

Agenda for Licensing and Enforcement Sub Committee

Wednesday, 16th June, 2021, 9.30 am



Members of Licensing and Enforcement Sub Committee

Councillors B Taylor, J Whibley (Chair) and T Wright

East Devon District Council
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Venue: Online via the Zoom app

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(or group number 01395 517546)
Tuesday 8th June 2021

Important - this meeting will be conducted online and recorded by Zoom only.

Please do not attend Blackdown House.

Members are asked to follow the [Protocol for Remote Meetings](#)

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- 1 Minutes of the previous meeting held on 19 May 2021 (Pages 3 - 8)
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 6 Determination of an application for the grant of a variation of an existing premises licence PLWA0740 at Brook Kitchen, 60 High Street, Budleigh Salterton, EX9 6LW (Pages 9 - 60)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Licensing and Enforcement Sub Committee held Online via the Zoom App on 19 May 2021****Attendance list at end of document**

The meeting started at 9.30 am and ended at 2.37 pm

42 Minutes of the previous meeting held on 21 April 2021

The minutes of the previous meeting held on 21 April 2021 were agreed as a correct record.

43 Declarations of interest

Minute 47 . Determination of an application for the grant of a premises licence to allow the provision of regulated entertainment, provision of late night refreshment and the sale of alcohol for consumption ON and OFF the premises at The Grand Hotel, 5 Morton Crescent, Exmouth EX8 1BE.

Councillor Joe Whibley, Personal, Member is an Exmouth Town Councillor. The Grand Hotel, Exmouth is located in the ward represented by the Member.

44 Matters of urgency

There were no matters of urgency.

45 Confidential/exempt items

There were no confidential or exempt items.

46 Determination of an application for the grant of a premises licence to authorise the provision of regulated entertainment, provision of late night refreshment and the sale of alcohol for consumption ON and OFF the premises at The Blue Ball, Sandygate, Exeter, Devon, EX2 7JL

The Sub-Committee considered the application for a premises licence to authorise the provision of regulated entertainment, provision of late night refreshment and the sale of alcohol for consumption on and off the premises at The Blue Ball, Sandygate, Exeter EX2 7JL. The meeting was a hearing to consider the application for a premises licence under the Licensing Act 2003.

The applicant, St Austell Brewery Co Ltd, entitled to make representations, was represented by Mr Ewen Macgregor of TLT Solicitors. Also in attendance were Mr Chris Faulkner of St Austell Brewery and Mr Adam Holland, manager and tenant of The Blue Ball.

The interested parties present and entitled to make representations were Mr Robert Pond, Mr Jonathan Sewell and Mrs Helen Sewell.

Also present was Mr Asitha Ranatunga, legal advisor to the Sub-Committee.

The Licensing Officer, Mr Steve Saunders, outlined the application. The premises currently operates under an existing premises licence, the license holder being St Austell Brewery. The license holder is now applying for a new premises licence following alterations to the premises including the addition of a shelter area and alterations to outside areas including the addition of an external servery bar which is proposed to be licensed for the sale of alcohol.

Should the application be granted to a satisfactory standard, the applicant would surrender the existing premises licence. The application was set out in Appendix A of the report and plans could be viewed under Appendices B1, B2 and B3. The licensable activities and the timings applied for had been set out in Appendix C, and for comparison the timings authorised by the existing licence were shown in Appendix D to the report.

The Licensing Officer summarised the licensable activities which were now being applied for as the sale of alcohol for consumption on and off the premises, late night refreshment indoors and outdoors and regulated entertainment.

Since the report had been prepared, the Chair of the Licensing & Enforcement Sub-Committee had requested further information from the applicant and additional Appendices are now included in the report before the Sub-Committee. Additional documents are Appendices L, M, M1 and M2 which had been circulated to all parties on 18th May 2021.

Nine representations against the application had been received. The applicant's representative had undertaken mediation with the interested parties although it was understood that no subsequent agreement had been reached.

A representation was made by Devon and Cornwall Police who have reached an agreement with the applicant and the subsequent amendments and additions that have been offered by the applicant are set out in Appendix I.

All representations received are set out in full in the Licensing Officer's report.

The applicant's legal representative, Mr Ewen Macgregor, addressed the Sub-Committee and referred to Appendices C, D and J of the Officer's report. Mr Macgregor made the following points:

- The premises are well-established and have held a license for many years
- The premises are not, and have not been, subject to regulatory enforcement action
- No responsible authorities have made representations
- The application before the Sub-Committee seeks more restrictive conditions than those under the current license
- The applicant has no intention of changing the style and nature of the premises and the application sought to rectify changes which have been made, particularly the addition of an external bar

Regarding Appendix C, the summary of proposed licensable activities and Appendix D, the summary of existing licensable activities, Mr Macgregor highlighted various points in order to clarify what is now being sought under the new application.

Appendix J contained a full list of conditions, including those agreed with the Police, which enhance and update the conditions on the existing license. Mr Macgregor highlighted the conditions which relate to the use of the outside bar and to public nuisance which are not currently on the premises license.

In response to questions from members of the Sub-Committee, the applicant's legal advisor made the following points:

- Additional conditions have been included requiring noise checks to be made, with reference to condition 36 during the provision of regulated entertainment when noise checks will be carried out at the nearest noise sensitive property and a noise log will be kept
- Physical noise checks will be made and residents will be consulted and included in any future noise monitoring
- During the provision of entertainment, staff monitor noise levels on a regular basis and noise monitoring equipment will be provided if required in the future
- The purpose of the application is to remedy the situation regarding obtaining a license for the outside bar area which is already in use
- The intention for the live music is to provide entertainment suitable for families

The Sub-Committee viewed the plan at Appendix B2 and photograph at Appendix F in order to clarify the area for the external bar and the provision of live music.

In response to a question from an interested party, the applicant's legal advisor confirmed that the current license application seeks to ensure that the outside bar area, which was not previously licensed, can be used properly and with the required license.

The interested parties presented their case to the Sub-Committee.

The following points were raised:

- During the previous ten years, local residents have made several formal complaints to both Planning and Environmental Health at EDDC, and residents are concerned that the current application, if granted, would exacerbate the problems
- There have been occurrences of disorderly behaviour, including rowdiness and brawling on leaving the premises by a minority of patrons and this sometimes puts public safety at risk
- The most serious source of public nuisance is noise, particularly from music in the beer garden
- A recent performance of live music had been accompanied by amplified recorded backing music which could be heard in a neighbouring property which was distressing to residents

In response to a question from the Sub-Committee regarding previous complaints to EDDC Environmental Health, an interested party confirmed that a formal noise assessment had been carried out at that time and that the premises had a history of loud music.

The Sub-Committee was advised that where live music included a recorded and amplified backing track, it was still classed as live music for licensing purposes.

A formal complaint had been submitted to Environmental Health following events on the 17 and 18 April 2021 and the complainant had been advised that a letter would be sent to The Blue Ball regarding the issue.

Further points were made by the interested parties as follows:

- The Blue Ball is appreciated and respected by local residents and is a valued part of the community, however, the main issue of concern is with live music, for example, the events of Saturday 17 April when the volume rendered a neighbouring garden unusable and could not be managed within the neighbour's property itself
- This event also raised concerns regarding the potential for anti-social behaviour impacting on the neighbouring property more frequently in future
- There are alternative areas within the premises where live music could be sited to reduce the impact on neighbouring properties

The applicant's legal representative made a final statement and advised that the current license allows more flexibility than that now being applied for. It was noted that no responsible authority had made representations on issues of concern, including the complaint regarding the event on 17 April.

Residents were able to speak directly to the manager at The Blue Ball and would have recourse to the appropriate authority should issues arise in the future.

In response to a question from the Sub-Committee's legal advisor, Mr Ranatunga, the applicant's legal advisor confirmed that the applicant committed to comply with the conditions offered, notwithstanding the terms of the de-regulation of live music.

The location and direction of speakers for live music was considered. The applicant's legal representative confirmed that the area proposed for live music and entertainment is that which was outlined at the start of the meeting and that all speakers would be inward facing and directed away from neighbouring properties.

In response to a question from one of the interested parties regarding the need for amplification in a small area, the applicant's legal representative advised that the issue is the level at which amplified music is set, rather than the amplification itself and that the conditions of the license would seek to control noise levels.

The Chair thanked those present for participating and advised that all parties would be notified in writing of the Sub-Committee's decision within five working days.

The meeting was adjourned at 11.10am and reconvened at 2.00pm.

47 **Determination of an application for the grant of a premises licence to allow the provision of regulated entertainment, provision of late night refreshment and the sale of alcohol for consumption ON and OFF the premises at The Grand Hotel, 5 Morton Crescent, Exmouth EX8 1BE**

The Sub-Committee considered an application for a new premises license to authorise the provision of regulated entertainment, provision of late night refreshment and the sale of alcohol for consumption on and off the premises at the Grand Hotel, Morton Crescent, Exmouth.

The Chair introduced the East Devon District Council Officers present.

The applicant, Axcel Hospitality (Exmouth) Limited, entitled to make representations, was represented by Mr Angus Gloag of Clerksroom, with Mr Peter Hutchinson also in attendance.

There were no responsible authorities present.

Regarding representations from responsible authorities, the Chair advised that the agreed position between the Police and the applicant is set out in Appendix G. EDDC Environmental Health had stated that no noise complaints about the premises had been received since 2005 and that the applicant had been advised regarding potential noise measures and equipment that could be imposed if complaints are received in the future.

There were no interested parties present. Mr A Rowsell had given notice to attend, but had subsequently sent apologies.

The Chair confirmed that Sub-Committee members have read the documents submitted by the parties in advance of the hearing and summarised representations received which appeared to relate principally to two of the four licensing objectives, namely the prevention of crime and disorder and prevention of public nuisance.

The legal advisor to the Sub-Committee, Mr Giles Salter, outlined the hearing procedure.

The Licensing Officer, Ms Lesley Barber, summarised the application and drew the Sub-Committee's attention to the plans in the report and the three licenses for three proposed areas; the function room and the dining room on the lower ground floor and the bar area (referred to as the lounge) on the ground floor.

Page 186 of the Officer's report sets out the Police agreed position following their request for a number of changes to the timings within all of the proposed licensable areas of the premises and it has been agreed that the hours will be pulled back to 11.00pm for the sale of alcohol, unless there are bona fide functions taking place.

As a result of the Police agreements, a number of interested parties had withdrawn their representations with fifteen remaining outstanding from the original thirty representations.

A number of outstanding representations relate to live and recorded music which were not part of the Police representation. Local residents remain concerned regarding the timing of live or recorded music and the applicant has indicated that there was scope for discussion on the proposed timings.

The applicant's legal representative, Mr Angus Gloag, presented the application and introduced Mr Peter Hutchinson, DPS for the Grand Hotel, and representing Axcel Hospitality. Mr Hutchinson confirmed that the Grand Hotel is currently closed, but was previously a three star hotel.

In response to questions from Mr Gloag, Mr Hutchinson further confirmed that the position as agreed with the Police was accurately set out in Appendix D of the Officer's report and that the Hotel would abide by the terms agreed.

It was noted that local residents had expressed concern that the intention was to run a night club and Mr Hutchinson confirmed that this was not the case. Regarding the playing of recorded or live music, the intention was that this would be confined to the

downstairs area. Noise levels would be monitored and a decibel limiter would be installed if deemed appropriate at a future date.

Responding to questions from the Sub-Committee, Mr Hutchinson advised that it was difficult to predict with any certainty how many functions would take place.

Refurbishment of the Hotel was underway, focussing on bedrooms and public areas before refurbishment of the basement area and function rooms. If noise subsequently became an issue in the basement and function rooms, the Hotel would firstly consider noise reduction measures and then potentially soundproofing.

The applicant's legal representative, Mr Gloag, made a final statement and advised that the applicant takes its responsibilities seriously and is an aspirational brand.

The Chair advised that all parties would be notified in writing of the Sub-Committee's decision within five working days.

The Chair thanked all those participating in the hearing.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)

A Dent

J Whibley (Chair)

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Giles Salter, Solicitor

Rebecca Heal, Solicitor

Lesley Barber, Licensing Officer

Stephen Saunders, Licensing Manager

Emily Westlake, Licensing Officer

Sarah Jenkins, Democratic Services Officer

Alethea Thompson, Democratic Services Officer

Councillor apologies:

None

Chair

Date:

Report to: Licensing and Enforcement Sub Committee



Date of Meeting 16 June 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Application for the variation of a premises licence under the Licensing Act 2003

Report summary:

The report summarises an application for the variation of a premises licence to be considered by the sub-committee.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That members consider an application for the variation of an existing premises licence PLWA0740 at Brook Kitchen, 60 High Street, Budleigh Salterton, EX9 6LW.

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Manager Steve Saunders, ssaunders@eastdevon.gov.uk, 01404 515616

Portfolio(s) (check which apply):

- Climate Action and Emergencies
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Culture, Tourism, Leisure and Sport
- Democracy and Transparency
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial Implications:

The only financial implication is if the applicant or interested party appeals against the decision made, with the possibility of legal costs

Legal Implications:

Legal implications are included within the report

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

EDDC Statement of Licensing Policy 2021-2026
Licensing Act 2003 Guidance issued under Section 182

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Existing premises licence

APPENDIX G – Existing premises plan

APPENDIX H – Conditions agreed between applicant and Police

APPENDIX I – Operating Schedule

APPENDIX J – Photographs of Brook Kitchen

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1 Description of Application

- 1.1 An application has been received from Mr & Mrs Yarwood at Brook Kitchen, 60 High Street, Budleigh Salterton for a variation to an existing premises licence.
- 1.2 The premises licence PLWA0740 was first granted in 2017. The premises was known then as Earls Coffee House. Prior to that the premises had been a Nat West Bank.
- 1.3 The premises licence was transferred to Mr & Mrs Yarwood on 22 March 2021. The premises will now be known as Brook Kitchen.
- 1.4 The variation application is provided at **APPENDIX A**.
- 1.5 A plan of the premises is provided at **APPENDIX B**.
- 1.6 A location plan is provided at **APPENDIX C**. The premises is located on the corner of High Street & Station Road, at the top end of the High Street.
- 1.7 The application seeks to vary the existing licence PLWA0740. In summary the application is to vary the following four aspects of the existing licence:
 - Sale of alcohol 07:00 to 22:30 & opening hours 07:00 to 23:30 Monday to Sunday (plus the addition of sale of alcohol for consumption OFF the premises in addition to ON the premises)
 - Removal of live music
 - A change of floorplan

- Removal of all current conditions at Annex 2 & 3 and replace with new conditions
- 1.8 The current premises licence is provided at **APPENDIX F**, with the current premises plan at **APPENDIX G**.
 - 1.9 The existing hours for the sale of alcohol are:
Monday – Sunday 12:00 – 19:30
 - 1.10 The existing opening hours are:
Monday to Sunday 08:00 – 20:00
 - 1.11 The proposed amendments to the plan are minimal, with the location of the bar being changed.
 - 1.12 The proposed changes to the licence conditions seek removal of existing conditions listed at Annex 2 and 3 of the existing licence **APPENDIX F**. New conditions put forward by the applicant are shown under **APPENDIX I** in this application. A representation was submitted by Devon and Cornwall Police with subsequent agreement reached between the Police and the applicant to add the conditions at **APPENDIX H**.
 - 1.13 The applicant has provided 6 photographs of the interior of Brook Kitchen at **APPENDIX J**.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police
Representation submitted – agreed position between Police and applicant **APPENDIX H**.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations.
- 2.4 Devon Trading Standards
No representations.
- 2.5 East Devon District Council, Environmental Health Service
No representations. The following comment was received from Environmental Health 'I have considered the licence variation application for 60 High Street, Budleigh Salterton and do not anticipate any environmental health concerns.'
- 2.6 East Devon District Council, Planning & Countryside Service
No representations.
- 2.7 Primary Care Trust
No representations.
- 2.8 Home Office
No representations.

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from one local resident in objection, four representations in support of the application and the representation from the Police by reaching an agreed position. Details of all the representations are attached at **APPENDIX D**.
- 3.2 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**.

4 Proposed Operating Schedule and Mediation

- 4.1 The conditions offered by the applicant in the operating schedule of this application are attached at **APPENDIX I** and through the agreed position with the Police at **APPENDIX H**.
- 4.2 The licensing team attempted mediation through email with the one local resident objecting to the application by outlining the agreed position reached between the Police and applicant and by detailing the willingness of the applicant to communicate directly with the interested party. A response was not received back.
- 4.3 A response was also received during the consultation from the town council that did not raise an objection whilst commenting on differences in the hours sought and of those currently.
- 4.4 The applicant will attend the hearing and also being represented by Gill Sheraton, the applicants' agent from the company Licensing Matters. It was anticipated that further documents would be supplied by the applicant, but not received at time of preparing this report.
- 4.5 The interested party objecting has not indicated that he will be attending the hearing, has not responded nor has he nominated any other person to attend to represent him. The four parties responding positively in support have not responded to the notice of hearing.

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 No response has been received from the one objector, although their original written representations will have to be considered by the committee (**APPENDIX D**).
- 6.3 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representation, to refuse the application or grant it in a different form.

Legal Advice

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

The steps are:

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

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

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

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

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Source: Section 19 Licensing Act 2003
2. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the

policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

6. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 7(1) —

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Source: Section 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films – not required

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision – not required

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

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

6. Human Rights Act 1998

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

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

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

(e.g. the customers of the premises under consideration) and the people operating the business from the premises.

- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

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

8. Review Provisions

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

9. Police Closure

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

10. Surveillance Camera Code of Guidance-June 2013

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

is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

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

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

Financial implications:

To be completed by Finance.

Legal implications:

To be completed by Legal.



* required information

Section 1 of 18

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

Note: completing the Applicant Business section is optional in this form.

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

Your position in the business

Home country The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

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

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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	<input type="text" value="Brook Kitchen"/>
Street	<input type="text" value="60 High Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Budleigh Salterton"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="EX9 6LW"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 18

VARIATION

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

The premises is an existing cafe (previously known as Earls) located on High Street and has had the benefit of the current alcohol licence for approximately 5 years. The business is being sold to the owners of the Brook Gallery, based on Fore Street in Budleigh and they intend to run it to complement their existing business. The original Brook Gallery is a very well established and successful fine print art gallery that is nationally renowned. The gallery has been in the town since 1997 and owned by the applicant since 2007. It has a national reputation as a collector's gallery and supporter of the arts. Approximately 5 years ago the applicants took on a new location within the same building as the café and created a sister company to the main gallery known as Brook Contemporary Fine Art Consultancy. They are now in the process of buying the whole building, including the cafe that was previously known as "Earls" and intend to operate it themselves as an upmarket café/bistro called "Brook Kitchen". The premises is undergoing refurbishment and redecoration and significant investment has been made to modernise and improve the interior. To reflect the changes to the business the applicants want to extend the alcohol hours to match the intended opening hours of the new cafe.

A summary of the intended concept can be seen below:

LICENSED ART CAFE - RELAXED AND INFORMAL DINING

Combining our passion for creativity and excellence with our love of artisan and cultural pursuits, we are once again extending the Brook brand to incorporate Brook Kitchen – our exciting new food focused art venue, offering relaxed and informal dining... all underpinned as ever by the warmest of welcomes and a desire to put our customers first.

The happenings of 2020 have provided time to dwell on what is important. A lifetime of travel and cultural inclusion is absorbed in our offering: sensitively sourced produce; often local, organic and Fairtrade coupled with a keen eye on sustainability and personal choice. Our menu reflects these values -

Since taking over Brook Gallery in 2007, we have embraced a journey of discovery, anticipation, and fulfilment, through the medium of those that we have been fortunate enough to work with, represent and support... friends and customers alike.

Fifteen years later, we find ourselves embarking on our brand-new adventure, bringing together a fantastic team of talented associates - people who care...

Our quarterly gallery hangs will be extended through the gallery and Brook Kitchen with lots of opportunity to explore the themes through associated media to hand in both venues.

We aim to challenge and enlighten, inspire, and satisfy! We can't wait to welcome you to the Brook family of culture, creativity, and conversation!

Continued from previous page...

Alcohol has been sold at this café since the licence was granted 5 years ago with no complaints, issues, or problems. Alcohol has never been the intended focus of the business and this will continue to be the case with Brook Kitchen which will reflect the upmarket nature of the gallery. There is an expectation therefore that alcohol sales will have a very limited impact on the area & local residents. For that reason, this application request the removal of all the conditions that were previously applied to this licence, most of which are not relevant or are unduly onerous for a business of this nature. In terms of the licensing objectives this business is extremely low risk, and this application is to ensure that the licence reflects that fact and provides the new owners with maximum flexibility to manage their business as they deem appropriate and enable them to operate a financially sustainable venue for the Town.

In summary the application is for the following:

- 1) Sale of alcohol 07:00 to 22:30 & opening hours 07:00 to 23:30 Monday to Sunday
- 2) Removal of live music
- 3) A change of floorplan
- 4) Removal of all current conditions at Annex 2 & 3 and replace with more appropriate conditions.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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 select 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.

State any seasonal variations for the performance of live music

Continued from previous page...

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, above below.

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

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, 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 14 of 18

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.

Provide 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.

N/A

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

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 above, list below.

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

All conditions that are on the licence at present are to be removed and replaced by conditions more appropriate for a business of this nature.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Continued from previous page...

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

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

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

All staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

b) The prevention of crime and disorder

A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority

c) Public safety

An incident register will be maintained at the premises and made available to the authorities on request.

d) The prevention of public nuisance

e) The protection of children from harm

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

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 B £4,301 to £33,000 C £33,001 to £87,000 D £87,001 to £125,000 E £125,001 and above

A multiplier will be applied to premises in Bands D & E where they are used exclusively or primarily for the supply of alcohol for consumption on the premises Band D X2 (£900) Band E X3 (£1905)

* Fee amount (£)

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

* Capacity

* Date

 / /
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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

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

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

APPENDIX B

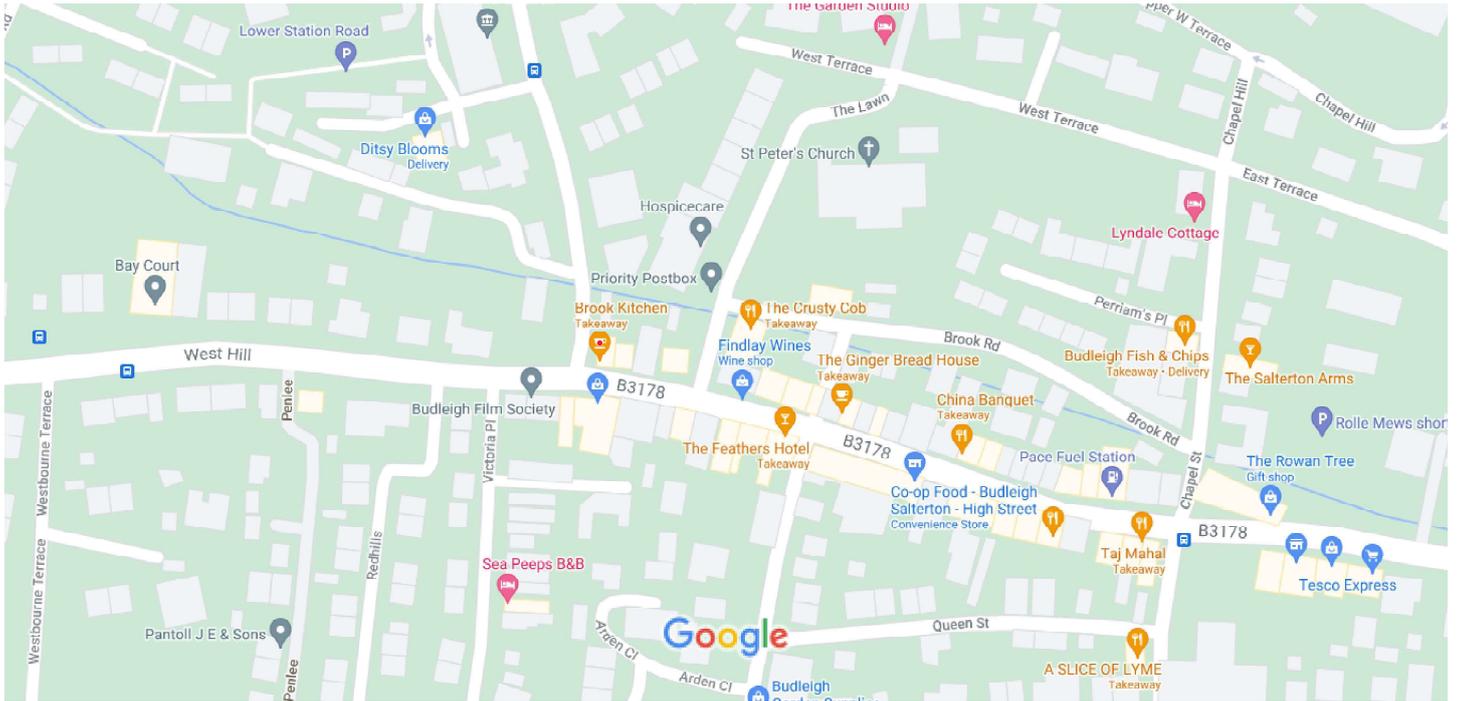


BROOK KITCHEN
60 HIGH STREET
BUDLEIGH
SALTERTON
EX9 6LW

— LICENSED AREA
SCALE 1:50 @ A1
(FE) FIRE EXIT

- ☐ EXISTING LIGHTING
- ☐ ILLUMINATED EMERGENCY EXIT SIGN
- ☐ FIRE ALARM SCAPE (FIRE) (HANDHELD TO MAIN CONTROL)
- ⊙ SMOKE DETECTOR (NEW 2018/19)
- ⊙ HEAT DETECTOR (NEW 2018/19)
- ⊗ BREAK GLASS
- ⊗ FIRE RAINCOAT
- ⊗ WATER EXT.
- ⊗ CARBON EXT.





Map data ©2021 Google 20 m

REPRESENTATIONS LIST

APPENDIX D

Application No: 051865

Application Date: 20 April 2021

Licence Type: Premises Licence WITH Alcohol

Licence No: PLWA0740

Application Type: Variation Application

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Applicant: Angela Yarwood

Person making Representation: Max Hansford

Representation Accepted: Representation has been accepted

Reason:

Details:

3 May 2021
(by email)
Dear Sir/Madam,
License Objection (60, High Street, Budleigh Salterton)
I wish to state my objection to the license application by Mr & Mrs Yarwood at the premises of 60, High Street, Budleigh Salterton.
The current building facade at 60 High Street cannot be altered due to building regulations. This means that ventilation of the area with clients inside, is via the window fanlights and the front door during busy periods.
These windows open directly under and opposite, several residential properties. There are at least 12 residential properties within 25 metres of these windows.
The residential buildings directly opposite 60 High Street, have had to keep their existing thin pane period windows as per East Devon conservation officers instruction.
These windows are very poor at keeping sound out of these properties. Therefore noise will come from the open windows and doors opposite, and also from when customers arrive and leave the premises. In addition, the sound also bounces and echoes incredibly easily.
The application for 60 High Street to serve alcohol until 10.30pm, and to be open until 11.30pm, 7 days a week, will disproportionately affect residents with clientele noise, who, even at best estimate would be leaving the area by 11.45pm. This is obviously going to affect the ability of the community to operate well in their local jobs.
Budleigh Salterton's attraction to residents and visitors alike, is the fact it is unspoilt and charming, with a relaxed atmosphere.
I appreciate the applicants wish to add to Budleigh Salterton with their business at 60 High Street, however, a 11.30pm closing time for an establishment that has no sound prevention due to the age of the building, and the building location, will severely affect the local residents.
I hope the proprietors will do the right thing for the local community, and reduce their hours for alcohol and opening times, so that the business can be supported by residents and visitors.
Yours sincerely
M Hansford
(local resident)

Evidence:

Suggestion:

Application No: 051865

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Person making Representation: Albert Charles Savage
[REDACTED]

Representation Accepted: Representation has been accepted

Reason: Supporting rep

Details:

Dear Sirs

Re: Application 051823

I would like to write in support of the above application for Brook Kitchen to be granted a music and alcohol licence.

It will be lovely to have a restaurant, who can open evenings for a meal with the above licences granted and somewhere different to go other than a public house.

I hope East Devon District Council are agreeable to the above licences being granted as I feel this can only enhance the town of Budleigh Salterton and the amenities available.

Yours faithfully
Michaela and Bert Savage

Evidence:

Suggestion:

Person making Representation: Michaela Ruth Savage
[REDACTED]

Representation Accepted: Representation has been accepted

Reason: Supporting rep

Details:

Dear Sirs

Re: Application 051823

I would like to write in support of the above application for Brook Kitchen to be granted a music and alcohol licence.

It will be lovely to have a restaurant, who can open evenings for a meal with the above licences granted and somewhere different to go other than a public house.

I hope East Devon District Council are agreeable to the above licences being granted as I feel this can only enhance the town of Budleigh Salterton and the amenities available.

Yours faithfully
Michaela and Bert Savage

Evidence:

Suggestion:

Application No: 051865

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Person making Representation: Catherine Turner

Representation Accepted: Representation has been accepted

Reason: Supporting rep

Details: 3.5.21
Licensing Officer
East Devon District Council

Brook Kitchen, 60 High St - Budleigh Salterton

I write in support of the Licensing Application submitted by Brook Kitchen to extend the licence for the consumption of alcohol to standard trading hours in line with similar hospitality outlets in the town.

Budleigh Salterton currently has a fairly limited hospitality offer for the local community and it seems a shame that trade moves beyond the town for evening suppers and dinner. All areas of the community benefit from well-run hospitality outlets, with a knock-on effect for shops, businesses and cultural events.

Recent involvement with the Budleigh Music Festival Committee has shown me that there are limited options for audiences to enjoy pre- or post-show supper, and this does have an impact on building audiences and the ways in which we can encourage wider support and partnerships. Similar experiences are doubtless felt by the Literary Festival, with their tent closing in the early evening.

In my opinion the town urgently needs good-calibre modern hospitality offers in line with the needs of both the wider community and tourists attracted to this unique destination, and this should be supported by the Council's Licensing Department.

Yours
Catherine Turner

Evidence:

Suggestion:

Application No: 051865

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Person making Representation: Leanne Winter

Representation Accepted: Representation has been accepted

Reason: Supporting rep

Details:

Hello

I would like to make a representation for the application of premises licence PLWA0740 - Premises: Brook Kitchen, 60 High Street, Budleigh Salterton, EX9 6LW. Reference number 051865

My name is Leanne Winter
(Address and telephone number have been removed.)

I have lived in and close to Budleigh and Raleigh since 2003 and enjoy supporting the local community. I was Chair of Drakes School PTFA and I am now secretary of the 'Friends of Budleigh Library'. I strongly believe that in order to thrive Budleigh High Street needs to appeal to all demographics of our locality and as such would benefit from a café of the proposed calibre. The relaxed an informal dining this establishment proposes to offer will enhance and boost the High Street and is welcomed by our community.

I have witnessed the care and attention given to the refurbishment of Brook Kitchen, with particular attention given to the noise reduction measures when undertaking building works, so as not to disturb its neighbours (the library being one). The delivery of goods necessary for the operation of the business have been carried out at such a time and manner as not to cause a nuisance or disturbance to its neighbours. There appears to be adequate waste receptacles for use by customers, and I have witnessed particular care being given to the sustainability and societal impact of the business, with particular attention being paid to buying local, recycling and waste reduction.

I have witnessed throughout the refurbishment of Brook Kitchen the care and attention being given to prevent public nuisance and a clear promotion of public safety. I will personal attest to the fact that the applicants Mrs Angela Yarwood and Mr Peter Yarwood are strong advocates of child safety and will, I have no doubt, ensure that they will uphold all the licencing objectives.

If you require further detail please do not hesitate to contact me

Yours

Leanne Winter

Evidence:

Suggestion:

Application No: 051865

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Person making Representation: Devon & Cornwall Police

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details:

From: NORSWORTHY Mike 57895
Sent: 14 May 2021 11:42
To: Licensing EDDC <licensing@eastdevon.gov.uk>
Subject: Brook Kitchen Variation Application Agreed Position Team,

With regards to the above application I have come to an agreed position with the applicant as detailed in the below email trail, In light of this I would like to make a representation under the Prevention of Crime and Disorder licensing objective and ask that the conditions/amendments be included on the licence should it be granted.

Cheers
Mike
Mike Norsworthy
Alcohol Licensing Officer (Teignbridge and East Devon)
Prevention Department
HQ Middlemoor
Devon and Cornwall Police

From: Gill Sherratt
Sent: 13 May 2021 17:30
To: NORSWORTHY Mike 57895
Cc: Licensing EDDC <licensing@eastdevon.gov.uk>
Subject: RE: Brook Kitchen Variation Application Agreed Position

Hi Mike,
I am happy with these being attached to the licence.
I have cc'd licensing into this email.
Thanks,
Gill

From: NORSWORTHY Mike 57895
Sent: 13 May 2021 17:22
To: Gill Sherratt
Subject: Brook Kitchen Variation Application Agreed Position
Hi Gill,

Having assessed your application and discussed it with you I would like the following conditions added to the licence should the variation be granted:-

Under the Prevention of Crime and Disorder Licensing objective

Remove reference to the refusals register and replace with the below condition:-

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

Add the following two conditions

OPEN CONTAINERS

No customers will be permitted to take open vessels containing alcohol from the premises from which it is intended or likely that they shall drink.

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

If you and your clients are in agreement with these minor amendments/additions please let me know and I will advise the Local Authority that we have come to an agreed position.

Cheers

Application No: 051865

Premises: Brook Kitchen
60 High Street, BUDLEIGH SALTERTON, Devon, EX9 6LW.

Mike
Mike Norsworthy
Alcohol Licensing Officer (Teignbridge and East Devon)
Prevention Department
HQ Middlemoor
Devon and Cornwall Police

Evidence:

Suggestion:

APPENDIX E

Responses to Notice of Hearing
Brook Kitchen, 60 High Street, Budleigh Salterton EX9 6LW

Applicant

Mr Peter and Mrs Angela Yarwood Brook Kitchen, 60 High Street, Budleigh Salterton EX9 6LW	
Hearing Unnecessary	Not completed
Attending	Yes – Mrs Yarwood (see notes below from Solicitor)
Email Address	
Supporting documents	Email received 06/06/21 – I am making preparations for the hearing and can confirm that I will be present to represent the licence holder. Also attending will be Angela Yarwood the applicant to answer any questions that the committee may have. I do intend to send in some photographs and a brief document about the intentions for the business and will get that to you hopefully over the weekend. Thanks, Gill
Summary of key points	Not completed

Applicants Agent

Hearing Unnecessary	Not received
Attending	Yes
Email Address	
Supporting documents	Email received 06/06/21 – I am making preparations for the hearing and can confirm that I will be present to represent the licence holder. Also attending will be Angela Yarwood the applicant to answer any questions that the committee may have. I do intend to send in some photographs and a brief document about the intentions for the business and will get that to you hopefully over the weekend. Thanks, Gill
Summary of key points	Not received

Responsible Authority – None attending

APPENDIX E

Interested Parties

1.	Leanne Winter – Supporting rep
Hearing Unnecessary	Not completed
Attending	No
Email Address	
Supporting documents	No – Rep was in support of application
Summary of key points	None

2.	Max Hansford - Objection
Hearing Unnecessary	NOH response not received
Attending	NOH response not received
Email Address	NOH response not received
Supporting documents	NOH response not received
Summary of key points	NOH response not received

3.	Michaela Savage – Supporting Rep
Hearing Unnecessary	NOH response not received
Attending	NOH response not received
Email Address	NOH response not received
Supporting documents	NOH response not received
Summary of key points	NOH response not received

4.	Albert Savage – Supporting Rep
Hearing Unnecessary	NOH response not received
Attending	NOH response not received
Email Address	NOH response not received
Supporting documents	NOH response not received
Summary of key points	NOH response not received

5.	Catherine Turner – Supporting Rep
Hearing Unnecessary	NOH response not received
Attending	NOH response not received
Email Address	NOH response not received
Supporting documents	NOH response not received
Summary of key points	NOH response not received

Licensing Act 2003 Premises Licence

PLWA0740

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

Part 1 - Premises Details

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

Brook Kitchen

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

Telephone [REDACTED]

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday & Saturday	6:00pm	8:00pm
	Sunday	2:00pm	8:00pm
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	Noon	7:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	8:00pm

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

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



Licensing Act 2003
Premises Licence

PLWA0740

Part 2

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

Angela Yarwood

Telephone

Peter Joseph Yarwood

Telephone

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

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

Angela YARWOOD

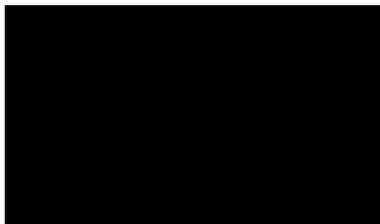
Telephone

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE2527

Issued by East Devon

Strategic Lead - G



Licensing Act 2003

Premises Licence

PLWA0740

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1.
 - (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
 - (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
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 disability).
3. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of 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



Licensing Act 2003

Premises Licence

PLWA0740

ANNEXES continued ...

- 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;
 - (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



Licensing Act 2003

Premises Licence

PLWA0740

ANNEXES continued ...

- 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.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. Staff will be vigilant in preventing the use and sale of illegal drugs in the retail area.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft that may target customers will be displayed.
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
5. Staff will be trained in asking customers to use the premises in an orderly and respectful manner.
6. Internal and external lighting will be fixed to promote the public safety objective.
7. 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.
8. Staff will be trained in the adherence to environmental health requirements.
9. 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.
10. The log book shall be kept and made available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
11. 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.
12. The premises will have noise reduction measures to address the public nuisance objective.
13. 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.
14. 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.
15. 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.
16. Customers will be asked not to stand around loudly talking in the street outside the premises.
17. Customers will not be admitted to premises above opening hours.
18. Bottles will not be disposed of outside of the premises before 8am or after the premises closes (the terminal hour).



Licensing Act 2003

Premises Licence

PLWA0740

ANNEXES continued ...

19. Adequate waste receptacles for use by customers will be provided in the local vicinity.
20. 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.
The premises will provide clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
21. A "Challenge 25" sign will be displayed which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID if they wish to buy alcohol.
22. No minors unaccompanied by an appropriate adult will be permitted after 6.00 pm.
23. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
24. No customers will be permitted to take open vessels containing alcohol from the premises.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

1. When music is being played all windows and doors are to be kept shut save those used for access and egress of patrons on arrival or leaving the premises.
2. All sales of alcohol to be ancillary to the sale of food purchases.
3. A noise limiter must be installed, the levels of which should be set by EDDC Environmental Health.
4. An exchange of mobile phone numbers, contact details between the occupants of the first floor flats and the Premises Licence Holder so that licensing related issues and noise nuisance can be dealt with as soon as possible.
5. There shall be only four (4) smokers permitted on the pavement outside of the premises at any time. No alcohol to be taken outside of the premises.

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

The licensable activities authorised by this licence will be confined to the areas that are outlined in **RED** on the plans submitted to and approved by the Licensing Authority.



Licensing Act 2003

Premises Licence Summary

PLWA0740

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

Premises Details

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

Brook Kitchen

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

Telephone [REDACTED]

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday & Saturday	6:00pm	8:00pm
	Sunday	2:00pm	8:00pm
	J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	Noon

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	8:00pm

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Angela Yarwood [REDACTED]

Peter Joseph Yarwood [REDACTED]

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



Licensing Act 2003

Premises Licence Summary

PLWA0740

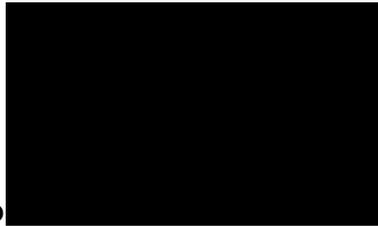
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Angela YARWOOD

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

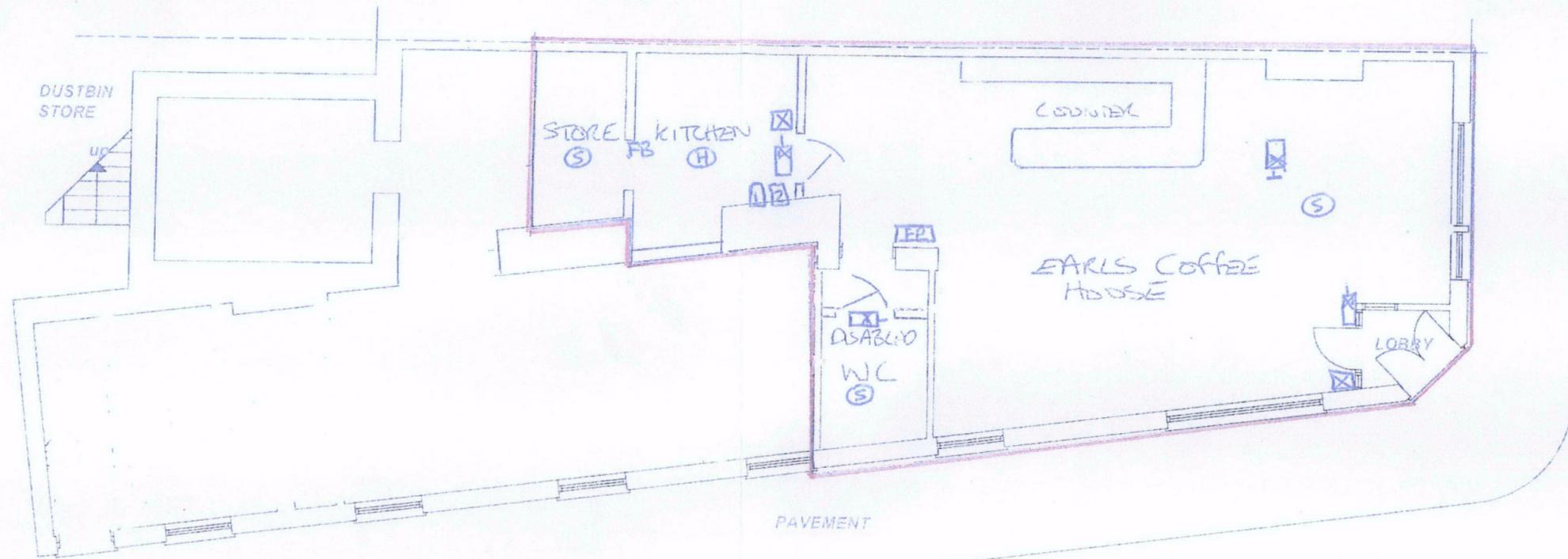
Not applicable

Strategic Lead - Go



East Devon Licensing Authority
Approved Plan

Date of Approval	22-03-2017
Licence No.	PLWA 0740
Signature	Neil J M Donald



GROUND FLOOR

- ☒ EMERGENCY LIGHTING
- ☒ ILLUMINATED EMERGENCY LIGHTING - EXIT SIGNS.
- FP FIRE ALARM SLAVE PANEL (HARDWIRED TO MAIN CONTROL)
- S SMOKE DETECTOR (INC. SOUNDER)
- H HEAT DETECTOR (INC. SOUNDER)
- ☒ BREAK GLASS
- FB FIRE BLANKET
- ☒ WATER EXT.
- ☒ CARBON EXT.

BUDLEIGH SALTERTON
60 HIGH STREET
EARLS COFFEE HOUSE
LAYOUT PLAN - REV 2
SCALE 1:50 @ A1

POLICE REPRESENTATION

**AN AGREEMENT HAS BEEN REACHED WITH DEVON AND CORNWALL POLICE TO ADD CONDITIONS
AS FOLLOWS**

REFUSALS REGISTER

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

OPEN CONTAINERS

No customers will be permitted to take open vessels containing alcohol from the premises from which it is intended or likely that they shall drink.

STAFF TRAINING

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

OPERATING SCHEDULE – CONDITIONS OFFERED BY THE APPLICANT

All staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

A register of refusals of alcohol will be maintained at the premises. The register will be made available for inspection by the Police and other responsible authority.

An incident register will be maintained at the premises and made available to the authorities on request.

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older. The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID cards & cards bearing the 'PASS' hologram.

BROOK KITCHEN











