

Good morning

We have reviewed the documents that the applicant has submitted to support their application for a premises licence.

In particular, we note the deficiencies highlighted in the Sound Reinforcement report prepared by Mr Skinner

I can confirm that my clients still intend to maintain their representation to the application, for all of the reasons set out previously. If the premises are inherently structurally unfit to host live and recorded music, by virtue of the exemption so the Live Music Act 2012, between the hours of 0800 and 2300, then the premises, as a consequence, are unfit to provide live and recorded music during these hours, with no ability to place enforceable conditions on the licence.

If, and only if, the council takes the view that the licence should be granted, and that the operation of the premises is unlikely to offend the licensing objectives, then my client would invite the committee to attach the conditions to the licence as set out on the attached.

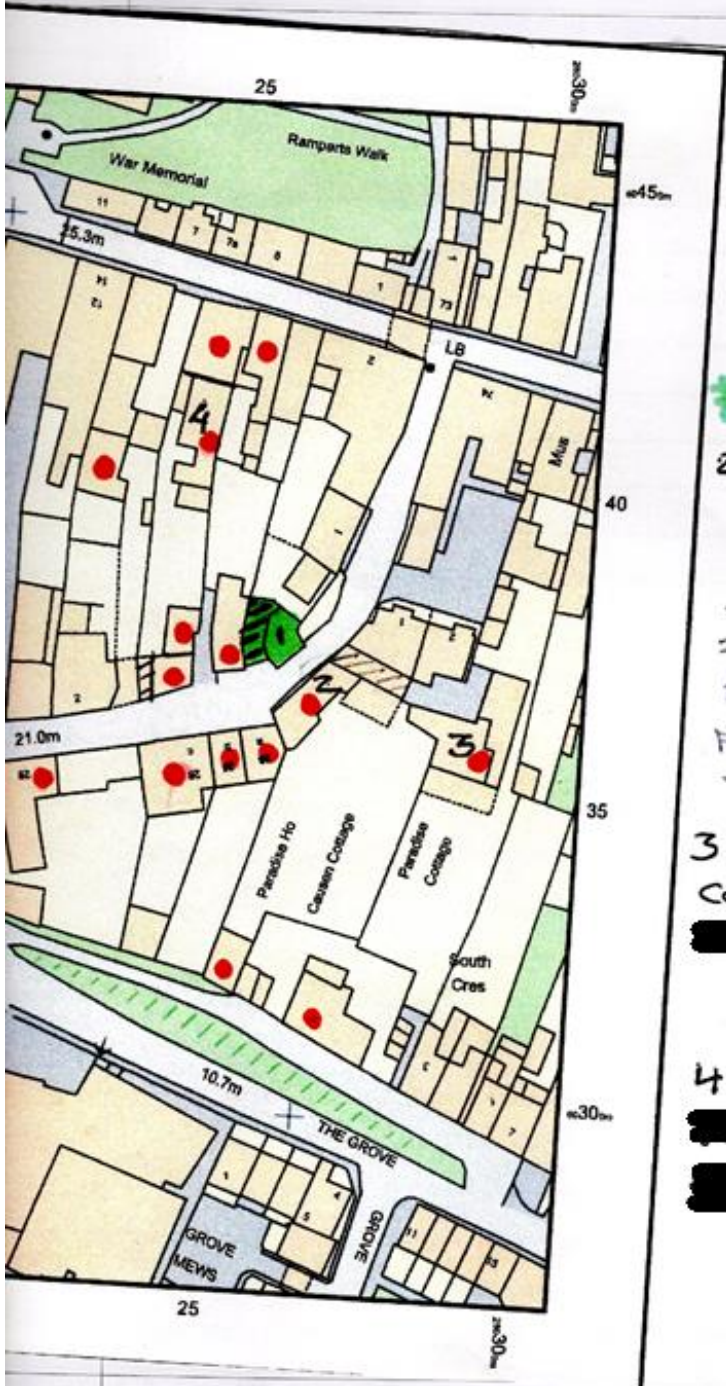
I also attach for your information – and would ask that his be added to the committee papers, a location map showing the location of some, but not all of those local residents who have made representations against the application.

I would be grateful if the attached could please be sent to the committee and parties to the application.

Please acknowledge receipt.

With best wishes

Ewen Macgregor
Partner



MAP EXTRACT
 SHOWING OBJECTORS
 CLOSE TO ANGEL.

1 = ANGEL

2 = PARADISE
 HOUSE

≡ =
 FLYING
 FREEHOLD

3 = PARADISE
 COTTAGE

4 =
 [REDACTED]
 [REDACTED]

**The Angel
South Street
Totnes
TQ9 5DZ**

Whilst Mrs Brown maintains her objection to the application for a new premises licence for the above premises, IF in the event that the Committee decide to grant the licence, consideration should be given to attaching the following conditions to any premises licence granted

1. That there should be no vertical drinking on the premises
2. That substantial refreshment be available at all times that alcohol is being sold or consumed on the premises
3. That the sale of alcohol and consumption be ancillary to the provision of substantial refreshment
4. That the service of alcohol be by waiter/waitress service only
5. Where the premises, or parts of the premises are hired out to third parties or to be used by, but not limited to, events promoters/pop up restaurants for example, the premises licence holder must ensure that there are appropriate procedures in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own procedures / arrangements which will ensure that the licensing objectives are not compromised
6. At all times when licensable activities are being provided a personal licence holder shall be on the premises (with a record kept of the name, licence number, issuing authority of the personal licence holder)
7. At all times when licensable activities are being provided on the premises, hourly checks should be carried out in the vicinity of the premises to check for any issues of noise break out, anti-social behaviour, crime and disorder. A record of these checks shall be kept detailing who the checks were carried out, their observations and any remedial action taken
8. At all times when licensable activities are being provided on the premises all windows and doors shall be kept shut
9. Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity
10. Any music played on the premises shall be limited to unamplified music
11. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly
12. If officers of the council witness noise at a level that causes unreasonable disturbance to the occupants of any properties in the vicinity, then the premiss licence holder shall instal a noise limiter
13. The noise limiting device shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control/Environmental Health Team
14. The noise limiting device shall be properly secured so that it cannot be tampered with.
15. The noise limiting device shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team.
16. If deemed necessary, the noise limiting device shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification

- 17.** No licensable activities shall be provided on the premises until such time as a qualified acoustic survey has been carried out and the recommendations of the acoustician have been carried out and implemented.
- 18.** When licensable activities are being provided on the premises, a member of staff shall be positioned on the front door of the premises, to monitor the behaviour of customers who temporarily leave the premises for the purposes of smoking and of those customers as they leave the premises.