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North Devon Council

Brynswothy Environment Centre

Barnstaple

North Devon EX31 3NP

K. Miles

Chief Executive.

LICENSING AND COMMUNITY SAFETY SUB COMMITTEE A

A meeting of the Licensing and Community Safety Sub Committee A will be held in the Barum Room - Brynswothy on **MONDAY, 15TH NOVEMBER, 2021 at 10.00 am.**

(NOTE: A location plan for the Brynswothy Environment Centre is attached to the agenda front pages. From the 7 May 2021, the law requires all councils to hold formal meetings in person. The council is also ensuring that all venues used are Covid secure and that all appropriate measures are put in place. There are a limited number of spaces available for members of the public to attend. Please check the Council's website for the latest information regarding the arrangements that are in place and the requirement to book a place 2 working days prior to the meeting [Taking part in meetings \(northdevon.gov.uk\)](http://northdevon.gov.uk))

PLEASE NOTE: There will be a pre-meeting, for the sub-committee members, held in the Barum room at 9.15 am.

Members of the Licensing and Community Councillor Tucker (Chair)
Safety Sub Committee A

Councillors Gubb (substitute for L Spear) and Hunt (substitute for Henderson)

AGENDA

1. Apologies for absence
2. Items brought forward which in the opinion of the Chair should be considered by the meeting as a matter of urgency.
3. Declarations of Interest

(Please complete the form provided at the meeting or telephone Corporate and Community Services to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary).
4. To agree the agenda between Part 'A' and Part 'B'
(Confidential Restricted Information).

PART 'A'

5. **Determination of application for a review of a premises licence, Rumours, 42 Boutport Street, Barnstaple, Devon, EX31 1SE (Pages 7 - 42)**

Report by Licensing Officer (attached).

6. Exclusion of Public and Press and Restriction of Documents

RECOMMENDED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item as it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 Schedule 12A of the Act (as amended from time to time), namely Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime;
- (b) That all documents and reports relating to the item be confirmed as "Not for Publication".

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

7. Determination of Application for a Review of a Premises Licence, Rumours, 42 Boutport Street, Barnstaple, Devon, EX31 1SE - To receive evidence from the Devon and Cornwall Police. Log (attached). (Pages 43 - 126)

Following consideration of the representations made by the Devon and Cornwall Police, it is RECOMMENDED that the public and press be re-admitted to the meeting to enable the Sub-Committee to consider the determination of application for a review of a premises licence in respect of Rumours, 42 Boutport Street, Barnstaple, Devon, EX31 1SE under item 5 on the agenda.

If you have any enquiries about this agenda, please contact Corporate and Community Services, telephone 01271 388253

5.11.21



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworthy, the full address is:
Brynsworthy Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about $\frac{1}{2}$ mile take the first right, BEC is about $\frac{1}{2}$ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please sign in using the Track and Trace App and follow the signage and instructions in order to access the Meeting Rooms. Alternatively, dial 8253 for Corporate and Community Services if you have any problems.



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Open

NORTH DEVON COUNCIL

REPORT TO: LICENSING & COMMUNITY SAFETY SUB-COMMITTEE A
DATE: 15th NOVEMBER 2021
TOPIC: DETERMINATION OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE, RUMOURS, 42 BOUTPORT STREET, BARNSTAPLE, DEVON, EX31 1SE.
Report By: LICENSING OFFICER

1. INTRODUCTION

- 1.1 The purpose of this hearing is to determine an application for the review of the premises licence relating to Rumours, 42 Boutport Street, Barnstaple, Devon, EX31 1SE.
- 1.2 An application for review of the premises licence number PLWA0698 under section 51 of the Licensing Act 2003 ("the Act") was made by Mr Paul Butler, Alcohol Licensing Officer Devon & Cornwall Police on 21st September 2021, (appendix A to this report) on the grounds that the premises are undermining the four Licensing Objectives: (i,ii,iii,iv)
 - i) the prevention of crime and disorder
 - ii) the prevention of public nuisance
 - iii) public safety and
 - iv) protection of children from harm
- 1.3 One additional representation has been received from the following Responsible Authority in support of this review:
 - I. Devon and Somerset Fire Authority (appendix D)
- 1.4 An additional representation in support of this review has also been received from one 'other person' (appendix E).

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2. RECOMMENDATIONS

2.1 That the Sub Committee:

Considers the request for determination of the application for the review of premises licence for Rumours and additional representations included in appendices A to E of this report together with any oral submissions at the hearing.

In determining the review, the Sub Committee may take any or all of the following actions:-

- i) No action
- ii) Modify the conditions attached to the licence
- iii) Exclude a licensable activity
- iv) Remove the Designated Premises Supervisor
- v) Suspend the Licence for a period not exceeding 3 months
- vi) Revoke the licence

2.2 The conditions of the licence, with the exception of mandatory conditions in annex 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

2.3 The licensing authority may decide that no action is appropriate if it finds that the review does not require it to take any steps that are appropriate to promote the licensing objectives.

3. Reasons for Recommendations

3.1 The recommendations are made so that the Sub-Committee fulfils its duty under section 52 of the Licensing Act 2003 to determine the application for a review of a premises licence.

4. Background

4.1 The relevant premises, Rumours, 42 Boutport Street, Barnstaple, Devon EX31 1SE, was first licensed by the Authority in 2005 under the Licensing Act 2003, following the conversion (Grandfather Rights) from the justices' to Local Authorities (Appendix B).

4.2 The current premises licence holder is Mr Andrew Richards who is also the Designated Premises Licence holder (DPS) and he has been in place since the 21st November 2018.

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- 4.3 The premises is a public house which also holds live and recorded music events. It is situated in Boutport Street, within Barnstaple Town Centre with a mixture of residential and commercial properties. (Location map at appendix F).
- 4.4 On the 14/12/2020 North Devon Council issued three fixed penalty notices for offences witnessed on the 12/12/2020 for the following offences:-
 - 4.4.1 The Health Protection (Coronavirus, Restrictions) (Obligations and Undertakings) (England) Regulations 2020(as amended) and Public Health (Control of Disease) Act 1984 –
 - failed to ensure appropriate distancing maintained between tables occupied by persons of different qualifying groups.
 - failed to ensure groups no larger than six from the same bubble/household entered,
 - failed to ensure persons from different qualifying groups did not mingle once inside the premises.
 - 4.4.2 The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and Public Health (Control of Disease) Act 1984
 - carried on the business of a bar involving the provision of alcohol and the alcohol was not being served as part of a table meal and the meal was not such as might be expected to be served as part of a breakfast, the main mid-day meal or main evening meal.
 - 4.4.3 The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020 (as amended) and Public Health, Control of Disease) Act 1984
 - failed to request every member of a group to prove their contact tracing details.

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4.5 The premises are licensed for the following activities and during the following times:

Licensing Activity	Day	Start	Finish
Performance of live music (indoors)	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30
Playing of recorded music (Indoors)	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30
Performance of dance (Indoors)	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30
Entertainment of a similar description to that falling within E,F,or G (indoors)	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30
Late night refreshment (indoors)	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30
Supply of alcohol for consumption ON and OFF the premises	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year' Day	10:00 10:00	01:00 01:30

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Licensing Activity	Day	Start	Finish
The opening hours of the premises	Sunday to Thursday Friday to Saturday New Year's Eve From the end of permitted hours on New Year's Eve to the start of New Year's Day	10:00 10:00	02:00 02:00

A copy of the current licence is appended at appendix B.

5 Relevant Representations

5.1 The relevant Licensing Objectives are:

Licensing Objective	Considered to be breached
Prevention of Public Nuisance	x
Public safety	x
The prevention of crime and disorder	x
Protection of children from home	x

5.2 Grounds for the application to review the licence submitted by the Devon & Cornwall Constabulary Alcohol Licensing Officer include:

- There has been a serious prevalence of disorder and criminal behaviour on or near the premises between May 2021 and October 2021.
- Police logs submitted as evidence by the Police, identify violence, drug issues, underage drinking emanating both inside and outside the premises.
- Figures supplied in the Police Report provide significant evidence of breaches of Licensing Objectives
- Public safety on or near the premises has been compounded by the lack of management control as evidenced again by police logs.
- Failure by the Licensed Premises Holder to ensure that their own Action Plan has been upheld by premises staff.
- Failure by the Licensed Premises Holder to comply with the required PSP – Problem Solving Profile.
- Failure to provide active and clear presence at the Licensed Premises by the Licensed DPS Mr Andrew Richards and the inappropriate definition of the staff roles “acting DPS” by Anthony Coleman.
- Failure by the Licensed Premises Holder to work with the Police Alcohol Licensing Officer to reduce the crime.

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- Lack of engagement by the Licensed Premises Holder to uphold the requirements of the Licensing Objectives.
- 5.3 Grounds to support the application for review, which have been submitted by Devon and Cornwall Police include (Appendix C Restricted):
- During May 2021 there were eleven Police logs and two crimes associated with the premises.
 - During May 2021 the premises accounted for 91.66% of Police Logs for twenty of the Barnstaple licensed premises as identified in Appendix A of the Police submission.
 - During June 2021 there were eleven Police logs and four crimes associated with the premises.
 - During June 2021 the premises accounted for 47.82% of Police Logs for twenty of the Barnstaple licensed premises as identified in Appendix A of the Police submission.
 - During July 2021 there were seven Police logs and three crimes associated with the premises.
 - During July 2021 the premises accounted for 58.33% of Police Logs for twenty of the Barnstaple licensed premises as identified in Appendix A of the Police submission.
 - During August 2021 there was one Police log associated with the premises.
 - During the period between the 1st September 2021 and the 19th October 2021 there were four Police logs associated with the premises and four crimes associated with the premises.
 - During September 2021 the premises accounted for 28.5% of Police Logs for twenty of the Barnstaple licensed premises as identified in Appendix A of the Police submission.
- 5.4 Grounds to support the application to review submitted by Mr Paul Nolan of the Devon & Somerset Fire & Rescue Service include (Appendix D):
- The Fire & Rescue Service have concerns at the level of intoxication reported at the premises which will clearly affect any evacuation in an emergency bearing in mind the premises is on the first floor.
 - There is a history of untrained and inexperienced staff working at the premises and there is little faith that all understand and have been trained in the emergency procedures in the event of fire.
 - As part of the licence review, I would request sight of any records for the servicing / maintenance of the fire precautions at the premises (fire alarm, fire-fighting equipment, emergency lighting etc) together with a copy of the last periodic electrical inspection.

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- Whilst attending an unrelated incident in Boutport Street on 9 July 2021 at 20:00 hrs, it was noted by the officer that there were already quite a few people outside the entrance to Rumours already in a state of intoxication / under the influence of substances. Within the group there were several young people who went in and out of the premises. There was a member of door staff outside but no one appeared to be checking ID. Reading the Police report it is apparent that there have been issues with underage drinking there.
- 5.5 Grounds to support the application to review submitted by one 'other person' a Mr Nigel G. Angrave. This is contained in Appendix E:
- Underage drinking- the door staff have even been seen socialising outside the premises with intoxicated youngsters who have left the premises.
 - Drinks promotions which would appear to be outside licensing arrangements. For example 45 shots for £45 in one purchase.
 - Unruly behaviour outside the premises not controlled by the staff. Fights have also been witnessed with one person being seriously injured during the night of 4/5.9.21 resulting in the persons head being struck against a front window and breaking it. The road was closed for some time to enable the emergency services to deal with the incident.
 - Customers of the premises have been found urinating at the rear of our premises. We have installed lighting in attempt to prevent such behaviour but it hasn't worked.
 - My co-director has witnessed drug dealing outside of the premises. A person dealing in drugs at Rumours also attempted to break into our premises and threaten him & his partner on 9.9.21.

6 RELEVANT LICENSING POLICY CONSIDERATIONS

- 6.1 The Sub-Committee is entitled to draw upon any of the considerations outlined in its Licensing Policy document. However, the most significant policy considerations appear to be the following:
- Paragraphs 3.2 to 3.2.2 (Crime and Disorder).
 - Paragraphs 3.3 to 3.3.2 (Public Safety).
 - Paragraphs 3.4 to 3.4.3 (Prevention of Public Nuisance).
 - Paragraphs 3.5 to 3.5.2 (Protection of Children from Harm).
 - Paragraphs 9.2 to 9.2.7 (Review).

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7 RELEVANT STATUTORY GUIDANCE CONSIDERATIONS

- 7.1 The following provisions of the Licensing Act 2003 Act which apply to this section are sections 51 and 52.
- 7.2 These sections detail how a review application should be made and the process which should be followed in determining the application.
- 7.3 The Licensing Act 2003 (Hearings) Regulations must be utilised in determining applications submitted under the Licensing Act.
- 7.4 The Sub-Committee is entitled to draw upon any of the considerations outlined in the Statutory Guidance issued under section 182 of the Licensing Act 2003 and published by the Home Office, April 2018. However, the most significant statutory guidance appears to be in the following:
 - Paragraphs 2.1 to 2.6 (Crime and Disorder).
 - Paragraphs 2.7 to 2.14 (Public Safety).
 - Paragraphs 2.15 to 2.19 (Public Nuisance).
 - Paragraphs 2.22 to 2.31 (Protection of Children from Harm).
 - Paragraphs 11.1 to 12.35 (Reviews).

8 Options

- 8.1 The Act at section 52(2) and (3) states that before determining the application, the licensing authority must hold a hearing to consider it and any relevant representations. It must, having regard to the application and any relevant representations, take such steps mentioned in section 52 (4) (if any) as it considers necessary for the promotion of the Licensing Objectives.
- 8.2 The steps referred to in paragraph 8.1 above are:-
 - i) To modify the conditions of the licence;
 - ii) To exclude a licensable activity from the scope of the licence;
 - iii) To remove the designated premises supervisor;
 - iv) To suspend the licence for a period not exceeding three months;
 - v) To revoke the licence.

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The conditions of the licence, with the exception of mandatory conditions in annex 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

Where the Licensing Sub Committee is minded to modify the conditions of the licence, it may do so either permanently or for a period not exceeding three months.

The licensing authority may decide that no action is appropriate if it finds that the review does not require it to take any steps that are appropriate to promote the licensing objectives.

Any party to the hearing has the right of appeal to North and East Devon Magistrates Court following the determination of the review under section 52 of the Act.

9 BACKGROUND PAPERS

- Licensing Act 2003.
- Amended guidance issued under section 182 of the Licensing Act 2003 (Home Office, April 2018).
- Licensing Act (Hearings) regulations 2005.
- North Devon Council Licensing Act 2003 Statement of Licensing Policy 21.11.18.

10 APPENDICES

Appendix A Application for review

Appendix B Current Premises Licence

Appendix C Devon and Cornwall Police Licensing representation (Restricted)

Appendix D Devon & Somerset Fire & Rescue Service representation

Appendix E Representations submitted by one other person

Appendix F Location Plan

Author: Phil Fitzsimons Licensing Officer

Date: 03 November 2021

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Appendix A



The Licensing Team
Environmental Health & Housing
North Devon Council
PO BOX 379, Barnstaple, Devon,
EX32 2GR

Contact Details:
Tel: 01271 388870

Email:licensing@northdevon.gov.uk
Web:www.northdevon.gov.uk/licensing

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

RECEIVED

21 SEP 2021

Form Ref: LA03/R1

Privacy Notice – privacy & data protection

North Devon Council, the Data Controller, collects personal information when you contact us for the licensing services we provide. We will use this information to provide these services, such as the granting of a licence, permit, registration or receipt of a notice.

We may need to share your information with other departments in North Devon Council or external/ third parties, where this is necessary to perform our public functions & services as provided by law.

For more information as a Data Subject regarding privacy & data protection, including how we manage your personal information, data retention and your rights, please see our Privacy Notice on the website: www.northdevon.gov.uk/privacy

If you require this document in an alternative format, please contact us.

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 or typed in black ink. Use additional sheets if necessary. You should keep a copy of the completed form for your records.

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Appendix A

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

I,
[insert name of applicant] PAUL BUTLER.

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

Part 1 – Premises or Club Premises Details

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

RUMOURS

42a BOUTPORT STREET

Post Town BARNSTAPLE

Postcode EX31 1SE

Name of premises licence holder or club holding club premises certificate (if known)

MR ANDREW RICHARDS

Number of premises licence or club premises
certificate (if known).

PLWA 0698

Part 2 – Applicant Details

I am PAUL BUTLER

ALCOHOL LICENSING OFFICER

Please tick yes

DEVON AND CORNWALL POLICE

1) an individual, body or business which is not a responsible authority (please read
guidance note 1, and complete (A) or (B) below)

2) A responsible authority (please complete (C) below)

3) A member of the club to which this application relates (please complete (A) below)

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

Title: Mr Mrs Miss Ms Dr Other (please specify)

Surname

First names

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Daytime contact telephone number

E-mail address (optional)

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Appendix A

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address 58167 PAUL BUTLER
[REDACTED]

Daytime contact telephone number [REDACTED]

E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

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

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

SEE ATTACHED REPORT. DATED 20TH SEPTEMBER 2021.

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

SEE ATTACHED REPORT. DATED 20TH SEPTEMBER 2021.

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Appendix A

Please tick ✓ yes

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

If YES please state the date of that application

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

Part 3 - Checklist

Please tick ✓ yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures

(please read guidance note 3)

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

Signature:

Date: 20th SEPTEMBER 2021

Capacity ALCOHOL LICENSING OFFICER, DEVON AND CORNWALL POLICE.

Contact name (where not previously given) and postal address for correspondence associated with this notice (please read guidance note 6)

Name

Address

Post Town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

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



The Licensing Team
North Devon Council
Lynton House
Commercial Road
Barnstaple
Devon EX31 1DG

Licensing Act 2003

Premises Licence

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Part 1 - Premises Details

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

Rumours

42 Boutport Street, Barnstaple, Devon, EX31 1SE.

Telephone 01271 325111

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
F. Playing of recorded music (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
G. Performance of dance (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am





The Licensing Team
North Devon Council
Lynton House
Commercial Road
Barnstaple
Devon EX31 1DG

Licensing Act 2003

Premises Licence

698

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ... hours on New Year's Eve.			
I. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	1:30am
	Friday	11:00pm	2:00am
	Saturday	11:00pm	2:00am
	New Year's Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00am	1:00am
	Friday	10:00am	1:30am
	Saturday	10:00am	1:30am
	New Year's Eve	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	1:30am
Friday	10:00am	2:00am
Saturday	10:00am	2:00am
New Year's Eve	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	

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

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

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

Andrew Richards

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**

Andrew RICHARDS

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. LAPER/00681/18

Issued by Torridge

Licensing Act 2003

Premises Licence

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ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS (PREMISES LICENCE ON & OFF SALES)

1. There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the said DPS does not hold a personal licence or when his/her 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.
3. Any person used to carry out a security activity as required under the Annex 2 conditions must be licensed by the Security Industry Authority.
4. The responsible person (as defined in s.153(4) of the Licensing Act 2003) must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 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 a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. 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.
7. The designated premises supervisor in relation to the premises licence must ensure that the



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ANNEXES continued ...

supply of alcohol at the premises is carried on in accordance with the age verification policy.

8. 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 holographic mark or an ultraviolet feature.
9. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
10. 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.
11. For the purposes of the condition 10 set out above-
 - (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





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North Devon Council
Lynton House
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ANNEXES continued ...

- 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) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
12. Where the permitted price given by Paragraph (b) of Condition 11 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
13. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of Condition 13 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.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The premises may remain open for no more than 30 minutes after the end of the period during which the retail sale of alcohol is permitted, as a "wind-down" period.
2. No customers carrying open or sealed bottles or glasses shall be admitted to the premises at any time.
3. No customers shall be permitted to take open containers of alcohol or soft drinks from the premises.
4. All bottles and glasses shall be removed from public areas as soon as they are finished or empty.
5. All-inclusive nights or other irresponsible drinks promotions shall not be permitted.
6. CCTV cameras are installed and working to the satisfaction of the Police.
7. Two SIA registered door stewards shall be employed on the premises on Fridays and Saturdays from 2100hrs until the premises closes to the public.
8. There shall be no admittance to the premises after 2400hrs.
9. All exit doors shall be easily openable without the use of a key, card, code or similar means and shall be available for egress while the public are on the premises.
10. All fire exits and means of escape shall be signed in accordance with BS5499.

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ANNEXES continued ...

11. There shall be an annual inspection of all portable fire fighting equipment, emergency lighting, electrical installations and gas appliances, a copy of which shall be kept at the premises and shall be made available for inspection by an authorise officer.
12. In the absence of adequate daylight, the lighting in any area accessible to the public shall be fully operational.
13. Means of escape shall be maintained unobstructed, available and clearly identifiable.
14. Noise or vibrations shall not be audible at the facade of any noise sensitive premises.
15. Prominent, clear and legible notices shall be displayed at all exits, requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
16. A proof of age policy shall be operated to prevent the sale to or consumption of alcohol by persons under age.
17. Gaming machines shall be installed in a position where they are visible from the bar servery.
18. The maximum occupancy of the premises must not exceed 200 persons at any time.
19. Adequate fire safety training must be implemented for all staff. This shall be recorded and repeated at regular intervals.
20. The sale by retail of alcohol shall be confined to the area (s) as outlined in **RED** on the attached plan (s).
21. Regulated entertainment shall be confined to the area (s) as outlined in **BLUE** on the attached plan (s).
22. Late night refreshment shall be confined to the area (s) as outlined in **GREEN** on the attached plan (s).

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING

None.

ANNEXE 4 - PLANS

Copy attached to Licence.



The Licensing Team
North Devon Council
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Barnstaple
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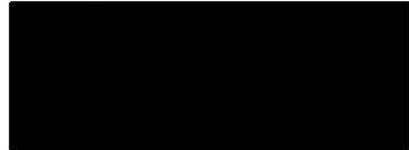
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Premises Licence

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Licence issued on 12 January 2021

Signature of Authorised Officer



Jeremy Mann
Head of Planning, Housing & Health





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North Devon Council
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Barnstaple
Devon EX31 1DG

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ANNEXE 4 - PLAN OF PREMISES

**KENNY'S STEAK HOUSE & BAR
42 BOUTPORT STREET
BARNSTAPLE**

**PLAN SCALE 1:100
REFERENCE: RDW/KSHB/PKR/2**

**TRADING AREA
THE SALE BY RETAIL OF ALCOHOL FOR
CONSUMPTION ON OR OFF THE
PREMISES**

**TRADING AREA
REGULATED ENTERTAINMENT**

**TRADING AREA
LATE NIGHT REFRESHMENT**



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ANNEXE 4 - PLAN OF PREMISES

LEGEND



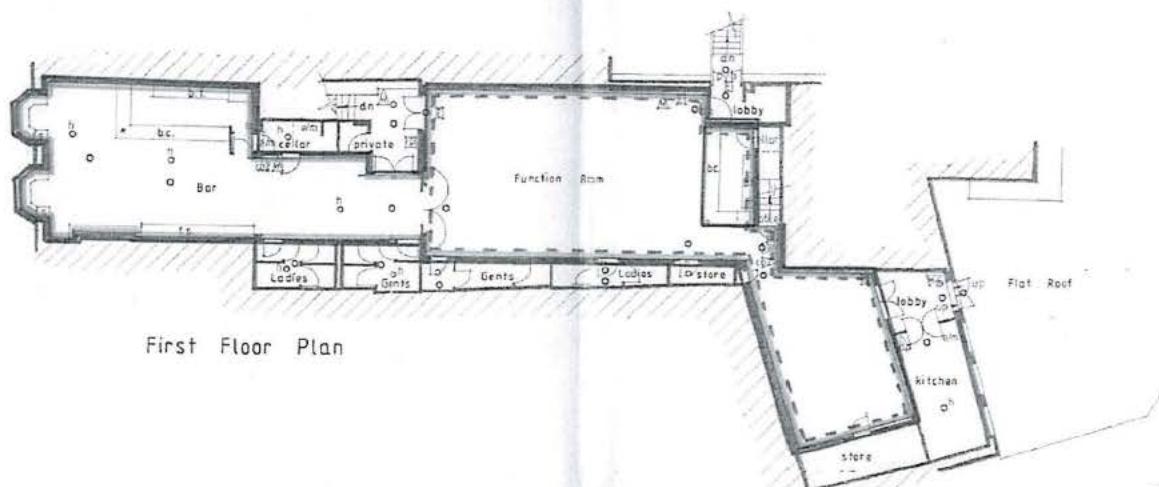
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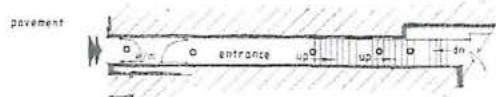
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ANNEXE 4 - PLAN OF PREMISES



First Floor Plan



Ground Floor Entrance

 I, Architectural Surveyors

20 Bideport Street,
Barnstaple,
Devon,
EX31 1EF
Tel:
01274 323992
07773 884952

©2006 THE PYRAMID CLUB
42 BIDEPORT ST.
BARNSTAPLE
SOMERSET
LICENSING PLAN
Scale: 1:100
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Licensing Act 2003

Premises Licence Summary

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Premises Details

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

Rumours

42 Boutport Street, Barnstaple, Devon, EX31 1SE.

Telephone 01271 325111

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
F. Playing of recorded music (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
G. Performance of dance (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Sunday to Thursday Friday Saturday New Year's Eve	10:00am 10:00am 10:00am From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	1:00am 1:30am 1:30am





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North Devon Council
Lynton House
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Premises Licence Summary

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THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ... hours on New Year's Eve.			
I. Late night refreshment (Indoors)	Sunday to Thursday	11:00pm	1:30am
	Friday	11:00pm	2:00am
	Saturday	11:00pm	2:00am
	New Year's Eve	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises	Sunday to Thursday	10:00am	1:00am
	Friday	10:00am	1:30am
	Saturday	10:00am	1:30am
	New Year's Eve	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	10:00am	1:30am
Friday	10:00am	2:00am
Saturday	10:00am	2:00am
New Year's Eve	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve.	

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

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Andrew Richards

[REDACTED]

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

Andrew RICHARDS

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

Access is restricted only under the terms of the Licensing Act 2003.





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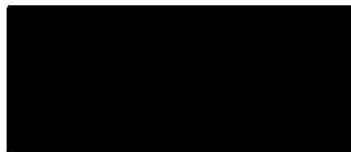
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Premises Licence Summary

698

Licence issued on 12 January 2021

Signature of Authorised Officer



Jeremy Mann
Head of Planning, Housing & Health



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Agenda Item 5

Appendix C

APPENDIX C IS RESTRICTED AND CAN ONLY BE VIEWED BY THE SUB-COMMITTEE MEMBERS.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 5

Appendix D

Shirley Loder

From: Paul Nolan [REDACTED]
Sent: 22 September 2021 09:55
To: Licensing
Subject: RE: Licensing Act 2003 - Application for the Review of a premises licence

Having read the report compiled by the Police, I feel I must comment as follows:

- The Fire & Rescue Service have concerns at the level of intoxication reported at the premises which will clearly affect any evacuation in an emergency bearing in mind the premises is on the first floor.
- There is a history of untrained and inexperienced staff working at the premises and I have little faith that all understand and have been trained in the emergency procedures in the event of fire.
- As part of the licence review, I would request sight of any records for the servicing/maintenance of the fire precautions at the premises (fire alarm, fire fighting equipment, emergency lighting etc) together with a copy of the last periodic electrical inspection.
- Whilst attending an unrelated incident in Boutport Street on 9 July 2021 at 20:00 hrs, I was a little shocked to see quite a few people outside the entrance to Rumours already in a state of intoxication/under the influence of substances. Within the group there were several young people who went in and out of the premises. There was a member of door staff outside but no one appeared to be checking ID. Reading the Police report it is apparent that there have been issues with underage drinking there.

Regards

Paul Nolan



Paul Nolan
Business Safety Officer

Barnstaple Fire Station

From: Licensing **Sent:** 21 September 2021 15:36

Subject: Licensing Act 2003 - Application for the Review of a premises licence

Agenda Item 5

Please find attached an application for the review of a premises licence ^{Appendix D} today. This has been made by the Police Alcohol Licensing Officer, Devon & Cornwall Police, in respect of Rumours, 42 Boutport Street, Barnstaple, Devon, EX31 1SE.

It is important that you consider whether or not you wish to make a representation regarding this application, as any response must be received by the Licensing Team no later than 19 October 2021.

If no response is received, we will assume that you have no comment to make regarding this application.

Regards

Shirley Loder - Licensing Case Officer

The Licensing Team
North Devon Council
PO Box 379
Barnstaple
Devon EX32 2GR
Tel: 01271 388415



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Agenda Item 5

Appendix E

The Licensing Team
North Devon Council
Lynton House, Commercial Road
Barnstaple, Devon EX31 1DG

Appledown Property Solutions Limited
[REDACTED]

19 October 2021

Dear Sirs

Ref Rumours, 42 Boutport Street, Barnstaple, EX31 1SE



I refer to the notice at the above premises for a review of the premises licence and would like to make representation as an occupier of a neighbouring property.

Our property is The Riser, 87 Boutport Street, Barnstaple which is immediately opposite. It has been closed since December 2019 and was scheduled to re-open as a carvery business in July 2021 when the Covid -19 restrictions were lifted. It has not yet done so, in part, due to the issues arising from Rumours during the last six months or so.

These include:-

1. Underage drinking – the door staff have even been seen socialising outside the premises with intoxicated youngsters who have left the premises.
2. Drinks promotions which would appear to be outside licensing arrangements. For example 45 shots for £45 in one purchase.
3. Unruly behaviour outside the premises not controlled by the staff. Fights have also been witnessed with one person being seriously injured during the night of 4/5.9.21 resulting in the persons head being struck against a front window and breaking it. The road was closed for some time to enable the emergency services to deal with the incident.
4. Customers of the premises have been found urinating at the rear of our premises. We have installed lighting in attempt to prevent such behaviour but it hasn't worked.
5. My co- director has witnessed drug dealing outside of the premises. A person dealing in drugs at Rumours also attempted to break into our premises and threaten him & his partner on 9.9.21.

All of the above has contributed to us being fearful of opening as some of our customers might be intimidated by the actions of those frequenting Rumours. The place, at times, seems to be out of control and has become a magnet for the most unsavoury of people.

I implore that you now take appropriate action. The issues have been on-going for a significant period of time.

Yours faithfully,

[REDACTED]
Nigel G Angrave
Director

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Agenda Item 5

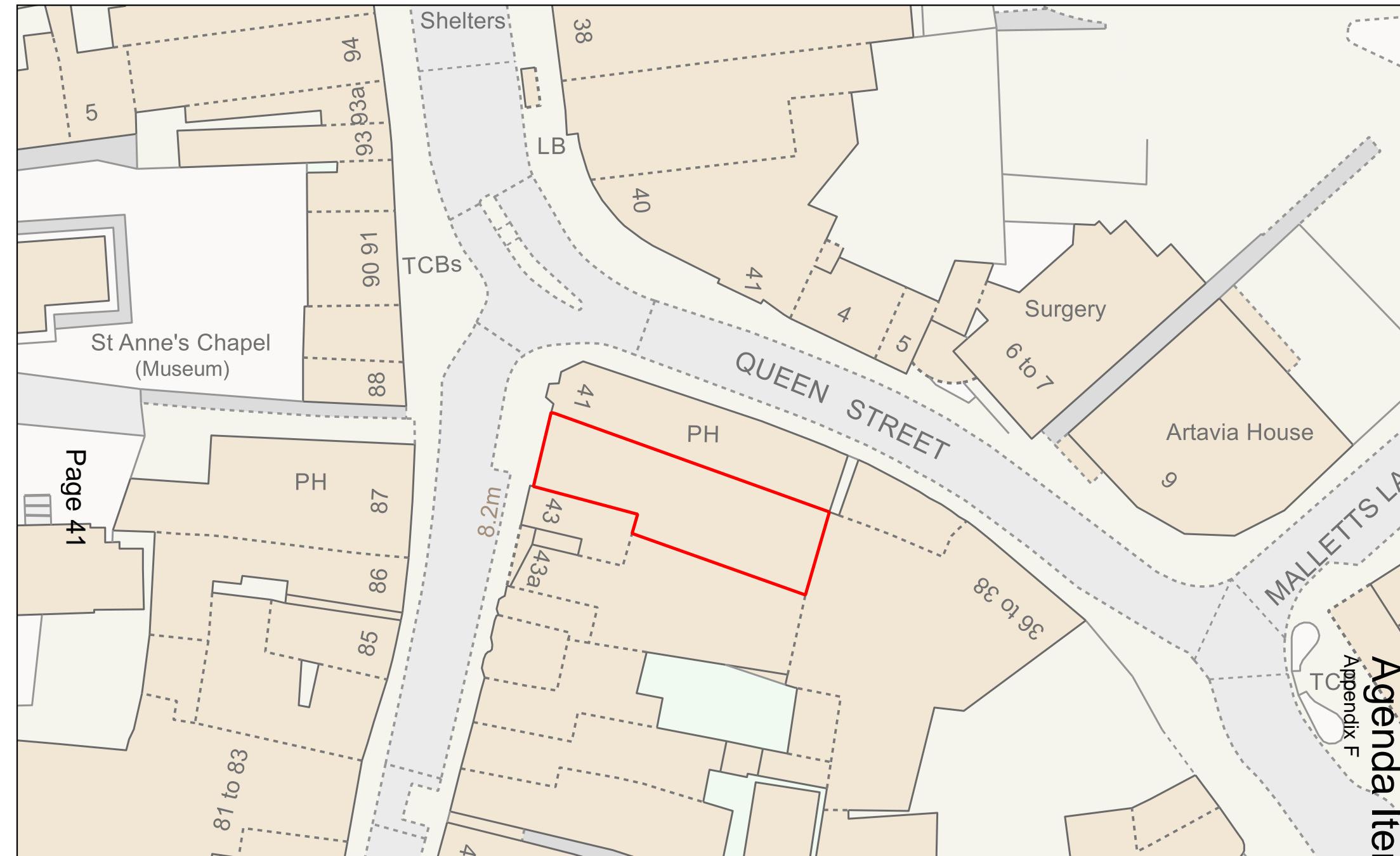
Copy Supplied to:
P.F
Scale: 1:500
Date: 28/10/2021

Rumours, 42 Boutport Street, BARSNTAPLE, EX31 1SE



Lynton House, Commercial Road,
Barnstaple, EX31 1DG

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Agenda Item 7

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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