

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 17 December 2014; 9.30am

[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 9 December 2014



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- 1 Minutes for 3 December 2014 (pages 2-3)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **To consider an application for a premises licence – To allow recorded music on the premises and the sale of alcohol on and off the premises at Oak Barn Furnishings Coffee Lounge, Knowle Hill, Budleigh Salterton, Devon, EX9 7 AL.**
(pages 4-35)

Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate)

[Recording the meeting](#)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 3 December 2014

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.35 am

- *17 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 10 November 2014, were confirmed and signed as a true record.
- *18 Declarations of interest
There were none.
- *19 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

The Sub Committee gave consideration to an application for the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

The Licensing Officer explained the background of the application and the negotiations that had been carried out. Successful negotiations had included the withdrawal of recorded music from the application in response to concerns raised by EDDC's Environmental Health Officer over potential noise.

RESOLVED

that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Osborne's Coffee & Wine Bar, Welwyn House, Fore Street, Beer, Devon EX12 3JB

Agreed position reached by the parties:

Following mediation the applicant and the Council's Environmental Health Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.

The application be approved as submitted subject to the following amendment:
That the applicants withdraw the request for recorded music from the application.
Approval was recommended subject to the amended operating schedule and the relevant mandatory conditions required by the Licensing Act 2003.

Attendance list
Councillors present

Steve Hall (Chairman)
Frances Newth

Apologies from non members of the Sub Committee

John O'Leary
Tom Wright

Officers present

Neil Macdonald, Licensing Officer
Chris Lane, Democratic Services

Chairman Date

Report to: **Licensing and Enforcement Sub Committee**



Date of Meeting: 17 December 2014

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

Subject: Application for the grant of a premises licence under the Licensing Act 2003

Purpose of report: The report summarises an application for a premises licence to be granted.

Recommendation: Recommendation
That members consider an application for the grant of a premises licence - To allow recorded music on the premises and the sale of alcohol on and off the premises at Oak Barn Furnishings Coffee Lounge, knowle Hill, Budleigh Salterton, Devon, EX9 7 AL.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

Financial implications: The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

Legal implications: Legal implications are included within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices**
Appendix A – Table of proposed times and licensable activities.
Appendix B – Copy of licensing application.
Appendix C – Details of representations received.
Appendix D – Details of responses to the Notice of Hearing.
Appendix E – Conditions offered by the applicant.
Appendix F – Agreed position following mediation – Police & EHO.
Appendix G – Location Plan

Link to Council Plan: Not applicable

Report in full

1 Description of Application

- 1.1 An application has been received from Henderson ML Limited of 18 High Street, Budleigh Salterton, Devon, EX9 6LQ for the grant of a premises licence at Oak Barn Furnishings Coffee Lounge, Knowle Hill, Budleigh Salterton, Devon, EX9 7AL.
- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 A full copy of the application is reproduced at **Appendix B**.
- 1.4 Oak Barn Furnishings and Coffee Shop is situated off the B3178 near to the roundabout at the top of Knowle Hill, Budleigh Salterton. The business sells furniture from the site but also has an established coffee shop that is open seven days a week. The premises are situated in a mainly rural area with some residential properties nearby.
- 1.5 The owners would like to expand the coffee shop business to be able to supply alcohol to their customers on the premises and have included off sales to allow their customers to use an outside seating area and to take home any unfinished bottles of wine. There is no intention to create an off sales business and there is no application to licence any outdoor areas.
- 1.6 A plan of the premises will be available at the meeting to show the proposed layout of the site and the areas of licensable activity.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representations have been received – now agreed position.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 2.4 Devon Trading Standards
No representations have been received
- 2.5 East Devon District Council, Environmental Health Service
Representations have been received – now agreed position.
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received
- 2.7 Primary Care Trust
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from the Devon and Cornwall Constabulary, the Council's Environmental Health Service and one local resident. Details of the representations are attached at **Appendix C**.

- 3.2 Responses to notice of hearing forms have been received from the Devon and Cornwall Constabulary and the Council's Environmental Health Service who have both reached an 'agreed position' with the applicants and will not be attending the committee hearing. At the time of writing this report no response had been received from the local resident.
- 3.3 The applicant will be attending the hearing accompanied by his general manager who he has listed as a witness who can assist with the detail of the application. Included within his response is a page of notes responding to the representations received. Details of the notes can be seen attached at **Appendix D**.
- 3.4 Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

4 Proposed Operating Schedule and Mediation

- 4.1 The conditions offered by the applicant has been reproduced at **Appendix E** and numbered for ease of reference.
- 4.2 Mediation has taken place between the applicant and the police who have reached an 'agreed position' as a result of the applicant offering to amend the conditions he originally offered into a more clear and enforceable format. The Council's Environmental Health Service has also reached an 'agreed position' with the applicant as he has withdrawn his request to have recorded music included on his licence. Details of the amendments agreed at mediation are attached at **Appendix F**.
- 4.3 Details of the agreed amendments made between the applicant, police and the environmental health service was forwarded to the local resident who had made a representation but he did not accept the proposed amendments answered all his concerns and indicated he wanted to continue with his representation.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 3.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.'
These are:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 5.2 Section 3.2 of the policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.
- 5.3 Section 3.3 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 5.4 Section 3.4.1 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.5 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.

Licensing Hours

- 5.6 Section 6.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is

engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

- 5.7 Section 6.4 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Anti Social Behaviour

- 5.8 Section 15.1 of the policy states: A minority of consumers will behave badly and unlawfully once away from premises, and licence holders' co-operation is sought in minimising this behaviour in the vicinity of premises. The Licensing Authority recognises that the Act is not a cure-all for anti-social behaviour. There is a range of other strategies for addressing these problems – Details of other strategies are listed in the policy.

Nuisance

- 5.9 Section 19.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 5.10 Section 20.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

- 5.11 The **Guidance** issued under Section 182 Licensing Act 2003 states:
The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of appropriate, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are appropriate and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties.

6. Observations

6.1 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the 'test' that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be 'appropriate' and no longer 'necessary'.

6.2 The application being considered is for the grant of a Premises Licence to:

- Allow recorded music to be played on the premises.
- Allow the sale of alcohol on and off the premises.

6.3 Representations were received from the Police, the Council's Environmental Health Service and one local resident. The Police and the Environmental Health Service have reached an 'agreed position' with the applicant after he agreed to amend the conditions offered on his application to a more clear and enforceable format and to remove the request for recorded music from the application. Details of the amendments can be seen at **Appendix F**.

6.4 The local resident is known to be the partner of the licence holder of a nearby public house known as The Britannia Inn, 24 Knowle Village, Knowle, Budleigh Salterton, Devon as a result his original representation was checked to ensure that it was relevant to one or more of the four licensing objectives rather than just a 'trade' objection designed to stop commercial competition. Section 9.4 of the Revised Guidance issued under S.182 of the Licensing Act 2003 states:

'A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local business person about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a business person that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives'.

6.5 His concerns are listed under all four of the licensing objectives and relate to the conditions offered by the applicant being vague, unclear and unenforceable, planning issues, use of the outside terrace area, traffic issues concerning access and egress from the premises and as the premises is signed and known locally as a coffee lounge the public may attend with children and not realise that alcohol will be on sale.

6.6 Following mediation he was given details of the amendments agreed with the police that may answer his concerns about the 'vague and unclear' conditions originally offered by the applicant and also advised that planning issues could not be considered by the Licensing Sub Committee as the planning and licensing regimes are 'stand alone' and are not reliant on each other. However he felt that the mediation did not answer all his concerns particularly the danger of the increase in traffic using the site and the wording of the conditions agreed with the police.

- 6.7 A representation was also received from a Ms Taylor who is a regional manager for Enterprise Inns Plc who own the Britannia Inn. Ms Taylor covers the South West Region and these premises fall within her area of responsibility. Her representation was rejected by the Licensing Authority as it was based entirely on need and not based on any of the four licensing objectives. Rejected representations do not normally form part of a licensing report but it was felt that in this case the committee should be made aware of the type of representation submitted.
- 6.8 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.
- 6.9 A location plan is attached at **Appendix H**.

Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

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
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) 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).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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) a holographic mark, or

- (b) an ultraviolet feature.
5. 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; and
 - (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.
6. (1) 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.
- (2) For the purposes of the condition set out in paragraph 7(1) —
- (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 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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 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.

- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

Source: Section 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films – not required
Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision – not required
Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one’s possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.

6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates’ Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. The magistrates’ court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates’ court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

10. Surveillance Camera Code of Guidance-June 2013

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is

granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.

Oak Barn
Proposed
Timings

	Recorded Music – on the premises	Sale of Alcohol - on & off the premises	Hours premises are open to the public
Monday	9.00am - 5.00pm	9.00am- 5.00pm	9.00am - 5.30pm
Tuesday	9.00am - 5.00pm	9.00am - 5.00pm	9.00am - 5.30pm
Wednesday	9.00am - 5.00pm	9.00am - 5.00pm	9.00am - 5.30pm
Thursday	9.00am - 5.00pm	9.00am - 5.00pm	9.00am - 5.30pm
Friday	9.00am - 11.00pm	9.00am - 11.00pm	9.00am - 11.30pm
Saturday	9.00am - 11.00pm	9.00am - 11.00pm	9.00am - 11.30pm
Sunday	9.00am - 5.00pm	9.00am - 5.00pm	9.00am - 5.30pm



* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

* VAT number

* Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business MD

Home country United Kingdom

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name 18

* Street High Street

District

* City or town Budleigh Salterton

County or administrative area Devon

* Postcode EX9 6LQ

* Country United Kingdom

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name Oak Barn Furnishings Coffee Lounge

Street Knowle Hill

District

City or town Budleigh Salterton

County or administrative area Devon

Postcode EX9 7AL

Country United Kingdom

Further Details

Telephone number 01395 446484

Non-domestic rateable value of premises (£) 7,500

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

Building number or name	<input type="text" value="Sunflowers 15A"/>
Street	<input type="text" value="Knowle Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Budleigh Salterton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="EX9 6AR"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

E-mail	<input type="text" value="sales@oakbarnfurnishings.co.uk"/>
Telephone number	<input type="text" value="01395 446484"/>
Other telephone number	<input type="text" value="07967 962280"/>

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

A small coffee lounge serving general hot and cold food and beverages.
we have an outside seating area that is also used for seating, eating and drinking.
alcohol will be consumed on our premises mostly with food.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="17:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The evening opening hours will be only occasionally i.e. once per month.
the music is for background ambiance.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Continued from previous page...

Yes

No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="17:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="17:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The use of CCTV.
Only a small outlet, very minimal risk of drunken customers.Serving food and drink together. Trained staff.
We are isolated and away from busy public areas. Isolated and away from public, we are a refined establishment.
No actual threat that could put children at risk.

b) The prevention of crime and disorder

The use of CCTV.

Continued from previous page...

Only a small outlet, very minimal risk of drunken customers.
Serving food and drink together.

c) Public safety

Trained staff.
We are isolated and away from busy public areas.

d) The prevention of public nuisance

Isolated and away from public, we are a refined establishment.

e) The protection of children from harm

No actual threat that could put children at risk.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Non domestic Rateable Value Band

A No rateable value to £4,300 - Fee £100

B £4,301 to £33,000 - Fee £190

C £33,001 to £87,000 - Fee £315

D £87,001 to £125,000 - Fee £450

E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol -

Band D - £ 900

Band E - £1905

Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

REPRESENTATIONS LIST

APPENDIX C

Application No: 037871

Application Date: 27 October 2014

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Oak Barn Furnishings Coffee Lounge
Knowle Hill, BUDLEIGH SALTERTON, Devon, EX9 7AL.

Applicant: Henderson ML Ltd
18 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LQ.

Person making Representation: Environmental Health Officer
East Devon District Council, Knowle, SIDMOUTH, Devon, EX10 8HL.

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: Premises: Oak Barn
Subject: Premises Application

I have considered the proposal along with the proposed operating schedule. At present I do not feel that there are adequate safeguards in place to prevent public nuisance so accordingly I would like to make a REPRESENTATION.

The applicant is requesting Recorded music until 1700hrs Sundays through Thursdays and 2300hrs Fridays and Saturdays and there are insufficient safeguards in place to prevent a noise nuisance.

It is possible that following further discussions with the applicant, amendments can be made to the operating schedule to introduce the safeguards I would like to see and this would enable me to then withdraw this representation. However, for the time being I recommend that if the Licensing and Enforcement Committee is minded to grant this licence, the following conditions ought to be imposed in order to prevent public nuisance.

The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.

The licence holder must ensure that all doors and windows are kept closed during periods of regulated entertainment

Evidence:

Suggestion:

If the Licensing and Enforcement Committee is minded to grant this licence, the following conditions ought to be imposed in order to prevent public nuisance.

The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council.

The licence holder must ensure that all doors and windows are kept closed during periods of regulated entertainment

Application No: 037871

Premises: Oak Barn Furnishings Coffee Lounge
Knowle Hill, BUDLEIGH SALTERTON, Devon, EX9 7AL.

Person making Representation: Jeff V White
The Flat, 24 Knowle Village, Knowle, BUDLEIGH SALTERTON, Devon, E)

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Prevention of crime and disorder

I am concerned that the following conditions that have been volunteered in this application are "vague, uncertain, imprecise and unenforceable" in terms of the guidance document GN6.

"The use of CCTV"
"Only a small outlet, very minimal risk of drunken customers"
"Trained staff"
"We are isolated and away from busy public areas"
"Isolated and away from public, we are a refined establishment"

Public safety

I understand that currently, on this site and some within the specified premises, there are several combined uses in existence (namely "Devonshire Sofas Factory" "Oak Barn Furnishings Showroom" and "Oak Barn Coffee Lounge") and that as they have more than one primary element they should therefore be treated as "sui generis". This could mean that the premises will need a specific planning consent in respect of a "change of use" which will define what is authorised before this premises application is considered.

I am concerned that the following conditions that have been volunteered in this application are "vague, uncertain, imprecise and unenforceable" in terms of the guidance document GN6.

"The use of CCTV"
"Only a small outlet, very minimal risk of drunken customers"
"Trained staff"
"We are isolated and away from busy public areas"
"Isolated and away from public, we are a refined establishment"

I am further concerned that the vehicular entrance to these premises is directly off the B3178 and only 400 metres or so from the Knowle Hill Roundabout with the B3179. The stretch of B3178 from this roundabout to the entrance to the premises of "Devonshire Sofas Factory" "Oak Barn Furnishings Showroom" and "Oak Barn Coffee Lounge", have been identified by Knowle Village Traffic Calming Working Group as an "Accident Danger Zone" in their report to Budleigh Town Council Traffic & Parking Liaison Committee on 8th October 2014. An increase in traffic turning into or exiting from the Oak Barn premises site, (including additional large dray lorries etc) would dramatically increase the hazard identified, above especially during the Spring and Summer months when the traffic volume on this stretch of highway, from visitors is increased significantly.

I understand that the applicant has received planning permission for an extension to the existing premises but that will not be completed until June 2015. Perhaps the Council may have a view that until this extension is completed Officers and associated interested parties may not be able to have a full view or understanding of the actual premises for which this application is intended and that this fact could possibly have an effect on the integrity of this current application for a premises licence.

At the present time the Opening Hours of the "Coffee Lounge" are "Open Monday - Sunday 9:45 am - 4:30pm". One of the Conditions offered by the applicant in this application states that the premises licence will cover the "serving (of) drink and food together". It is, however, unclear from this application if the applicant intends to offer food beyond his currently stated "Coffee Lounge" opening hours to meet those hours requested in the application for the consumption of alcohol on the premises, as presumably any failure to do so would negate the above Condition.

Prevention of public nuisance

I am concerned that the following conditions that have been volunteered in this application are "vague, uncertain, imprecise and unenforceable" in terms of the guidance document (GN6).

"The use of CCTV"
"Only a small outlet, very minimal risk of drunken customers"
"Trained staff"
"We are isolated and away from busy public areas"
"Isolated and away from public, we are a refined establishment"
"Serving drink and food together"

The present Coffee Shop has an outside terrace (adjacent to the car park which is itself adjacent to the main road (B3178)). It is not clear from this application if it includes the provision for the serving and consumption of alcohol in these outside areas. If not then how does the DPS intend to "police" this issue?

Protection of children from harm

I am concerned that the following conditions that have been volunteered in this application are "vague, uncertain, imprecise and unenforceable" in terms of the guidance document (GN6).

Application No: 037871

Premises: Oak Barn Furnishings Coffee Lounge
Knowle Hill, BUDLEIGH SALTERTON, Devon, EX9 7AL.

"The use of CCTV"
"Only a small outlet, very minimal risk of drunken customers"
"Trained staff"
"We are isolated and away from busy public areas"
"Isolated and away from public, we are a refined establishment"
"No actual threat that could put children at risk"

I am concerned that the present name of the premises of "Oak Barn Furnishings Coffee Lounge" does not in any way indicate to the general public that alcohol is available and served on (and off) these premises. These premises are well established and well known "Coffee Lounge" and I would be concerned that this application may possibly lead to misunderstandings by a certain section of the general public (including those accompanied by children) who may prefer not to attend an establishment where alcohol is served (and sold).

Evidence:

Suggestion:

Person making Representation: Devon & Cornwall Constabulary
Devon & Cornwall Police HQ, Middlemoor, Exeter, Devon, EX2 7HQ.

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: Please accept this E Mail as a notification to you the Police wish to make representations regarding the application under the Crime and Disorder objective AND Protection of Children Objective.

However I have entered into mediation and anticipate an agreed position.

Evidence:

Suggestion:

APPENDIX D

Oak Barn – Responses to Notice of Hearing

Applicant

Henderson M L Ltd, 18 High Street, Budleigh Salterton, EX9 6LQ	
Hearing Unnecessary	Yes – in order to address the representation
Attending	Yes
Permission required for additional persons to appear at the hearing	Yes: Terry Coates He is my general manager and will assist in making clear all the necessary points and as witness
Supporting documents	Yes: Attached notes
Summary of key points	No

Responsible Authorities & Interested Parties

1.	Major J V White RA (retd.), The Flat, 24 Knowle Village, Knowle, Budleigh Salterton, EX9 6AL
Hearing Unnecessary	No response received
Attending	
Represented by	
Permission requested for attendance of	
Supporting documents	
Summary of key points	

In response to Mr Jeff White, who I believe is the current licence holder of the Britannia inn formerly known as the dog and donkey,

I would like to make these following points.

The subject of the application is solely by Oak Barn Furnishing, which hosts the coffee lounge as part of its customer experience. Devonshire Sofas is a separate trading business and is not located in the same business location.

The conditions we have offered I believe are appropriate and proportionate to the enhancement of the already trading coffee shop business, located within our retail store. The proposal to have alcohol available with food service is in response to customer demand. Promotion of this would be by use of menu display solely within the eating area, there would be no external 'pub' style promotion.

There is no rationale for Mr White mixing already approved planning permission for works with this alcohol licence application. We are trading in space already approved, in two separate physical locations, this application relates to just one location for a business where there is an existing furniture retail activity and an already integral trading coffee shop. We offer our coffee shop customers a selected range of food and coffee type options, offering a selection of alcoholic drinks, i.e. a glass of wine or a bottled beer, is a natural, and customer expected, progression of a successful local business, which provides 18 local people employment.

There will be no traditional off licence (take away) drink facility; all alcohol would only be able to be purchased along with food. Our main customer base is adult, due to the nature of our retail offering, however we have a current range of soft drinks suitable for children and young people, and this we have proved to be adequate to meet customer demand.

We have applied for a licence to serve alcohol until 2300 hrs on Friday and Saturday evenings so that we can pick any one evening in a given month to provide a themed night, offering food AND alcohol. We are not trying to set a pub type premises in any shape or form.

We encourage customers who rely on help from their assistance dogs.

We currently hold an EDDC 5 star rating Food hygiene certificate.

Our business is currently part of the Knowle Village Traffic Working Party and know that Devon County Council have been asked by Cllr Christine Channon to look at taking some traffic speed measurements and other traffic flow details to address concerns relating to the flow of traffic through Knowle Village and its integration into Exmouth Road. This will be significant when the new residential developments on the outskirts of Knowle become reality within the next few years. We see no further increase in traffic volume to our premises when alcohol is served with meals. There would be no dray type pub delivery vehicles as supply would be, most likely, as part of our current existing normal trade provisions supply or by my own car from a local wholesaler.

1. The use of CCTV.
2. Only a small outlet, very minimal risk of drunken customers.
3. Serving drink and food together.
4. Trained staff.
5. We are isolated and away from busy public areas.
6. Isolated and away from public, we are a refined establishment.
7. No actual threat that could put children at risk.

POLICE AGREEMENT

Remove Conditions 2, 5 and 6 of Appendix E.

Replace Condition 1 of Appendix E with –

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police in accordance with the requirements set out in the EDDC licensing policy.
2. CCTV images must be retained for a minimum of 14 days and will be produced on the request of the police or a licensing officer of East Devon District Council. Recording media must be set to 25 frames per second.
3. The CCTV system must be operational at all times the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.

Replace Condition 3 of Appendix E with –

4. Alcohol will only be sold or supplied to persons purchasing food within the cafe.

Replace Condition 4 of Appendix E with –

5. Regular staff training will be undertaken and staff training records will be kept.

Replace Condition 7 of Appendix F with –

6. The premises will operate a Challenge 21 Policy. The only acceptable forms of ID will be Passport, Photo Driving Licence, government approved pass cards and H.M. Forces I.D. card bearing a date of birth.

EHO AGREEMENT

1. Withdraw the request for recorded music from the application.

Appendix G



Oak Barn, Knowle Hill, Budleigh Salterton, EX9 7AL
Licensing Sub Committee - 17/12/2014

1:4,283



Map Tile: SY0482SE Full Reference: SY04652 82447