

South Hams Licensing Sub-Committee



Title:	Agenda
Date:	Wednesday, 4th August, 2021
Time:	10.00 am
Venue:	Repton Room - Follaton House
Full Members:	<p style="text-align: center;">Chairman Cllr Brown</p> <p style="text-align: center;">Vice Chairman</p> <p><i>Members:</i> Cllr Rowe Cllr Taylor</p>
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Democratic.Services@swdevon.gov.uk

1. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

2. Declaration of Interests

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests; they may have in any items to be considered at this meeting;

3. Application to vary the Premises Licence of The Albert Inn, Totnes

1 - 74

Agenda Item 3

Report to: **Licensing Sub-Committee**
Date: **4th August 2021**
Title: **Application to vary the Premises Licence of
The Albert Inn, Totnes**
Portfolio Area: **Customer First**
Wards Affected: **Totnes Town**
Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **Y**

Author: **Naomi Stacey** Role: **Specialist – Licensing**
Contact: **01803 861268 / naomi.stacey@swdevon.gov.uk**

Recommendations:

That the Sub-Committee consider the application for a variation to the Premises Licence and make determinations in respect of this application, namely:

- (a) to modify the conditions of the licence;**
- (b) to reject the whole or part of the application;**

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

1. Executive summary

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a variation to the Premises Licence at **The Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD**, in accordance with Section 35 of the Licensing Act 2003.
- 1.2 The application is to:
- Vary the premises licence plan to include an area previously used for 'private parking' as an area for sale and consumption of alcohol.
 - Vary the premises licence to remove 'out of date' and 'unenforceable' conditions from Annex 2 and to include new conditions to address the licensing objectives.
 - A copy of the application and proposed plan is attached at **Appendix A** and a copy of the current premises licence and licence plan is at **Appendix B**.
- 1.3 Three representations have been received in objection to the application and four representations were received in support of the application during the consultation period (**Appendix F**). The application must therefore be determined by the Licensing Sub-Committee.

2. Background

- 2.1 The premises is currently licensed for:
- The sale of alcohol for consumption on and off the premises: Monday to Saturday from 10am to midnight; Sunday from 11am to midnight; New Year's Eve – from the end of licensing hours on New Year's Eve to the commencement of licensing hours on New Year's Day.
 - Live and recorded music (indoors): Monday to Saturday from 10am to midnight; Sunday from 11am to midnight; New Year's Eve – from the end of licensing hours on New Year's Eve to the commencement of licensing hours on New Year's Day.
 - Indoor sporting events: Monday to Saturday from 10am to midnight; Sunday from 11am to midnight.
 - Opening hours: Monday to Saturday from 10am to 12.30am; Sunday from 11am to 12.30am; New Year's Eve from the end of licensing hours on New Year's Eve to the commencement of licensing hours on New Year's Day.
 - A copy of the premises licence and licence plan is at **Appendix B**.
- 2.2 It is proposed that all the conditions under Annex 2 of the premises licence are removed and replaced with new, updated conditions. The current conditions under Annex 2 are listed at **Appendix C**. The new conditions proposed to replace these are listed at **Appendix D**. The conditions under Annex 1 of the premises licence are mandatory conditions and will remain in place on the licence whether or not the application is granted. The sub-committee also

have the power to include additional conditions if they believe appropriate to promote the licensing objectives.

- 2.3 The application is also to include an additional outside area to the premises licence plan. This area is located between the pub building and the beer garden and was previously designated as private parking area but more recently used as an area for storing bins. The premises licence holder has requested to be able to use this new area for the sale of alcohol up to four times per year and used for consumption of alcohol as part of the beer garden throughout the year. The new area is outlined in red and labelled 'private parking' on the proposed premises licence plan at **Appendix A(ii)**. Photographs of this area are also included in the photographs at **Appendix G**. The area will not be used for parking.
- 2.4 During the consultation period the Police requested that the applicant include an additional condition in relation to having a refusals register. The premises licence holder has confirmed his agreement to this condition in writing. The additional condition is shown at **Appendix E**. If the application is granted, it is requested that this condition is also included on the premises licence.
- 2.5 Seven representations were received during the consultation period, four in support of the application and three in objection to the application. The representations were all received from local residents. Copies of their representations can be found at **Appendix F**.
- 2.6 The representations in objection to the application mainly relate to 'the prevention of public nuisance' licensing objective. In particular there is concern regarding the removal of the following condition:
 - Use of gardens, play areas and outside areas. The use of gardens and external play areas must not commence before the start of normal trading hours and must cease at dusk.
- 2.7 Within the objections there is reference to disturbance from customers using the beer garden, with particular concern about noise after dusk. The premises licence holder has proposed to replace this condition with the condition that outdoor areas must not be used after 11pm.
- 2.8 There is also reference in the representations to lack of enforcement by the council of the condition relating to dusk. The lack of compliance with the dusk condition was brought to the council's attention in September 2019. The DPS was spoken to at the time, but the problem was raised again in December 2019. The DPS was sent a warning letter at the beginning of January 2020 and following this it appeared that the condition was being complied with. All pubs had to close in March 2020 due to the national lockdown because of the Coronavirus pandemic.

- 2.9 Upon re-opening on 4th July 2020, all hospitality venues were encouraged by the government to use outdoor spaces for their customers and had to limit the number of customers inside their premises due to strict social distancing measures to limit the spread of the virus. Councils were sent a letter from Kit Malthouse MP and Minister of State for Crime and Policing in April 2020 to encourage licensing authorities to consider a flexible approach when dealing with licensed premises. The letter advises authorities that 'a considered and pragmatic approach should be taken to breaches of licence conditions and procedural defects caused by the COVID-19 pandemic, particularly where these breaches or defects do not have a significant adverse impact on the licensing objectives.' Not being able to use the garden after dusk severely restricted the business, due to the more limited capacity within the building because of social distancing measures. It was decided that action would only be taken against the breach of the dusk condition if there was evidence that noise from the beer garden was causing a public nuisance. Environmental Health have been unable to establish a nuisance, due to lack of evidence being provided to progress with an investigation.
- 2.10 It has also become clear that the wording of the condition relating to dusk is open to interpretation, as there are several possible definitions. It is recommended that a specific definition or set time is used, to make this condition enforceable and more consistent.
- 2.11 Representations received in support of the application are from neighbours advising that they are not disturbed by noise from the beer garden and confirming that the premises licence holder is cooperative if there has been a problem in the past. It is stated in one of the representations that the garden being brought out of use at 11pm is reasonable.
- 2.12 The premises is located on the edge of the town centre, close to other businesses and residential properties. A map showing the location of the premises is at **Appendix H**. Photographs showing the outside area and properties surrounding the premises are at **Appendix G**.
- 2.13 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance (the Guidance) issued under Section 182 Licensing Act 2003 (revised April 2018).
- 2.14 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives. (These objectives are the only matters to be taken into account in determining the application

and any conditions attached must be appropriate to achieve the licensing objectives).

- 2.15 The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 2.16 Section 3.2 of the Policy states: A licence (or club premises certificate) will only be granted where the Licensing Authority is satisfied that these objectives have been met.
- 2.17 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.
- 2.18 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2018 state: The Licensing Authority may not impose conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives (paragraph 10.8 of the guidance).
- 2.19 The following responsible authorities are statutory consultees under the Licensing Act 2003:
- Devon and Cornwall Police
 - Devon and Somerset Fire and Rescue Service
 - Devon Safeguarding Children's Board
 - Devon County Council Trading Standards
 - Devon Drug and Alcohol Action Team, NHS Devon
 - South Hams District Council Planning Department
 - South Hams District Council Environmental Health (Health & Safety)
 - South Hams District Council Environmental Health (Pollution Control)
- 2.20 No representations have been received from any of the responsible authorities. An additional condition has been agreed between the premises licence holder and the Police (**Appendix E**).
- 2.21 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

3. Outcomes/outputs

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the

following sections of the Statement of Licensing Policy (the policy) and Section 182 Guidance (the guidance) are especially relevant:

- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the guidance).
- 3.3 Paragraph 10.14 of Guidance issued under Section 182 of the Licensing Act 2003 states: where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.4 Section 5.5.1 & 5.5.2 of the policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control included within operating schedules in order to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 Section 5.5.5 of the policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it necessary, proportionate and reasonable to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Licensing Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.8 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and

when conditions are imposed, that these are appropriate to address the licensing objectives.

4. Options available and consideration of risk

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. The South Hams relies on tourism, with the population in the district doubling in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates' Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates' Court may make any costs order it thinks fit.
- 4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

5. Proposed Way Forward

- 5.1 That the Sub-Committee consider the application for a variation to the Premises Licence and make a determination in respect of this application, namely to:

- i) modify the conditions of the licence;
- ii) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The decision must be in line with the licensing objectives contained within the Licensing Act 2003.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Licensing Act 2003 gives Licensing Authorities the responsibility for determining applications submitted under this provision. This is a statutory obligation.</p> <p>As there have been relevant representations in respect of this application which have not been resolved, this hearing must be held. Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by responsible authorities or any other person. The Licensing Sub-Committee must disregard any information or evidence not relevant to the licensing objectives.</p> <p>The Licensing Sub-Committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The Licensing Authority must also have regard to its own licensing policy and the Secretary of State’s guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.</p> <p>The Act requires (Section 35) that in dealing with a variation to a premises licence application, the committee takes any of the following steps which are appropriate for the promotion of the licensing objectives:</p> <ul style="list-style-type: none"> (i) modify the conditions of the licence; ii) to reject the whole or part of the application; <p>The Sub-Committee must give its reasons for its decision to take any of these steps. Similarly, if the application is rejected, the Sub-Committee must give its reasons.</p>

		<p>The applicant or any person who has made relevant representations has the right to appeal a decision made by the Licensing Sub-Committee to the Magistrates' Court by virtue of Section 181 and Schedule 5 of Licensing Act 2003.</p> <p>On appeal, the Magistrates' Court may:</p> <ul style="list-style-type: none"> a) dismiss the appeal; b) substitute for the decision appeal against another decision which could have been made by the Licensing authority; c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.
Financial	N	There are no direct financial implications to the Council from this Report. However, should a decision be challenged this could result in the Council facing an appeal to the Magistrates Court with the risk of costs being awarded against the Council.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.11). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed (see financial and legal/governance sections above).</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.11 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

Supporting Information

Appendices:

Appendix A – variation application and proposed licence plan

Appendix B – current premises licence and plan

Appendix C – current conditions under Annex 2 of the premises licence

Appendix D – proposed conditions to address the licensing objectives

Appendix E – additional condition agreed between premises licence holder and the Police

Appendix F – representations

Appendix G – photographs of beer garden and area surrounding premises

Appendix H – map showing location of premises

Background Papers:

[under provisions of the Local Government Act 1972]

The Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003

South Hams District Council's Statement of Licensing Policy

Responses to Notices of Hearing

Letter from Kit Malthouse MP to Chairs of Licensing Committees, dated 8th April 2020

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes/No
Relevant Exec Director sign off (draft)	Yes/No
Data protection issues considered	Yes/No
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	Yes/No

APPENDIX A(i) - Variation Application

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Giles John Hawkins

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PL0216
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Albert 32 Bridgetown			
Post town	Totnes	Postcode	TQ9 5AD

Telephone number at premises (if any)	01803 863214
Non-domestic rateable value of premises	£6500

Part 2 – Applicant details

Daytime contact telephone number	As above		
E-mail address (optional)	albertinntotnes@yahoo.co.uk		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
To include the small area previously private parking on the plan as an area for sale and consumption of alcohol. This sale of alcohol in this area will be limited to 4 times per annum. To remove out of date and unenforceable conditions and add updated relevant conditions.

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

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>																							
				Outdoors	<input type="checkbox"/>																							
<table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tue</td> <td></td> <td></td> </tr> <tr> <td>Wed</td> <td></td> <td></td> </tr> <tr> <td>Thur</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>				Day	Start	Finish	Mon			Tue			Wed			Thur			Fri			Sat			Sun			Both
Day	Start	Finish																										
Mon																												
Tue																												
Wed																												
Thur																												
Fri																												
Sat																												
Sun																												
			<u>Please give further details here</u> (please read guidance note 5)																									
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)																									
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)																									

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur								
Fri								
Sat								
Sun								

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Wed			
Thur			
Fri			
Sat			
Sun			

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

Remove all conditions and reinstate with below.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

All staff engaged in licensable activity at the premises will receive training and information in relation to the following

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.

- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.

CONDITIONS RELATING TO PUBLIC SAFETY

The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 80

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images

or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 07.00 hours or after 21.00 hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 21.00 hours and 07.00 hours.

All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.

A designated and de-lineated smoking area will be allocated outside the premises.

Suitable receptacles will be provided for cigarette litter within the designated smoking area.

Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Clear and legible notices shall be prominently displayed in the outside area requesting patrons to respect the needs of local residents and use the area quietly.

Any outdoor areas to the rear of the premises must not be used by customers or staff after 23.00 hours.

The use of lighting in beer garden shall cease at 23.00 hours except for health and safety or security reasons.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence

- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
The premises licence is on display in the premises.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

b) The prevention of crime and disorder

All staff engaged in licensable activity at the premises will receive training and information in relation to the following

- vii. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- viii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- ix. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- x. Recognising the signs of drunkenness.
- xi. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- xii. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.

CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV

All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 14 days with date and time stamping.

Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format.

There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

c) Public safety

The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 80

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

d) The prevention of public nuisance

The performance of live entertainment will be limited to a maximum duration of 3 hours inclusive of any breaks.

The performance of live entertainment will be limited to two evenings per week.

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 07.00 hours or after 21.00 hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 21.00 hours and 07.00 hours.

All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened

for normal entrance and egress of people but must be shut immediately after.

A designated and de-lineated smoking area will be allocated outside the premises.

Suitable receptacles will be provided for cigarette litter within the designated smoking area.

Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Clear and legible notices shall be prominently displayed in the outside area requesting patrons to respect the needs of local residents and use the area quietly.

Any outdoor areas to the rear of the premises must not be used by customers or staff after 23.00 hours.

The use of lighting in beer garden shall cease at 23.00 hours except for health and safety or security reasons.

e) The protection of children from harm

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or x
- 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 sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application. x

- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

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 (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Hayley Carpenter
Date	18/06/2021
Capacity	Agent

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) 47 Dornafild Drive East Ipplepen			
Post town	Newton Abbot	Post code	TQ12 5YH
Telephone number (if any)	07368325064		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) hayley@hjclicensingolutions.com			

Notes for Guidance

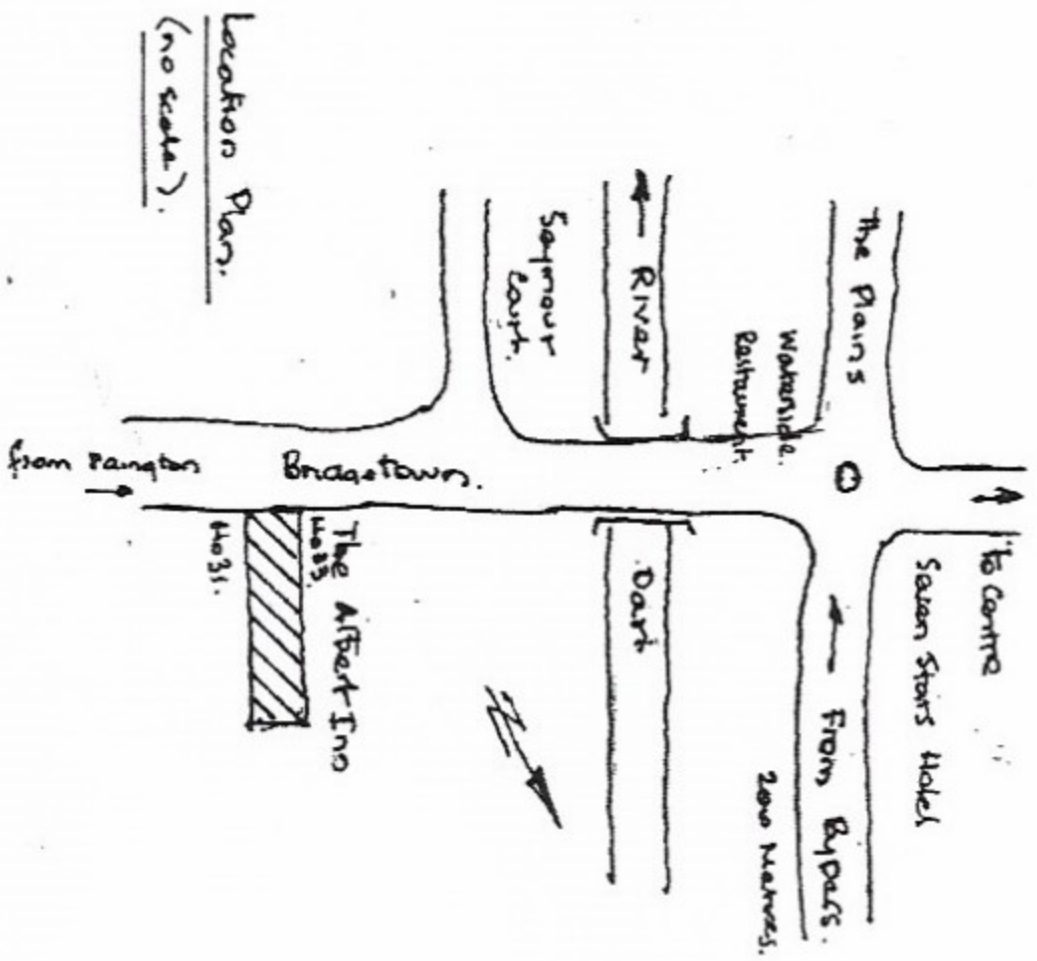
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give 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.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give 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 or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

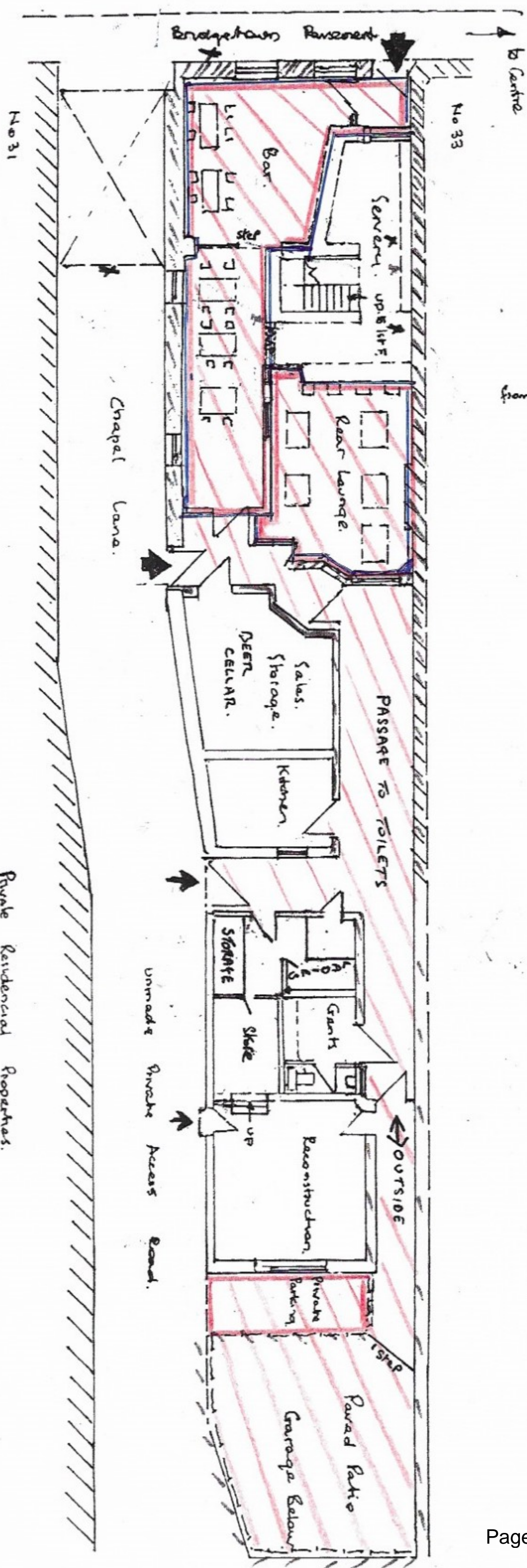
APPENDIX A(ii) - Proposed premises licence plan



Existing Ground Floor Plan 'The Albert Inn'
 Bridgetown Townes Down for Mr Wm T Langford
 Scale 1/100.

- Sale of alcohol
- MUSIC ENTERTAINMENT
- CONSUMPTION OF ALCOHOL
- EXITS
- * FIRE EXTINGUISHER
- * CCTV

W. A. Bell CBG
 24 Applewharf
 The Pains Townes
 Devon, OTR 80581.



Private Residential Properties.

This page is intentionally left blank

Licensing Act 2003

Premises Licence

Licence Valid From: 20 December 2007

SHPL0216

LOCAL AUTHORITY



Licensing
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Albert Inn

The Albert Inn, 32 Bridgetown, Totnes, Devon, TQ9 5AD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Indoor Sporting Events
Live Music
Recorded Music
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 10:00-00:30
Tue 10:00-00:30
Wed 10:00-00:30
Thu 10:00-00:30
Fri 10:00-00:30
Sat 10:00-00:30
Sun 11:00-00:30
New Year's Eve -
From the end of Licensing Hours on New Year's Eve to the
commencement of Licensing Hours on New Year's Day.

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Indoor Sporting Events	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00
Indoors	

Live Music	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00
Indoors	

	<p>New Year's Eve - On New Year's Eve the terminal hour for Live Music to be extended until 01:00</p>
<p>Recorded Music Indoors</p>	<p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00 New Year's Eve - From the end of Licensing Hours on New Year's Eve to the commencement of Licensing Hours on New Year's Day</p>
<p>Supply of Alcohol</p>	<p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00 New Year's Eve - From the end of Licensing Hours on New Year's Eve to the commencement of Licensing Hours on New Year's Day. Monday to Saturday 10:00- 00:00</p>

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

On and Off Premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mr Giles John Hawkins

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Giles John Hawkins

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 Number: TQ90431

Issued By: South Hams

ANNEXES

Annex 1 - Mandatory Conditions under the Licensing Act 2003

SUPPLY OF ALCOHOL

1. No supply of alcohol may be made under the Premises Licence (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or (b) At a time when the

Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

IRRESPONSIBLE PROMOTIONS

3. (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

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

AGE VERIFICATION

5. (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 licences 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

6. The responsible person shall 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: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and (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.

7. 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.

8. 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 (b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$ 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.

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.

10. (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.

EXHIBITION OF FILMS

11. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

12. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

13. 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.

14. In this section “children” means any person 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(c39) (authority to determine suitability of video works for classification).

DOOR SUPERVISORS

15. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or (b) be entitled to carry out that activity by virtue of section 4 of the Act.

16. But nothing in subsection (1) requires such a condition to be imposed: (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with

premises licences authorising plays or films); or (b) in respect of premises in relation to (i) 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 (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

17. For the purposes of this section: (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

GENERAL - ALL FOUR LICENSING OBJECTIVES

The maximum occupancy figures for inside the premises must be 80 in agreement with the licensing authority and Devon Fire and Rescue based on fire safety issues, available floor space and the sanitary accommodation available.

An appropriate method for checking the number of people entering and leaving the premises to ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted. The method employed must be seating for 50 people and standing room only at the servery. Method by physical head count

THE PREVENTION OF CRIME AND DISORDER

Customers carrying open or sealed bottles or gasses must not be admitted to the premises at any time. Customers must not be permitted to take open containers of alcoholic or soft drinks from the premises and all bottles and glasses must be removed from public areas as soon as they are finished with or empty.

Drinks promotions - irresponsible drinks promotions are not permitted.

Customers to be able to purchase alcoholic drinks in the following minimum measures without the premises upselling

Spirits - gin, rum, whisky and vodka in 25ml or 35ml or multiples thereof. Beer and cider one-third pint, half a pint or multiples of half a pint. Wine 125mm or 175ml or multiples thereof.

An anti drug policy agreed by the police and local authority must be in force and a secure facility to store controlled drugs to be available.

A detailed "customer code of conduct"• poster to be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity.

The premises must be a member of pubwatch and a representative must attend pubwatch meetings and participate in all initiatives.

A policy must be in force for the management of large groups, i.e. hen and stag parties. The group must be required to nominate a responsible person to liaise with staff.

A secure area for customer's personal belongings must be made available.

An incident book and record details of all instances of public disorder must be maintained.

A CCTV system must be operated within the licensed area and the recordings must be made available upon request.

PUBLIC SAFETY

The fire safety measures with which the premises are provided must be maintained in good working order, their adequacy to be determined on a regular basis, by the carrying out of fire risk assessment, as required by, and in accordance with the fire precautions (workplace) regulations. A safe occupancy level, influenced by numbers of persons present, their disposition and the activities taking place, must be maintained.

Fire safety -

-All exit doors must be easily openable without the use of a key, card, code or similar means and must be available for egress while the public are on the premises.

-Means of escape must be maintained unobstructed, immediately available and clearly identifiable.

-Exit doors must be regularly checked to ensure they function satisfactorily. Records of these checks must be kept and produced on request.

-Any removable security fastenings must be removed whenever the premises are open to the public or staff.

-Hangings, curtains and temporary decorations must be maintained in a flame retardant condition

-Upholstered seating must be fire retardant and compliant with current fire safety regulations.

-Curtains, hangings and temporary decorations must not obstruct exits, fire safety signs or fire-fighting equipment.

-Access must be provided for emergency vehicles and this access must be kept clear and free from obstruction.

-An evacuation policy must be in place that is to the satisfaction of the fire authority. All staff members to be trained in the evacuation policy

Free drinking water must be available at all times.

Disabled people - when disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency.

Sanitary accommodation - the sanitary accommodation to consist of: female wc's 1; wash h/b 1; disabled wc's 0; male wc's 1; urinals 1 (7foot long); whb's 1.

The air management system within the premises to be used during entertainment, as there must be insufficient ventilation when all windows and doors are closed, to prevent noise break out.

There must be adequate first aid arrangements at all times. The arrangements for first aid provision must include a first aid box an adequate and appropriate supply of first aid equipment and materials to be available for the use of patrons. Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures must be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable disease.

Gangways, exit routes and steps must be maintained in good order with non-slippery and even surfaces, edges of steps and stairways to be conspicuously marked.

Where glazing forms part of windows, walls or partitions below waist height it must be constructed of safety materials. Where glazing forms part of a door or side panel at below shoulder height it must be constructed of safety materials.

A means of addressing patrons during operating hours, which can be heard above entertainment, or a means of interrupting the entertainment to make important safety announcements must be available.

Noise - the patrons / audience must not be exposed to an event leq 107db(a) and the peak sound pressure level should not exceed 140 db. where the event leq is likely to exceed 96 db(a)

THE PREVENTION OF PUBLIC NUISANCE

Noise -

Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.

All external doors and windows must be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise is taking place.

Sufficient ventilation to be provided so that doors and windows can be kept closed.

Suitable signage at all relevant exits requesting that patrons make as little noise as possible when leaving the premises shall be displayed.

Patrons must be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

An announcement must be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.

The entrances are provided with lobbies with automatic door-closers. The lobbies are to be in use throughout the time of entertainment.

A specific taxi operator must be nominated for staff and customers use. The company's telephone number must be advertised to customers. The operator, and all drivers, must be aware that they should arrive and depart as quietly as possible, must not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff must leave as quietly as possible, particularly at night and early in the morning.

Staff must check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.

A senior member of staff (manager) must assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.

The volume of amplified sound used in connection with the entertainment shall at all times be under the control of the management.

Noise from plant and machinery

Provision of mechanical ventilation and air conditioning systems must not allow noise breakout from the premises or cause a nuisance by its operation. Where plant and machinery has the potential to cause a noise problem it must be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or additional acoustic screening should be considered.

Regular maintenance must be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

Regard must be had to BS 4142 rating industrial noise affecting mixed residential and industrial areas and the institute of acoustic good practice guide on the control of noise from pubs and clubs.

Delivery/collection/storage activities-

The delivery of goods is restricted to the following times between 9 am and 5 pm.

The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.

Bottle skips and bins containing cans or bottles must not be emptied outside after closing but must be dealt with the next day during normal office hours.

The movement of bins and rubbish outside the premises must be kept to a minimum/prohibited after 5pm.

Use of gardens, play areas and outside areas -

The use of gardens and external play areas must not commence before the start of normal trading hours and must cease at dusk.

No music or speech must be relayed by external speakers.

Control of light pollution -

The use of lighting in gardens and external areas must cease at dusk except for health and safety or security reasons.

Flashing or bright lights must only be placed in positions that do not cause a nuisance to neighbours.

THE PROTECTION OF CHILDREN FROM HARM

A proof of age policy agreed by the police and local authority must be enforced.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans (as existing)



Ian Luscombe
Head of Environmental Health Practice
On behalf of the Licensing Authority

Licensing Act 2003

Premises Licence Summary

Licence Valid From: 20 December 2007

SHPL0216

LOCAL AUTHORITY



Licensing
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

The Albert Inn

The Albert Inn, 32 Bridgetown, Totnes, Devon, TQ9 5AD

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Indoor Sporting Events
Live Music
Recorded Music
Supply of Alcohol

THE OPENING HOURS OF THE PREMISES:

Mon 10:00-00:30
Tue 10:00-00:30
Wed 10:00-00:30
Thu 10:00-00:30
Fri 10:00-00:30
Sat 10:00-00:30
Sun 11:00-00:30
New Year's Eve -
From the end of Licensing Hours on New Year's Eve to the
commencement of Licensing Hours on New Year's Day.

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES:

Indoor Sporting Events	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00
Indoors	
Live Music	Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00
Indoors	

	<p>Sat 10:00-00:00 Sun 11:00-00:00 New Year's Eve - On New Year's Eve the terminal hour for Live Music to be extended until 01:00</p>
<p>Recorded Music Indoors</p>	<p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00 New Year's Eve - From the end of Licensing Hours on New Year's Eve to the commencement of Licensing Hours on New Year's Day</p>
<p>Supply of Alcohol</p>	<p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 11:00-00:00 New Year's Eve - From the end of Licensing Hours on New Year's Eve to the commencement of Licensing Hours on New Year's Day. Monday to Saturday 10:00- 00:00</p>

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF PREMISES

On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mr Giles John Hawkins

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

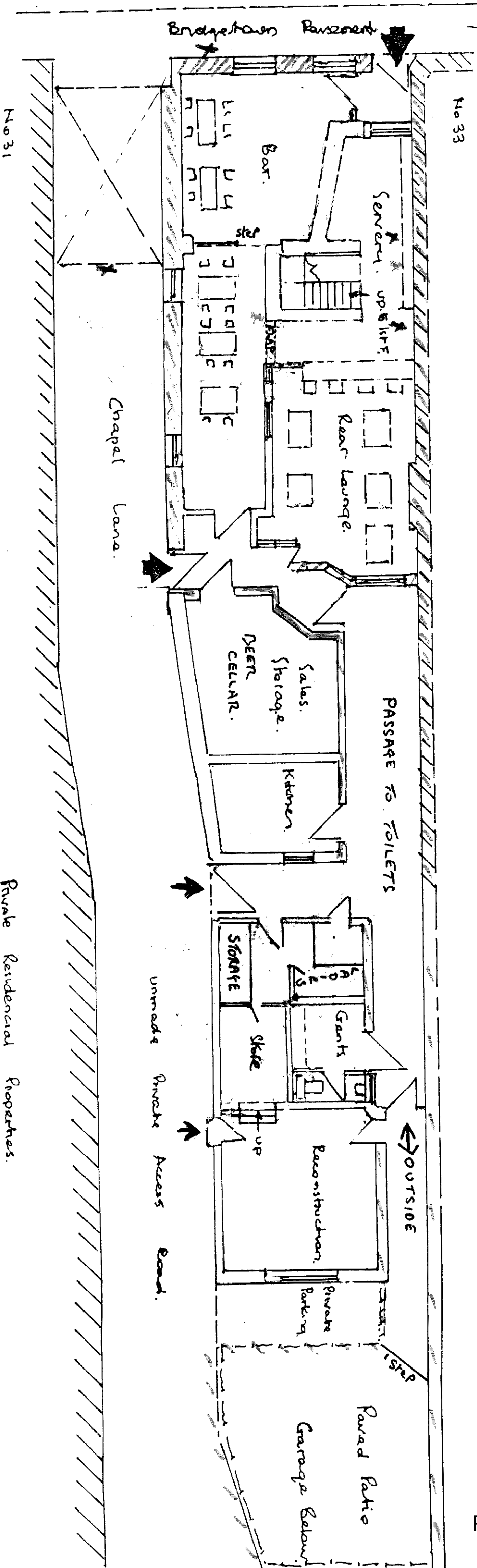
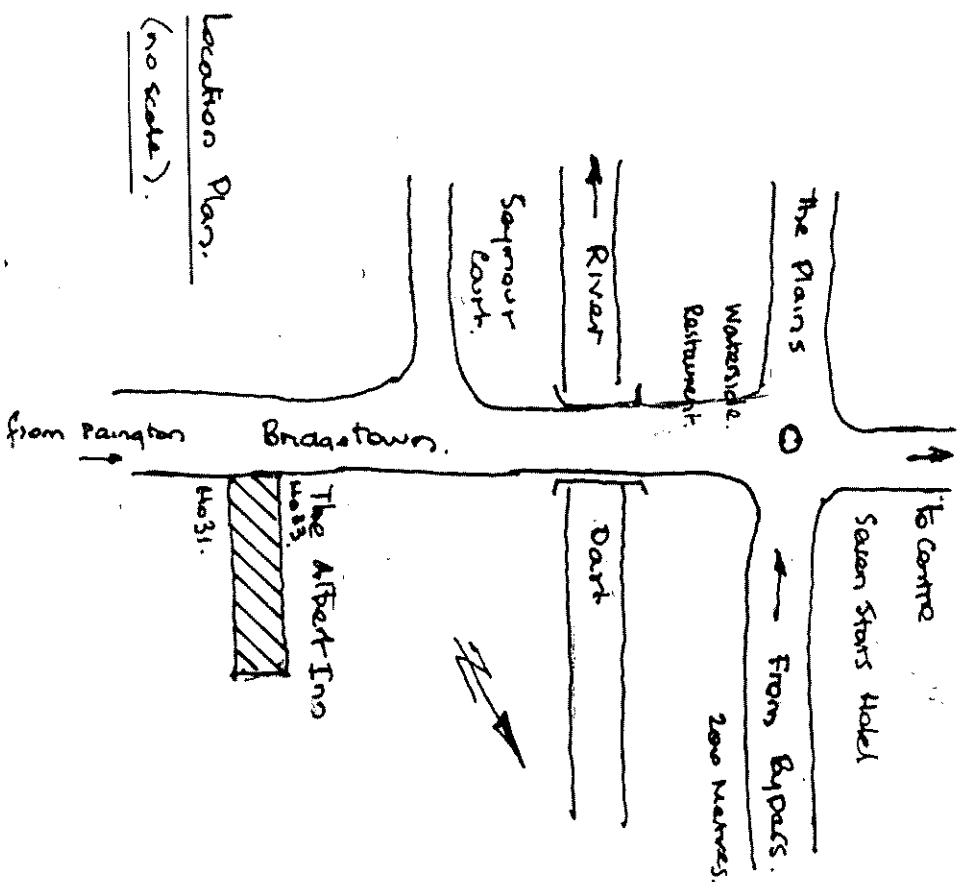
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Giles John Hawkins

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

There are no restrictions on Children

APPENDIX B(ii) - current premises licence plan



Existing Ground Floor Plan 'The Albert Inn'
 Bridgetown Towns Devon for Mr. Mr. T Langford
 Scale 1:1000

W. A. Bell CEng
 24 Applewharf
 The Plains Towns
 Devon. OX8 8SSB1.

- /// MUSIC ENTERTAINMENT
- /// CONSUMPTION OF ALCOHOL
- EXITS
- * FIRE EXTINGUISHER
- * CCTV

This page is intentionally left blank

APPENDIX C – Current Annex 2 conditions to be removed

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General - all four licensing objectives

The maximum occupancy figures for inside the premises must be 80 in agreement with the licensing authority and Devon Fire and Rescue based on fire safety issues, available floor space and the sanitary accommodation available.

An appropriate method for checking the number of people entering and leaving the premises to ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted. The method employed must be seating for 50 people and standing room only at the servery. Method by physical head count.

The prevention of crime and disorder

Customers carrying open or sealed bottles or gasses must not be admitted to the premises at any time.

Customers must not be permitted to take open containers of alcoholic or soft drinks from the premises and all bottles and glasses must be removed from public areas as soon as they are finished with or empty.

Drinks promotions - irresponsible drinks promotions are not permitted.

Customers to be able to purchase alcoholic drinks in the following minimum measures without the premises upselling Spirits - gin, rum, whisky and vodka in 25ml or 35ml or multiples thereof. Beer and cider one-third pint, half a pint or multiples of half a pint. Wine 125ml or 175ml or multiples thereof.

An anti-drug policy agreed by the police and local authority must be in force and a secure facility to store controlled drugs to be available.

A detailed "customer code of conduct" poster to be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity.

The premises must be a member of pubwatch and a representative must attend pubwatch meetings and participate in all initiatives.

A policy must be in force for the management of large groups, i.e. hen and stag parties. The group must be required to nominate a responsible person to liaise with staff.

A secure area for customer's personal belongings must be made available.

An incident book and record details of all instances of public disorder must be maintained. A CCTV system must be operated within the licensed area and the recordings must be made available upon request.

Public safety

The fire safety measures with which the premises are provided must be maintained in good working order, their adequacy to be determined on a regular basis, by the carrying out of fire risk assessment, as required by, and in accordance with the fire precautions (workplace) regulations. A safe occupancy level, influenced by numbers of persons present, their disposition and the activities taking place, must be maintained.

Fire safety -

-All exit doors must be easily openable without the use of a key, card, code or similar means and must be available for egress while the public are on the premises.

-Means of escape must be maintained unobstructed, immediately available and clearly identifiable. -Exit doors must be regularly checked to ensure they function satisfactorily.

Records of these checks must be kept and produced on request. -Any removable security fastenings must be removed whenever the premises are open to the public or staff. -

Hangings, curtains and temporary decorations must be maintained in a flame retardant condition -Upholstered seating must be fire retardant and compliant with current fire safety regulations. -Curtains, hangings and temporary decorations must not obstruct exits, fire

safety signs or fire-fighting equipment. -Access must be provided for emergency vehicles and this access must be kept clear and free from obstruction. -An evacuation policy must be in place that is to the satisfaction of the fire authority. All staff members to be trained in the evacuation policy

Free drinking water must be available at all times.

Disabled people - when disabled people are present, adequate arrangements must exist to enable their safe evacuation in the event of an emergency.

Sanitary accommodation - the sanitary accommodation to consist of: female wc's 1; wash h//b 1; disabled wc's 0; male wc's 1; urinals 1 (7foot long); whb's 1.

The air management system within the premises to be used during entertainment, as there must be insufficient ventilation when all windows and doors are closed, to prevent noise break out.

There must be adequate first aid arrangements at all times. The arrangements for first aid provision must include a first aid box an adequate and appropriate supply of first aid equipment and materials to be available for the use of patrons. Suitable protective equipment must be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures must be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable disease.

Gangways, exit routes and steps must be maintained in good order with non-slippery and even surfaces, edges of steps and stairways to be conspicuously marked.

Where glazing forms part of windows, walls or partitions below waist height it must be constructed of safety materials. Where glazing forms part of a door or side panel at below shoulder height it must be constructed of safety materials.

A means of addressing patrons during operating hours, which can be heard above entertainment, or a means of interrupting the entertainment to make important safety announcements must be available.

Noise - the patrons // audience must not be exposed to an event leq 107db(a) and the peak sound pressure level should not exceed 140 db. where the event leq is likely to exceed 96 db(a)

The prevention of public nuisance

Noise or vibration must not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.

All external doors and windows must be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise is taking place.

Sufficient ventilation to be provided so that doors and windows can be kept closed. Suitable signage at all relevant exits requesting that patrons make as little noise as possible when leaving the premises shall be displayed.

Patrons must be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.

An announcement must be made prior to closing requesting patrons' co-operation in leaving the premises and vicinity as quietly and quickly as possible.

The entrances are provided with lobbies with automatic door-closers. The lobbies are to be in use throughout the time of entertainment.

A specific taxi operator must be nominated for staff and customers use. The company's telephone number must be advertised to customers. The operator, and all drivers, must be aware that they should arrive and depart as quietly as possible, must not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily. In addition, staff must leave as quietly as possible, particularly at night and early in the morning.

Staff must check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.

A senior member of staff (manager) must assess the impact of any noisy activities on neighbouring residential premises at the start of the activity//entertainment and periodically throughout the activity// entertainment.

The volume of amplified sound used in connection with the entertainment shall at all times be under the control of the management.

Noise from plant and machinery

Provision of mechanical ventilation and air conditioning systems must not allow noise breakout from the premises or cause a nuisance by its operation. Where plant and machinery has the potential to cause a noise problem it must be positioned in such a way that the building structure provides as much screening as possible for nearby noise-sensitive properties. Alternatively, or additionally, control measures such as acoustic enclosures, acoustic louvers, silencers, or additional acoustic screening should be considered.

Regular maintenance must be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

Regard must be had to BS 4142 rating industrial noise affecting mixed residential and industrial areas and the institute of acoustic good practice guide on the control of noise from pubs and clubs.

Delivery//collection//storage activities-

The delivery of goods is restricted to the following times between 9 am and 5 pm.

The handling of beer kegs, bottles and other similar items must not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance particularly outside buildings.

Bottle skips and bins containing cans or bottles must not be emptied outside after closing but must be dealt with the next day during normal office hours.

The movement of bins and rubbish outside the premises must be kept to a minimum//prohibited after 5pm.

Use of gardens, play areas and outside areas -

The use of gardens and external play areas must not commence before the start of normal trading hours and must cease at dusk.

No music or speech must be relayed by external speakers.

Control of light pollution -

The use of lighting in gardens and external areas must cease at dusk except for health and safety or security reasons.

Flashing or bright lights must only be placed in positions that do not cause a nuisance to neighbours.

The protection of children from harm

A proof of age policy agreed by the police and local authority must be enforced.

APPENDIX D – proposed new Annex 2 conditions

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

All staff engaged in licensable activity at the premises will receive training and information in relation to the following

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 monthly intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.

There shall be no consumption of beverages purchased from the premises outside the premises.

The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police.

CONDITIONS RELATING TO PUBLIC SAFETY

The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 80

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

The performance of live entertainment will be limited to a maximum duration of 3 hours inclusive of any breaks.

The performance of live entertainment will be limited to two evenings per week.

Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 07.00 hours or after 21.00 hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 21.00 hours and 07.00 hours.

All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after.

A designated and de-lineated smoking area will be allocated outside the premises. Suitable receptacles will be provided for cigarette litter within the designated smoking area.

Clear and legible notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

Clear and legible notices shall be prominently displayed in the outside area requesting patrons to respect the needs of local residents and use the area quietly.

Any outdoor areas to the rear of the premises must not be used by customers or staff after 23.00 hours.

The use of lighting in beer garden shall cease at 23.00 hours except for health and safety or security reasons.

CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

This page is intentionally left blank

APPENDIX E – Condition agreed with Police

PROTECTION OF CHILDREN FROM HARM

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

This page is intentionally left blank

APPENDIX F – Representations

In Objection:

1. a)



Fri 09/07/2021 22:08

[Redacted]

Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

To SW-Licensing

Good evening

Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

I have noted the following:

Include the small area previously private parking on the plan as an area for sale and consumption of alcohol. The sale of alcohol in this area will be limited to 4 times per annum.

To remove out of date and unenforceable conditions and add updated relevant conditions.

I object to the pub extending the area for sale and consumption of alcohol.

The pub already has a dubious grasp of what their licensing hours are with clientele in the garden way after dusk. The pub garden and outside smoking area continuously cause a significant noise disturbance for me to the extent I can't have my windows open. In fact the noise is so bad it can be heard even with windows closed and over my TV. This is not acceptable. The noise has got worse over the years especially since the garden usage has been extended above an out building to a meter from my window. Therefore anything that will add to this will not be acceptable.

I ask please for confirmation of what the out of date and unenforceable conditions are? I would not want further changes that will impact me.

1. b)

From: [REDACTED]
Sent: 12 July 2021 17:15
To: SW-Licensing <licensing@swdevon.gov.uk>
Subject: Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

11 on in the evening would become unbearable (is unbearable). Dusk is when it gets dark and not at that time. This is ridiculous.

You are going from something you say can't be upheld even though we all know when dusk is to a time that is way later and all year round. Utter madness

1. c)

From: [REDACTED]
Sent: 12 July 2021 21:03
To: SW-Licensing <licensing@swdevon.gov.uk>
Subject: Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

Evening

Thank you for sending me the additional information.

Firstly in terms of the additional licensing area of the parking bay. Have you actually looked at this in person?

My objection still stands having seen the plans as it was as envisaged. Not only will I continue to have noise from the garden meters from my upstairs living area windows this licensing extension will mean I'll also have noise from the lower sub level into my bedroom area. In addition, this lower level parking bay with separate entrance will likely mean it is harder to contain the drinkers into the small space and they will surely be milling around Chapel Lane unmanaged.

I secondly turn to the request to extend the licensing hours to a blanket 11pm.

We know that the pub has flouted their dusk licensing rules over the last couple of years (taking civil dusk) and have had on multiple occasions people drinking outside to way past dusk covid or no covid and you have not done your job to enforce this (the law) despite it being brought to your attention. This flouting of the rules has caused an extended period of unacceptable noise late into the evening.

For years the pub has had an outside dusk licence and regardless of which dusk calculation you take (most of us would take civil) having had a quick look this only reaches 11pm on two months of the year in terms of astrological dusk and is nowhere close to 11 under the other dusk calculations. You are therefore suggesting that you increase the licensing hours for 6 months of the year by circa 4 hours per day and for the other 6 months 1 to 2 hours per day. This is a ridiculous increase in licensing hours. Why does the pub need to have such a dramatic change to their licensing that have stood for years? Is this perhaps the respectful response from the council and the pub that if you raise a complaint you actually look to make it worse. This is appalling abuse of your powers and an indication of the lack of respect the pub has for its neighbours.

I do not support this change and would prefer to keep to dusk for all licensed areas including the smoking area. That way the pub still enjoys the garden during the better months but I have some reprieve during winter / autumn months and also later in the evening past dusk. With 11pm for 365 days of the year I will have no reprieve. I would therefore suggest you adopt civil dusk as part of the licensing rules and certainly not 11pm.

Sun Set	Nautical	Astronomical	Civil	11pm licencing
January	17.22 to 17.58	17.58 to 18.32	16.49 to 17.22	5.5 hours Longer
February	17.54 to 18.28	18.28 to 19.02	17.24 to 17.54	5 hours longer
March	18.39 to 19.12	19.12 to 19.45	18.10 to 18.38	4.5 hours longer
April	20.25 to 21.02	21.02 to 21.40	19.44 to 20.25	2.5 hours longer
May	21.00 to 21.41	21.41 to 22.28	20.57 to 21.00	2 hours longer
June	21.26 to 22.12	22.12 to 23.09	20.51 to 21.26	1.5 hours longer
July	21.32 to 22.18	22.18 to 23.15	20.56 to 21.32	1.5 hours longer
August	21.04 to 21.44	21.44 to 22.29	20.31 to 21.04	2 hours longer
September	19.39 to 20.12	20.12 to 20.47	19.10 to 19.39	3.5 hours longer
October	19.03 to 19.36	19.36 to 21.10	18.35 to 19.03	4 hours longer
November	17.22 to 17.56	17.56 to 18.30	16.51 to 17.22	5.5 hours Longer
December	17.10 to 17.46	17.46 to 18.21	16.37 to 17.10	6 hours longer

In addition, I point out that should you extend the pub licensing laws given the general noise disturbance I have already experienced post civil dusk I will of course report this on an ongoing basis. I will, if you maintain a dusk licence and it is followed to the letter accept the noise up until that time but I would still expect it to be reasonable.

It is clear that in earlier years the reason why the pub caused little problem was because there was a grasp of dusk but for the last couple of years we have been corresponding dusk has not been observed so the noise is over an extended time and therefore of an irritation. It is clear you have not done your job either and are certainly not doing it now.

Representations 1.a), 1.b) and 1.c) are from the same individual.

2.



Thu 15/07/2021 19:43

Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

To SW-Licensing

Evening

I wanted to let you know that my elderly neighbour [redacted] is also not in support of the increased licensing hours and nor of the change to the licensed area in The Albert.

[redacted] was unable to email herself as she was not sure how to do this but she is in copy to the email and should be able to respond should you need to reach out to her.



Fri 16/07/2021 21:46

Albert inn

To Naomi Stacey

Confirmed

3.

From: [REDACTED]
Date: 15 July 2021 at 21:58:16 BST
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

[REDACTED]

We are in agreement with your assessment of the noise levels from the Albert Inn and that it has become worse over the years . No attempt has been made to control the levels and dusk closing time has been ignored . [REDACTED] all suffer from it. Because the outside area is raised the noise travels everywhere with very little baffling. Perhaps with some measure of control and a much earlier closing time there is room for compromise.



Fri 16/07/2021 18:47

[REDACTED]
Re: Albert Inn, 32 Bridgetown, Totnes, TQ9 5AD from Mr Giles Hawkins

To SW-Licensing

Yes we wish to make a representation.
Thank you

[REDACTED]

In support:


1.



Tue 13/07/2021 11:58

ALBERT INN BRIDGETOWN TOTNES

To  Naomi Stacey

 You replied to this message on 14/07/2021 14:51.

Hi Naomi

I am aware of an objection to Giles Hawkins' application to amend his license. I'm not sure if you accept supportive letters (I know you wish to receive any objections).

This is a supportive message!

I live at [REDACTED] Some of my walls are also walls of the pub. I could not be much closer!

I have lived in this house for some 12 years. When I bought it, my wife and I were fully expecting 'pub noises' and we have not been disappointed! However, the noises have been totally reasonable. There has been the occasional 'glitch' but these have been easily and harmoniously remedied. Giles Hawkins could not be a more co-operative and hard-working licensee and neighbour.

Following a complaint about the noise from the beer garden, he has just spent £1,500 to erect a 'sound reduction' fence around the beer garden. This illustrates his willingness to be co-operative and thoughtful with his neighbours.

My bedroom windows are close to and look directly on to the beer garden. At 11pm the beer garden is emptied and any noise ceases. This works well and is totally reasonable.

I totally support Giles' application. He is a great neighbour; the Albert Inn is the only pub in Bridgetown and it provides a friendly, convivial and local resource to the community of some 5,000 people.

I hope this helps with your deliberations!

Best wishes

[REDACTED]

2.

 Tue 13/07/2021 12:47
[Redacted]
Re: Fw: ALBERT INN BRIDGETOWN TOTNES

To: [Redacted]  Naomi Stacey

Cc: [Redacted]

 You replied to this message on 14/07/2021 14:52.

Hi [Redacted] - Many thanks for your thoughtful letter and support for Giles. Let's hope we can bring some positive influence to this issue.

Hi Naomi - Firstly, I agree with everything [Redacted] has put in his message of support for Giles. My wife and I live directly beside the pub, on the other side from [Redacted] and we moved here in full knowledge there was a thriving pub next door. We had anticipated some noise, but this has been minimal and very good-natured. What little we do hear from the pub and garden is invariably good-natured and enhances our enjoyment of living here. Giles has continued to invest in this thriving business during the various lockdowns and it's a shame that there should be any attempt to put barriers in the way of his business being successful. This is an important local amenity, so I do hope that his planning application is supported, as it is by all his neighbours who live here full time.

Thank you and best wishes.

3.

 Tue 13/07/2021 13:17
[Redacted]
Re: ALBERT INN BRIDGETOWN TOTNES

To:  Naomi Stacey; [Redacted]

Cc: [Redacted]

 You replied to this message on 14/07/2021 14:53.

Dear Naomi

Our family live at no [Redacted] Our lounge window is on a level with the beer garden at the Albert and about 10 feet from its boundary fence.

I would like to echo everything both [Redacted] have said.

Giles is an excellent and considerate landlord, the pub is an essential community resource and particularly in the context of the ongoing pandemic I feel he should be definitely supported in providing the opportunity for outdoor socialising.

We have lived here for nearly 7 years, the disruption from the beer garden has been much less than we anticipated when considering the purchase of the house (and subsequent siting of our lounge)- in fact we rarely notice it's presence.

As has already been said Giles is an extremely community minded host who bends over backwards to minimise any impact the pub has on its neighbours

4.



Thu 15/07/2021 09:58

Re: ALBERT INN BRIDGETOWN TOTNES

To  Naomi Stacey

 You replied to this message on 15/07/2021 09:59.

Dear Naomi,

I've lived next door to the Albert Inn for the last 12 years and have not been troubled by any noise from the beer garden, even in summer with all the windows open. The Albert Inn is a valuable community resource and therefore I therefore support Giles' application.

This page is intentionally left blank

APPENDIX G – Photographs of beer garden and area surrounding premises

Beer garden



Smoking shelter within beer garden



Proposed area behind smoking shelter



Roofs of properties in Brookes Barn, Rowsells Lane, behind beer garden



Brookes Barn properties, fence of beer garden shown behind to the left



Fence showing boundary of beer garden



Beer garden fence, Brookes Barn roof to right



Brookes Barn, Rowsells Lane, looking west



Brookes Barn, Rowsells Lane, looking east



Rowsells Lane, looking towards Bridgetown



Private car park opposite Brookes Barn, Rowsells Lane



Chapel Lane and beer garden fence, looking south towards Bridgetown



Chapel Lane, looking north to Rowsells Lane and private car park, fence of proposed area on left



Proposed area over fence from Chapel Lane

