

Licensing Act 2003 Premises Licence

PLWA0245

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Part 1 - Premises Details

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

Redwing Inn (The)

Church Road, LYMPSTONE, Exmouth, Devon, EX8 5JT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Commences **24/11/05**

expires **30/05/08**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- entertainment facilities for making music
- entertainment facilities for dancing
- the sale by retail 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 & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
I. Provision of facilities for making music (Indoors & Outdoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
J. Provision of facilities for dancing (Indoors)	Monday to Saturday	6:00pm	Midnight
	Sunday	4:30pm	11:00pm
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Saturday	10:00am	Midnight
	Sunday	10:00am	11:00pm
	New Year's Eve	10:00am	Midnight
	And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		



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THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	12:30am
Sunday	10:00am	11:30pm
New Year's Eve	10:00am	Midnight
And from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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

- M. The sale by retail 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

Derek William Moir	Royal British Legion, 1 Den Crescent, Teignmouth, Devon, TQ14 8BG.
David Eric Moir	Redwing Inn, Church Road, Lympstone, Exmouth, Devon, EX8 5JT. Telephone 01395 222156

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

Derek William MOIR	Royal British Legion, 1 Den Crescent, Teignmouth, Devon, TQ14 8BG.
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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. EDVE0865	Issued by East Devon
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Rachel L Pocock
Head of Legal, Licensing and Democratic Services



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ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1. a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
 - b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- Source: Section 19 Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Conditions Consistent with the Public Entertainment Licence Conditions

1. All lavatories, water closets or urinals shall at all times be kept in good order and repair and be properly and effectually cleansed, ventilated and disinfected and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
2. **The maximum number of persons to be permitted in the Public Bar at any one time shall not exceed 60.**
3. The Licensee shall make efficient arrangements for ensuring that the maximum number of persons permitted to be on the premises at any one time is not exceeded. Such arrangements to include



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provisions whereby any authorised officer of the Licensing Authority or the Devon Fire and Rescue Service can determine the number of persons present (without a physical count).

4. (a) The licensee, or a responsible person nominated by him in writing for the purpose, not being a person under 21 years of age, shall be in attendance during the whole period the premises are open to the public and shall be assisted by a staff of attendants or stewards according to the following scale:-

	Capacity of Premises	Number of Attendants or Stewards		Number of Male Attendants or Stewards
Under	250	1	including	1
	250 but less than 500	3	including	1
	500 but less than 750	4	including	1
	750 but less than 1000	6	including	2
	1000 but less than 1250	9	including	2
	1250 but less than 1500	10	including	2
	1500 but less than 1750	12	including	3
	1750 but less than 2000	13	including	3
	2000 but less than 2500	15	including	3
Over	Over 2500	One for every 120 persons (or Part thereof)		One for every 600 persons (or Part thereof)

- (b) At every performance to which Section 12 of the Children and Young Persons Act 1933 applies, the number of attendants or stewards in those parts of the premises which are not more than ten feet above or below ground level, shall not be less than two per cent of the seating capacity of those parts of the premises, and in all other parts of the premises it shall not be less than four per cent of the seating capacity for those parts of the premises provided that where children are in the charge of school teachers, those teachers may be regarded as attendants or stewards in respect of not more than one half of the number of attendants or stewards required in section (a) of this condition.
- (c) At every performance where children are accommodated above ground level there shall be an attendant or steward at the foot of each stairway used for entrance while the audience is entering the premises and at the head of each stairway used for exit throughout the performance and while the audience is leaving the premises.



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Where children are accommodated below ground level those attendants or stewards shall be stationed at the head of each stairway while the audience is entering the premises and at the foot thereof during the performance and while the audience is leaving the premises.

(d) Throughout the time when the public are in attendance, attendants and stewards shall wear either distinctive clothing or suitable armbands.

- 5 All persons primarily employed in premises licensed to sell alcohol who vet customers in order to maintain good order shall be approved and licensed by the Security Industry Authority.
- 6 A register of names of persons on duty to vet customers and maintain good order at any given time, shall be kept on the premises and made available to a Police Officer or a duly authorised officer of the Licensing Authority on request by either of those officers.
- 7 A procedure to be followed in the event of fire or other emergency shall be devised.
- 8 All persons employed to work in the premises and all attendants and stewards shall be given instruction and training in the procedure to be followed in the event of fire or other emergency.
- 9 The licensee shall be responsible for organising the training of staff and all attendants and stewards shall be responsible for co-ordinating the actions to be taken in the event of fire or other emergency. Effective arrangements shall be made for a nominated deputy to carry out the above duties.
- 10 All means of escape, i.e. corridors, gangways, passages, stairways, exit ways, etc. shall be kept free from obstruction at all times when members of the public are on the premises.
- 11 All stairs and steps shall be maintained with non-slippery and even surfaces and any stair coverings shall be secured and maintained so that they will not in any way be a source of danger to persons escaping in case of fire.
- 12 Before carrying out any alterations to the premises, including the wall and ceiling linings or any material alteration in the furnishings or in the internal arrangement of the premises, or equipment with which the premises are provided, 28 days written notice must be given to the Licensing Authority and to the Fire Authority.
- 13 The licensee shall furnish to the Licensing Authority annually at the time of renewal of the licence a certificate as to the condition of the electrical installation with which the premises are provided. In the case of premises licensed for only one or more specific occasions, such certificate shall be provided when required by the Licensing Authority. The certificate to be signed by a qualified electrician.
- 14 Any alterations, modifications or extensions to the electrical installation with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with I.E.E. Regulations and any portable electrical equipment or appliances used in the premises shall be in efficient working order and correctly wired and connected.
- 15 In the case of any outbreak or suspected outbreak of fire the Devon Fire and Rescue Service shall be called immediately.
- 16 A conspicuous notice clearly stating the location of the nearest telephone and the correct method of summoning the Devon Fire and Rescue Service shall be displayed in the foyer of or entrance to the premises.
- 17 No explosive or highly inflammable material shall be brought into the premises and any curtains, drapes or other decorative materials introduced into the premises shall either be inherently non-flammable or comply with B.S. 5867: part 2, type 2.
- 18 No portable heating appliances shall be permitted on the premises during the time they are used for



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the purpose to which this Licence applies.

19. The use of pyrotechnics shall be permitted only after consultation and with the agreement of the fire authority. In this connection pyrotechnics means the use of apparatus or other devices for the production of smoke, coloured smoke or firework-like effects.
20. The emergency lighting with which the premises are provided shall be maintained in efficient working order and be in operation during the whole time that the public are in the premises. The existing system must illuminate all exit signs, doorways, step and passages forming exit routes from the licensed premises and any other part of the premises specified in the schedule of conditions and shall be independent of the normal lighting system. Oil lamps and candles shall not be used.
21. All 'exit' signs shall be maintained in a good state of repair.
22. The use of naked lights or flames during performances is prohibited unless prior written consent of the Licensing Authority has been obtained.
23. Any doors required to be fire resisting shall be effectively maintained, and where such doors are also required to be self-closing they shall be maintained as such, and shall not be provided with means of holding them in open position, other than automatic releases where these have been specifically approved by the Licensing Authority.
24.
 - (i) The doors of any doorway through which persons might have to pass to leave the premises shall be capable of being easily and immediately opened without the aid of a key at all times when members of the public are on the premises.
 - (ii) All doors fitted with panic bolts or latches shall be prominently indicated by the words 'Push Bar to Open' in block letters in a distinctive colour, preferably white letters on a green background.
25. If the premises are to be used for any entertainment involving a closely seated audience the Licensing Authority must have approved the seating arrangements in writing. Before such approval can be given, copies of a plan showing the proposed seating arrangements shall be submitted to the Licensing Authority and to the Fire Authority.
26. Notwithstanding the foregoing condition: -
 - (a) In any premises exclusively used for a closely seated audience all seats shall be securely fixed to the floor.
 - (b) In premises not exclusively used for a closely seated audience, chairs, if provided shall be battened or otherwise securely fixed together to the satisfaction of the Licensing Authority in lengths of not less than four nor more than twelve chairs, and if more than 400 people are to be accommodated the chairs or seats adjoining any gangway shall be securely fixed to the floor.
 - (c) There shall be an unobstructed seatway or space of at least 12 inches (300 mm) measured between perpendiculars between the back of one seat and the front of the seat immediately behind.
 - (d) The maximum number of chairs or seats in any row shall not exceed:-
 - (i) Seven where there is a gangway at one end only of the row, and
 - (ii) Fourteen where there is a gangway at each end of the row *except* that the number of seats in a row served by only one gangway may be increased to eleven if the seatway is increased by one inch (25 mm) for each additional seat over seven and the number of seats in a row served by two gangways may be increased to 22 if the seatway is increased by one inch (25mm) for each additional seat or pair of seats over fourteen.



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27. At any time when an entertainment to which this licence applies is being, or is about to be given and at any other reasonable time, a constable, authorised officer of the East Devon District Council, or authorised officer of the Devon Fire and Rescue Service in uniform shall be given free ingress to the premises for the purpose of inspection.
28. A log book shall be kept in which there shall be recorded details of tests and maintenance of fire fighting equipment, fire warning system (where applicable) and emergency lighting and the dates on which staff, attendants and stewards received training in the action to be taken in case of fire.
29. The use of the premises hereby licensed shall not be or become a nuisance to nearby residents or passers by.
30. The volume of any apparatus used shall be under the control of the Management, from a part of the premises, which is not accessible to the public.
31. Where volume-limiting devices are required to control the amplification of sound, they shall be effectively operated and maintained to ensure that the volume does not exceed the permitted sound level.
32. The Fire Officer's recommendations (if any) shall be strictly observed.
33. All fire fighting equipment with which the premises are provided shall be maintained in efficient working order.
34. The fire warning system (if provided) shall be maintained in efficient working order.
35.
 1. Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.
 2. An application for consent under Condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7 - 14 days: less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police: and the authority may also copy it to the local fire authority if it considers this necessary.
 3. The application shall contain the following:
 - (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when): and
 - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotist Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)
 4. The following conditions shall apply to any consent given:
 - (a) No poster, advertisement or programme for the performance which is likely to cause



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- public offence shall be displayed, sold or supplied, by or on behalf of the licensee either at the premises or elsewhere:
- (b) Every poster, advertisement or programme for the performance which is displayed, sold or supplied shall include, clearly and legibly, the following statement: "Volunteers, who must be aged 18 or over, can refuse at any point to continue taking part in the performance."
 - (c) The performance shall be covered to a reasonable level by public liability insurance. The hypnotist must provide evidence of this to the local authority if requested: and it must be available for inspection at the performance.
 - (d) The means of access between the auditorium and the stage for participants shall be properly lit and free from obstruction.
 - (e) A continuous white or yellow line shall be provided on the floor of any raised stage at a safe distance from the edge. This line shall run parallel with the edge of the stage for its whole width. The hypnotist shall inform all subjects that they must not cross the line while under hypnosis, unless specifically told to do so as part of the performance.
 - (f) Before starting the performance the hypnotist shall make a statement to the audience, in a serious manner, identifying those groups of people who should not volunteer to participate in it; explaining what volunteers might be asked to perform: informing the audience of the possible risks from embarrassment or anxiety: and emphasising that subjects may cease to participate at any time they wish. The following is a suggested statement, which might be amended as necessary to suit individual styles so long as the overall message remains the same:

"I shall be looking for volunteers aged over 18 who are willing to be hypnotised and participate in the show. Anyone who comes forward should be prepared to take part in a range of entertaining hypnotic suggestions but can be assured that they will not be asked to do anything which is indecent, offensive or harmful. Volunteers need to be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant."
 - (g) No form of coercion shall be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques, which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (e.g., asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage.
 - (h) If volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety.
 - (i) The performance shall be so conducted as not to be likely to cause offence to any other person in the audience or any hypnotised subject.
 - (j) The performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the



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- performance shall not include: (i) any suggestion involving the age regression of a subject (i.e. asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc.);
- (ii) any suggestion that the subject has lost something (e.g., a body part) which, if it really occurred, could cause considerable distress;
 - (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy")
 - (iv) the consumption of any harmful or noxious substance;
 - (v) any demonstration of the power of hypnosis to block pain (e.g. pushing a needle through the skin).
- (k) The performance shall not include giving hypnotherapy or any other form of treatment.
 - (l) All hypnotised subjects shall remain in the presence of the hypnotist and in the room where the performance takes place until all hypnotic suggestions have been removed.
 - (m) All hypnotic or post-hypnotic suggestions shall be completely removed from the minds of the subjects and the audience before the performance ends. All hypnotised subjects shall have the suggestions removed both individually and collectively and the hypnotist shall confirm with each of them that they feel well and relaxed (the restriction on post-hypnotic suggestions does not prevent the hypnotist telling subjects that they will feel well and relaxed after the suggestions are removed).
 - (n) The hypnotist shall remain available for at least 30 minutes after the show to help deal with any problems which might arise. (Such help might take the form of reassurance in the event of headaches or giddiness but this condition does not imply that the hypnotist is an appropriate person to treat anyone who is otherwise unwell).
 - (o) Where -
 - (i) a constable, or
 - (ii) an authorised officer of the licensing authority, or
 - (iii) an authorised officer of the fire authorityhas reason to believe that a performance is being, or is about to be given, he may enter the venue with a view to seeing whether the conditions on which approval for the performance was granted are being complied with.

Conditions Consistent with the Operating Schedule

1. A proof of age policy agreed by the police and local authority will be enforced.
2. Notices will be prominently displayed clearly stating that alcohol will not be sold to persons under the age of 18 years of age.
3. An appropriate method will be employed to ensure that the capacity of the Public Bar for dance/informal use of 60 persons is not exceeded.
4. The fire safety measures with which the premises are provided must be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Regulatory Reform (Fire Safety) Order 2005. The applicant understands that the fire safety of occupants is also influenced by numbers of persons present, their disposition and the activities taking place, and therefore undertakes to maintain a safe occupancy limit.
5. The licensable activities authorised by this licence will be confined to the areas that are outlined in



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
Fax: 01395 517507



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RED on the plan deposited with and approved by the Licensing Authority.



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Premises Licence Summary

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