

Date: 12 May 2014  
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To: Members of the Licensing & Enforcement Sub-Committee  
(Councillors: Jim Knight, Maddy Chapman, Francis Newth)

Licensing Officer  
Solicitor

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 20 May 2014 at 9.30am

The Licensing & Enforcement Sub Committee meeting will take place in the **Council Chamber, Town Hall, Exmouth**, to consider the matters detailed on this agenda.

**Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. 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).**

## A G E N D A

- |  | Page/s    |
|--|-----------|
| 1. To confirm the minutes of the meetings of the Licensing and Enforcement Sub Committee held on 14 May 2014.                              | To follow |
| 2. To receive any apologies for absence from Members of the Sub Committee.   |           |
| 3. To receive any declarations of interests relating to items on the agenda.   |           |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. |           |

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).

## **PART A**

### **MATTERS FOR DECISION**

5. To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way).

## **PART A**

### **MATTERS FOR DECISION**

Pages

- |    |   |                   |        |
|----|---|-------------------|--------|
| 6. | To consider an application for a premises licence at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton. | Licensing Officer | 4 - 44 |
|----|---|-------------------|--------|

#### Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.

Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered. Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

## Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

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



**Date of Meeting:** 20 May 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 the supply of alcohol on and off the premises at Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton, Devon, EX9 7AH.

**Reason for recommendation:** To comply with statutory processes.

**Officer:** Neil McDonald [nmcdonald@eastdevon.gov.uk](mailto: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 – Copy of existing licence – PLWA0589  
Appendix D – Details of representations received.  
Appendix E – Details of Responses to the Notice of Hearing.  
Appendix F – Proposed Operating Schedule.  
Appendix G – Suggested Conditions.  
Appendix H – Location Plan.

**Link to Council Plan:** Not applicable

## Report in full

### 1 Description of Application

1.1 An application has been received from Alan and Faye Pratt of 7 Moormead, Budleigh Salterton, Devon, EX9 6QA for the grant of a premises licence for Lily Farm Vineyard, Dalditch Lane, Knowle, Budleigh Salterton, Devon, EX9 7AH.

- 1.2 The 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 Lily Farm Vineyard is situated off a country lane in the Knowle area of Budleigh Salterton in what is predominantly a country/residential area. The premises consist of a vineyard and a small shop that has a premises licence for off sales of alcohol that was first granted on 21 January 2010.
- 1.5 The owners want to extend their facilities to be able to offer visitors alcohol to be consumed on the premises as well as off and to extend the existing hours from 6pm to 10pm and as a result an application for a new premises licence has been applied for. A full copy of the existing premises licence is reproduced at **Appendix C**.
- 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  
No representations have been received.
- 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  
No representations have been received
- 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 eight local residents. Details of the representations are attached at **Appendix D**.
- 3.2 Responses to notice of hearing forms have been received from two local residents who have advised that they want the hearing to go ahead but have indicated they would not be attending the hearing. At the time of writing this report no responses have been received from the remaining six residents. The applicants will be attending the hearing and will be represented by their solicitor Mr Graham Gover.
- 3.3 Details of the responses to the statutory Notice of Hearing are attached at **Appendix E**.

## **4 Proposed Operating Schedule and Mediation**

- 4.1 The proposed operating schedule showing the conditions offered by the applicant has been reproduced at **Appendix F** and numbered for ease of reference.
- 4.2 A mediation meeting was offered to the applicants but the offer was not taken up.

## **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 permit:

- Supply of alcohol – On and off the premises.

- 6.3 This application has been submitted to replace the existing premises licence (Appendix C) with a licence that will allow the applicants to sell alcohol on the premises as well as off (current licence only authorises off sales) and to extend the hours from 6pm to 10pm.
- 6.4 The representations from local residents relate to concerns that the application could turn the premises into a wine bar and that the hours applied for are too extensive for a quiet country area and will cause noise and disturbance to nearby residential properties. There are concerns that as the site is accessed via a small country lane and does not have street lighting it is unsuitable for a retail outlet. There is also concern that as there is very limited parking at the vineyard this may result in customers parking in the narrow lane or in residents driveways and could cause a danger to the public and result in accidents.
- 6.5 The conditions offered by the applicant appear at **Appendix F**. To assist the Sub Committee a set of conditions have been prepared at **Appendix G** that members may wish to consider having heard from both the applicant and the interested parties. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants intentions but offer a more concise and enforceable operating schedule
- 6.6 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.
- 6.7 A location plan is attached at **Appendix H**.
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### **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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.

Source: Section 19 & 19A Licensing Act 2003

3. The responsible person shall ensure that no alcohol is dispensed 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).

Source: Section 19 & 19A Licensing Act 2003

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Source: Section 19 & 19A Licensing Act 2003

5. (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 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 a holographic mark.

Source: Section 19 & 19A Licensing Act 2003

6. The responsible person shall 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) customers are made aware of the availability of these measures.

Source: Section 19 & 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 as 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.

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### Proposed Timings – Lily Farm Vineyard

	J) Supply of Alcohol - On & Off the premises	Hours premises are open to the public
<b>Monday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Tuesday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Wednesday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Thursday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Friday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Saturday</b>	10.00am-10.00pm	10.00am-10.00pm
<b>Sunday</b>	10.00am-10.00pm	10.00am-10.00pm



**East Devon**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)  
 Telephone: 01395 517410

\* 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

Not Currently In Use

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

Your reference

Lily

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

Faye

\* Family name

Pratt

\* E-mail

alanandfayepratt@googlemail.com

Main telephone number

01395 443877

Include country code.

Other telephone number

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

\* Is your business registered outside the UK?

Yes  No

\* Business name

None

If your business is registered, use its registered name.

\* VAT number

- None

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

\* Legal status

Partnership

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**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

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**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...

Partner

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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

Partner

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

### Contact Details

E-mail

Telephone number

Other telephone number

### 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 registered smallholding with a vineyard which has run since 2010 selling wines produced from our vines together with farm produce which may include locally produced wine/cider/beer. Primarily for off sales but also to enable purchase for consumption on premises. A small amount of stock will be held for on and off sales.

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

### 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?

Continued from previous page...

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

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

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

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...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

Continued from previous page...

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

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.

Continued from previous page...

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

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Continued from previous page...

## 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.

It is important for us to show that we will be taking all precautions necessary to comply with the four licensing objectives.

b) The prevention of crime and disorder

A crime prevention policy will be in place.

A log book will be maintained in which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded .

The incident book will be kept on the premises at all times and will be made available for inspection by officers of both the licensing authority and the police.

c) Public safety

Irresponsible drinks promotions will not be permitted.

The licence holder will ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.

The licence holder will ensure that all staff are aware of the social and legal obligations and their responsibilities regarding the sale of alcohol.

d) The prevention of public nuisance

The licence holder will ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.

e) The protection of children from harm

A proof of age policy will be enforced.

We will adopt the Under 21 Rule and proof of age policy.

## 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

Continued from previous page...

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 (£)

100.00

## 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

Faye Marilyn Pratt

\* Capacity

Joint Proprietor

\* Date

21 / 03 / 2014  
dd mm yyyy

Full name

Alan Leslie Pratt

Capacity

Joint Proprietor

\* Date

21 / 03 / 2014  
dd mm yyyy

Remove this signatory

Add another signatory

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**



**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Lily"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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



## Licensing Act 2003 Premises Licence

# PLWA0589

**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

### Lily Farm Vineyard

Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Sunday	10:00am	6:00pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	6:00pm

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

- J. Supply of alcohol for consumption OFF the premises only

### Part 2

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

Alan Leslie Pratt alanandfayepratt@gmail.com	7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA. Telephone 01395 443877
Faye Marilyn Pratt alanandfayepratt@gmail.com	7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA. Telephone 01395 443877

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



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



Licensing Act 2003  
**Premises Licence**

**PLWA0589**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE  
AUTHORISES THE SUPPLY OF ALCOHOL**

Alan Leslie PRATT

7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA.  
Telephone 01395 443877

**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. EDVE1312

Issued by East Devon

**Rachel L Pocock**  
Corporate Legal and Democratic Services Manager



Licensing Act 2003  
**Premises Licence**

**PLWA0589**

**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**

1. A crime Prevention Policy must be in force.
2. A log book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book must be kept on the premises at all times and will be made available for inspection by officers of both the Licensing Authority and the police.
3. Irresponsible drinks promotions must not be permitted.
4. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
5. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
6. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
7. A proof of age policy must be enforced.
8. The premises must adopt the 'Challenge 21 rule' and proof of age policy.
9. The licensable activities authorised by this licence will be confined to the area as outlined in **RED** on the plan deposited with and approved by the Licensing Authority.



## Licensing Act 2003 Premises Licence Summary

# PLWA0589

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.

### Premises Details

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

### Lily Farm Vineyard

Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Sunday	10:00am	6:00pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	10:00am	6:00pm

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

- J. Supply of alcohol for consumption OFF the premises only

#### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Alan Leslie Pratt 7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA.  
Faye Marilyn Pratt 7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA.

#### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

#### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Alan Leslie PRATT



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



Licensing Act 2003  
**Premises Licence Summary**

**PLWA0589**

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

Not applicable

A handwritten signature in black ink that reads "R. L. Pocock".

Rachel L Pocock

Corporate Legal and Democratic Services Manager



# REPRESENTATIONS LIST

**Application No:** 036266

**Application Date:** 21 March 2014

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

---

**Premises:** Lily Farm Vineyard  
Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

---

**Applicant:** Faye Marilyn Pratt  
7 Moormead, BUDLEIGH SALTERTON, Devon, EX9 6QA.

---

**Person making Representation:** Brenda Allsup  
Rose Cottage, Knowle Mews, Dalditch Lane, Knowle, Budleigh Salterton, [

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Original letter:

I refer to the official notice regarding the Pratt's application for a new premises licence to sell alcohol for consumption on and off the premises.

As to the consumption on the premises is concerned I trust the Licensing Committee will bear in mind the location of the vinyard and its very close proximity to a residential property in a narrow rural lane.

I believe the hours of operation should be reduced at the end of the day to limit any disturbance to the Pratts near neighbours.

Also the committee should bear in mind possible problems of access and parking.

Subsequent email:

We now write to say that the contents of our letter should be interpreted to mean that in view of the rural location of Lily Farm, sited in a narrow rural lane with no street lighting, and directly opposite a residential dwelling, it is, because of the long hours the application seeks to serve alcohol, a threat to public safety and likely to become a public nuisance.

We hope that this e-mail will now constitute valid representations.

**Evidence:**

**Suggestion:**

---

**Application No:** 036266

**Premises:** Lily Farm Vineyard  
Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

**Person making Representation:** Leslie Allsup  
Rose Cottage, Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Devon

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Original letter:

I refer to the official notice regarding the Pratt's application for a new premises licence to sell alcohol for consumption on and off the premises.

As to the consumption on the premises is concerned I trust the Licensing Committee will bear in mind the location of the vineyard and its very close proximity to a residential property in a narrow rural lane.

I believe the hours of operation should be reduced at the end of the day to limit any disturbance to the Pratts near neighbours.

Also the committee should bear in mind possible problems of access and parking.

Subsequent email:

We now write to say that the contents of our letter should be interpreted to mean that in view of the rural location of Lily Farm, sited in a narrow rural lane with no street lighting, and directly opposite a residential dwelling, it is, because of the long hours the application seeks to serve alcohol, a threat to public safety and likely to become a public nuisance.

We hope that this e-mail will now constitute valid representations.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** Pamela Wills  
4 Knowle Mews, Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Summary of key points:

Public Safety

Narrow, unlit country lane.

Prevention of public nuisance

Noise from persons and vehicle detrimental to the country neighbourhood.

Accompanying letter:

Objections

Dalditch lane is a single track, unlit lane which has areas of Outstanding Natural Beauty along it. This lane is used by farm traffic from a very busy farm and by horses from the Dalditch Riding Stables.

The applicants say they wish to offer wine for sale in connection with their existing wine tours, so why do they need to extend their hours until 10:00pm. They have very limited, unlit parking on their property and with the lack of "on street" parking facilities along Dalditch Lane I consider this a most inconsiderate application.

Should the applicants offer to install lights to their parking area, I would also consider this to be out of keeping to the rural setting, and be obstructive to their neighbours.

**Evidence:**

**Suggestion:**

---



**Application No:** 036266

**Premises:** Lily Farm Vineyard  
Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

**Person making Representation:** Raymond Franklin  
3 Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Devon, EX9 7A

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Public Safety

Dalditch Lane is an unlit, single track lane. Passing places are very limited for the whole length of the lane. There is significant horse and farm traffic throughout the day time and evening and any increase in visitor traffic may have serious safety implications. There is totally inadequate access to Lily Farm for any type of vehicle and the vineyard has limited parking. There is the potential for vehicles to use residents' driveways to avoid farm vehicles and to reverse and turn. For these reasons Lily Farm is a totally unsuitable location for a retail outlet.

Prevention of Public Nuisance

Dalditch has no street lighting and evening trading may involve the intrusion of artificial light pollution in an AONB - leading to urbanisation in a peaceful rural setting. Licensing hours which extend into evenings and weekends may result in noise and disturbance for local residents who strongly value the peace and quiet. This proposal would introduce off-license conditions of trading into a wholly inappropriate rural setting. Mr & Mrs Pratt contend that they wish to offer wine for consumption in connection with their existing wine tours. In that case why do they need licensing until 10:00pm?

**Evidence:**

**Suggestion:**

---

**Person making Representation:** Judith Franklin  
3 Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Devon, EX9 7A

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Public Safety

Dalditch Lane is an unlit, single track lane. Passing places are very limited for the whole length of the lane. There is significant horse and farm traffic throughout the day time and evening and any increase in visitor traffic may have serious safety implications. There is totally inadequate access to Lily Farm for any type of vehicle and the vineyard has limited parking. There is the potential for vehicles to use residents' driveways to avoid farm vehicles and to reverse and turn. For these reasons Lily Farm is a totally unsuitable location for a retail outlet.

Prevention of Public Nuisance

Dalditch has no street lighting and evening trading may involve the intrusion of artificial light pollution in an AONB - leading to urbanisation in a peaceful rural setting. Licensing hours which extend into evenings and weekends may result in noise and disturbance for local residents who strongly value the peace and quiet. This proposal would introduce off-license conditions of trading into a wholly inappropriate rural setting. Mr & Mrs Pratt contend that they wish to offer wine for consumption in connection with their existing wine tours. In that case why do they need licensing until 10:00pm?

**Evidence:**

**Suggestion:**

---

**Application No:** 036266

**Premises:** Lily Farm Vineyard  
Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

**Person making Representation:** Caroline Hastings  
Brackens, 8 Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Dev

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Prevention of Crime and Disorder

Lily Farm is situated in an AONB on a single track lane. Alcohol is currently served (wine tasting) as part of the "Vineyard experience" and it restricted to specific times. The application to extend the licensing hours to 10:00 to 22:00 for 7 days a week and to allow the owners to sell wine for consumption on the premises will effectively create a wine bar in this quiet rural lane. Should this application be approved it will give the establishment similar rights to those licensed premises situated in towns and urban areas, however being located in a rural environment, with the premises, effectively a shed in a field, the controls associated with prevention of crime - alarms, lighting, police presence, CCTV are non-existent. It is after all a business operating from a field on a quiet rural lane.

#### Public Safety

Dalditch Lane is a narrow, rural, single track lane that is unlit. There are few passing places for the entire length of the road. It is used by farm traffic (tractors) horses and walkers. Any increase of traffic as a result of people using Lily Farm in order to consume alcohol on their premises will increase the likelihood of injury to walkers, children and animals during the day and early evening. It will also increase the likelihood of accidents in the evening when the lane is dark, narrow and has few places for cars to pass.

The access to Lily Farm is via a narrow bridge that is constructed of railway sleepers. There is limited parking and additional visitors to Lily Farm to consume alcohol will increase the likelihood of cars being parked in the narrow lane, this may lead to entrances to private residents properties being blocked all leading to increased hazard of accident. The entrance to Dalditch Lane from Knowle village is already extremely congested with residents parking on the road.

#### Prevention of public nuisance

The purpose of applying for an extension to the licensing hours is obviously to increase the number of people visiting the farm. This will inevitably lead to an increase in the following nuisances that are inextricably linked:

Noise - people and traffic

Traffic

Light pollution from the farm and parking area (in an area of outstanding natural beauty)

Parking hazards

Acceptance of this proposal would result in material harm to the character and atmosphere of this area of outstanding natural beauty. The application for a licence to sell alcohol for consumption 7 days a week 10:00 - 22:00 is more applicable to trading establishments situated in an urban environment; it is totally out of keeping for the situation of Lily Farm.

Further consideration must be given to the incremental planning/licensing applications that have transformed Lily Farm from just that; a small holding, to a vineyard that conducts tours, to a vineyard selling wine and food. This application is another incremental step in the development and permanence of the business that will put further pressure on this rural environment, leading to the urbanisation of a peaceful rural setting.

#### Protection of Children from Harm

The proposed increase in licensing hours will inevitably lead to an increase in visitors using the Vineyard to consume alcohol. The lane is used by children riders from the Budleigh Riding Stables there is an increased risk of an accident occurring in the lane.

**Evidence:**

**Suggestion:**

**Application No:** 036266

**Premises:** Lily Farm Vineyard

Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

**Person making Representation:** G A Barnes

5 Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Devon, EX9 7A

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Re: licensing application at Lily Farm Vineyard, Knowle, Budleigh Salterton.

We hereby wish to make the following objections to the above application:

We believe the applicants do not take into account that Dalditch Lane is an unlit single track lane unsuitable for the increased usage as a result of their 'retail outlet'

The increased traffic flow caused by visitors to their 'retail outlet' will cause considerable congestion on a lane that is already particularly hard to pass due to farm traffic, traffic to the Dalditch stables and local residential traffic. The visitors they presently have to the vineyard already present a real problem to local residents and access to nearby properties.

The applicants have not taken into account the limited passing places present along the lane and the effect the increase in visitors they shall have to their location will have on this already difficult situation.

Nb: the only sensible passing place in the lane at present is already almost constantly used by farm/stable traffic who park there to access land nearby.

There is no suitable access to the vineyard at present, the visitors they do have at present more often than not cause a roadblock causing serious delay. Their visitors presently stop in the lane whilst making their visit and we can only assume that the applicants do not have 'plans' at present to provide an adequate parking solution for their visitors?

We believe this application by the Pratt's displays clear over urbanisation of a rural area and eddc should seriously consider the impact of this in an AONB

We have witnessed visitors to the Pratt's vineyard using the private parking of Knowle Mews which as I'm sure you will appreciate is totally unacceptable.

As the Pratt's utilise the services of their 'groupon' website to sell their 'tours' at a cut price we believe given a license the amount of visitors they hope to gain will increase significantly and cause the unacceptable issues as previously stated.

One must question the safety of the Pratt's keeping significant amounts of alcohol or funds on a site that does not lie within a policed area and upon a site which they do not even reside at, it would be interesting to know why they do not consider this may increase crime in a quiet rural area?

We would like to know why the Pratt's need to license until 10.00pm? Surely they do not intend on holding their 'tours' in the dark in an unlit area. We believe should they wish to gain a license, normal business hours would be far more appropriate but a response on this point would be most appreciated.

As you will appreciate some of the above requires further clarification from the Pratt's so perhaps a meeting whereby they may respond to their neighbours with their actual intent would be appropriate.

**Evidence:**

**Suggestion:**

**Application No:** 036266

**Premises:** Lily Farm Vineyard  
Dalditch Lane, Knowle, BUDLEIGH SALTERTON, Devon, EX9 7AH.

**Person making Representation:** A Barnes  
5 Knowle Mews, Dalditch Lane, BUDLEIGH SALTERTON, Devon, EX9 7A

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Re: licensing application at Lily Farm Vineyard, Knowle, Budleigh Salterton.

We hereby wish to make the following objections to the above application:

We believe the applicants do not take into account that Dalditch Lane is an unlit single track lane unsuitable for the increased usage as a result of their 'retail outlet'

The increased traffic flow caused by visitors to their 'retail outlet' will cause considerable congestion on a lane that is already particularly hard to pass due to farm traffic, traffic to the Dalditch stables and local residential traffic. The visitors they presently have to the vineyard already present a real problem to local residents and access to nearby properties.

The applicants have not taken into account the limited passing places present along the lane and the effect the increase in visitors they shall have to their location will have on this already difficult situation.

Nb: the only sensible passing place in the lane at present is already almost constantly used by farm/stable traffic who park there to access land nearby.

There is no suitable access to the vineyard at present, the visitors they do have at present more often than not cause a roadblock causing serious delay. Their visitors presently stop in the lane whilst making their visit and we can only assume that the applicants do not have 'plans' at present to provide an adequate parking solution for their visitors?

We believe this application by the Pratt's displays clear over urbanisation of a rural area and eddc should seriously consider the impact of this in an AONB

We have witnessed visitors to the Pratt's vineyard using the private parking of Knowle Mews which as I'm sure you will appreciate is totally unacceptable.

As the Pratt's utilise the services of they 'groupon' website to sell their 'tours' at a cut price we believe given a license the amount of visitors they hope to gain will increase significantly and cause the unacceptable issues as previously stated.

One must question the safety of the Pratt's keeping significant amounts of alcohol or funds on a site that does not lie within a policed area and upon a site which they do not even reside at, it would be interesting to know why they do not consider this may increase crime in a quiet rural area?

We would like to know why the Pratt's need to license until 10.00pm? Surely they do not intend on holding their 'tours' in the dark in an unlit area. We believe should they wish to gain a license, normal business hours would be far more appropriate but a response on this point would be most appreciated.

As you will appreciate some of the above requires further clarification from the Pratt's so perhaps a meeting whereby they may respond to their neighbours with their actual intent would be appropriate.

**Evidence:**

**Suggestion:**

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## APPENDIX E

### Lily Farm Vineyard – Responses to Notice of Hearing

#### Applicant

<b>Mr Alan Pratt &amp; Mrs Faye Pratt, 7 Moormead, Budleigh Salterton, Devon, EX9 6QA</b>	
<b>Hearing Unnecessary</b>	Yes. I have read the letters of representation and do not consider that any of the persons making representations have raised credible objections based on the licensing objectives.
<b>Attending</b>	Yes
<b>Represented by</b>	Mr Graham Gover, Solicitor 10 Southerhay West, Exeter, EX1 1JG
<b>Supporting documents</b>	Pages from the businesses' website showing the current hours of opening for the public (despite the licence hours being granted for a greater period than this) and the growing number of awards that have been won by the vineyard.
<b>Summary of key points</b>	<p>The purpose of the application is simply to allow the sale of the vineyard's wines to visitors by the glass to be consumed in the existing cafe. The premises licence is limited to the sale of wine by the bottle for consumption away from the premises.</p> <p>The hours are to be extended from 6pm to 10pm solely to be able to cater for any ad hoc bookings that may be made by groups wishing to visit in the evening. Of necessity, this will be limited for all practical reasons to those evenings with later hours of daylight. There is no intention to open routinely on any days of the week or any later hours of the day that are shown on the attached extract from the applicants' website. Just because they may open on other occasions does not mean that they will open.</p> <p>I will cross-examine any objectors who attend and will make representations about their comments at the hearing on 20 May.</p>

#### Responsible Authorities & Interested Parties

<b>1.</b>	<b>Mrs B Allsup, Rose Cottage, Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No. Request that original representation and summary of key points are put forward.
<b>Represented by</b>	
<b>Supporting documents</b>	
<b>Summary of key points</b>	I refer to my previous letter and email dated 7 <sup>th</sup> April and confirm that due to the rural location of Lily Farm, sited in a narrow rural lane with no street lighting and directly opposite a residential dwelling, the long hours of the application seeking to serve alcohol there is a threat to public safety and the likelihood of public nuisance.

## APPENDIX E

<b>2.</b>	<b>Mr L Allsup, Rose Cottage, Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No
Attending	No. Request that original representation and summary of key points are put forward.
Represented by	
Supporting documents	No
Summary of key points	I refer to my previous letter and email dated 7 <sup>th</sup> April and confirm that due to the rural location of Lily Farm, sited in a narrow rural lane with no street lighting and directly opposite a residential dwelling, the long hours of the application seeking to serve alcohol there is a threat to public safety and the likelihood of public nuisance.
<b>3.</b>	<b>Ms P Wills, 4 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	
<b>4.</b>	<b>Mr R Franklin, 3 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	
<b>5.</b>	<b>Mr R Franklin, 3 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	
<b>6.</b>	<b>Ms C Hastings, 8 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	
<b>7.</b>	<b>Mr G A Barnes, 5 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	
<b>8.</b>	<b>Mrs A Barnes, 5 Knowle Mews, Dalditch Lane, Budleigh Salterton, EX9 7AH</b>
Hearing Unnecessary	No response
Attending	

[WELCOME](#)[NEWS](#)[VINEYARD](#)[OUR WINES](#)[AWARDS](#)[GALLERY](#)[CONTACT](#)[ARCHIVE](#)

## Welcome to Lily Farm Vineyard

Lily Farm Vineyard is situated at Knowle, in its own vale, surrounded by beautiful East Devon countryside. We are within easy walking distance of the town of Budleigh Salterton, part of the historic Jurassic Coast, England's first natural World Heritage Site. We can be accessed from the Budleigh Salterton to Exmouth Cycle Track below the old Railway Bridge on Dalditch Lane, or a 2 minute walk from the No 357 Bus Stop in Knowle. [Click here for a map showing our location.](#)

### For Wine Sales and Tours -

**Opening Hours From 17 April 2014**

Thursday, Friday and Saturdays 10.30 am – 4.00 pm. We are also open for wine sales by appointment – **Contact 07977 057864.**

**Vineyard Guided Tours** take 40-45 minutes and are followed by a free tasting of our still wines, will recommence 17 April – September 2014 at 2.30 pm every Thursday, Friday and Saturday.

**Price £7.50 per person. To book your tour Contact 07977 057864.**

The vineyard slope is steep and unsuitable for anyone with limited mobility.

Sorry, no dogs.

**Outdoor café on site for light refreshments.**



*Lily Farm's first harvest in 2007 attracted National Press Attention as it achieved the earliest known harvest of the Piondo grape in the UK. (See [Western Morning News](#) article).*

*To see more of Lily Farm vineyard in the media, [click here](#).*



### Lily Farm Vineyard Newsletter:

We produce an occasional newsletter about the vineyard and our wines. If you would like to subscribe to our newsletter, please [click here](#).

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## Awards



### 2014 AWARDS

**INTERNATIONAL WINE CHALLENGE**  
 Silver Medal Sparkling Rosé 2010

### 2013 AWARDS

**ENGLISH & WELSH WINE OF THE YEAR**  
 Silver Medal Sparkling Rosé 2010

**SOUTH WEST VINEYARDS ASSOCIATION**  
 Sunny Bank Trophy (Best Red Wine) Red 2011  
 Silver Medal Sparkling Rosé 2010  
 Highly Commended Rosé 2012

### 2012 AWARDS

**ENGLISH & WELSH WINE OF THE YEAR**  
 Silver Medal Sparkling Rosé 2010  
 Bronze Medal Rosé 2010  
 Highly Commended Red 2011

**SOUTH WEST VINEYARDS ASSOCIATION**  
 Bronze Medal Sparkling Rosé 2010  
 Highly Commended Red 2011

### 2011 AWARDS

**ENGLISH & WELSH WINE OF THE YEAR**  
 Silver Medal Bacchus 2010  
 Bronze Medal Red 2010  
 Bronze Medal Rosé 2010  
 Bronze Medal Red 2009

**SOUTH WEST VINEYARDS ASSOCIATION**  
 Bronze Medal Red 2010  
 Bronze Medal Red 2009  
 Highly Commended Bacchus 2010  
 Highly Commended Rosé 2010

### 2009 AWARDS

**SOUTH WEST VINEYARDS ASSOCIATION**

John Buchan Shield (For Best Red Wine From A Small Producer) Red 2007

#### Today's Weather



Budleigh Salterton

Tue 29 Apr 2014 • Wind in mph

Date

[Today](#)

Weather

Temperature

12

Wind

6

Feels like

11

[Help](#) [Options](#) [More details](#)

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This Budleigh Salterton weather forecast is generated by the Met Office Weather Widget





**John Buchan Shield for the Best Red Wine  
From A Small Producer 2009**



**The Sunny Bank Trophy for the Best Red Wine  
at the South West Vineyards Association  
Competition 2013**

## Appendix F

1. A crime Prevention Policy will be in place.
2. A log book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded.
3. The incident book will be kept on the premises at all times and will be made available for inspection by officers of both the Licensing Authority and the police.
4. Irresponsible drinks promotions will not be permitted.
5. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
6. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
7. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
8. A proof of age policy will be enforced.
9. We will adopt the 'Under 21 rule' and proof of age policy.

## APPENDIX G

### **Replace Condition 1 of Appendix F with:**

A crime prevention policy must be in place for the premises.

### **Replace Conditions 2 & 3 of Appendix F with:**

An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.

### **Replace Condition 4 of Appendix F with:**

Irresponsible drinks promotions must not be permitted.

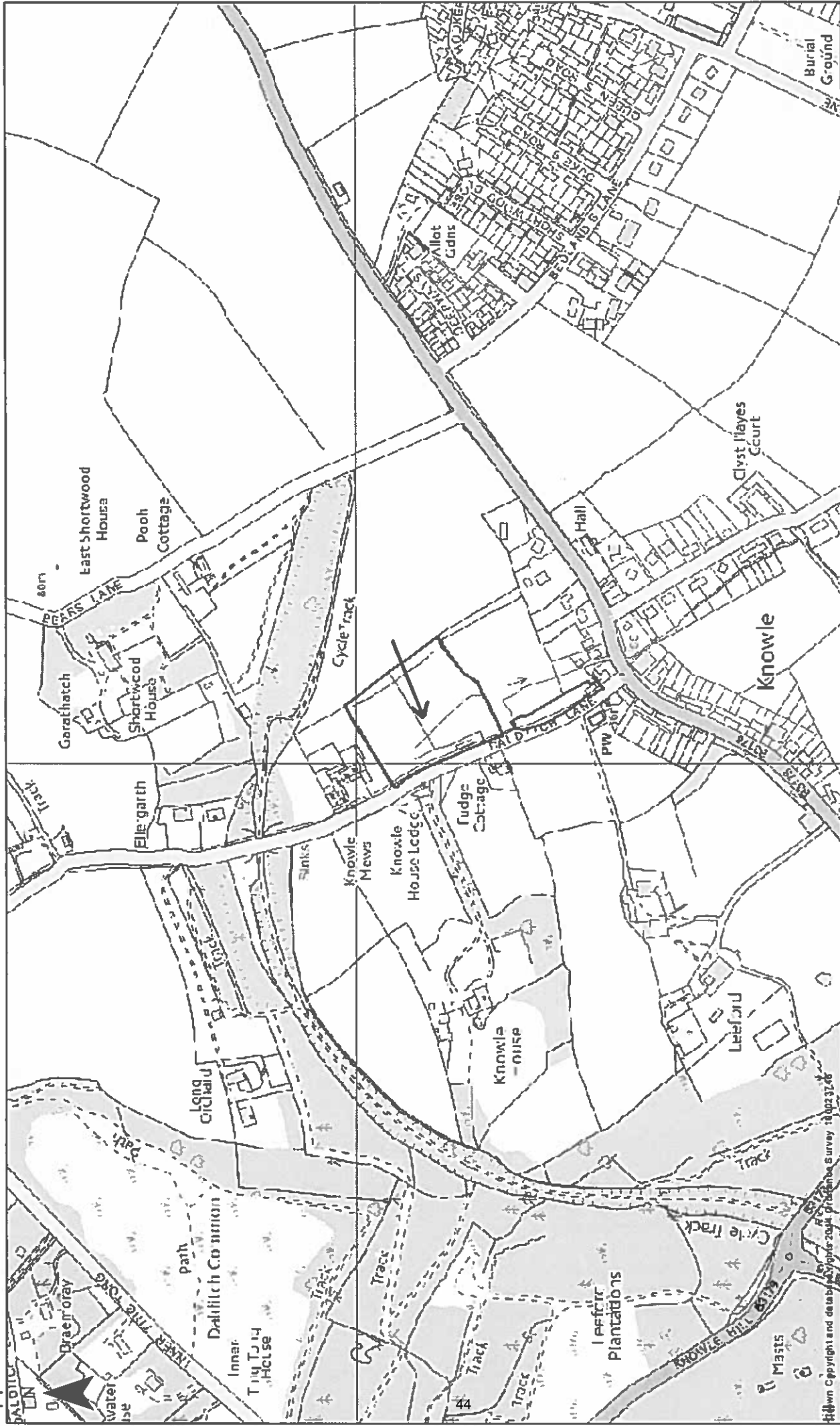
### **Replace Condition 6 of Appendix F with:**

The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

### **Replace Conditions 8 & 9 of Appendix F with:**

A challenge 21 policy must be employed where those individuals who appear to be under the age of 21 attempting to purchase alcohol must be asked for identification. The only type of identification that will be accepted is PASS accredited ID, passport or photo driving licence.

Appendix H



Lily Farm Vineyard, Knowle, Budleigh salterton, EX9 7AH.  
Licensing Sub Committee 20/05/2014

1:5,586

