

LICENSING SUB-COMMITTEE

Date: Thursday 3 October 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

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

Panel:

Councillors Bennett, Hussain and Snow

Agenda

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.”

LICENSING ACT 2003

4 **Application to Vary the Premises Licence - 5 Old Tiverton Road, Exeter EX4 6LD**

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 3 - 44)

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

Date of Hearing:	03.10.2024
Report of:	Service Lead - Environmental Health and Community Safety Presented by Nigel Marston – Principal Licensing Officer
Decision Required:	To determine an application for a Variation to an existing Premises Licence
Legislation:	Licensing Act 2003
Premises:	Sunset Society, 5 Old Tiverton Road, Exeter, EX4 6LD 24/01160/LPRVAR
Applicant:	The Sunset Society

1. What is the report about?

- 1.1 The application attached as Appendix A together with the plan has been received for the variation of a premises licence.
- 1.2 The Premises is situated at 5 Old Tiverton Road, Exeter, EX4 6LD as shown on the location plan attached as Appendix B

2. Are there any representations?

- 2.1 There have been 5 valid representations objecting to the Application relating to the Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder, and the Protection of Children from Harm. The representations have all been received from persons that work or reside within the vicinity of the proposed premises.
- 2.2 Representation 1 was received from [REDACTED] and is attached as Appendix C.
- 2.3 Representation 2 was received from [REDACTED] and is attached as Appendix D.
- 2.4 Representation 3 was received from [REDACTED] and is attached as Appendix E.
- 2.5 Representation 4 was received from [REDACTED] and is attached as Appendix F.
- 2.6 representation 5 was received from Councillor [REDACTED] and is attached at Appendix G.
- 2.7 The last date for receiving representations was 10.09 2024.
- 2.8 No representations have been received from any of the Responsible Authorities.

- 2.9 As a result of the representations, the Applicant has submitted a response in relation to the objections raised and sought to clarify how the premises will operate. This response by the Applicant is attached as Appendix H.
- 2.10 The response to the objections by the applicant was circulated to those that had made representations. The responses received are attached as Appendix I.

3. Report details:

- 3.1 The application was advertised on the Premises from 12 August 2024 until 10 September 2024 and in the local newspaper on 1 August 2024 in line with above legislation. The Premises advertisement is at Appendix J and the newspaper advertisement is at Appendix K.
- 3.2 The current licensable activities are:

Supply of Alcohol (Alcohol is supplied for consumption on the premises).

Wednesday 11.00 – 17.00hrs.
Thursday to Saturday 11.00 – 22.00hrs.

Live Music

Friday 18.00 – 22.00hrs.

Recorded Music

Monday to Sunday 09.00 – 17.00hrs.

- 3.3. The variation sought is to increase the hours for the sale of alcohol to the below:

Supply of Alcohol

Monday to Sunday 12.00 – 22.00hrs

- 3.4 Whilst there is no proposal to change the hours for live music or recorded music. Members should note that due to the exemption provisions of the Live Music Act 2012 the premises is able to provide live or recorded music between the hours of 09.00 and 23.00hrs.
- 3.5 The applicant has offered a number of conditions to promote the licensing objectives and these can be found in section 16 of the application.

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 [Statement of Licensing Policy 2020-2025 \(exeter.gov.uk\)](https://www.exeter.gov.uk)
- 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.
- (a) To grant the licence subject to:
- i. The conditions consistent with the operating schedule modified to the extent that the authority considers appropriate for the promotion of the Licensing Objectives;
 - ii. The mandatory conditions under sections 19, 20 and 21 of the Act.
- (b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) To refuse to specify a person in the licence as the premises supervisor;
- (d) To reject the application.
- 4.4 Section 18 (5) of the Act provides that conditions in the operating schedule are modified if any of them is altered or omitted or any new condition is added.

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: Nigel Marston, Licensing Officer.

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

Contact for enquires:

Democratic Services (Committees)

Room 4.36 01392 265275

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* required information

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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

Howard

* Family name

Parker

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Business name

the Sunset Society

If your business is registered, use its registered name.

VAT number

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

Legal status

Sole Trader

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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

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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

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Non-domestic rateable value of premises (£)

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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.

The consumption and situation of the premises will remain the same as previous license stated. we operate a café style business. with most of the trade taking place during day time hours between 9-5pm. we would look to sell alcohol during this period. offering a very limited array of beverages on a low scale and relaxed atmosphere. we are planning on opening on a few nights a week. for food and cocktails. in the inside space of the café with the bar being in the main area. and most of the alcohol being consumed accompanied with food. the space in which alcohol will be consumed comprises of two areas the one main front room with large windows and the back small more intimate room on the side.

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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

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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

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PROVISION OF INDOOR SPORTING EVENTS

[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

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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

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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

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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

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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

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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

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PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

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SUPPLY OF ALCOHOL

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

- Yes No

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

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

We do not operate during the majority of school holidays (August / Easter) therefore those months will not have events or evening trade.

Non-standard timings. Where the premises will be used for the supply of alcohol 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.

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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.

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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

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WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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.

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

I have enclosed the premises licence

Continued from previous page...

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.

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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.

Identify Potential Issues: Assess the venue, event, or premises for any risks related to crime, safety, nuisance, and child protection.
Plan Mitigation Strategies: Develop tailored strategies to address identified risks.

b) The prevention of crime and disorder

Identify High-Risk Areas: Assess the premises to identify areas prone to crime or disorder, such as entry points, bar areas, and secluded spots.
Review Historical Data: Analyze past incidents to understand patterns and areas of concern.
Regular Monitoring: Have staff or security personnel actively monitor live CCTV feeds, especially during peak hours.
Implement strict ID verification at entry points to prevent underage entry and identify potential troublemakers.
Controlled Entry: Use barriers, ropes, or other physical measures to control and manage the flow of people entering and exiting the premises.
Guest Lists: For events, use guest lists to control who is allowed entry.
Training in Conflict Resolution: Provide staff with training on de-escalating situations and handling confrontations peacefully.
Responsible Alcohol Service: Train staff to recognize signs of intoxication and refuse service to visibly intoxicated persons.
Drink Limits: Consider implementing policies like restricting the number of drinks per order or introducing a last-call policy well before closing time.
Challenge 25/21 Policy: Enforce a Challenge 25 or Challenge 21 policy to ensure alcohol is not sold to underage individuals.

c) Public safety

Comprehensive Safety Training: Provide all staff with training on safety protocols, emergency procedures, and how to handle safety-related incidents.
Incident Response Training: Train staff on how to respond to various emergencies, such as medical incidents, fires, or violent situations.
Adequate Lighting: Ensure that all areas of the premises, including entrances, exits, and outdoor areas, are well-lit to prevent accidents and improve security.
Emergency Lighting: Install and maintain emergency lighting that activates during a power outage to guide patrons safely to exits.
Document Incidents: Implement a system for logging and reviewing any safety-related incidents, including near misses, to identify trends and areas for improvement.
Post-Incident Analysis: After any significant incident, conduct a thorough review to understand what went wrong and how to prevent similar issues in the future.
Cooperation with Emergency Services: Maintain close communication with local fire services, police, and medical emergency responders to ensure quick assistance if needed.
Compliance with Regulations: Regularly review and comply with local health and safety regulations, fire codes, and licensing conditions.

d) The prevention of public nuisance

Noise Control/Soundproofing: Install soundproofing materials on walls, ceilings, and floors to contain noise within the premises.
Limit Sound Levels: Use sound limiters on audio equipment to prevent excessive noise. Set a maximum decibel level that

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complies with local regulations.

Monitor Noise Levels: Regularly monitor noise levels, especially during peak times, using decibel meters. Adjust volume levels as necessary to stay within acceptable limits.

Positioning of Speakers: Ensure speakers are positioned away from walls shared with neighbors and consider using directional speakers to focus sound inward.
Outdoor Noise Management: If the premises have outdoor areas (e.g., patios, beer gardens), establish rules to limit noise, such as restricting the use of these areas after certain hours.

e) The protection of children from harm

Challenge 25/21 Policy: Implement a strict age verification policy such as Challenge 25 or Challenge 21 to ensure that anyone appearing under the specified age is asked for valid ID before being served alcohol or allowed entry into age-restricted areas.

Acceptable Forms of ID: Only accept government-issued identification, such as a passport, driver's license, or national ID card, and ensure staff are trained to recognize forgeries.

Safeguarding Training: Provide staff with training on child protection and safeguarding, including recognizing signs of abuse or exploitation and knowing how to respond appropriately.
Regular Refresher Courses: Offer ongoing training to ensure staff stay updated on child protection policies and procedures.

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NOTES ON REGULATED ENTERTAINMENT

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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.

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- 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.

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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

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 you 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

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

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* 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

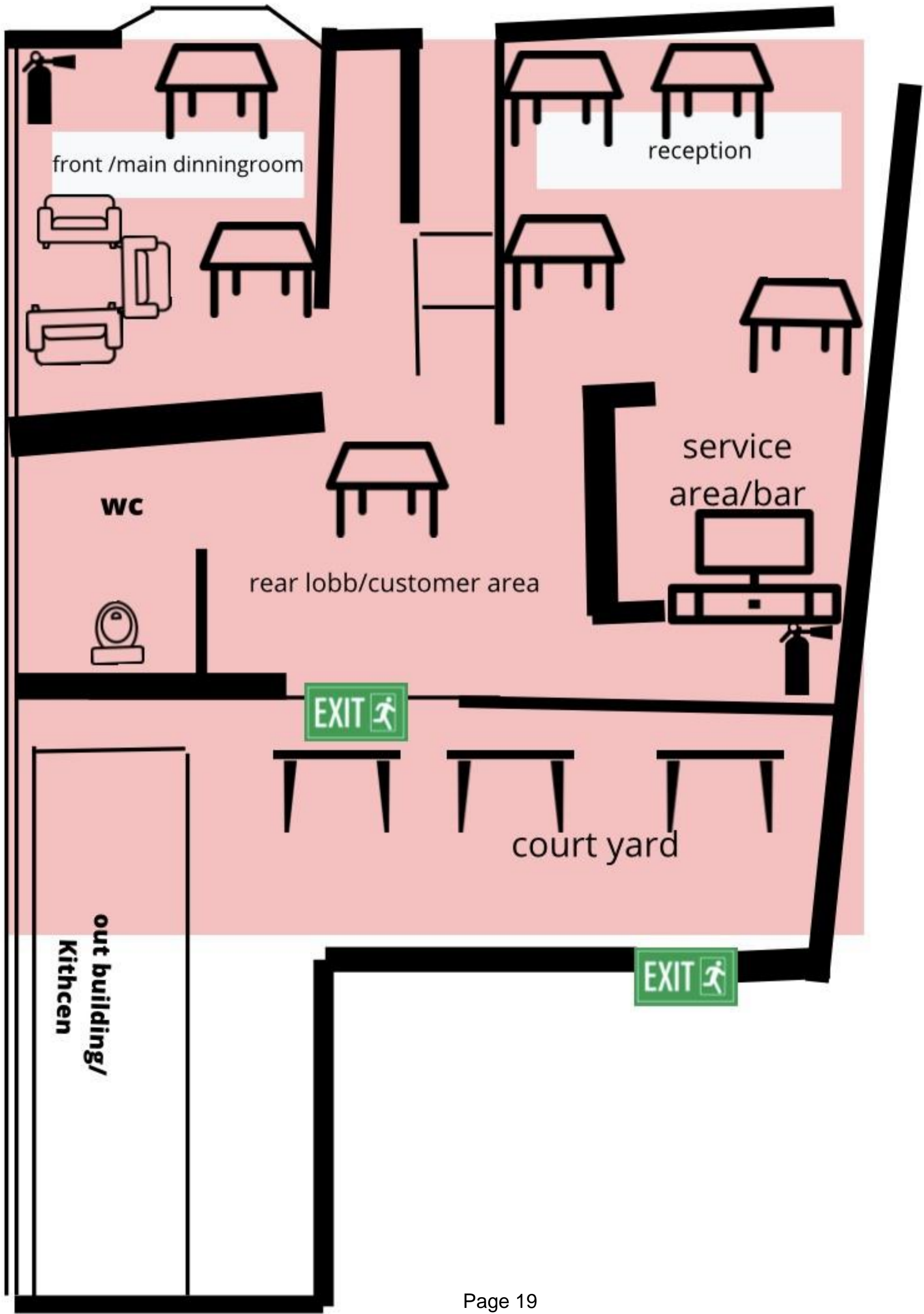
Date and time submitted

Approval deadline

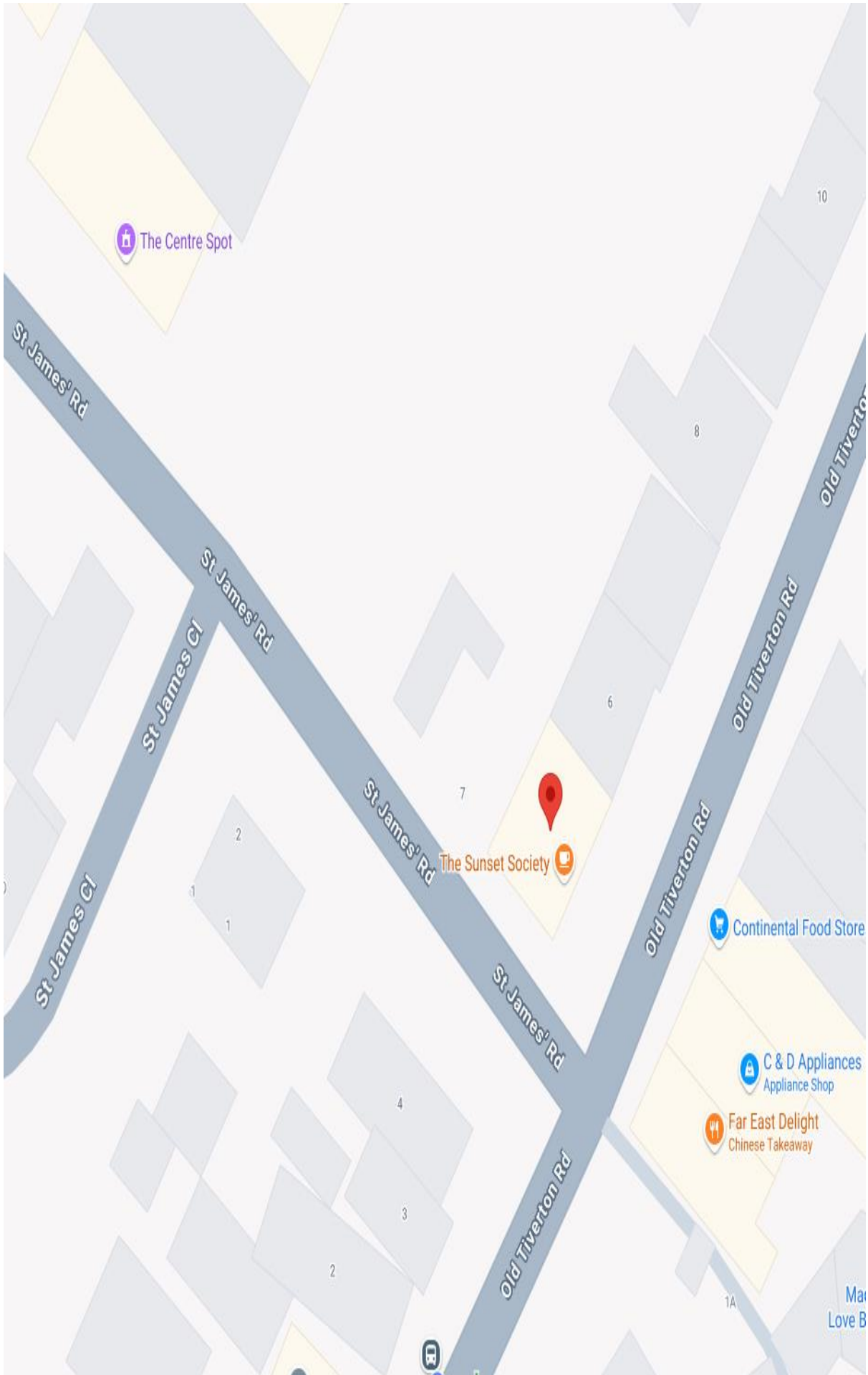
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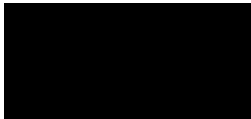
This application - although inconspicuously displayed at the premises, and certainly difficult to read - has come to my attention.

I wish to object very strongly to this change of use from a coffee shop to one selling alcohol through a large part of day. The cafe is largely inoffensive and quiet. However it organises a 'running club' on Sunday mornings with participants milling about on the pavement and frequently the roads, obstructing a clear view of traffic using Old Tiverton Road.

If this proposed licence is granted will the customers be obliged to stay inside the premises? Not even in the front yard, where they would again obstruct a clear view for turning traffic.

This cafe is directly next to the football stadium. The mixture of alcohol and football has long been discouraged by police. Will it be closed on days when Exeter City is playing at home? Surely this is the main reason that a licence is being applied for? Such crowds can be intimidating - and more so when they have easy access to alcohol.

This residential area is surprisingly quiet, with very little evening noise and disturbance. The introduction of another premises selling alcohol would bring in its wake noise, shouting, breaking glass, food remnants and other detritus (including vomit). We really don't need it.



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	

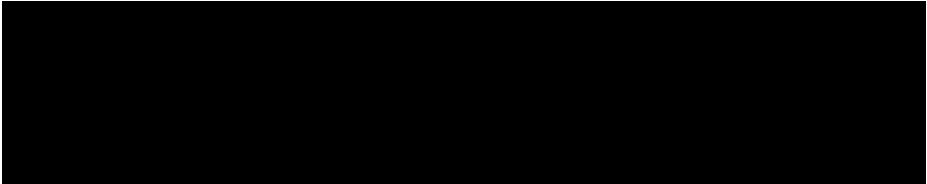
see attached sheet.

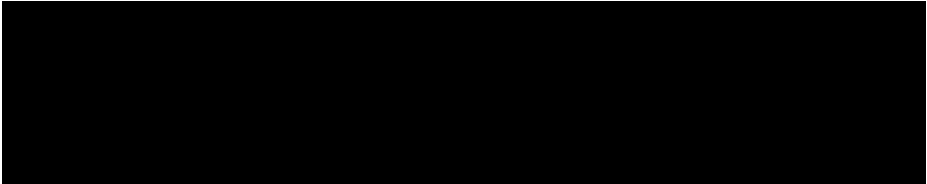
Name of the premises you are making a representation about	
Address of the premises you are making a representation about	

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	<i>Yes</i>	
Public safety		
To prevent public nuisance	<i>Yes</i>	
To protect children from harm		

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: 

Please sign: 

22-8-24

REPLIES TO ECC REPRESENTATION FORM

(Impossible to complete on line)

NAME.



PREMISES Sunset Society

5 Old Tiverton Road

LICENSING. To prevent public nuisance
OBJECTION

The change of use from a coffee shop that is open only during the University terms to a bar selling alcohol for a large part of the day and evening is radical. The 'running club' that meets there on Sundays already creates a hazard with participants milling about on the pavements and roads, obstructing a clear view of traffic using Old Tiverton Road.

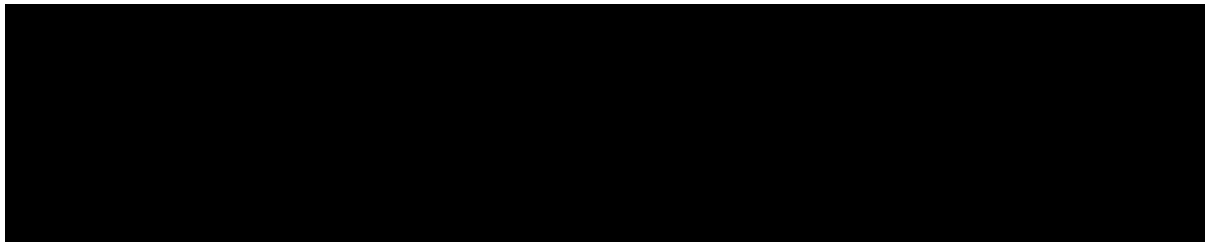
It would be much more of a hazard when they are serving alcohol to customers outside in the tiny front yard. If the proposed licence is granted, will customers be obliged to stay INSIDE the premises? - not even in the front yard where they would again obstruct a clear view for turning traffic.

Please consider also the road obstruction and chaos caused to other road users by the inevitable delivery trucks offloading cases of bottles, or beer barrels. Old Tiverton Road could be blocked even more often than it is at the moment.

This cafe is directly next to the football stadium - an open invitation to fans both before and after a match. The mixture of alcohol and football has long been discouraged by the police.

Will it be closed when Exeter City is playing at home?
Surely this is the main reason that a licence is being applied for? Such crowds can be intimidating - and more so when they have easy access to alcohol.

This residential area is surprisingly quiet with very little evening noise and disturbance. The introduction of another premises selling alcohol would bring in its wake noise, shouting, breaking glass, food detritus, and other unpleasant public nuisance.



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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	CAFE, 5 OLD TIVERTON ROAD, EX4 6LD
Address of the premises you are making a representation about	— 11 —

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	No	
To prevent public nuisance	YES	THESE PREMISES ARE SITUATED AMONGST HOUSING FOR FAMILIES, RATHER THAN STUDENTS. A LICENCE TO SELL ALCOHOL WOULD CHANGE IT FROM A CAFE TO A BAR
To protect children from harm	No	

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).	SHOULD A LICENCE BE GRANTED, IT SHOULD BE TIME-RESTRICTED FOR THE HOURS OF, SAY, 10 a.m. TO 6pm, IN KEEPING WITH THE ORIGINAL USE AS A CAFE. ANY LATER THAN 6pm, MAY ATTRACT UNDESIRABLES TO THE AREA
--	---

Signed:

[REDACTED]

Date:

28/8/2024

Please see notes on reverse

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Dear Sir or Madam,

I wish to object to the application from Howard Parker of the Sunset Society 5 Old Tiverton Road Exeter EX4 6LD for a Premises Licence for the sale and Supply of Alcohol from 12.00 - 22.00 every day.

My objection is based on my concern that this new licence may increase the possibility of public nuisance and disorder for the many dwellings nearby, many with young children, including my own.

Sunset Society's marketing on Instagram indicates that they have been selling alcohol without the correct license and I have witnessed many events take place there with very loud music during unsociable hours. In fact, I made two noise complaints about Sunset Society last year, with video evidence, during August and September (case number: FS-Case-540558516 and FS545649524) because some of the attendees were acting in a disorderly manner on St James Road and because of the extremely loud bassy music until 2am. It would appear that Sunset Society is operating illegitimately and I dread to think what rules will be flouted once they have been granted the permission to sell alcohol.

Additionally, because of the small size of the premises the revellers spill out onto the streets and cause a nuisance to the dwellings nearby, smash glass, vomit and urinate in the alleys opposite. As this nuisance currently only happens occasionally, I am prepared to tolerate it. However, if by applying for this new licence, it is Sunset Society's intention to hold more frequent events, the noise nuisance and subsequent disorder would not be tolerable.

Please find attached supporting evidence and consider my objection with empathy.

Yours Faithfully.

A solid black rectangular box used to redact the signature of the sender.



thesunsetsociety_



♡ 61 💬 1 ▼



thesunsetsociety_ From the sun setting to 'dancing in the moon light' 🕺🕴

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7 hours ago

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Dear Sir,

I would like to register a formal objection to an extended license for these premises. The premises lies on the corner of Old Tiverton Road and St James Road which is a predominantly residential area. In its current form as mainly a cafe with alcohol permitted inside it offers a good amenity to the neighbourhood. However as soon as alcohol is consumed in its limited outside area and as a takeaway it will spill onto the street and be a very different proposition.

I am a longtime resident of Victoria Street and so have a lot of student neighbours. There is a vast difference between folk sitting in the garden drinking coffee etc and drinking alcohol. The noise level increases the more they consume, they lose all sense of time and place and responsibility and University patrols and or police often get involved. I would not wish this on the residents near this premises. Besides which there are other places to drink quite close by - The Victoria Inn and St Ann's Well, and Heeras on Well Street or the local Tesco in Sidwell St sell alcohol to take away.

I am also a Governor at the local school [REDACTED] and many of our pupils and parents walk past these premises daily. Walking past a cafe is a different experience to walking past licensed premises with all its on street seating areas and large windows. Could the premises guarantee seemly behaviour of its clientele?

St James area does have a high number of hostels housing folk with a variety of needs as well as quite a gathering of folk living on the street, many of whom have alcohol addiction issues. (I also volunteer with Crossline which provides daily hot meals to rough sleepers etc). An extension to the licensing permit and opening hours may well encourage those with alcohol addiction to gather outside with all the resulting problems.

Finally I wish to support the Sunset Cafe in its current form and would ask that you and they give some consideration to the very reasonable counter arguments of their neighbours in the area.

Yours sincerely,

[REDACTED]

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Hi there

I'm writing as Cllr for the ward in which this premises operates to provide views of various residents with the hope of finding a positive solution.

This premises currently operates with a limited alcohol licence

It is a very small unit with limited outdoor space facing into a busy road

It is located within a residential area - old Tiverton Road, St James Close, St James Road,, Well Street and Oxford Road are all located very closely to this business.

The only other premises serving alcohol close by is the St Anne's Well pub on Well Street - this pub predominantly caters for football fans and students.

We have had a number of complaints from residents nearby with regards noise from this pub and it's clear that the mix of a pub with outdoor space is a challenge in a very heavily residential area.

Residents already have to deal with increased levels of anti social behaviour mainly from the student demographic- this is often in the evening after nights out in the city and can involve noise, littering and damage to property and vehicles. This business has predominantly aimed itself at the student demographic - it is not open outside of term time and the activities are aimed at students rather than the general local population, it supports a large student running group on Sunday which congregate outside and block the path and the road - my point here is that the owner seems to have little regard for the residents of St James and has done little to engage with them

We are also dealing with ongoing anti social behaviour from street attached individuals in Sidwell Street - we know that some of these individuals make their way up to Old Tiverton Road and onto Blackboy Road - directly opposite this business. I would like to see some clear plans in place around security for staff and patrons

We also have well documented issues with ongoing drug dealing at Stadium Way which is about 100 yards from this business.

We also have ongoing anti social behaviour issues at the Co-op in Old Tiverton Road.

A recent article in Devon live has only increased concerns and whilst Obama aware that this may not be an accurate representation of future plans it's important to note that

A former manager of Exeter nightclub TimePiece is now a partner

Both individuals clearly mention in the article that they want to target students, there is also mention of running events at the venue

<https://www.devonlive.com/whats-on/whats-on-news/exeter-caf-become-day-night-9464230.amp>

Some residents have expressed serious concerns about noise and the impact of students congregating in the evening in what is a totally residential area,

Residents are also concerned about events and noise that could relate to those events

Old Tiverton Road should be a road where people walk through to get home at the end of the evening not a place to continue to drink until late in the evening.

Residents should have the right to enjoy their homes in peace and quiet without being disturbed

The business owner has made no attempt to speak to local residents or engage them in future plans

He must be fully aware of the extreme sensitivity that exists in this community between permanent residents and transient student populations

Sadly for many this application shows once again the total disregard for those residents that have chosen to make St James their home and could be patrons of a local business if it were aimed at the whole community rather than one element.

I have also been asked by some residents to make a representation to support the application
Some residents feel strongly that we should support a local independent business - with which I agree

We welcome independent businesses to St James and would like to see more of them in the local area.

These residents do not live in the immediate vicinity but do not share the same concerns around noise

They feel it would not have a detrimental impact and would enhance the neighbourhood offering

They do however understand the hesitance of those that live more closely

But have asked that we try to find a resolution

I have attempted to contact the owner with no success - they have been closed all summer and I can find no contact information for them.

Ideally I would have preferred to have discussed concerns beforehand

However I am left with no option but to object and ask to speak about concerns raised at a licensing committee in the hope that we can find a suitable solution that is acceptable for both residents and the business.

With very best wishes



Thank you for your comments,

I would like to take this opportunity to respond to the objections raised by yourselves.

Firstly, I would like to state that this is simply an application to amend the current licence that we hold and have had held for around 2 years.

Having been able to sell alcohol from Wednesday to Saturday till 10pm, consequently only adding three extra days to our current allowance.

Our vision is not to change from a cafe to a 'Bar' it is simply to expand our offerings to our existing customer base. Our current atmosphere amends itself to the 'quiet, chilled vibe. This will not change with the additional 3 days of alcohol sales.

An example of what we would like to offer follows as:

Pottery painting nights, with wine and nibbles

Acoustic night, with local residents involved in the music.

Day time food and fizz

Movie nights with wine / boozy hot drinks.

(ALL FINISHING AT 10PM LATEST)

These events are far from 'extremely loud bassy' or resulting in 'noise nuisance and subsequent disorder'. Our customer base is not football goers, therefore this is not the desirable result of obtaining a licence, regardless of this we have already upheld a licence during match times, and purposely avoided these fans.

To highlight the statement 'witness many events take place there with very loud music during unsociable hours'

We have held a handful of events that have gone through the TENS route and have been put on with the correct permissions. The event that was 'filmed' was in the outbuilding towards the back of the property this is not under our lease and this was proven to the licensing team at the time and therefore nothing to do with us.

Please note that we want to continue to be an asset to the St James community, we are a cafe a social space. The additional 3 days of Monday, Tuesday and Sunday are simply there to allow flexibility to our customer base and private hire options. All events will remain inside and be capped at a sensible number of attendees. With additional space created at the rear of the property the 'spill out' towards the front will not happen.

Regards

The Sunset Society.

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Objector	Response
[REDACTED]	Thanks for bringing me up to speed on the application from the Sunset Society. I'm afraid I find their letter far too slick to be reliable and, if possible, I will be attending the meeting on Oct 3rd.
[REDACTED]	<p>Regarding the sunset society's response, I would like to state that I do not wish to withdraw my objection. It has come to my attention that the advertisements previously posted on social media have been removed since sunset society were made aware I knew of them, subsequently, I am now unable to have any trust. Although this shows they knew they were in the wrong i am not satisfied with the insinuation this as a more upmarket 'cheese and wine' venue when it is obvious to anyone it has been functioning as a mini nightclub. I have read on the news that this is a collaboration between the owners of pura vida coffee shop and timepiece which are in the nightclub industry! There are already many locations in which such activities take place and we do not need another especially in a residential area where there are families with small children.</p> <p>[REDACTED] i am unable to attend the hearing on the 3rd October however would like to be kept updated on the outcome.</p>
[REDACTED]	<p>To confirm I have spoken with [REDACTED] and [REDACTED] today</p> <p>It was a really positive conversation, and I feel very satisfied that they have good processes in place in terms of managing events and attendee numbers.</p> <p>I am also highly supportive of their approach which is very much around wellbeing. They seem to have a good balance between open events and private events – those events that are aimed at students are for specific societies that have a focus on wellbeing or creativity and are not focussed on drinking.</p> <p>I have no issues at all with any potential footfall from the football – this would be same for any business; I don't particularly think that hundreds of football fans would be turning up to drink the premises and I don't believe this is a concern at all.</p> <p>I will of course speak with residents who have concerns and I am hoping that moving forward we can encourage residents to meet with Howard and Ben and maybe come along to some events and create a great community space that can be enjoyed by everyone.</p> <p>I would therefore be very happy to withdraw my objection and also ask that we acknowledge that both [REDACTED] and [REDACTED] have been very</p>

	<p>understanding and willing to discuss issues, they understand the concerns and that the article in the press could well have inflamed concerns, they have been very proactive and helpful and keen to engage.</p> <p>I am more than happy to support their application to extend their licence</p> <p>Please do let me know if you need anything further from me</p>

LICENSING ACT 2003

I, Howard Parker hereby give notice that I have applied for a full variation to a premises licence in respect of The Sunset Society, 5 Old Tiverton Road, Exeter, EX4 6LD.

The licence is for the following licensable activities:

The Sale of Alcohol from 12.00hrs to 22.00hrs Mon to Sunday.

Further information can be viewed on the application at the offices of the Licensing Authority at 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 10th September 2024.

It is an offence to knowingly or recklessly to 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: 12.08.2024.

Last date for representations: 10.09.2024.

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Other

DARTMOOR FIRING NOTICE

DATE	10.00 AM	11.00 AM	12.00 PM	1.00 PM
Tue 27 September 2011	50	50	50	50
Tue 28 September 2011	50	50	50	50
Tue 29 September 2011	50	50	50	50
Wed 30 September 2011	50	50	50	50
Thu 01 October 2011	50	50	50	50
Thu 02 October 2011	50	50	50	50
Thu 03 October 2011	50	50	50	50
Thu 04 October 2011	50	50	50	50
Thu 05 October 2011	50	50	50	50

Warning signals, set flags for day and night signals by night, indicate the day and night firing times. When warning signals are displayed do not enter the range boundaries. If the warning signals are not visible by 1000 yds - Set on 1000 yds. Also on the flag will also show 1000 yds. All day target can fire will be done on target in forward. All firing is between sunrise and sunset. All firing is between sunset and sunrise. Flags are located on 1000 yds firing ranges.

Further information on the Armed Forces website or Defence is available from: www.defence.gov.uk
 Information: 0307 147 1507 ext 111
 or <http://www.defence.gov.uk/defence-operations-operations-and-operations>

The address is only valid for: **0307 147 1507 ext 111**
0307 147 1507 ext 111
0307 147 1507 ext 111
0307 147 1507 ext 111

Planning

EXETER CITY COUNCIL

These applications are available to view on our website: www.exeter.gov.uk/planning. Representations of objection, comment or support can be made on our website, or by email to the assigned Case Officer, within 28 days of the notice.

DEVELOPMENT AFFECTING THE SETTING OF A LISTED BUILDING (L1) AND/OR THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA (L2)

Ground Floor Flat, 104 Northcott Road, St Leonards
 Placement of 21 single glazed south windows with replacement PVC double glazed south windows on the ground floor. The change will include the removal of wood and brass window sills. **JAGS/PFA, (C4)**
Michael Spens Jewellers, 20 Cathedral Yard
 Planning application to replace 21 single glazed south windows with replacement PVC double glazed south windows. New aluminium profile window frames. Replacement existing wood sills. **JAGS/PFA, (C4A/B)**
104 Northcott Road, St Leonards, TQ1 1JG
 For more information, please contact the Case Officer: **JAGS/PFA, (C4)**
104 Northcott Road, St Leonards, TQ1 1JG
 Tel: 01392 261111
 Email: planning@exeter.gov.uk

Probate & Trusts

DEEDS/REMOVING BODILY

(Deceased)
 Pursuant to the Trusts Act 1991 any person having a claim against or an interest in the estate of the above named, late of 11 North Street, Exeter, Devon, EX2 1JG formerly of 11 North Street, Exeter, Devon, EX2 1JG, who died on 01/01/2013, are required to send written particulars thereof to the undersigned on or before 30/10/2013, after which date the estate will be distributed having regard only to the claims and interests of which they have had notice.

Sherriff Stephens LLP
 14-17 Southbarrow East, Exeter, Devon, EX2 1JG

MILLET, BRUNNEN, BALDWIN (Deceased)

Pursuant to the Trusts Act 1991 any person having a claim against or an interest in the estate of the above named, late of 11 North Street, Exeter, Devon, EX2 1JG, who died on 01/01/2013, are required to send written particulars thereof to the undersigned on or before 30/10/2013, after which date the estate will be distributed having regard only to the claims and interests of which they have had notice.

Van Ardeny-Lynn
 171 High Road, Tregunna, Devon, Devon, EX2 1JG

WILSON, GUY, LIND (Deceased)

Pursuant to the Trusts Act 1991 any person having a claim against or an interest in the estate of the above named, late of 11 North Street, Exeter, Devon, EX2 1JG, who died on 01/01/2013, are required to send written particulars thereof to the undersigned on or before 30/10/2013, after which date the estate will be distributed having regard only to the claims and interests of which they have had notice.

Stuart Spencer-Haley
 The London Society (Solicitors)
 100 New Street, Worcester, WR1 1JG

Report of Local Government and Social Care Ombudsman

Report 20091400

The Local Government and Social Care Ombudsman has issued a report following its investigation of a complaint about Devon County Council. The complaint was about Education & Children's Services. The Ombudsman found that Devon County Council had not followed its own policies and procedures in the way it handled the complaint. The Ombudsman has agreed to take action which the Ombudsman regards as providing a satisfactory remedy to the complainant.

The Council must now consider the report and all the Ombudsman's advice. Three months (or such longer period) as the Ombudsman may agree, after it is issued to the Council, the report is available for public inspection during normal office hours at County Hall, High Street, Exeter, Devon, EX1 1JG. A notice is issued to take copies of the report or extracts from it. Copies will be supplied free of charge.

Contact customer relations@devon.gov.uk for more information.

NOTICE OF APPLICATION FOR GRANT OF PROBATE **UNDER THE LEGISLATION ACT 2000** I, Howard Parkin-Henry, give notice that I have applied for a full grant of a probate licence in respect of the Estate of Mrs. Helen Mary Parkin-Henry, late of 11 North Street, Exeter, Devon, EX2 1JG, who died on 01/01/2013. The estate is to be administered in accordance with the Will of the late Mrs. Helen Mary Parkin-Henry, dated 10/01/2000. Further information can be viewed at the application at the office of the Licensing Authority at Exeter City Council, The Civic Centre, High Street, Exeter, EX2 1JG during normal office hours or at Applications at 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 not later than 14th September 2013. It is an offence to knowingly or recklessly make a false statement or representation with an application. A person guilty of such an offence is liable on summary conviction to a fine of £5,000. For more information contact: 01392 261111 Email: planning@exeter.gov.uk

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