

# Agenda for Licensing & Enforcement Sub Committee

Wednesday, 22 March 2017; 9.30am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:  
Steve Hall, Brian Bailey, Dean Barrow

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

[View directions](#)

**Contact:** [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 14 March 2017



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- 1 Minutes for 11 January 2017 (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 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary** (pages 4-5)
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary** (pages 6-7)
- 8 **To consider an application for the grant of a premises licence – To allow the live music and the sale of alcohol on the premises at Earls, 60 High Street, Budleigh Salterton EX9 6LW**(pages 8-52).

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)

[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, 11 January 2017 in the Committee Room

Present: Councillors:  
Steve Hall (Chairman)  
Jim Knight (Vice Chairman)

Apologies: Councillors:  
Steve Gazzard  
John O'Leary

Officers: Stephen Saunders – Licensing Manager  
Lesley Carlo – Licensing Officer  
Neil McDonald - Licensing Officer  
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 9.35am. **Please note that there was no audio recording of the meeting as it was held in the Committee Room.**

\*14 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 9 November 2016, were confirmed and signed as a true record.

\*15 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 two applications for grants of premises licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications and the negotiations that had been carried out.

**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:**

Honiton Golf Club, The Club House, Middlehills, Honiton, EX14 9TR.

**Agreed position reached by the parties:**

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

The application be approved as submitted subject to the following amendment and conditions:

1. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or the Police on request.
2. The premises will operate a challenge 21 policy the only acceptable forms of ID will be photo driving licence, passport or government approved pass card.

**Schedule:**

**Type of application:**

Application for the grant of a premises licence

**Name of premises and address:**

Marks & Spencer, Unit 1, Royal Avenue, Exmouth, EX8 1EN.

**Agreed position reached by the parties:**

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Amend the hours for the sale of alcohol on and off the premises to end at 23:00 hrs (instead of midnight) with a seasonal variation to midnight for the month of December.
2. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. Images will be maintained for a period of 14 days copies of which will be supplied to the Licensing Authority or Police upon request.
3. The premises will operate a Challenge 25 policy the only acceptable forms of ID will be Passport, Photo Driving Licence and Government Approved PASS card.

Chairman ..... Date .....



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

**Date of Meeting:** 22 March 2017

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 6**

**Subject:** Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

**Purpose of report:** The report details these applications.

**Recommendation:** That the application be granted as applied for subject to the agreed position set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

**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:** The council's decision may be appealed to the Magistrates Court.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** Background Papers  
The relevant licensing applications  
Representations received from Environmental Health  
Guidance issued under Section 182 of the Licensing Act 2003  
The District Council's Statement of Licensing Policy

**Link to Council Plan:** Not applicable

## Report in full

1. Legislation Background
- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to

be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

## 2. Schedule of Applications

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Bicton Arena East Budleigh Budleigh Salterton Devon EX9 7BL.	<p>Following mediation the applicant and the Council's Environmental Health Team have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following additional conditions:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. To reduce the number of live music events requested from 7 to 5 and only during the months of April to September with a maximum number of no more than one event per month.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

22 March 2017



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

**Date of Meeting:** 22 March 2017

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 7**

**Subject:** Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

**Purpose of report:** The report details these applications.

**Recommendation:** That the application be granted as applied for subject to the agreed position set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

**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:** The council's decision may be appealed to the Magistrates Court.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** Background Papers  
The relevant licensing applications  
Representations received from Devon & Cornwall Constabulary  
Guidance issued under Section 182 of the Licensing Act 2003  
The District Council's Statement of Licensing Policy

**Link to Council Plan:** Not applicable

## Report in full

1. Legislation Background
- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to

be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

## 2. Schedule of Applications

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Viceroy 4 Culme Way Dunkeswell Honiton Devon EX14 4JP.	<p>Following mediation the applicant and the Devon &amp; Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following additional conditions:</p> <ol style="list-style-type: none"> <li>1. The premises will operate a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government Approved PASS card.</li> <li>2. No person carrying open vessels containing alcohol will be admitted to the premises at any time.</li> <li>3. No customers will be permitted to take open vessels containing alcohol from the premises.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

22 March 2017



<b>Report to:</b>	<b>Licensing and Enforcement Sub Committee</b>
<b>Date of Meeting:</b>	22 March 2017
<b>Public Document:</b>	Yes
<b>Exemption:</b>	None
<b>Agenda item:</b>	<b>Item 8</b>
<b>Subject:</b>	Application for the grant of a premises licence under the Licensing Act 2003
<b>Purpose of report:</b>	The report summarises an application for the grant of a premises licence to be considered by the committee.
<b>Recommendation:</b>	<p>Recommendation</p> <p>That members consider an application for the grant of a premises licence to allow – live music and the sale of alcohol on the premises at Earls, 60 High Street, Budleigh Salteron, Devon, EX9 6LW.</p>
<b>Reason for recommendation:</b>	To comply with statutory processes.
<b>Officer:</b>	Emily Westlake <a href="mailto:ewestlake@eastdevon.gov.uk">ewestlake@eastdevon.gov.uk</a> 01395 517410
<b>Financial implications:</b>	The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.
<b>Legal implications:</b>	Legal implications are included within the report.
<b>Equalities impact:</b>	Low Impact
<b>Risk:</b>	Low Risk
<b>Links to background information:</b>	<b>Appendices</b> 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 – Police agreed position amendments. Appendix F – Operating Schedule Conditions. Appendix G – Planning Decision Document Appendix H – Location Plan.
<b>Link to Council Plan:</b>	Not applicable



## **Report in full**

### **1 Description of Application**

- 1.1 An application has been received from Starfish and Coffee (devon) Ltd of 60 High Street, Budleigh Salterton, Devon, EX9 6LW, for the grant of a premises licence at Earls, 60 High Street, Budleigh Salterton, Devon, EX9 6LW.
- 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 The proposed premise to be licensed is an established coffee shop on the ground floor of a three storey building set on the corner of High Street and Station Road, Budleigh Salterton. The premise is laid out as open plan with a food counter and set up with tables and chairs. The upper floors are occupied rented flats. The premise is situated in the town centre of Budleigh Salterton in a mixed commercial and residential area.
- 1.5 A copy of the plan of the premises will be available at the meeting for the information of the committee to show the layout of the site and the proposed areas of licensable activity.

### **2 Statutory Bodies' Response**

- 2.1 Devon & Cornwall Constabulary  
Representations have been received – agreed position has been reached.
- 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 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 the Devon and Cornwall Constabulary, three local residents and from the owner of the freehold of the building where Earls is situated. Details of their representations are attached at **Appendix C**.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **Appendix D**.

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

- 4.1 The Devon and Cornwall Constabulary liaised with the applicants directly and agreed amendments to the operating schedule and as a result agree to withdraw their representations. Details of the agreed position reached are attached at **Appendix E**.
- 4.2 A mediation meeting chaired by the Licensing Authority was held at Earls on Tuesday 2 March 2017 but was unsuccessful.
- 4.3 The police have reached an agreed position with the applicants and will not be attending the hearing. One local resident and the freeholder of the property will not be attending the hearing but want their objections to be considered by the committee. The other two residents want the hearing to go ahead and will be attending the hearing.
- 4.4 The conditions offered by the applicants on their operating schedule have been reproduced at **Appendix F** and have been numbered for ease of reference.

## **5 Relevant Licensing Policy Considerations**

### **Licensing Objectives**

- 5.1 Section 3.1.1 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 3.1.2 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 appropriate in achieving the licensing objectives.
- 5.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

### **Conditions**

- 5.4 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

### **Licensing Hours**

- 5.6 Section 10.1 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 10.4 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.

### **Nuisance**

- 5.8 Section 16.1 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**

- 5.9 Section 17.1 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.

- 5.10 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:

- Live music - indoors
- Sale of alcohol on the premises

6.3 Earls is a coffee shop situated on the corner of the High Street and Station Road in Budleigh, Salterton. The premises were converted from the old Nat West bank building to an open plan coffee shop with a counter servery and table and chairs the entrance being via the High Street. The coffee shop opened for business on the 26 July 2016 and the owner now wishes to be able to provide alcohol for his customers during the day and early evenings. There is also a request for the provision of live music on Friday, Saturday and Sundays. The main reason for the live music application is to enable the premises to take part in town events such as the Budleigh Salterton Music Festival.

6.4 It should be noted that if the premise is granted a licence for the sale of alcohol on the premises then no application for live music is necessary as under the Live Music Act 2012 live music can be played between the hours of 8am and 11pm (if the premises are licensed during those times) without an authorisation under the Licensing Act 2003.

6.5 Following submission of the application representations were received from the police, three local residents and from the freeholder of 60 High Street that includes Earls. Concerns related to noise issues connected to licensed premises including customers smoking on the narrow pavement outside the property and safety issues due to the location of the shop on a junction. The three local objectors are a young woman living with her 8 year old son in the flat above Earls supported by her parents who live nearby in Westhill. It became apparent during the mediation meeting that there were issues with the sound proofing between Earls and the first floor flat above. It would appear that even operating as a coffee shop all the noise from the operation can be heard in the flat above and that the inclusion of alcohol sales and later hours would further disturb the occupants of the flat and would keep the young boy awake in the evenings. There was also a concern that the premise would turn into a wine bar in the evenings as the applicant is applying for alcohol until 11pm daily and because of an article that appeared in a local newspaper a copy of which is attached to the representation of Samantha Cornish (**Appendix C**).

6.6 The applicant states that his intentions are to supply alcohol to customers during the day and early evening and does not want to run a wine bar in the evenings although no conditions have been offered to prevent this taking place now or in the future.

6.7 Mention has also been made by the objectors that the correct planning consent was not obtained for change of use for the business. Although the planning and licensing regimes are not dependant on each other an enquiry was made with the planning department (no representation made) and confirmation was obtained that a planning application had been made to include change of use and had been granted together with conditions. For the information of the committee a copy of the planning decision is attached as condition 3 would appear to be relevant to the concerns of the objectors and could be followed up by planning/environmental health officers on complaint. Attached at **Appendix G**.

6.8 Although no representations have been received from the Environmental Health Team Jill Wheller from that team will attend the hearing in case the committee have any technical questions relating to the noise issues raised.

6.9 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.

6.10 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 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 a 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.

**Timings – Earls**

	<b>Provision of live music - On the premises</b>	<b>J) Supply of Alcohol - On the premises</b>	<b>Hours premises are open to the public</b>
<b>Monday</b>	<b>N/A</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Tuesday</b>	<b>N/A</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Wednesday</b>	<b>N/A</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Thursday</b>	<b>N/A</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Friday</b>	<b>6:00pm – 9:00pm</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Saturday</b>	<b>6:00pm – 9:00pm</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>
<b>Sunday</b>	<b>2:00pm – 8:00pm</b>	<b>Midday- 11:00pm</b>	<b>8:00am- 11.30pm</b>





**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  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  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

\* Registration number

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* 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...

Limited Company

**Address**

Building number or name	Earls
Street	High Street
District	Budleigh Salterton
City or town	Budleigh Salterton
County or administrative area	Devon
Postcode	ex9 6lw
Country	United Kingdom

**Contact Details**

E-mail	kevin.wood38@yahoo.co.uk
Telephone number	01395 445 445
Other telephone number	0797 3619292

Add another applicant

**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.

Earls is a Modern Coffee House situated on the high street in Budleigh Salterton, offering fresh coffee homemade cakes and light lunches. After a lot of requests from both visitors and Local people we would like to extend opening into the evening offering wine, bottled beers and high end spirits. Earls will also be offering a Tapas style menu to complement the Wine and offer a alternative light meals for families and Visitors to the Town. Earls will be offering something different to the other business operating in the Town. We plan to open for early evening meals and close at 9.30 however we would like the License until 11 pm to allow for people to relax and stay a little later if they require.

*Continued from previous page...*

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?

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

**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"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text" value="18:00"/>	End	<input type="text" value="21:00"/>

SATURDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text" value="18:00"/>	End	<input type="text" value="21:00"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text" value="14:00"/>	End	<input type="text" value="20:00"/>

Will the performance of live 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.

We would like to be able to offer the occasional live music event using acoustic only Music in support of events within the town to promote the such as the Music festival, Jazz Festival, Late night opening, Food Festival and other such events held within the Town.

State any seasonal variations for the performance of live 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 performance of live 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 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Continued from previous page...

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

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...

SATURDAY

Start

End

Start

End

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.

we intend to only open until 9pm .. to offer early evening venu however would like the license to run until 23.00 to allow for a later finish if required, however this will only be on special occasions such as New Years 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

Continued from previous page...

**Enter the contact's address**

Building number or name	25
Street	Knowle Road
District	
City or town	Budleigh Salterton
County or administrative area	DEVON
Postcode	EX96AR
Country	United Kingdom
Personal Licence number (if known)	EDVE2152
Issuing licensing authority (if known)	East Devon District Council

**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.

Continued from previous page...

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.

New years 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)

*Continued from previous page...*

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

a/ no selling of alcohol to underage people  
b/ no drunk and disorderly behavior on the premises area  
c/ vigilance in preventing the use and sale of illegal drugs at the retail area  
d/ no violent and anti-social behaviour  
e/ no any harm to children  
Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

b) The prevention of crime and disorder

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.  
Not selling of alcohol to drunk or intoxicated customers.  
Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.  
Prevention and vigilance of illegal drug use at the retail unit area.  
Staff will be well trained in asking customers to use premises in an orderly and respectful manner.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.  
Well trained staff adherence to environmental health requirements.  
Training and implementation of underage ID checks.  
A log book or recording system shall be kept upon the premises in which will be entered particulars of inspections made; those required to be made by statute and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.  
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.  
Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.  
Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.  
The Licensee will ensure that staff who arrive early morning or depart late at night (eg; for unpacking, pricing newly delivered goods) when the business has ceased trading, conduct themselves in such a manner to avoid causing disturbance to nearby residents.  
Customers will be asked not to stand around loudly talking in the street outside the premises.  
Customers will not be admitted to premises above opening hours.  
The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.  
Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.  
Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Continued from previous page...

Well trained staff regarding the requirement for persons' identification, age etc. No minors unaccompanied by an appropriate adult to be permitted after 6.00pm.

## 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 (£)

0.00

### 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

Kevin Wood

\* Capacity

Director

\* Date

26 / 01 / 2017  
dd mm yyyy

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

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**Application No:** 043351

**Application Date:** 26 January 2017

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

**Premises:** Earls  
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

**Applicant:** Starfish and Coffee (devon) Ltd  
Earls, 60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

**Person making Representation:** Samantha Cornish  
Flat 1, 1 Station Road, BUDLEIGH SALTERTON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I am writing to make representation AGAINST the alcohol licence application submitted by Mr Kevin Wood at Earls Coffee House, 60 High St Budleigh Salterton. The reasons for my objection are detailed in the enclosed letter which I have also sent to the town council in Budleigh and EDDC. Issuing this licence would lead to uncomfortable noise levels both in the building which is already a big issue for me and my young son and the area outside of the building where there are other residents living nearby. There have been several evenings previous to applying for a licence, where Earls have opened until midnight and this has caused my son to be kept awake and distressed due to the loud music and poor sound proofing of Earls below. Also customers standing out on the high street pavements being very loud where conversations can be heard clearly from inside our home. The noise levels have made home life very uncomfortable for us and if granted an alcohol licence to serve until 11:30pm every day of the week my sons sleep will suffer considerably which could then cause him to fall back in his school education from not getting enough sleep, therefore this does not comply with two of the four licencing objectives : 'Prevention of public nuisance' and 'Protection of children from harm' although this does not threaten the safety of my child it does threaten his health as the correct amount of sleep is very important in the development of a child's growth physically and mentally.

I wish to object strongly to the Licensing Application by Mr Kevin Woods in relation to Earls Coffee House, 60 High St, Budleigh Salterton. Also in relation to its late night opening. I have lived in the flat directly above these premises for over 5 years and I was very distressed when a friend informed me of a newspaper entry regarding a licensing application for Earls, requesting a license to serve alcohol on the premises up until 11.30pm. My complaint is to explain how my home life of myself and young son will be completely ruined if this is granted. I rent my flat from the owner of the freehold of the entire building Mr David Liddiard, who is my landlord. He has always been an excellent landlord. My flat has its lounge, kitchen and my young sons bedroom situated directly above the main restaurant area and serving counter of the coffee shop, with my main windows on the front facing High St and side facing Station Road. My bedroom and bathroom are situated above the kitchen and dishwasher room of Earls. Since the Nat West Bank was sold and Earls built my Landlord kept me informed of his plans as he owns the Freehold of the premises. He met me before Earls was created and discussed the plans for the old bank premises. Mr Liddiard assured me that under no circumstances would he allow any licensed establishment or business opening an evening to operate beneath my home. Also to ensure this happened He held the Head Lease which states that "Use of the Ground Floor may NOT BE used to do anything that could become a nuisance, cause loss, damage or injury to the Landlord, Flat, Tenants or the other occupiers of neighbouring properties. It also states that any Change of Planning Classification (ie Licensing) requires the Agreement of Mr Liddiard. It is understood from EDDC Planning Department, that a Mixed Use Classification A3/4 will be required. He has assured me that he WILL NOT approve that. I have encountered problems since Earls opened. It became apparent on the opening day that the unsuitable levels of noise from the café below was extreme and to continue to become a big problem. I could hear everything when the café was occupied, it sounds almost as though people are sitting talking in my lounge and I can almost hear the conversations. It was immediately apparent that the building work done to convert from a Bank to the Café had completely removed any soundproofing that may have existed. Also the demolishing of a wall to open up an old fireplace, (the chimney of which runs straight through my sons bedroom) had escalated the noise problem further. I had never been disturbed by the Bank noise when open and busy it was so quiet. I believe all of the sound proofing was knocked out when it was demolished into one big room. When the builders were working on the premises I had a frightening experience of believing my flat was on fire as smoke poured through the floor of my bathroom. Myself and son left the flat and I phoned my mother as I planned to ring Fire Service. A builder stood nearby heard and told me they had just let smoke bombs off to see if any leaks. He examined my flat to check where to seal. However this has never been done correctly as I can smell clearly the cooking smells from the kitchen in the café in my bedroom and bathroom, which is totally unacceptable. The noise from the kitchen below my

Application No: 043351

Premises: Earls

60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

bedroom is awful. I can hear the radio put on and playing, the dishwasher the clanking of pottery etc often around 8am which is very disturbing on the day off I get from working.

These premises have been opening in the evening before Christmas, I then became very concerned as I knew it was not licensed however assumed that the drinks being served were done for businesses in the town as newly opened. It was very noisy several evenings before Christmas with music and noise disturbing my young sons sleep and my evenings as I was unable to hear the television in my lounge. It was very upsetting. I did not wish to fall out with the new owners so decided it would not happen again as no license for late opening.

However on Saturday 28th January 2017 things escalated and came to an impossible level. I cannot live in a flat with this noise. A party or function was being held in Earls, there was loud music, noisy laughter, and people stood below my flat windows holding bottles of beer and drinking whilst smoking outside the door of Earls. It was awful, it was impossible to sleep as then the noise in the kitchen loading dishwasher etc started. It was well after 11.30pm.

I contacted my mother as I was very upset and worried. She walked to Earls who had just closed the doors and people were walking up Westhill very drunk carrying bottles of drink still.

I sent a detailed email immediately to the owner of Earls explaining all the awful problems and asking them if they had a drinks licence. I followed the email up with a typed letter I put through their letterbox.

I received an email from a person named George who apologised for noise but said he was Managing for owner who was away until 5th February, but he would ask Kevin the owner to see me on his return.

Upon returning from work after 5th Feb, a man approached me near my flat and explained he was the owner, he apologised for the noise and said it would not happen again. He stated he had applied for an alcohol license and made it sound as if it was for serving daytime with meals, there was no suggestion of opening evenings. He infact told me he did not wish to open evenings. I had explained the problems of noise to my son and our home life but he confirmed it would not be open past 6pm.

I became reassured UNTIL I read this weeks newspaper bought to my attention by a friend relating to it becoming a Wine Bar. (see copy at rear of representations list)

If this licence is granted it will completely destroy my life in my home and ruin my young sons education from lack of sleep. I have lived in Budleigh all my life with my family and attended the local School where my son now goes.

If I am forced to move it will cause us both much sadness, my son was very settled here before the noise started.

Also my Landlord will be penalised if no one wishes to live above Earls.

Causing a decrease in value of the property.

All this can be prevented if the License is refused.

It also would assist if the building soundproofing was inspected as the level of noise is very bad and I am sure no one would like to live above somewhere with this level of noise.

Thank you for reading my letter, I confirm I strongly object to the proposed licence application from Earls. I enclose my email and mobile number should you wish any further information from me.

NB Since writing this letter I also wish to add that I have also had awful noise problems from the drinkers at the King Billy opposite my flat. My son has to listen to the swearing of drunk people smoking on the pavement outside the pub. I have moved his bed away from the window to reduce this.

Last evening (12th February 2017) I had to call the police as a fight had started between two women who were fighting and screaming on the floor outside the pub. This is also another problem area of our town now.

Also locals state that the Old Post Office Sorting Office is to become another pub. This is such a small quiet town which is unfortunately now being over developed in a residential area causing our problems. Elderly people live in flats above shops in High Street who are frightened to make complaints regarding the noise problems which is very sad.

**Evidence:**

**Suggestion:**

**Application No:** 043351

**Premises:** Earls

60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

**Person making Representation:** Julia Cornish  
14 Westhill, BUDLEIGH SALTERTON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Our objections to the licensing application for evenings, at Earls Coffee House, High Street, Budleigh Salterton are as follows. The building construction is unsuitable as a licensed premises. The lack of soundproofing is already causing disturbance to the residential properties situated directly above the premises during daytime opening.  
The area is a residential area with occupied flats and homes within a few metres.  
Any property licensed causes an immediate noise problem and behaviour problems.  
Since this property opened as a Coffee House it is a visual asset to the Town, however its construction by the developers from the original Bank is poorly done with no soundproofing. This has resulted in noise levels passing to the above flats and residents and also from our own experience even as far as our home in Westhill a few metres up from it.  
During the few weeks approaching Christmas when it was open in evenings, the noise from inside was clearly heard from Westhill where we live.  
Obviously on those evenings when open, alcohol must have been supplied by the owners either buying it and supplying it to customers themselves or on a BYO basis.  
This situation of alcohol on the premises came to a head on Saturday 28th January 2017 when a noisy party with alcohol took place on the premises. I returned home at around 1045pm and could hear loud shouting and laughter and music from the traffic light area of town and saw that several people were stood on the pavement and doorway of Earls drinking and smoking.  
Towards 11.40pm my daughter who lives directly above Earls contacted me because of the extreme noise and disturbance to herself and my young grandson who could not sleep because of the noise.  
I walked down to Earls intending to speak to the owner, however as I approached the last of the people from the premises left, still carrying bottles of wine and beer and extremely noisy. The doors at Earls were by then closed and it was obvious from lights on that clearing into kitchen area had commenced. I decided as now closed that my daughter could complain to the owner the following day, which she did.  
Budleigh, now has several licensed premises in the town. The Feathers Public House, The Salterton Arms, Slice of Lyme Restaurant, Bowmers Restaurant. All of these premises were purpose built Public Houses or restaurants with no residents above.  
However when we move to the Traffic Lights at junction of High Street and Station Road we have residential properties above shops. And cottages and houses very close.  
We already have a major problem with The Billy Pub, another property poorly converted from a shop and given a licence for alcohol.  
That premises as most of you on the Town Council know, has been a nightmare, both from noise, fighting on the street, people stood outside on the pavement smoking and swearing etc within earshot of locals living in surrounding homes.  
Locals will tell you how bad it is living in this area, however the elderly people in flats nearby and cottages are too frightened to complain.  
Another premises being licensed in this proximity will be a nightmare and unfortunately despite Earls being now a nice Coffee House we know first hand that alcohol soon changes the behaviour patterns of individuals and causes extreme noise with its outcome.  
It is extremely disturbing if the Council and Licensing Department do not Reject this licensing application as the properties and lives of the residents above and near to it will have their home lives irreparably changed forever.  
We both have past knowledge of the problems as being Retired Police Officers working in this town and Exmouth area know the problems another licence will create here.  
Unfortunately you no longer have the Police Station in Budleigh and by the time contact has been made to the Police Hqs to ask for assistance on a noise or fighting issue most people are well aware it takes sometimes 45minutes or longer to gain assistance. The Police had to be called the other evening to the Billy when yet another fight broke out.  
Is this really what we want to listen to or see at night? Most of us moved to Budleigh in the first place because it was peaceful at night.  
Licensing yet another premises will not solve it.

**Evidence:**

**Suggestion:**

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**Application No:** 043351

**Premises:** Earls

60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

**Person making Representation:** Bob Cornish

14 Westhill, BUDLEIGH SALTERTON, Devon, EX9 6BS.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Our objections to the licensing application for evenings, at Earls Coffee House, High Street, Budleigh Salterton are as follows. The building construction is unsuitable as a licensed premises. The lack of soundproofing is already causing disturbance to the residential properties situated directly above the premises during daytime opening.

The area is a residential area with occupied flats and homes within a few metres.

Any property licensed causes an immediate noise problem and behaviour problems.

Since this property opened as a Coffee House it is a visual asset to the Town, however its construction by the developers from the original Bank is poorly done with no soundproofing. This has resulted in noise levels passing to the above flats and residents and also from our own experience even as far as our home in Westhill a few metres up from it.

During the few weeks approaching Christmas when it was open in evenings, the noise from inside was clearly heard from Westhill where we live.

Obviously on those evenings when open, alcohol must have been supplied by the owners either buying it and supplying it to customers themselves or on a BYO basis.

This situation of alcohol on the premises came to a head on Saturday 28th January 2017 when a noisy party with alcohol took place on the premises. I returned home at around 1045pm and could hear loud shouting and laughter and music from the traffic light area of town and saw that several people were stood on the pavement and doorway of Earls drinking and smoking.

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However when we move to the Traffic Lights at junction of High Street and Station Road we have residential properties above shops. And cottages and houses very close.

We already have a major problem with The Billy Pub, another property poorly converted from a shop and given a licence for alcohol.

That premises as most of you on the Town Council know, has been a nightmare, both from noise, fighting on the street, people stood outside on the pavement smoking and swearing etc within earshot of locals living in surrounding homes.

Locals will tell you how bad it is living in this area, however the elderly people in flats nearby and cottages are too frightened to complain.

Another premises being licensed in this proximity will be a nightmare and unfortunately despite Earls being now a nice Coffee House we know first hand that alcohol soon changes the behaviour patterns of individuals and causes extreme noise with its outcome.

It is extremely disturbing if the Council and Licensing Department do not Reject this licensing application as the properties and lives of the residents above and near to it will have their home lives irreparably changed forever.

We both have past knowledge of the problems as being Retired Police Officers working in this town and Exmouth area know the problems another licence will create here.

Unfortunately you no longer have the Police Station in Budleigh and by the time contact has been made to the Police Hqs to ask for assistance on a noise or fighting issue most people are well aware it takes sometimes 45minutes or longer to gain assistance. The Police had to be called the other evening to the Billy when yet another fight broke out.

Is this really what we want to listen to or see at night? Most of us moved to Budleigh in the first place because it was peaceful at night.

Licensing yet another premises will not solve it.

**Evidence:**

**Suggestion:**

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**Application No:** 043351

**Premises:** Earls

60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

**Person making Representation:** David Liddiard

Field Farm, La Rue De La Golarde, St Lawrence, Jersey, JE3 1GW.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Email dated 12/02/17

Dear Sirs

I am writing to make representation against the application made by Mr Kevin Wood for a drinks licence. I am the Freehold Landlord of the property and my Ground Floor tenant is Mr and Mrs Cockman.

Mr and Mrs Cockman have sublet part of the Ground Floor to Earls Coffee House

The head lease states the Use of the Ground Floor - " Not do anything at the Property which may be or become a nuisance , or cause loss, damage or injury , to the Landlord, the Flat Tenants or the occupiers of any neighbouring property."

It also states " Not to use the Property for any noisy purpose ...."

I already have a formal letter of complaint from the, long standing, tenant above the Coffee House that if noise levels increase , then she will be leaving

Any change of planning classification requires my agreement and I understand from E.D.D.C. Planning Department that a mixed use classification A3/4 will be required .

At the moment it only has A3. I will not be willing to agree to new planning application.

On a personal note, to have a drinking establishment opposite to another will cause social problems which must be totally unacceptable to both the authorities and the people of Budleigh.

I strongly object to the application.

Your confirmation of receiving this email is requested

Yours sincerely

David Liddiard

Email dated 20/02/17

Dear Neil

I write in response to your email of 15th February

Prevention of crime and disorder - The Police will have records of the number of times they have been called to "King Billy" To have another establishment directly opposite will compound any disorder

Promotion of Public Safety - Major traffic movement within a few feet of entrance - Major accident zone

Prevention of Public Nuisance - My main reason for objecting. A large number of Residential Flats and Houses within noise zone .

The increase in noise level is unacceptable. The time of increased noise at unsociable times will cause great hardship to all residence. The building is not double glazed and no sound reduction measures are proposed

Protection of children from harm - Flat above existing coffee shop is occupied by a mother and young child. They expect to have the enjoyment of a residential flat without excessive out of working hours noise

I trust my objections are taken into account

Best regards

David

**Evidence:**

**Suggestion:**

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**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:**

Good Morning.

With reference to the application for a new licence for Earls the Police formally object to this application under the Crime and Disorder objective and Protection of Children Objective.

I am in the process of mediating with the applicant and anticipate there will be an agreed position

**Evidence:**

**Suggestion:**

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# Earls aims to become night-time wine bar

David Wilton  
 Contributing Editor

"We want to be more relaxed during the function along the same lines as what we offer during the day."

"We will continue to talk to our customers and try to provide for those what they want."

Earls, which opened last year in the former Maynard building, will offer wine during their normal hours to begin with and will be looking into opening later in the early evening.

## 23

February is the deadline for representation on the application.

Mr. Wood, deputy chief of the new Nevada Department of Liquor Control, says that the state is simply the "middle man" between the wine and the consumers. He says that the state will be looking into opening later in the early evening.

The proposal, says Mr. Wood, is to open Earls during the normal hours to begin with and will be looking into opening later in the early evening.

Mr. Wood says that the state will be looking into opening later in the early evening.

Earls is a popular place of the state and will be looking into opening later in the early evening.

February is the deadline for representation on the application.

David Wilton  
 Contributing Editor

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## APPENDIX D

### Earls – Responses to Notice of Hearing

#### Applicant

<b>Starfish and Coffee (devon) Ltd, Earls, 60 High Street, Budleigh Salterton, Devon, EX9 6LW</b>	
<b>Hearing Unnecessary</b>	N/A
<b>Attending</b>	Yes
<b>Supporting documents</b>	None
<b>Summary of key points</b>	None

#### Responsible Authorities & Interested Parties

<b>1.</b>	<b>Devon and Cornwall Police</b>
<b>Hearing Unnecessary</b>	Yes – Mediated position
<b>Attending</b>	No
<b>Supporting documents</b>	None
<b>Summary of key points</b>	None

<b>2.</b>	<b>Mr Robert Cornish, 14 West Hill, Budleigh Salterton, EX9 6BS</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No
<b>Supporting documents</b>	None
<b>Summary of key points</b>	<p><u>Prevention of Crime and Disorder</u> – Large groups of customers already congregate outside another licensed premises directly opposite earls, smoking and yes drinking in the street. If the same problem arises at Earls this could cause problems of disorder.</p> <p><u>Public Safety</u> – The entrance and exit to Earls is directly onto a pedestrian crossing.</p> <p><u>Prevention of public nuisance</u> – I would like to refer to key point I above reference noise.</p> <p><u>Protection of Children from harm</u> – I am the guarantor for flat 1, 1 Station Road directly situated above earls. I have been into this flat when earls is open and the noise is unbearable, during the day, my 8yr old Grandson would suffer if this occurred in the evening.</p>

## APPENDIX D

<b>3.</b>	<b>Mrs Julia Cornish, 14 West Hill, Budleigh Salterton, EX9 6BS</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Supporting documents</b>	None
<b>Summary of key points</b>	<p>Yes</p> <p><u>Prevention of Crime and Disorder</u> – This area is already a problem. Another licenced premises (The King Billy) is within 4 metres of Earls. The noise and fights to date on the pavement have caused Police to attend that establishment. Another licensed premises so close will increase problem. People standing outside the door Earls smoking.</p> <p><u>Public Safety</u> – Road within 1 metre of door of premises junction. Narrow pavement. If people outside premises smoking pavement becomes blocked. People step into road.</p> <p><u>Prevention of public nuisance</u> – Noise is and has been the biggest factor. The building is of poor soundproof construction. i.e already disturbed flat owners above and noise from music loud laughter and people leaving when relaxed from alcohol causing excessive noise as already witnessed (28.1.17)</p> <p><u>Protection of Children from harm</u> – My Grandson (8yrs) lives and sleeps directly above the premises. His bedroom has the newly opened fireplace and chimney below echoing noise into his bedroom. He cannot sleep. Hence his educational needs are affected by noise.</p>

<b>4.</b>	<b>Ms Samantha Cornish, Flat 1, 1 Station Road, Budleigh Salterton, EX9 6RH</b>
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Supporting documents</b>	none
<b>Summary of key points</b>	<p><u>Prevention of Crime and Disorder</u> – There is already a bar directly opposite ‘the King Billy’ Police have been called numerous times for disturbances, other drinking establishment so close will at some point cause conflict and yet more noise disturbances.</p> <p><u>Public Safety</u> – There is a main road on the doorstep of earls, especially in the summer this gets quite busy this is a big risk for people leaving earls, intoxicated as they are more likely to have an accident.</p> <p><u>Prevention of public nuisance</u> – Smokers in bars/restaurants go outside to smoke. There is no designated area for this so people stand out on the high street, blocking pavements causing people walking along to step onto the road. The noise from Earls is unacceptable, sound proof is poor and home life for me is less enjoyable.</p>

## APPENDIX D

	<p><u>Protection of Children from harm</u> – My son has been kept awake on several occasions when earls have opened in the evening. If this becomes a regular his education will suffer and so will his physical health. Sleep is an important factor to a healthy growing child.</p>
<p><b>Other comments</b></p>	<p><b>Ms Cornish responded to notice of hearing and highlighted key points from her original representation that she has requested to be put forward these are -</b></p> <ul style="list-style-type: none"> <li>-My young sons bedroom situated directly above the main restaurant area and serving counter of the coffee shop</li> <li>-My bedroom and bathroom are situated above the kitchen and dishwasher room of Earls</li> <li>-I have encountered problems since Earls opened</li> <li>-Unsuitable levels of noise</li> <li>-I could hear everything when the café was occupied it sounds almost as though people are sitting talking in my lounge and I can almost hear the conversations</li> <li>-Also the demolishing of a wall to open up an old fireplace, (the chimney of which runs straight through my sons bedroom) had escalated the noise problem further.</li> <li>-I can smell clearly the cooking smells from the kitchen in the café in my bedroom and bathroom, which is totally unacceptable. The noise from the kitchen below my bedroom is awful. I can hear the radio put on and playing, the dishwasher the clanking of pottery etc often around 8am which is very disturbing on the day off I get from working.</li> <li>-It was very noisy several evenings before Christmas with music and noise disturbing my young sons sleep and my evenings as I was unable to hear the television in my lounge. It was very upsetting.</li> <li>-However on Saturday 28th January 2017 things escalated and came to an impossible level. I cannot live in a flat with this noise. A party or function was being held in Earls, there was loud music, noisy laughter, and people stood below my flat windows holding bottles of beer and drinking whilst smoking outside the door of Earls. It was awful, it was impossible to sleep as then the noise in the kitchen loading dishwasher etc started. It was well after 11.30pm.</li> <li>-People were walking up Westhill very drunk carrying bottles of drink still.</li> <li>-If this licence is granted it will completely destroy my life in my home and ruin my young sons education from lack of sleep</li> <li>-If I am forced to move it will cause us both much sadness my son was very settled here before the noise started.</li> <li>-Causing a decrease in value of the property.</li> </ul>

**APPENDIX D**

<b>5.</b>	<b>Mr David Liddiard, La Rue De La Golarde, Jersey, JE3 1GW</b>
<b>Hearing Unnecessary</b>	Yes
<b>Attending</b>	No
<b>Supporting documents</b>	None
<b>Summary of key points</b>	None
<b>Comments</b>	I do not believe there is any compromise on this issue and request the Licensing Sub Committee meeting on the 22 <sup>nd</sup> March reject Earls application.

**Extra Conditions/Amendments Agreed By Police**

1. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
2. No customers will be permitted to take open vessels containing alcohol from the premises.
3. The Premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government approved PASS Card

1. No selling of alcohol to underage people.
2. No drunk and disorderly behavior on the premises area.
3. Vigilance in preventing the use and sale of illegal drugs at the retail area.
4. No violent and anti-social behavior.
5. No any harm to children.
6. Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
7. Clear and conspicuous notices warning of potential criminal activity, such as theft that may target customers will be displayed.
8. Not selling of alcohol to drunk or intoxicated customers.
9. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
10. Prevention and vigilance of illegal drug use at the retail unit area.
11. Staff will be well trained in asking customers to use premises in an orderly and respectful manner.
12. Internal and external lighting fixed to promote the public safety objective.
13. Well trained staff adherence to environmental health requirements.
14. Training and implementation of underage ID checks.
15. A log book or recording system shall be kept upon the premises in which will be entered particulars of inspections made; those required to be made by statute and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information.
16. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
17. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
18. Noise reduction measures to address the public nuisance objective.
19. Prominent clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

20. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
21. The Licensee will ensure that staff who arrive early morning or depart late at night (e.g.; for unpacking, pricing newly delivered goods) when the business has ceased trading, conduct themselves in such a manner to avoid causing disturbance to nearby residents.
22. Customers will be asked not to stand around loudly talking in the street outside the premises.
23. Customers will not be admitted to premises above opening hours.
24. The movement of bins and rubbish outside the premises will be kept to a minimum after 1100pm. This will help to reduce the levels of noise produced by the premises.
25. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
26. Adequate waste receptacles for use by customers will be provided in the local vicinity.
27. "Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
28. Well trained staff regarding the requirement for persons' identification, age etc. No minors unaccompanied by an appropriate adult to be permitted after 6.00 pm.



EAST DEVON DISTRICT COUNCIL  
Council Offices, Knowle  
Sidmouth, Devon EX10 8HL



TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF CONDITIONAL PLANNING PERMISSION

<b>Applicant:</b> Mr David Cockman	<b>Application No:</b> 16/0914/FUL
<b>Address:</b> Maer Cross Maer Road Exmouth EX8 2DB	<b>Date of Registration:</b> 15 April 2016
<b>Agent:</b> Woods Design Services	<b>Date of Decision:</b> 18 August 2016
<b>Address:</b> Mr Bob Woods 15 Earl Richards Road North St. Leonards Exeter EX2 6AQ	

**Proposal:** Change of use and alterations to bank premises to form 2 no. units to be used as a restaurant and cafe (use class A3) and shop (use class A1) and installation of door in west elevation and ground floor level window in north elevation

**Location:** 60 High Street  
Budleigh Salterton  
EX9 6LW

The Council hereby grants permission to carry out the development described in the application and the plans attached thereto subject to the following conditions :

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on 22nd April 2016.  
(Reason - To comply with Section 63 of the Act.)
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. The ceiling/floor that separates the commercial premises and the nearest residential dwelling or from another part of the same building that is not used exclusively as part of a dwelling shall resist the transmission of airborne sound such that the weighted standardised level difference (D'nT,w) shall not be less than 60 decibels. The weighted standardised level difference (D'nT,w) shall be quoted according to BS 5821: Methods for rating the sound insulation in buildings and building elements. Part 1 Method for rating the airborne sound insulation in buildings and building elements.  
(Reason - In the interests of protecting the amenities of prospective future occupiers of the approved residential accommodation above the premises from noise in accordance

with the provisions of Policy D1 - Design and Distinctiveness of the adopted East Devon Local Plan 2013 - 2031.)

4. Within three months of the date of the permission hereby granted, elevation and section details as to the design of the proposed window to be installed in the rear gable elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the materials to be used in its construction together with its method of opening and finish, including colour.  
Development shall be carried out in accordance with the approved details.  
(Reason - To enable the Local Planning Authority to consider the details of the window in the interests of the character and appearance of the development and the designated Budleigh Salterton Conservation Area in which the site is located in accordance with the provisions of Policies D1 - Design and Local Distinctiveness, D9 - Development Affecting a Designated Heritage Asset and D10 - Conservation Areas of the adopted East Devon Local Plan 2013 - 2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

The applicant is advised that, for the avoidance of doubt, this planning permission does not relate to, or authorise, the external installation of any plant (including ventilation, refrigeration, air conditioning units, ducting or flues) that is required in order to safeguard the amenities of neighbouring and nearby residents from potential noise and/or odour nuisance arising from the uses of the building to which this planning permission relates. A separate grant of planning permission from the Local Planning Authority for the installation of such plant may be required and the applicant is advised to check this with the Authority beforehand.

In respect of condition 3 it is recognised that chimney breasts and other parts of the existing construction may affect the level quoted. If there are no acoustic "weak links" and the chimney breasts have been sealed and bricked up then the level of 60 dB (D'nT,w) should be achieved with a substantial acoustic suspended ceiling and/or floating floor system. If the acoustic "weak links" have not been dealt with and if chimney breasts are not bricked up, then a level of 60 dB (D'nT,w) will almost certainly not be achieved. To guarantee achieving this level, employing a reputable noise consultant would be advisable for the applicant. The Institute of Acoustics is the professional body for such consultants. It can be contacted on 01727 850553 for details of consultants in the local area. (The purpose of this informative is to ensure that the applicant addresses any acoustic "weak links" in the structure of the building and that chimney breasts, which might be inaccessible, are bricked up if so required.)

The plans relating to this application are listed below:

1804/3 REV 1	Proposed Floor Plans	08.06.16
1804/4	Proposed Elevation	08.06.16
	Location Plan	18.04.16

16/0914/FUL

Page 2



**Service Lead - Planning Strategy & Development Management**

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND THE APPLICANT SHOULD ENSURE THAT ALL NECESSARY APPROVALS FOR THE SAME PROPOSAL AND THE SAME PLANS ARE OBTAINED BEFORE COMMENCING ANY WORK ON THE SITE.

*Your attention is drawn to the Council's adopted Code of Practice for the Control of Construction Site Nuisance which is available on the EDDC website. The Code of Practice details the measures that the Council expects all works on construction sites to comply with to avoid excessive nuisance to residents. You should therefore ensure that all contractors on site are provided with a copy of this document and told to comply with it. Failure to comply with the code may lead to action under the Environmental Protection Act 1990 or the Control of Pollution Act 1974.*

Please refer to the accompanying notes which form part of this decision notice.

