

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I  X

*(Insert name of applicant)*

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

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Globe Inn 39 Clifton Road Exeter	
<b>Post town</b> Exeter	<b>Post code (if known)</b> EX1 2BL

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Unknown
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<b>Number of premises licence or club premises certificate (if known)</b> Unknown
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

**Surname**

X

**First names**

X

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

X Belmont Road

**Post town**

Exeter

**Post Code**

EX1 2HG

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANTS**

Name and address

X  
X Belmont Road  
Exeter

X  
X Belmont Road  
Exeter

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

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

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

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

Please tick one or more boxes ✓

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

**Please state the ground(s) for review** (please read guidance note 2)

We are writing to request a council led review of the premises license currently granted to The Globe Inn, 39 Clifton Road, Exeter. My request is based on all four of the city's licensing objectives, the Prevention of Public Nuisance provisions of the Licensing Act 2003 and associated Exeter City Council Licensing Policy (ECCL) 2015 and as well as breaches of the existing premises licence and planning consent granted to the Globe Inn.

We would like to kindly direct the committee's attention to the following provisions of the ECCL policy:

**Section 3: Legal background**

*3.4 In formulating this Policy Statement, the Licensing Authority has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the Licensing Authority, is to ensure that a licensing decision does not breach such a right.*

**Section 6: Premises Licences**

*6.5 The operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule will also address minimising the potential for the building structure to carry sound and vibration through to other adjoining premises. The applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises.*

*6.6 Any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence. In particular, the Licensing Authority will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The Licensing Authority will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout sufficient to cause nuisance short of statutory nuisance from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting.*

*6.9 In some circumstances licensed premises with amplified music adjoining, or in*

*very close proximity to, residential properties may not be appropriate. A similar situation can arise in relation to disturbance caused by the dispersal of customers where in some circumstances, large numbers of customers leaving premises late at night or early in the morning is simply not appropriate.*

*6.10 All noise reduction measures; installation of an approved sound limiting device to prevent sound exceeding the appropriate level and any other acoustic attenuation necessary to minimise, if not remove noise breakout, and the level of noise breakout to be approved, shall be by a suitably qualified acoustic consultant after consultation with the appropriate officer at the pre-application meeting.*

### **Section 9: Location of premises, licensing hours and prevention of nuisance**

*9.2 The Licensing Authority understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of Midnight and 07:00.*

*9.3 It is therefore the policy of the Licensing Authority to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their merits.*

*9.4 In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.*

*9.6 In relation to operating schedules the Licensing Authority will expect that all operating schedules indicate fully and clearly the steps an applicant is taking to promote the licensing objectives.*

*9.7 Any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public.*

*9.8 The proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:*

*e) locating smoking areas away from residential premises*

### **Section 12: Variable closing times**

*12.1 When the current licensing regime passed to local government in 2005, one*

*of the aims was to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government abolished fixed licensing hours in favour of hours suitable for individual premises.*

**Section 14: Smoking**

*14.2 The Licensing Authority may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter. In this regard leaving premises also includes standing on the street or curtilage of premises in order to smoke.*

In addition, we ask the committee to consider the World Health Organisation's guidelines on Community Noise with particular regard to Item 4.2.3 regarding maximum allowable noise levels in conjunction with section 3.4 of the ECCL policy.

**Please provide as much information as possible to support the application** (please read guidance note 3)

We trust that the licensing committee will find the log of evidence of complaints by residents to Environmental Health over the past two years and the police sufficient to take action. I would like to highlight the following issues in particular:

- Sound insulation is inadequate
  - Windows and doors are propped open
  - A lack of secondary glazing
  - Broken windows
- Alcohol is being consumed in the street
- Intoxicated patrons are served alcohol
- A lack of licensee signage
- Alcohol is being consumed on the street
- Smokers outside the Globe cause secondary smoke to enter the properties on Albert Street
- Littering by patrons
- An inability of the Globe Inn management to control patrons during functions and when leaving the premises
- Threatening behaviour
- Affray is frequently being committed
- The licensee is frequently not on site and staff are inadequately trained
- Children and families are in of their safety and do not have respect for their home and private life

In addition, frequent violations of the planning consent granted to use of the function room are also occurring:

- Opening of the fire door in the function room
- Use of amplified sound within the function room

A number of inconsistencies in the license are also apparent:

- Annex 2 requiring that Doors and Windows be kept shut after 20:00 is inconsistent with the continued use of the beer garden after this time. If the intention is to prevent noise from escaping, then use of the beer garden should also be restricted to 20:00.
- The removal of secondary glazing in recent years has increased the amount of noise emanating from the pub

We ask that the committee consider adding the following constraints to any license for the premises:

- PN20 is added as a constraint to the licence: “No noise shall emanate from the premises or vibration be transmitted through the structure of the premises which gives rise to a nuisance.”
- PN 36 is added as a constraint to the licence “Noise levels emanating from the premises between 20:00 and 08:30 hours and measured at the boundaries of neighbouring properties of the Globe Inn shall not exceed 40dB when measured as a 5 minute LAeq”.
- PN34 is added as a constraint to the license: “Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.”
- PN 37 is added as a constraint to the licence: “A direct telephone number for the Licence holder or nominated person at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.” This should be a mobile number to a phone carried by a nominated supervisor.
- G2 is added as a constraint to the license “The handling of kegs and / or bottle disposal shall not take place between the hours of 18:30 and 08:30”
- G3 is added as a constraint to the license “The delivery of goods shall not take place between the hours of 08:30 and 18:30”.
- G11 is added as a constraint to the license: “No outdoor area of the premises may be used by customers or staff after 20:00 on any day”
- N 10 is added as a constraint to the license: “All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.”
- A constraint to the licence to prevent the building of any permanent outside bar
- A constraint to the licence specifying that any event held at the Globe Inn utilising the Upper Lounge with more than 25 people has professional security hired to manage the area.
- To retain the Annexe 2 constraint in the current licence requiring that windows and doors are kept shut after 20:00
- To reconfigure the upper balcony access area to prevent patrons congregating and using it as a smoking or outside terrace after 20:00
- A formal noise monitoring management strategy is adopted and regularly reviewed with residents and other interested parties

We also ask that the committee take in to account the frequent turnover in licensee holders for the premises. This results in the residential properties surrounding the premises being forced to continually negotiate informal arrangements which can be changed without warning by a new license holder. The above variations would set clear boundaries for what constitutes acceptable practise. We trust that the above requests are in keeping with the spirit of what is advertised as a community pub.

**Please tick ✓ yes**

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓

yes

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

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

