

## LICENSING SUB-COMMITTEE

**Date:** Tuesday 9 July 2024

**Time:** 10.00 am

**Venue:** Rennes Room, Civic Centre, Paris Street, Exeter

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

If you have an enquiry regarding any items on this agenda, please contact Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486 or email [committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk)

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street..

*Panel -*

Councillors Snow, Harding and Holland

### Agenda

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

1 **Appointment of Chair**

To appoint a Chair for the meeting.

2 **Declarations of Interest**

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

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

***It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:***

**“RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

To pass the following resolution:

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

### **LICENSING ACT 2003**

**4 Application to Vary the Premises Licence - Quayside Distillery, 60A Haven Road, Exeter EX2 8DP**

To consider the report of the Service Lead - Environmental Health & Community Safety.

(Pages 3 - 98)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265275.**

## REPORT TO LICENSING SUB COMMITTEE

<b>Date of Hearing:</b>	<b>09.07.2024</b>
<b>Report of:</b>	<b>Service Lead - Environmental Health and Community Safety</b>
<b>Type of Application:</b>	<b>To seek a VARIATION of the premises licence for Quayside Distillery</b>
<b>Premises Address:</b>	<b>60A Haven Road, Exeter, Devon, EX2 8DP</b>
<b>Legislation:</b>	<b>Licensing Act 2003 (“the Act”)</b>
<b>Applicant:</b>	<b>Quayside Distilling Limited</b>

### **1. What is the report about?**

- 1.1 The application and plan attached as Appendix A has been received by the Licensing Authority for the Variation of a premises licence at 60A Haven Road Exeter.
- 1.2 The existing premises licence and plan is attached at Appendix B together with the minor variation to permit off-sales in sealed containers at Appendix B.1.
- 1.3 The application seeks to extend the area of the licensed premises to include a pontoon shown edged red on the application plan with a bar and seating area.
- 1.4 The Premises is situated in the Quay area of Exeter which consists of businesses and residential properties. A satellite map of the area is attached at Appendix B.3.
- 1.5 The Applicant has included additional conditions in the Operating Schedule located at section 16 of the Application in order to promote the Licensing Objectives. In addition the Applicant has submitted further detail in an e-mail dated 10<sup>th</sup> June to the Licensing Authority attached at Appendix B.2.

### **2. Are there any representations?**

- 2.1 The last date for receiving representations was 14 June 2024. Six representations have been received objecting to the Application relating to all four Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm.
- 2.2 Four representations have been received from local residents attached at Appendix C, C.1, C.2 (including a short video), and C.5.

2.3 Two representations have been received from responsible authorities under section 13 of the Licensing Act 2003. Environmental Health attached at Appendix C.3 and Planning attached as Appendix C.4.

2.4 No representations have been received from any other responsible authorities.

### **3. Report details:**

3.1 The application was advertised on the Premises and in the local newspaper on 17 May 2024 in line with above legislation. The Premises advertisement is at Appendix D and the newspaper advertisement is at Appendix E.

### **4. What are the legal aspects?**

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

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

4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised December 2023 which can be viewed at: [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk); and

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

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

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

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

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

### **5. Recommendations:**

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

**Service Lead – Environmental Health & Community Safety**

Author: **Julie Bennett** Licensing Officer

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

Background papers used in compiling this report:-  
None

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275

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# APPENDIX A

Application Form





\* required information

### Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

GEORGE

\* Family name

NIGHTINGALE

\* E-mail

info@quaysidedistillery.co.uk

Main telephone number

01392322799

Include country code.

Other telephone number

07720274838

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

13269898

Business name

QUAYSIDE DISTILLING LIMITED

If your business is registered, use its registered name.

VAT number

GB

393856641

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

12,000

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

TO EXTEND THE EXISTING LICENSABLE AREA TO INCLUDE SEASONAL USE OF A PONTOON IMMEDIATELY OUTSIDE THE PREMISES.  
TO INCLUDE DISPENSE OF ALCOHOL & FOOD FROM THE PONTOON

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to  
vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to  
vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

### Section 7 of 18

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

### Section 8 of 18

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

### Section 9 of 18

#### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

### Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

### Section 11 of 18

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes  No

### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

**Continued from previous page...**

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NO CHANGE TO EXISTING HOURS

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NO CHANGE TO EXISTING HOURS

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NO CHANGE TO EXISTING

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

NOT RELEVANT TO THE APPLICATION

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

*Continued from previous page...*

THE INSTALLATION OF CCTV ON THE PONTOON AND THE RELOCATION OF THE CCTV MONITOR TO BEHIND THE INTERNAL BAR

b) The prevention of crime and disorder

TO LIMIT THE USE OF THE PONTOON TO 11PM DUE TO THE RESIDENTIAL LOCAION OF THE PREMISES.

c) Public safety

THE PERIMETER OF THE PONTOON TO BE BUILT UP WITH BENCH SEATING RATHER THAN BAR OR VERTICAL DRINKING TO AVOID THE POTENTIAL OF DISPOSAL OF ITEMS INTO THE WATER

d) The prevention of public nuisance

TO LIMIT THE USE OF THE PONTOON TO 11PM DUE TO THE RESIDENTIAL LOCAION OF THE PREMISES.

e) The protection of children from harm

TO APPLY ALL CURRENT CONDITIONS UTIL

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

1

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

**Continued from previous page...**

\* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/exeter/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

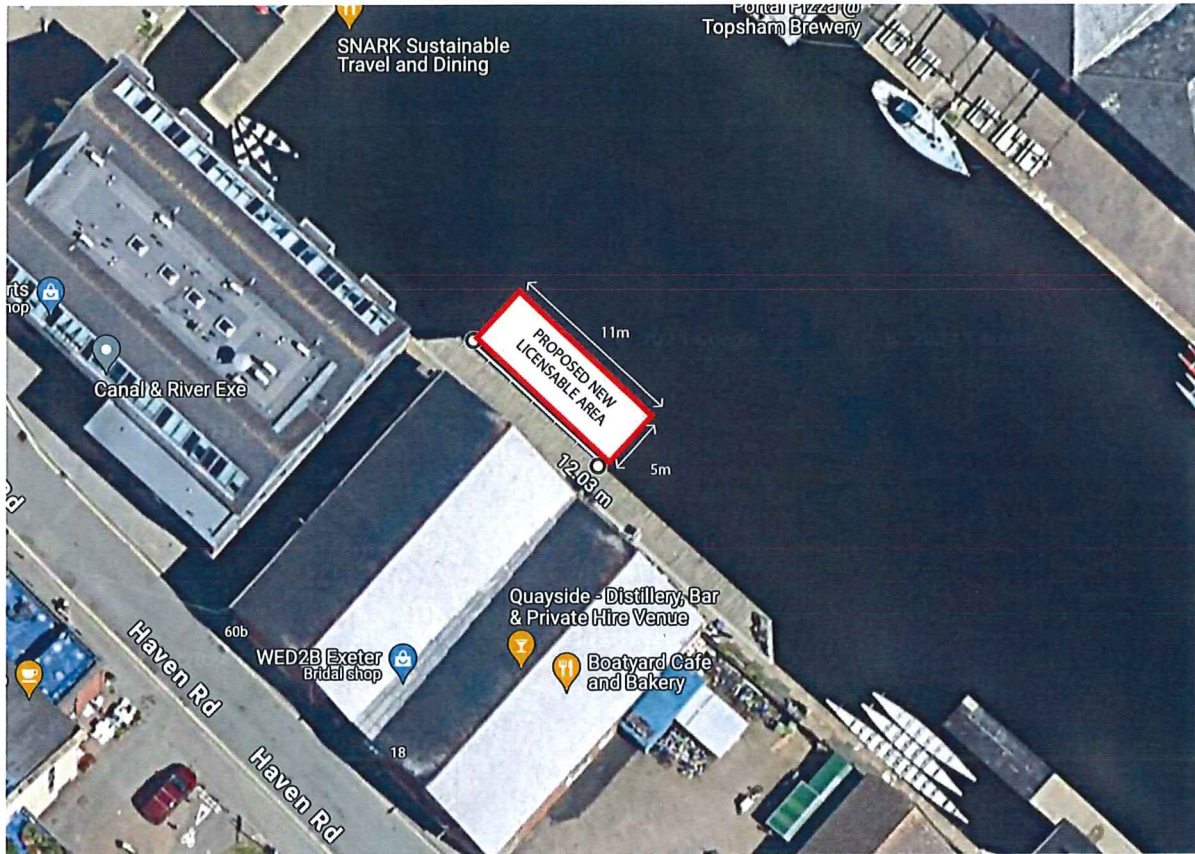
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# Proposed plan

Quayside Distillery Ltd 22 - April 2024

Plan for new proposed area – Pontoon





# APPENDIX B

Existing Licence



## Licensing Act 2003 - Premises Licence

### Quayside Distilling EXE-P00622

#### Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
60A Haven Road, Exeter, Devon, EX2 8DP,	
WHERE THE LICENCE IS TIME LIMITED, THE DATES	
Not applicable, licence is not time limited.	
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE	
Supply of Alcohol Live Music Recorded Music	
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
<b>Supply of Alcohol</b> (Alcohol is supplied for consumption both on and off the Premise)	
Friday and Saturday	09:00 - 00:00
Sunday to Thursday	09:00 - 23:00
<b>Live Music</b>	
Friday and Saturday	12:00 - 00:00
Sunday to Thursday	12:00 - 23:00
<b>Recorded Music</b>	
Friday and Saturday	12:00 - 00:00
Sunday to Thursday	12:00 - 23:00
THE OPENING HOURS OF THE PREMISES	
Saturday and Sunday	07:00 - 00:30
Sunday to Thursday	07:00 - 23:00
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES	
Alcohol is supplied for consumption both ON and OFF the Premises	
NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF	

PREMISES LICENCE	
George Nightingale 60A Haven Road Exeter EX2 8DP	
Email address	<a href="mailto:info@quaysidedistillery.co.uk">info@quaysidedistillery.co.uk</a>
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)	
13269898	
NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
George Nightingale Spoken, 43 The Strand, Exmouth, Devon, EX8 1AL	
PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL	
Licence No. EDVE0280	Licensing Authority: East Devon



## ANNEX 1 – MANDATORY CONDITIONS

### ANNEX 1 - Mandatory Licensing Conditions.

#### Supply of alcohol

No supply of alcohol may be made under the premises licence:-

1. at a time when there is no designated premises supervisor in respect of the premises licence, or
2. at a time when the designated premises supervisor does not hold a personal licence or his personal licence has been suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Registered door staff

Each individual carrying out a security activity must be licensed by the Security Industry Authority other than

1. in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
2. in respect of premises in relation to any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
3. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

#### For the purposes of this section

security activity means an activity to which paragraph 2(1)(a) of that Schedule applies, and paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### Minimum permitted price for the sale or supply of alcohol

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
  - (b) permitted price is the price found by applying the formula-
$$P = D + (DV)$$
where-
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) relevant person means, in relation to premises in respect of which there is in force a premises licence-
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) value added tax means value added tax charged in accordance with the Value Added Tax Act 1994(b).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ( the first day ) would be different from the permitted price on the next day ( the second day ) as a result of a change to the rate of duty or value added tax.

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

#### Irresponsible promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

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

#### Potable water

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

#### Age verification

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

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

#### Minimum measures

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### Exhibition of films

The admission of children to the exhibition of any film to be restricted to:

1. Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

2. Where

a) The film classification body is not specified in the licence, or

b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

3. In this section

children means persons aged under 18; and

film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

## **ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **A N N E X E 2 - Conditions Consistent with the Operating Schedule**

All staff must be adequately trained in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness, underage age sales, emergency procedures and general safety precautions. Records must be kept of all training and refresher training.

An incident book must be maintained. All details of any occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection upon request.

Staff authorised by the license holder must check the premises before it opens to the public to ensure there are no risks to patrons and that all safety precautions are in place.

The telephone numbers of local taxi operators must be easily accessible at the premises for the benefit of customers.

All areas must be kept clear and clean of rubbish and glasses for easy access around the premises.

The electrical system at the premises must be checked annually by a competent electrical engineer.

The gas system, including appliances, must be inspected annually and tested by a Gas Safe Registered engineer and a satisfactory Gas Safety Certificate will be obtained.

The fire safety measures provided on the premises must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005.

An adequate and appropriate supply of first aid equipment and materials must be available on the premises.

The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.

Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at the exit.

The licence holder, or persons authorised by them, must control the volume of recorded music taking place at the premises.

A challenge 25 policy must be employed where those individuals who appear to be under the age of 25 attempting to purchase alcohol must be asked for identification. The only type of ID that must be accepted is PASS accredited ID, passport or photo driving licence.

**ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING**

Annexe 3 - Conditions following a Hearing

None attached

**ANNEX 4 – PLANS**

Please see attached



## Licensing Act 2003 - Premises Licence Summary

### Quayside Distilling EXE-P00622

#### Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION	
60A Haven Road, Exeter, Devon, EX2 8DP,	
WHERE THE LICENCE IS TIME LIMITED THE DATES	
Not applicable	
LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE	
Supply of Alcohol Live Music Recorded Music	
THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES	
<b>Supply of Alcohol</b> (Alcohol is supplied for consumption both on and off the Premise)	
Friday and Saturday	09:00 - 00:00
Sunday to Thursday	09:00 - 23:00
<b>Live Music</b>	
Friday and Saturday	12:00 - 00:00
Sunday to Thursday	12:00 - 23:00
<b>Recorded Music</b>	
Friday and Saturday	12:00 - 00:00
Sunday to Thursday	12:00 - 23:00
THE OPENING HOURS OF THE PREMISES	
Saturday and Sunday	07:00 - 00:30
Sunday to Thursday	07:00 - 23:00
WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND /OR OFF SUPPLIES	
Alcohol is supplied for consumption both ON and OFF the Premises	
NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE	



**Exeter**  
City Council

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

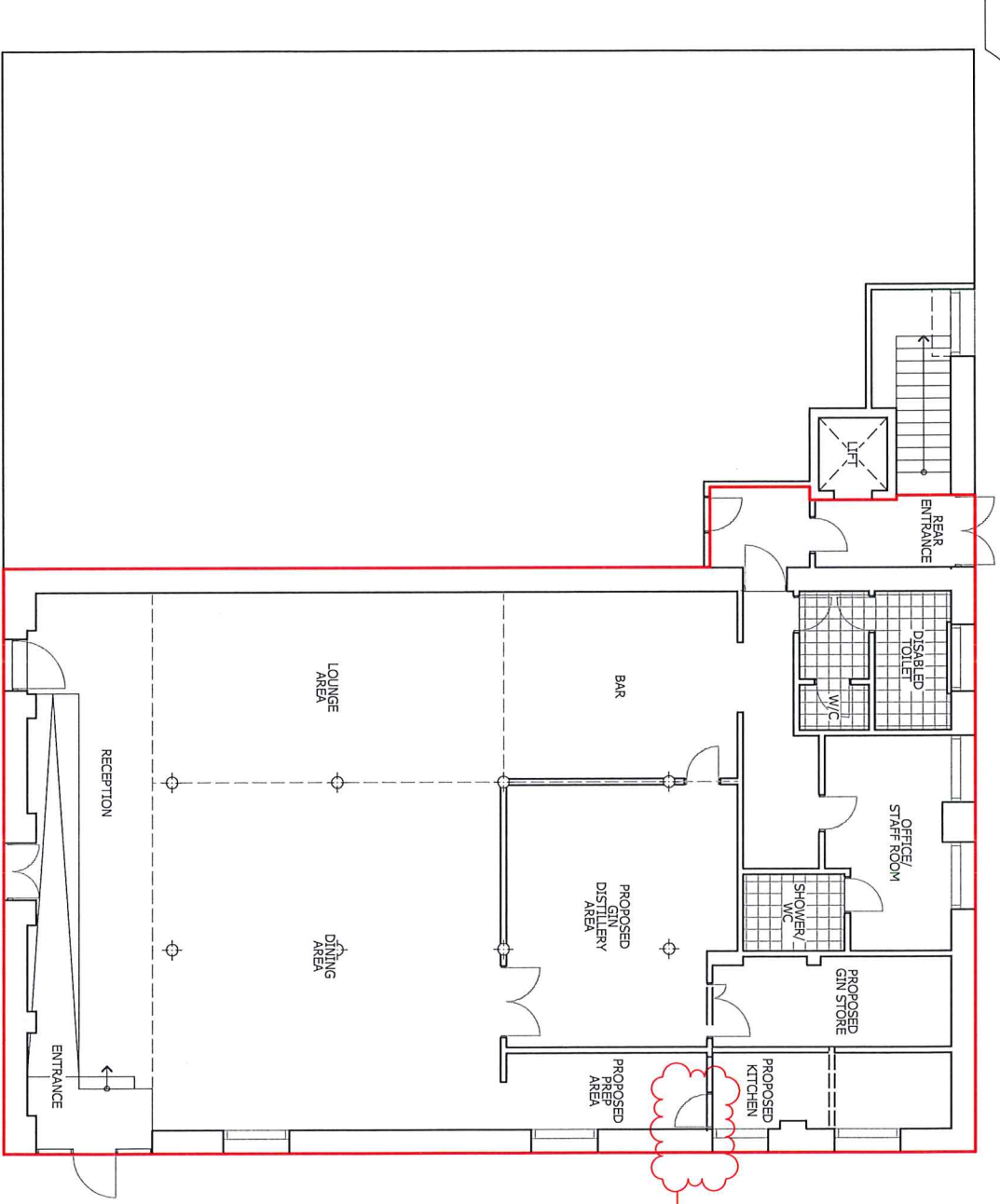
Tel: 01392 265702

e-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

George Nightingale 60A Haven Road Exeter EX2 8DP	
Email address	<a href="mailto:info@quaysidedistillery.co.uk">info@quaysidedistillery.co.uk</a>
<b>REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)</b>	
13269898	
<b>NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL</b>	
George Nightingale	
<b>STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED</b>	
Restricted only by the Licensing Act 2003	

HAVEN ROAD

*Current plan*



**TIC U Required**  
By Building  
Control Code  
G10  
Fire Door w/  
Head-caps  
Devices



**Issue: 1**  
**BUILDING NOTICE**  
This issue supersedes ALL previous editions

NOTE: DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE.  
ALL DIMENSIONS ARE STATED IN MILLIMETRES.  
ALL SPOT HEIGHTS AND LEVELS ARE INDICATED IN METRES.  
NOTE: THIS DRAWING IS FOR PLANNING APPLICATION PURPOSES ONLY AND IS NOT TO BE USED FOR THE PURPOSES OF CONSTRUCTION.  
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**Key (Walls)**

	Existing
	Demolish
	Proposed

Total Proposed Gross Internal Area: 55m<sup>2</sup>

**Paul Humphries ARCHITECTS**

No. 4,  
498 Salterton Road,  
Exmouth,  
Devon, EX8 2EF  
T: 01395 276598  
F: 01395 222800  
www.paulhumphriesarchitects.co.uk  
Paul J. Humphries  
Architect (No. 222800)

60A Haven Road	
The Client: Quayside Drilling Ltd	
Date	No. Revision

**Proposed Ground Floor Plan GA**

Job No: 21-890

Scale: 1:100  
Date: 02/12/2021  
Drawn: JH  
Drawing: A.01





# APPENDIX B.1

Minor Variation 2021

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

**Application for a minor variation to 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, especially Note 1.

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 in black ink. Use additional sheets if necessary.

Once completed please send your application to the relevant licensing authority. You may wish to keep a copy of the completed form for your records.

**QUAYSIDE DISTILLING LIMITED**

being the premises licence holder(s)/club holding a club premises certificate, apply to vary a premises licence under section 41A/club premises certificate under section 86A of the Licensing Act 2003 for the premises described in Part 1 below.

Postal address of premises (or, if none, ordnance survey map reference, or description)

QUAYSIDE DISTILLING LIMITED  
60A HAVEN ROAD  
EXETER  
EX2 8DP

**Part 1 – Premises details**

**FORMERLY THE HOUSE OF BRINE RESTAURANT AND BAR, BUILDING WORKS ARE BEING UNDERTAKEN TO CONVERT THE SPACE INTO A WORKING DISTILLERY, RESTAURANT AND BAR**

**Telephone number at premises (if any)**  
N/A

**Premises licence number/club premises certificate number**

EXE-P00622

**Brief description of premises** (Please see Guidance Note 2)

**Part 2 – Applicant Details**

We are the premises licence holder. (Please delete as appropriate)

Contact phone number in working hours (if any)  
07720274838

Applicant Postal address  
SPOKEN  
43 THE STRAND  
EXMOUTH  
EX8 1AL

Please provide email address if you would prefer us to contact you by email (optional)  
info@spokenexmouth.com

**Part 3 – Proposed variation(s)**

Please tick

Do you want the proposed variation to have effect as soon as possible? Yes

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 3) No

**Please describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives (See Guidance Note 1). This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent):**

**Details of proposed variation(s)** (Please see Guidance Note 4)

**To include the provision of off-sale of alcohol in sealed containers.**

**This will be a working distillery creating a range of spirits in both the school and the shop. We are simply looking for our customers to be able to take away the products they have created and for visitors to purchase the products we produce.**

**Off-sales to take place only during permitted times as per on-sales and to be taken away in sealed containers at all times**

**Details of proposed variation(s) (Continued)**

**Part 4 – Operating Schedule**

Please tick those parts of the Operating Schedule which would be subject to change if this application to vary were successful.

**Provision of regulated entertainment** (please read guidance note 5)

Please tick all that apply

- a. plays
- b. films
- c. indoor sporting events
- d. boxing or wrestling entertainment
- e. live music
- f. recorded music
- g. performances of dance
- h. anything of a similar description to that falling within (e), (f) or (g)

**Provision of late night refreshment**

**Supply of alcohol**

(Note that this can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm)

Please tick to indicate you have enclosed the following:

I have enclosed the premises licence/club premises certificate                      YES

I have enclosed the relevant part of the premises licence/  
club premises certificate

I have included a copy of the plan    N/A  
(this is necessary if the proposed variation will affect the layout)

If you have not ticked one of the previous three boxes, please explain why in the box below.

**Reasons why you have not enclosed the premises licence/club premises certificate or relevant parts.**

**Any further information to support your application. (See Guidance Note 6)**

**CHECKLIST:**

Please tick to indicate agreement

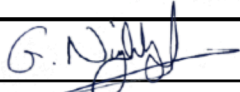
- I have made or enclose payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have enclosed the plan, if appropriate, of the premises in scale [1mm to 100mm], unless otherwise agreed with the licensing authority.
- I have enclosed the premises licence/club premises certificate or relevant part of it or provided an explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

I understand that I must now advertise my application for a continuous period beginning on the first working day after the day on which the application was given to the relevant licensing authority and ending at the expiry of the ninth consecutive working day after that day.

**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 5 – Signatures and Contact Details**  
(See Guidance Note 7)

**Premises Licence:** Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 8). If signing on behalf of the applicant, please state your name and in what capacity you are authorised to sign:

Signature	
Date	20TH JANUARY 2022
Capacity	FOUNDER AND DIRECTOR

**Where the premises licence is jointly held, signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (See Guidance Note 9). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

**Where the premises are a club**

I (insert full name) make this application on behalf of the club and have authority to bind the club.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (See Guidance Note 10)	
GEORGE NIGHTINGALE (DPS)	
Post town	EXETER
Postcode	EX8 1AL
Telephone number (if any) 07720274838	If you would prefer us to correspond with you by email your email address (optional) info@spokenexmouth.com

### Notes for Guidance

1. General Note: The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. Description of premises: For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. Give full details of all the proposed variation(s). Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** details of any changes to hours when the premises or club is open to the public.

5. In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the



- relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

6. Further information: You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives

7. Signatures: The application form must be signed.

8. Authorised agent: An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

9. 2nd Applicant: Where there is more than one applicant, both applicants or their respective agents must sign the application form.

10. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

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# APPENDIX B.2

EMAIL

**From:** Quayside Distillery <[info@quaysidedistillery.co.uk](mailto:info@quaysidedistillery.co.uk)>

**Sent:** Monday, June 10, 2024 1:33 PM

**To:** Julie Bennett (ECC) <[Julie.Bennett@exeter.gov.uk](mailto:Julie.Bennett@exeter.gov.uk)>

**Cc:** Vicky Limb (ECC) <[Vicky.Limb@exeter.gov.uk](mailto:Vicky.Limb@exeter.gov.uk)>

**Subject:** Re: Reps

Good afternoon Julie,

Many thanks for the call to confirm what you are looking for.

To clarify my position about what the pontoon is to be, and more importantly NOT to be used for, please find a summary of points for discussion:

- There will be no 'bar' setup on the pontoon
- There will be no kitchens setup on the pontoon - although perhaps some food dispense for private functions
- Any sales of alcohol will be made from inside the physical premises and carried to the outside area by customers - or ordered by a waitress from a table, for delivery to a table
- No consumption of alcohol will be permitted that is not purchased from the premises
- CCTV will be installed so that the area is viewable from inside the premises at all times (a requirement from police - and the only comment from **all authorities** during pre-app discussions)

This is merely a seating area for consumption of alcohol and other drinks as per any other premises in the country. No dispense, no sale and nothing outside of permitted hours.

Disregarding (for a moment) that the representations are frivolous and vexatious (a point I will prove and deal with at any sub-committee hearing as backed up by police reports and current escalations), I would be delighted to engage in any mediation beforehand with representatives. Indeed I have reached out to the complainants to run through plans but have been ignored and refused - an important point I feel.

A proportion of complaints relate to 'the alleyway' directly outside the premises. I am proposing to effectively close off this entrance and use the door opening onto the hardstanding and then onto the water. This plan, and pontoon, would actually alleviate the potential for any problem rather than exacerbate it.

I hope this helps. With regards heating, I would like to have some heating. I have explored electric but there is not enough supply available. I was looking for something like the attached. Again, this is not a party boat, but simply an extension of an area already licensed but that will catch the sun for more than just a couple of hours in the morning.

Best wishes

George

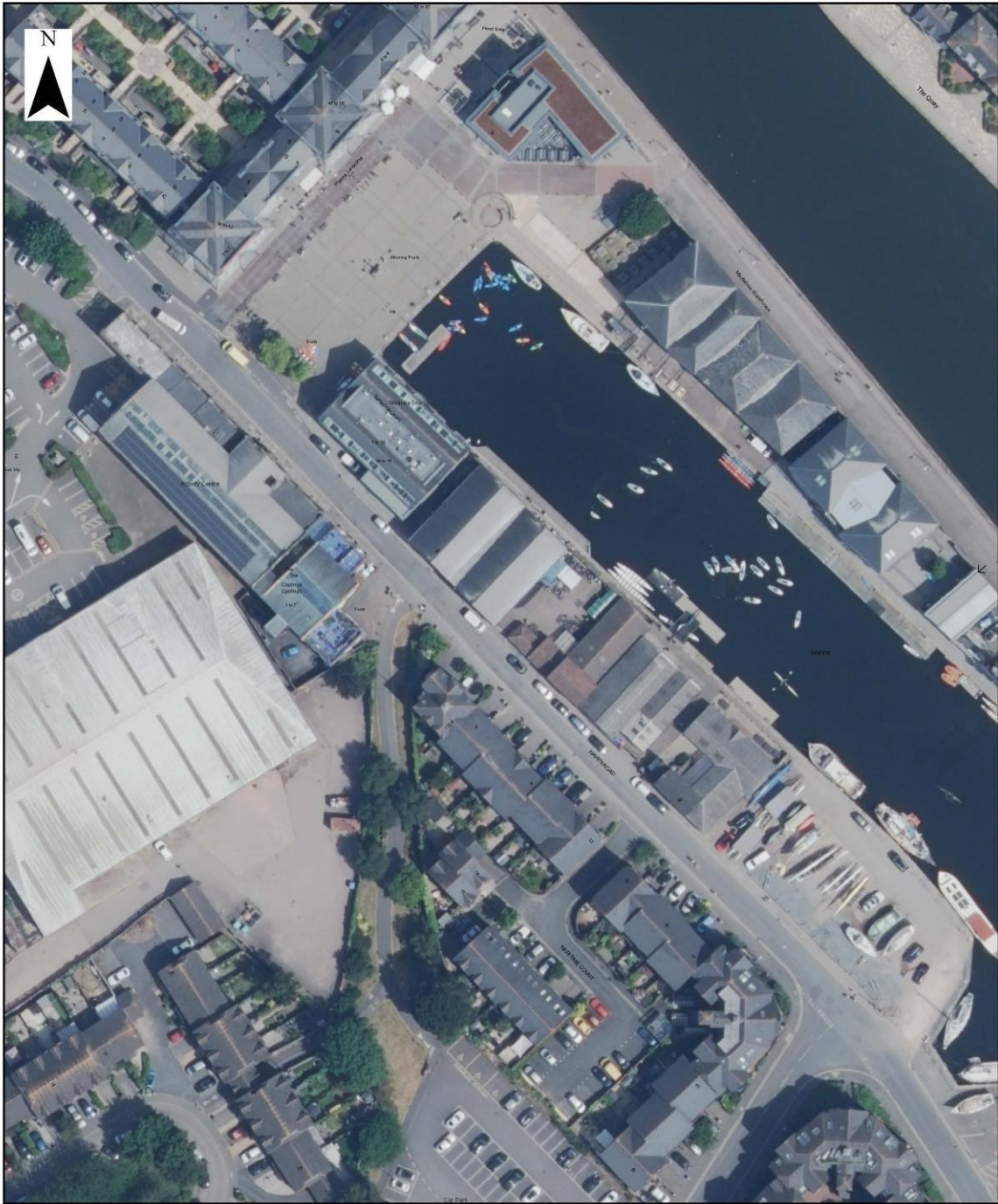
07720274838



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# APPENDIX B.3

PHOTO



Haven Road

Date: 2024

Scale 1:1,000

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# APPENDIX C

Redacted

## Exeter City Council – Licensing Act 2003

### REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name	[REDACTED]
The name of the organisation / body you represent (if appropriate)	—
Postal address	[REDACTED]
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Quay Distillery
Address of the premises you are making a representation about	60A Haven Road Exeter

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	NO	
Public safety	Yes	moving pontoons, alcohol, fine pits + people will not go well together.
To prevent public nuisance	Yes	Having this amount of drunk people in such close proximity to residential properties is too much. The noise already reaches high levels. I have anon going complaint with environmental health. The music is played at very loud levels at the premises and is very rarely switched off at 11.
To protect children from harm	Yes	There is already a high volume of people that stand outside these premises at night directly below mine + my sons bedroom window. The yelling, smoking + swearing I have also listened to conversations about drugs being taken whilst at the premises.

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	
--	--

Signed:

Date:

Please see notes on reverse

## To prevent Public nuisance continued:

adding more people outside will only exacerbate the ongoing problems. This premises was originally opened as a restaurant + distillery serving Tapas and is now just an events venue and do wonder if permission would have been granted had this property was used for local events from the start. The owner (George) is very often not present at these events after 9/10 pm so is not overseeing the behaviour in and out of the venue. People are allowed to remain inside the venue until sometimes 2am drinking and so when leaving drunk are shouting and swearing this can only get worse adding more people outside. My son is 16 and is constantly woken up by people standing outside smoking + talking loudly below his bedroom window this has affected him in the past when having to get up for school the next day.

PTO

This again can only get worse adding more people outside all day drinking.

The pontoon is not even up and running yet and last night (17/05/24) I was not surprised to see police had been called to Quay distillery as it had attracted 2 young boys over to jump off of it into the water. A silent disco event was being held at the venue and everyone had been allowed to dance around outside they then started to jump on to the pontoon which is very unsafe. A man then fell down the high step on to the pontoon he was luckily unhurt.

A 7 day alcohol license from 9am-11pm on a pontoon on water will not add anything positive to this part of the canal, it will only cause more of a nuisance.

To protect children from harm cont-

This is obviously not acceptable and don't want my son subjected to any more of this. There is also a very young child in the flats and he has been woken numerous times by the noise from Quay distillery which has caused his mother to enter the venue to plead with them to turn it down! Can you imagine what this noise will be like outside.

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# APPENDIX C.1

Redacted

## Exeter City Council – Licensing Act 2003

### REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

<b>Your full name</b>		
<b>The name of the organisation / body you represent (if appropriate)</b>		
<b>Postal address</b>		
<b>Email address</b>		
<b>Contact telephone number</b>		

<b>Name of the premises you are making a representation about</b>	<b>Quayside Distillery</b>
<b>Address of the premises you are making a representation about</b>	<b>60A HAVEN RD, EXETER EX2 8DP</b>


**Your representation must relate to one of the four Licensing Objectives**

<i>Licensing Objective</i>	<b>Yes Or No</b>	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
<b>To prevent crime and disorder</b>	<b>Yes</b>	<p>I'd like to object to the planned license change.</p> <p>Since the Quay Distillery opened in Spring 2022 there has been an increase in anti-social behaviour in the immediate area. I am a resident of Terracina Court which is adjacent to 60a Haven Road.</p> <p>Visitors to the premises on Haven Road park daily on the double yellow section of Haven Road, making it difficult for cars, buses and emergency vehicles to drive through Haven Road.</p> <p>Visitors of the premises regularly park in front of the door of Terracina Court which makes it difficult for residents to leave the building with prams, bicycles or groceries or leave our apartments in a safe way in case of an emergency.</p> <p>Complaints are regularly made to the council about loud music coming from the premises after 11 pm.</p> <p>People leaving the premises are loud, which is especially noticeable in the alleyway between Terracina Court and 60a Haven Road.</p> <p>This is the current situation; adding an additional pontoon that will be open 7 days a week until 11pm catering for up to 70 people will only increase this behaviour.</p>
<b>Public safety</b>	<b>Yes</b>	<p>The information published on several websites (including Yahoo.com and Devon Live) states that the floating bar will be open morning, noon and night and will feature a seating area, fire pit and bar area with both food and</p>



		<p>drinks available; catering for up to 70 people on a pontoon measuring 55 square meters.</p> <p>Reading the above sentence alone makes you question how this can be a safe environment. Not just for visitors of a floating bar, but also for the public that uses the harbour for canoeing, kayaking and paddle boarding.</p> <p>According to fire &amp; rescue regulations this plan exceeds the capacity of a regular seated Lounge/Bar, where occupancy is 1 person per 1 square meter.</p> <p>Will there be any adjustments made for disabled people to enter and exit this pontoon in a safe manner?</p>
<b>To prevent public nuisance</b>	<b>Yes</b>	<p><b>Noise:</b> As stated before, even without the outside pontoon the premises is already responsible for noise in the immediate residential area. There is regular loud music after 11pm, including on weekdays. Visitors to the Quay Distillery often leave the premises in an intoxicated state and continue to sing and shout after leaving the premises.</p> <p><b>Litter:</b> Visitors to the Quay Distillery regularly use the 8 feet alleyway between 60A Haven Road and Terracina Court as a public toilet. It has also been noted that visitors to the premises have seen using drugs outside the premises, underneath the balconies of my neighbours and in the alleyway.</p> <p><b>Smoke:</b> Smoking in the premises is not allowed, which is why visitors smoke outside, either underneath the balconies of the apartments of Terracina Court or in the alleyway. Several residents of these apartments have a disability or have a small child.</p> <p>Adding an outside bar will increase the behaviour described above.</p>
<b>To protect children from harm</b>	<b>No</b>	

<p><b>If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).</b></p>	
--	--

Signed: 

Date: 27/05/2024

**Please see notes on reverse**

**NOTES**

**If you are making a representation in relation to a ‘new’ premises or a ‘full variation’ please read the following notes:**

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority’s Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN

Alternatively, you can email it to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk).

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**If you are making a representation in relation to a ‘minor variation’ please read the following notes:**

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN

Alternatively, you can email it to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk).

# APPENDIX C.2

Redacted

# Exeter City Council – Licensing Act 2003

## REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name	
The name of the organisation / body you represent (if appropriate)	
Postal address	
Email address	
Contact telephone number	

Name of the premises you are making a representation about	Quayside Distillery.
Address of the premises you are making a representation about	Exeter Quay

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Due to the proximity of private living accommodation just 30ft from bar alcohol being served to youngsters
Public safety	Yes	Due to moving platform in water being unsafe No lighting no security.
To prevent public nuisance	Yes	The noise levels are unacceptable for a private living accommodation with single glazed windows being so close and the use of our public walkway under window for smokers - DRINKERS
To protect children from harm	Yes	Children are being left unsupervised on moving platform its becoming a magnet for young children with no safety or stability young teens are also being

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).

served alcohol in his establishment. I also know Drugs are being taken on the stairwells.  
 Independant security to be used at all events with live video... ON SECURITY...  
 more lighting stop using the disabled wooden access as his private dance floor. People should be kept to his grounds. like any other pub garden

Signed: [REDACTED]

Date:

Please see notes on reverse

please see attached -  
 Page 60



Points for representation

I am not saying people cannot enjoy themselves on the Quay or eve at the Quay Distillery, however I believe that this should be done in a more controlled safer environment.

George does not conduct himself very business-like, he knows I am making this complaint and goads me to argue with him, he has made defamation claims against me and quite often uses gestures to annoy me. And events

The unsafe platform consists of 2 x 11meter concrete & steel platforms, connected with just rope to the disabled wooden platform, there re no buoyancy aids at the side of the platform to stop the constant banging and smashing against the wooden disabled platform.

This platform is being used for drinking, dancing and events, although he claims it s safe for his customers, he has had the police on the same day to remove children from using it, stating it is not safe.

The noise is extreme for a residential area, just the general noise voice noise is too much, let alone the music when it s playing. I have already had the Environmental Health out as to do noise recordings as have 2 of my neighbours. The music played through an amp and is too loud for a small establishment even when the doors are shut, but 9 times out of 10 they are open.

Please find enclosed, photos, videos and text messages sent between my neighbour and George, regarding this matter.

The area I live in on the Quay is called the basin but there is a distinct difference to hearing the normal every day noise of the basin as opposed to the noise of a public house and private dwellings being so close in proximity.

In our homes we have glass facing onto the basin, he has 57 panes of single glazing, I believe that more lighting and private security is a necessity and very much essential for this part of the Quay and the peace and quiet of the community.

Please make sure that the video evidence is used when making your decision in this case.

## Public Safety

No lighting and that is a concern when there are people out on a moving platform dinking alcohol and even soft drinks due to the different levels this also applies to the current disabled wooden access already in situ.

All the other platforms are securely connected to concrete on the side of the canal, the one outside quay distillery is only connected by ropes, r=to another wooden platform which is supposed to be used as access for the disabled to get along the canal. The temporary platform that has been installed smashed against the bottom on the wooden platform every time it moves and gets worse when people step on to it.

Who is going to be monitoring this platform when there is no one about, no event on it and when hired out, will there be security?



Photo No.2

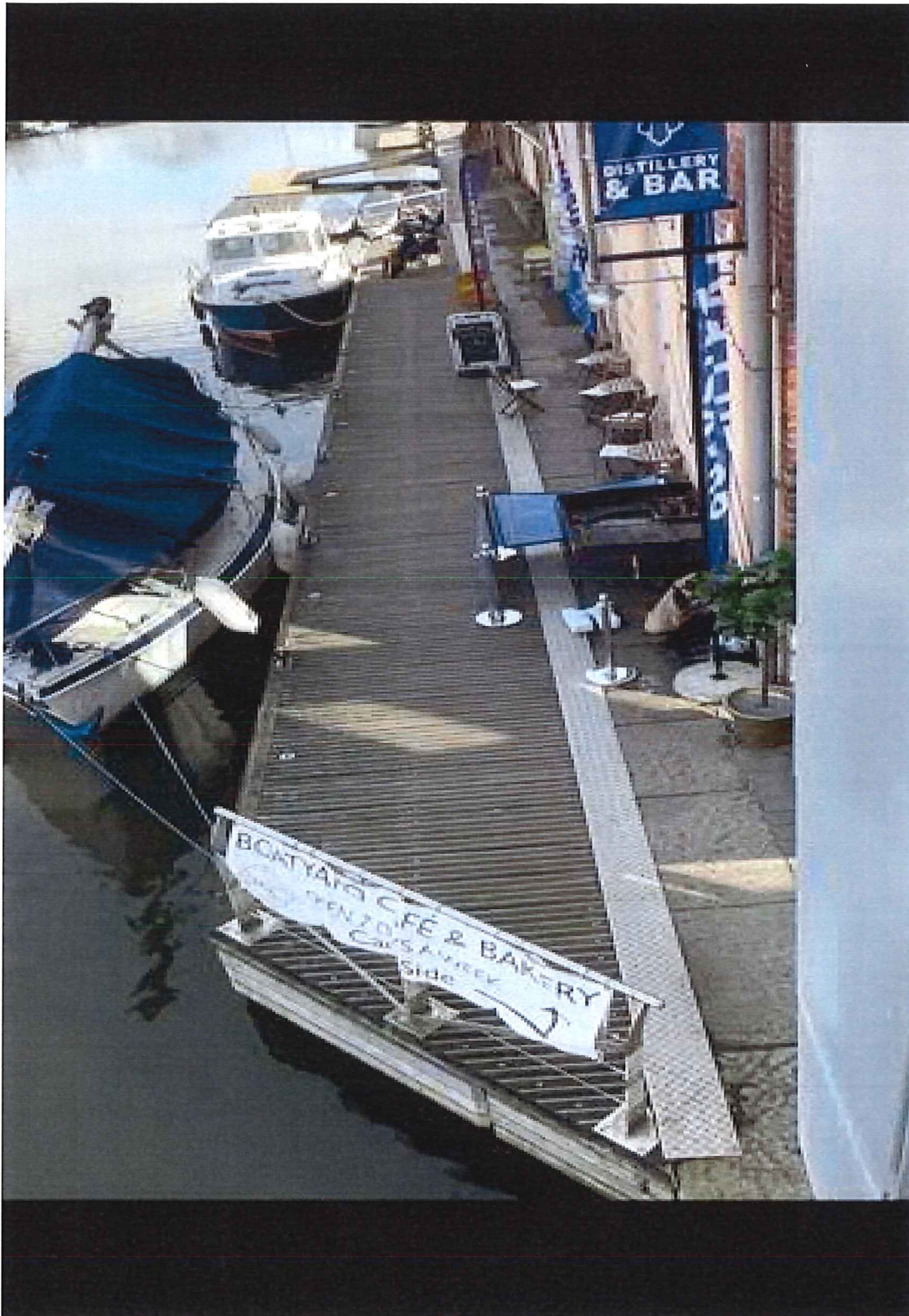


Photo no.3

11:58



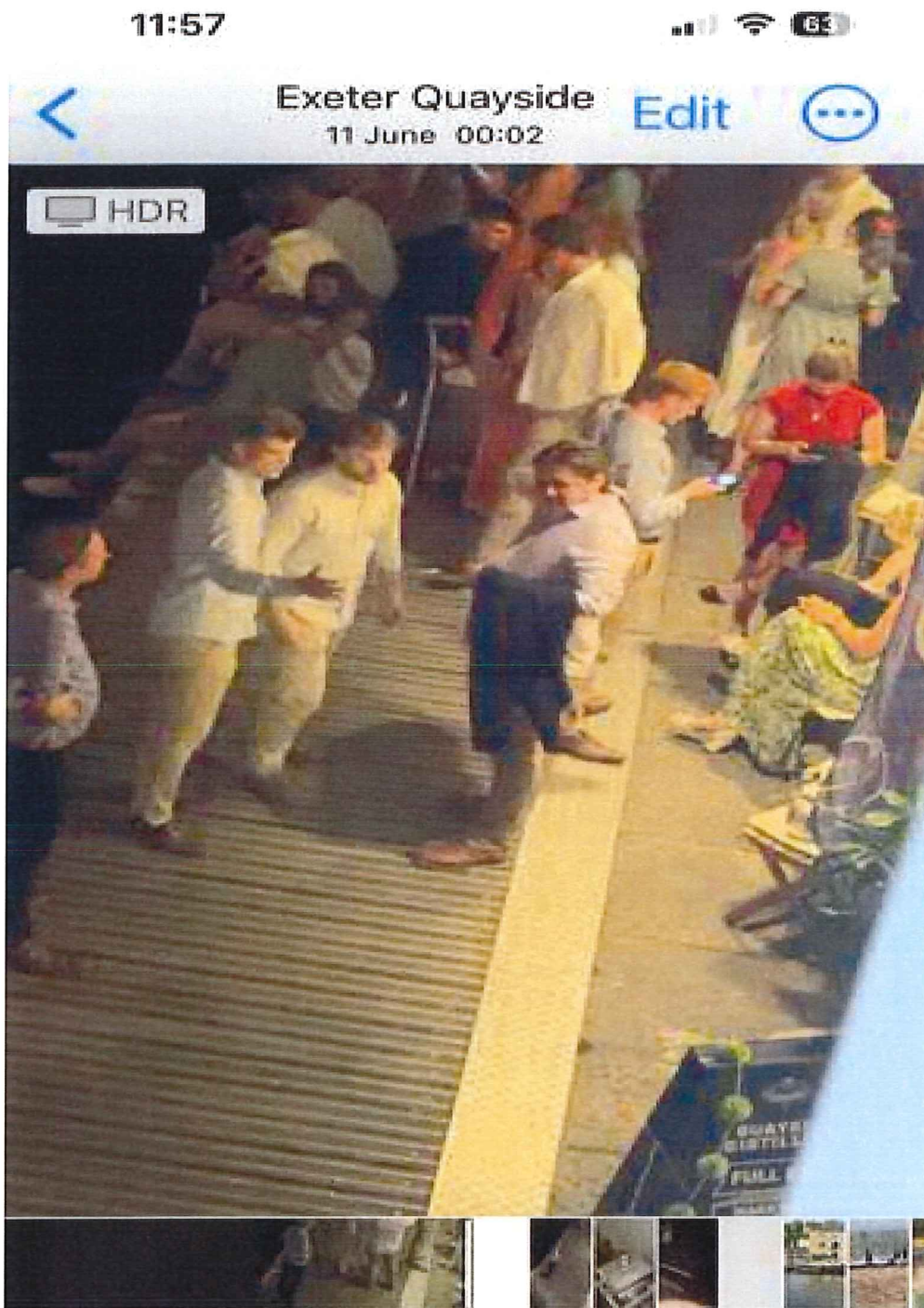
Exeter Quayside  
10 June 23:25

Edit





Photo No.4



10:11

5G



much put up with it!? [REDACTED] is a GOOD MAN and I will stand by that I spoke to him Sunday morning about that night and he told me everything.. just ask your punters to stay away from his balcony and the lane even if it's raining it's tough we don't want this under our windows or balconies it's not hard!

I have absolutely no problem with social housing whatsoever. What I do have a problem with is that is is a clever man playing a victim to get what he wants. One moment he is sweet and the next moment he is going to stab someone in the throat. It is unstable behaviour.

Indeed I do keep customers away from his balcony but if he starts dislodge with them I cannot stop them from replying. They are members of the public like anyone else. I am now not 'allowed' to sit in the sun where the railings are because he doesn't want anyone there.

He corner door is locked during



iMessage



10:11

5G



was having a great night with her drink and cocaine" unless [REDACTED] suddenly has a female voice then I can assure you it's from your establishment.. but to be honest I am not getting in to this mud slinging match that you seem to playing your terrorising the man and I fully trust he hasn't threatened to stab you! 🙄 we will mention this to the necessary people. I watched you outside 'sat in the sun' one evening and you were taunting [REDACTED] and I was watching with my own eyes and ears. There's plenty of places you can sit in the sun without being below his balcony.

Delivered

I don't wish to insult people, very much a live and let live person. But if you ever want to see the proof of what I'm talking about I'll happily show you. And if you don't believe me the police have viewed it and have logged it as a crime - can't get more factual than that no matter what opinions may be floating around



iMessage



10:11

5G



There are two sides to everything and whilst you may have known him a long time, I'm afraid then you haven't seen the side that I and everyone else sees. The language is absolutely disgusting and the threatening behaviour will not be tolerated by myself, the police or the public/customers. At 8pm on Saturday he got a hose out and was throwing water at people on a family 30th birthday.

Happy to discuss at any time.

Oh I have been there and watched.. there's nothing you can say that will make me think any different of [REDACTED], and no the drugs are from YOUR establishment one girl was out there shouting about how "she was having a great night with her drink and cocaine" unless [REDACTED] suddenly has a female voice then I can assure you it's from your establishment.. but to be honest I am not getting in to this mud slinging match that you seem to playing your terrorising the man



iMessage



10:11

4G



numerous conversations whilst I've been sat in my bed trying to watch my tv over the noise and it seems you have many people using drugs in your establishment too. I have a 15 yr old child here and I don't want him listening to any of this kind of behaviour! As for your comment on do I know that [REDACTED] [REDACTED] is in social accommodation yes I do because I am too!! I think that is a disgraceful comment to make I pay my taxes and work very hard are you saying I am not entitled too! "Us social housing people" are also human beings we have hearts and are good people we just don't want the agro you have brought with your establishment it's morally wrong. As I said in my last message how would you feel if this was going on around your house?? How would you feel? Then how would you feel when you can't get away from it then the person controlling it tells you he isn't going to stop so pretty much put up with it!? [REDACTED] is a GOOD MAN and I will stand by



iMessage



10:11

4G



Today 08:02

I have to be honest I have lived with [REDACTED] as my neighbour for roughly 8/9 years here and he has been the sweetest person! My son who is now 15 nearly 16 learned how to canoe with [REDACTED] he has also sat with him and been a great support when he needed a male role model.. he lives here with good intention he just wants to live a quiet life! So do I... you NEED to respect that these are our homes we live here 24/7 day and night I have been here since it was built was the first one to move in and you are the first person to be in that building and cause so much trouble! We don't want the music the smoking outside our bedroom windows and drunk people leaving your premises at gone 12/1 at night shouting and screaming because they are drunk.. I have listened to numerous conversations whilst I've been sat in my bed trying to watch my tv over the noise and it seems you have many people using drugs in your



iMessage



10:11

4G



Hi [REDACTED] apologies, I have been away. Before you start treating [REDACTED] as a victim you need to hear my side of things. He has threatened to stab me in the throat and is hosing down my customers with water now shouting at them and swearing. I don't know if you know or not but that is social housing he is in - one of the best flats on the quay and he is trying to dictate what is happening. I am a professional and I do my best to calm customers and the public but he simply cannot act in the manner that he is. He is accusing me of all sorts which is categorically not true. Long story is that he has mental health problems, but I have bills to pay and I am not doing anything wrong. It may not be the closed business he wishes but yours and my taxes are funding this nonsense and it has to stop. Hoping you are well but please come by this weekend as it would be a pleasure to meet with you



iMessage



10:11

4G



Sunday 12:42

Can you please stop terrorising [REDACTED]?! Just stay away from his flat... we have to live here these are our homes and ever since you have started the party's it's been nothing but a nightmare for us! I'm sure you would appreciate people smoking drinking taking drugs and loud music outside your house?? It's not fair so please I'm asking can this all stop either control the people you have in your establishment or don't have party's

Yesterday 22:25

Hi [REDACTED], apologies, I have been away. Before you start treating [REDACTED] as a victim you need to hear my side of things. He has threatened to stab me in the throat and is hosing down my customers with water now shouting at them and swearing. I don't know if you know or not but that is social housing he is in - one of the best flats on the quav and he is trvina to dictate

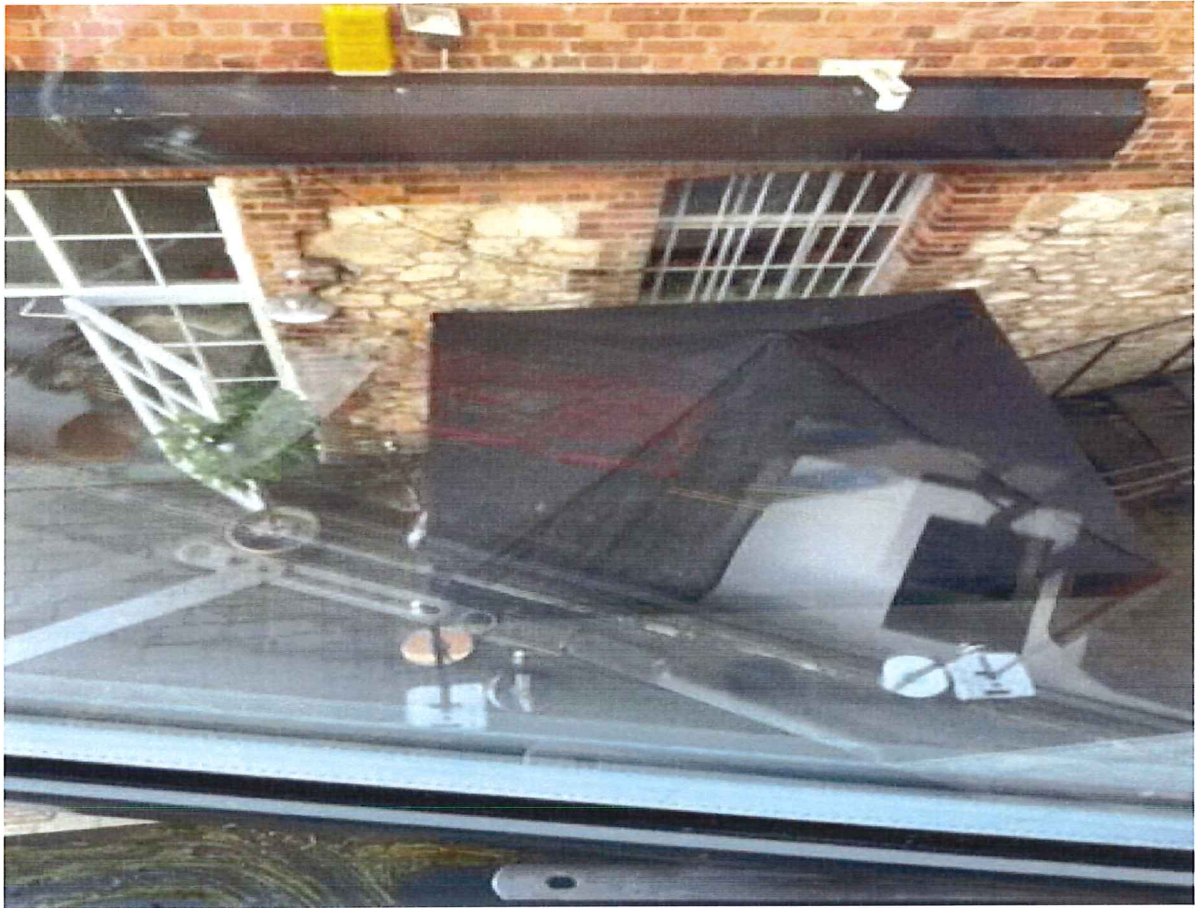


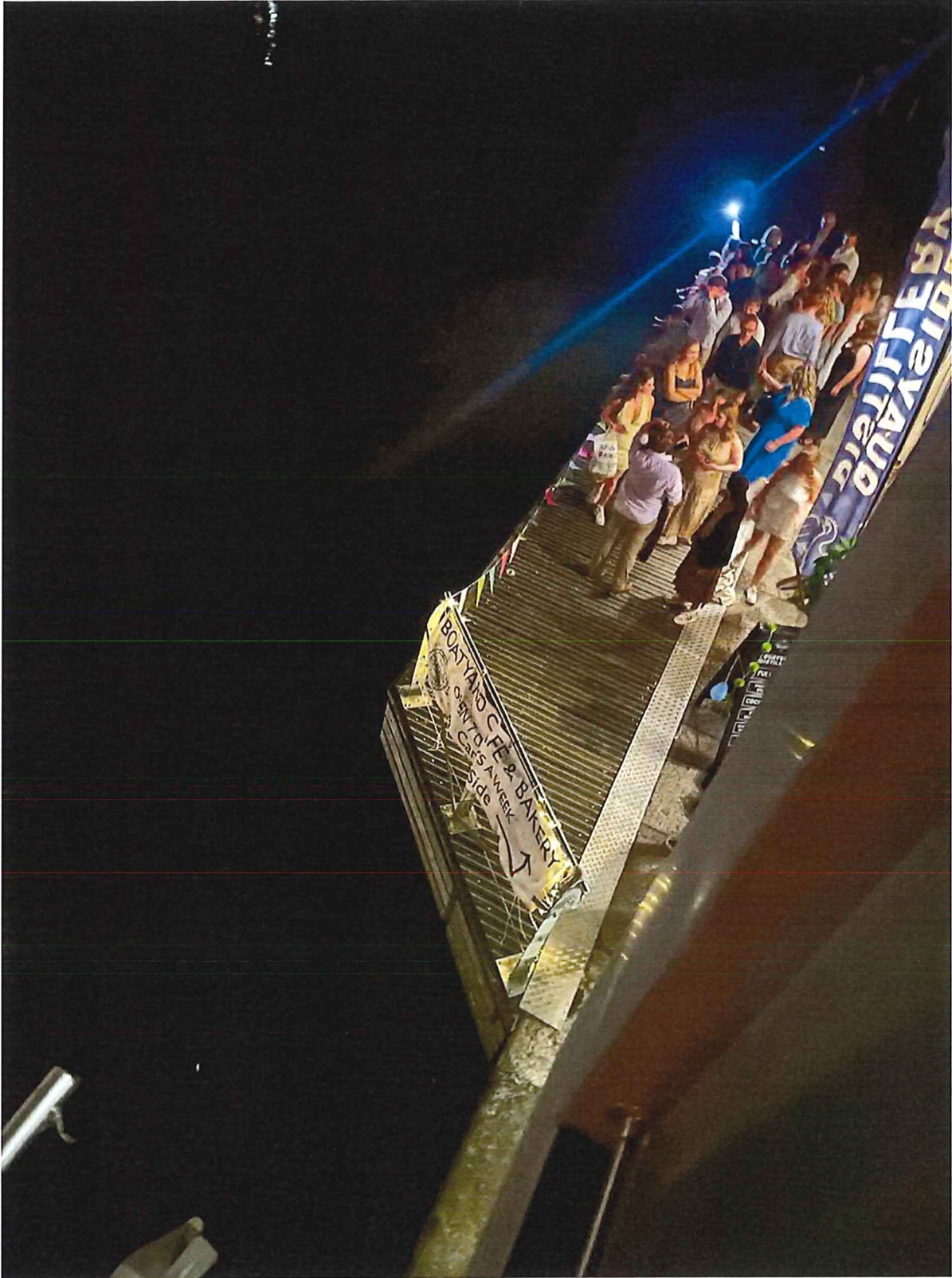
iMessage

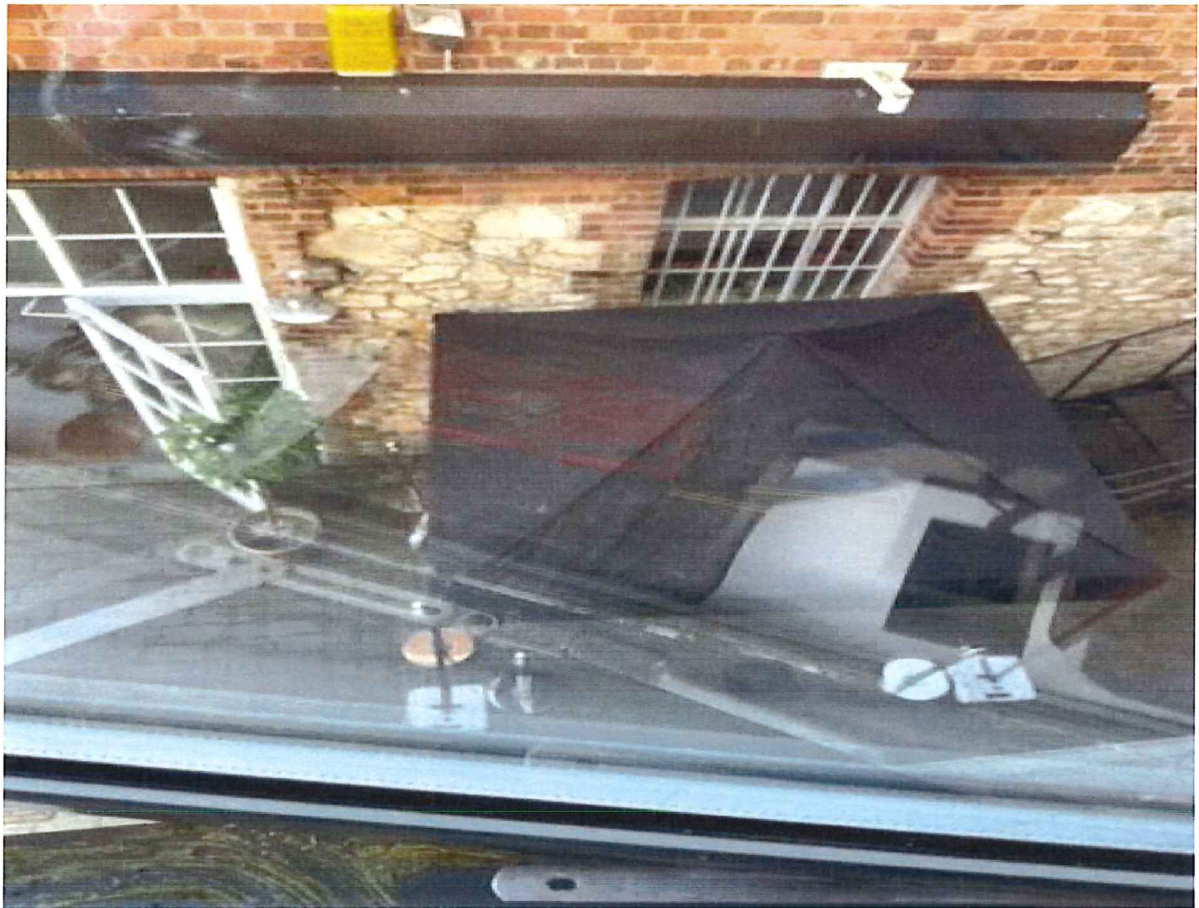












# APPENDIX C.3

Redacted

## EXETER CITY LICENSING AUTHORITY

### Licensing Act 2003: Representation form

**NOTE: This form includes a section to confirm successful mediation between Responsible Authorities and the applicant. This includes the agreement of conditions.**

#### **1. Your details**

Responsible Authority:	Exeter city Council
Your Name:	Alice Hasted
Job Title:	EHO
Postal address:	Exeter City Council, Civic Centre, Paris Street, Exeter
Email address:	Alice.hasted@exeter.gov.uk
Contact telephone number:	01392 265760

#### **2. Premises details**

Name of the premises you are making a representation about:	Quayside Distillery
Name of the applicant:	George Nightingale
Address of the premises you are making a representation about:	60A Haven Road, Exeter

#### **3. Representation information**

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the reason(s) for your representation, including any relevant evidence. This <u>MUST</u> include a clear statement as to why the representation is considered appropriate and necessary. Please use separate sheets if necessary.</b>
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	Quayside Distillery is very close to residents at Terracina Court - We've had a number of complaints from the residents regarding patrons from Quayside Distillery congregating outside and loud amplified music from the premises, we have audio/video and matron recording evidence of this. See supporting evidence for further info.
To protect children from harm		

#### 4. Additional information and mediation

Do you have any suggested conditions or alterations to the application that would remedy your representation? If so, please list them clearly. Please use separate sheets if necessary.	Given the close proximity to residents at Terracina Court and previous evidence of noise during 2023 of patrons congregating outside conditions are unlikely to prevent any public nuisance. Also, as the doors to Quayside Distillery would be open more frequently it is likely to increase escape of noise from amplified music inside the building.	
If the applicant agrees to the amendments you have set out in the box above, would you be willing to withdraw your representation?	<b>Yes</b>	<b>No</b>
If you agree to withdraw your representation, do you also agree that there is no need for a hearing?	<b>Yes</b>	<b>No</b>
If you are unwilling to withdraw your representation, please detail the reasons for this. This information will be provided to the licensing sub-committee in advance of a hearing.		
Any additional information?		

Signed:



Date: 29/04/2024

Please return this form along with any additional sheets to: Exeter City Licensing Authority, Civic Centre, Paris Street, Exeter EX1 1JN or email to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk). This form must be returned within the Statutory Period.

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#### 5. Confirmation of agreement

If an amendment to the application has been agreed between the applicant and the Responsible Authority making the representation, the applicant must sign below to confirm the amendments to the application set out above and their agreement.

Name of applicant:

Signed:

Date:

## Quayside Distillery – Licensing Act Representation, Environmental Health & Community Safety, Exeter City Council

1. I am Alice Hasted, Environmental Health Officer in Exeter City Council's Business Regulation Team. This statement is in support of my representation relating to an objection to the full variation application to licence the pontoon outside Quayside Distillery; it summarises complaints received by Exeter City Council's Environmental Health & Community Safety Service regarding alleged statutory noise and public nuisance issues at the Club from July 2023 onwards.
2. On **Monday 24<sup>th</sup> July 2023** Environmental Health and Community Safety's support team received a call from a resident at Terracina Court next to Quayside Distillery reporting noisy people below window smoking/drinking. They called again on **Wednesday 26<sup>th</sup> July** to state they had film evidence and was getting increasingly distressed by the situation.
3. On **Wednesday 26<sup>th</sup> July 2023** I spoke to a second complainant from Terracina Court who is friends with the first complainant, she said there are noisy people standing below their window smoking and drinking, when they asked the DPS if this could be stopped he was offensive and rude. I said I would discuss with licensing on a way forward and how to move people away to stop disturbance.
4. On **Monday 31<sup>st</sup> July 2023**, I sent an email to the DPS to inform him of the complaint about noise from customers standing outside Quayside Distillery talking loudly causing disturbance to neighbouring residents. The DPS acknowledges email and informs of threatening behaviour from the complainants at Terracina Court.

Licensing and the Police had been contacted by the DPS and it was agreed that he would stop customers/patrons using the side entrance nearest to the complainants properties, to try and reduce people congregating below the complainants windows.

5. The DPS sent a further email on **Tuesday 1<sup>st</sup> August 2023** to inform of further threatening behaviour from the neighbours – including one of the residents pouring water over the heads of patrons standing near his window.
6. On **Thursday 31<sup>st</sup> October 2023** I received an email from Environmental Health and Community Safety's support team following a phone call from the first complainant - *He had a case open in July and was advised to contact police. Both first complainant and his neighbour 2<sup>nd</sup> complainant have contacted us after this weekend due to further problems experienced and a new case has been set up for noise.*

*1<sup>st</sup> complainant is experiencing noise and also abuse from owner of premises. The police have taken the side of the owner and served him with an antisocial behaviour order. He has film and photo evidence that he has gathered as requested by his housing association concerning the noise and abuse he has to put up with.*

*You spoke to him on 01 August and asked him to contact the police and when he tried is possibly when he was given his anti-social behaviour order. He is still willing to try and work with police but would also like the noise complaint and EH problems to be taken further by*



*environmental health. He would like to have someone from EH witness the filming he has made of the noise and abuse received.*

7. An email was sent on **Thursday 2<sup>nd</sup> November 2023** to the DPS to inform him of further complaints and that I would be investigating further.
8. On **Tuesday 8<sup>th</sup> November 2023** I visited the residents at Terracina Court as they wanted to show me videos of the noise problems from Quayside Distillery.

The first complainant lives in the first floor apartment with a balcony closest to Quayside Distillery, the living room overlooks the side alleyway towards the side of Quayside Distillery. The second complainant lives on the first floor overlooking the side alleyway towards the side of Quayside Distillery. The apartments are in very close proximity to Quayside Distillery.

I was shown a number of videos taken by the complainants. A lot of the videos showed loud noise from people congregating along the waters edge outside AS Watersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. I could see this was annoying and would cause unreasonable disturbance to the residents. (Further details of these video recordings are available, Ref AH01)

9. I made enquiries about planning permission for the use of the outside area along the outside area and was informed that there had been no changes to planning consent for when it was changed to a cookery school. There are some operating hours and conditions about not playing recorded or amplified music after 23.00, and no live music. It also mentions restrictions to other noise in the interest of near-by residents.
10. I informed the planning department by email on **Wednesday 9<sup>th</sup> November 2023** - They do advertise open mic events on the Quayside Distillery Facebook page, and I've seen a video recording of use of microphone clearly audible from the first complainants home next door (see Ref AH01). It seems the premises maybe poorly sound insulated to contain this noise. Also recordings taken at 23:45 and 23:56 on different days, also showing loud music and karaoke. (see Ref AH01).
11. On **Thursday 10<sup>th</sup> November 2023** I emailed the DPS to inform him about the video footage I was shown by the first complainant on Tuesday 8<sup>th</sup> November 2023, and that we would be carrying out further. I also advised that they contact the Planning Department about planning permission and sent him a copy of the current consent. (See Ref AH02)
12. The DPS sent an email on **Tuesday 14<sup>th</sup> November** stating that the complainants are looking for problems with his business when there aren't any, and they're haven't been enough complaints (6 complaints over 6 months). The main instigator has serious mental health problems, has been issued an anti-social behaviour order and what's this taken into account when deciding on the action to take.

He says the business is now only open as a private hire venue as there is absolutely zero business for anything else. This means that the majority of business operations are for celebrations of weddings, birthdays and other festivities. There are no events promoted or organised by the business.

13. MATRON recordings taken from the first complainant's living room on **Saturday 25<sup>th</sup> November**, a lot of noise from people around 22:00pm, sounds like they are congregating outside/coming and going from the venue. Can also hear lyrics to Mambo no.5 and Livin la vida loca and some people noise inside the venue. (see details of recordings Ref AH03)
14. While picking up the matron from the first complainants property on **Tuesday 28<sup>th</sup> November 2023**, I was shown a number of videos on the complainants phone of videos of patrons from Quayside Distillery taking glasses outside to under the balconies of Terracina Court. I took photos of these on my mobile phone and sent them to Licensing and the Police Licensing Officer.
15. On **4<sup>th</sup> December 2023** a Community Protection Warning was sent to the DPS stating the outside area must be properly supervised to prevent patrons causing a public nuisance or antisocial behaviour. Staff should be stopping patrons taking drinks outside and only allowing people to go outside for smoking and staff should be monitoring the outside areas and asking patrons to leave if they are congregating outside the premises or the covered area of AS Watersports causing disturbance. (see AH04)
16. On **Monday 15<sup>th</sup> January 2024 at 23.09** the second complainant emailed to say *I'm currently laid in bed with windows closed and can clearly hear the Quay distillery's music (Bon Jovi living on a prayer) not great as I'm supposed to be up at 5am and my son at 7am for school (building up for his GCSE's).*
17. On **Saturday 24<sup>th</sup> February 2024** the second complainant emailed *Music at the quayside distillery is so loud again I'm so sick of this. I have just sat and listened to Sean Paul and am now listening to ultra beat pretty green eyes and my windows are closed!* She sent 5 video recordings taken between 23.00 - 23.37. The recordings show the complainants window closed and muffled bass, she then opens the window which looks out at the main entrance to Quayside Distillery and loud dance music can be heard.
18. During a meeting with the DPS on **Thursday 7<sup>th</sup> March** with Principle EHO Simon Ruddy, he told us that his Distillery business was struggling, he would not be open every day but had private function bookings, he did not consider the music was too loud and would not be having live events, although we noted large speakers and mentioned the use of a microphone. He also still asked guests to use the entrance by the waterfront to try and avoid congregating by his neighbours windows, and would manage patrons unreasonable behaviour. But would not be changing what he is doing and feels he's being victimised and threatened by his neighbours
19. On **Friday 7<sup>th</sup> April 2024**, the second complainant emailed me to advise that *she went to bed at 10pm (as she had a 5am alarm) and have been woken up to the noise of people leaving the premises at Quay Distillery (Time was 12:37am – see attached video) Nothing for a few weeks and boom back again. This is only going to get more frequent as the summer draws closer.* People talking/shouting/screaming can be heard from the video recording.



Exeter  
City Council

Civic Centre, Paris Street, Exeter, EX1 1JN  
[www.exeter.gov.uk](http://www.exeter.gov.uk)

George Nightingale  
Quayside Distillery  
60A Haven Road  
Exeter  
EX2 8DP

**Please ask for:** Alice Hasted  
**Direct Dial:** 01392 265 760  
**Email:** [alice.hasted@exeter.gov.uk](mailto:alice.hasted@exeter.gov.uk)  
**Our ref:** 23/04278/COMNOI  
**Your ref:**  
**Date:** 4<sup>th</sup> December 2023

Dear George Nightingale

**Re: WRITTEN WARNING**  
**Anti-Social Behaviour, Crime and Policing Act 2014 (s.43)**  
**Community Protection Notices - Written Warning that a Notice will be issued unless the conduct set out below ceases to have a detrimental effect.**

Exeter City Council ('the Council') is working to reduce problems caused by anti-social behaviour within its area and following an investigation of complaints received, is now satisfied that your conduct, namely:

Noise from patrons in the outside area continues. Including loud voices, shouting, and swearing.

This is having unreasonable and a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality. This written warning gives you an opportunity to resolve this without further enforcement action by the Council.

The outside area must be properly supervised to prevent patrons causing a public nuisance or antisocial behaviour.

Staff should be stopping patrons taking drinks outside and only allowing people to go outside for smoking.

Staff should be monitoring the outside areas and asking patrons to leave if they are congregating outside the premises or the covered area of AS Watersports talking loudly or causing disturbance.

**If you fail to comply with this request the Council may serve a Community Protection Notice on you.** Failure to comply with a Community Protection Notice is an offence under Section 48 of the Anti-Social Behaviour, Crime and Policing Act 2014. Offenders may be issued with a Fixed Penalty Notice of £100 or be prosecuted in Court, fined up to £2,500 (£20,000 in the case of an organisation or other body), ordered to undertake works and get a criminal record.

Please note that this does not preclude the Council taking any other action, under the Environmental Protection Act 1990 for example, or any other statutory power.

Should you wish to discuss this matter or if I can be of any further assistance then please contact me or Licensing on 01392 265430.

Yours Faithfully

A handwritten signature in cursive script, appearing to read 'Alice Hasted', written in a light grey or blue ink.

Alice Hasted  
Environmental Health Officer  
Environmental Health and Community Safety

## Ref AH01

### Video recordings seen from the first complainants mobile phone:-

The videos show loud noise from people congregating along the waters edge outside ASWatersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. There is also noise disturbance from inside the premises. I have included below the recordings I was shown:-

Saturday 10<sup>th</sup> June 2023 20:14 & 23:25– loud people noise outside

Sunday 11<sup>th</sup> June 2023 00:03 - crowd of noisy people outside

Thursday 22<sup>nd</sup> June 2023 at 23:45 - noise from someone on a microphone inside Quayside Distillery, you can clearly hear loud voices including someone saying something about “Charlene...” through the microphone. There is further noise at 01:14 from people inside the premises.

Saturday 22<sup>nd</sup> July 2023 19:46 – loud people noise

Saturday 26<sup>th</sup> August 2023 23:00 – loud people noise

Friday 8<sup>th</sup> September 2023 23:02 - people noise

Saturday 23<sup>rd</sup> September 2023 23:56 – video showed the side entrance to Quayside I could hear loud music and singing “oky coky” the side door was closed so it is assumed poor sound insulation or another window/door was open.

Sunday 29<sup>th</sup> October 2023 a number of video recordings taken between 19:53 and 22:48 – Noise from people

**Ref AH02**

**From:** Alice Hasted

**Sent:** Friday, November 10, 2023 4:59 PM

**To:** 'Info @ Quayside Distillery' <[info@quaysidedistillery.co.uk](mailto:info@quaysidedistillery.co.uk)>

**Subject:** RE: Alleged noise complaint - Quayside Distillery

Dear George,

Just to update you on investigating the complaints regarding alleged noise from Quayside Distillery.

The complaints are from 3 separate residents at Terracina Court.

I have been shown video footage taken by complainants on smartphones inside their homes, although this is not admissible evidence on its own, the noise and disturbance is intrusive and likely to constitute a statutory and public nuisance.

The videos show loud noise from people congregating along the waters edge outside ASWatersports under the balconies of the apartments, from watching people exiting the side entrance of Quayside Distillery and walking towards that area, these are customers of the distillery using it as an outside drinking/smoking area. Videos also show a lot of people along the waters edge outside Quayside Distillery. There is also noise disturbance from inside the premises. I have included below the recordings I was shown:-

10th June 20:14 & 23:25– loud people noise outside

11th June 00:03 - crowd of noisy people outside

On 22nd June at 23:45 - noise from someone on a microphone inside Quayside Distillery, you can clearly hear loud voices including someone saying something about “Charlene....” through the microphone. There is further noise at 01:14 from people inside the premises.

22nd July 19:46 – loud people noise

26th August 23:00 – loud people noise

8th September 23:02 - people noise

23rd September 23:56 – video showed the side entrance to Quayside I could hear loud music and singing “oky coky” the side door was closed so it is assumed poor sound insulation or another window/door was open.

29th October a number of video recordings taken between 19:53 and 22:48 – Noise from people

We will be looking to carry out further monitoring including installing remote recording equipment in the complainants property. This is effective evidence to establish whether it is a statutory nuisance that the council can take further action on.

I would also advise speaking to the Planning Department as you may require planning permission for live and amplified music (this was required in the decision made for 60 Haven Road – see attached) <https://exeter.gov.uk/planning-services/permissions-and-applications/contacts-planning/>

Please also ensure you are complying with your premises licence condition, which states:-

- The licence holder must ensure that staff regularly patrol the premises to supervise the orderly conduct of patrons.
- The licence holder, or persons authorised by them, must control the volume of recorded music taking place at the premises.

I would advise speaking to Licensing and Karen Davenport about the control of patrons from your premises so as not to cause a public nuisance.

I will contact you again when we have completed the noise monitoring.

If you would like to discuss further please do not hesitate to contact me.

Kind regards,

**Alice Hasted**  
Environmental Health Practitioner  
Environmental Health & Licensing  
Exeter City Council

01392 265760

Ref AH03

MATRON ANALYSIS

	<b>DATE</b>	<b>TIME ON</b>	<b>TIME OFF</b>	<b>RECORDING COMMENTS</b>
1	24/11/2023	21:54	22:03	Faint sound of people talking barely audible
2	24/11/2023	22:03	22:08	Occasional sound of voices barely audible
3	25/11/2023	19:25	19:35	People noise audible, raised voices, shouting from what sounds like a number of people, volume increases near end of recording.
4	25/11/2023	19:28	19:38	Loud definable people noise, shouting, raised voices, laughing, can occasionally hear background jazz instrumental style music, but noise from people dominates for the duration of the recording.
5	25/11/2023	20:22	20:32	People noise, background jazz instrumental music
6	25/11/2023	20:32	20:35	Jazz music occasional low people noise
7	25/11/2023	21:18	21:28	Raised voices from a crowd of people dominates recording
8	25/11/2023	21:28	21:29	Hum of people talking occasional raised voices
9	25/11/2023	21:43	21:51	People noise definable at times, music, singing and shouting can be heard increasing in volume by end of recording.
10	25/11/2023	21:55	22:00	Can hear mambo no.5, 5 and Livin la vida loca and people noise inside the venue.



## EXETER CITY LICENSING AUTHORITY

### Licensing Act 2003: Representation form

**NOTE: This form includes a section to confirm successful mediation between Responsible Authorities and the applicant. This includes the agreement of conditions.**

#### **1. Your details**

Responsible Authority:	Exeter city Council
Your Name:	Sara Jenkins
Job Title:	Principal Project Manager – Planning Enforcement
Postal address:	Exeter City Council, Civic Centre, Paris Street, Exeter
Email address:	sara.jenkins@exeter.gov.uk
Contact telephone number:	01392 265865

#### **2. Premises details**

Name of the premises you are making a representation about:	Quayside Distillery
Name of the applicant:	George Nightingale
Address of the premises you are making a representation about:	60A Haven Road, Exeter

#### **3. Representation information**

<b>Which of the four licensing objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Please detail the reason(s) for your representation, including any relevant evidence. This <u>MUST</u> include a clear statement as to why the representation is considered appropriate and necessary. Please use separate sheets if necessary.</b>
To prevent crime and disorder		
Public safety	Yes	In the absence of the required planning application for the proposed pontoon, the LPA is unable to assess the scale/design of the development and has concerns that it may not be safe for use by the public. (see additional information)
To prevent public nuisance		
To protect children from harm		

#### 4. Additional information and mediation

Do you have any suggested conditions or alterations to the application that would remedy your representation? If so, please list them clearly. Please use separate sheets if necessary.	The applicant needs to submit the necessary planning application for the proposed pontoon which includes the information highlighted under section 3 in order to address our safety concerns. The LPA cannot support an application to extend the licensable area to include proposed pontoon as this development is unauthorised at this time	
If the applicant agrees to the amendments you have set out in the box above, would you be willing to withdraw your representation?	<b>Yes</b>	<b>No</b>
If you agree to withdraw your representation, do you also agree that there is no need for a hearing?	<b>Yes</b>	<b>No</b>
If you are unwilling to withdraw your representation, please detail the reasons for this. This information will be provided to the licensing sub-committee in advance of a hearing.	The LPA is unable to withdraw this representation as it has not been given the opportunity to assess the scale and design of the development through the necessary planning application and cannot confirm that the development does not pose a risk to the safety of its users.	
Any additional information?		

Signed: *Sara Jenkins*

Date: 14/06/2024

Please return this form along with any additional sheets to: Exeter City Licensing Authority, Civic Centre, Paris Street, Exeter EX1 1JN or email to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk). This form must be returned within the Statutory Period.

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#### 5. Confirmation of agreement

If an amendment to the application has been agreed between the applicant and the Responsible Authority making the representation, the applicant must sign below to confirm the amendments to the application set out above and their agreement.

Name of applicant:

Signed:

Date:

Additional comments from Development Management

3. Representation Information

Public Safety

The applicant has been advised that planning consent is required for the proposed pontoon – at present this structure is unauthorised.

Public safety may be compromised if the LPA is not given the opportunity to assess and approve the way in which the pontoon is to be constructed, its means of attachment to the Quayside and how the pontoon will be designed/constructed in order to prevent customers from falling from the structure into the waterway.

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# APPENDIX C.5

Redacted



# Exeter City Council - Licens...



## Exeter City Council – Licensing Act 2003

### REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name
The name of the organisation / body you represent (if appropriate)
Postal address
Email address
Contact telephone number

Name of the premises you are making a representation about	QUAY DISTILLERY
Address of the premises you are making a representation about	60A HARVEN RD. EXETER

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	No	
Public safety	YES	DOES A PONTOON (VERY FILMSY AFTER LOOKING AT IT) SEEM THE IDEAL PLACE FOR DRINKING ALCOHOL?
To prevent public nuisance	YES	THIS IS A QUIET AREA OF THE QUAY WHERE PEOPLE SIT DRINKING COFFEE FROM BOATYARD BAKERY (NEXT DOOR TO DISTILLERY) IT WOULD AFFECT WILDLIFE (DUCKS ALWAYS ON THIS STRECH) CHILDREN FROM NEARBY HARVEN BANKS USE THE STRECH OF WATER IN FRONT OF THE PONTOON TO LEARN ICE MAKING & CANDIDING - THIS WOULD DEFINITELY CAUSE A NUISANCE WITH PEOPLE DRINKING ALL DAY IN CLOSE PROXIMITY (SINGING, SMOKING ETC).
To protect children from harm	YES	

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	
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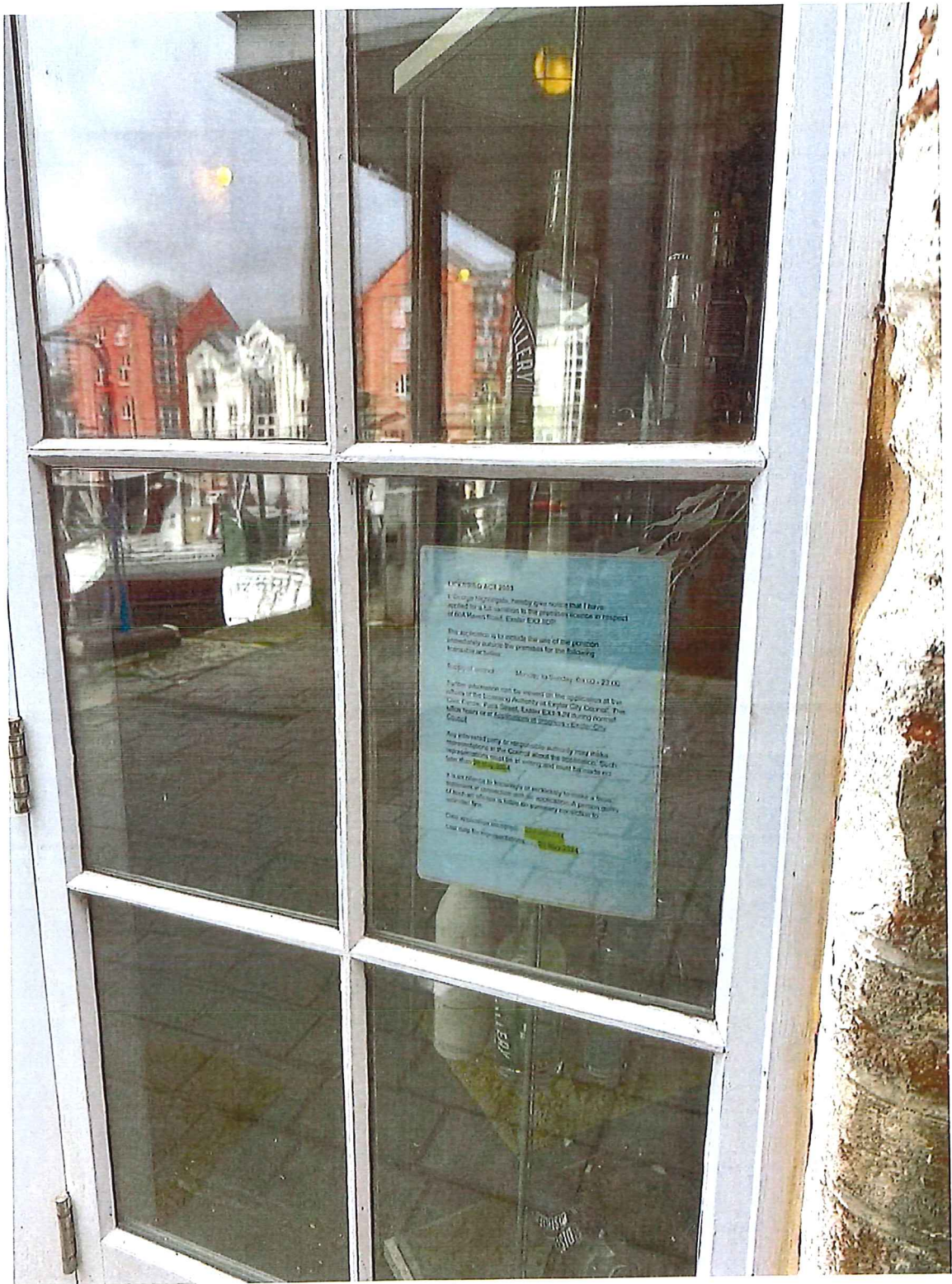
Signed: C. Vincent

Date: 18th MAY 2024

Please see notes on reverse

# APPENDIX D

Notice on Premise





# APPENDIX E

Notice in Newspaper



### What is proposed?

#### LICENSING ACT 2003

I, George Nightingale, hereby give notice that I have applied for a full variation to the premises licence in respect of 60A Haven Road, Exeter EX2 8DP. The application is to include the use of the pontoon immediately outside the premises for the following licensable activities: Supply of alcohol: Monday to Sunday 09:00 - 23:00

Further information can be viewed on the application at the offices of the Licensing Authority of Exeter City Council, The Civic Centre, Paris Street, Exeter EX1 1JN during normal office hours or at Applications in progress - Exeter City Council. Any interested party or responsible authority may make representations to the Council about the application. Such representations must be in writing and must be made no later than 14 June 2024.

It is an offence to knowingly or recklessly make a false statement in connection with an application. A person guilty of such an offence is liable on summary conviction to unlimited fine.

**Date application accepted: 17 May 2024**  
**Last date for representations: 14 June 2024**

