

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)

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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,


J. [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:
Sent:
To:
Subject:

[REDACTED]
04 July 2017 14:19
Licensing Team
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]
[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, Phillippa; 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 for 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]

[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]

[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 & later will unfortunately increase problems with noise at

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]

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.

[REDACTED]



05 JUL 2017

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.

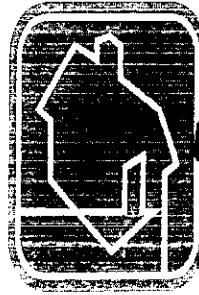
I object strongly to this application, as the late night entertainment licence and the extension of the licence to the garden area, will have a massive detrimental and environmental affect on the surrounding houses, if the variation applied for is granted.

Yours sincerely

[Redacted signature]

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.

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 Borthorn, 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

[Redacted signature]

[Redacted signature]

[Redacted signature]

[Redacted signature]

[REDACTED]
[REDACTED]
[REDACTED]
03 JUL 2017

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]
[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]
[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 licence 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]
[REDACTED]
[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 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 ^{expressly} 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 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 700m 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 everyone 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 bolalduier) 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]
[REDACTED]
[REDACTED]

5.1. 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 ^{used} 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 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]
[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 usage 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.

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

Sent from my iPad 

[REDACTED]

27 June 2017 10:11
Licensing Team
Re: Tally Ho license

Re: Tally Ho license

as noisy pub leaver

30 us 1015; per 1015

[REDACTED]

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

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[REDACTED]

From: [REDACTED]
Sent: 05 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]

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Please think before you print

05 JUL 2017

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

Dear Sirs

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

I am writing to express my concern
regarding the proposed variations
to opening hours to midnight on
weekdays & 1.00 am on Fridays &
Saturdays. 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]

[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]
[REDACTED]
[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 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 ^{expressly} 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 700m parking spaces belonging to the pub. Opposite the pub and also used by the adjacent church, Village Hall, and church rooms are approx another 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 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?

4. 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 laddier) 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 Comers near Road + School Lane (double yellow lines and a blind corner).

Yours faithfully

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 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?