

Mid Devon District Council – Licensing Act 2003

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name	Mr Peter and Mrs Kate Clayton-White
The name of the organisation / body you represent (if appropriate)	Resident of Castle Street
Postal address	
Email address	
Contact telephone number	

Name of the premises you are making a representation about	The Seahorse
Address of the premises you are making a representation about	10 Newport Street, Tiverton, Devon EX16 6NH

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>The requested closing time of midnight every night could lead to local residents experiencing loud noise and potential disorder from inebriated patrons every night which would adversely affect working people and families with young children, possibly into the early hours of the morning. Also, the applicants have not allowed any drinking up time so patrons could be served alcohol right up to closing time thus increasing the possibility of drunkenness outside the pub leading to disorder on the streets – especially if patrons all leave at the same time. While drinking up time is not mandatory, it might be expected that a responsible licensee cognisant of the needs of the surrounding residential area would realise its benefits and ensure the sale of alcohol finishes at least half an hour before closing time – this would need to be featured in the licence conditions.</p> <p>We also notice that the designated premises supervisor is not either of the applicants – does this mean alcohol cannot be sold if she is not on the premises?</p>
Public safety	Yes	<p>The Seahorse is situated on the corner of Newport Street and Bampton Street. As well as creating a considerable noise problem, the socialising of people going outside on to the narrow pavement or road to smoke or vape does cause a public safety issue in that pedestrians often have to walk into the road in order to pass them. I have had occasion to brake sharply even when turning very slowly left from Newport Street into Castle Street when a smoker from the pub stepped out into the road without looking. The applicant has asked for 60 persons to be accommodated during events. Can the premises safely accommodate this number of people?</p>

<p>To prevent public nuisance</p>	<p>Yes</p>	<p>We are very concerned about the request to play live music at any time. By its very nature, live music is loud! It also has the potential to attract more people to the pub which could have the effect of creating more disorder problems outside the pub late at night. People congregating outside the pub at such events to have a smoke or vape often leave the door open which exacerbates the noise problem to local residents. The premises is too small to accommodate a large number of people which will inevitably create a hot atmosphere, where ventilation can only be achieved by keeping the door open – thus increasing the noise problem. There is no air conditioning in the premises. Smokers also congregate outside peoples' houses which creates further noise and nuisance. The applicants say they will limit numbers to 60. We cannot see this being policed effectively in a busy pub unless someone is employed specifically for this task. The applicant's previous pub, the White Horse in Gold Street, was renowned for very loud live and recorded music with speakers close to the street. We have heard this ourselves, from Lowman Green as far as the middle of Bampton Street while the applicant was employed there. The noise outside the pub itself was deafening. We shudder at the thought of having to put up with that every weekend which the applicants would be able to do if they were given carte blanche to put on unrestricted live music events or events where recorded music was played a similar noise level, at any time – their proposed 3 hour limit per event would be ineffective if they played that music from 9pm till midnight. We strongly oppose granting the applicants to put on live music events at any time.</p>
<p>To protect children from harm</p>	<p>No</p>	

<p>If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).</p>	<p>Conditions which would remedy the crime and disorder problem</p> <p>a) Please consider imposing the following closing times which were granted to the previous Licensee and seemed to work very well – a good compromise.</p> <table border="0"> <tr> <td>Mon -Thurs</td> <td>Sell alcohol till 23.00</td> <td>Close at 23.30</td> </tr> <tr> <td>Fr – Sat</td> <td>Sell alcohol till 00.00</td> <td>Close at 00.30</td> </tr> <tr> <td>Sun</td> <td>Sell alcohol till 22.30</td> <td>Close at 23.00</td> </tr> </table> <p>b) The applicants should be asked to install CCTV and employ door staff at busy times, especially during live music sessions and on Friday and Saturday nights.</p> <p>Conditions which would remedy the public safety problem</p> <p>The applicants should be asked to employ door staff at busy times, especially during live music sessions and on Friday and Saturday nights to try to reduce this problem and protect the public from harm.</p>	Mon -Thurs	Sell alcohol till 23.00	Close at 23.30	Fr – Sat	Sell alcohol till 00.00	Close at 00.30	Sun	Sell alcohol till 22.30	Close at 23.00
Mon -Thurs	Sell alcohol till 23.00	Close at 23.30								
Fr – Sat	Sell alcohol till 00.00	Close at 00.30								
Sun	Sell alcohol till 22.30	Close at 23.00								

Conditions which would remedy the public nuisance problem

a) The previous licensee, Mrs Marilyn Clothier, was granted a licence which allowed her to provide late night refreshment and supply alcohol but **not** live music or recorded music. She had to apply for a temporary events notice each time she put on live music or karaoke-type events and any recorded music was played at a background level only. This had the effect of limiting, by licensing law rather than a possible future vague promise, the number of live music events to an appropriate level in a residential area. We feel very strongly that the applicants should have to apply for temporary events notice each time they put on live music.

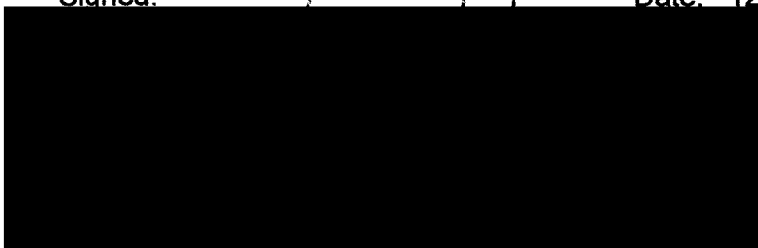
b) The condition offered by the applicant of not placing speakers outside the premises seems rather meaningless. There is no outside area owned by the pub – the outside area is public pavement and public space which he wouldn't be able to use anyway. A more meaningful condition would be to place the speakers inside the premises away from outside walls and neighbour's walls, ensure the doors remain closed at all times – by door staff if necessary - and to limit the volume of noise from live music to an acceptable level for local residents.

c) Live and recorded music should not be played after 23.00 which is the same as the Queen's Head pub, also in Castle Street.

In principle we are not objecting to the Seahorse obtaining a licence. However, the premises is situated on the corner of Newport Street and Castle Street in a residential area and, as we've outlined, there are many aspects of the application which worry us. We would hate to see the Seahorse reincarnated as a mini White Horse!!

Signed:

Date: 12th October 2024



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REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

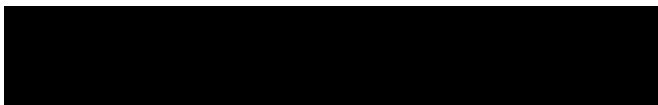
Your full name	Mr Martyn Bragg
The name of the organisation / body you represent (if appropriate)	Resident of Castle Street
Postal address	
Email address	
Contact telephone number	
Name of the premises you are making a representation about	
Address of the premises you are making a representation about	10 Newport Street, Tiverton. EX16 6NH.

Your representation must relate to one of the four Licensing Objectives

<i>Licensing Objective</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	I understand that the street outside the premises is in a no alcohol zone, therefore alcohol should not be consumed in this area by patrons of the premises. There will be a rise in antisocial behaviour and crime in the area fuelled by alcohol.
Public safety	Yes	No facilities for smokers inside the premises. Smokers will have to use the narrow pavement outside and passing pedestrians may need to walk on the road. Groups of people may congregate on the corner in the road and be in danger of passing vehicles. The small space inside the premises can only fit a small number of people, I am concerned that at busy times there could be too many people inside the premises, and if there is a fire or another reason to vacate the premises quickly people may become trapped or injured as there is only one entrance/exit in the premises.
To prevent public nuisance	Yes	Antisocial behaviour and noise nuisance caused by loud music inside the premises and people just outside the premises. Inadequate toilet facilities inside the premises, (only one male and one female toilet) and may cause patrons to urinate in the street when these facilities are in use. I have had problems with patrons from the premises in the past urinating on my front door. I have had to shout at people to try and stop them urinating on my front door. On many occasions and have often been greeted with a puddle of urine on the floor inside my front door the morning after the premises have opened. I have removed glasses, bottles, cigarette ends, empty vapes, general rubbish and cleaned up vomit the following morning from outside my house after the premises have been open the night before. Live music may attract more people than can be accommodated by the small space inside the premises, so they may stand in the street making a noise nuisance.

<p>To protect children from harm</p>	<p>The premises is part of a terrace of houses/flats in a residential area. These grade two listed houses/flats adjoining the premises built in the 1830's have internal party walls that are divided poorly with hollow stud partition walls, other than where there are chimney stacks of brick/stone. These properties are only allowed to have exterior single glazed doors and windows. The joists supporting wooden floors and ceilings in these properties are interlinked/adjoined over party wall boundaries, so sound travels very easily though the terrace of houses/flats. Most pubs in Tiverton have two doors following each other in the entrance/exit to its premises, to try and reduce noise caused by these premises, but these premises only has one door for its entrance/exit that is often left open on hot summer days and when it gets too hot inside the premises, causing noise to escape into the street. Loud music very late at night will disturb children and adults living nearby. Children and adults will have disrupted sleep or problems sleeping if noise levels are too high. Lack of sleep will harm their health.</p>
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<p>If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).</p>	<p>Restricted opening hours, closing no later than 23:00 hours. No live music or recorded music after 23:00 hours. Adequate soundproofing fitted in walls and ceilings to environmental health standards. Door staff at peak times to try and reduce antisocial behaviour inside and just outside the premises. Door staff to disperse large groups of people from congregating on the narrow pavement and road outside the premises for public safety due to passing vehicles, and to also try and reduce some noise nuisance. Put in place a two door entrance/exit system like in most other pubs in Tiverton, and the doors to have working self-closing mechanisms.</p>
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MARTYN BRAGG

Signed:

Date:06/11/2024

Please see notes on reverse

NOTES

If you are making a representation in relation to a 'new' premises or a 'full variation' please read the following notes:

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.

3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

If you are making a representation in relation to a 'minor variation' please read the following notes:

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

LICENSING REPRESENTATION

I write as a resident of Castle Street, Tiverton to express concern as to the application for a premises licence at "The Seahorse," 10, Newport Street, Tiverton and wish to make the following relevant representation.

History

I am fully aware that a premises licence authorising the sale of alcohol has been in place before at this property under the name of Courtenay's Ale and Cider Bar. Reference to the Council's Licensing Register indicates that the licence was first granted in 2011 and was then surrendered in December 2023. The activities authorised by the licence were the supply of alcohol and the provision of late-night refreshment.

In essence, the licence permitted the supply of alcohol between mid-day and 11.00 pm, Monday to Thursday, from mid-day to midnight on Fridays and Saturdays and from mid-day to 10.30 pm on Sundays. The premises were permitted to be open for 30 minutes after the supply of alcohol was to cease.

Regulated entertainment was not authorised by the licence, which led to 38 applications for Temporary Events being made between 29.6.13 and 28.3.20, 28 of which authorised regulated entertainment to take place.

Attached to the licence in Annex 2 were a number of conditions consistent with the Operating Schedule, including 9 separate conditions relating to the provision of CCTV at the premises.

The Present Application

The fact that these premises have been licensed in the recent past does not detract from the reality that these premises are exceptionally small, with no prospect of expansion and without any food preparation areas. With a "shop" frontage opening directly on to the junction of Newport Street and Castle Street, with a substantial number of residential properties in the immediate vicinity, these premises do not really lend themselves to the sale of alcohol or other licensable activities. In essence, the premises would be better used as a small retail outlet, as has previously been the case. I understand the applicants wish to create a "community pub for all," but given the enormous limitations of both the building and the location, I think there can be very few of the hallmarks of a "pub."

Specifically, I note from the application that it is proposed that the supply of alcohol will cease at midnight (from Monday to Sunday), whilst at the same time the opening hours will cease at midnight. This should surely not be permitted. As with the previous licence at this location, the supply of alcohol should cease 30 minutes before the premises are due to close, to allow for "drinking-up" time. Thus the supply of alcohol should cease at 11.30 pm.

I also note that the application seeks to authorise the performance of live music and the playing of recorded music, from mid-day to 11.00 pm (Monday to Sunday) and mid-day to midnight (Monday to Sunday) respectively. This is of great concern, and would in effect permit the licence-holders to organise live and recorded music events on any and every day of the week. Neither the premises themselves or their location are suitable as a music venue.

Additionally, I see that the application makes no mention of CCTV, which is a significant omission, given that there were a number of conditions relating to its provision in the previous licence.

The Licensing Objectives

I believe that three of the four licensing objectives set out within the Licensing Act 2003 are engaged by this application:

* The prevention of crime and disorder

From such a location, with the prospect of intoxicated persons at times spilling on to a busy main road, the potential for crime and disorder is very real, and the opportunities for those running the premises to supervise ingress and egress is severely limited in view of the lack of space both inside and outside. The absence of any reference in the application to the provision of CCTV is, therefore, of great concern

* Public safety

These premises front on to a busy main road. Public safety, therefore, both to pedestrians and to motorists, would be compromised, particularly late at night, by those under the influence of alcohol who might be either attempting to enter or leave the premises.

Public safety would also be compromised by permitting up to 60 persons (as proposed by the application) to congregate and consume alcohol in such cramped surroundings, particularly when there is only one entrance. The potential for serious injury if there were a fire or other emergency whilst the premises were operating is very obvious.

* The prevention of public nuisance

The functioning of a "pub," with the inevitable high levels of noise created by those using the facilities, by those persons leaving the premises and by amplified or recorded music, particularly later in the evenings, will undoubtedly inconvenience many residents in Newport Street and Castle Street, some of whom live within yards of the premises, and even residents who live a little further away (for example, in St Peter Street).

A particular concern is that amplified music will be permitted within the premises. Without considerable noise attenuation measures, which would presumably be impractical, this would necessarily give rise to public nuisance, especially if, during the warmer months, the entrance door and any windows were left open.

When the premises were previously licensed, the sound of live music (when permitted by Temporary Event applications) could be clearly heard inside homes in Castle Street, and indeed in St Peter Street, over and above the sound of television and other home entertainment. It was only the very occasional nature of the live music which prevented any substantial complaint being made.

Conclusion

By way of conclusion, I do not suggest that the Licensing Authority should decline to grant a premises licence at The Seahorse. If the proposed licence-holders respect the sensitivities of the nearby residents, then the premises can function successfully and without creating friction.

However, I would submit that the following conditions be added to the standard conditions on the licence and those highlighted by the Operating Schedule in order to allay the fears of those who live nearby.

The prevention of crime and disorder

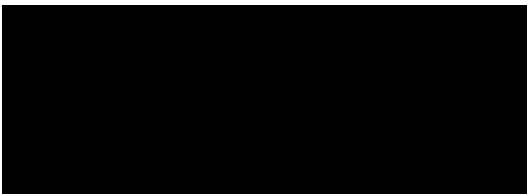
- *No alcohol shall be consumed more than 30 minutes after the permitted terminal hour for the supply of alcohol
- *The consumption of alcohol on the premises shall cease at midnight
- *There shall be no consumption of beverages purchased from the premises outside the premises
- *Conditions 1 to 9, as set out in Annex 2 of the Premises Licence relating to Courtenay's Ale and Cider Bar, relating to the provision of CCTV, shall apply

Public safety

- *The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 40

The prevention of public nuisance

- *The performance of live entertainment shall be limited to no more than one evening per month
- *A telephone number shall be made available and displayed in a prominent location where it can conveniently be read from the exterior of the premises for local residents to contact in the case of noise nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the callers, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises
- *The Premises Licence holder or Designated Premises Supervisor shall be available at all times during regulated entertainment and be responsible for co-operating and liaising with any responsible authority
- *All external doors and windows shall be kept shut at all times when the premises are open and during regulated entertainment. Doors may be opened for normal entrance and egress of people but must be shut immediately after
- *Staff shall check prior to the commencement of regulated entertainment and periodically during regulated entertainment that all doors and windows are shut



It is important to the residents to keep the noise levels in Castle Street to a minimum as it is a quiet neighbourhood and we would like the applicants to respect this.

My suggestions would include keeping outdoor smoking limited to Newport Street by placing of ashtrays on Newport Street, not Castle Street.

Limiting live music to before 11pm and type of music is important ie not heavy rock.

A late licence on Xmas eve would severely disrupt the families that live on the street. We think that 1am is far too late and disruptive to our holiday break.

Weekday licence to be limited to last orders at 11 pm. and a maximum of half-hour drinking up time.

No alcohol to be consumed on the street.

With limitations on the hours, smoking area and not disrupting holiday time we would be happy with this compromise.

I mentioned my disability which was the result of a car crash whereby I was in a coma after neuro surgery and it took six months for me to learn to walk again. My brain continues to recover but it is essential that I am able to rest and sleep well.

Kind Regards

Sent from my iPad

Stephen Hargreaves

Castle Street