet residential area. Our home is within close proximity to the Pub and we are already disturbed by customers leaving early in the morning on some weekends. Chattering and often arguing as they progress along School Lane, the noise disturbance appears very loud at that time of night and can often go on for lengthy periods of time. Taxi pick ups and car doors slamming several times add to the noise nuisance. Extending this disturbance until 01:00 and adding the potential for loud amplified music, commentary and cheering from performances at anytime of the day but especially until 01:00 on Saturday and Sunday mornings is entirely unacceptable. Potentially we could be disturbed until 1.30 in the morning. There are no other businesses, shops or other activities that cause a noise or late night activity nuisance as we are not in the centre of town.

The pub normally has a New Years Eve party which is totally acceptable, but it is not appropriate every weekend of the year, or on week nights when we are going to bed early as we have work the next day, normal bed times in our street are 10.30 pm! I am pleased that we have a pub in our village as it is a lovely focal point for the neighbourhood, but it is essentially a village pub, not a sports venue, night club, or fitting of late night live music.

On safety, both personal and property - the street lights go off at midnight in this area so the pubs clients would be walking the streets in complete darkness. This is not good from a safety perspective.

We have lived here for 11 years and over that time have had instances where the Tally Ho, under different ownership, has created problems in the neighbourhood with marquees in the garden, live bands, lock ins etc and we have on occasion had to call out environmental health to control the noise levels. We do not wish to return to these times, and most certainly not on a weekly basis!

I strongly object to the proposal to give license to these disturbing activities as a regular occurrence.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 02 July 2017 17:39
To: Licensing Team
Subject: Fwd: Edward Borthen (Tally Ho! 2 Countess Wear Exeter EX2 6LG)

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 2 July 2017 at 17:32:19 BST
To: [REDACTED]
Subject: Fwd: Edward Borthen (Tally Ho! 2 Countess Wear Exeter EX2 6LG)

Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 2 July 2017 at 17:28:25 BST
To: licencing.team@exeter.gov.uk
Subject: [REDACTED] Tally Ho! 2 Countess Wear Exeter EX2 6LG)

Licensing Act 2003

Dear sirs,

We strongly object to the variation of the premises Licence of the Tally Ho! Public House. We have lived here for the past 38 years and got on very well with whoever has been the licensee of the Tally Ho! But to have live Music ,performance Dance and other activities in the garden in a residential area with a mix of young children and older residents living very close to the premises is just not on.

Yours Faithfully

[REDACTED]

Sent from my iPad

[REDACTED]

From: [REDACTED]
Sent: 30 June 2017 15:39
To: Licensing Team
Subject: Ref Tally Ho extension to licensing hours

To the licensing Officer,

I am not sure what rights as individuals my wife and I have in this process, but I am aware that a application has been made to extend the licensing hours to the Tally Ho and also to extend the licensable area to the garden. My bedroom window is a few metres from the perimeter wall of the garden and currently the hours are acceptable when the noise in the garden finishes 11pm and Sundays 10.30pm. Clearly if music and hours extend to 1.00 (including gardens) then this will change a very quiet residential neighbourhood, which would mean if this affected my family's sleep and general noise in the street with cars being parked and then driven off in the early hours we would not stay living at this address.

Please take this notice as an objection although a modification to their request from 1.00 to 12 midnight would be acceptable, although not mon-thurs

Regards [REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 28 June 2017 18:26
To: Licensing Team
Subject: Licensing Act 2003: Variation of premises Licence The Tally Ho! Public House EX2 6LG

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I understand that Mr Edward Borthen has applied to you for a variation to the premises licence for The Tally Ho! 2 Countess Wear Exeter EX2 6LG.

I understand that this variation request extended opening hours and additional licensable activities such as plays, films, boxing, wrestling, live music and dancing

This public house has recently opened all day and any variation to the premises licence to extend opening hours further will in our opinion have a detrimental effect on the area surrounding this public house with an unacceptable increase in noise levels into the early hours directly from the public house and for noisy customers that travel to & from the premises, that will impact on neighbours that go to sleep relatively early and wake up early in the morning for work commitments and this possible increase in noisy activities should not be allowed to happen.

Also the parking at the public house is not adequate for the proposed variation to the licensing activities and thus will spill over into the adjacent roads causing difficulties in local residents parking near their homes and will possibly clash with activities in the adjacent village hall that already impacts on local residents parking and access whilst some activities take place.

we trust that you will take on board our concerns and not grant any variation to the current premises licence

many thanks

[REDACTED]

05 JUL 2017

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sir / Madam

Variation of Premises Licence
The Tally Ho! 2 Countess Wear Rd, Exeter. Ex2 6LA

As a resident of School Lane, Exeter I wish to put forward the concerns I have regarding the application for a variation to the premises licence for the above public house.

on occasions at present the noise from the garden is loud and on numerous weekends I am woken by people leaving the pub, due to laughter, raised voices and people getting into their cars and driving off. unfortunately the parking for the Tally Ho! is inadequate and therefore cars are forced to park in the road.

I feel that amending the opening hrs until midnight & lam will unfortunately increase problems with noise et

As far as live music being more often this is the occasions at present when the noise level is not really acceptable in a residential area.

The Tally Ho! could be a lovely local pub and it is important for the landlord / lady to be able to increase trade to succeed. I do however feel that live music and late nights all week is not suitable for this residential area.

yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 04 July 2017 18:57
To: Licensing Team
Subject: Tally Ho

To whom it may concern

We are very against the proposals to license the tally ho pub until 0.00 then 01.00 at weekends. This is a quiet residential area and the disturbance would be massive. We have 2 young children and live very close to the premises.

Regards

[REDACTED]

From: [REDACTED]
Sent: 04 July 2017 21:36
To: Licensing Team
Subject: Variation of premises licence to The TallyHo

Dear sir, may I protest about this application. This is a residential area and later opening is certainly going to produce more noise on the road late at night. There is already a problem with parking on the road as we have 2 halls within yards of the Tally Ho . The activities covered by this licence are also totally inappropriate for this area. Yours faithfully Helen Beardsall

Sent from my iPad

[REDACTED]

From:

Sent:

To:

Subject:

[REDACTED]
05 July 2017 19:51

Licensing Team

Objection to application for Variation of premises license The Tally Ho Inn 2 Countess
Wear Road Exeter Ex2 6LG

Dear Licensing Team, Please accept this email as an objection to the above application, we support [REDACTED] reasoning in his email of objection which is totally valid, the application is blatantly not in keeping with the trading of Tally Ho Inn of last century, it appears this application is more appropriate to a circus and city centre nightclub and pub, the Inn up to a few years ago has always been a restaurant pub with traditional hours closing at 11pm, the landlord now obviously now wishes to abandon a good food policy and maximise his profits with late drinking, music and any other entertainments to make money, at the consequence of local residents and more policing requirement in a normally quite residential area, there is no mention of professional door staff if this application was to be considered and fire / ambulance health and safety plan either, the garden access to the road is single and very narrow and potential death trap, this application is not appropriate to a traditional village pub ethos adjacent to an ancient church and cemetery totally disrespectful to our local history. I also point out that was a audication outside the pub involving the police on Friday the 16th June at 11-30 involving young children and presumable parents not good.

Yours sincerely [REDACTED]

[REDACTED]

Mobile [REDACTED]

[REDACTED]

From:
Sent:
To:
Subject:

[REDACTED]
03 July 2017 21:17
Licensing Team
tally ho pub

Hi,

I am objecting to the pub the Tally Ho on Countess Wear Road, Exeter, EX2 6LG gaining a later licence for the beer garden area. The pub is situated in a very residential area and I don't want the extra noise pollution which could be caused by this.

Regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 03 July 2017 12:29
To: Licensing Team
Subject: Variation of Premises Licence for The Tally Ho! , premises Licence EXE - POO282

We are writing to register our objection to the proposed variation. The basis for this opposition is that granting the variation will not promote the licensing objectives regarding :- The prevention of crime and disorder; The prevention of public nuisance. Additionally, the assessment of noise breakout in the operational considerations fails to adequately mitigate the consequences of the proposed increased noise levels caused by live and recorded music.

The principal catchment area for The Tally Ho! is the area of Countess Wear bordered by Topsham Road, School Lane, Mill Lane, Countess Wear Road and Bridge Road. The area is almost exclusively residential (with the exception of The Tally Ho!, Countess Wear Village Hall, St Lukes church and church rooms). Parking in School Lane and Exe Vale Road is often congested with all available spaces occupied making School Lane and Exe Vale Road effectively single file routes. There is limited opportunity for parking in Countess Wear Road. The potential for increased traffic noise, disruption and queuing has not been considered in the variation proposal.

The risk of antisocial behaviour, resulting in disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. Residents have a reasonable expectation that their sleep will not be unduly disturbed between 23.00 and 07.00 hours. The requested variation is inconsistent with the prevention of crime and disorder.

The impact of potentially increased traffic noise as the result of cars going to and from The Tally Ho! will be particularly intrusive at night and represents a situation, which will effect the reasonable comfort and convenience of life of local residents. Noise disruption caused by live or recorded music is unacceptable at any time and especially after 23.00, when residents have a reasonable expectation that their sleep will not be unduly disturbed.

It is pertinent that Countess Wear Village Hall stipulates on its' website under ' Hire ', " As the hall is situated in a residential area we cannot offer adult parties or dances ". The requested variation is at odds with the entirely responsible consideration for residents adopted by the village hall.

In considering the requested variation, it is irrelevant that in the recent past no complaints have been received by the Police or Licensing Authority. The principal consideration is the potential disruption caused by antisocial behaviour and noise from music, cars and people after 23.00.

In summary, we urge the Licensing Authority not to grant the variation in its' entirety and certainly not to extend it to incorporate the garden. If the variation is granted, even in part, we urge further consideration be given to commissioning an acoustic report to ensure no noise breakout, using a noise limiting device, to be agreed with the Environmental Health Office.



05 JUL 2017

[REDACTED]

[REDACTED]

[REDACTED]

Tel: 01395 233421

3rd July 2017

Dear Sir

Ref; Tally Ho Public House Application for variation of Premises Licence

I am the owner of 7 properties in St Lukes View, Countess Wear Road, Exeter, numbers 1 to 5, 7 and 9. These properties are neighbouring the Tally Ho public house and would be extremely affected by a decision to grant the variation applied which has been applied for.

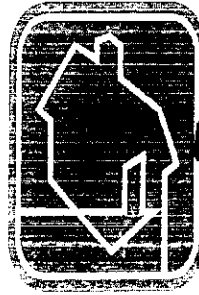
This is a particularly pleasant and well maintained part of Exeter and the area has a good quality accommodation and our residents are professional families and middle aged people who enjoy the quiet peaceful tranquillity of this part of Exeter.

I object strongly to this application, as the late night entertainment licence and the extension of the licence to the garden area, will have a massive detrimental and environmental affect on the surrounding houses, if the variation applied for is granted.

Yours sincerely

[REDACTED]

05 JUL 2017



Licencing Section,
Exeter City Council,
Civic Centre,
Paris Street,
Exeter,
EX1 1RQ

3rd July 2017

Dear Sir

Ref; Tally Ho Public House Application for variation of Premises Licence

We administer the St Lukes View Management Ltd, which is the management association which represents the owners of the 10 houses in St Lukes View, Countess Wear Road, Exeter.

This area of Exeter is a particularly pleasant and well maintained. The area has a good quality of accommodation and its residents are families and middle aged people who enjoy the quiet peaceful tranquillity of the city, in that part of Exeter.

The association has asked us to write to you to strongly object to this application, as the late night entertainment licence and the extension of the licence to the cover the garden area could have a massive detrimental and environmental affect on the surrounding people and houses if the variation applied for was granted.

Could we please aske that you don't allow this part of Exeter to be spoilt for someone's commercial gain.

Yours sincerely

A handwritten signature in black ink, consisting of a large loop and a smaller flourish below it.



Submission by: [REDACTED]

Concerning: Variation of Premise License for

The Tally Ho!, 2 Countess Wear Road, Exeter EX2 6LG

My submission concerns the possible nuisance to myself as a close neighbour of The Tally Ho! under the heading of Public Nuisance.

- 1. General.** The position of Primrose Cottage with respect to The Tally Ho! makes it extremely vulnerable to nuisance caused by noise and lights in the gardens of The Tally Ho!. The fence on the NE border of my garden is also the SW border of the gardens of The Tally Ho!, and runs at the roof level of Primrose Cottage, only 6 metres (20 feet) from the windows of the main bedroom of the house. Previous experience of music and lights, and the general noise of many people in the gardens of The Tally Ho! at night, has shown that approval of the proposed extension of the licensable area to cover the gardens of the Tally Ho! would create an intolerable and intrusive nuisance.
- 2. The Operating Schedule** in the application includes provision, for both indoors **and outdoors**, of plays, films, boxing or wrestling entertainment, live and recorded music, performance of dance, and possibly others, with late night refreshment and consumption of alcohol, and a significant extension of late night opening. I cannot be the only local resident who would regard such an application as unacceptable.
- 3. Smoking.** Customers will apparently be encouraged to smoke in the beer garden at night. This would of course be an additional nuisance. I would have to keep all my windows shut!
- 4. And finally**, I am disturbed by the fact that, as a "nearest neighbour", I was not informed or consulted about an application that will, if approved, have such very serious consequences for my health and happiness.

04 JUL 2017



3 July 2017

The Licensing Section
Exeter City Council
Civic Centre
Paris Street
Exeter EX1 1RQ

OBJECTION TO EXTENSION OF LICENSING HOURS AND APPLICATION THEREOF TO
THE OUTDOOR PREMISES OF THE TALLY HO! PUBLIC HOUSE, COUNTESS WEAR,
EXETER

Dear Sir/Madam

We were yesterday alerted to an application by Mr Edward Borthern, landlord of the Tally Ho! Countess Wear, to the City Council Licensing Authority for a variation to his premises licence.

This application calls for an extension of his licenseable hours, and in particular to apply to the outside gardens of his premises for the performance of various noise emitting activities now limited to the inside of his public house.

The garden-site is prominent and surrounded by many private properties, including ours. Any emission of noise into the early hours of the morning will not only disturb the quiet enjoyment of the area, but it will affect the sleep of residents or indeed prevent some residents from falling asleep before 1 am.

Intrusive noise will be audible across a much wider section of houses in the Exe Valley, far beyond our immediate neighbourhood.

When the Double Locks intend an outdoor event, the proprietors forewarn the residents of Countess Wear. We do indeed hear their music from across the Exe, but usually the noise abates well before midnight.

Therefore we object in the strongest possible terms to the extension of the Tally Ho! hours as applied to the outdoor part of his premises.

Yours sincerely

03 JUL 2017

[REDACTED]

29 July 2017

Licensing Section
Exeter City Council
Civic Centre
Paris Street
EXETER
EX11RQ

Dear sir/Madam

LICENSING ACT 2003 - VARIATION OF PREMISES LICENCE
THE TALLY HO, 2 COUNTESS WEAR ROAD, EXETER BEX2 6LG

I am concerned at the proposal for change in the nature of the Tally Ho public house which will represent a profound variation from the present existing usage. I have known the Tally Ho since the the days of Joan Ash and she ran a very successful business quietly and successfully matching the needs of the surrounding community.

Considering that surrounding community enjoying the new Village Hall, the School house opposite the Pub and the adjoining Church opposite, there remains only private property coupled with a real shortage of parking for cars. The proposals seek to introduce a very lively activity base with entertainment noise continuing until late in the night with vehicle noise and limited street lighting. I simply cannot think of any small suburban community which would be improved by a development of this kind with its success representing serious loss to the peace and quiet of the existing residents of which my address above will tell you that I am one.

For the reasons described above I would move against the granting of the Variation of the Licensed Premises.

Thank you for giving me the opportunity to voice my opinion and I rely on you to protect us, your citizens, from unwelcome change.

[REDACTED]

[REDACTED]

Ref;- Changes to Premises License – Tally-Ho, Exeter.

Dear sir/madam,

With regard to the above application, I understood the pub's drinks License for Friday and Saturday already extends to 1 am!

However, my main concern is the music / entertainment license being Extended to include the beer garden.

My rear garden extends to within a few metres of the Tally-Ho beer Garden.

We have lived here for over twenty years and up to now the only noise From the pub's garden have been the general sound of children, laughter And voices from drinkers.

I am concerned about the possible increase in volume that organised Entertainment will generate, especially late at night.

Noise from the garden does carry on warm summer evenings when Neighbours are enjoying time in their own gardens.

As customers of the Tally-Ho, we are pleased with the way Mr Borthen Has improved the trade and atmosphere of the pub.

I do hope we can look forward to the Tally-Ho providing continued Benefit to the local community.

Yours faithfully,

[REDACTED]

[REDACTED]

Monday 3rd July 2017

Dear Sir,

Ref: Tally Ho Public House – Objection to the Variation to the License

We have been recently advised that the Mr. Edward Borthen of the Tally Ho Public House, 2 Countess Wear Road, EX2 6LG has applied to vary the license with regards to extending the opening hours of the premises and to include such licensable activities as plays, films, boxing and wrestling, live music and other performance's and also to extend the licensable area to include the outside garden area.

As long term residents of Countess Wear Road, having lived here for nearly thirty years, and living just 50 metres from the Tally Ho we are totally opposed to this request for the variation to the licence. The area is a wholly residential with the local church directly opposite the pub. Many of the local residents are middle aged to elderly who would not appreciate the inevitable increase in noise, road traffic and pedestrian footfall late at night along what is a quiet dimly lit road, and inevitably bringing with it the issues of petty vandalism, noise and littering that will come with it.

Perhaps as significant are current levels of "on street" parking in and around the pub both in School Lane and Countess Wear Road which already creates a nuisance and risk to both vehicles and pedestrians entering and leaving and crossing Countess Wear Road from School Lane and this could only be expected to increase if this application were to be granted.

We therefore sincerely hope that the Licensing Authorities turn down this request for these totally unsuitable activities at this particular location.

Yours faithfully

[REDACTED]

[REDACTED]

06 JUL 2017

[REDACTED]

The Officer in Charge,
Licensing Section.
Exeter City Council,
Civic Centre,
Paris Street,
Exeter,
Devon, EX1 1RQ,

5th July 2017

Dear Officer in Charge,

The Tally Ho!
Application to vary premises Licence

We live very close to the Tally Ho!

Live music or any other noisy performance in the garden in the evening or the night is not reasonable.

We therefore formally object to these activities being granted a licence.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
04 JUL 2017
[REDACTED]
[REDACTED]

The Licensing Section
Exeter City Council

Licensing Act 2003 - The Tally Ho!

My wife and I wish to object in
the strongest possible terms to the
proposed variation in the terms of the
licence for the Tally Ho! Over the thirty
plus years that we have lived here
there has never been a problem of noise
or doggerism in any form and we fear
what this proposed extension of the
licence might do. We live in a quiet good
residential area and wish to preserve
it - we are sure for the benefit of
the vast overwhelming majority of
local residents.

Yours faithfully
[REDACTED]
[REDACTED]

THURSDAY
29th JUNE 2017

Dear Sirs

It seems the request is for a "Full Variation" as the license changes asked for will impact on the licensing objectives in that they will cause much disturbance - a public nuisance and safety issues.

Please register my objection to the above application and especially to the following points

- ① I object to an extension of time Friday
.. Saturday from 23.59 to 1AM.
- ② I object to extending the licensing area to the external gardens for the purpose of - see ③
- ③ I object to plays-films-Boxing-wrestling live music & dance being performed in the external gardens.

Page ①

Page 2

The Tally Ho Pub is situated in a quiet respectable and very nice area and my house is across the road yards from it.

We are already disturbed by customers leaving the pub early in the morning some weekends. ^{CPA} Doors are slammed or customers are talking/ laughing loudly as they walk home along School Lane. The noise disturbance is especially loud late at night/ early morning & extending this to 1AM Sat & Sunday morning is not on.

Adding the potential for loud amplified music-commentary & singing performances at any time of the day especially until 1AM Sat & Sunday mornings is entirely out of keeping with our area - a quiet residential area.

Page 3

To give license to these
disturbing activities regularly
and at any time - until 1 AM -
during the year is something
I strongly object to.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

3 July 2017

Dear Sir, Madam,

Please register my objection to the application for extended licensing hours at the Tally Ho! Pub, 2 Countess Wear Road, Exeter as the impact of the changes requested will likely cause disturbance, public nuisance and safety issues.

~~Please register my objection to:~~

~~- the extension of time on Friday & Saturday from 23:59 to 01:00; and from Sunday to Thursday until 00:00.~~

~~- the extending of the licensing area to the external gardens during these hours.~~

~~- the intention for plays, films, boxing & wrestling, live music and dance being performed in the gardens.~~

May I first start off by highlighting that this objection is not in anyway trying to stop the recent successful turn around of this local establishment and I wish it to continue but within keeping with the local village atmospherics which I feel as a whole is being lost within Devon and England.

The Tally Ho is in the center of a very quiet residential area and next to St Andrews church and the village hall. Our home and many other elderly and family homes are within close proximity and we are

already disturbed by customers leaving in the early hours of the morning during the weekends but this is tolerated as people do need to relax and enjoy life. This said chattering and often arguing reverberates along School Lane and Mill Lane and the noise disturbance is very loud at that time of night and can often go on for lengthy periods of time. Taxi pickups resulting in slamming doors several times a night add to the noise disturbance. Extending this disturbance until 01:00 and adding the potential for loud amplified music, commentary and cheering from performances at anytime of the day but especially until 01:00 on Saturday and Sunday mornings is a continual wish for peace and quite after 0001hrs. With this new request we could potentially have a disturbed until 0130hrs. There are no other businesses, shops or other activities that cause a noise or late night activity disturbance, as we are not in an area for late night entertainment.

~~The pub normally has a New Years Eve party which is totally acceptable, but it is not appropriate every weekend of the year, or on week nights when we are going to bed early as we have work the next day, normal bed times in our street are 10.30 pm! I am pleased that we have a pub in our village as it is a lovely focal point for the neighbourhood, but it is essentially a village pub, not a sports venue, night club, or fitting of late night live music.~~

On safety, both personal and property - the street lights go off at midnight in this area so the pubs clients would be walking the streets in complete darkness. This is not good from a safety perspective.

I have lived here for 11 years and over that time have had instances where the Tally Ho, under different ownership, has created problems

in the neighbourhood with late night brawls, after hours music with lock-ins etc and we have on occasion had to call out environmental health to control the noise levels. We do not wish to return to these times, and most certainly not on a weekly basis!

I strongly object to the proposal to give license to these disturbing activities as a regular occurrence.

Thank you.

[REDACTED]

06 JUL 2017

Dear Sirs,

Re: Variation of Premises Licence - Tally Ho, 2 Counters Wear Road Exeter.

We have received a notification re the amendment of opening hours 8:00am to midnight Sunday to Thursday and 8am to 1am Friday & Saturday & the provision of a range of activities within these hours including live music, plays, film, boxing, wrestling, dance etc.

On this issue one has to balance the legitimate commercial interests of the pub occupants against the interests & impact on the wider community. Whilst the pub is an important part of the community & few, if any would like it to close, regretfully I have to object to this application to vary the licence terms. I do this on the following 4 grounds.

1. The opening hours and range of activities seem excessive. Personally I don't see much of a problem in opening at 8am Monday to Saturday. I don't know of any pub within Exeter that has this range of activities. The closest nearest competitor I assume is Weatherspoons on South Street has no activities & less opening hours despite a very heavy demand. If there are other pubs across the city with this range of opening hours and activities I would go and see.
2. The impact on the community. The community is elderly generally. That is reflected in the businesses that serve the community - the shops at the Top of School Lane are an undertakers, an IT shop, and an animal veterinary shop. The locals who go to the coffee morning on a Tuesday and the craft workshop on a Thursday in the church rooms opposite the Tally Ho has an average age of 80+. These people are unlikely to go to the pub after standard closing time so it could be legitimately argued that this application is not ^{explicitly} targeted at attracting locals. There is occasional live music at the Double Locks pub which can be heard in Counters Wear but frequent live music potentially at unsuitable homes is another thing. ^{as defined by government 11pm-7pm noise restriction}
3. Parking. I am assuming it is not the intention of the T.O. to create extra parking on their land or the city Council to allow evening/night parking on the King George V playing fields. There are approximately 7 own parking spaces belonging to the pub. Opposite the pub and also used by the adjacent church, Village Hall, and church rooms are approximately 12. The New development adjacent to the Pub 1-10 St Lukes View has taken

and corners near Road have garages of insufficient width to accommodate modern cars so almost every one parks on the Road. There really is insufficient car parking space to accommodate heavy demand. There is also a potential impact on the activities of the Church - Services, Weddings, Funerals, Church Rooms and the Village Hall. It has taken well over a decade for the Community to raise funds for the Village Hall and now it faces a potential usage threat due to diminished parking. Has there been an impact assessment made?

Security. Is there security guard provision for the Friday + Saturday nights. There are 2 security guards/bouncers at Weatherspoons throughout Saturday night, so they obviously think it necessary to deal with the weekend drinking culture of some people. Imagine you have travelled with your mates along Topsham Road to Weatherspoons and after 11 pm want to continue drinking (you have a kee to lalduier) and are too old or cannot afford to go to a night club - where can you go? - Now there is an answer, on your way home so Peak demand on the pub could be at the latest hours. The Security would also be needed to manage the parking issue or tell people there is no parking and prevent possible collisions on the junction of Corners, near Road + School Lane (double yellow lines and a blind corner).

[REDACTED]

1. All the issues raised in this letter are personal views based on my knowledge of living in the vicinity for 30 years and made without prejudice.
2. We have off road parking for a motor on our land. I do worry about this space being taken ^{used} by the pub visitors, ^{if the home amendment is granted} but as this only affects one household I have not included it in my objections.
3. We had an attempted break in some time ago. The forensic (finger print) man sent by the police said he was surprised to be called to this road as nearly all his work was in the city centre at week ends. At the moment this is a low insurance area. Does the City Council have a legal obligation not to allow anything that would raise the insurance premiums and is this an identity issue?

[REDACTED]

From: [REDACTED]
Sent: 04 July 2017 23:06
To: Licensing Team
Subject: Objection to Application for Variation of Premises Licence

Dear Sir / Madam

Objection to Application for Variation of Premises Licence - The Tally Ho! 2 Countess Wear Road, Exeter, EX2 6LG

I write to formally object to the above application and on the following grounds:

1. Proposed Variation is not 'In Keeping' with Surrounding Area

The location of the Tally Ho is effectively the old village of Countess Wear with subsequent gradual development. It is a very quiet area and properties in the area are actively marketed as such, and accordingly have attracted buyers of the surrounding properties who have sought out tranquillity. There are no shops or other businesses in the local area at all. Residents generally tend to comprise retired individuals or couples or alternatively young families with children of primary school age or younger. Young professionals or students do not tend to live in this area (I know of none), and therefore I do not believe that there is any material local need for the variations set out in the application.

The proposal to have extended opening hours is therefore not compatible with the residential area, and would undoubtedly see an increase in vehicle and pedestrian traffic late at night, and associated noise that this would generate at a time when the vast majority of residents would be asleep.

2. Extension of Opening Hours

The current opening hours are in keeping with the setting of a community public house. The proposed opening hours are likely to lead the proprietor to be in conflict with local residents due to increased vehicle and pedestrian traffic and associated noise, use of the outdoor waste stores later at night and use of the garden of the public house later at night creating additional noise when surrounding residents would be asleep.

3. Operating Schedule

The applicant has indicated that they wish to provide regulated entertainment which is wholly inappropriate for the setting and nature of the public house. By reference to the Operating Schedule:

3.1 Plays – the size and layout of the internal premises simply does not lend itself to 'plays' being performed. Therefore, it would appear that the application would see 'plays' being performed within the garden – which would undoubtedly cause noise disturbance for the local residents.

3.2 Films – the application includes the showing of films both indoors and outdoors. Given the internal layout of the premises, (see 3.1 above) it would not be practicable to show a film or other televised service to a significant number of customers. Therefore, it is my belief that the applicant fully intends on showing films outdoors in the large garden which would lend itself for this purpose. This is simply not acceptable, as the noise created during the day, evening or night would be a significant disturbance to local residents and not 'in keeping' with the area. Further, the applicant has not indicated ANY measures to limit the possibility of public nuisance as

would be usual on such an application. The omission of such is of great concern, and infers a lack of understanding of the locality and concerns of the residents therein.

3.3 Indoor Sporting Events – I do not know what indoor sporting events could be accommodated within the premises given the layout and size of the premises. To the extent that this may involve skittles and such like I would have no objection, providing that appropriate assurances were in place to limit noise associated with such events (i.e. closure of windows irrespective of the time of year and / or weather when skittles were being knocked down etc).

3.4 Boxing / Wrestling – The application indicates that the application would include both boxing and wrestling indoors and outdoors over the opening times. Given that the size and layout of the premises would not be able to accommodate boxing and / or wrestling events (not least for health and safety reasons as I am broadly aware of the regulations governing such events), the application can only practicably be interpreted so as to permit boxing and / or wrestling events in the garden. I am somewhat shocked / amazed that a local authority could even countenance granting such an application. To have such events open air in a quiet residential area and for the times set out in the application is simply unacceptable by any rationale and objective analysis of what is permissible and acceptable by the existing licensing regime. Such events would be out of touch and not in keeping with the area, setting or locality on the following grounds:

3.4.1 Prevent of Crime and Disorder – it is generally accepted that boxing / wrestling events lead to an increase in crime and disorder (if you wish I will obtain the objective data available, but this is publically accessible and I presume that the Council will have access to such and / or can request from the Police & Crime Commissioner's office and other relevant authorities). The applicant has not provided any information as to how (s)he would seek to address the likely increase in crime and disorder associated with the promotion of such events.

3.4.2 Public Safety – I have deep concerns that the garden of the premises would not meet either the fire safety requirements for the holding of such events given that the only access routes are in close proximity to each other, and no indication has been given as to the number of individuals who would be in attendance at such events (presumably in order to make such events financially viable it would have to vastly exceed the current useage of both the indoors and outdoor premises.

3.4.3 Prevention of Public Nuisance – I see that the Operating Schedule limits the boxing and wrestling events until 2300 on each night of the week. Such events have as their aim presumably to increase dramatically the number of customers attending and being outside in the garden until 2300 at night. Residents in proximity predominantly comprise retired individuals and young families, I do not relish to prospect of attempting to get babies and toddlers to sleep between 1830 and 2300, given that residents should be entitled to not be disturbed / be subjected to noise nuisance if they wished to have windows open during the summer months.

3.5 Live Music – The application indicates that live music would be able to be played on any weekday evening until midnight and then until 0030 on Fridays and Saturdays throughout the year and indoors or outdoors. This will undoubtedly give rise to a public nuisance for the reasons given above. **THIS IS SIMPLY NOT ACCEPTABLE FOR THE LOCALITY**, and would inevitably lead to disputes with local residents.

3.6 Recorded Music – Please see my comments at 3.5 above which should be deemed to be repeated here.

3.7 Performance of Dance – Please see my comments at 3.5 above which should be deemed to be repeated here save as varied for the times set out in the application Operating Scheduled at 'G'.

3.8 'Anything Similar' – whilst the applicant is under no obligation to do so, there is no additional information specified as to what similar activities are intended to those at 'E' / 'F' and 'G' of the Operating Schedule – but I note that the time variation requested is to the later time of 0100 on Fridays and Saturdays. Until I am informed specifically what events are envisaged it is impossible for me to inform my precise objection, but I fear that the applicant may simply use this aspect of the application to be flexible in terms of the times of which activities under 'E' / 'F' and 'G' may be undertaken.

3.9 Late Night Refreshments and Supply of Alcohol and Increased Opening Hours – please see the grounds of objection below:

3.9.1 Public Safety (2) – the street lights are out at 0000. The proposed extended opening hours on 2 nights of the week are to 0100 (with the serving of alcohol and food until 0030) meaning that health and safety concerns arise with regard to customers leaving the premises under the influence of alcohol with no lighting. These concerns are also relevant for the remainder of the week where closing is at 0000.

3.9.2 Prevention of Public Nuisance – Residents are likely to be subject of increased disturbance (see comments below under 'Subjective Information') if opening hours were to be increased.

5. Other Aspects of the Application

5.1 There is an obligation on the applicant to advertise the application. I have searched all local newspapers over the relevant time period and I cannot find that the application has been advertised as required by the relevant legislation.

5.2 The application sees the licensed area extended wholly inappropriately in the following ways (see plan appended to the application):

5.2.1 The inclusion of a private garden unrelated to the business of the premises – I do not believe that it is appropriate for a local authority to be granting a license to cover a private residential garden;

5.2.2 The inclusion of a car park which abuts public highway – this would technically permit the same and consumption of alcohol in a car park which has no boundary between it and the road – simply unacceptable for health and safety considerations let alone the undoubted nuisance that such would cause local residents;

5.2.3 The inclusion of a private garage – see comments at 5.2.1 above which are deemed to be repeated here.


5.2.4 The inclusion of a beer garden which abuts a number of private residential properties and their gardens which will materially and adversely impact on the reasonable use of those properties and their gardens because of undoubted increase in noise and anti-social behaviour.

In summary, the situation of the public house is a serene quiet residential area filled predominantly with elderly and young families. The general reason for picking this area to live in was for the quiet and tranquillity that the area offered. This has to some extent been eroded already by the recent increased activity at the Tally Ho, but it is just about tolerable. The parking is becoming very dangerous with cars regularly parked on double yellow lines, even the owners car is often parked illegally and dangerously. The

granting of the application you are due to consider will inevitably lead to increased crime, public nuisance and issues concerning public safety – this is acknowledged within the application itself.

Yours sincerely

[Redacted signature]

Sent from my iPad 

[REDACTED]

From: [REDACTED]
Sent: 27 June 2017 10:11
To: Licensing Team
Subject: Re: Tally Ho license

Hi Phillipa

Yes please do. Even more so as noisy pub leavers disrupted sleep at 11 last night!

Best wishes

[REDACTED]

Sent from my iPhone

> On 27 Jun 2017, at 10:00, [REDACTED] <[REDACTED]@extending.org>

>

> Thank you for your email, can I take your email as a formal representation to the proposed application? If this is the case then a Licensing hearing will be convened and the issues will be discussed at a licensing sub-committee hearing. You will be invited to attend the hearing and speak in support of your representation if you wish to.

>

> Kind regards

>

> Phillipa

>

[REDACTED]

[REDACTED]

>

> -----Original Message-----

> [REDACTED] <[REDACTED]@extending.org>

> Sent: 26 June 2017 21:33

> [REDACTED]

>

> Dear Sir or Madam,

>

> I am writing to express concern about the proposed extension to opening hours at the Tally Ho! On Countess Wear Road. As a resident on the street leading to Countess Wear Road (School Lane) I have noticed an increase in noise from the pub since Ed and Debbie took over the premises. This is particularly a problem on Sunday nights when people leaving the pub quiz can be very noisy when walking down the street. Most weeks I am woken up, and there has been a problem on weekend evenings too (although the impact of this is less as I don't have to get up for work at 6am).

>

> I would not support a late night license extension particularly if this covers the gardens as would have serious concerns regarding the impact of noise on the residents in our quiet family area.

>

> Yours faithfully

>

[REDACTED]



- >
- >
- > Sent from my iPad
- >
- > Disclaimer: <http://www.exeter.gov.uk/disclaimer>

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[REDACTED]

From: [REDACTED]
Sent: 09 July 2017 11:45
To: Licensing Team
Subject: Objection to Application for Variation of Premises Licence - The Tally Ho! 2 Countess Wear Road, Exeter, EX2 6LG

Importance: High

Dear Sir / Madam

Objection to Application for Variation of Premises Licence - The Tally Ho! 2 Countess Wear Road, Exeter, EX2 6LG

I write to formally object to the above application and on the following grounds:

1. Proposed Variation is not 'In Keeping' with Surrounding Area

The location of the Tally Ho is effectively the old village of Countess Wear with subsequent gradual development. It is a very quiet area and properties in the area are actively marketed as such, and accordingly have attracted buyers of the surrounding properties who have sought out tranquillity. There are no shops or other businesses in the local area at all. Residents generally tend to comprise retired individuals or couples or alternatively young families with children of primary school age or younger. Young professionals or students do not tend to live in this area (I know of none), and therefore I do not believe that there is any material local need for the variations set out in the application.

The proposal to have extended opening hours is therefore not compatible with the residential area, and would undoubtedly see an increase in vehicle and pedestrian traffic late at night, and associated noise that this would generate at a time when the vast majority of residents would be asleep.

2. Extension of Opening Hours

The current opening hours are in keeping with the setting of a community public house. The proposed opening hours are likely to lead the proprietor to be in conflict with local residents due to increased vehicle and pedestrian traffic and associated noise, use of the outdoor waste stores later at night and use of the garden of the public house later at night creating additional noise when surrounding residents would be asleep.

3. Operating Schedule

The applicant has indicated that they wish to provide regulated entertainment which is wholly inappropriate for the setting and nature of the public house. By reference to the Operating Schedule:

3.1 Plays – the size and layout of the internal premises simply does not lend itself to 'plays' being performed. Therefore, it would appear that the application would see 'plays' being performed within the garden – which would undoubtedly cause noise disturbance for the local residents.

3.2 Films – the application includes the showing of films both indoors and outdoors. Given the internal layout of the premises, (see 3.1 above) it would not be practicable to show a film or other televised service to a significant number of customers. Therefore, it is my belief that the applicant fully intends on showing films outdoors in the large garden which would lend itself for this purpose. This is simply not acceptable, as the noise created during the day, evening or night would be a significant disturbance to local residents and not 'in keeping' with the area. Further, the applicant has not indicated ANY measures to limit the possibility of public nuisance as would be usual on such an application. The omission of such is of great concern, and infers a lack of understanding of the locality and concerns of the residents therein.

3.3 Indoor Sporting Events – I do not know what indoor sporting events could be accommodated within the premises given the layout and size of the premises. To the extent that this may involve skittles and such like I would have no objection, providing that appropriate assurances were in place to limit noise associated with such events (i.e. closure of windows irrespective of the time of year and / or weather when skittles were being knocked down etc).

3.4 Boxing / Wrestling – The application indicates that the application would include both boxing and wrestling indoors and outdoors over the opening times. Given that the size and layout of the premises would not be able to accommodate boxing and / or wrestling events (not least for health and safety reasons as I am broadly aware of the regulations governing such events), the application can only practicably be interpreted so as to permit boxing and / or wrestling events in the garden. I am somewhat shocked / amazed that a local authority could even countenance granting such an application. To have such events open air in a quiet residential area and for the times set out in the application is simply unacceptable by any rationale and objective analysis of what is permissible and acceptable by the existing licensing regime. Such events would be out of touch and not in keeping with the area, setting or locality on the following grounds:

3.4.1 Prevent of Crime and Disorder – it is generally accepted that boxing / wrestling events lead to an increase in crime and disorder (if you wish I will obtain the objective data available, but this is publically accessible and I presume that the Council will have access to such and / or can request from the Police & Crime Commissioner's office and other relevant authorities). The applicant has not provided any information as to how (s)he would seek to address the likely increase in crime and disorder associated with the promotion of such events.

3.4.2 Public Safety – I have deep concerns that the garden of the premises would not meet either the fire safety requirements for the holding of such events given that the only access routes are in close proximity to each other, and no indication has been given as to the number of individuals who would be in attendance at such events (presumably in order to make such events financially viable it would have to vastly exceed the current useage of both the indoors and outdoor premises.

3.4.3 Prevention of Public Nuisance – I see that the Operating Schedule limits the boxing and wrestling events until 2300 on each night of the week. Such events have as their aim presumably to increase dramatically the number of customers attending and being outside in the garden until 2300 at night. Residents in proximity predominantly comprise retired individuals and young families, I do not relish the prospect of attempting to get babies and toddlers to sleep between 1830 and 2300, given that residents should be entitled to not be disturbed / be subjected to noise nuisance if they wished to have windows open during the summer months.

3.5 Live Music – The application indicates that live music would be able to be played on any weekday evening until midnight and then until 0030 on Fridays and Saturdays throughout the year and indoors or outdoors. This will undoubtedly give rise to a public nuisance for the reasons given above. THIS IS SIMPLY NOT ACCEPTABLE FOR THE LOCALITY, and would inevitably lead to disputes with local residents.

3.6 Recorded Music – Please see my comments at 3.5 above which should be deemed to be repeated here.

3.7 Performance of Dance – Please see my comments at 3.5 above which should be deemed to be repeated here save as varied for the times set out in the application Operating Scheduled at 'G'.

3.8 'Anything Similar' – whilst the applicant is under no obligation to do so, there is no additional information specified as to what similar activities are intended to those at 'E' / 'F' and 'G' of the Operating Schedule – but I note that the time variation requested is to the later time of 0100 on Fridays and Saturdays. Until I am informed specifically what events are envisaged it is impossible for me to inform my precise objection, but I fear that the applicant may simply use this aspect of the application to be flexible in terms of the times of which activities under 'E' / 'F' and 'G' may be undertaken.

3.9 Late Night Refreshments and Supply of Alcohol and Increased Opening Hours – please see the grounds of objection below:

3.9.1 Public Safety (2) – the street lights are out at 0000. The proposed extended opening hours on 2 nights of the week are to 0100 (with the serving of alcohol and food until 0030) meaning that health and safety concerns arise with regard to customers leaving the premises under the influence of alcohol with no lighting. These concerns are also relevant for the remainder of the week where closing is at 0000.

3.9.2 Prevention of Public Nuisance – Residents are likely to be subject of increased disturbance (see comments below under 'Subjective Information') if opening hours were to be increased.

4. Lack of Meaning Information by way of 'Additional Steps'

The applicant has sought to allay concerns of any interested parties and the local authority by way of supply of additional information. ALL the steps proposed are the EXISTING obligations of the license holder. For your ease of reference I set out each below. My comments / grounds of objection are in red / italicised text for your ease of reference.

- 4.1 'We will train staff fully [the licence holder is already under an obligation to do this and the inference from the information provided is that staff are not 'fully' trained] on how to look out for potential problems such as
- 4.1.1 drugs, *The licence holder therefore accepts by inference that the extended hours and events that are sought to be promoted will likely see a rise in drug use – otherwise why mention the need for training?*
 - 4.1.2 underage drinkers, *The licence holder therefore accepts by inference that the extended hours and events that are sought to be promoted will likely see a rise in underage drinking – otherwise why mention the need for training?*
 - 4.1.3 criminal activity, and *The licence holder therefore accepts by inference that the extended hours and events that are sought to be promoted will likely see a rise in criminal activity – otherwise why mention the need for training? In addition, the license holder makes no meaningful indication of what practical steps / advice will be offered to customers in an attempt to minimise the anticipated increase in criminal activity.*
 - 4.1.4 how to promote customers to not disturb neighbours' *The licence holder therefore accepts by inference that the extended hours and events that are sought to be promoted will likely see a rise in public nuisance – otherwise why mention the need for training? In addition, the license holder makes no meaningful indication of what practical steps / advice will be offered to customers in an attempt to minimise the anticipated increase in disturbance.*
- 4.2 'A clear and legible notice outside the premises indicating the normal hours ... during which licensable activities are permitted' *This is an existing requirement and so 'adds nothing'.*
- 4.3 'Prevention and vigilance in drug use' *A second tacit acknowledgement of increased drug use anticipated by the applicant – but no practical information as to what steps will in practice be taken – this is an existing requirement.*
- 4.4 'Staff will be trained in asking customers to use premises in an orderly and respectful manner' *So they are not already trained? See my comments under 'Subjective Information' below.*
- 4.5 'Internal and external lighting to promote the health and safety objective' *There has been internal and external lighting in situ for many years. No specifics are given as to what improvements are to be put in place (I doubt any will be). If external lighting to the garden is to be included, then no information has been provided to indicate whether this may cause a nuisance to neighbours and / or what steps are to be taken to address such.*
- 4.6 'Training and implementation of underage ID checks'. *Again, this is an existing requirement on the applicant and nothing new. That staff have not already been so trained is concerning as either the applicant is not taking existing responsibilities as a license holder seriously, or alternatively the inclusion of this 'additional step' indicates an anticipated material increase in underage drinking by virtue of the events that are planned to be held.*
- 4.7 'We will minimise noise after 2300 by not emptying bottle bins after 2300 / asking customers to leave quietly / we will encourage customers to smoke in the beer garden at night to avoid loud talking at night on the street. *This is an existing requirement with the existing license and yet see 'Subjective Information' below.*

5. Other Aspects of the Application

- 5.1 There is an obligation on the applicant to advertise the application. I have searched all local newspapers over the relevant time period and I cannot find that the application has been advertised as required by the relevant legislation.
- 5.2 The application sees the licensed area extended wholly inappropriately in the following ways (see plan appended to the application):

- 5.2.1 The inclusion of a private garden unrelated to the business of the premises – I do not believe that it is appropriate for a local authority to be granting a license to cover a private residential garden;
- 5.2.2 The inclusion of a car park which abuts public highway – this would technically permit the same and consumption of alcohol in a car park which has no boundary between it and the road – simply unacceptable for health and safety considerations let alone the undoubted nuisance that such would cause local residents;
- 5.2.3 The inclusion of a private garage – see comments at 5.2.1 above which are deemed to be repeated here.
- 5.2.4 The inclusion of a beer garden which abuts a number of private residential properties and their gardens which will materially and adversely impact on the reasonable use of those properties and their gardens because of undoubted increase in noise and anti-social behaviour.

6. Subjective Information

This section includes my own personal experiences and representations regarding the current impact of the Tally Ho on the locality. Since the current landlords (the applicants) have taken over the Tally Ho, there has been an increased use of the public house, predominantly from individuals who are not resident in the locality. This has resulted in increased vehicle and pedestrian traffic, which in the main has been tolerable, but there have been the following incidents that have caused issues:

- 6.1 Inappropriate street parking when 'events' have been held. There is limited car parking at the Pub, perhaps for 7-8 vehicles including the owners. Therefore the vast majority of customers who are not local need to use on street parking. This has resulted in customers parking with two wheels on the pavement opposite the pub, and parking on private land between the two blocks of properties comprising St Luke's View. In addition the private parking area that is land belonging to the Church of England (the Church of the Parish of Wear & St Luke) often sees unlawful parking on Thursday, Friday and Saturday nights, with cars on occasion being left there until being picked up the following morning.
- 6.2 Noise disturbance from inside the Tally Ho. During summer months, when parties and events have been occurring and recorded music played from within the pub, windows have been opened (no air conditioning system is available within the public house) and this has resulted in noise disturbing local residents. Because these events have been infrequent, I have 'put up' with the disturbance. On Sunday 2nd July 2017 I was disturbed whilst within my house and went outside to locate the noise – it was a Pub Quiz being read out over a microphone and the pub windows were open. I live approximately 100m from the Tally Ho, and could clearly hear every word from my garden (front and back) and rumblings whilst sat inside my property with the windows and doors closed. There are a number of properties far closer than mine to the Tally Ho who would be the subject of increased disturbance at present.
- 6.3 The number of incidents of anti-social behaviour have increased over the period the current landlords have been in place. This has included (but is not limited to):
 - 6.3.1 March 2017 – a fight on the street outside the pub between two men, with onlookers;
 - 6.3.2 Throughout 2016-2017 – an increased number of smokers congregating outside the front entrance to the pub and discarding cigarette ends into the highway;
 - 6.3.3 Summer 2016 to date – loud talking / shouting from the pavement at the front of the pub and car park with customers leaving and / or congregating with drinks (which I understand to be a violation of the current license terms). The customers appear to leave the beer garden by a side entrance onto the pavement.
 - 6.3.4 May 2017 – a summers evening ruined in our garden by loud and persistent shouting / screaming of a group of young children in the beer garden between the hours of 2000-2200, there was no music or other disturbance, but the volume and frequency was such that the use of our private garden was simply not possible.
 - 6.3.5 June 2017 – a very loud and vocal dispute involving a group of men and women involving repeated swearing and other profanities (and the use of a memorable phrase "I'm going to smash your face in you cunt" being repeated over and over as I walked a dog past the pub at closing).

I would wish to make it clear that the above incidents are infrequent, but represent a troubling trend in the wrong direction given that this is not a public house in the centre of town or in an area with existing 'night life'.

In summary, the situation of the public house is a serene quiet residential area filled predominantly with elderly and young families. I know and have spoken with many of them. The general reason for picking this area to live in was for the quiet and tranquillity that the area offered. This has to some extent been eroded already by the recent increased activity at the Tally Ho, but it is just about tolerable. The granting of the application you are due to consider will inevitably lead to increased crime, public nuisance and issues concerning public safety – this is acknowledged within the application itself.

I wish to attend the Public Hearing and either I or my legal representative will wish to submit representations. Please ensure that these grounds of objection are redacted before being communicated to any third party who is not concerned with the decision making process regarding the application on the part of the Council.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Please think before you print

05 JUL 2017

[REDACTED]
[REDACTED]
[REDACTED]

Dear Sirs

RE: Licensing Act 2003 - Variation
of Premises Licence - The Tally Ho!,
Compass Way, Exeter

I am writing to express my concern
regarding the proposed variations
to opening hours to midnight on
weekdays & 1.00 am on Friday &
Saturday. I am very pleased that
Mr Borthen is injecting new life into
the pub & improve the popularity. However
the pub is located in a residential area
which would be greatly affected by the
changes. In terms of noise & traffic.

Yours faithfully [REDACTED]

[REDACTED]

3 July 2017

Dear Sir, Madam,

Please register my objection to the application for extended licensing hours at the Tally Ho! Pub, 2 Countess Wear Road, Exeter as the impact of the changes requested will likely cause disturbance, public nuisance and safety issues.

Please register my objection to:

- the extension of time on Friday & Saturday from 23:59 to 01:00; and from Sunday to Thursday until 00.00.
- the extending of the licensing area to the external gardens during these hours.
- the intention for plays, films, boxing & wrestling, live music and dance being performed in the gardens.

May I first start off by highlighting that this objection is not in anyway trying to stop the recent successful turn around of this local establishment and I wish it to continue but within keeping with the local village atmospherics which I feel as a whole is being lost within Devon and England.

The Tally Ho is in the center of a very quiet residential area and next to St Andrews church and the village hall. Our home and many other elderly and family homes are within close proximity and we are

already disturbed by customers leaving in the early hours of the morning during the weekends but this is tolerated as people do need to relax and enjoy life. This said chattering and often arguing reverberates along School Lane and Mill Lane and the noise disturbance is very loud at that time of night and can often go on for lengthy periods of time. Taxi pickups resulting in slamming doors several times a night add to the noise disturbance. Extending this disturbance until 01:00 and adding the potential for loud amplified music, commentary and cheering from performances at anytime of the day but especially until 01:00 on Saturday and Sunday mornings is a continual wish for peace and quite after 0001hrs. With this new request we could potentially have a disturbed until 0130hrs. There are no other businesses, shops or other activities that cause a noise or late night activity disturbance, as we are not in an area for late night entertainment.

The pub normally has a New Years Eve party which is totally acceptable, but it is not appropriate every weekend of the year, or on week nights when we are going to bed early as we have work the next day, normal bed times in our street are 10.30 pm! I am pleased that we have a pub in our village as it is a lovely focal point for the neighbourhood, but it is essentially a village pub, not a sports venue, night club, or fitting of late night live music.

On safety, both personal and property - the street lights go off at midnight in this area so the pubs clients would be walking the streets in complete darkness. This is not good from a safety perspective.

I have lived here for 11 years and over that time have had instances where the Tally Ho, under different ownership, has created problems

in the neighbourhood with late night brawls, after hours music with lock-ins etc and we have on occasion had to call out environmental health to control the noise levels. We do not wish to return to these times, and most certainly not on a weekly basis!

I strongly object to the proposal to give license to these disturbing activities as a regular occurrence.

Thank you.

[REDACTED]

06 JUL 2017

Dear Sies,

Re: Variation of Premises Licence - Tally Ho, 2 Counters Wear Road Exeter.

We have received a notification re the amendment of opening hours 8:00am to midnight Sunday to Thursday and 8am to 1am Friday + Saturday + the provision of a range of activities within these hours including live music, plays, film boxing, wrestling, dance etc.

On this issue one has to balance the legitimate commercial interests of the pub occupants against the interests + impact on the wider community. Whilst the pub is an important part of the community + few, if any would like it to close, regretfully I have to object to this application to vary the licence terms. I do this on the following 4 grounds.

1. The opening hours and range of activities seem excessive. Personally I don't see much of a problem in opening at 8am Monday to Saturday. I don't know of any pub within Exeter that has this combination. The strongest, nearest competitor I assume is Weatherspoons on South Street has no activities + less opening hours despite a very heavy demand. If there are other pubs across the city with this range of opening hours and activities I would go and see.
2. The impact on the community. The community is elderly generally. That is reflected in the businesses that serve the community - the shops at the Top of School Lane are an undertakers, an IT shop, and an animal veterinary shop. The locals who go to the coffee morning on a Tuesday and the craft workshop on a Thursday in the church rooms opposite the Tally Ho has an average age of 80+. These people are unlikely to go to the pub after standard closing time so it could be legitimately argued that this application is not ^{explicitly} targeted at attracting locals. There is occasional live music at the Double Locks pub which can be heard in Counters Wear but frequent live music potentially at unsuitable* hours is another thing. *(as defined by government 11pm-7pm noise limit).
3. Parking. I am assuming it is not the intention of the T.O. to create extra parking on their land or the City Council to allow evening/night parking on the King George V playing fields. There are approximately 70m parking spaces belonging to the pub. Opposite the pub and also used by the adjacent church, Village Hall, and church rooms are approximately 12. The new development adjacent to the pub 1-10 St Lukes View has taken all the spaces further down Counters Wear Road. The 1930's houses in School Lane

and Councils wear Road have garages of insufficient width to accommodate modern cars so almost every one parks on the Road. There really is insufficient car parking space to accommodate heavy demand. There is also a potential impact on the activities of the Church - Services, Weddings, funerals, Church Rooms and the Village Hall. It has taken well over a decade for the Community to raise funds for the Village Hall and now it faces a potential usage threat due to diminished parking. Has there been an impact assessment made?

4. Security. Is there security guard provision for the Friday + Saturday nights. There are 2 security guards/bouncers at Weatherpoons throughout Saturday night so they obviously think it necessary to deal with the weekend drinking culture of some people. Imagine you have travelled with your mates along Topsham Road to Weatherpoons and after 11 pm want to continue drinking (you have a kee to addriver) and are too old or cannot afford to go to a night club - where can you go? - Now there is an answer, on your way home. So Peak demand on the pub could be at the latest hours. The security would also be needed to manage the parking issue or tell people there is no parking and prevent possible collisions on the junction of Coates near Road + School Lane (double yellow lines and a blind corner).

Yours faithfully

[Redacted signature]

P.S. 1. All the issues raised in this letter are personal views based on my knowledge of living in the vicinity for 30 years and made without prejudice.

2. We have off road parking for a visitor on our land. I do worry about this space being taken ^{over} by the pub visitors ^{if the house amendment is granted}, but as this only affects one household I have not included it in my objections.

3. We had an attempted break in some time ago. The forensic (finger print) man sent to the police said he was surprised to be called to this road as nearly all his work was in the city centre at week ends. At the moment this is a low insurance area. Does the City Council have a legal obligation not to allow anything that would have the insurance premiums and is this an identity issue?

APPENDIX E

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Moorhead, Caroline

From: [REDACTED]
Sent: 05 July 2017 19:12
To: Licensing Team
Subject: Tally Ho, 2 Countess Wear Road - Extended Hours Support

Dear Sir/Madam,

EXTENDED LICENSING HOURS, TALLY HO, 2 COUNTESS WEAR ROAD

Having recently seen a locally circulated letter asking people to object to the Application to extend the licensing hours at the above and on the basis such a letter appeared to be designed to scaremonger and stir up, what in my view are unfounded concerns, I felt strongly enough to write a letter of support.

I find it somewhat surprising, that with the extension notices having been displayed for some time around the premises and in the local newspaper that the objections had not been raised earlier and can only assume that those responsible did not want what I believe to be the majority of local people to support Ed and Debs Borthen in their continuing success at The Tally Ho. I find it further surprising that those concerns were not raised direct with Ed & Debs before circulating the letter as you could not find two more approachable people.

As a resident of Mill Road, I have seen the Tally Ho rise from a building which was only recognisable as a public house by its name, the previous landlords having erased any signs of a local pub, with rude owners and staff, poor quality and out of date food and drink, dirty surroundings and an overgrown and unused beer garden. When Ed & Debs Borthen took over, they very quickly settled into the local community and re-established The Tally Ho as a hub of the community, yes I agree locals noticed a difference as it started to thrive and long may it continue to do so.

Clearly Ed & Debs have to earn a living and it is not difficult to see that this is not easy in the licensed trade, with a lot of local pubs having been demolished to make way for residential development or student accommodation (including what was The Country House just down the road) and if they are willing to extend their already very long working hours to accommodate this in response to demand from locals keen to support them, they should be encouraged not prevented from doing so. They are a very responsible couple, Ed particularly being very experienced in the licensed trade, they both have strong family values and are looking to continue to build their business and react to the needs of the local community and I have no doubt that any extension to their licensing activities would continue to be monitored and dealt with responsibly. I, nor any of the locals I have spoken to have any undue concerns over their extended hours.

I have never experienced any rowdy behaviour in the pub or garden, other than the usual chatting/socialising, unless you call children screaming with excitement on the new play equipment, rowdy behaviour but this is rarely after dark. Ed and Debs have their own young twins and noise is therefore

always monitored for their own family. Indeed I have personally witnessed, exceptional responsible behaviour by both Ed & Debs when they confiscated car keys from a family with young children and called the police to prevent them from driving intoxicated. This incident involved shouting but was a response to responsible behaviour and the police behaviour and we need more people like this in our communities.

I think there have been some concerns raised about parking, any local will tell you the parking congestion is caused namely by the Church, Village Hall, people using the road rather than their own driveways and people leaving their cars in an unrestricted parking area to travel to and from work. In fact unauthorised parking is more likely in the Tally Ho car park than the other way round.

With regards to the windows being open and noise travelling, I find this small minded. The pub is an old building, not suited to modern cons such as air conditioning and it is only in the last couple of weeks that some of the windows have managed to be opened after scraping off years of paint, firstly to cool it down as it overheats when busy and in response to locals discussing recent high profile fires and suggesting the windows should open in case of fire. An excellent example of Ed & Debs listening to their clientele.

With regards to the other concerns raised such as criminal activities and child protection, Ed and Debs not only have their own young family but have also integrated very quickly with locals and their families and we would all look out and report anything untoward as Ed & Debs have already proved so being open longer would mean a better neighbourhood watch rather than a rowdy free for all.

As for the comments about street lighting, this is a matter for the Council not the licensing committee but in relation to supporting an application for extended opening hours this is actually a great thing as the Tally Ho lights up what is otherwise a very dark corner late at night.

Finally, as a business owner and a property professional with 35 years residential property experience, believe me I would be the first to raise a concern if I thought local property values were likely to fall due to the Tally Ho extending their licensing hours, in fact I think it will have the opposite affect and continue to be a valuable community resource which is well supported and needed in this very popular residential area.

I really hope Ed and Debs are successful with their extended hours application as I, and many other locals around me, look forward to supporting them to ensure their business continues to thrive and be at the heart of our local community.

Yours faithfully,

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: Licensing Team
Subject: Tally Ho Countess Wear Rd Exeter

Dear Sir

I am writing in support of the variation of licence conditions for the Tally Ho Inn Countess Wear Rd Exeter Mr Ed Borthen and his wife are making a excellent job of bringing the Tally Ho back to the community, they have run events that encompass all tastes and ages, the pub is now also a dog and child friendly.

As a pub it is a place of enjoyment for all, and should be cherished for this, enjoyment can on occasions create some noise again this is all part of living in a modern city.

In the 30 years I have lived just down the road from the pub I have never been aware of any anti social behaviour that has been caused by customers of the pub, I cannot see that the variation of the licence conditions will be a catalyst for an eruption in antisocial behaviour.

So please register my support for the variation of licence

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 July 2017 16:10
To: Licensing Team
Subject: TALLY HO - SUPPORT FOR APPLICATION

Hello

I am aware that The Tally Ho on Countess Wear Road have applied to extend their trading hours and would like to support this application.

I live locally on Rydon Lane and find the pub convenient, the food is good and have a great beer garden/play area where I feel comfortable and safe to visit with my grandchildren. From my experience I would say that the landlord runs a 'tight ship' making the pub a safe environment for a women on her own with young children. I have never seem any altercation or what I might regard as underhand activities so is safe for families with children to enjoy a drink and meal in the garden.

Many thanks

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 06 July 2017 13:18
To: Licensing Team
Subject: Support of Tally Ho Licensing Application

Dear Sir/Madam

I am writing in support of the application from The Tally Ho to extend their opening hours and activities.

I run a regular Slimming World group in the Church Rooms in School Lane, Ed & Debs Borthen have extended a very warm welcome to our group and I feel they are working very hard to engage with the community and users of the area.

Our group visit the Tally Ho regularly and have never experienced any unpleasantness or rowdy behaviour and feel quite sure if anyone was to behave badly Ed would not tolerate this, so I feel the likelihood of public nuisance is very low.

No doubt our group of most ladies will enjoy the new extended opening time is due course.

In my view the pub is vary well managed by this enthusiastic young couple who are who are very accommodating and aware of the need for adequate supervision to ensure public safety and particular children and vulnerable people.

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: 05 July 2017 13:23
To: Licensing Team
Subject: TALLY HO - SUPPORT FOR APPLICATION

Dear Sir/Madam

I note that The Tally Ho has applied to extend their trading hours and activities so am writing to support this.

Ed & Debs Borthen have been a breath of fresh air at The Tally Ho and are working to build good relations in the community and improve activities in the area for the area. They offer good food, good beer, a friendly welcome and a great beer garden, something the area has lacked for some time.

I understand that there are issues in relation to the application which may concern some residents but feel they are unfounded and simply people fearing any kind of change.

PUBLIC NUISANCE

The Tally Ho is well run and try offer facilities for all clientele, I have never experienced any rowdy behavior whilst at the pub or experienced any public nuisance, my home is close by.

In my view the application would not present a public nuisance.

CRIMINAL ACTIVITIES

Having lived in the area for over 30 years there have been periods of 'break ins' and vehicle damage etc but I am not aware that it has been associated with the pub. The level of crime in the area is very low and I do not feel that the planned activities at The Tally Ho are unlikely to exacerbate this.

CHILD PROTECTION

The Tally Ho is a family pub with a lovely beer garden, I have never seen anything which has suggested to me that there is any thing to fear with regard to children. Licensing laws are followed.

The landlord and landlady have two young children themselves, I am quite sure that they would not be doing anything to put their own children or others at risk.

PUBLIC SAFETY

The pub is well run and supervised carefully, I feel confident that the landlord and landlady will ensure that any new activities which are applied for under this new application will be carefully monitored to ensure Public Safety.

PARKING

The pub has its own car park and on road parking in Countess Wear Road opposite the graveyard and church, so feel there will be little disturbance to residents.

We should congratulate this enthusiastic young couple for bringing life into the area rather than stifling their efforts by outdated fears of change.

Kindest Regards

[REDACTED]

APPENDIX F

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In relation to my recent application to vary my premises license, for The Tally Ho Inn, I would like to reassure the local residents of my overall plans for my business.

My wife and I came to the Tally Ho with a vision of getting back the local pub that had been driven down into the ground so much, we aim for it to be a friendly local pub for the whole community, whether you are on your own for a drink and a friendly chat or as a family to eat, everyone is welcome and as a young family ourselves we are very much a family orientated pub.

We feel that already in our first year we have increased trade massively to create a much better atmosphere and we now have employed a third chef as the food trade has increased so much. We have had our children's play area completely refurbished and our garden is now safe for all ages young and old.

We have many families with young children come here as well as professional people on their lunch breaks for instance a lot of people come here from Michelmores on Pyne's_hill for lunch. We have many older customers from far and near for lunches during the week. And of course we have all types of people come for a drink of an evening.

I would like the pub to be a traditional family friendly local village pub serving food and catering for all the locals needs.

Even though I am applying to be able to open earlier and later, I won't actually be changing my opening hours anytime soon if ever, it's more as an option if I want to. For instance the reason I have asked for the earlier opening times is because I have had a few retired age people asking if I would think about doing morning coffee and croissant's etc.

The later opening time is because 11pm is a very outdated time for a pub to close these days, I have many people from various walks of life that all live in mill road, countess wear road or exe vale road and surrounding areas, that all would like to use the pub at different times. For instance I have people that finish work themselves at 10 or 10.30 at night and then would like to have a drink just the same as I have retired people that would like to have a drink in the morning, I know for a fact that at least one of my customers go to Weatherspoon's for a morning drink as I don't open until 11.30.

Food habits are changing too, people are coming to dine with us much later and I may start keeping the kitchen open until 10pm therefore to rush people through a three course meal and bottle of wine and out by 11 is completely unfair.

As I said we have children ourselves, we have 2-year-old twin girls and so I'm up at 6 everyday with them so I don't want to be open everyday until 12 or 1am, just as I don't want to be creating too much noise as they are sleeping upstairs.

Just as an option it would be nice to be able to stay open later, for instance on Tuesday night which is generally in the pub trade one of the worst days in a

week, I had 25 people in the pub at 11pm, it would have been nice to be able to stay open and serve them another drink rather than closing.

As far as the music, I won't be having live music or disco's every week, that is not what this is about, but occasionally on bank holidays or for the odd event then I might have a band. When this does occur it will be finished by 11pm if not 8 or 9pm.

The ones we have done so far have been for local residents wanting to celebrate their 50th birthdays. I never would want live music in the garden until 1am we are more about family events, so generally any live music in the garden or in the pub would be late afternoon into early evening so that families can enjoy it.

In response to some of the objections made:

More than one of the objections noted that police attended the pub on the 17th June;

I would like to point out that actually I called the police as young families were about to drive under the influence of alcohol back to Pinhoe, with their two children both under 10. We managed to get the keys before they put these children's lives at risk. I know they were arguing with each other and the police, but at least none of the children were harmed. If I don't like something then the police will be called.

The Quiz;

The quiz is aimed at our older cliental and the night it was possibly louder than usual due to windows being open was the week of the heat wave, I can understand and in future I will make sure all windows and doors are closed by 10pm on a Sunday night to prevent noise. The quiz is usually wrapped up by 9.30/10pm though.

Informing residents of events;

Like the double locks do I am more than happy to inform the immediate residents.

Numerous sound problems from previous landlords or myself;

I am unaware of any complaints or EHO being called.

Newspaper;

It was published on Thursday 22nd June on Page 79.

Vandalism and littering;

I don't see how being open another hour will increase littering or vandalism, however residents are more than welcome to ask me to see any CCTV if they think its been caused by someone leaving the pub.

Parking;

I believe the parking issue is more from commuters than anybody using the pub, if I have large wakes or bookings I tell people to use the public car park down the road. And to relieve the street parking issue on a Thursday morning when the village hall has slimming club, I actually let the slimmer's park in my car park.

Potential noise from people outside the pub smoking;

I will remove the wall-mounted ashtray and ask people to only smoke in the garden.

Live wrestling and boxing films and plays in the garden;

I have no intention of putting on events like this until the early hours, if at all. It is on my current license until 11 and was simply carried over as a condition but I am more than happy to leave those as they stand.

Noise in the garden from live music until 1am;

As mentioned before, my intention would only to have any entertainment in the garden early evening; any later live band would be inside. On the odd occasion I might have a later event in the garden it would still wrap up by 11 not 1am.

Potential negotiation to application.

I am happy to adjust my application as follows;

Indoors and outdoors; Films, plays, sporting events, dance, boxing and wrestling.
Leave as current license.

Indoors; Live music until 11pm Sunday-Thursday, and until 12pm Friday and Saturday rather than 1am

Outdoors live music and recorded music; change to no later than 11pm

Live music or recorded music in the garden I am happy to be until 11pm

Including the garden as part of my license; as far as the plans I have seen the garden is already included in my licensable area however the council don't have the full plan so I want to re-establish it and make sure we are all on the same page.

Licensing objectives:

Crime and disorder:

Our staff will be trained further on being vigilant to the use of illegal drugs and anti-social behavior. Especially late at night.

I am happy to work with the council and become part of the BEST BAR NONE scheme.

I am happy if the council see necessary to install further CCTV to cover specific parts of the premises.

Staff will be trained further on the importance of not serving drunk or intoxicated people. Especially late at night.

Leaving my outside lights on for a set time after last customers leave to ensure nobody hanging around in the dark.

The police will be called immediately if I or any of my staff think something isn't right or suspicious in the local area or on my premises.

Prevention of Public Nuisance:

We will continue to empty bottles into skip in the morning and not at night.

I will ask customers leaving late to leave quietly, currently done with a polite notice on exits.

I will remove our wall-mounted ashtray and ask customers to smoke in the beer garden rather than on the street, and after closing I will ask customers not to hang around smoking and chatting on the street.

Public safety:

Leaving my outside lights on for a set time after closing to allow people to leave safely.

I have taxi numbers available or call taxis myself for anyone that needs to get home safely.

No glasses are allowed onto the street to avoid broken glass on the pavement or highway.

Anyone seen to be driving or possibly driving whilst drunk will be reported to the police.

Currently we have 4 personal license holders but I am willing to put all of my front of house team through the course so that more of them are fully aware of the laws.

Protecting children from harm:

Children are required to be with an adult and to leave the premises by 10pm,

I operate the challenge 21 scheme and ID is asked for.

Anyone with children will not be served if they seem to be under the influence of alcohol.

If there are any concerns of child welfare it shall be reported.

APPENDIX G

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Moorhead, Caroline

From: Sexton, Katy
Sent: 19 July 2017 09:37
To: Moorhead, Caroline
Subject: FW: Noise complaints - Tally Ho Inn

Katy Sexton
Environmental Health Technician
Exeter City Council,
Paris Street,
Exeter,
EX1 1JN
Email: katy.sexton@exeter.gov.uk
Tel: 01392 265161

From: Sexton, Katy
Sent: 13 July 2017 17:41
To: Licensing Team <licensing.team@exeter.gcsx.gov.uk>
Subject: Noise complaints - Tally Ho Inn

Hello

I have spoken to Pip and Caroline about some complaints received, here is some information regarding them... all are from different addresses.

8/7/17 9pm - Complaint of loud live music in the beer garden and high level of customer noise coming from a very busy pub.

8/7/17 9.20pm - Noise from Tally Ho pub with very loud live music being played in beer garden since 17.00.

8/7/17 9.25pm - Loud music from live band in beer garden. Also, general noise from large number of customers attending. Caller believes they are celebrating the landlord's 1st anniversary at the premises.

Let me know if any more info is required.

Katy Sexton
Environmental Health Technician
Exeter City Council,
Paris Street,
Exeter,
EX1 1JN
Email: katy.sexton@exeter.gov.uk
Tel: 01392 265161

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APPENDIX H

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Moorhead, Caroline

From: Ed Borthen <edborthen@hotmail.com>
Sent: 14 July 2017 13:01
To: Moorhead, Caroline
Subject: Re: Licensing Principles

Hi Caroline,
in regard to the event on Saturday 8th July.

As I know there are currently some sensitive issues going on regarding our current application of varying the premises license, I wanted to go with running the event to prove that it can be done with no trouble and as little nuisance to neighbours as possible.

With this in mind, I held the live music in the garden from 5pm until 9pm and it stopped no later than 9pm. There was no recorded music in the garden after 9pm. I stopped it at 9 as I felt this was adequate and would hopefully show neighbours that I wouldn't be carrying on late into the night.

The bar closed at 11pm on the dot and majority of punters had dispersed by 11.30 with the remaining few that were waiting for taxis gone by 11.45.

I felt it better to let them wait in the pub than on the street corner.

The doors to the pub were closed by 11.30 with no one else entering.

We did run an outside bar to relieve the pressure inside and I ran it myself to ensure it was done properly. It was open from 5-8pm.

There were no unsavoury people in our establishment that day and no trouble whatsoever. I didn't have any need to ask anybody to leave and as far as I'm concerned it was a very successful day with no problems. The music was played at a sensible level. People were pre-warned from our flyer.

Thanks
Ed

From: Moorhead, Caroline <Caroline.Moorhead@exeter.gov.uk>
Sent: 14 July 2017 10:18
To: 'Ed Borthen'
Subject: RE: Licensing Principles

Ed

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APPENDIX I

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Licensing Act 2003:

Variation of Premises Licence

Edward Borthen has applied to Exeter City Council Licensing Authority for a variation to the premises licence for The Tally Ho! 2 Countess Wear, Exeter, EX2 6LG

The variation seeks to amend the opening hours to 8.00am-00.00am Sunday to Thursday and 08.00-01.00 Friday & Saturday & licensable activities in line with this, also to add plays, films, boxing & wrestling, live music and performance of dance.

The variation also seeks to extend the licensable area to cover the gardens.

This application can be viewed at the Licensing Section, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ Monday to Friday 09:00 to 16:00

Representations must be made in writing to the Licensing Section at the address above by 6 July 2017.

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

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APPENDIX

J

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nationalcasework@df.t.gsi.gov.uk (quoting NATTRAN/SW/S247/2618) and may be inspected during normal opening hours at Exeter City Council, Civic Centre, Paris Street, Exeter, Devon, EX1 1JJ.

Any person aggrieved by or desiring to question the validity of or any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may, within 6 weeks of 22 June 2017 apply to the High Court for the suspension or quashing of the Order or of any provision included.

S Zamenzadeh, Casework Manager

Public Notices

Department for Transport

TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of 2 eastern part widths of Newcourt Way as leads off the A379 and a northern part width of the unnamed highway connecting to Newcourt Way at Exeter in the City of Exeter.

If made, the Order would authorise the stopping up only to enable development as permitted by Exeter City Council, under reference 13/4525/01 and 16/1269/02.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1JN in the 28 days commencing on 22 June 2017, and may be obtained, free of charge, from the address stated below (quoting NATTRAN/SW/S247/2809).

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at nationalcasework@df.t.gsi.gov.uk or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on 20 July 2017. Any person submitting any correspondence is advised that your personal data and correspondence will be passed to the applicant/agent to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your correspondence.

S Zamenzadeh, Casework Manager

Licensing Act 2003

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Edward Borthen has applied to Exeter City Council Licensing Authority for a variation to the premises licence for the Tally Ho! 2 Countess Wear, Exeter, EX2 6LG.

The variation seeks to amend the opening hours to 8.00am - 00.00am Sunday to Thursday and 08.00-01.00 Friday & Saturday & licensable activities in line with this, also to add plays, films, boxing & wrestling, live music and performance of dance.

The variation also seeks to extend the licensable area to cover the gardens. This application can also be viewed at the Licensing Section, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ Monday to Friday 09.00 to 16.00. Representations must be made in writing to the Licensing Section at the address above by 6 July 2017.

LICENSING ACT 2003

REWE SOCIAL CLUB have applied to the Licensing Authority at East Devon District Council for a new Premises Licence at REWE SOCIAL CLUB, MAIN ROAD, REWE, EX5 4EU to (1) Allow for the provision of Regulated Entertainments Monday to Thursday 10:00-00:00; Friday & Saturday 10:00-01:00; Sunday 11:00-23:00. (2) Allow for the supply/sale of alcohol Monday to Thursday 10:00-23:30; Friday & Saturday 10:00-00:30 and Sunday 11:00-22:30. (3) Allow non-members to attend specified events on the club premises as authorised by the club committee. A copy of the application can be viewed at the Licensing Authority's address during normal office hours. Any person wishing to make representations must do so by writing to The Licensing Manager, East Devon District Council, Council Offices, Knowle, Sidmouth, EX10 8HL by 13 July 2017.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

Anticipated Finish 10/7/17. Between the hours of 09:30 & 16:00. No person shall cause or permit any vehicle to park or wait on the sections of Affected Roads. Roads affected: MARSH BARTON ROAD, EXETER, LIMITED WAITING BAYS O/S NO 9 - FROM A POINT 30 METRES NORTH EAST OF THE EXTENDED BOUNDARY OF EXETER CAR SUPERMARKET /14 MARSH BARTON ROAD FOR A DISTANCE OF 26 METRES IN A WESTERLY DIRECTION. This temporary restriction is considered necessary to enable: INSTALL TREE & LAY DUCT. For additional information contact: MCNICHOLAS CONSTRUCTION SERVICES. Telephone: 0330 0558477 Dated: 13/6/17

Meg Booth, Acting Chief Officer of Highways, Infrastructure Development & Waste, Devon Highways Devon County Council Locombe House County Hall Exeter EX2 4QD Ref: TTRO1720039

market AC

ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14 THE COUNTY OF DEVON (TEMPORARY RESTRICTION) (WILLEYS AVENUE, EXETER) ORDER 2017 TEMPORARY PROHIBITION OF PARKING

NOTICE is hereby given that Devon County Council intends to make the above titled order. From 8/7/17 for a maximum of 18 months. Anticipated Finish 21/7/17. No person shall cause or permit any vehicle to park or wait on the sections of Affected Roads. Roads affected: WILLEYS AVENUE, EXETER, OUTSIDE BREWERS COURT - FROM A POINT 40M NORTH-WEST OF ITS JUNCTION WITH ISCA ROAD TO A POINT 72M NORTH-WEST OF THAT JUNCTION - BOTH SIDES OF THE ROAD. This temporary restriction is considered necessary to enable: EXCAVATION OF FOOTPATH & ROAD TO INSTALL A NEW SURFACE WATER DRAIN CONNECTION & MANHOLE. For additional information contact: MORGAN SINDALL PLC. Telephone: 01271 377777 Dated: 9/6/17

Meg Booth, Acting Chief Officer of Highways, Infrastructure Development & Waste, Devon Highways Devon County Council Locombe House County Hall Exeter EX2 4QD Ref: TTRO1720988

for a maximum of 18 months. Anticipated Finish 24/11/17. No person shall cause or permit any vehicle to proceed or wait on the sections of Affected Roads except for access to land or premises on or adjacent to those length of roads. Roads affected: MEADOW WAY, EXETER, OUTSIDE NO 1 TO OUTSIDE NO 31. The alternative, signed, route for vehicles will be via - KINGSWAY, CHURCH STREET & VICE VERSA. This temporary restriction is considered necessary to enable: REPAIRS TO RETAINING WALL. For additional information contact: BRIDGE CIVIL ENGINEERING LTD. Telephone: 01626 360888 Dated: 21/4/17

Meg Booth, Acting Chief Officer of Highways, Infrastructure Development & Waste, Devon Highways Devon County Council Locombe House County Hall Exeter EX2 4QD Ref: TTRO1720622

ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14 THE COUNTY OF DEVON (TEMPORARY RESTRICTION) (BLACKHORSE LANE, CLYST HONITON) ORDER 2017 TEMPORARY PROHIBITION OF THROUGH TRAFFIC & PARKING

NOTICE is hereby given that Devon County Council intends to make the above titled order. From 12/7/17 for a maximum of 18 months. Anticipated Finish 15/12/17. No person shall cause or permit any vehicle to proceed or wait on the sections of Affected Roads except for access to land or premises on or adjacent to those length of roads. Roads affected: BLACKHORSE LANE, CLYSTHONITON THERE IS NO ALTERNATIVE ROUTE. This temporary restriction is considered necessary to enable: TWO WEEKS OF SPECIFIED PERIOD TO COMPLETE LINK ROAD. For additional information contact: DEVON COUNTY COUNCIL. Telephone: 01392 382700 Dated: 6/6/17

Meg Booth, Acting Chief Officer of Highways, Infrastructure Development & Waste, Devon Highways Devon County Council Locombe House County Hall Exeter EX2 4QD Ref: TTRO1720701

refreshments (indoors) Monday to Saturday 23:00 - 01:00, Sunday 23:00 - 23:30. The activities are Supply of alcohol (on sales) Monday to Saturday 10:00 - 01:00 Sunday 10:00 - 23:00 All music played outside with cease at 21:30. An interested party or responsible authority wishing to make representations to this application may do so by writing to Licensing Section, Exeter City Council, Civic Centre, Paris Street, Exeter, EX1 1RQ not later than 13/07/17. Representations are public documents under the Data Protection Act. A copy of the application can be viewed at the Licensing Authority's address during normal office hours. It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000.

Goods Vehicle Operator's Licence

ECW Logistics Ltd of Unit 2, Peamore Truck Centre, Alphington, Exeter, EX2 9SL is applying to change an existing licence as follows:- To add an operating centre to keep 5 goods vehicles and 7 trailers at ECW Logistics Ltd, Unit 1, Poltimore Barton, Moor Lane, Poltimore, Exeter, EX4 4AQ.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

operating centre that their use or land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

Goods Vehicle Operator's Licence

Dalziel of 8 Belgate, Bellshill North Estate, Bellshill is applying to change an existing licence as follows:- To add an operating centre to keep 3 goods vehicles and 0 trailers at Mushroom Road, Business Park, Clydesdale, Exeter, EX5 1SB. Occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

We at MOBIL market

Planning Notices

NOTICE OF PUBLIC PATH DIVERSION ORDER TOWN AND COUNTRY PLANNING ACT 1990 (TCPA19 SECTION 257 AND SCHEDULE 14 EXETER CITY COUNCIL FOOTPATH NO 49 EXETER PUBLIC PATH DIVERSION ORDER 2015 (ORDER))

Exeter City Council (Council) gives notice that it has confirmed the above without modification.

The effect of the Order is to divert the footpath no 49 running through the St Loyes College site between Millbrook Lane and Exeter Crematorium (at OS grid reference 293544.4, 90796.6) to point B (OS grid reference: 90681.0) and create an alternative footpath instead on a line running from (OS grid reference 293411.4, 90641.4) to point B via point D (OS grid reference 293581.4 90522.8) on the attached plan (Plan).

A copy of the confirmed Order and Plan may be inspected free of charge at Council Offices at Exeter City Council Offices, Civic Centre, Paris Street, Exeter, Devon from 9.00am to 5.00pm Monday to Friday (excluding bank and public holidays). A copy may also be viewed on the Council's website: www.exeter.gov.uk/footpath.

Any person aggrieved by the Order and wishing to question its validity provision contained in the Order, on the ground that it is not within the powers of the TCPA 1990 or that any procedural requirement of the TCPA 1990 regulation made under the TCPA 1990 has not been complied with in relation to the confirmation of the Order may within six weeks from the date of this notice apply to the High Court under section 287 of the TCPA 1990.

Dated: 16 June 2017
Signed: B Al-Khalaji
City Solicitor & Head of HR
Exeter City Council, Civic Centre, Paris Street, Exeter, Devon, EX1 1JN

market

AC

via mobile
24/7
market

& Sell
where ever you are!

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REPORT TO LICENSING (SUB) COMMITTEE

Time and Date of Hearing: 28 JULY 2017 PART 1 Matter

Report of: Environmental Health and Licensing Manager

Type of Application: RENEWAL of a licence relating to a Private Hire vehicle over 8 years old.

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

Ward Application Refers to:

Not Applicable

Applicant: Mr T Goode

Premises Address: Not Applicable

1. What is the report about?

- 1.1 An application has been received from Mr Tony GOODE, a licensed taxi driver seeking permission for the renewal of a private hire vehicle licence for a vehicle which is over 8 years old at the renewal date. This is a matter that cannot be dealt with under delegated powers.

2. Are there any representations?

- 2.1 There is no provision in the legislation for anyone to submit representations relating to this kind of application.

3. Report details:

- 3.1 The vehicle is a Peugeot Expert E7 registration number SB06 NUU. The has been licensed as a private hire vehicle since 24 June 2009, the date of the vehicle's registration is 6 July 2006 making the vehicle over 10 years old at the renewal date and therefore cannot be dealt with under delegated powers.

The vehicle is a wheelchair accessible vehicle and is only used for a specific school run for special needs children attending the Mill Water School.

The existing policy in place regarding the renewal of private hire vehicles over 10 years old can be found at Appendix M Private Hire Licensing – Vehicle Specifications, M4, extracted from *(Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators) November 2016. Exeter City Council.*

I would draw your attention to the following extract from the policy.

‘Vehicles presented for renewal that are more 10 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies’.

- 3.2 The recorded mileage of the vehicle at the time of the last MOT (31 May 2017) was 182205 miles. The MOT is attached as a supporting document. The vehicle was inspected by an independent vehicle inspector on 15 June 2017 and the report is attached as a supporting document. This is attached as a supporting document. The vehicle was inspected by a Licensing Officer on 20 June 2017 and the vehicle appeared to be in a very good condition. Photographs are attached of the bodywork and the interior of the vehicle as supporting documents.

4. What are the legal aspects?

- 4.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that a district council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

a) that the vehicle is-

- i) suitable in type, size and design for use as a private hire vehicle;
- ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- iii) in a suitable mechanical condition;
- iv) safe; and
- v) comfortable;

b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licence are granted by the council.

- 4.2 Under Section 48(4)(c) of the Act the Licensing Sub-Committee may grant a licence for a maximum period of 12 months or such shorter period as they see as appropriate.
- 4.3 Any person aggrieved by a refusal of the Licensing Sub-Committee to grant a vehicle licence under Section 48 of the Act may appeal to the Magistrates Court within 21 days of receiving written notice of the refusal.

5. Recommendations:

- 5.1 The Licensing Sub-Committee are asked to determine the application having regard to current policy.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

N.B THIS IS NOT PART OF THE REPORT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

Your Application

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision announced.

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MOT Test Number

262083478293

Vehicle Registration Mark

SB06NUU

Vehicle Identification Number

VF3BARHWP86267569

Make

PEUGEOT

Model

EXPERT

Colour

Blue

Issuer's Name

J. MACKEEEN

Test Class

4

Country of Registration

Great Britain

Expiry Date

14 June 2018 (EIGHTEEN)

Issued

31 May 2017

Test Station

79573

Odometer Reading and History

31 5 2017: 182205 mi
13 6 2016: 170776 mi
15 6 2015: 153916 mi
9 5 2014: 141643 mi

Inspection Authority

REDLANDS SERVICE STATION
EXMOUTH ROAD
CLYST ST MARY
EXETER
EX5 1AR 01392873040

Additional Information

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 15 May 2018.

Signature of Issuer

Advisory Information

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded in the Driver & Vehicle Standards Agency's (DVSA's) database of MOT Test results; this can be verified at www.gov.uk/check-mot-status.
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy throughout the validity period of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items, they are drawn to your attention for advice.
 - 5 For further information about this document, please visit www.gov.uk/getting-an-mot or contact DVSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.

TOP ✓ MARQUES

VEHICLE EXAMINATION REPORT

YOUR ATTENTION IS DRAWN TO THE TERMS AND CONDITIONS BELOW

The examination of the vehicle described in this report was of a purely external, visual nature and excludes any dismantling. No responsibility can be accepted for defects not visibly present at the time, or those not detected which fall outside the scope of the examination and (where possible) its limited road test. Road tests, when possible, are conducted for a limited duration and exclude high speed testing. The accuracy of the instrumentation within the vehicle (speedometer, odometer, fuel and temperature gauges etc.), cannot be verified, neither can the future life expectancy of the clutch and brake linings, or the failure of mechanical components in the future. Statements on fuel and oil consumption levels will also be excluded.

Report No: TOP010	Inspection Date: 15/06/2017
Customer Details Mr. T Goode 21 Venny Bridge Pinhoe Exeter Devon	Inspection Address Top Marques Pinhoe Exeter Devon EX4 8JN
Telephone: 07967 879090	Telephone: 01392 464640

VEHICLE DETAILS

Make & Model	Peugeot Expert	Registration No.	SB06NUU
Colour	Blue	Engine CC	1997(approx)
Vehicle Identity Number. (VIN No.)	VF3BARHWB86267569		Confirmed Yes
Engine No: DYSX4027834			
V5 Registration doc checked	YES	MOT Certificate Expires	14/06/2018
Odometer Reading	182310 Miles	Service Records Seen	NO

MECHANIC SUMMARY

PLEASE READ ALL THE PAGES OF THE REPORT

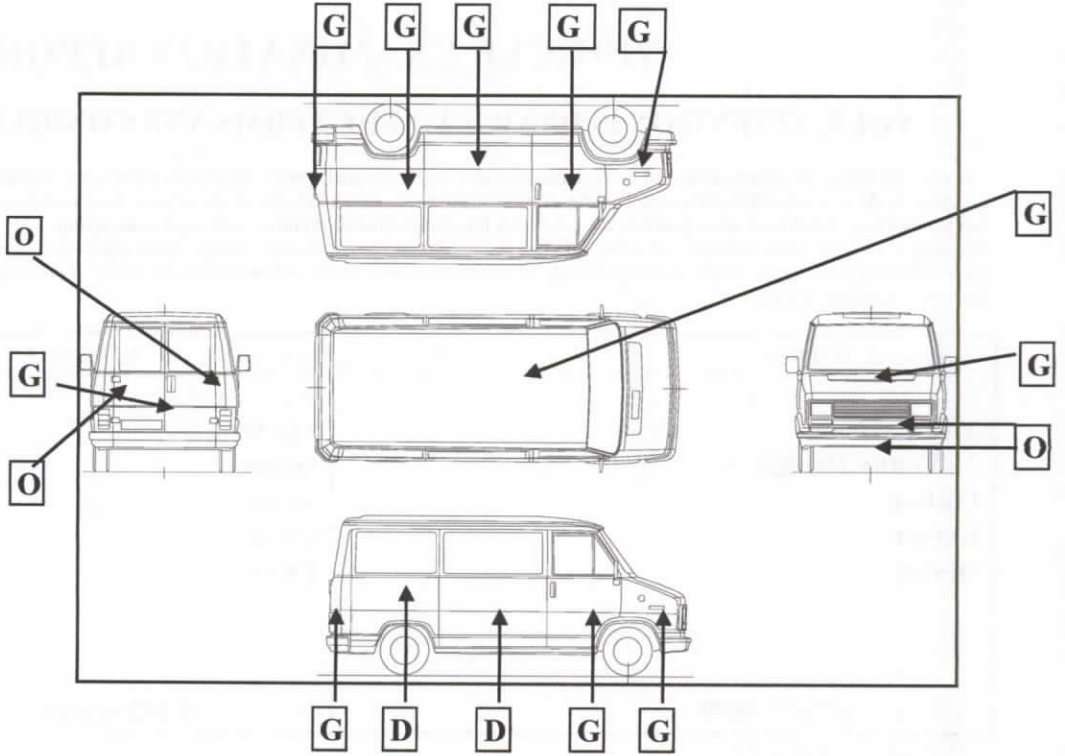
Wheel Chair fixing not checked with a wheel chair

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EXTERIOR PANELS

KEY:

A acceptable
 G good
 R repaired
 = scratch
 X dent
 C corrosion
 O chip / rust
 D decals
 P poor condition
 -- not checked



Taxi Colour: **BLUE**

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Minor blemishes, which are acceptable for the vehicle's age and type, are not recorded and you should satisfy yourself in this regard.

EVIDENCE OF BODYWORK REPAIRS **NO** No Major Repairs seen

Comments

Paint is peeling from around the rear door hinges
Has scuff marks on rear read and ¼ panel

KEY FOR POINTS ON FOLLOWING PAGES

S	Satisfactory for age and recorded mileage
--	Could not be checked
x	Needs immediate attention
A	Advisable repair
N/A	Not applicable
Y	Yes
N	No
C	See Engineer's comments

BODY EXTERIOR

1. Panel Condition/Alignment	S	5. Bumpers No plates – F/R	S	9. Body damage	Y
2. Paintwork	C	6. Door locks – operation	S	10. Corrosion	S
3. Exterior trim	S	7. Fuel filler cover and cap	S	11. Mud flaps None Fitted	N/A
4. Glass	S	8. Elevating Roof (operation/cond..)	N/A	12.	

ENGINE COMPARTMENT Diesel

13. Coolant Level/Condition	S	21. Clutch Fluid	S	29. Accelerator linkage	S
14. Coolant leaks	NO	22. Brake Fluid	S	30. Body panels	S
15. Antifreeze	S	23. Engine Oil level	S	31. Bonnet catch	S
16. Radiator/Cap	S	24. External leaks (engine)	NO	32. Bonnet hinges	S
17. Hoses/Pipes	S	25. Engine mountings	S	33. Cold starting	S
18. Drive Belts	S	26. Fuel Injection	S	34. Fast idle (cold)	S
19. Water Pump	S	27. Turbocharger	S	35. Noise level (cold)	S
20. Power Steering	S	28. Fuel pump/Pipes	S	36. Excess fumes/smoke	NO

Spark plugs, Injectors or Glow Plugs are not removed.

It should be noted that a gas analyser has not been used to check exhaust emissions.

If no documentation is seen indicating camshaft drive belt replacement, to ensure future serviceability, it is important that the belt is replaced immediately and then at intervals specified by the manufacturer. It is in your best interests that you ensure that this is carried out.

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ELECTRICAL / CONTROLS

37. Starting system/Ignition lock	S	43. Stop lights	S	51. Horn	S
38. Battery charging system	S	44. Indicator/Hazard lights	S	52. Radio/Cass./CD/Aerial	S
39. Voltages at battery:	S	45. Reverse / Fog lights	S	53. Heater(s) / Fan controls	S
normal	S	46. Auxiliary lights	S	54. Air Con operation	S
charging	S	47. Interior / Panel lights	S	55. Door locking	S
40. Headlights	S	48. Screen dimisters SELECT	S	56. Windows	S
41. Sidelights /Running lights	S	49. Mirrors (electric)	S	57. Wipers/Washers	S
42. Rear and No. plate lights	S	50. Controls/Instruments	S	58. Headlamp washers	N/A

INTERIOR / LUGGAGE COMPARTMENT

59. Steering Wheel/Adjustment	S	66. Door seals /hinges	S	73. Rear parcel shelf/blind	N/A
60. Seat upholstery – F/R	S	67. Interior sills	S	74. Boot/tailgate lock	S
61. Seat adjustment	S	68. Headlining/visors	S	75. Luggage/Load area trim con	S
62. Seatbelts – F/R	S	69. Sun roof(s) Elec.	N/A	76. Illumination light	A
63. Carpets – F/R	N/A	70. Dash panel (condition)	S	77. Tool kit etc	S
64. Door trim panels	S	71. Cigarette lighter(s)	S	78. Living Area (Visual Only)	N/A
65. Door fitting /operation	S	72. Mirrors (internal)	S	79.	

FRONT SUSPENSION / STEERING / UNDERFRAME

80. Engine underside leakage	NO	85. Wheel hubs/bearings	S	90. Sub-frames/mountings	S
81. Steering joints/ball joints	S	86. Springs/suspension units	S	91. Suspension arms/mountings/joint	S
82. Steering Rack and Pinion	S	87. Sphers/Pipes/Hoses	N/A	92. Tie bars/anti roll bars	S
83. Chassis members	S	88. Dampers (condition / leaks)	S	93. Corrosion protection	S
84. Power steering Hydraulic	S	89. Power steering pipes/gaiters	S	94. Corrosion – floor/chassis	NO

REAR SUSPENSION / UNDERFRAME

95. Springs/suspension bars	S	99. Location rods/fixings	S	103. Sub-frames/mountings/axles	S
96. Anti roll bar	S	100. Bump stops/gaiters	S	104. Chassis members	S
97. Dampers/bushes	S	101. Wheel hubs/bearings	S	105. Corrosion protection	S
98. Suspension arms/fixings	S	102. Spheres/Pipes/Hoses	N/A	106. Corrosion – floor/chassis	NO

CLUTCH / TRANSMISSION Automatic Gearbox

107. Fluid/Oil leaks	NO	111. Casings/Axles/Differential(s)	S	115. Backlash	S
108. Cables/adjustments	S	112. Mountings	S	116. Gaiters	S
109. Hydraulic system	S	113. Drive shaft assembly	S	117. Propeller shaft(s)	S
110. Linkage (wear)	S	114. Universal/sliding joints	S	118. Prop. Bearings/Supports	S

EXHAUST SYSTEM

119. Manifold(s)	S	121. Silencer(s)/Catalyst(s)	S	123. Joints/Couplings	S
120. Pipes	S	122. Heat shields/Mountings	S	124. System condition	GOOD

FUEL SYTEM

125. Tank	S	127. Fuel lines	S	129. Evidence of leaks	NO
126. Tank fixings	S	128. Breather pipes	--	130.	N/A

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BRAKES

131. Master cylinder security	S	134. Flexible hoses	S	137. Hand/Parkbrake op/adjustment	S
132. Fluid leaks	S	135. Pipes/Connections	S	138. Hand/Parkbrake linkage	S
133. Servo/Power system	S	136. Discs/Pads/Drums	S	139. Pedal/Linkage	S

WHEELS AND TYRES Type

140. Wheel Rims	S	Steel			
141. Wheel Trims	N/A				
Tyres	Make	Size	Type / Construction	Min tread depth	
142. RH Front	Powertrac	205/65/15	Radial/Tubeless	5-6mm	S
143. LH Front	Sailun	205/65/15	Radial/Tubeless	6-7mm	S
144. RH Rear	Autoguard	205/65/15	Radial/Tubeless	4-5mm	S
145. LH Rear	Eco 307	205/65/15	Radial/Tubeless	5-6mm	S
146.					
147.					
148. Spare					N/A

ROAD TEST

Finish Odom. Reading	182317 Miles	Conditions	Dry
Test Duration	7.4 Miles	Speed achieved up to	50 M.P.H.

149. Final drive op./Noise level	S	156. Instrument/Controls function	S	163. Road holding/Stability	S
150. Gearbox operation/noise level	S	157. Steering wheel alignment	S	164. General steering/Handling	S
151. Engine performance	S	158. Clutch operation	S	165. Footbrake operation	S
152. Engine noise	S	159. 4WD operation	N/A	166. Hand/Parkbrake operation	S
153. Excess smoke	NO	160. Cooling fan operation	--	167. Suspension noise	S
154. Overheating evidence	NO	161. Steering effort	S	168. Warning lights	S
155. Auto changes/Kickdown/Inhib.	S	162. Hot restarting	S	169.	

FINAL CHECK

170. Oil leaks	NO	171. Coolant leaks	NO	172.	
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Please read all pages of this report

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Essential & Desirable Repairs

It is strongly advised that the essential defects are investigated immediately or rectified prior to purchase of the vehicle and desirable repairs are carried out in the near future. Some defects may prove costly to rectify and this must be considered prior to purchase or authorising any remedial work.

Attention

Some vehicles are provided with a master key, which can be extremely costly to replace (sometimes in excess of £1000) as, in some cases, if the master key is missing the Engine Control Unit (ECU) may have to be replaced should you encounter problems. As well as this, some radios have codes to allow them to operate. Please satisfy yourself that you have all relevant keys and codes. You should also ensure you are given all relevant instruction manuals for the vehicle, radio, alarm and immobilisers as necessary

Item	Defect/Item requiring further investigation /rectification	D/X

Report Ref:	Reg. No:	Signed:	Mechanics Name:	Date:
TOP010	SB06NNU		Dave Carter	15/06/2017

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