



Phoenix House  
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EX16 6PP  
[www.middevon.gov.uk](http://www.middevon.gov.uk)

Contact: **Carole Oliphant**

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**Date 8<sup>th</sup> October 2020**

## **Licensing Sub Committee D – 22<sup>nd</sup> October 2020**

I am now able to enclose, for consideration at the next meeting of the **Licensing Sub-Committee D**, the following reports that were unavailable when the agenda was printed.

To add to your agenda for the meeting on 22<sup>nd</sup> October 2020

- 5     **Determination of a new premise licence for 10 High Street, Cullompton, Devon, EX15 1AA. (Pages 3 - 4)**

Licensing Officer Letter

Yours sincerely

Carole Oliphant  
Member Services Officer

**Available in other languages and formats on request**  
**Please telephone 01884 255255 or email [customerfirst@middevon.gov.uk](mailto:customerfirst@middevon.gov.uk)**

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Mr W Porter  
Porters Bar and Grill  
10 High Street  
Cullompton  
EX15 1AA

**Public Health**  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP  
[www.middevon.gov.uk](http://www.middevon.gov.uk)

Your Ref:  
Our Ref:

Contact: Licensing  
Telephone: 01884 255255  
Email: [jtaylor@middevon.gov.uk](mailto:jtaylor@middevon.gov.uk)  
DX: 49011 (Tiverton)  
Date: 10 September 2020

Dear Mr. Porter.

Thank you for your time when I telephoned you regarding a complaint we had received about you allegedly supplying alcohol at Porters Bar and Grill in Cullompton by retail without a Premises Licence or a Temporary Event Notice in place.

We have looked at the evidence which has been provided and the screenshots do show some references to alcohol but it is not clear that this is being offered for sale or not.

We have previously advised you that it is not permitted for you to advertise alcohol for sale (this would include alcohol being listed on a menu) or display alcohol if there is no licence in place. I understand that there is no alcohol displayed and the fridges only contain soft drinks, further to this you have removed the drinks dispensers from the bar.

I also understand that you are permitting customers to bring their own alcohol and this does not require a licence and charging a corkage fee is also permissible.

I should point out the following:-

**Section 136 of the licensing Act 2003**

1. A person commits an offence if
  - a. He carries on or attempts to carry on a licensable activity on, or from any premises otherwise than under and in accordance with an authorisation, or
  - b. He knowingly allows a licensable activity to be so carried on.

Furthermore, a person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

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Having investigated the allegations it is not our intention to pursue this matter any further at the present time. However if we were to receive additional complaints with evidence which supports the allegations then further enforcement action may be considered.

If you have any questions or you wish to discuss this further please do not hesitate to contact me via the email address above in the first instance.

Yours sincerely



J Taylor  
Specialist Officer – Licensing