

31 MAR

30 March 2017

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

**Representation in respect of the Application to Vary a Premises Licence for
The Rum & Crab Shack, 14 Catherine Street, Exeter EX1 1EU (Application
Number: 029284)**

Dear Sirs

I would like to lodge an objection to the above-mentioned application on grounds of public nuisance.

From the Licensing Section of Exeter City Council's website, I see that the applicant currently has a Premises Licence to:

- be open until 11pm Monday to Saturday and until 6pm on Sunday;
- play recorded music until 11pm Monday to Saturday and until 6pm on Sunday; and
- supply alcohol on the premises until 10:30pm Monday to Saturday and until 6pm on Sunday.

The applicant is now seeking to vary its Premise Licence to:

- be open until 1am Sunday to Wednesday and until 1:30am Thursday to Saturday;
- play recorded music until 12am Sunday to Wednesday and until 1:00am Thursday to Saturday; and
- supply alcohol on the premises until 12:30am Sunday to Wednesday and until 1:00am Thursday to Saturday.

Currently, the applicant plays extremely loud, repetitive, pulsating music fortnightly on a Saturday, each time ceasing sometime between the hours of 12:30am and 1am. This happens despite the applicant only having a Premises Licence to play music until 11pm on Saturdays. The applicant advertises these as 'Disco Nights' on its Facebook page which says they occur on the second and fourth Saturdays of each month.

The excessive noise created by these 'Disco Nights' is extremely annoying to me and other Princesshay residents, who live in the vicinity. Bedford House is approximately 25 metres away with mostly empty space in between. Many of the flats in Bedford House (including mine) overlook the Rum and Crab Shack. Even after the music finally stops, the patrons leaving the Rum & Crab Shack are still spilling out into the

street in the 1 o'clock hour. Some inevitably end up congregating in the St Catherine Ruins (shouting, singing etc) just outside Bedford House.

The idea that the applicant could soon be open until 1am to 1:30am and be permitted to play loud music until midnight to 1am every night is deeply disturbing and it is difficult to see that it will be anything other than a public nuisance to the residents who live nearby. The applicant's current behaviour (i.e. playing loud music up to two hours beyond its current licensed hours) provides strong supporting evidence to this assertion. Furthermore, the applicant's intended expansion to the first floor, with a large balcony facing Bedford House, would mean the effect of such noise would be exacerbated.

As an aside, when the Royal Clarence Hotel reopens its doors for business, its paying guests would no doubt also be disturbed by this public nuisance if the application to vary the Premise Licence were successful.

As a final point, I would like to say that I have no ill feelings towards the Rum and Crab Shack or its owners. I think it is an excellent restaurant. I have eaten there several times and on many occasions have recommended it to friends and visitors. For the avoidance of doubt, I would have no objections to the part of the application which seeks to extend the current licence from 14 Catherine Street to 15 Catherine Street if the hours it can play music and serve alcohol are not increased beyond 11pm.

I hope you will note the concerns I have raised regarding noise and public nuisance and reject the application to vary the Rum and Crab Shack's Premises Licence in its current form.

If you require any further information from me, please do not hesitate to contact me. Thank you for considering this representation.

Yours faithfully



LT Howell MBA BEng(Hons) FIFireE FRSA
Chief Fire Officer

**Licensing Department
Exeter City Council
Civic Centre
Paris Street
Exeter
EX1 1JJ**

**Central Command
East Group
Middlemoor Fire Station
Sidmouth Road
Exeter
Devon
EX2 7AP**

Your ref :
Our ref : BL839963/MS
Website : www.dsfire.gov.uk

Date : 27 March 2017
Please ask for : Martin Sleigh
Email : msleigh@dsfire.gov.uk

Telephone : 01392 357200
Fax : 01392 357213
Direct Telephone : 01392 357221

Dear Sir / Madam

Licensing Act 2003

Application for a Variation to a Premises Licence

**Re: Kankar Ltd, Rum & Crab Shack, 14 – 15 Catherine Street, Exeter,
EX1 1EU**

This letter is to inform you that an application dated 14 March 2017 for a variation to the Premises Licence for the above address was received by the Fire and Rescue Authority on 16 March 2017.

The application is being processed and if the Fire and Rescue Authority considers that a fire safety inspection is necessary, any fire safety matters arising from that inspection will be dealt with by the Fire and Rescue Authority under the Regulatory Reform (Fire Safety) Order 2005.

The responsible person must record the significant findings of their fire risk assessment; the Fire and Rescue Authority considers that the significant findings should include an evaluation of the means of escape and the number of people that can safely be accommodated at the premises. Capacity should normally include staff and performers. Guidance on fire risk assessment for the various types of licensed premises: small/medium places of assembly, large places of assembly, theatres/cinemas and open air events as well as a document addressing means of escape for the disabled can be downloaded from <https://www.gov.uk/workplace-fire-safety-your-responsibilities> or purchased from bookshops.

Yours faithfully



**Martin Sleigh
Business Safety Officer**

c.c. Mr N Hayes (neythhayes@gmail.com)

Lane, Phillippa

From: Lane, Phillippa on behalf of Licensing Team
Sent: 29 March 2017 09:57
To: Caroline Moorhead
Subject: FW: Vary Premises Licence Rum and Crab Shack Exeter

FYI XXX

Phillippa Lane
Senior Licensing Officer
01392 265543
phillippa.lane@exeter.gov.uk

From: Barry.SLEIGHT@devonandcornwall.pnn.police.uk [mailto:Barry.SLEIGHT@devonandcornwall.pnn.police.uk]
Sent: 28 March 2017 09:55
To: 'neythhayes@gmail.com' <neythhayes@gmail.com>; 'Chrismcquire82@hotmail.com' <Chrismcquire82@hotmail.com>
Cc: Licensing Team <licensing.team@exeter.gcsx.gov.uk>; BEAN John 53572 <John.BEAN@devonandcornwall.pnn.police.uk>
Subject: Vary Premises Licence Rum and Crab Shack Exeter

Good Morning Neythan and Chris

Thank You both for assisting me to decide the Police response to your application.

On receipt the application it was difficult to follow with various named premises and their licences being involved and plans that did not really match the application. Thanks to Caroline from the Council Licensing Department the licensable area was finally resolved.

As you are aware I met with Chris at the Premises to discuss your business plan and application. A lot of aspects fell into place by doing the site visit.

On arrival I noted the Blue Notice was positioned in a side window not really visible to passers-by and Chris moved it to the front at my request.

I note your building work is complete and you have started operating in the extended area which is the reason for this application.

As this area is unlicensed I would have expected you to be operating with Temporary Event Notices but to my knowledge none were in place unless they had previously been accepted by Mr Bean. I have been told that the Council Licensing Department had accepted use of the area.

With reference to the application the non-standard timings days requested had no end times i.e. Bank Holiday Weekends New Year's Eve and Christmas Eve. Once an application has been submitted and advertised you cannot add to it. I pointed this out to Chris and he stated he would ask that these days be removed but would like to keep New Year's Eve. As New Year's Eve can be deregulated I was content for it to stay subject to approval of the Licensing Authority. We agreed a time of Licensable activities to cease at 02.30 Premises close 0300. **See Below**

We further discussed your business plan and future use of the premises which has now moved from a small restaurant to a late night bar bistro. However with no additional conditions offered to protect the 4 Licensing Objectives. In a previous E Mail Neythan had stated the new Licence should mirror that of The Milkmaid.

Following some discussion Chris and I agreed the following

Non Standard Timings New Year's Eve only, Licensable Activities finish 02.30 Premises Close 03.00.

Additional conditions to Rum and Crab Shack Licence

CCTV will be installed Operated and Maintained to the satisfaction of The Licensing Authority and Chief Officer of Police. Images will be kept for a minimum of 28 days copies of which will be supplied to The Licensing Authority and Police upon request.

The premises will adopt a Challenge 21 policy the only acceptable forms of I.D. will be Passport, Photo Driving Licence and Government Approved PASS card

On Friday and Saturday nights SIA security staff shall be employed at the premises from 21.00 at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk for events at the premises. A written risk assessment shall be prepared . The risk assessment shall be made available for inspection by the authorities on demand.

An incident book will be kept at the premises and any incident of violent and disorderly behaviour occurring at the premises will be logged along with Challenges and refusals. The incident book will be made available upon request by The Licensing Authority or Police.

Notices will be placed at the outside of the premises reminding customers to leave quietly.

There will be no customers or music outside the premises after 23.30

If you are still happy with this agreement please return this E Mail to me duly authorised with your agreement and send a copy to licensing.team@exeter.qcsx.gov.uk for their information

May I remind you that the Milkmaid has a CCTV condition. Conversation with Chris indicated there may be a problem with the system which should be repaired as soon as possible

I wish you the best with your venture.

Regards Barry

Barry Sleight
Teignbridge, East and West Devon Licensing Officer
Licensing Department (East), Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon EX2 7HQ
Tel: 01392 226380
Fax: 01392 452447
Mobile: 07736084178
Email: licensingeast@devonandcornwall.pnn.police.uk

Contact Devon & Cornwall Police on 101@devonandcornwall.pnn.police.uk
Textphone 18001 101 for the deaf, hard of hearing or speech impaired
Always call 999 in an emergency

Devon and Cornwall Police aims to serve the communities of Devon and Cornwall and help inspire greater confidence in the Police. For more information please visit our website at www.devon-cornwall.police.uk
