



Agenda for Licensing and Enforcement Sub Committee

Wednesday, 21st June, 2023, 9.30 am

Members of Licensing and Enforcement Sub Committee

Councillors: O Davey, T Dumper and J Whibley (Chair)

Venue: Council Chamber, Blackdown House, Honiton

Contact: Sarah Jenkins;

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(or group number 01395 517546)

Tuesday, 13 June 2023

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1 Minutes of the previous meeting (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 variation of an existing premises licence PLWA0275 at Kilminster Cross Service Station, A35 Gammons Hill, Kilminster, Axminster EX13 7RB (Pages 9 - 67)

The following application will be considered at 11:00am

7 Determination of an application for the grant of a premises licence to allow live music (indoors and outdoors), recorded music (indoors and outdoors), the sale of alcohol for consumption ON and OFF the premises at Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA (Pages 68 - 281)

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

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 22 May 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 1.32 pm

38 Election of Chair for this meeting

Cllr Kim Bloxham was elected Chair for this meeting.

39 Minutes of the previous meeting

The minutes of the previous meeting held on 24 April 2023 were agreed and signed as a true record.

40 Declarations of interest

Cllr Maddy Chapman – Minute 6 – Member of Exmouth Town Council.

Cllr Olly Davey – Minute 6 - Member of Exmouth Town Council. The application is in the Member's ward and the applicant is known to the Member on Council business. The Member has played music in a pub owned by the applicant. One of the objectors, Nicky Nicholls, responding on behalf of Transition Exmouth, is known to the Member. The Member is also a member of Transition Exmouth.

Cllr Olly Davey – Minute 7 – the Member lives close enough to the application location to hear events occasionally.

41 Matters of urgency

There were no matters of urgency.

42 Confidential/exempt items

There were no confidential / exempt items.

43 Determination of an application for the grant of a premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June & 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Sub Committee considered the application for the grant of a premises licence to allow the supply of alcohol for consumption OFF the premises only on 3rd June and 4th June 2023 from a trailer bar located at Orcombe Point, Exmouth.

The applicant, present and entitled to make representations, was Oliver Bainbridge of The Can Do Pub Company Ltd.

Also present, and entitled to make representations, was Debra Quine of Bumble and Sea Café, Orcombe Point, Exmouth.

The Licensing Authority had not received any representations from responsible authorities regarding this application.

The Licensing Officer, Lesley Barber, advised that the objections were relevant to all four licensing objectives. Comments from the Police, Exmouth Town Council and the East Devon Beach Safety officer were contained in the report.

In response to questions from Members, the Licensing Officer advised the following:

- The current application is for two days in order to test out the proposal's suitability. A new application would be required for any additional dates.
- The dates of 3rd and 4th June had no specific significance.
- Monitoring of the situation would be by way of any Police report and visits by the Licensing Officer if the pop-up bar is in situ.
- Regarding the Public Space Protection Order, the only response from the Police to date was set out within the report.

In response to a question from the applicant, the Legal Advisor advised that it was the Sub Committee's prerogative to decide what weight to give to representations where the objector was not present at the hearing.

The applicant made his case for the application and highlighted the following points:

- The idea for the application had come from Lyme Regis Brewery which operates a similar event in Lyme Regis. Many local craft breweries operate in this way along the coast.
- The applicant cited a similar offering on the seafront at Hangtime by way of an example of a well run event.
- The applicant was aware of concerns regarding alcohol consumption on the beach and noted that the Police would not have agreed to the application last year. However, now that the covid pandemic and resulting problems had passed, the Police were happy for the applicant to apply and had no objections.
- The applicant noted the experience of the Strand in Exmouth where the presence of licencees had, in his view, improved the area, due to having responsible people on hand to act should any issue arise. The applicant was of the view that, should the application be granted, this could also have the same beneficial effect at Orcombe Point.
- The applicant had held a licence for 25 years with an exemplary record.
- The type of client buying the applicant's craft beer was not the same type of person who typically caused anti-social alcohol related problems on Exmouth beach.
- The applicant advised that beer would be sold in reusable cups which were more sustainable and resulted in significantly less waste.
- Should the application be granted, the two days would be used to gather evidence. The Police would not allow another application should issues arise as a result of this application being granted.

The Licensing Officer advised that Hangtime, referred to by the applicant, has, on occasion, been granted Temporary Event Notices for the consumption of alcohol in a

defined area on the premises. The sale of alcohol by Budgens seafront store is only one part of the business.

The interested party, Debra Quine, put questions to the applicant and the responses included the following:

- The applicant was of the view that the application could result in an improvement to the area at Orcombe Point, rather than a risk. Having responsible people on site would be positive rather than negative.
- The applicant regarded 7pm as the most appropriate time to finish the sale of alcohol as, in his view, the risk of anti-social behaviour increased after 9pm.
- Other locations on the seafront had been considered, but were not appropriate due to local sensitivities and potential conflicts. Queen's Drive had also been considered, however, there was already a bar selling the applicant's craft beer at the site.
- If the application is successful, the applicant was intending to apply for further pop-up events over the summer period.
- The reusable cups would be branded and clearly identifiable should they be left at the site. The applicant would be happy to conduct a beach clean at the end of each day.
- The applicant confirmed that the trailer would be moved off site each day.
- The applicant wished to record that his intention was to provide a pop-up offering only.
- The applicant was not aware of Exe Watersports which has a licence to be on the Orcombe Point part of the beach over the summer.
- Provision of a portaloos had not been considered as the intention was to provide a pop-up only.
- The applicant confirmed that 'Challenge 25' would be in operation.
- There would be a small silenced generator on site should the application be granted.

The interested party, Debra Quine, made her case and highlighted the following points:

- The interested party's business, Bumble & Sea, has never applied for a licence due to having spoken to the Police regarding anti-social behaviour in the area.
- Bumble & Sea staff have dealt with significant levels of anti-social and threatening behaviour which resulted in the café being closed while staff had to wait for the Police to arrive.
- The interested party was of the view that the applicant runs a very good business with a great product but that the proposed pop-up bar is in the wrong location.
- Should the application be granted, the applicant would leave the site at 7pm, however, Bumble & Sea staff would not leave until 9pm and would therefore have to deal with any resulting anti-social behaviour.
- It was noted that there is no street lighting at Orcombe Point and that the nearest toilets are some 600-700 metres away, by the lifeboat station, and too far for Bumble & Sea staff to walk.
- There was concern that the pop-up bar would create the impression that Orcombe Point was a good place for alcohol consumption.
- Exe Watersports worked with vulnerable children and this should be borne in mind when considering the application.

Members and the applicant had no questions for the interested party.

In his closing statement, the applicant re-iterated that, should the application be granted, this would help to improve the situation with anti-social behaviour at Orcombe Point for the reasons already outlined. Granting the application would enable evidence to be gathered and this approach had the support of the Police. None of the responsible bodies had any concerns regarding the application.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

This item finished at 10.34am and the meeting was then adjourned until 1pm.

44 **Determination of an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music, outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lympstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.**

The Sub Committee considered an application for the grant of a time limited premises licence to allow the exhibition of films, indoors and outdoors, the provision of live music outdoors, the provision of recorded music, indoors and outdoors and the supply of alcohol ON the premises only at Lympstone Manor Hotel, Courtlands Lane, Exmouth, EX8 3NZ.

The applicant, present and entitled to make representations was Lympstone Manor Ltd, represented by Mr Steve Edwards, Operations Director and Mr Alexander McEwen, General Manager and DPS.

The applicant had no witnesses to call.

The Licensing Authority had received two representations from local residents who had given notice that they did not wish to attend the hearing.

The Licensing Authority had received representations from East Devon District Council's Environmental Health Service and Exmouth Town Council's Planning Committee, who were not present.

The Sub Committee's legal advisor outlined the procedure for the meeting.

The Licensing Officer, Phillippa Norsworthy, summarised the application. Since the publication of the report, a response to the Notice of Hearing had been received from a local resident and had been circulated to all parties. The Police had reached an agreed position with the applicant.

Since the publication of the report, the applicant had come to an agreed position with the Environmental Health Service, details of which had been published with the report at Appendix D. The applicant had produced a Noise Management Plan (NMP) to the satisfaction of the Environmental Health Officer which had been circulated to the Sub Committee members in advance of the meeting. It had been agreed that music would stop at 11.00pm.

The Sub Committee had no questions for the Licensing Officer.

The applicant had no questions for the Licensing Officer but wished to clarify that the agreed position with the Environmental Health Service, as set out in the NMP, was to stop live music only at 11.00pm, but not recorded music.

The applicant made the case for the application and highlighted the following points:

- Up to 2,000 tickets were available for the event but to date only 400 had sold and the applicant considered it unlikely that actual numbers would reach anywhere near 2,000.

- Event parking was restricted to 230 cars, and spaces had to be booked in advance; ticket buyers were made aware of this via the website, social media, and at the point of ticket purchase. Those not arriving by car would be pedestrian, with access routes from Exmouth and Exeter on the cycle path and from the Rivermead Avenue bus stops. There might also be a Dartline coach but this was yet to be confirmed.
- The applicant recognised the importance of correct traffic management with minimal disruption to local residents. Event stewards would be positioned appropriately in order to syphon off event traffic via a one way system. There would be no road closures.
- WT Consultancy would be delivering an event Risk Management Plan.
- One representation referred to a 12-hour period of live or recorded music; this would not be the case, since the music stage would not start until 5.00pm.
- The music stage would be built in the bottom paddock, positioned in such a way that the sound would travel towards Exmouth rather than up the hill to the path of local residents.
- The applicant had given careful consideration to all areas and the owner felt there was enough interest to host an event of this nature again in the future.

Members of the Sub Committee put questions to the applicant who made the following points in reply:

- On exit, event traffic would be directed down Courtlands Lane, right at Longbrook Lane and out at the traffic lights by Saddlers Arms, meaning that traffic would miss out the village, for the most part.
- The music between 5.00pm to 11.00pm would be a combination of live bands and recorded music with a DJ.
- In the event that people arrive in cars having not pre-booked parking, stewards would be briefed to direct them around the one way system and advise them to park in Exmouth, from where they could catch a bus to Lypstone.
- At the meeting of Safety Advisory Group, the applicant would agree with the Police Licensing Officer the date by which the number of SIA stewards would be agreed, based on expected numbers attending the event.
- The event had run previously in 2017 and 2018, albeit on a smaller scale; the applicant's representatives were not aware of any complaints or concerns arising from these events, or from other events that had taken place at the venue with outside music.

The legal representative stated that he was not aware of any complaints for Lypstone Manor, since it was licensed.

In a closing statement, the applicant's representative reiterated that they were very aware of the need to respect local residents and the licensing objectives, and they would ensure the event was staffed accordingly.

The Chair thanked everyone for attending and advised that the decision would be notified in writing within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)

M Chapman (left the meeting at 10.34am)

O Davey

Officers in attendance:

Lesley Barber, Licensing Officer (left the meeting at 10.34am)

Sarah James, Democratic Services Officer (joined the meeting at 1pm)

Sarah Jenkins, Democratic Services Officer (left the meeting at 10.34am)

Phillippa Norsworthy, Licensing Officer (joined the meeting at 1pm)

Giles Salter, Solicitor

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer) (left the meeting at 10.34am)

Chair

Date:

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 21 June 2023

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 PLWA0275 at Kilminster Cross Service Station, A35 Gammons Hill, Kilminster, Axminster EX13 7RB.

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Lesley Barber, lesley.barber@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

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 – Existing licence
APPENDIX C – Premises plan & location
APPENDIX D – Representations received
APPENDIX E – Responses to Notice of Hearing
APPENDIX F – Conditions

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
☐ A greener East Devon
☒ A resilient economy
-

Report in full

1 Description of Application

- 1.1 An application has been received from Motor Fuel Limited for a variation to the current premises licence PLWA0275 at Kilminster Cross Service Station.
- 1.2 The application is provided at **APPENDIX A**.
- 1.3 The existing premises licence (PLWA0275) is provided at **APPENDIX B**.
- 1.4 The premises plan is provided at **APPENDIX C** along with a location plan. The variation does not include any changes to the premises plan.
- 1.5 The proposed variation seeks to:
- extend the sale of alcohol for consumption OFF the premises to 24 hours each day
 - extend the opening hours of the premises to 24 hours each day
 - provide late night refreshment (23:00 - 05:00 daily)
 - amend the licence conditions
- 1.6 The current permitted hours for the sale of alcohol are:
- Monday to Saturday 08:00 – 22:00
 - Sunday 10:00 – 22:00
- 1.7 Late night refreshment is defined within the Act as the supply of hot food or hot drink to the public between the hours of 23:00 and 05:00. Sale of hot food and/or drink outside of these hours is not a licensable activity.
- 1.8 The proposed amendments to the licence conditions are set out at Part 4 of this report and included at **APPENDIX F**.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Police

Representation received seeking additional conditions. Agreed position reached with the applicant.

- 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.
- 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 A representations has been received from Devon & Cornwall Police, seeking the addition of further conditions. An agreement has been received between the Police and the applicant, with slight amendments being agreed on the wording of the conditions proposed by Police. Details of the agreement are included within the representations list at **APPENDIX D**.
- 3.2 Six further representations have been received, including a representation from Kilminster Parish Council. Representations are included at **APPENDIX D**.
- 3.3 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E**.
- 3.4 The committee are asked to note two sets of responses to Notices of Hearing are included within **APPENDIX E**, due to the hearing being rescheduled at the request of the applicant's representative.

4 Proposed Operating Schedule and Mediation

- 4.1 The existing premises licence contains a number of conditions under Annexe 2. As part of this variation the applicant proposed to remove these conditions, replacing them with a number of alternative conditions.
- 4.2 The applicant has reached an agreed position with the Police who are seeking additional conditions relating to staff training, an incident book and a refusal register.
- 4.3 The existing conditions, along with the proposed conditions, including the Police agreed conditions are set out in full at **APPENDIX F**.
- 4.4 The applicant's representative has advised there has been discussion between the Licence Holder and Kilminster Parish Council. The following information has been provided:

- Our client wishes to apply for the 24/7 variation. It will, however, undertake to the Parish Council that it will not sell alcohol outside of agreed hours of 0500 to 2400 for a trial period of 6 months.
- Our client will contact the Parish Council towards the end of the 6-month period to assess the trial with a view to going 24/7.
- I also understand that there is to be work undertaken to the lighting and this formed part of the discussion with the Parish Council.

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.

6 Guidance issued under Section 182 Licensing Act 2003 (issued December 2022):

6.1 Public Nuisance

Section 2.15 of the Guidance states: The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Representations

- 6.2 Section 9.4 of the Guidance states: A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 6.3 Section 9.9 of the Guidance states: It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

The Role of Responsible Authorities

- 6.4 Section 9.12 of the Guidance states: Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority’s main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Imposing conditions

- 6.5 Section 10.8 of the Guidance states: The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6.6 Section 10.9 of the Guidance states: It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

6.7 **Proportionality**

Section 10.10 of the Guidance states: The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

6.8 **Hours of Trading**

Section 10.13 of the Guidance states: The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

6.9 Section 10.14 of the Guidance states: Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

The need for licensed premises

6.10 Section 14.19 of the Guidance states: There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

7. Observations

7.1 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’.

7.2 Although no response has been received from a number of the outstanding objectors their original written representations are to be considered by the committee (**APPENDIX D**).

7.3 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

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

6. Human Rights Act 1998

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

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

- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person as 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:

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

Legal implications:

Legal implications are included within the report.



East Devon
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@eastdevon.gov.uk
 Telephone: 01404 515616

* 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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	TLV/39096/897	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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	Motor Fuel Limited	
* Family name	Motor Fuel Limited	
* E-mail	[REDACTED]	
Main telephone number		Include country code.
Other telephone number		
<input type="checkbox"/> 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.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	05206547	
Business name	Motor Fuel Limited	If the applicant's business is registered, use its registered name.
VAT number	- N/A	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

40,000

Section 3 of 18

VARIATION

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 a petrol forecourt store located on Gammons Hill (A35), Kilmington, Axminster, EX13 7RB.

The variation is to do the following:

1. To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2. Provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annex 2.
4. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.

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

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Continued from previous page...

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](#)

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

☐ Yes ☒ No

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

Continued from previous page...

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

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 provision of late night refreshment 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.

Continued from previous page...

The provision will take place inside the premises but customers may leave the premises with items purchased.

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment 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 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

Continued from previous page...

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.

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

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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

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.

Continued from previous page...

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

Conditions listed under Annex 2.

☐ 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.

The premises licence was returned with a previous application and we are yet to receive the updated licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintaining the premises. Such staff levels will be disclosed, on request,

Continued from previous page...

to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

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 (£)

315.00

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

Winckworth Sherwood LLP

* Capacity

Agent

* Date

01 / 03 / 2023
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	TLV/39096/897
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>



Licensing Act 2003 Premises Licence

PLWA0275

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

Kilmington Cross Services

Gammons Hill (A35), Kilmington, AXMINSTER, Devon, EX13 7RB.

Telephone 01297 631089

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only			
	Monday to Saturday	8:00am	10:00pm
	Sunday	10:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

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

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

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





Licensing Act 2003
Premises Licence

PLWA0275

Part 2

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

Motor Fuel Limited
administration@motorfuelgroup.com

10 Bricket Road, St Albans, AL1 3JX.
Telephone 01727 898890

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

Motor Fuel Limited

5206547

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

Dinush Akalanka Jayathilaka MADDUMA-WERAGODA

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. TA/051876

Issued by Taunton Deane

A handwritten signature in black ink, appearing to read "Mark R. Williams".

Mark Williams
Chief Executive



Licensing Act 2003 Premises Licence

PLWA0275

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 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 either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
3. (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

Licensing Act 2003 Premises Licence

PLWA0275

ANNEXES continued ...

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.

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- 1. All staff will be trained in licensing matters and emergency procedures.
- 2. The Premises Supervisor will maintain close control over alcohol related activity.
- 3. CCTV will be installed operated and maintained to the satisfaction of the Police and Local Authority.
- 4. CCTV recordings will be retained for one month.
- 5. The CCTV equipment will be checked on a regular basis.
- 6. If the CCTV equipment is inoperative the Police and the Local Authority will be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
- 7. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
- 8. A proof of age policy to the satisfaction of Police and Local Authority will be enforced.
- 9. An anti drug policy, agreed by the Police and local authority, will be in force.
- 10. The electrical system, including portable appliances will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is registered with the ECA or NICEIC.
- 11. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
- 12. The Forecourt safety signs will be prominently displayed.
- 13. All safety certificates are kept on site and can be made available for inspection.
- 14. A supply of first aid equipment and materials will be available for the use of patrons based on a risk assessment carried out by the licensee.
- 15. Telephone access to the emergency services will be maintained.
- 16. Gangways, exit routes and steps will be maintained in good order.
- 17. Safety glass will be used in all windows.
- 18. Waste bins will be provided for the use of customers.
- 19. Delivery of goods will be limited to the normal working day.
- 20. Use of outdoor lighting (other than security lights outside the store) will cease at 11:00 pm.

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

None.



Licensing Act 2003
Premises Licence

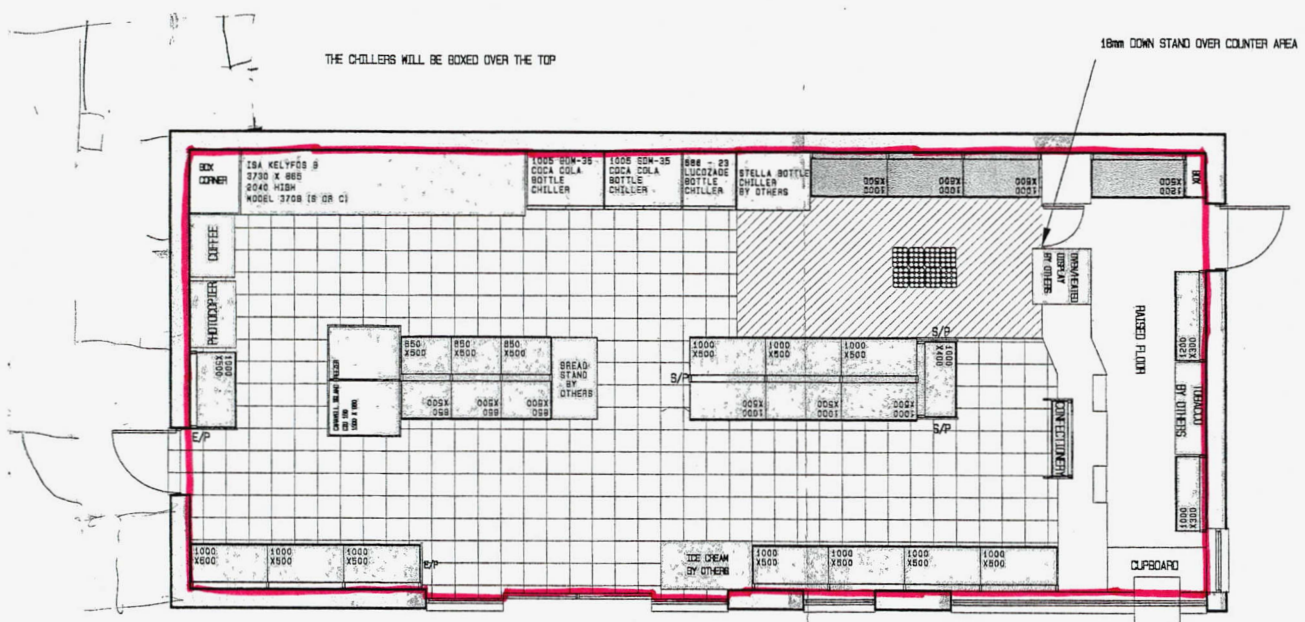
PLWA0275

ANNEXES continued ...

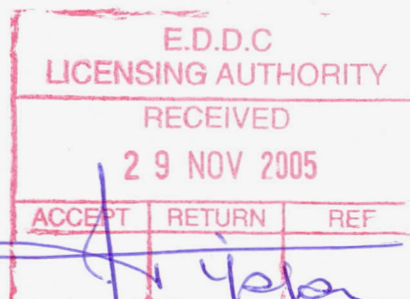
ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

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.

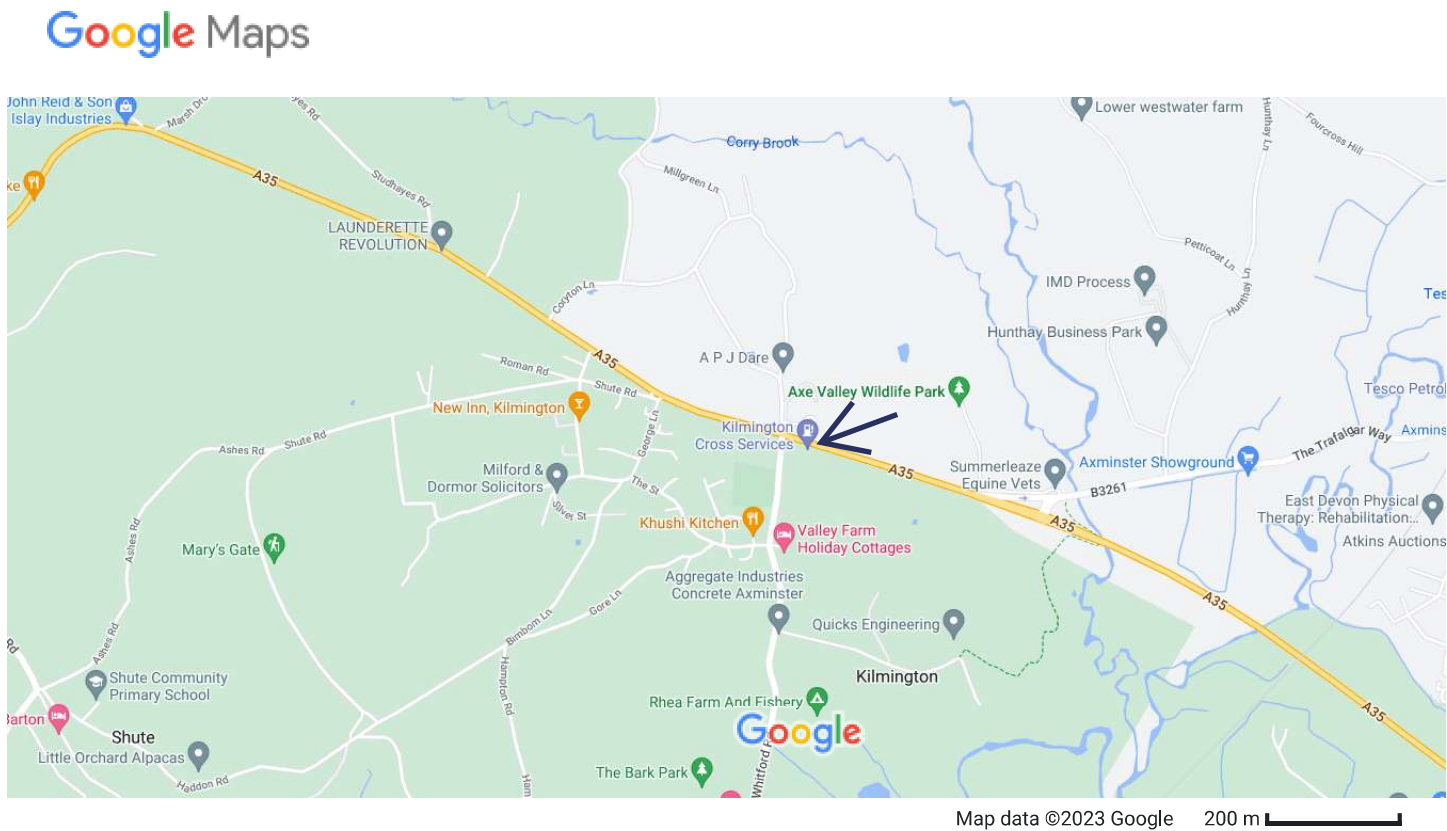




Licence: PLWA0275 - Application:
Document Type : Site Plan



SCALE 1:100



Location map image from Google Maps

REPRESENTATIONS LIST

APPENDIX D

Application No: 055338 **Application Date:** 1 March 2023
Licence Type: Premises Licence WITH Alcohol **Licence No:** PLWA0275
Application Type: Variation Application

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.
Applicant: Motor Fuel Limited
Gladstone Place, 36-38 Upper Marlborough Rd, St Albans, Hertfordshire, AL1 3UU.

Person making Representation: Devon & Cornwall Police
Licensing Department, Launceston Police Station, Launceston, Cornwall

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: From: NORSWORTHY Mike 57895
Sent: 13 March 2023 14:13
To: Licensing EDDC
Subject: FW: Kilminster Cross Service Station application to Vary Licence

Team,

Please see the below email trail regarding an agreed position I have come to with the applicants for the above licence variation. Accordingly I would like to make a representation under the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives to have the additional conditions detailed added to the licence should the variation be granted.

Cheers

Mike
Mike NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

From: NORSWORTHY Mike 57895
Sent: 13 March 2023 14:10
To: Tina Vlahovic
Subject: RE: Kilminster Cross Service Station application to Vary Licence

Hi Tina,

I am happy with your alternative wording, East Devon District Council requires me to submit a representation regarding any mediated agreed position I come to with applicants during the consultation process.

I will do that today, if you also wish to send your agreement to them just as confirmation that is no problem.

Kind regards

Mike
Mike NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

From: Tina Vlahovic
Sent: 13 March 2023 12:49
To: NORSWORTHY Mike 57895
Cc: Robert Botkai
Subject: RE: Kilminster Cross Service Station application to Vary Licence

Good Afternoon Mike

Thank you for your email below.

Our client has a network of over 900 licensed premises. We are instructed to keep licence conditions as consistent as possible.

We are instructed to agree the following by way of additional conditions:

1.All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

Application No: 055338

Premises: Kilmington Cross Services
Gammons Hill (A35), Kilmington, AXMINSTER, Devon, EX13 7RB.

Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

2. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

Please confirm if this is agreeable. We will notify the licensing officer and will copy you in.

Kind Regards

Tina

Tina Vlahovic (She/Her)
Licensing Assistant

From: NORSWORTHY Mike 57895
Sent: 13 March 2023 11:35
To: Tina Vlahovic
Subject: Kilmington Cross Service Station application to Vary Licence

Dear Tina,

I am in receipt of your application for a Variation to the Premises licence at the above business. Having assessed the application, in order to further promote the Licensing Objectives, I would like to have the following amendments/additions made to the licence should it be granted. If you agree with the amendments/additions please reply to me as such, there is no requirement to contact the Local Authority to make any amendments to the application, when we have come to an agreed position, I will forward the agreement to the Local Authority who will make the necessary changes should the licence be granted.

You have applied to sell alcohol beyond midnight, as such I refer you to the East Devon District Councils statement of licensing Policy which states:-

"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."

In light of this, in addition to the conditions you have offered I would like the following conditions added to the licence should it be granted:-

UNDER THE PREVENTION OF CRIME AND DISORDER LICENSING OBJECTIVE:-

STAFF TRAINING

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

- The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be

Application No: 055338

Premises: Kilmington Cross Services
Gammons Hill (A35), Kilmington, AXMINSTER, Devon, EX13 7RB.

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.

INCIDENT LOG

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Any faults in the CCTV system
- vi. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE:-

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.

Kind regards

Mike
Mike NORSWORTHY
Alcohol Licensing Officer (Teignbridge and East Devon)

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Kilminster Parish Council
C/O Adrian Jenkins, Clerk to Kilminster Parish.

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Adrian Jenkins
Sent: 28 March 2023 13:14
To: Licensing EDDC
Subject: Premises Licence Variation Application reference No. 055338 - Kilminster Cross Services, Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB

Dear Licensing Team
East Devon District Council

Kilminster Parish Council wish to make the following representation in respect of the above premises licence variation application:-

Can you please acknowledge receipt of this email and representation.

Representation
055338 Variation Application for Premises Licence Kilminster Cross Services Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB]
Ward: Newbridges
Name of Applicant: Motor Fuel Limited
Premises Licence Variation Application to include
1. To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2. Provision of late-night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annexe 2.
4. To include in Annexe 2 the conditions in boxes b to e of Section 16 of the application.

Introduction

At a meeting of the Kilminster Parish Council on Monday 13th March it was resolved to object to the application 055338 extension of the licensing hours for the sale of alcohol and refreshments at Kilminster Cross Service Station.

Availability of alcohol in Kilminster at Present

The population of Kilminster is 830, with a profile of 43% aged 60 and over. There is already adequate provision for the sale of alcohol to the local community at the following premises:

- " The New Inn Public House
- " The Old Inn Public House
- " Londis convenience store, Kilminster Cross Service Station, existing licence 08:00 to 22:00 hrs.
- " Pit Stop Café at Kilminster Cross Service Station - alcohol within its restaurant.
- " Millers Farm Shop retail sales
- " Cranberries Luxury Hideaway
- " Kilminster Village Hall, alcohol sales during community events.

Therefore, there will be extremely little benefit to local residents for a new license to purchase alcohol between the hours of 22:00 and 05:00 in the morning.

Therefore, one assumes the target market must be:

- " A35 drivers passing through and their passengers,
- " Drivers and passengers from the extended area outside Kilminster, including Axminster, specifically driving to KCSS to make takeaway purchases.

Location of Kilminster Cross Services (KCSS)

The KCSS is in a rural village alongside a trunk road and has residential housing opposite and close by, including a neighbourhood plan development site for new housing for older people. School and church car parks are close by and have previously been used by late night drinkers and drug takers, beer cans and syringes left on the ground.

Prevention of crime and disorder / Prevention of public nuisance

Kilminster is fortunate to have minimal crime in recent years, with only isolated break-in incidents recently. However, at night, there is regularly antisocial behaviour from 'boy-racers' with noisy exhausts and screeching tyres. In the past they have occasionally used the school / church car parks to gather late at night, leaving beer cans and even some drug paraphernalia / syringes on the ground.

In the past KCSS operated from 06:00 to 22:00. The new owners now open 24hrs, this has not been received well by village residents as this has already resulted in:

- " increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt. At night background noise levels in Kilminster are low,
- " the bright forecourt lights disturbing neighbours and the local community, in an AONB area where we are trying to encourage a 'Dark Skies' programme. Kilminster has no street lights and bright all night security lights are discouraged.

If 24hr licenses are granted for refreshments and alcohol sales, it is likely to encourage 'the wrong kind of customers' from the surrounding area into the village throughout the night.

Application No: 055338

Premises: Kilminster Cross Services

Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Our research shows Axminster and Seaton have no 24hr alcohol off sales. Some customers will have been drinking previously at other venues, so their behaviour may not be entirely orderly. This will result in further increased noise, possible anti-social behaviour and increase the likelihood of drink driving and local crime.

Management of Customers

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

3.4 'noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.'

We appreciate that to be economically viable and safe, most overnight forecourts operate with a single staff member locked inside the shop, serving through a kiosk window. We question if it will be possible at night, across the large site car park, for staff to effectively differentiate between the consumption of non-alcoholic refreshment (licence permitted), and alcohol consumption on site (not license permitted). Also, could one member of staff effectively manage noise, disruption or safety issues outside on the forecourt.

Public nuisance, noise, light pollution and litter

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

16.1 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.

As the license terms state customers should only consume the alcohol off site, this may result in village amenities, village hall/school car park, local lanes, A35 laybys, etc. being used as gathering places for alcohol consumption, drugs etc. These areas are not staffed at night. We already have had incidents in the morning of food litter, alcohol cans and even drugs paraphernalia and needles being found in the school car park.

This short video taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023 demonstrates the noise problem of late night opening. And this is without a 24hr alcohol license. https://m.facebook.com/story.php?story_fbid=pfbid0SeTU9r7M9iNLL5X8YMc97ncLhKTAvaA3tQJZi2nwQmPNeYETmpyhuL24YeiytPvLI&id=1257125052

PLEASE NOTE - ADDITIONAL COMMENTS RECEIVED 29/03/2023 RELATING TO VIDEO CLIP - NOTES BELOW

From: Adrian Jenkins

Sent: 29 March 2023 19:58

To: Licensing EDDC

Subject: Re: Premises Licence Variation Application reference No. 055338 - Kilminster Cross Services, Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB

Dear Lesley

Thank you for your email confirming that the representation has been accepted.

Since your email at 16.41pm this afternoon we have been able obtain the facebook clip we mentioned in a different format as an ordinary video clip.

Please find attached the video clip. We would ask that you include this in the Committee report as it clearly demonstrates the noise issue that the residents living opposite have to endure at present at 02:00 AM in the morning and this is without a 24 hour alcohol license in place.

This short video was taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023. It needs to be viewed to the end in order to appreciate the number of cars with loud music playing and the lack of any action by the staff on duty at the garage to deal with this noise issue. We would say that this is not an isolated incident, it has happened several times since the garage started 24 hour service about 4 to 6 weeks ago.

Kind regards

Adrian

Adrian Jenkins

Clerk to Kilminster Parish Council

REP CONTINUES:

Promotion of public safety

As Devon and Cornwall Police inform us they are focusing on reducing drink driving, it would seem counter productive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near

Application No: 055338

Premises: Kilminster Cross Services

Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

misses go unreported. At night exiting a bright forecourt onto unlit roads will require significant care, particularly when tourist families are traveling during the busy holiday periods.

Kilminster Parish Council discussions with Motor Fuels Group (MFG)

Kilminster Parish Council (KPC) initiated a meeting with the regional management of MFG to discuss our concerns. KPC is keen to work with and promote local businesses which provide employment and local services to our community. MFG have agreed to reconsider implementing 24hr alcohol sales and have said they will ask a contractor to examine the forecourt lighting to seek to reduce the light pollution.

Action Requested

Kilminster Parish Council ask that Licensing will not grant a license extension to the existing hours, which cease the sale of Alcohol at 22.00.

Kilminster Parish Council ask that Licensing limit the sale of late-night refreshment to cease at midnight.

Thank you.

END 250323

Adrian Jenkins

Clerk to Kilminster Parish Council

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Peter Ball

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Peter Ball
Sent: 29 March 2023 14:25
To: Licensing EDDC
Subject: Representation 055338

Sirs,

Attached is my representation regarding the Licensing application 055338 Kilminster Cross Service Station.

Thank you
Peter Ball

Representation

055338 Variation Application for Premises Licence Kilminster Cross Services Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB]

Premises Licence Variation Application to include

1.To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.

2.Provision of late-night refreshment between the hours of 2300 and 0500 daily.

Action Requested

I ask that Licensing refuse to grant a license extension to existing hours, which cease the sale of alcohol at 22.00.

I ask that Licensing limit the sale of late-night refreshment to cease at midnight.

The new Government Anti-social Behaviour Action Plan, launched this week, 'sets out the importance of focusing on the needs of the victim and the local community':

" acts of anti-social behaviour are unacceptable.

" Local authorities will play an important role in tackling anti-social behaviour through prevention and enforcement using the range of powers and tools available to them.

Devon and Cornwall Police are now specifically focusing on reducing Anti-Social Behaviour, in addition to ongoing Drink Driving campaigns.

In view of the action above, it would seem totally counterproductive to extend the sale of alcohol to 24hrs, particularly alongside a trunk road in a small, quiet, rural village.

Prevention of crime and disorder / Prevention of public nuisance

There is already adequate provision for the sale of alcohol to the local small community at pubs, restaurants, and off-licenses. There will be extremely little benefit to local residents for a new license to purchase alcohol through the night 22:00 to 05:00 in the morning.

The extended licenses will target passing A35 drivers and their passengers and drivers and passengers specifically driving from outside Kilminster, including Axminster, to make takeaway purchases between 22.00 to 05.00.

Any increase in traffic during this quiet period will disturb residents in the housing located close to the services. Site staff will not be able to manage increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt.

Inevitably some customers will have been drinking elsewhere before visiting and this will increase the likelihood of anti-social behaviour and possibly crime. A single staff member locked behind a window will have no control over the offenders.

As alcohol must be consumed off the forecourt, school and church car parks close by could be used by late night revellers. These areas have previously been used by late night drinkers and drug takers, who have left beer cans and syringes on the ground. At night, there is regularly anti-social behaviour from 'boy-racers' with noisy exhausts and screeching tyres.

The forecourt open hours have recently been extended and all night bright flood lights already disturb neighbours, the local community and nature, in an AONB area with a 'Dark Skies' programme. Kilminster has no streetlights and bright all night security lights are discouraged.

Promotion of public safety

Devon and Cornwall Police inform us they are focusing on reducing anti-social behaviour and drink driving, therefore it would seem counterproductive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five-year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near misses go unreported.

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Requested EDDC Action

I hope that East Devon District Council will understand my concerns and use the Licensing powers they have been granted as a tool to support the new Government Anti-Social Behaviour Action Plan. I believe if EDDC refuse to extend these licenses, this will prevent an increase in anti-social behaviour which, if alcohol was made available for 24hrs at this site, would be almost inevitable.

Thank you,
Signed,
Peter Ball



Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Nicola Bayley

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance, Children from Harm

Details:
From: Nicky Bayley
Sent: 29 March 2023 09:59
To: Licensing EDDC
Subject: A representation concerning Kilminster Cross Services ref:055338

I am writing to make a representation voicing my concerns regarding the application for a 24-hour alcohol licence being made by Kilminster Cross Services .
Although sitting alongside the A35, the Services is situated in a quiet rural area with the only potential customers able to realistically access it on foot being the residents of Kilminster. As we currently have Millers Farm Shop, Cranberries Resort & two Public Houses where we can purchase alcohol, plus a Co-op & late opening Tesco in Axminster, I cannot see the need for us to have a 24-hour off licence too. The Village has many elderly residents & young families, none of whom I can imagine taking advantage of being able to purchase alcohol late at night or in the early hours of the morning.
Any other prospective customers would have to reach the premises using a form of transport, which would suggest the potential for incidents of drinking & driving.
While it is understandable the Services wishes to provide food/beverages as well as fuel to drivers using the A35, I question the relevance of them also being able to buy alcohol at 3am???

Addressing each of the points for consideration separately my concerns are as follows...

1: Prevention of crime & disorder:

The residents of Kilminster are already victims of crime & antisocial behaviour. There is a certain demograph of society in the surrounding area who have a tendency to race their cars along the A35 & it is common knowledge that the Village Hall car park is regularly used as a meeting point for cars whose occupants are engaging in late night drug deals. I believe the 24-hour availability of alcohol from the Services will be a further draw to these people as it will be the only place trading throughout the night for many miles.
The Services state on their licence application that CCTV will be monitoring the premises inside & out to ensure the over 25 policy is adopted for alcohol sales & that no alcohol is consumed on the premises, but I question how easily these two points will be upheld with potentially only one member of staff of being on duty??
Also, if the purchasers of alcohol are not able to consume it on the premises, my concern is that they will go to another nearby location such as one of the Village car parks, the recreational ground, common or nearby quiet lanes / laybys to do this.

2: Public safety:

If crime or anti-social behaviour are taking place, this could put the safety of both the Services staff and other customers at risk, plus residents of Kilminster & other road users.

3: Prevention of public nuisance:

Although the Services state they will have bins both inside & outside, I very doubt much they will be used by all of the late-night customers, especially as they are not permitted to drink alcohol on the premises. Littering on our roadsides is sadly becoming more prevalent, the majority of which is cans, bottles & food wrappers & other detritus thrown from car windows. There are regular litter picks undertaken by residents of the Village to keep our nearby roads clean, but I'm certain littering will become more prevalent now the Services are open for 24-hours a day.
As stated before, I believe the Services will become a meeting point for certain groups of people from the surrounding area resulting in an increase in noise pollution from a general increase in traffic, plus revving car engines, slamming doors, loud music & shouting, plus continual light disturbance, in what is usually a dark & quiet residential area. This will be particularly invasive & distressing for those residents whose homes are directly opposite / in the immediate vicinity of the Services.

4: Protection of kids from harm

While it is presumed all children would be safely at home & in bed late at night, there is still a risk to children who may be travelling in a car at this time, either at the Services itself or on a nearby road, especially if there is an increase in drink driving / dangerous driving. Therefore, there is a potential risk of them becoming victims of a drink driving incident or some other form of irresponsible behaviour.
On this point I would like to add that it is not just children who need protecting from harm, but ALL people, irrespective of their age!

For the reasons I have stated above & as a resident of Kilminster Village, I fully object to Kilminster Cross Services being granted either a 24-hour alcohol licence or an extended hot food licence.
The Government has recently announced a crackdown on the anti -social behaviour that is sadly becoming more prevalent in our everyday lives. If these licenses are granted I truly believe they will encourage this behaviour rather than discourage it.

Whilst typing this email I've had brought to my attention a post on our Village Facebook group Kilminster Now [REDACTED], whose home [REDACTED] Kilminster Cross Services. It is a video taken at 2am showing cars on the forecourt with their engines revving & the occupants playing loud music & shouting, which shows why I am against the granting of a 24-hour alcohol licence.

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

If this is happening before it is granted, it will only become worse if it does!!!!

Yours sincerely

Nicola Bayley
(signed)

29th March 2023



Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Sian Plant

Representation Accepted: Representation has been accepted

Reason: Crime & Disorder, Public Safety, Public Nuisance

Details:
From: Sian Plant
Sent: 28 March 2023 12:18
To: Licensing EDDC
Subject: 055338 Variation Application for Premises Licence Kilminster Cross Services

I wish to support the objections raised by Kilminster Parish Council to the application for a licence to extend the times in which they can sell alcohol and foods and in particular the request for a 24 hour alcohol licence made by Kilminster Cross Service Station.

I agree with all the points made in the attached document. Not only would this be of no benefit to the local community it is likely to be highly detrimental to it. The granting of such a licence would be entirely against the Government's stated object of reducing anti-social crime.

I trust the interests of the community will prevail against commercial greed.

Sian Plant

Representation
055338 Variation Application for Premises Licence Kilminster Cross Services Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB]
Ward: Newbridges
Name of Applicant: Motor Fuel Limited
Premises Licence Variation Application to include
1.To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2.Provision of late-night refreshment between the hours of 2300 and 0500 daily.
3.To remove the conditions listed under Annexe 2.
4.To include in Annexe 2 the conditions in boxes b to e of Section 16 of the application.

Introduction

At a meeting of the Kilminster Parish Council on Monday 13th March it was resolved to object to the application 055338 extension of the licensing hours for the sale of alcohol and refreshments at Kilminster Cross Service Station.

Availability of alcohol in Kilminster at Present

The population of Kilminster is 830, with a profile of 43% aged 60 and over. There is already adequate provision for the sale of alcohol to the local community at the following premises:

- " The New Inn Public House
- " The Old Inn Public House
- " Londis convenience store, Kilminster Cross Service Station, existing licence 08:00 to 22:00 hrs.
- " Pit Stop Café at Kilminster Cross Service Station - alcohol within its restaurant.
- " Millers Farm Shop retail sales
- " Cranberries Luxury Hideaway
- " Kilminster Village Hall, alcohol sales during community events.

Therefore, there will be extremely little benefit to local residents for a new license to purchase alcohol between the hours of 22:00 and 05:00 in the morning.

Therefore, one assumes the target market must be:

- " A35 drivers passing through and their passengers,
- " Drivers and passengers from the extended area outside Kilminster, including Axminster, specifically driving to KCSS to make takeaway purchases.

Location of Kilminster Cross Services (KCSS)

The KCSS is in a rural village alongside a trunk road and has residential housing opposite and close by, including a neighbourhood plan development site for new housing for older people.

School and church car parks are close by and have previously been used by late night drinkers and drug takers, beer cans and syringes left on the ground.

See Supporting Plan giving location details at end of Sian Plants representation.

Prevention of crime and disorder / Prevention of public nuisance

Kilminster is fortunate to have minimal crime in recent years, with only isolated break-in incidents recently. However, at night, there is regularly antisocial behaviour from 'boy-racers' with noisy exhausts and screeching tyres. In the past they have occasionally used the school / church car parks to gather late at night, leaving beer cans and even some drug paraphernalia / syringes on the ground.

Application No: 055338

Premises: Kilminster Cross Services

Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

In the past KCSS operated from 06:00 to 22:00. The new owners now open 24hrs, this has not been received well by village residents as this has already resulted in:

" increased nuisance overnight from customers, vehicle engines and exhausts, doors slamming, loud in car stereos particularly when vehicle doors are left open on the forecourt. At night background noise levels in Kilminster are low,

" the bright forecourt lights disturbing neighbours and the local community, in an AONB area where we are trying to encourage a 'Dark Skies' programme. Kilminster has no street lights and bright all night security lights are discouraged.

If 24hr licenses are granted for refreshments and alcohol sales, it is likely to encourage 'the wrong kind of customers' from the surrounding area into the village throughout the night. Our research shows Axminster and Seaton have no 24hr alcohol off sales. Some customers will have been drinking previously at other venues, so their behaviour may not be entirely orderly. This will result in further increased noise, possible anti-social behaviour and increase the likelihood of drink driving and local crime.

Management of Customers

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

3.4 'noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.' We appreciate that to be economically viable and safe, most overnight forecourts operate with a single staff member locked inside the shop, serving through a kiosk window. We question if it will be possible at night, across the large site car park, for staff to effectively differentiate between the consumption of non-alcoholic refreshment (licence permitted), and alcohol consumption on site (not license permitted). Also, could one member of staff effectively manage noise, disruption or safety issues outside on the forecourt.

Public nuisance, noise, light pollution and litter

The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises:

16.1 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.

As the license terms state customers should only consume the alcohol off site, this may result in village amenities, village hall/school car park, local lanes, A35 laybys, etc. being used as gathering places for alcohol consumption, drugs etc. These areas are not staffed at night. We already have had incidents in the morning of food litter, alcohol cans and even drugs paraphernalia and needles being found in the school car park.

This short video taken at 02:00 am (church clock can be heard 1:15 in background) on Tuesday 28th March 2023 demonstrates the noise problem of late night opening. And this is without a 24hr alcohol license. https://m.facebook.com/story.php?story_fbid=pfbid0SeTU9r7M9iNLL5X8YMc97ncLhKTAvaA3tQJZi2nwQmPNerYETmpyhuL24YeytPvLI&id=1257125052

- PLEASE NOTE - THIS VIDEO IS THE SAME AS SUPPLIED BY THE PARISH COUNCIL

Promotion of public safety

As Devon and Cornwall Police inform us they are focusing on reducing drink driving, it would seem counter productive to offer 24hr alcohol sales alongside this trunk road; particularly as there are very few potential customers within walking distance, therefore most will be driving to the shop.

The A35 through Kilminster has a speed limit of 50 mph. Highways England accident reports show that in the village for the five year period 2015 to 2019, there were accidents involving 65 vehicles resulting in 3 fatalities, 52 casualties, 7 serious and 19 slight injuries. The many more non-serious accidents and near misses go unreported. At night exiting a bright forecourt onto unlit roads will require significant care, particularly when tourist families are traveling during the busy holiday periods.

Kilminster Parish Council discussions with Motor Fuels Group (MFG)

Kilminster Parish Council (KPC) initiated a meeting with the regional management of MFG to discuss our concerns. KPC is keen to work with and promote local businesses which provide employment and local services to our community. MFG have agreed to reconsider implementing 24hr alcohol sales and have said they will ask a contractor to examine the forecourt lighting to seek to reduce the light pollution.

Action Requested

Kilminster Parish Council ask that Licensing will not grant a license extension to the existing hours, which cease the sale of Alcohol at 22.00.

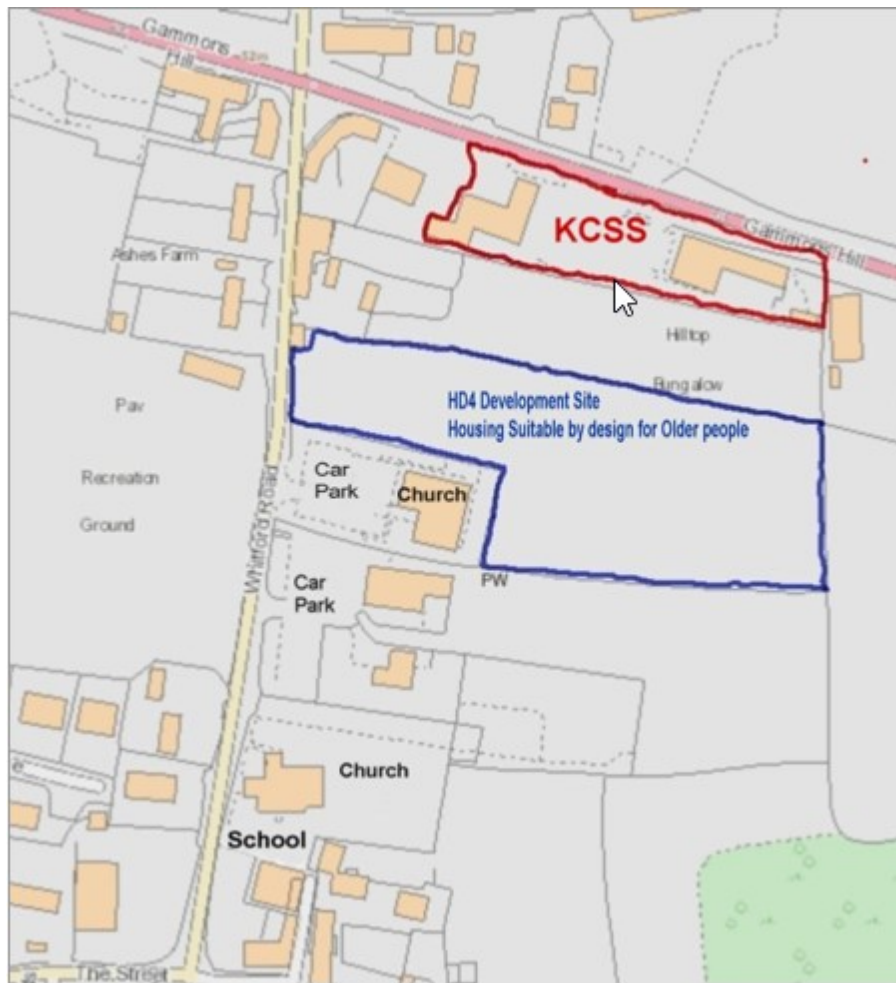
Kilminster Parish Council ask that Licensing limit the sale of late-night refreshment to cease at midnight.

Thank you.

END 250323

Evidence:

Suggestion:



Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: David Simpson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:
From: David Simpson
Sent: 23 March 2023 18:31
To: Licensing EDDC
Subject: Licensing Application No 055338

We wish to object to the variation in the licensing application to 24 Hours at Kilminster Cross Services Station on the A35. We have lived here for almost 9 years.

We live [REDACTED] the filling station and would be [REDACTED] effected by the granting of this application. It is likely to cause considerable nuisance to ourselves at an unsociable time during night hours. Recent house building close to the junction means that the cross roads is now a significant residential area. Increasing the commercial business and their hours of operation, particularly the sale of alcohol is not at all appropriate. We have [REDACTED] there are a number of young children in the surrounding housing.

Currently, after 10.00 at night there are no street or business lights, this allows ourselves and the children to sleep relatively uninterrupted despite some traffic on the A35 road close by. We appreciate the dark skies policy that the parish council has for the village.

We already have the experience at weekends and during the week of joy-riding in the streets and unnecessary revving of vehicles outside the house and along the A35. This application if successful is most likely to exacerbate that problem. The opportunity of purchasing alcohol during night hours would be even more attractive for those, generally younger people who are bored and have no alternative out-of-hours activity, in the nearby town of Axminster.

David and Judith Simpson
[REDACTED]

Evidence:

Suggestion:

Application No: 055338

Premises: Kilminster Cross Services
Gammons Hill (A35), Kilminster, AXMINSTER, Devon, EX13 7RB.

Person making Representation: Judith Simpson

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: From: David Simpson
Sent: 23 March 2023 18:31
To: Licensing EDDC
Subject: Licensing Application No 055338

We wish to object to the variation in the licensing application to 24 Hours at Kilminster Cross Services Station on the A35. We have lived here for almost 9 years.

We live [REDACTED] the filling station and would be [REDACTED] effected by the granting of this application. It is likely to cause considerable nuisance to ourselves at an unsociable time during night hours. Recent house building close to the junction means that the cross roads is now a significant residential area. Increasing the commercial business and their hours of operation, particularly the sale of alcohol is not at all appropriate. We have [REDACTED] there are a number of young children in the surrounding housing.

Currently, after 10.00 at night there are no street or business lights, this allows ourselves and the children to sleep relatively uninterrupted despite some traffic on the A35 road close by. We appreciate the dark skies policy that the parish council has for the village.

We already have the experience at weekends and during the week of joy-riding in the streets and unnecessary revving of vehicles outside the house and along the A35. This application if successful is most likely to exacerbate that problem. The opportunity of purchasing alcohol during night hours would be even more attractive for those, generally younger people who are bored and have no alternative out-of-hours activity, in the nearby town of Axminster.

David and Judith Simpson
[REDACTED]

Evidence:

Suggestion:

APPENDIX E

Kilmington Cross Services – Responses to Notice of Hearing

Applicant

Motor Fuel Limited	Response to 24/04 hearing	Response to 21/06 hearing
Hearing Unnecessary	-	No response received at time of writing report
Attending	No - requested change of date	
Supporting documents	-	
Summary of key points	-	

Other Persons

1.	Mr Peter Ball	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No
	Attending	Yes and also representing Kilmington Parish Council as Chair.	Yes (states attending to represent views of Kilmington residents)
	Supporting documents	None	Minutes of Parish Council meeting (relevant sections attached to this appendix)
	Summary of key points	Prevention of Crime and Disorder Extending licensing hours is likely to increase the likeliness of crime and disorder. Research indicates alcohol is a fact in 392 of violent crimes in England and contributes to public disorder and anti-social behaviour.	Already submitted

	<p>A 24hr off sales will attract drivers from a wide area to buy alcohol through the night. It will increase consumption in village car parks and recreation areas.</p> <p>Public Safety One member of staff in a locked shop, serving through a window cannot manage customers in the immediate vicinity of an 80 long forecourt.</p> <p>Prevention of Public Nuisance 24hr alcohol sales will attract customers from a wide area, the noise of car doors slamming, shouting, car stereos, sports exhausts will create a public nuisance throughout the night and early hours of the morning. It is likely to increase the use of the village car park at the school/church for alcohol consumption creating noise and rubbish in the residential area.</p> <p>Protection of Children from Harm Children use the village car parks where rubbish and drugs rubbish are left at night.</p>	
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2.	Ms Nicola Bayley	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	Yes	No response received at time of writing report
	Attending	No Will be represented by Peter Ball	
	Supporting documents	None	
	Summary of key points	<p>Prevention of Crime and Disorder As the garage is only accessible on foot by residents of Kilmington, I fear other customers who want to purchase alcohol in the early hours may drink and drive. Local youths who drive their cars fast along the A35 will be</p>	

	<p>further encouraged to hang out at the garage along with the local dealer/users, increasing the likelihood of crime & disorder taking place in/around Kilmington. How easy will only one late night staff member control trouble?</p> <p>Public Safety If crime or antisocial behaviour are taking place at the garage this could put the safety of both their staff and other customers at risk. If it's taking place in the village, this potentially puts residents at risk. Drink driving/reckless driving obviously puts both other road users and pedestrians at risk.</p> <p>Prevention of Public Nuisance Despite the garage stating refuse bins will be available on-site, I foresee an increase in littering, especially as the drinking of purchased alcohol is not permitted on the site. I believe the garage will become a late night meeting point for local young people resulting in an increase in traffic, plus revving car engines, slamming doors, loud music and shouting. There will also be an increase in light pollution.</p> <p>Protection of Children from Harm There is a risk to the safety of children if they are travelling in a car in the vicinity of either drink or reckless driving.</p>	
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3.	Ms Sian Plant	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No response received at time of writing report
	Attending	No	

Supporting documents	-	
Summary of key points	-	

4.	Mr David Simpson	Response to 24/04 hearing	Response to 21/06 hearing
Hearing Unnecessary		Not received	No response received at time of writing report
Attending		Not received	
Supporting documents		Not received	
Summary of key points		Not received	

5.	Mrs Judith Simpson	Response to 24/04 hearing (Key points attached to Nicola Bayley's response, no other information received)	Response to 21/06 hearing
Hearing Unnecessary		-	No response received at time of writing report
Attending		-	
Supporting documents		-	
Summary of key points		<p>Prevention of Crime and Disorder Opportunity to sell alcohol throughout the night sounds to me an invitation and opportunity for increased levels of drink driving and drunken anti-social behaviours in the forecourt and surrounding residential area.</p> <p>Public Safety Anything that increases the likelihood of people drinking and driving to and from the filling station very obviously increases the risks to all members of the public including nearby residents whatever the time of day or night.</p> <p>Prevention of Public Nuisance There is already increased public nuisance on the forecourt lighting throughout the night. There is also</p>	

	<p>ongoing nuisance/noise from drivers who rev their engines unnecessarily and sound their horns at totally unacceptable hours. 24hr availability of alcohol will exacerbate the problem!</p> <p>Protection of Children from Harm Our 2 young grandchildren sleep in rooms backing onto the filling station – increased levels of noise/light and nuisance will lend to disturbed sleep, when prolonged is a very real harm.</p>	
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6.	Kilminster Parish Council, C/O Adrian Jenkins (Clerk to Parish Council)	Response to 24/04 hearing	Response to 21/06 hearing
	Hearing Unnecessary	No	No
	Attending	Yes Represented by Peter Ball (Chair of Kilminster PC) As chair of Kilminster Parish Council, (Mr) Councillor Ball is aware of the views of residents in the village, existing anti-social behaviours and has met with managers of Motor Fuel Ltd. He will represent Kilminster Parish Council and the residents who have complained to the Parish Council.	Yes – Chair Peter Ball will attend
	Supporting documents	Yes –additional images and text – see text/images below Summary of Key Points on the next page.	
	Summary of key points	<p>Prevention of Crime and Disorder Extending hours of alcohol sales is likely to attract customers who have been drinking elsewhere. Research states that alcohol is a factor in around 392 of</p>	

	<p>violent crimes in England, as well as contributing to public disorder and anti-social behaviour. The premises is located on a trunk road which, arguably, may encourage drink driving in late night visitors.</p> <p>Public Safety One member of staff in a locked shop serving through a window cannot manage customers on a very large 80m forecourt. (East Devon Licensing Act 2003 Statement of Licensing policy 3.4)</p> <p>Prevention of Public Nuisance At night background noise is low and the village is dark. Extension will increase nuisance from customers, vehicle engines and exhausts, doors slamming, loud in-car stereo's when doors are left open. Customers will visit from a wide area and will use village amenities to gather and consume purchases. This will result in anti-social behaviour at a time when the national policy is to reduce problems. Forecourt lights defeat "Dark Skies"</p> <p>Protection of Children from Harm When customers use the school/village hall car park to gather and consume alcohol and refreshments they frequently leave litter and occasionally drugs paraphernalia and needles on the ground. Parents remove this to protect children attending morning school.</p>	
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Supporting Document from Kilmington Parish Council

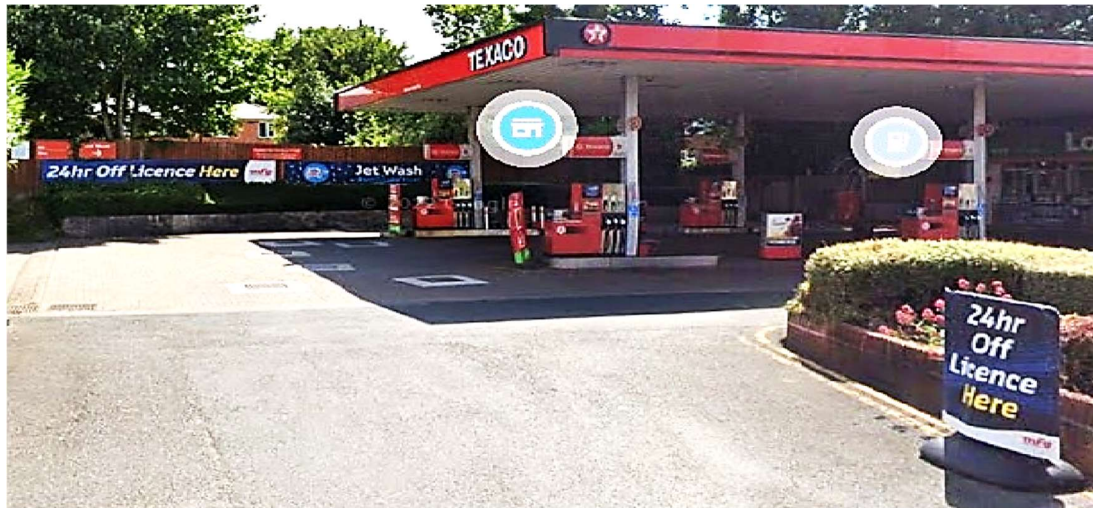
055338 Variation Application for Premises Licence Kilmington Cross Services

Can one staff member locked in the shop, serving through a window, manage customers at night on a forecourt 80m long to: *‘ensure that customer behaviour does not cause offence or undermine the licensing objectives’?*

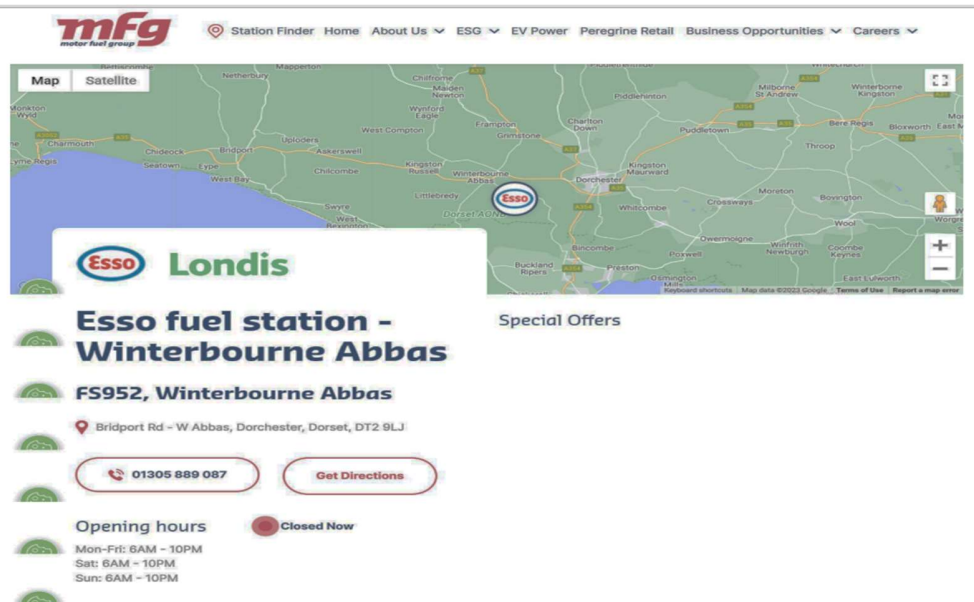
The East Devon LICENSING ACT 2003 STATEMENT OF LICENSING POLICY recognises: 3.4 *‘noise, nuisance and anti-social behaviour for nearby residents, businesses and passers-by, especially late at night when background noise levels are low. The authority will expect applicants and licence holders to have particular regard to the management of customers in the immediate vicinity of their premises to ensure that their behaviour does not cause offence or undermine the licensing objectives.’*



24hr Alcohol Sales are heavily promoted by MFG with banners and a large area of instore display. Alcohol is not ‘just another’ grocery line.



Below: The MFG station on the A35 at Winterbourne Abbas closes at 22.00.



**Minutes of the Parish Council Meeting 13/03/23 at which the Kilmington Cross Services application was discussed.
Relevant sections provided here:**

A number of residents spoke about Item 10 on the agenda (the Licensing Variation application for Kilmington Cross Services, Gammons Hill (A35), Kilmington,) and their objections to this application being granted.

They expressed their concerns about the Public Safety, the Public nuisance including the noise and light issues, possible and Crime and Disorder issues from the 24 hour sale of alcohol. The recently introduced 24 hour opening hours had already created public nuisance issues.

Councillors discussed this matter at length taking into account the representations made by residents in the Open session. Cllr. Seward proposed that the Parish Council object to the Licence variation on the grounds of Public Safety, Prevention of Public nuisance, Prevention of Crime and Disorder, seconded by Cllr. Collier, all in favour. The Clerk and Chair to submit a detailed representation of the objections to EDDC licensing.

EXISTING CONDITIONS (ANNEXE 2) – TO BE REMOVED

1. All staff will be trained in licensing matters and emergency procedures.
2. The Premises Supervisor will maintain close control over alcohol related activity.
3. CCTV will be installed operated and maintained to the satisfaction of the Police and Local Authority.
4. CCTV recordings will be retained for one month.
5. The CCTV equipment will be checked on a regular basis.
6. If the CCTV equipment is inoperative the Police and the Local Authority will be informed as soon as possible and immediate steps to be taken to restore the equipment to full working order.
7. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
8. A proof of age policy to the satisfaction of Police and Local Authority will be enforced.
9. An anti drug policy, agreed by the Police and local authority, will be in force.
10. The electrical system, including portable appliances will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is registered with the ECA or NICEIC.
11. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
12. The Forecourt safety signs will be prominently displayed.
13. All safety certificates are kept on site and can be made available for inspection.
14. A supply of first aid equipment and materials will be available for the use of patrons based on a risk assessment carried out by the licensee.
15. Telephone access to the emergency services will be maintained.
16. Gangways, exit routes and steps will be maintained in good order.
17. Safety glass will be used in all windows.
18. Waste bins will be provided for the use of customers.
19. Delivery of goods will be limited to the normal working day.
20. Use of outdoor lighting (other than security lights outside the store) will cease at 11:00 pm.

PROPOSED NEW CONDITIONS

PREVENTION OF CRIME & DISORDER

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

PUBLIC SAFETY

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

PREVENTION OF PUBLIC NUISANCE

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

PROTECTION OF CHILDREN FROM HARM

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.
2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

ADDITIONAL CONDITIONS AGREED BETWEEN THE APPLICANT & POLICE

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

Induction training must be completed and documented prior to the sale of alcohol by the staff member.

Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

2. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

The book/register shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

Report to: Licensing and Enforcement Sub Committee

Date of Meeting 21 June 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



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

Report summary:

The report summarises an application for the grant 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 grant of a premises licence to allow Live music (indoors and outdoors).

Recorded music (indoors and outdoors).

The sale of alcohol for consumption ON and OFF the premises.

At Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA.

Reason for recommendation:

To comply with statutory processes.

Officer: Licensing Officer Phillippa Norsworthy, PNorsworthy@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☒ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

[licensing-act-policy-2021-to-2026.pdf \(eastdevon.gov.uk\)](#)

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)

APPENDIX A – Licensing application

APPENDIX B – Plan of premises

APPENDIX C – Location plan & photo

APPENDIX D – Representations received

APPENDIX E – Responses to Notice of Hearing

APPENDIX F – Operating Schedule

APPENDIX G – Conditions agreed between applicant and Police

(Amend and add as required)

Link to [Council Plan](#)

Priorities (check which apply)

☐ Better homes and communities for all

☐ A greener East Devon

☒ A resilient economy

1 Description of Application

1.1 An application has been received from Budleigh Salterton Cricket Club, The Holt, East Budleigh Road, Budleigh Salterton, EX9 7BA for the grant of a premises licence.

1.2 The application is provided at **APPENDIX A**.

1.3 The proposed timings and licensable activities applied for are as follows:

Sale of alcohol : Sunday to Thursday 10.00 to 23.00.
 Friday and Saturday 10.00 to 00.00.

Live music Friday 18.00 to 00.00.
 Saturday 10.00 to 00.00.

Recorded music Friday 18.00 to 00.00
 Saturday 10.00 to 00.00.

Opening hours: Sunday to Thursday 10.00 to 23.00.
 Friday and Saturday 10.00 to 00.00.

1.4 The application seeks to licence the new cricket club house, which is currently under construction. The proposed licensed area incorporates the ground floor and first floor bar areas of the club house. The building is located in Janey's field after relocating from Ottermouth in Budleigh Salterton.

- 1.5 A plan of the premises along with a plan to show the layout of the building is provided at **APPENDIX B**
- 1.6 A location plan of the area incorporating the surrounding area is provided at **APPENDIX C**

2 Statutory Bodies' Response

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

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from local residents. Details of their 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 are attached at **APPENDIX F**.
- 4.2 At the time of writing the report, the applicant has not engaged in any mediation with local residents as far as the Licensing Authority are aware.

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:

Prevention of Public Nuisance

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive 10 | Revised Guidance issued under section 182 of the Licensing Act 2003 period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave. Measures

to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

5.11 Conditions.

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

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

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

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

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

6. Observations

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

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

- ☐ Regulated entertainment - indoors and outdoors. (Friday and Saturdays only.)
- ☐ Sale of alcohol for consumption ON and OFF the premises.

6.3 The applicant has come to an agreed position with the police and has agreed to the following:

To reduce the terminal hour for the sale of alcohol from 23.00 on Sunday to Thursday to 22.30. To reduce the terminal hour for the sale of alcohol on Friday and Saturday from 00.00 to 23.30.

To uphold the licensing objective of The Protection of Children from Harm by way of adding a condition to provide and maintain a refusals register.

Full details of the agreed position with the police can be found at **Appendix G**.

- 6.4 A total of TWENTY representations were received from local residents. The main concerns from the representations related to possible noise disturbance from the regulated entertainment and potential anti-social behaviour from persons leaving the premises at 00.00 after consuming alcohol.
- 6.5 Although no response to the notice of hearing has been received from a number of the outstanding objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 6.6 At the time of writing this report, FOUR objectors have responded to the notice of hearing indicating that they wish to attend the hearing to address the committee. Those who have responded and cannot attend have nominated others to represent them. Details of the response to notice of hearing and additional comments in support of the representations are attached at **APPENDIX E**.
- 6.7 At the time of writing this report, the Notice of Hearing from the applicant has not yet been received, however the applicant or a representative from Budleigh Cricket Club will be in attendance.
- 6.8 Jack England is nominated as the Designated Premises Supervisor. Mr England holds a Personal Licence, issued by East Devon District Council in May 2021.
- 6.9 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

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

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

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one’s possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.
- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

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

8. Review Provisions

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

9. Police Closure

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

10. Surveillance Camera Code of Guidance-June 2013

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

Guiding principle one states:

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

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

Financial implications:

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

Legal implications:

Legal implications are included within the report.



East Devon
Application for a premises licence
Licensing Act 2003

For help contact
licensing@eastdevon.gov.uk
 Telephone: 01404 515616

* required information

Section 1 of 21

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Budleigh Salterton Cricket Club	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? <input checked="" type="radio"/> Yes <input type="radio"/> 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	Emma	
* Family name	Cooling	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number		
<input type="checkbox"/> 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.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	07481069	
Business name	Budleigh Salterton Cricket Club Ltd	If the applicant's business is registered, use its registered name.
VAT number	- 403678692	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* 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 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="Budleigh Salterton Cricket Club"/>
Street	<input type="text" value="East Budleigh Road"/>
District	<input type="text" value="Budleigh Salterton"/>
City or town	<input type="text" value="Budleigh Salterton"/>
County or administrative area	<input type="text" value="Devon"/>
Postcode	<input type="text" value="EX9 7BA"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The premises is a cricket club currently under construction (due for completion at the end of September 2023). The bar is currently operating sporadically under TENs in a marquee which is in place in front of the clubhouse, between the two cricket pitches. In June the bar will move into a ground floor room that opens out onto and is accessible from, a patio area between the two pitches. This will be the club's permanent downstairs bar. The main clubhouse bar will not open until much later in the year. This main bar area will be on the first floor, designed so that spectators can watch matches on both

Continued from previous page...

pitches and enjoy panoramic views from an upstairs balcony. In the longer term this first floor area will be hired out to ensure income for the club, the ground floor bar will be predominantly used by parents of juniors and the players themselves.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

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

WEDNESDAY

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

THURSDAY

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

FRIDAY

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

SATURDAY

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

SUNDAY

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

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

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

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

Live music will be very occasional, ie during a Saturday in the summer we might hold a fundraising event with a band or have a small ensemble play at a club event, eg a sponsors day. Occasionally this music will be amplified.

State any seasonal variations for the performance of live music

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

Any outside music would only be in the summer months.

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

Continued from previous page...

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

We may hold a new years eve party for members which would require a later finish time for music, 1am.

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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

☐ Indoors ☐ Outdoors ☒ Both

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

Continued from previous page...

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

The times given are to allow flexibility and are not an indication that the playing of music is to be a regular occurrence. Very occasionally recorded music may be played outside on a domestic speaker to add atmosphere at a fundraising event. Recorded music will occasionally be played indoors, with amplification, for a party or event.

State any seasonal variations for playing recorded music

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

Recorded music would only be played outside during the summer months.

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

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

The club may hold a new years eve party and on this occasion we would wish to play recorded music until 1am.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

The times given are to allow flexibility and are not an indication that the bar will be open from 10am until late. We are a family friendly club and will need the bar to be open during matches and training sessions the times of which vary, hence the need for a broad time frame within which to operate. The midnight finish is to allow for club socials and private functions.

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

Continued from previous page...

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

The club may hold a new years eve party for members and on this occasion would like to be able to sell alcohol until 1am,

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

Name

First name

Family name

Date of birth / /

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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

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

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

The club is not intending to be open from 10am until late every day, infact it will rarely open for this duration on any one day, but a broad time frame is needed to give us the flexibility to open up as and when matches, training nights and fundraisers or functions occur.

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

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

New Years eve - we may wish to hold a party for members etc and would wish to open until 1am.

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

The Executive Committee will be responsible for ensuring compliance with the Licensing Act.

Executive Committee members will be present at all BSCC social occasions.

The Club will have a designated security liaison member on the Executive Committee who will have regular contact with the Police and Licensing Authority if required.

b) The prevention of crime and disorder

A bar manager will be appointed for the club and a team of responsible members, over 18, will be appointed and trained to run the bar.

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 certificate issued under the Licensing Act 2003 and conditions attached to the licence.

iii. How to complete and maintain a refusal register which will be in operation at the premises (in relation to the sale of alcohol).

vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Recognising the signs of drunkenness.

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.

Incident log

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details.

Any incidents of disorder or of a violent or anti-social nature.

Continued from previous page...

All crimes reported to the venue, or by the venue to the police.

All ejections of patrons.

Any complaints received.

Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

c) Public safety

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

d) The prevention of public nuisance

Recorded music inside and outside the premises to be controlled by a noise limiter set to the satisfaction of an Environmental Health Officer.

After 11pm noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents although the club does not anticipate noise levels to have a negative impact at any time given the nature of the its business and the fact that the bar area is a considerable distance from residential properties. Customers will be advised of the need to respect any local residents where appropriate and to leave the premises quietly with consideration for others.

All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

e) The protection of children from harm

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. Staff/volunteers working at the premises will ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

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 21 of 21

PAYMENT DETAILS

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

Non domestic Rateable Value Band A No rateable value to £4,300 - Fee £100 B £4,301 to £33,000 - Fee £190 C £33,001 to £87,000 - Fee £315 D £87,001 to £125,000 - Fee £450 E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol - Band D - £ 900 Band E - £1905 Events of 5,000 or more people incur additional fees. Please see our website for details.

* Fee amount (£)

315.00

DECLARATION

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ 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

Emma Cooling

* Capacity

Executive Committee member

* Date

21

/

04

/

2023

dd

mm

yyyy

Add another signatory

Continued from previous page...

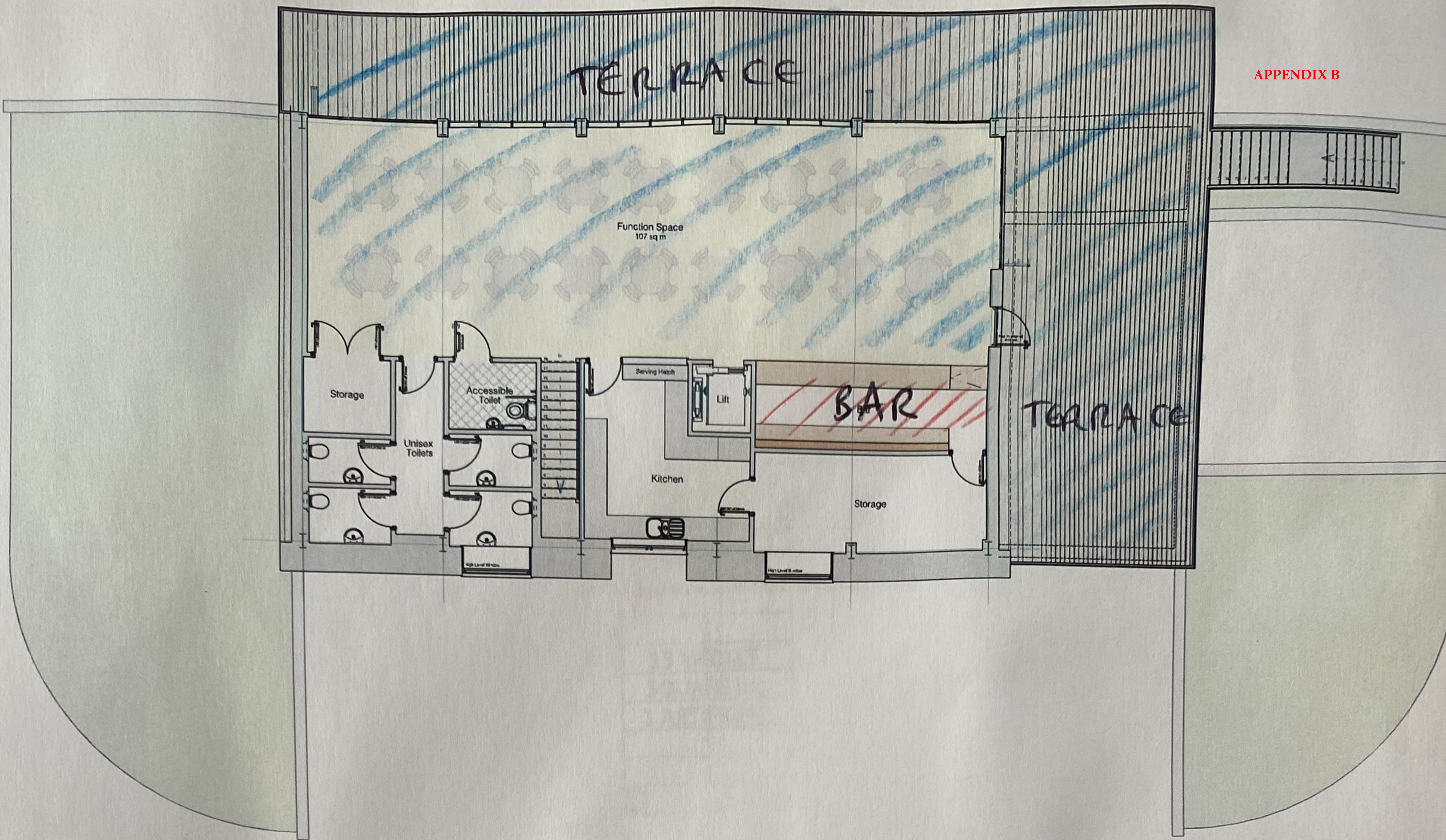
- Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Budleigh Salterton Cricket Club"/>
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"/>



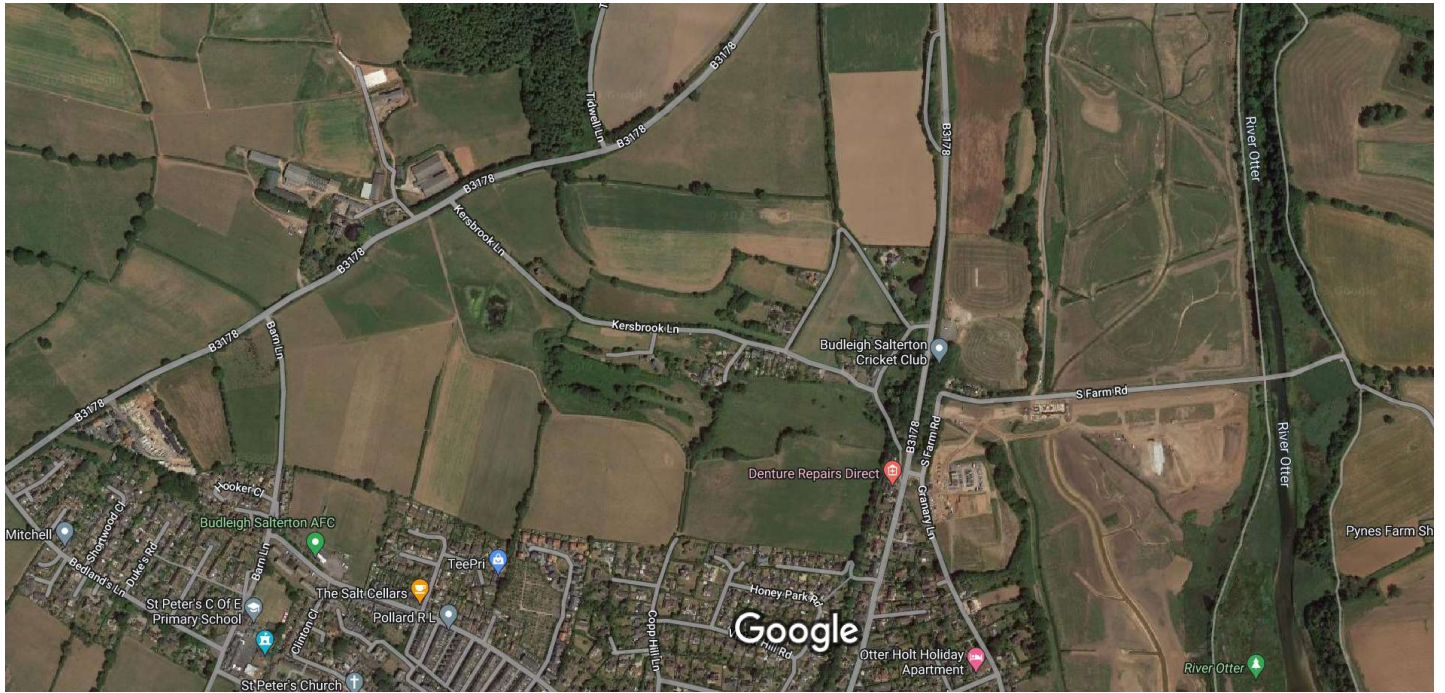
First Floor Plan 1:100
Main Building Area = 190 sqm



Ground Floor Plan 1:50
Main Building Area = 190 sqm
External Store Area = 51 sqm

/// Areas where alcohol is to be sold

/// Areas where alcohol is to be consumed.



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REPRESENTATIONS LIST

APPENDIX D

Application No: 055718

Application Date: 5 May 2023

Licence Type: Premises Licence WITH Alcohol

Licence No: N/A

Application Type: New Application

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Applicant: Budleigh Salterton Cricket Club Ltd
NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, EX10 0LL.

Person making Representation: Devon & Cornwall Police

Representation Accepted: Representation has been accepted

Reason: Agreed Position

Details: Team,

Please see the below email trail detailing an agreed position I have come to with the applicants for the above New Premises Licence, in light of this I would like to make a representation under the Protection of Children from Harm licensing objectives to have the amendments/additions made to the licence should it be granted.

Cheers

M ke

Dear Mike
Thank you for getting in touch.
Yes this sounds sensible and we agree to these amendments.
Best wishes
Emma

Good morning Emma,

I am in receipt of your application for a New Premises licence at the above business. Having assessed the application, in order to further promote the Licensing Objectives, I would like to have the following amendments/additions made to the licence should it be granted. If you agree with the amendments/additions please reply to me as such, there is no requirement to contact the Local Authority to make any amendments to the application, when we have come to an agreed position, I will forward the agreement to the Local Authority who will make the necessary changes should the licence be granted.

I note that you have asked for the terminal hour for your alcohol sales to be the same as your opening hours. I would expect to see a 30 minute drinking up time at the end of alcohol sales so I would like your alcohol sales to cease at 2230hrs on Sunday to Thursday Inc and 2330hrs on Friday and Saturday.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE

Add the following 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:

- the date and time of refusal
- the reason for refusal
- details of the person refusing the sale
- description of the customer
- 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.

Kind regards

M ke

Evidence:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Suggestion:

Person making Representation: Kate Sillars

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Licencing Manager

Reference: Budleigh Salterton Cricket Club limited

We live [REDACTED] of the new club house off the Budleigh Salterton Cricket Club. We are rather concerned about the noise generated due to the club house being able to remain open until after midnight on a Friday and Saturday evening and 11 pm on all other days.

It is envisaged but needs to be confirmed that Budleigh Salterton Cricket Club has agreed a noise management policy with East Devon District Council which addresses the minimisation of noise associated with holding musical and entertainment events and from members and guests leaving the club house.

Moreover, the request to have live and recorded music until midnight on both Friday and Saturday nights is more concerning. Due to the design of the club house, with large open terraces on both the south and eastern elevations at first floor level, and large bi-folding doors on the southern elevation, noise propagation is perceived to be a problem.

Again, the elevated position of the club house, in relation to the domestic properties to the south and west of the site, will have no negating effect on the propagation of noise. It is concluded that a noise survey has been undertaken as part of the planning application and this should be used to ensure that the effect of noise pollution is negated.

Also, can East Devon District Council confirm what measures to limit noise intrusion have been proposed, such as the installation of a noise limiter which isolates the power supply to amplification equipment if pre-agreed noise limits are exceeded.

Can the graphic representation of the sound level distribution and the propagation of sound waves in the surrounding region, for the defined periods stipulated in the licensing application, be made available for consultation.

You may wish to review the duration of the licensable activities and have the finish time brought forward to take into consideration the perceived effects on the surrounding properties. We await your response.

Yours faithfully

Kate & Robbie Sillars

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Robbie Sillars

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: Dear Licencing Manager

Reference: Budleigh Salterton Cricket Club limited

We live [REDACTED] of the new club house off the Budleigh Salterton Cricket Club. We are rather concerned about the noise generated due to the club house being able to remain open until after midnight on a Friday and Saturday evening and 11 pm on all other days.

It is envisaged but needs to be confirmed that Budleigh Salterton Cricket Club has agreed a noise management policy with East Devon District Council which addresses the minimisation of noise associated with holding musical and entertainment events and from members and guests leaving the club house.

Moreover, the request to have live and recorded music until midnight on both Friday and Saturday nights is more concerning. Due to the design of the club house, with large open terraces on both the south and eastern elevations at first floor level, and large bi-folding doors on the southern elevation, noise propagation is perceived to be a problem.

Again, the elevated position of the club house, in relation to the domestic properties to the south and west of the site, will have no negating effect on the propagation of noise. It is concluded that a noise survey has been undertaken as part of the planning application and this should be used to ensure that the effect of noise pollution is negated.

Also, can East Devon District Council confirm what measures to limit noise intrusion have been proposed, such as the installation of a noise limiter which isolates the power supply to amplification equipment if pre-agreed noise limits are exceeded.

Can the graphic representation of the sound level distribution and the propagation of sound waves in the surrounding region, for the defined periods stipulated in the licensing application, be made available for consultation.

You may wish to review the duration of the licensable activities and have the finish time brought forward to take into consideration the perceived effects on the surrounding properties. We await your response.

Yours faithfully

Kate & Robbie Sillars

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Mike Sheehan

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: THIS IS A REPRESENTATION
29th May 2023
licensing@eastdevon.gov.uk

Re: Licensing Application No 055718, New Application, Premises Licence WITH Alcohol, Budleigh Salterton Cricket Club

Dear Sir/Madam,

I am submitting this representation in respect of the operating hours identified within the Budleigh Salterton Cricket Club Licence application.

My representation is related to the Activities - Times Requested

From recent, temporary licenced, events at the new Cricket Club we have been very surprised by the extent to which sound (music, voices and car movements) from the Cricket Club reaches our property in Granary Lane. Even through modern double glazed windows this can be clearly heard during the evenings.

The Cricket Club with its impressive facilities is already well attended and with alcohol intended to be served from 10:00 to 00:00 on Fridays and Saturdays it will, by its very nature, likely lead to high spirits and associated noise pollution. For example, only last Saturday night I could hear revving of engines, car horns and squealing tyres as cars left the venue late in the evening.

The application for the Performance of live music and Playing of recorded music until 00:00 on any night of the week is most alarming. The elevated position of the Club, and the large open terrace and extensive bi-fold doors will most likely result in this music sound being carried across large parts of Budleigh Salterton, East Budleigh and surrounding areas. I can see no reference online to any assessment of, or consultation on, noise management as part of the original planning application.

I also understand that the Cricket Club will be marketing itself as a wedding and special event venue which will bring additional noise and activity beyond that which is normal for a cricket club. This will only add to the nuisance to local Budleigh Salterton residents.

I am also concerned about the potential trauma to both domestic and farm animals in the vicinity that will result from the fireworks that routinely accompany such events these days.

Additionally, the Cricket Club is in an area of outstanding national beauty (AONB) and overlooks the major Lower Otter Restoration Project, a Site of Special Scientific Interest (SSSI) and the expected habitat of significant breeding bird species and other wildlife which would be seriously disturbed by regular noisy late nights.

Whilst I fully support the existence of the new Cricket Club and its facilities, in recognition of this representation, and for the sake of the renowned peaceful Budleigh Salterton environment, I would request that consideration be given to some modification to the requested operating hours as follows:-

Supply of alcohol for consumption ON and OFF the premises.
Be limited to 23:00 on any day

Playing of live music (Indoors & Outdoors)
Be limited to 23:00 on Friday and Saturday (as with the old site)
Provide a limitation on noise limits

Playing of recorded music (Indoors & Outdoors)
Be limited to 23:00 on Friday and Saturday (as with the old site)
Provide a limitation on noise limits

Playing of live or recorded music OUTDOORS beyond 21:00
Be limited to 6 times per year.

Also, is there any way to restrict the use of fireworks late at night?

Yours faithfully
Mike Sheehan

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Evidence:

Suggestion:

Person making Representation: Simon Davies

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

I am writing in reference to the Budleigh Salterton Cricket Club as a representation about application Ref No. 055718.

I live [REDACTED] and over the years have supported the BSCC at its location at Lime Kiln, a well managed club with bar facilities and the occasional function, all enjoyed by sporting and social members alike.

The current application for licensing/music seem extremely more ambitious than was allowed before and they are already causing concern to neighbours in our vicinity.

We all agree that the new site and clubhouse is a great improvement and will fully support it as before, however, the application intentions seem to exceed the requirements of a cricket club and appear more suited as a venue for larger functions. The concerns are that it could be a commercial venture and not just a cricket club.

An open ended licence for live/recorded music inside/outside, potentially at every weekend seems unreasonable for club use and feel it should be limited to specified occasional events throughout the year. Due to the new location and elevation, the general noise levels from matches have already been noted as to how easily the sound carries around the area. I have no problem with that but as explained above, have concerns with noise levels if all the applications are approved.

Having just put up with nearly 3 years of constant construction noise for 8hrs a day for LORP environmental purposes, it now nears its completion and we look forward to some peace and quiet to enjoy the increased wildlife sounds, not Led Zeppelin every weekend.
Hoping my concerns will be taken into account.

Best Regards
SB Davies
[REDACTED]

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Christopher Wright

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: From C Wright

Details of the Licence Application to which we are requesting amendment:
Premises: Budleigh Salterton Cricket Club, East Budleigh Road Budleigh Salterton, EX9 7BA Licensing hours for performance of Live music and playing of recorded music (indoors and outdoors) Monday to Thursday and Sunday < 23:00 hrs and Friday /Saturday <00:00.

We wish to comment on the above proposed alcohol and music licence for the new Budleigh Cricket Ground.

The new ground is quite close to a residential area and the new site is on quite high ground. This means that noise can carry quite far. We have already noticed how the noise can carry from a normal cricket match during an afternoon. If this same level of noise, or far worse, live or recorded music (indoors or outdoors) was carried through until midnight, which is proposed on a Friday and Saturday, this would obviously be of considerable nuisance to many people in the surrounding area such as South Farm Cottages, Granary Lane and Kersbrook.

Most local businesses in this area don't operate until midnight at the weekends, let alone 11:00 during the week when people have to get up for work in the morning, and although this most probably wouldn't take place every evening of the year, there would be no restriction on the number of evenings this could take place especially if the site is to be let out to non members of the cricket club. Even the O2 at Wembley has to close at 11 pm. We feel, therefore, that a more reasonable stop time would be 10.30pm.

Evidence:

Suggestion:

Person making Representation: Valerie Thorne

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 30.05.2023
Licensing Manager
East Devon Disitrc Council
Blackdown House
Heathpark Industrial Estate
Honiton EX14 1EJ

Dear Sir
I am concerned that live music and recorded music could be licensed and permitted at Budleigh Salterton Cricket Club every Friday and Saturday, indoors and out until midnight.

Being on a raised site the noise levels will be highly audible and intrusive. How will this be controlled especially if the premises are hired out?

It is possible to hear the occasional music event from Bicton, much further away.

Yours sincerely
V M Thorne

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Patrick Coulter

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Please find below my representation in respect of the Cricket Club's application.

I object to the application in respect of the proposed opening hours and activities on Fridays, Saturdays and Sundays (and I assume Public Holidays).

I consider the late finish on Friday, Saturday, Sunday and Public Holidays to be unreasonable and unrealistic.

I am concerned about the disruption and disturbance specifically in respect of the late opening and the playing of music both indoors and outdoors.

The late finishing of both the licence and music at 11 and midnight will continue the noise and disturbance late in the evening, and into the early hours with people leaving.

I am concerned that the Club has separately stated that if no parking is available on-site to use to top of Granary Lane. This will lead to further noise at the end of the evening and a significant volumes of traffic then leave Granary Lane in both directions. At present there is hardly any traffic movements at late at night so this presents further noise and safety concerns. Increased traffic would also be an issues at all other times.

This affects [REDACTED] Granary Lane as well as impacting on the surrounding area.

Specifically:

I believe that the outdoor music is likely to be intrusive, loud and disruptive. It is also totally inappropriate for a site on high ground adjoining a significant nature reserve. In terms of noise it is already clear that the noise of normal cricket activities and playing at the club carries a good distance. So any increase on volumes or continuous noise would be disruptive and intrusive and needs to be time limited.

I suggest that a full sound check should be commissioned to test the impact of the outdoor music both in terms of disruption to the community and potential impact of the nature reserve and wildlife. The views of the LORP partners and environmental bodies and wildlife should be taken into account. This could then address volumes and hours.

The proposed finishing of the music both indoors and outdoors should be earlier than the end of the licence. I cannot see how both ending at the same time allows for a quiet and orderly closing down and exit. This would need to be carefully managed so an earlier finish would a separate and earlier finish would facilitate this. Clarity is needed on how the Club will manage this.

I believe that further consideration needs to be given to the parking and traffic movements, particularly down Granary Lane. The Club should be familiar with these concerns from the time at the other end of Granary Lane and be aware of the negative and unwelcome impact.

I look forward to hearing how this application is taken forward and considered.

If anything further is needed, please let me know. Please confirm receipt of the representation.

Patrick Coulter

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Simon King

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: [REDACTED]
licensing@eastdevon.gov.uk 30th May 2021

Re: Licensing Application No 055718, New Application, Premises Licence WITH Alcohol, Budleigh Salterton Cricket Club Dear Sirs, I would like to draw the Council's attention to our concern regarding the proposed licensing application for Budleigh Salterton Cricket Club. I would ask you to be aware of and respect the close neighbours of the new site of the Budleigh Salterton Cricket Club when considering this application. Please do NOT inflict regular late-night revelry, loud music, revving car engines, fireworks on the local residents. A cut off time of 23.00 would be preferable. The Budleigh Salterton Cricket Club was mindful of the above in its previous location, please ensure it continues to be respectful in the new pavilion.

Yours faithfully Simon & Rosie King

Evidence:

Suggestion:

Person making Representation: Rosie King

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: [REDACTED]
licensing@eastdevon.gov.uk 30th May 2021

Re: Licensing Application No 055718, New Application, Premises Licence WITH Alcohol, Budleigh Salterton Cricket Club Dear Sirs, I would like to draw the Council's attention to our concern regarding the proposed licensing application for Budleigh Salterton Cricket Club. I would ask you to be aware of and respect the close neighbours of the new site of the Budleigh Salterton Cricket Club when considering this application. Please do NOT inflict regular late-night revelry, loud music, revving car engines, fireworks on the local residents. A cut off time of 23.00 would be preferable. The Budleigh Salterton Cricket Club was mindful of the above in its previous location, please ensure it continues to be respectful in the new pavilion.

Yours faithfully Simon & Rosie King

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Claire Brown

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sir

As a resident of [REDACTED] I am very concerned about the licence being granted to allow music to go on after 23.00 on any evening.

The noise from Bicton events....much further away... can be heard here so I'm sure you'll understand my concern.

I am well aware this venue will be good for the area but I urge you to exercise restraint with the hours of the licence.

Many thanks,

Regards

Claire Brown

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Andrew Mills

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

To licensing@eastdevon

This is a representation.

Ref No. 055718

Premises: Budleigh Salterton Cricket Club, East Budleigh Road, Budleigh Salterton, EX9 7BA

To whom it may concern,

Though in support of the Cricket club this application is likely to blur the lines between Club, Entertainments Venue and potential Off-License.

Therefore, I would like the following points taken into consideration prior to agreeing issuance of the requested license.

Activities - Times requested

E: Performance of live music (Indoors & Outdoors)

Friday 18:00 to 00:00

Saturday 10:00 to 00:00

F: Playing of recorded music (Indoors & Outdoors)

Friday 18:00 to 00:00

Saturday 10:00 to 00:00

I request that consideration is given to the reduction in requested hours for the performance of live music or recorded music especially when the stage is within the outdoors arena.

The Topography of the site lends itself to enhancing the noise levels within the surrounding area. Noise level is clearly audible from just routine activities and reverberates through the valley and becomes more noticeable dependant on wind direction creating potential of a public nuisance through excessive noise levels. This intrusiveness will further be increased at night when background noise is diminished and sound carries further.

Late night entertainment and combined with late alcohol consumption has potential to increase the potential within the local associated residential area for increasing likelihood of crime and disorder.

J: Supply of alcohol for consumption ON and OFF the premises only

I would request that due consideration be given to the sale of alcohol in that it should be reserved solely for consumption on the premises where intoxicated individuals can be monitored and controlled to reduce and likelihood of anti-social behaviour.

I feel that the Conditions offered by the applicant on prevention of public nuisance and prevention of crime and disorder are likely to be inadequate and unpoliceable on the standpoint of alcohol and noise.

Yours sincerely

A G Mills

Best regards

Andy Mills

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Brian Hitchcock

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: To:
Licensing Manager,
licensing@eastdevon.gov.uk
East Devon District Council,
Blackdown House, Border Rd,
Heathpark Industrial Estate,
Honiton, EX14 1E3
1 June 2023
Representation
Licensing application No. 055718, New Application
Premises Licence with Alcohol, Budleigh Salterton Cricket Club

Dear Sir, Madam

We refer to the above application.

We live [REDACTED] to the new cricket ground. [REDACTED]. We are very concerned about the current application and the effect that it will have upon the neighbourhood and surrounding wildlife, in terms of the requests for performance and playing of live music which are extremely worrying. This is a quiet neighbourhood situated on the sides of the Otter Valley nature reserve, a site of Special Scientific Interest. We notice that the application states 'the club does not anticipate noise levels to have a negative impact at any time given the nature of its business and the fact that the bar area is a considerable distance from residential properties'.

Noise that will emanate from the playing and performance of music (in and outdoors) - please note that we can hear noise that emanates from any event the club has had in the past when it was over 600 meters away and we can also hear music from Bicton Park when they have events. The new club is close to us and other residents are closer still. Please review the above statement in the application.

We fully support the relocation and development of the club but it is a local town cricket club and not an events venue. Whilst we appreciate they may wish to have club social events we would ask that outdoor music is limited to 5-6 times a year (which will enable traditional summer parties and say at Christmas and bonfire night) which is normal for a local sports club. Whilst we appreciate the club may wish to raise funds it should not be used as a special events venue as we believe this goes beyond being a local cricket club and its spirit in the neighbourhood.

We request more detailed consultation in the local media and town notice boards before any close of representations and that noise levels are considered further in the application in detail.

In view of the above we would kindly also request:

PAGE: 2 OF 2

1. E: Performance of live music (Indoors & Outdoors) - Indoors be limited to 23:00 on Friday and Saturday with strict noise control and monitoring measures. Outdoor live events be limited to 3 times per year with noise control measures and monitoring.

1. F: Playing of recorded music (Indoors & Outdoors) - Indoors be limited to 23:00 on Friday and Saturday with noise control measures and monitoring. Provide a limitation on outdoor events 3 times per year with noise control measures and monitoring.

2. J: Supply of alcohol for consumption ON and OFF the premises only - please be limited to 23:00 on any given day

3. Provide specific limitation on the use of fireworks given the nature of the site and proximity to wildlife (and our pets).

Best wishes

Brian Hitchcock

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Margaret Yerrell

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: Re Licensing Application No.055718,
(Budleigh Salterton Cricket Club)
The Licensing Manager.
Dear Sir/Madam,
We were very disturbed to see the licensing conditions requested for the new Cricket Club facilities, located in an elevated position, just off the main road from Budleigh Salterton to Newton Poppleford, outside the 30mph area.
The outskirts of Budleigh are acknowledged as a quiet residential area, overlooking a Nature Reserve. There are wild animals and birds in the vicinity which would be disturbed by loud music and by the amount of light emitted from the premises at night. The Cricket Club buildings are not in an urban area or out-of-town complex.
People living in this area would find both recorded or live music played inside or outside the premises, possibly every Friday and Saturday evening a considerable public nuisance, particularly after 9pm. Open windows and doors will allow the noise from indoor events to escape. The application to allow music up to midnight is excessive and frankly outrageous. For the most part people living in the area are fairly senior. When the wind is from the west the sound would blare out over the Nature Reserve. When it is from the east, as it has been for some time now, it would reverberate over larger areas of the town of Budleigh Salterton. It is one thing for the Cricket Club to be able to hold social events for its members, but quite another for it to be licensed for hire by outside bodies which would not be so accountable for excesses of noise and disturbance.
There are also issues of public safety. The entrance/exit to the Cricket Club premises is not ideal. It is located at the end of a straight stretch of road with no speed restriction. Visibility is low. The requested licensing hours of up to 11pm weekdays and Sundays and up to midnight Fridays and Saturdays means that drivers will be leaving the premises in the dark with a fair amount of alcohol in the blood as it will not have had time to diminish. It is well-established that even small amounts of alcohol impair judgement and social inhibition; one does not have to be drunk. These drivers are likely to be a danger both to themselves and to others, to say nothing of the public nuisance of the comings and goings.
For people coming and going on foot, there are additional issues of littering, vomiting, urinating and possible crime. Noises carry far more in the night including voices. These activities would come under both the prevention of disorder and public nuisance.
We have no confidence in the conditions offered by the applicant regarding the prevention of crime and disorder. Rather it reinforces the idea that there will be large amounts of alcohol flowing, and these will be the minimum measures to try to mitigate the results.
Whereas the success of the Cricket Club is highly desirable, the interests of local residents must also be safeguarded. The current licensing request completely fails to do this. In order to ensure a better balance between the commercial interests of those operating the club and the right of citizens living nearby to the quiet enjoyment of their homes, we consider that additional restrictions must be applied, including the limiting of the playing of music to only certain days a week and a certain number of weekends per month as well as a cut-off of 10pm; the limiting of the number of major events; and a requirement to keep light emissions to a minimum.

Yours faithfully,

Margaret S Yerrell

Margaret S.Yerrell.

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Ann Coals

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 2023. Licensing Application: 055718/Premises Licence with alcohol at Budleigh Salterton Cricket Club (new site, East Budleigh Rd.)

We oppose the hours of opening applied for in the above application because of the detrimental effects of significantly increased NOISE on local residents. And also because of the extended length of time that ALCOHOL could be consumed and sold. Potential LIGHT POLLUTION is an unknown quantity currently.

We are: Ann and Peter Coals, [REDACTED]

East Devon News. 11th January 2020. Headline. "Go-ahead for new Cricket Ground and pavilion in Budleigh Salterton". Continues: "Visually the buildings will have a minimal impact on the landscape, and it is considered that due to the distance to nearby dwellings the use of the pavilion and cricket fields would not have an impact on residential amenity". We were reassured by these statements.

The above statement appeared in a number of local publications. Sadly, 'would not have an impact on residential amenity' was quickly shown to be untrue. There are similar statements in this 2023 licence application. 'Noise levels after 11pm will be monitored' (unrestricted noise before 11pm?). 'Given the nature of its business'. (Will it be only cricket related events?). 'The bar area is a considerable distance from residential properties'. Not at true, particularly in relation to noise.

We [REDACTED] the new clubhouse [REDACTED] (Google maps). On the afternoon of May 21st, 2023 I (Ann) was sitting indoors reading with an exterior door partially opened. I could hear clearly the regular rise and fall of conversations from the players on the cricket pitch. In addition to the usual 'cricket match noises'. I was very surprised at how far this 'spoken word' level of noise had travelled.. I'm not objecting to this per-se. It is a cricket club and this was during the day. However, it demonstrates how clearly even a low level, unamplified sound can carry from this new, slightly elevated site.

Our major concern therefore, is that regarding NOISE. If I could hear people talking (not shouting - heard that too!) on the pitch when I was indoors, then amplified music (of whatever description) but particularly that played outside will disturb many local residents late into the night. A midnight 'close' is far too late in these circumstances. Additionally, closing a bar down at midnight never means everyone leaves immediately in a quiet and timely manner - noise will rumble on. Cars leaving. Doors slamming. People talking loudly. People heading to cars parked on verges outside of the site, nearer to homes. Indeed, this has happened already.

Second Issue. ALCOHOL. Effectively the applicant is creating a Public House on what very recently was a grass field on the edge of a small seaside town. Both of the existing pubs in town (of very longstanding and in well established locations) are open for less time than this application proposes! This licence allows the applicant to potentially serve/sell alcohol to anyone of age, until at least 11pm/midnight. Every day of the year.

The details of this licence are wide reaching and potentially lifestyle changing for those who live in this part of Budleigh Salterton. They are at odds with the right of residents to live their lives in their own homes in the peace that they are used to. Is it reasonable that such a new facility should seek to impose such conditions?

Conclusion. Music and particularly amplified loud music should not be allowed at any time outside because of excessive sound. A noise limiter sounds a reasonable idea to check the level of noise that might escape the clubhouse. All Events/ general opening should finish by 10.30 pm. (at the latest). This should allow the premises to be mostly vacated by 11pm. Note. In itself this still brings much more noise into this part of Budleigh Salterton where before there was virtually none.

The playing of cricket at this site, during mainly long summer daylight hours is not a problem in itself. It is very clearly heard but generally we have a 'live and let live' attitude to it. It is the potential ramifications of this licence application that is causing us such serious concern.

Ann & Peter Coals

P.S. We are intrigued by the repeated declaration 'considerable distance (club house) from residential properties' (or like wording). A recurring phrase that is also quoted in this licence application. A quick consult of Google maps shows clubhouse distance to the nearest homes at this new site are very similar to that of the old clubhouse/housing at the bottom of Granary Lane.. We would not consider either distance 'considerable' and feel that this important statement is misleading.

Evidence:

Suggestion:

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Peter Coals

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details: 2023. Licensing Application: 055718/Premises Licence with alcohol at Budleigh Salterton Cricket Club (new site, East Budleigh Rd.)

We oppose the hours of opening applied for in the above application because of the detrimental effects of significantly increased NOISE on local residents. And also because of the extended length of time that ALCOHOL could be consumed and sold. Potential LIGHT POLLUTION is an unknown quantity currently.

We are: Ann and Peter Coals,

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The above statement appeared in a number of local publications. Sadly, 'would not have an impact on residential amenity' was quickly shown to be untrue. There are similar statements in this 2023 licence application. 'Noise levels after 11pm will be monitored' (unrestricted noise before 11pm?). 'Given the nature of its business'. (Will it be only cricket related events?). 'The bar area is a considerable distance from residential properties'. Not at true, particularly in relation to noise.

We the new clubhouse (Google maps). On the afternoon of May 21st, 2023 I (Ann) was sitting indoors reading with an exterior door partially opened. I could hear clearly the regular rise and fall of conversations from the players on the cricket pitch. In addition to the usual 'cricket match noises'. I was very surprised at how far this 'spoken word' level of noise had travelled.. I'm not objecting to this per-se. It is a cricket club and this was during the day. However, it demonstrates how clearly even a low level, unamplified sound can carry from this new, slightly elevated site.

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The details of this licence are wide reaching and potentially lifestyle changing for those who live in this part of Budleigh Salterton. They are at odds with the right of residents to live their lives in their own homes in the peace that they are used to. Is it reasonable that such a new facility should seek to impose such conditions?

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Ann & Peter Coals

P.S. We are intrigued by the repeated declaration 'considerable distance (club house) from residential properties' (or like wording). A recurring phrase that is also quoted in this licence application. A quick consult of Google maps shows clubhouse distance to the nearest homes at this new site are very similar to that of the old clubhouse/housing at the bottom of Granary Lane. We would not consider either distance 'considerable' and feel that this important statement is misleading.

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Nick March

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Dear Sir/Madam

I am submitting this representation in respect of the operating hours identified with the Budleigh Salterton Cricket Club Licensing Application.

One of the main reasons my wife and I chose 11 years ago, to live in Budleigh Salterton was to spend our retirement in a beautiful, quiet and peaceful area. So far this has been the case. However, with the new activities and licensing hours proposed for the new Cricket Club I fear that this could change drastically for the whole neighbourhood.

I would like to see the hours for all activities curtailed to 23.00 on Friday and Saturday evenings.

The playing of recorded music outdoors on Friday and Saturday banned completely due to the elevated position of the Cricket Club grounds and proximity of many properties nearby.

The supply of alcohol for consumption on and off the premises should be limited to the hours of 23.00 on Friday and Saturday evenings to eliminate the noise from vehicles leaving the venue as I have already noted a change in the level of traffic noise leaving at these late hours.

Whilst I accept the necessity for the Cricket Club to find a better venue after years of the Club house being flooded consideration must also be given to the local residents who for many years have and will continue to support it.

Yours faithfully

Mr Nick March

Evidence:

Suggestion:

Person making Representation: John Couper

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

June, 2nd 2023

Dear Sir/Madam'

My husband and I are very concerned about the opening hours at the new Budleigh Salterton Cricket Club. We have retired to this peaceful part of Devon and we are looking forward to increased wildlife now that the Otter Valley project is nearly finished.

During our 29 years here we have always been very happy with the sounds from the Cricket Club's old location but we are now very unhappy about the intended live and recorded music until 00.00 on any night. It is most alarming to think that not only we will lose our calm evenings but also the late night noise will disturb birds and other wild life in this protected beautiful valley.

We very much anticipate that the hours will be reconsidered.

Yours faithfully,

John and Doris Couper

Evidence:

Suggestion:

Application No: 055718

Premises: Budleigh Salterton Cricket Club
East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA.

Person making Representation: Doris Couper

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

June, 2nd 2023

Dear Sir/Madam'

My husband and I are very concerned about the opening hours at the new Budleigh Salterton Cricket Club. We have retired to this peaceful part of Devon and we are looking forward to increased wildlife now that the Otter Valley project is nearly finished.

During our 29 years here we have always been very happy with the sounds from the Cricket Club's old location but we are now very unhappy about the intended live and recorded music until 00.00 on any night. It is most alarming to think that not only we will lose our calm evenings but also the late night noise will disturb birds and other wild life in this protected beautiful valley.

We very much anticipate that the hours will be reconsidered.

Yours faithfully,
John and Doris Couper

Evidence:

Suggestion:

Person making Representation: Jed Falby

Representation Accepted: Representation has been accepted

Reason: Public Nuisance

Details:

Re planning 055718 Licensing Application for new Budleigh Salterton Cricket Club.

Dear EDDC

I have read the application for the licensing (music and alcohol) for the new Budleigh Salterton Cricker Club grounds on East Budleigh Road and wish to add my concern for excessive hours asked for.

As a 'Good Neighbour' I would expect the club to restrict itself to a more normal use of it privileged position. No music/noise/alcohol after 11pm on a normal night with only exceptional occasions allowed beyond these hours.

We are proud of our local cricket club who have been 'Good Neighbours' in their old ground as we hope they will prosper in their new home.

Yours sincerely

Jed Fa by

Evidence:

Suggestion:

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Please see note below (Please give details of the person's name and address in this box)			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee:				
<p>I enclose the following documents to support my original representations:</p> <p>I have nothing to add to my original representation regarding shortening late night hours, reducing outdoor music and, if outdoor music accepted, a sound check given impact on communities and wildlife.</p> <p>(Please list them)</p>				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:			Your Address:	
Name:	PATRICK COUNTER		Tel No & Email:	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

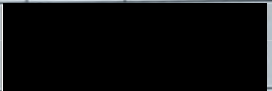
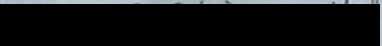
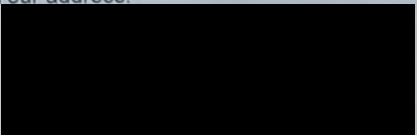
Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of: **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Key Points		
Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input checked="" type="checkbox"/>	<p>Disruption and disturbance from the late finishing of both the alcohol and music licences.</p> <ul style="list-style-type: none"> • noise, and inappropriateness of outdoor music • traffic movements (hence suggested sound shield) • late exiting • uncertainty on manuevres at weekends
Public Safety	<input checked="" type="checkbox"/>	<p>Disruption and disturbance from the late finishing, in particularly traffic movements in Granary Lane. The Club has separately suggested overflow parking in Granary Lane, so this could mean traffic exiting down Granary Lane - not fit for this purpose</p>
Prevention of public nuisance	<input checked="" type="checkbox"/>	<p>Both the late finisher of the alcohol licence and music, will cause disruption</p> <p>The outdoor music will also be intrusive and is not suited to the site - both for community + wild life. late finish makes this worse.</p>
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address:
Your name and email	<p>PATRICK COUNTER</p> <p></p>	

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

(Tick as appropriate)		Yes	No
I consider this hearing to be unnecessary		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: <i>MR R SILLARS</i>			
Please see note below (Please give details of the person's name and address in this box)		<div style="border: 1px solid blue; padding: 5px; display: inline-block;"> RECEIVED 12 JUN 2023 </div>	
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)			
Name and address	<i>MR R SILLARS</i> <div style="background-color: black; width: 500px; height: 40px; margin-top: 5px;"></div>		
Please explain how this person will be able to assist the Licensing Sub-Committee: <i>BY VOICING CONCERNS OF MINE ALREADY SENT AS AN E-MAIL REPRESENTATION ON 28TH MAY 2023</i>			
I enclose the following documents to support my original representations: <i>MY ORIGINAL E-MAIL</i>			
(Please list them)			
(Tick as appropriate)		Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	<div style="background-color: black; width: 200px; height: 30px;"></div>	Your Address:	<div style="background-color: black; width: 200px; height: 30px;"></div>
Name:	<i>SB DAVIES</i>	Tel No & Email:	<div style="background-color: black; width: 200px; height: 30px;"></div>

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points		
Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	<p>① LICENSING HOURS EXCESSIVE.</p> <p>② MUSIC LICENSE OPEN ENDED, NO RESTRICTIONS.</p> <p>③ + DUE TO ABOVE, EXCESSIVE NOISE POSSIBLE.</p> <p>④ FUNCTIONS TO BE LIMITED TO SPECIFIED NUMBER DURING YEAR.</p>
Protection of children from harm	<input type="checkbox"/>	
Your signature:	<div style="background-color: black; width: 100%; height: 40px;"></div>	
Your name and email	<div style="background-color: black; width: 100%; height: 40px;"></div>	Your address: <div style="background-color: black; width: 100%; height: 40px;"></div>

From: Simon Davies [REDACTED]
Subject: Objection to Application No 055718
Date: 28 May 2023 at 17:44
To: licensing@eastdevon.gov.uk



To the Licensing Manager,

(This is an amendment to my to initial representation sent by letter, that was not dated or signed. Please disregard it)

I am writing in reference to the Budleigh Salterton Cricket Club as a representation about application Ref No. 055718.

I live in Granary Lane and over the years have supported the BSCC at its location at Lime Kiln, a well managed club with bar facilities and the occasional function, all enjoyed by sporting and social members alike.

The current application for licensing/music seem extremely more ambitious than was allowed before and they are already causing concern to neighbours in our vicinity.

We all agree that the new site and clubhouse is a great improvement and will fully support it as before, however, the application intentions seem to exceed the requirements of a cricket club and appear more suited as a venue for larger functions. The concerns are that it could be a commercial venture and not just a cricket club.

An open ended licence for live/recorded music inside/outside, potentially at every weekend seems unreasonable for club use and feel it should be limited to specified occasional events throughout the year.

Due to the new location and elevation, the general noise levels from matches have already been noted as to how easily the sound carries around the area. I have no problem with that but as explained above, have concerns with noise levels if all the applications are approved.

Having just put up with nearly 3 years of constant construction noise for 8hrs a day for LORP environmental purposes, it now nears its completion and we look forward to some peace and quiet to enjoy the increased wildlife sounds, not Led Zeppelin every weekend.

Hoping my concerns will be taken into account.

Best Regards

SB Davies
[REDACTED]

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: Mr. Robbie Sillers		<input checked="" type="checkbox"/>		
Please see note below (Please give details of the person's name and address in this box)		<div style="border: 1px solid blue; padding: 5px; display: inline-block;"> RECEIVED 12 JUN 2023 </div>		
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)		<input checked="" type="checkbox"/>		
Name and address	Mr Robbie Sillers [Redacted Address]			
Please explain how this person will be able to assist the Licensing Sub-Committee:				
He represents the opinions of most of the residents of the Upper Grancary Lane				
I enclose the following documents to support my original representations:				
You have my original written representation 055718				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[Redacted Signature]			
Your Address:	[Redacted Address]			
Name:	JED FAUBY			
Tel No & Email:	[Redacted Contact Info]			

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points		
Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	Noise late at night Very close to neighbours on Granary Lane.
Protection of children from harm	<input type="checkbox"/>	
Your signature:	<div style="background-color: black; width: 100%; height: 20px;"></div>	
Your name and email	<div style="background-color: black; width: 100%; height: 20px;"></div>	

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

(Tick as appropriate)		Yes	No
I consider this hearing to be unnecessary		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: Mr R. Sillars			
Please see note below. (Please give details of the person's name and address in this box)		<div style="border: 2px solid blue; padding: 5px; display: inline-block;"> RECEIVED 12 JUN 2023 </div>	
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)			
Name and address	Mr R. SILLARS <div style="background-color: black; width: 100%; height: 40px;"></div>		
Please explain how this person will be able to assist the Licensing Sub-Committee: As a resident of the <div style="background-color: black; width: 150px; height: 1.2em; display: inline-block;"></div> Rudleigh affected by noise levels from The Cricket Club. Saltenton			
I enclose the following documents to support my original representations:			
<div style="border: 1px solid black; height: 40px; width: 100%;"></div> (Please list them)			
(Tick as appropriate)		Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	<div style="background-color: black; width: 150px; height: 20px;"></div>	Your Address:	<div style="background-color: black; width: 150px; height: 20px;"></div>
Name:	MRS V.M. THORNE	Tel No & Email:	<div style="background-color: black; width: 150px; height: 20px;"></div>

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
 E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my ~~application, representation or objection~~ (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

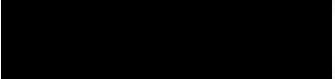

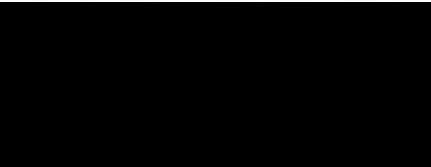
By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Objection to live and recorded music until midnight
every Friday and Saturday indoors and outdoors,
because of noise disturbance.

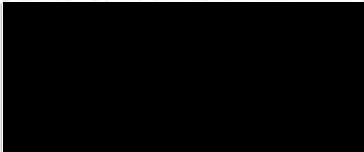
I am unable to attend due to surgery.

Key Points		
Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	Noise disturbance possible every Friday and Saturday night until midnight. indoors and outdoors.
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address:
Your name and email	MRS V. THORNE 	

Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Mrs Margaret Yerrell
Address:



Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023

Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616

E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
 2. If the Chairman gives permission you may question other parties.
 3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.
-

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No	
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>	
I intend to attend the hearing			<input checked="" type="checkbox"/>	<input type="checkbox"/>	
I intend to be represented at the hearing by:					
Please see note below (Please give details of the person's name and address in this box)					
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)					
Name and address					
Please explain how this person will be able to assist the Licensing Sub-Committee:					
<p>I enclose the following documents to support my original representations:</p> <p>① Aerial view of new cricket club site</p> <p>② Photo of approach</p> <p>③ Photo of new 2-storey club house + terraces</p> <p>④ Extract from Budleigh Salterton Cricket Club website</p> <p>(Please list them)</p>					
		(Tick as appropriate)	Yes	No	
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Your Signature:			Your Address:		
Name:	MARGARET S. YERRELL		Tel No & Email		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my ~~application, representation or~~ objection (*delete as applicable).

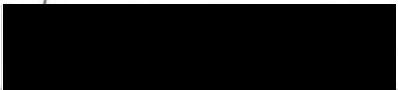
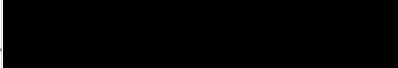
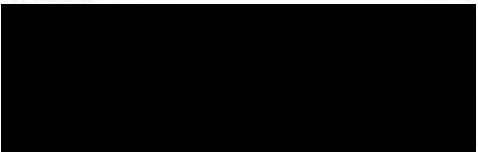
Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

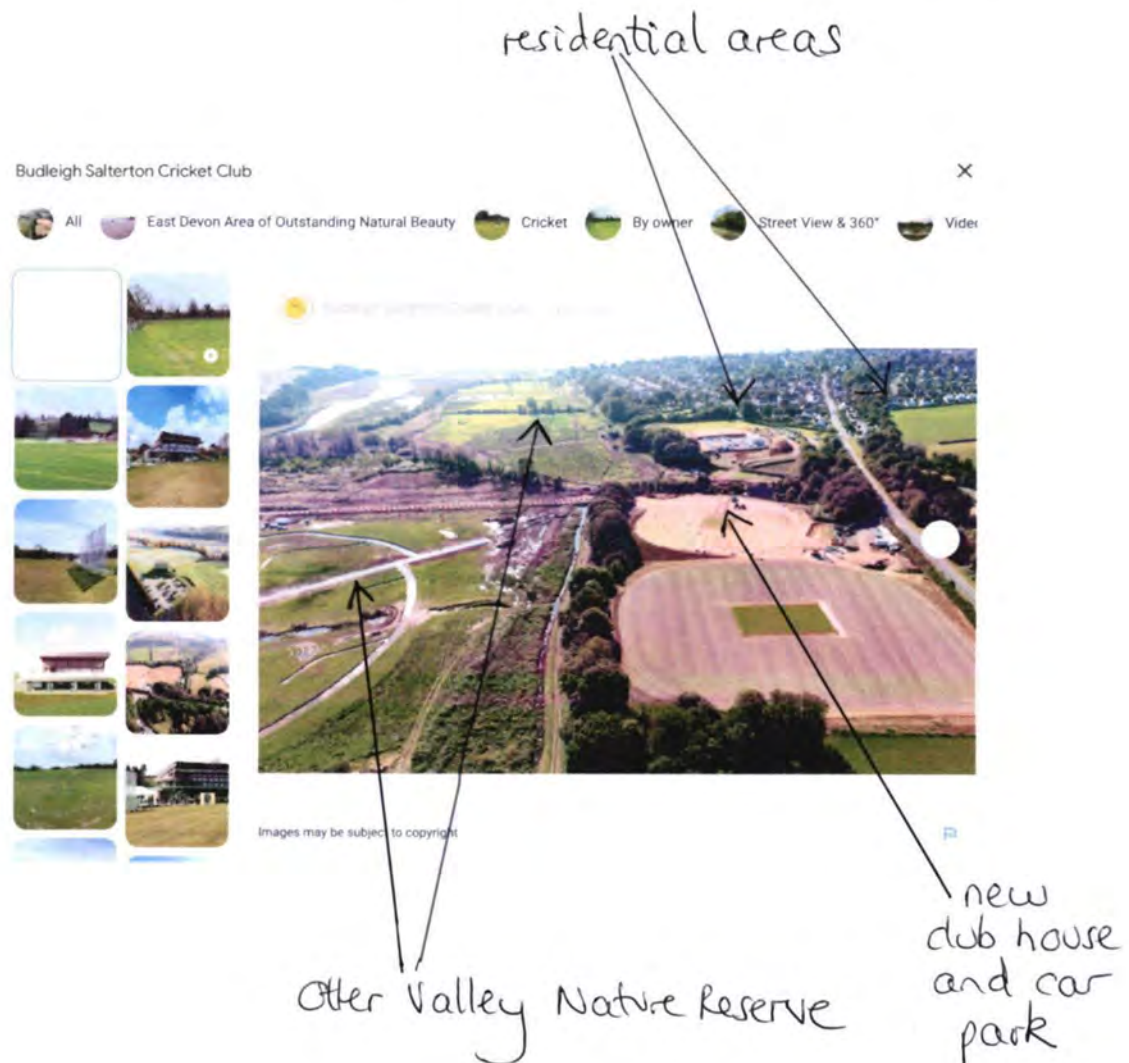
Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points		
Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input checked="" type="checkbox"/>	Secondary to the serious public nuisance risks arising from extended alcohol/music licensing hours as applied for.
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	Exceptional situation of premises applying for licence; very serious risk of disturbance from noise and light and greatly increased vehicle activity; the hours and activities applied for are completely disproportionate.
Protection of children from harm	<input type="checkbox"/>	
Your signature:		
Your name and email	<div>MARGARET S. YERRELL</div> <div></div>	
Your address:		

6/9/23, 7:19 AM

budleigh salterton cricket club - Google Search

PHOTO 1 : Aerial view of new cricket club, with Otter Valley nature reserve on the LHS, and Residential areas



<https://www.google.co.uk/search?q=budleigh+salterton+cricket+club&sxsrf=APwXEdcquW5HCIE53wJ-lyfbvEEQ4gdBuw%3A1686290142966&so...> 1/3

6/9/23, 7:15 AM

Budleigh Salterton Cricket Club

Google



entrance to car park
and new club house

PHOTO 2 : Approach to new cricket club

6/9/23, 7:14 AM

budleigh salterton cricket club - Google Search

PHOTO 3 : new 2-storey club house



new club house with outdoor terraces

<https://www.google.co.uk/search?q=budleigh+salterton+cricket+club&sxsrf=APwXEdcquW5HCIE53wJ-lyfbvEEQ4gdBuw%3A1686290142966&so...> 1/3

6/9/23, 7:10 AM

Our Vision

THE NEW CLUB - HOME PAGE 1 OF 7

1. OUR VISION

Our Vision

Deliver Cricket for all

Our landmark facility will enable everyone to enjoy cricket in a spectacular location. Our flourishing ladies and junior sections will have much improved facilities, and we will become a regional centre for disability cricket. A culture of growth, development and excellence.

ADVERTISEMENT

Put Budleigh on the map

The way a cricket club should be – for everyone, integral to the community, a place to foster ambition and to develop leaders. Our club will raise the bar – the envy of the west, and create yet another reason to visit our fantastic town.

Envy of the west

✱ We will create a destination facility that will sustain the club within the community for the next 100 years. With the state-of-the-art facilities, and the creation of 2 pitches and purpose built clubhouse we will:

- Support the needs of our 400+ current members and enable growth
- Provide top quality senior cricket with 3 teams instead of the current 2 allowing teenagers better access to adult cricket in a safe environment

6/9/23, 7:10 AM

Our Vision

- Enable and grow our junior squads, increasing the strength and depth of our 9 junior teams (Aged 6 to 19).
- Allow us to expand our current ladies' team and facilitate ladies cricket across all age groups
- Facilitate disability cricket with the pavilion being specifically designed with this in mind
- Ensure competitive cricket for all abilities, including the growth of the current Budleigh Community League (BCL).
- Allow us to host junior and senior county games, promoting Budleigh and benefiting the wider town.
- Host more touring sides, bring more trade to the area
- Provide state-of-the-art facilities for hosting local business, community interest groups, schools and other clubs.
- ✕ • Have the capacity to run social events with up to 110 guests seated, completely independently to any cricket.
- Be a hub for social gatherings bringing the community together. It will compliment it's beautiful natural surroundings and be built to be as environmentally friendly as possible.

Operating Schedule

A bar manager will be appointed for the club and a team of responsible members, over 18, will be appointed and trained to run the bar.

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 certificate issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain a refusal register which will be in operation at the premises (in relation to the sale of alcohol).
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

Recognising the signs of drunkenness.

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.

Incident log

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details.

Any incidents of disorder or of a violent or anti-social nature.

All crimes reported to the venue, or by the venue to the police.

All ejections of patrons.

Any complaints received.

Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.

Recorded music inside and outside the premises to be controlled by a noise limiter set to the satisfaction of an Environmental Health Officer.

After 11pm noise levels in outside areas will be monitored and controlled to minimise any potential impact on local residents although the club does not anticipate noise levels to have a negative impact at any time given the nature of its business and the fact that the bar area is a considerable distance from residential properties.

Customers will be advised of the need to respect any local residents where appropriate and to leave the premises quietly with consideration for others.

All the rubbish produced by the premises shall be stored securely in a designated area or in a bin with a tight fitting and lockable lid.

CHALLENGE 25

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement.

Staff/volunteers working at the premises will ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification.

The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

Devon & Cornwall Police – Agreed Position.

I am in receipt of your application for a New Premises licence at the above business. Having assessed the application, in order to further promote the Licensing Objectives, I would like to have the following amendments/additions made to the licence should it be granted. If you agree with the amendments/additions please reply to me as such, **there is no requirement to contact the Local Authority to make any amendments to the application**, when we have come to an agreed position, I will forward the agreement to the Local Authority who will make the necessary changes should the licence be granted.

I note that you have asked for the terminal hour for your alcohol sales to be the same as your opening hours. I would expect to see a 30 minute drinking up time at the end of alcohol sales so I would like your alcohol sales to cease at 2230hrs on Sunday to Thursday Inc and 2330hrs on Friday and Saturday.

UNDER THE PROTECTION OF CHILDREN FROM HARM LICENSING OBJECTIVE

Add the following 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.

Statement from Budleigh Salterton Cricket Club – Received 15 June 2023.

Good morning

in response to your letter of June 5 ref application number 055718 (Budleigh Salterton Cricket Club) I can confirm the following

- a) We (BSCC) intend to attend the hearing
- b) We welcome the opportunity to hear our neighbours' concerns and allay their fears, so for that reason agree the hearing is necessary.
- c) The following BSCC representatives will be attending

Joel Murphy BSCC Director and chairman

Emma Cooling, BSCC executive committee member and agent acting on behalf of the applicant

Carolyn Roper, BSCC fundraising co-ordinator and member

d) We will be covering the following points, amongst others, in making our case

- * Licence applied for is 'less' in terms of drinking hours etc than our previous licence
- * We have record of good behaviour ref public order at our previous premises.
- * Our new premises is further from most residential properties than our previous site.
- * Our activities as a cricket club are dependent on an income from alcohol sales (as at previous site).
- * We have taken advice from Environmental Health and, following a meeting yesterday, would like to amend our application so that the requested hours for outside live music at weekends end at 11pm and not at midnight (as previously requested).
- * On the advice of EH and taking on board our neighbours' concerns we will be implementing a noise management plan.

I will send an email requesting the above amendment to application shortly

Best Wishes

Emma Cooling

BSCC

Proposal to amend the conditions on the Operating Schedule – Received from Budleigh Salterton Cricket Club on 15 June 2023.

Ref application number 055718 (Budleigh Salterton Cricket Club)

Following a site meeting with Ian Winter, Environmental Health, please could we make the following amendments to the above application? Sorry that this is a little late but we only had the site meeting yesterday.

We would like to add the following under **section 18 d) The prevention of Public Nuisance**

To ensure that the music noise levels from events held on the site/premises should not be deemed to be excessive to local residents the following points will form part of the premises Noise Management Plan (NMP).

1. We will identify our closest noise sensitive properties and, should a noise complaint be received, go and check if the music is clearly audible and if it is found to be we will turn the music down.
2. Between the hours of 07:00 and 23:00 the A-weighted equivalent continuous noise level (LAeq15min) emanating from our premises, when measured at the boundary of any noise sensitive property over any 15 minute period with entertainment taking place, will not exceed an agreed A-weighted equivalent continuous noise level (LAeq15min) by more than 5 dB(A).
3. A noise complaint number will be made available to our closest neighbours and a complaint handling process will be put in place.

Under section 10 - provision of live music

We would like to amend our application so that the provision for live music until midnight is for indoors only.

We would not have live music outdoors after 11pm (which we understand is covered by the general terms of the licence?).

Thank you for your help with this.

Best wishes

Emma Cooling

Name: Mr Robbie Sillars

Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023



Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

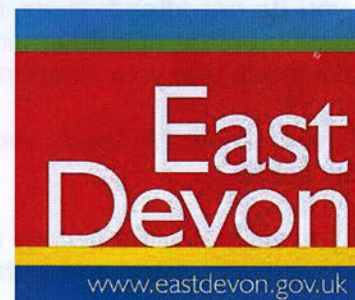
Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
2. If the Chairman gives permission you may question other parties.
3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**


Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations: 1. MAP SHOWING LOCATION OF 3 OTTERS REACH AND CRICKET CLUB PAVILION 2. PROPOSED COMBINED PLAN - 2187471 - REVISED PAVILION 3. PROPOSED SITE PLAN - 2187470 - REVISED PAVILION 4. PROPOSED COMBINED PLANS - 1298451 - ORIGINAL PAVILION 5. PROPOSED SITE PLAN - 1073364 - ORIGINAL PAVILION 6. COMMENTS RECEIVED (S) IN RESULT OF THE VARIATION OF PLANNING 22/0492/VAR (Please list them) 7. OLD PREMISES - CLUB PREMISES CERTIFICATE CPWA0101 8. OLD PREMISES - PREMISES LICENCE PLWA0797				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:			Your Address:	
Name:	ROBBIE SILLARS		Tel No & Email	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616

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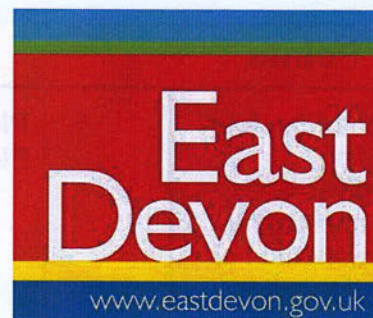
have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).


Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**




By: **Budleigh Salterton Cricket Club Ltd**

Of: **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

<input checked="" type="checkbox"/>	Prevention of public nuisance
<input type="checkbox"/>	Protection of children from harm
<input type="checkbox"/>	Other
Your signature: 	
Your name and email: George Smith george.smith@budleighsaltertoncc.co.uk	

Key Points

Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	GENERATION AND PROPAGATION OF NOISE DUE TO LIVE AND RECORDED MUSIC, EXCESSIVELY LONG OPENING HOURS, DESIGN OF THE PAVILION. NOISE GENERATED AS MEMBERS + GUESTS LEAVE THE CLUBHOUSE, MEANS TO BE PROVIDED TO ALLEVIATE EXCESSIVE LOUD NOISE BY INTERVENTION, EVERYONE'S CONTRIBUTION OR SIMILAR.
Protection of children from harm	<input type="checkbox"/>	
Your signature:		
Your name and email	ROBBIE SILLARS 	
Your address:		

Additional Conditions

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. All licensable activities authorised by this licence except for entertainment of a similar description to that falling within activities E, F & G may take place in the areas coloured **PINK** on plan 04059-LP deposited with and approved by the Licensing Authority. The provision of facilities for making music (I) is confined to the **BAR AREA** within the club house.
3. The regulated entertainment activities listed below and authorised by this licence may take place within the areas shown outlined in **RED** on plan 04509 as deposited with and approved by the Licensing Authority. These activities are:
 - a) Performance of live music (E)
 - b) Playing of recorded music (F)
 - c) Performance of dance (G)
 - d) Entertainment of a similar description to that falling within activities E, F & G - note this activity is only authorised outdoors
 - e) Provision of facilities for dancing (J)

Note: The Premises certificate does not permit 'Off' sales and therefore alcohol purchased/supplied by virtue of the Club Premise Certificate can not be taken out of the area outlined in **RED** on the plan numbered 04509 which accompanies the certificate.

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

1. No licensable activity will take place at the club between 1 November and 31 March annually.
2. The Club Committee will have regular contact with the Police and Licensing Authority.
3. The Club Committee will monitor the behaviour of members and guests.
4. The fire safety measures with which the premises are provided will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Fire Precautions (Workplace) Regulations.
5. Suitable signage at the exit to request the co-operation, of patrons in particular, to be as quiet as possible when leaving the premises.
6. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night or during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
7. The Club Committee will appoint a Welfare Officer.
8. When events involving amplified music and speech take place inside the premises, all external doors and windows will remain closed other than for access and egress.
9. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.
10. Irresponsible drinks promotions will not be permitted, and the Standards for the Management of Standard Drinks Promotions produced by the British Beer and Pub Association will be complied with.

11. Only plastic or toughened glasses or plastic bottles will be permitted to be taken outside the clubhouse or on to the raised timber deck.
12. Amplified commentary is to be restricted to 6 occasions per year.
13. Stewards should be provided at the end of each late night entertainment to ensure the orderly departure of members and guests.

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East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:34 on
12 June 2023

Budleigh Salterton Cricket Club - OLD PREMISES

Ottermouth Ground, Granary Lane, BUDLEIGH SALTERTON, Devon, EX9 6HA

Premises Licence PLWA0797 from from 22/08/2018 to indefinite

Licence holder(s)

Full Name:	Budleigh Salterton Cricket Club Limited
-------------------	-----------------------------------------

Designated Premises Supervisor

Full Name:	Mr Jack England
-------------------	-----------------

Permitted Activities

- any playing of recorded music
- a performance of dance
- the supply of alcohol
- a performance of live music

Premises Open Hours Granted

	Time From	Time To	
Monday to Sunday	08:00	01:00	Club will close between 31 October and 31 March each year.

Activities - Times Granted

	Time From	Time To	
E. Performance of live music (Indoors)			
Friday & Saturday	19:00	23:00	Restricted to a maximum of six one day events per year held either on a Friday, Saturday or a Sunday proceeding a Bank Holiday.
Sunday Preceeding Bank Holiday	19:00	23:00	Restricted to a maximum of six one day events per year held either on a Friday, Saturday or a Sunday proceeding a Bank Holiday.

F. Playing of recorded music (Indoors & Outdoors)

Monday to Sunday	09:00	23:00
------------------	-------	-------

G. Performance of dance (Indoors & Outdoors)

Monday to Sunday	19:00	00:00
------------------	-------	-------

J. Supply of alcohol for consumption ON and OFF the premises

Monday to Sunday	11:00	00:30
------------------	-------	-------

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 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 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. Budleigh Salterton Cricket Club will be run as a members club and will comply with the rules of the club.
2. Alcohol will be supplied to club members and to members of the public at the discretion of the committee.
3. The licence will be restricted to 1 April to 31 October each year.
4. Live music inside the premises to be restricted to six one day events per annum within the restricted opening hours of the club between 1st April and 30th September (these events can only take place on a Friday, Saturday or a day proceeding a bank holiday with at least two weeks in between for respite).
5. Recorded music inside and outside the premises to be controlled by a noise limiter set to the satisfaction of an Environmental Health Officer.
6. Consumption of alcohol to be restricted to the cricket field as per the legend on the plan submitted to and agreed with the Licensing Authority.
7. The club will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
8. Training records will be retained for at least 12 months and will be made available for inspection by officers of both the Licensing Authority and the Police.
9. An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book will be kept on the premises at all times and will be made available for inspection by officers of both the Licensing Authority and the Police.
10. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo driving licence or Government approved PASS card.

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

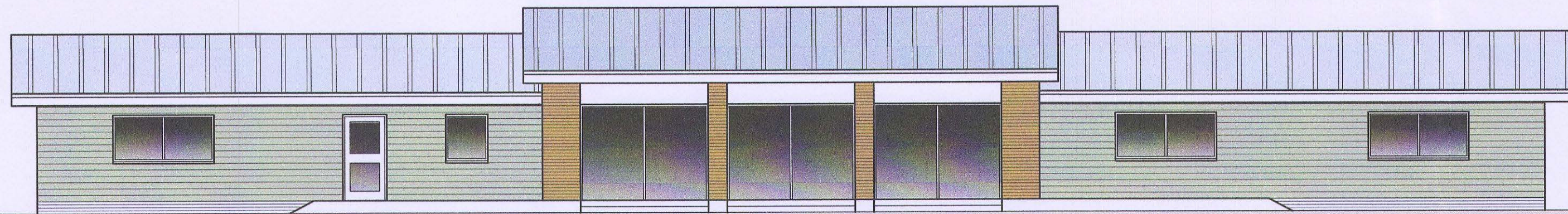
None

ANNEXE 4 - PLAN APPROVED BY THE LICENSING AUTHORITY

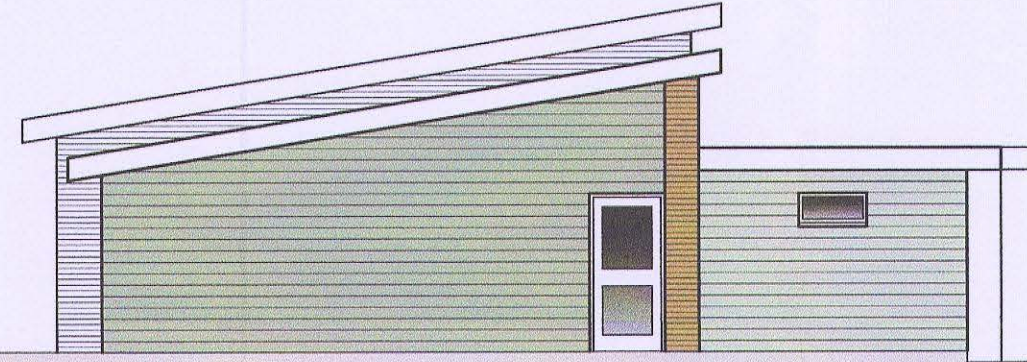
The licensable activities authorised by this licence will be confined to the areas that are outlined in **RED** on the plans submitted to and approved by the Licensing Authority.

REV	DATE
A	05/08/19

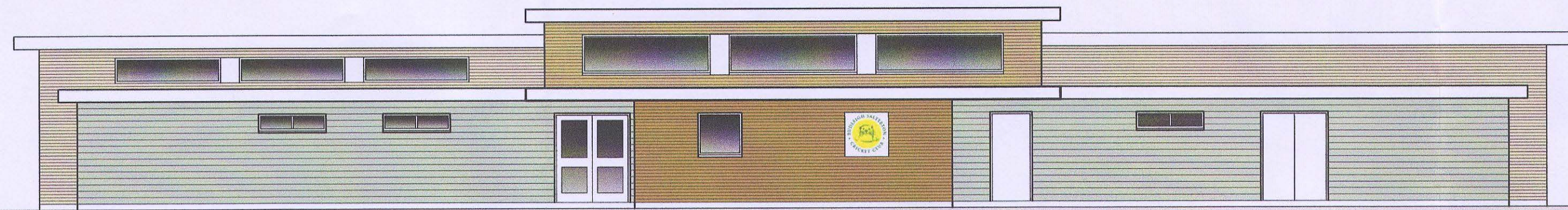
Scale bar added



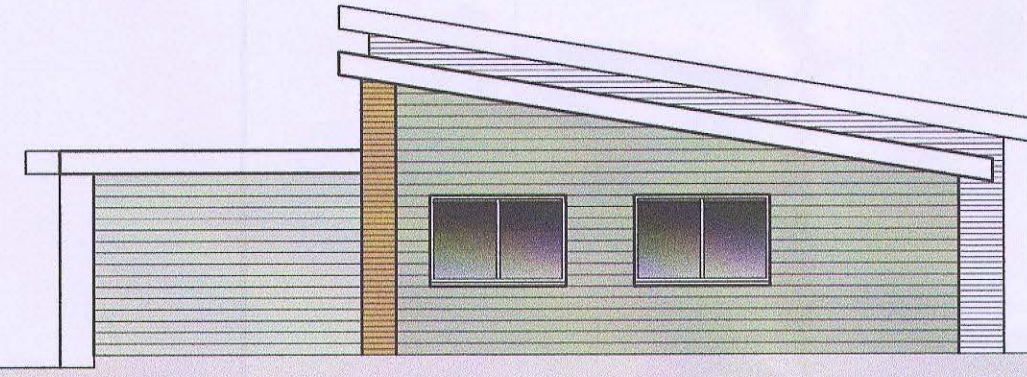
CRICKET FIELD (NORTH EAST) ELEVATION



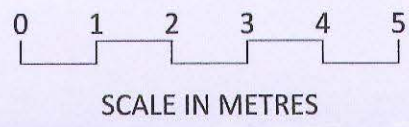
NORTH WEST ELEVATION



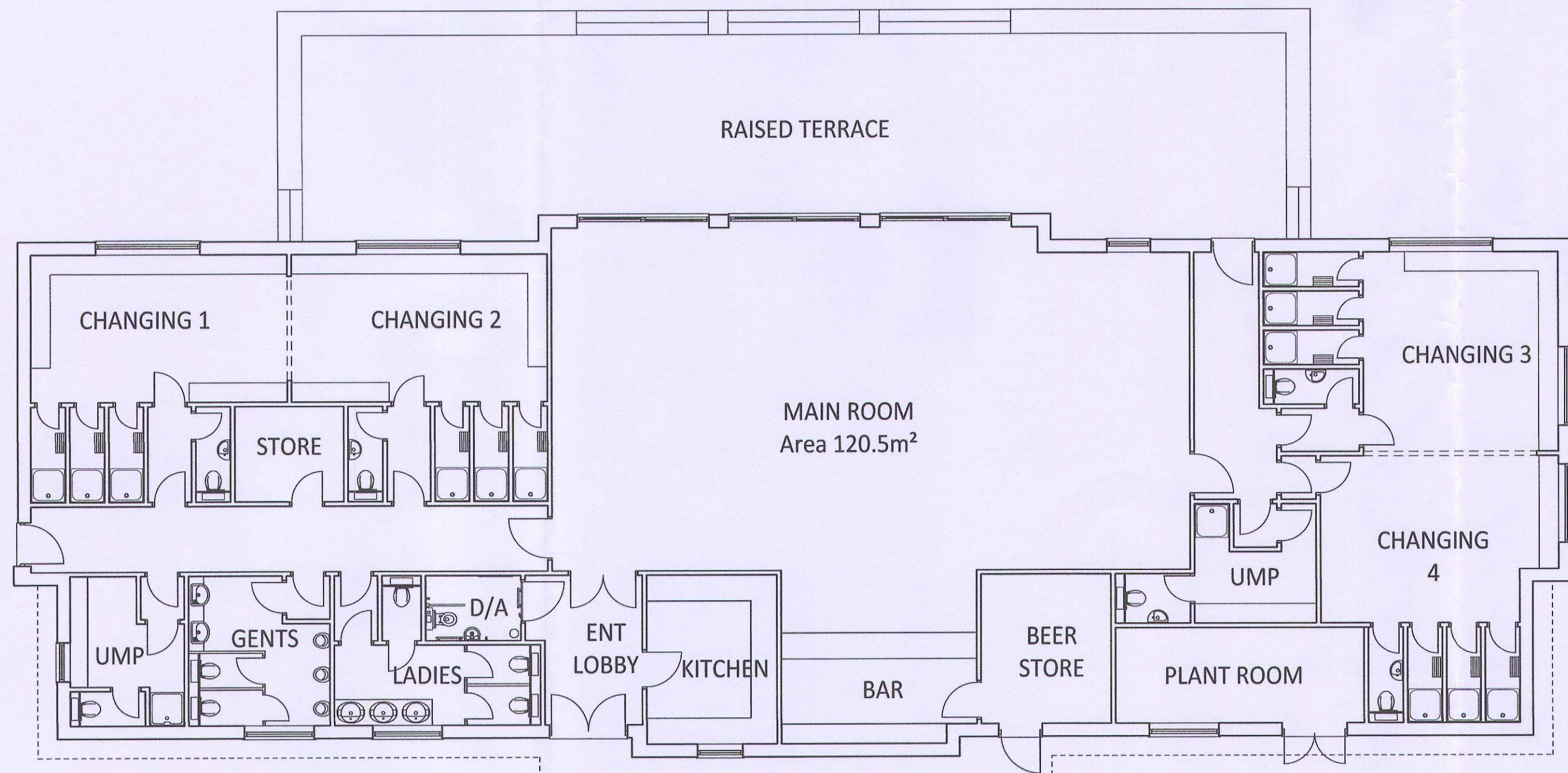
ENTRANCE (SOUTH WEST) ELEVATION



JUNIOR CRICKET FIELD (SOUTH EAST) ELEVATION



SCALE IN METRES



CLUBHOUSE G.I.A. 385.4m²

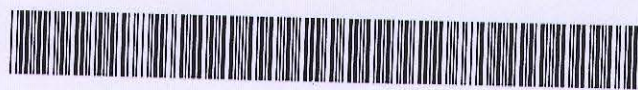


CLIENT
BUDLEIGH SALTERTON
CRICKET CLUB

PROJECT
PROPOSED NEW FACILITIES

DRAWING
PROPOSED CLUBHOUSE
PLAN & ELEVATIONS

Proposed Combined Plans - 19/1521/MFUL



1087-024 rev A - 07/08/2019

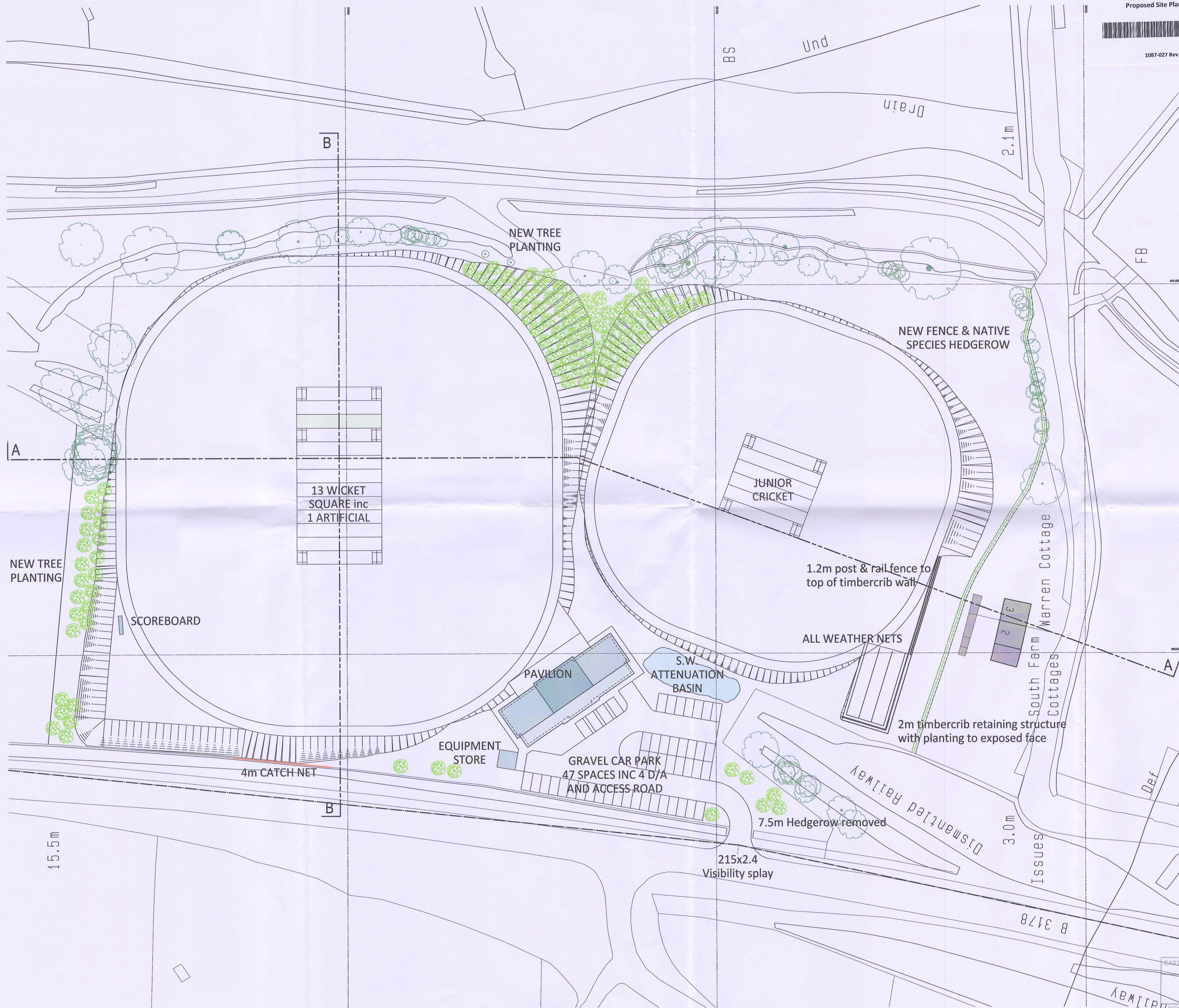
19/1521/MFUL

EAST DEVON DISTRICT COUNCIL ECONOMY			
7 AUG 2019			
ACK	CIRC	SEEN	FILE


SPORTS FACILITIES DESIGNERS
CHARTERED ARCHITECTS
PROJECT MANAGERS

CLUB DESIGN LTD

Silverlea, Wyche Lane, Bunbury, Cheshire, CW6 9PD
Tel: 01706 632600 Fax: 01829 261393
E-mail: name@clubdesign.net
Web: www.clubdesign.net



Proposed Site Plan - 19/1521/MFUL




1087-027 Rev B - 07/08/2019

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DO NOT SCALE TO ASCERTAIN DIMENSIONS

REV	DATE
A	Nets adjusted 16/07/19
B	Nets adjusted with timbercrib retaining wall. 05/08/19



0 5 10 15 20 25

SCALE IN METRES



19/1521/MFUL

CLIENT
BUDLEIGH SALTERTON CRICKET CLUB

PROJECT
PROPOSED NEW FACILITIES

DRAWING
SITE PLAN AS PROPOSED

DRAWING NUMBER	REV
1087-027	B

SCALE@A1	DATE
1:500	JULY 2019

AUTHOR	STATUS
RB	INFO

SPORTS FACILITIES DESIGNERS
CHARTERED ARCHITECTS
PROJECT MANAGERS

CLUB DESIGN LTD

Silverlea, Wyche Lane, Bunbury, Cheshire, CW6 9PD
Tel: 01706 632600 Fax: 01829 261393
E-mail: name@clubdesign.net
Web: www.clubdesign.net

East Devon District Council
ECONOMY

19 AUG 2019

BACK CIRC SEEN FILE

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Name: Mrs Kate Sillars

Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023



Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

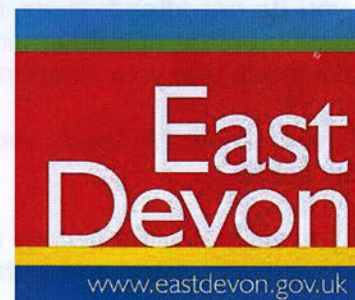
Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
2. If the Chairman gives permission you may question other parties.
3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**




Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations: 1. Map showing location of 3 Otten Reach and Cricket Club Pavilion 2. Proposed combined plan - 2187471 - revised pavilion 3. Proposed site plan - 2187470 - revised pavilion. 4. Proposed combined plans - 1295451 - original pavilion. 5. Proposed site plan - 1073304 - original pavilion 6. Comments received (5) in result of variation of planning 22/0492/VAR (Please list them) 7. Old premises - club premises certificate CPWA0101 8. Old premises - premises license PLWA0797				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:			Your Address:	
Name:	Kate Sillars		Tel No & Email	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616

E-mail: licensing@eastdevon.gov.uk

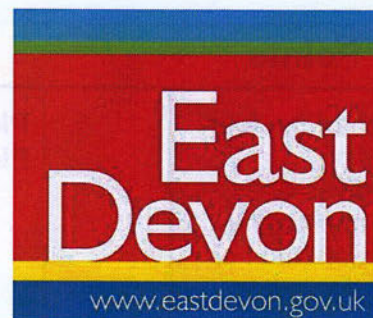
have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).


Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**


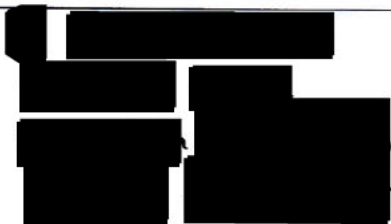

By: **Budleigh Salterton Cricket Club Ltd**

Of: **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

<input checked="" type="checkbox"/>	Prevention of public nuisance
<input type="checkbox"/>	Protection of children from harm
<input type="checkbox"/>	Other
Your signature: 	
Your name and email: George Smith, george.smith@budleighsalterton.co.uk	
Your address: 2 Church Lane, Budleigh Salterton, Dorset, DT10 1ET	

Key Points

Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	NOISE POLLUTION DUE TO LATE NIGHT OPENING. OPENING HOURS EXCESSIVELY LONG. NEXT TO A NATURE RESERVE. WHY HAS SUCH A MONSTROSITY OF A BUILDING BEEN ALLOWED NEXT TO A NATURE RESERVE?
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address: 
Your name and email	Kate Sillars 	

East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 10:17 on
10 June 2023

Budleigh Salterton Cricket Club - OLD PREMISES

Ottermouth Ground, Granary Lane, BUDLEIGH SALTERTON, Devon, EX9 6HA

Club Premises Certificate CPWA0101 from from 24/11/2005 to indefinite

Licence holder(s)

Full Name:

Budleigh Salterton Cricket Club

Permitted Activities

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the supply of alcohol
- the sale by retail of alcohol

Activities - Times Granted

	Time From	Time To	
E. Performance of live music (Indoors & Outdoors)			
Friday & Saturday	19:00	00:00	
Bank Holiday Mondays	19:00	00:00	Applies to Easter, May, Spring and August Bank Holiday Mondays.
F. Playing of recorded music (Indoors & Outdoors)			
Friday & Saturday	19:00	00:00	
Bank Holiday Mondays	19:00	00:00	Applies to Easter, May, Spring and August Bank Holiday Mondays.
G. Performance of dance (Indoors & Outdoors)			
Friday & Saturday	19:00	00:00	
Bank Holiday Mondays	19:00	00:00	Applies to Easter, May, Spring and August Bank Holiday Mondays.
H. Entertainment of a similar description to that falling within E, F, or G (Outdoors)			
Monday to Sunday	10:00	19:30	
I. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption ON the premises only			
Monday to Sunday	11:00	00:00	
J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the			

Additional Conditions

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. All licensable activities authorised by this licence except for entertainment of a similar description to that falling within activities E, F & G may take place in the areas coloured **PINK** on plan 04059-LP deposited with and approved by the Licensing Authority. The provision of facilities for making music (I) is confined to the **BAR AREA** within the club house.
3. The regulated entertainment activities listed below and authorised by this licence may take place within the areas shown outlined in **RED** on plan 04509 as deposited with and approved by the Licensing Authority. These activities are:
 - a) Performance of live music (E)
 - b) Playing of recorded music (F)
 - c) Performance of dance (G)
 - d) Entertainment of a similar description to that falling within activities E, F & G - note this activity is only authorised outdoors
 - e) Provision of facilities for dancing (J)

Note: The Premises certificate does not permit 'Off' sales and therefore alcohol purchased/supplied by virtue of the Club Premise Certificate can not be taken out of the area outlined in **RED** on the plan numbered 04509 which accompanies the certificate.

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

1. No licensable activity will take place at the club between 1 November and 31 March annually.
2. The Club Committee will have regular contact with the Police and Licensing Authority.
3. The Club Committee will monitor the behaviour of members and guests.
4. The fire safety measures with which the premises are provided will be maintained in good working order, and their adequacy will be determined on a regular basis, by the carrying out of a fire risk assessment as required by, and in accordance with the Fire Precautions (Workplace) Regulations.
5. Suitable signage at the exit to request the co-operation, of patrons in particular, to be as quiet as possible when leaving the premises.
6. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night or during the early morning, when the noise generated could cause a nuisance particularly outside buildings.
7. The Club Committee will appoint a Welfare Officer.
8. When events involving amplified music and speech take place inside the premises, all external doors and windows will remain closed other than for access and egress.
9. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.
10. Irresponsible drinks promotions will not be permitted, and the Standards for the Management of Standard Drinks Promotions produced by the British Beer and Pub Association will be complied with.

11. Only plastic or toughened glasses or plastic bottles will be permitted to be taken outside the clubhouse or on to the raised timber deck.
12. Amplified commentary is to be restricted to 6 occasions per year.
13. Stewards should be provided at the end of each late night entertainment to ensure the orderly departure of members and guests.

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East Devon District Council

Licensing » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:34 on
12 June 2023

Budleigh Salterton Cricket Club - OLD PREMISES

Ottermouth Ground, Granary Lane, BUDLEIGH SALTERTON, Devon, EX9 6HA

Premises Licence PLWA0797 from from 22/08/2018 to indefinite

Licence holder(s)

Full Name:	Budleigh Salterton Cricket Club Limited
-------------------	-----------------------------------------

Designated Premises Supervisor

Full Name:	Mr Jack England
-------------------	-----------------

Permitted Activities

- any playing of recorded music
- a performance of dance
- the supply of alcohol
- a performance of live music

Premises Open Hours Granted

	Time From	Time To	
Monday to Sunday	08:00	01:00	Club will close between 31 October and 31 March each year.

Activities - Times Granted

	Time From	Time To	
E. Performance of live music (Indoors)			
Friday & Saturday	19:00	23:00	Restricted to a maximum of six one day events per year held either on a Friday, Saturday or a Sunday proceeding a Bank Holiday.
Sunday Preceeding Bank Holiday	19:00	23:00	Restricted to a maximum of six one day events per year held either on a Friday, Saturday or a Sunday proceeding a Bank Holiday.

F. Playing of recorded music (Indoors & Outdoors)

Monday to Sunday	09:00	23:00
------------------	-------	-------

G. Performance of dance (Indoors & Outdoors)

Monday to Sunday	19:00	00:00
------------------	-------	-------

J. Supply of alcohol for consumption ON and OFF the premises

Monday to Sunday	11:00	00:30
------------------	-------	-------

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 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 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

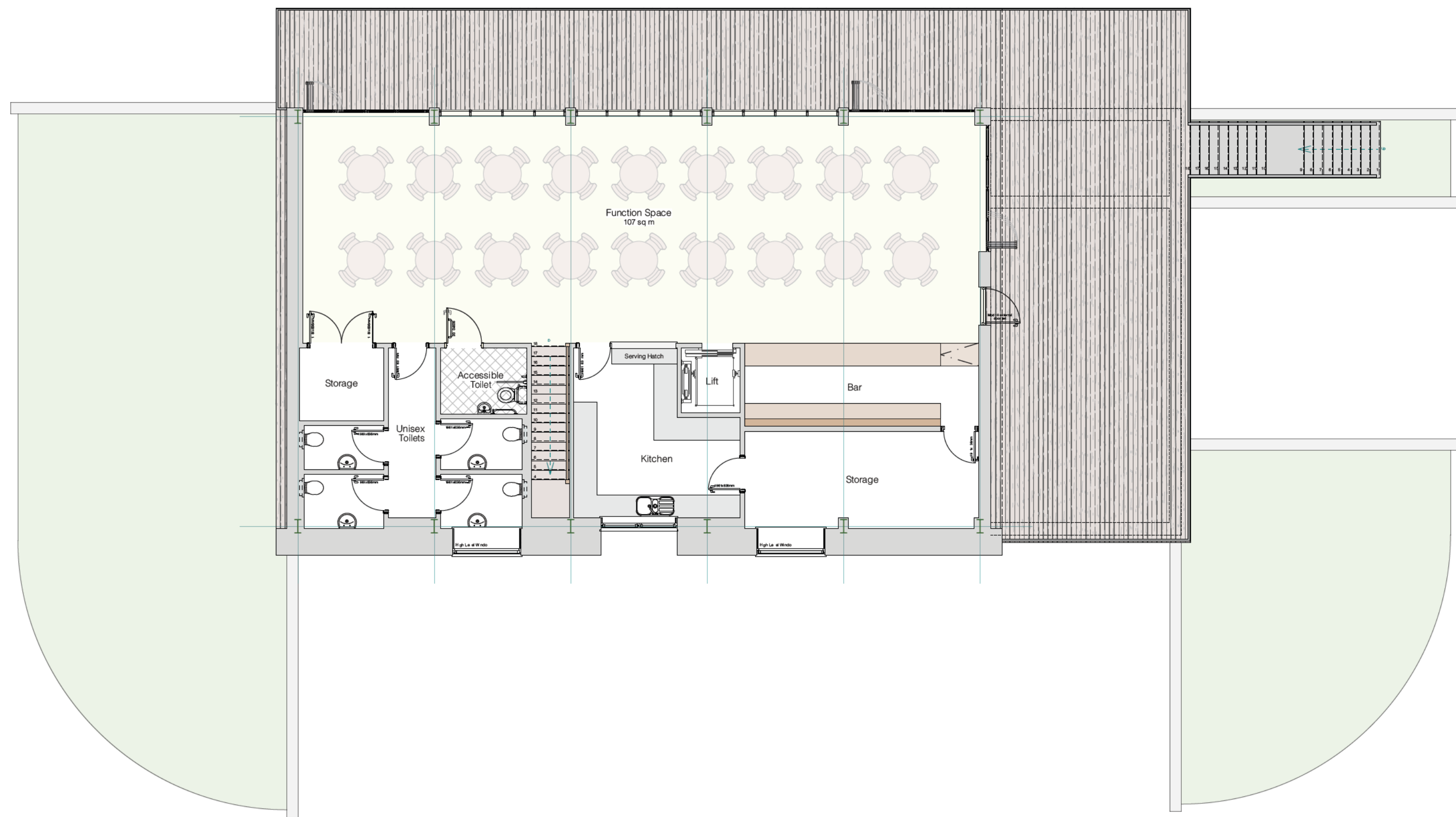
1. Budleigh Salterton Cricket Club will be run as a members club and will comply with the rules of the club.
2. Alcohol will be supplied to club members and to members of the public at the discretion of the committee.
3. The licence will be restricted to 1 April to 31 October each year.
4. Live music inside the premises to be restricted to six one day events per annum within the restricted opening hours of the club between 1st April and 30th September (these events can only take place on a Friday, Saturday or a day proceeding a bank holiday with at least two weeks in between for respite).
5. Recorded music inside and outside the premises to be controlled by a noise limiter set to the satisfaction of an Environmental Health Officer.
6. Consumption of alcohol to be restricted to the cricket field as per the legend on the plan submitted to and agreed with the Licensing Authority.
7. The club will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
8. Training records will be retained for at least 12 months and will be made available for inspection by officers of both the Licensing Authority and the Police.
9. An incident book will be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises will be recorded. The incident book will be kept on the premises at all times and will made available for inspection by officers of both the Licensing Authority and the Police.
10. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo driving licence or Government approved PASS card.

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

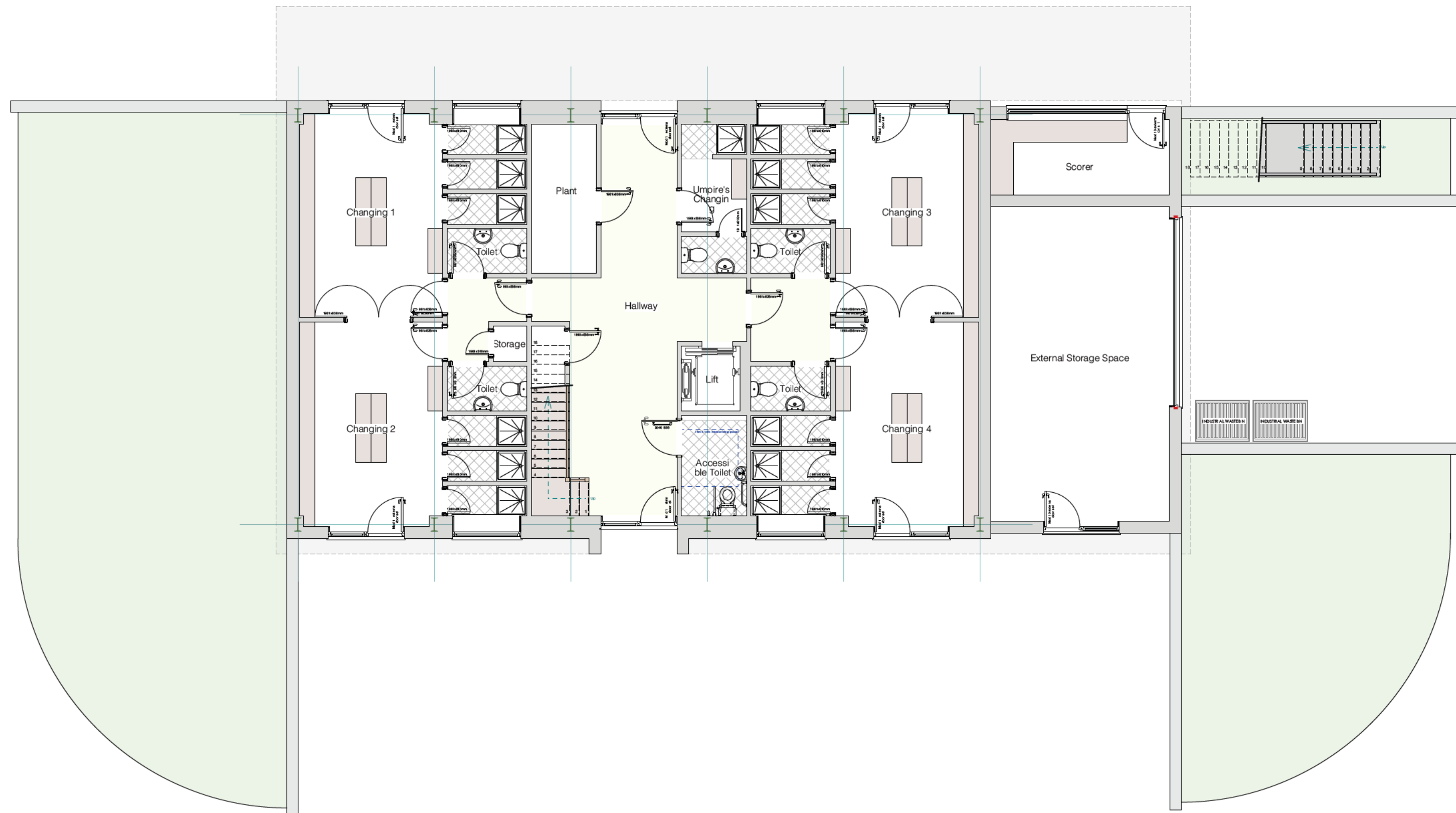
None

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.



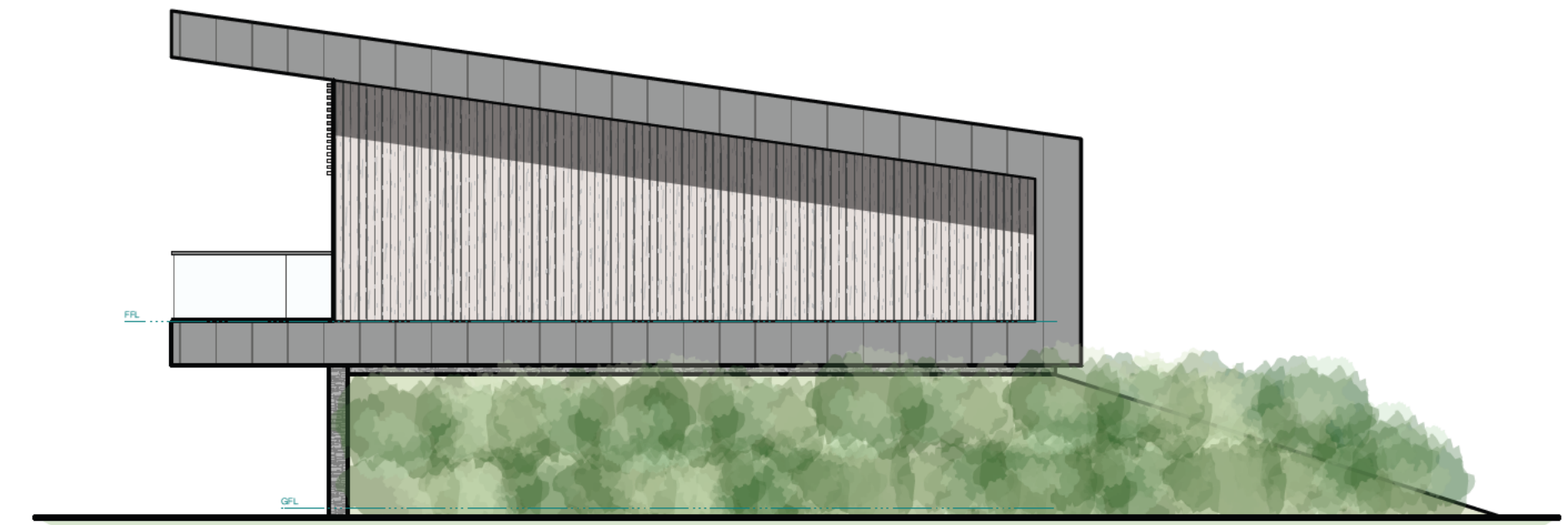
First Floor Plan 1:100
Main Building Area = 190 sqm



Ground Floor Plan 1:100
Main Building Area = 190 sqm
External Store Area = 51 sqm



Front Elevation 1:100



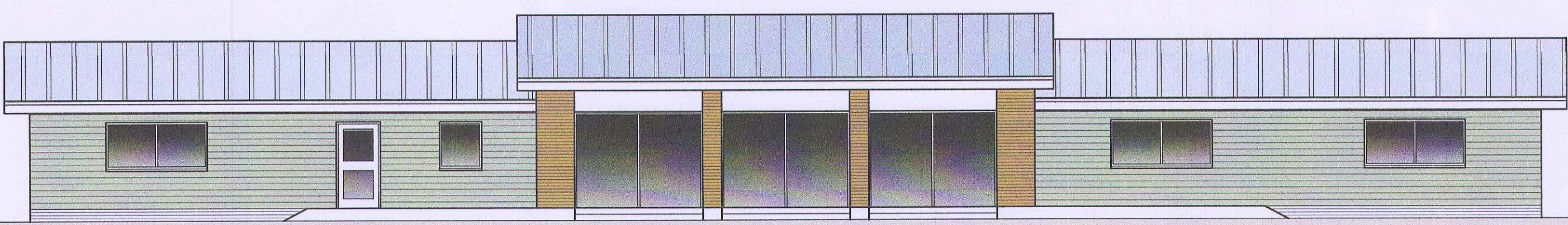
Side Elevation 1:100



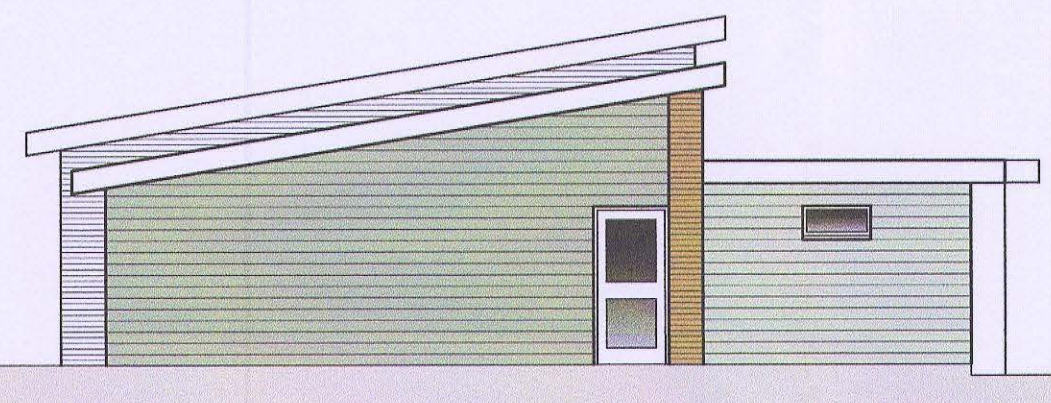
Rear Elevation 1:100



Side Elevation 1:100



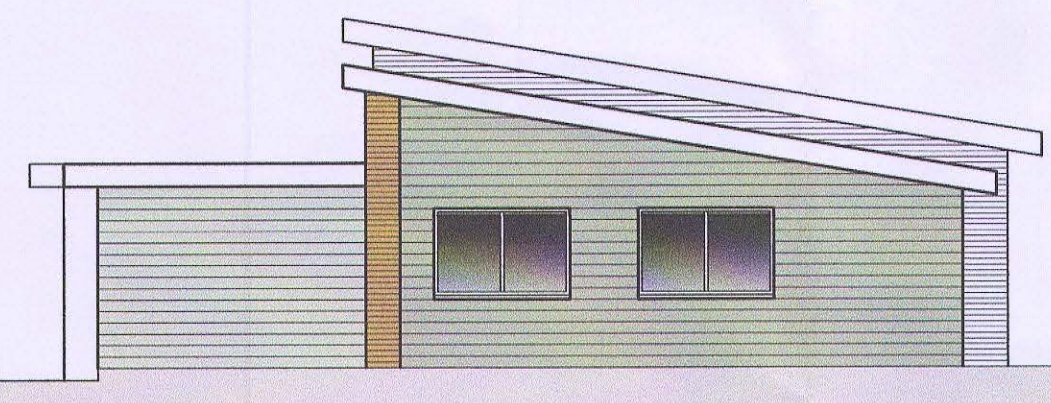
CRICKET FIELD (NORTH EAST) ELEVATION



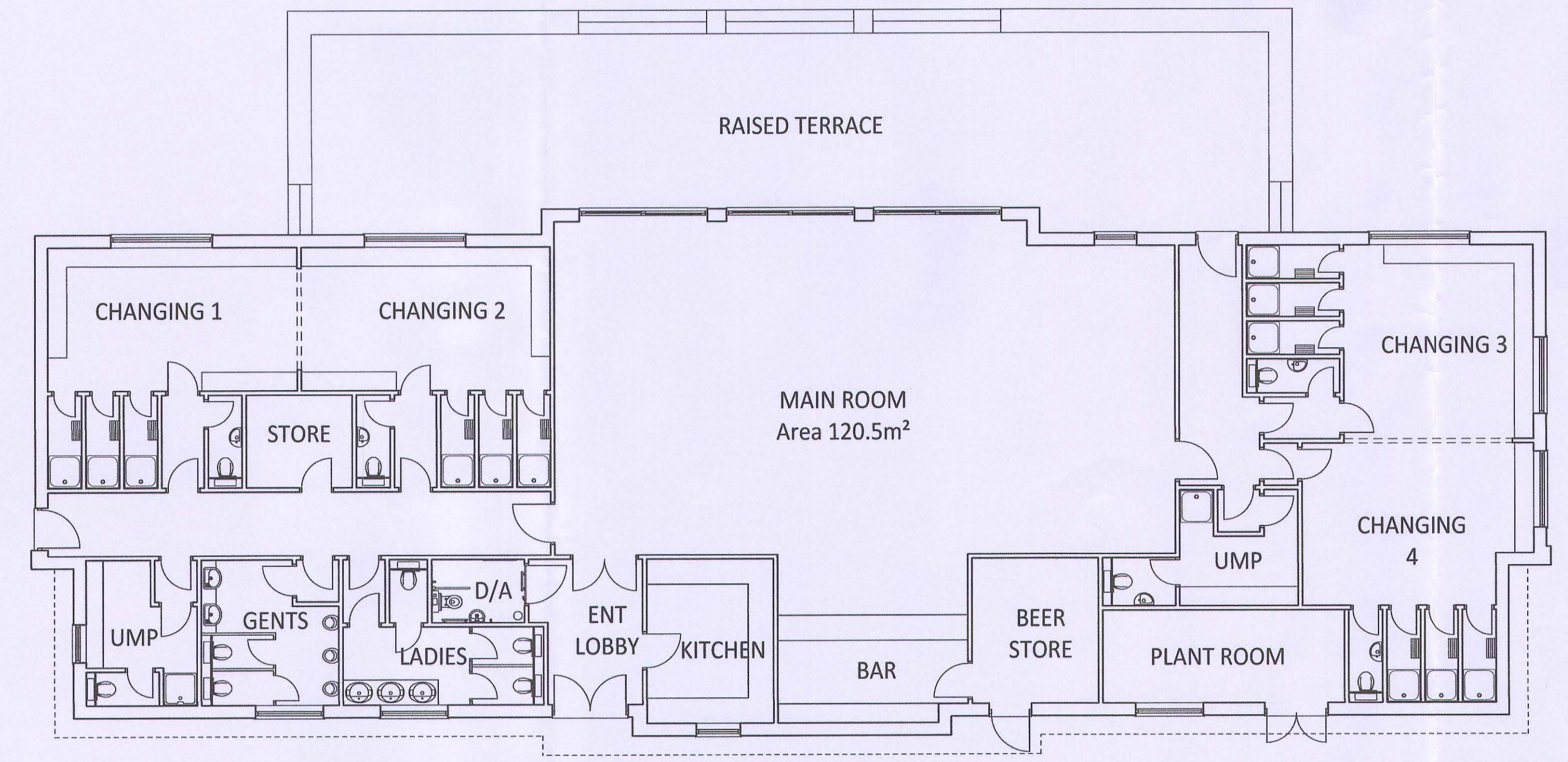
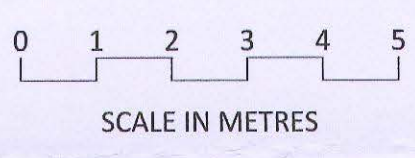
NORTH WEST ELEVATION



ENTRANCE (SOUTH WEST) ELEVATION



JUNIOR CRICKET FIELD (SOUTH EAST) ELEVATION



CLUBHOUSE G.I.A. 385.4m²

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DO NOT SCALE TO ASCERTAIN DIMENSIONS

REV	DATE
A	Scale bar added 05/08/19

CLIENT
BUDLEIGH SALTERTON
CRICKET CLUB

PROJECT
PROPOSED NEW FACILITIES

DRAWING
PROPOSED CLUBHOUSE
PLAN & ELEVATIONS

DRAWING NUMBER 1087-024	REV A
SCALE@A1 1:100	DATE FEB 2019
AUTHOR RB	STATUS INFO

SPORTS FACILITIES DESIGNERS
CHARTERED ARCHITECTS
PROJECT MANAGERS

CLUB DESIGN LTD

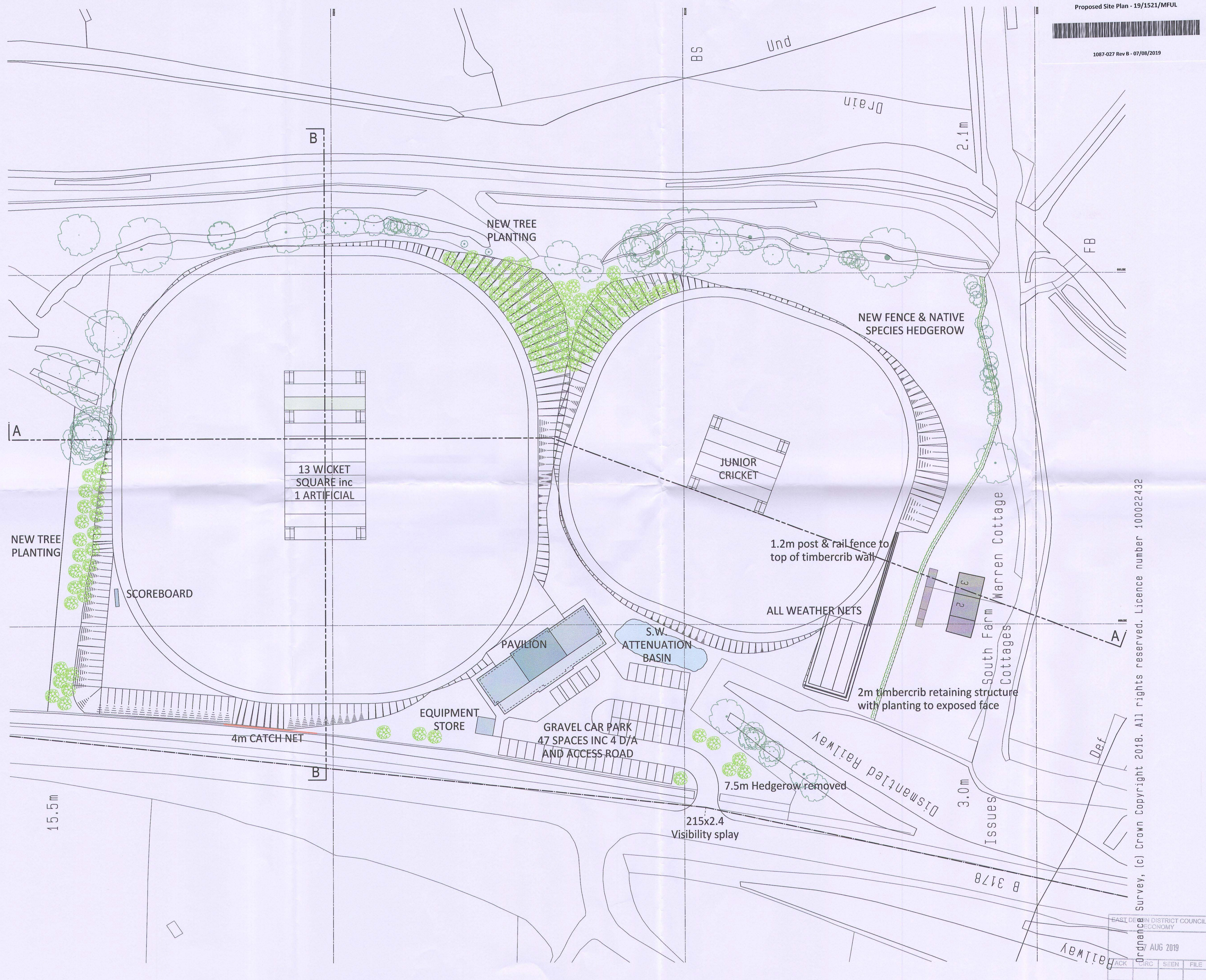
Silverlea, Wyche Lane, Bunbury, Cheshire, CW6 9PD
Tel: 01706 632600 Fax: 01829 261393
E-mail: name@clubdesign.net
Web: www.clubdesign.net

Proposed Combined Plans - 19/1521/MFUL

1087-024 rev A - 07/08/2019

19/1521/MFUL

EAST DEVON DISTRICT COUNCIL ECONOMY			
7 AUG 2019			
ACK	CIRC	SEEN	FILE






page 194

Site Plan 1:200

22/0492/VAR | Variation of condition 2 (approved plans) of application 19/1521/MFUL. | Land North Of South Farm Cottages
East Budleigh Road Budleigh Salterton

Total Consulted: 11 Comments Received: 5 Objections: 0 Supporting: 2

 [View all comments](#)

Dr Stan Roberts (Neutral)

Comment submitted date: Mon 04 Apr 2022

Opinion...NEUTRAL

Application 22/0492/VAR relates to the construction of a cricket pavilion which is fundamentally different in shape and design to that extant in the granted Application 19/1521/MFUL. The significant variation is emphasised in the Planning Statement (PS) 3.1.15 the 'Design...[has]been significantly improved'.

The Cricket Club was consulted on the unobtrusive single story pavilion (19/1521/MFUL Design and Access Statement 2.5) and the suggested ostentatious variation is not a 'minor material amendment' in my opinion. The statement that there is a 'modest increase in height' of the structure is risible in view of the relative heights shown in the Planning Statement (page 9).

The change of plan is focused on attracting 'a multitude of different events' (unspecified) (PS 3.1.8). The 'similar internal design' (PS 3.1.17) obviously works for the Cricket Club and so it is the element that is the 'detailed input from the Applicant', aiming to attract 'other users' (PS 3.1.17) that promotes the need for the fundamental change of layout.

I understand that, at any one time, there could be up to 80 persons accommodated on the new upper floor and such an 'event' could take place at the same time as a cricket match. Since the site is out-of-town, most visitors will arrive by car, so the concept of integrating 'events' and cricket matches means the size of the car park is wholly inadequate. I recommend that there should be allocated spaces for at least 80 cars. If not, one can predict queuing on East Budleigh Road to get in, or, far worse, parking on East Budleigh Road and the lanes/verges in Kersbrook.

Noise and air pollution will be increased by cars arriving at the site, but the openness of the site will mitigate the problems. It is more likely that noise pollution will be due to outside 'events' (e.g. 'gigs' on the juniors' field out of season). The Club should be mindful of local residents when organising such outside 'events' and the EBBPC should be restrained in issuing licences that extend the hours beyond 10.00 p.m.

Overall, I am delighted that the Cricket Club has a splendid new ground and a viable future. On the other hand, this Application is questionable at best and fatally flawed at worst. Just how much input from the Cricket Club (as opposed to 'detailed input from the Applicant' (CDE) (PS 3.1.17)) is moot. A Google search 'cricket pavilions' shows

the structure is unlike any pavilion featured; it does not even have a clock for players/umpires...but perhaps I am just old fashioned!

Mr Stephen Passenger (Neutral)

Comment submitted date: Thu 31 Mar 2022

Whilst I wholly support the relocation of the Budleigh Salterton Cricket Club as part of the LORP, there are three major issues which merit further discussion before planning permission is granted for the proposed variation to the initial planning permission.

The site is in a beautiful rural location in this designated Area of Outstanding Natural Beauty surrounded by farming communities and rural residential hamlets/villages.

Increasing the size of the cricket pavilion with its new designation to 'host a variety of uses' (3.1.7) as a 'local destination for residents and businesses of Budleigh Salterton and wider East Devon' which will 'remain well-used by the community even out of the cricket season' (3.1.8) must surely raise questions (and eyebrows) regarding:

1. Road safety: what will be the effect of the increased traffic volume on the B3178 - a major local and school bus route - and access to/from the cricket ground?
2. Car parking: is there sufficient parking to accommodate the 'variety of uses' envisaged - will the same parking facility be accommodating cricketers and supporters/ walkers on the Otter Valley route/ attendees at the envisaged 'host' of other uses?
3. Noise: has sufficient thought been given to the effects of increased noise (loudspeakers/people and cars moving)? The local residents in Kersbrook and the population in the surrounding area (both human and wildlife) are already 'remotely - and involuntarily - participant' in the various functions hosted at Bickton Park (for example, brass band in July; Proms in the Park (July); A Night of Queen (August).

There must be a suitably-appointed management team (to include members of the Cricket Club board with representatives of the local council and local residents) who have clear covenants/restrictions to guide them to ensure that this AONB on the outskirts of Budleigh retains the peaceful beauty for which is it famed and - it must be said - attracted the LORP funding in the first place?

Mrs Joanne Vanstone (Supports)

Comment submitted date: Wed 30 Mar 2022

Budleigh Salterton Town Council supports the application, although there are concerns about the number of car parking spaces as members feel there will not be enough when the building is used for events, other than cricket matches.

Members would also like provision made for Electric Vehicle charging points.

Mr Derek Wensley (Supports)

Comment submitted date: Tue 29 Mar 2022

Unfortunately the Clerk to East Budleigh with Bickton Parish Council is off sick at the moment. As Chairman of the Council, I am reporting that the Parish Council resolved at its meeting of 22nd March to support the variation to Clause 2 as described in this application.

Ms Christine Hadley (Neutral)

Comment submitted date: Mon 28 Mar 2022

Whilst I do not object to the new design for the cricket pavilion and understand its objectives, I am concerned that increasing it to two storeys will make it more visible from the East Budleigh Road, particularly near the junction with the turn off to Exmouth as you come out of East Budleigh. The land is in an Area of Outstanding Natural Beauty and outside the town boundary but I gather that a screen of trees has been planted to hide the building from any viewing spots. I hope it will be a condition to make sure that these trees survive and thrive so that the landscape will not be dominated by the structure.

an idox  solution

[Contact us](#)

[!\[\]\(d66ff64371a51729ac8c1cdaa685ba6f_img.jpg\) Facebook](#)

[!\[\]\(e3f8612927870f2e0f9f5989e6dd3064_img.jpg\) Twitter](#)

[!\[\]\(003082e50e3009141f59bd5df831749f_img.jpg\) Instagram](#)

[!\[\]\(17413706fd4997a1a4bdf85c6864eee1_img.jpg\) Youtube](#)

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East Devon – an outstanding place

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Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Mrs Doris Couper

Address:



Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

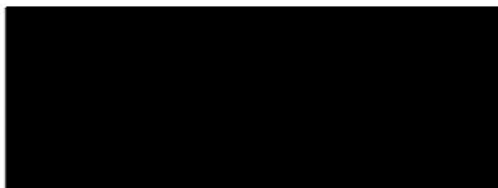
Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023



Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
2. If the Chairman gives permission you may question other parties.
3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	Doris Couper [Redacted Address]			
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations: (Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[Redacted Signature]	Your Address:	[Redacted Address]	
Name:	DORIS COUPER	Tel No & Email	[Redacted Contact Info]	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
 Attn. Licensing Manager
 East Devon District Council,
 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
 E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn: Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

See my original email : objection to music
in or outside after 11pm.

Key Points

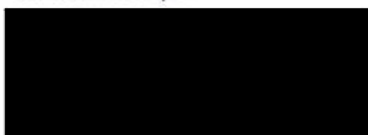
Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary	
Prevention of crime and disorder	<input type="checkbox"/>		
Public Safety	<input type="checkbox"/>		
Prevention of public nuisance	<input type="checkbox"/>		
Protection of children from harm	<input type="checkbox"/>		
Your signature:			Your address:
Your name and email			

Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Mr John Couper

Address:



Date: 05/06/2023

LICENSING ACT 2003

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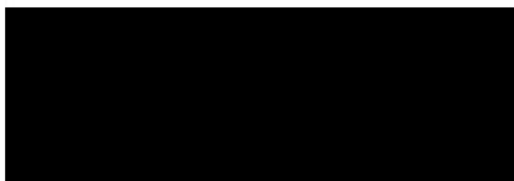
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Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023



Mark Williams
Chief Executive
East Devon Licensing Authority

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Please turn to page 2 which explains how and by when you must respond.

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- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

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E-mail: licensing@eastdevon.gov.uk

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15/06/2023

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East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: 055718




Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by: <i>Doris Couper, my wife</i>				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	<i>Doris Couper</i> 			
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations:				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:		Tel No & Email		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

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15/06/2023

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Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

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Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

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Key Points

Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input type="checkbox"/>	
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address:
Your name and email		

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
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SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

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Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points		
Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	DISTURBANCE TO NEIGHBOURHOOD CAUSED BY NOISE AND LIGHT AT UNREASONABLE LATE HOURS.
Protection of children from harm	<input type="checkbox"/>	
Your signature:	[Redacted Signature]	
Your name and email	MR N MARCH [Redacted Email]	Your address: [Redacted Address]

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing DUE TO MEDICAL REASONS			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: MR ROBBIE SILLARS & MRS KATE SILLARS [REDACTED]				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	N/A			
Please explain how this person will be able to assist the Licensing Sub-Committee: N/A				
I enclose the following documents to support my original representations: Refer to my previous letter dated 30 th May 2023 (Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[REDACTED]	Your Address:	[REDACTED]	
Name:	MR NICK MARCH	Tel No & Email	[REDACTED]	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

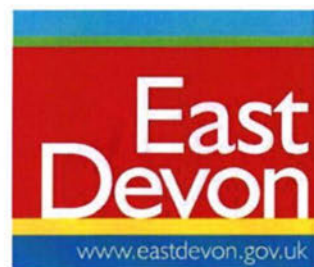
have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points

Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	<u>Noise</u> - particularly after 10:30pm at night and outside. Amplified noise but Any noise over a <u>certain</u> level. Noise frequency, <u>light pollution</u> - Not yet experienced.
Protection of children from harm	<input type="checkbox"/>	
Your signature:	<div style="background-color: black; width: 150px; height: 20px;"></div>	Your address:
Your name and email	Ann Coals <div style="background-color: black; width: 250px; height: 20px;"></div>	<div style="background-color: black; width: 250px; height: 40px;"></div>

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by:				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee:				
I enclose the following documents to support my original representations:				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:	Ann Coals	Tel No & Email		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

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 Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
 E-mail: licensing@eastdevon.gov.uk

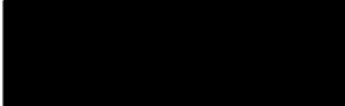
Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Ms Claire Brown

Address:



Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

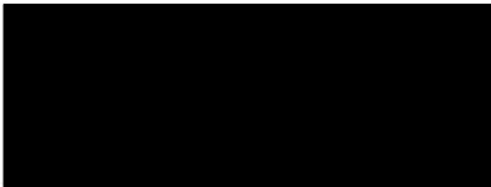
Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023



Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
2. If the Chairman gives permission you may question other parties.
3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: **055718**

Application: **Premises Licence WITH Alcohol New Application**

By: **Budleigh Salterton Cricket Club Ltd**

Of **NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,**

Re: **Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,**

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: <i>Robbie Sillars,</i> [REDACTED]				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	[REDACTED]			
Please explain how this person will be able to assist the Licensing Sub-Committee:				
[REDACTED]				
I enclose the following documents to support my original representations:				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[REDACTED]	Your Address:	[REDACTED]	
Name:	<i>CLAIRE BROWN</i>	Tel No & Email:	[REDACTED]	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

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Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718


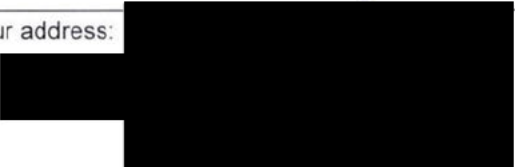

Application: Premises Licence WITH Alcohol New Application





By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points

Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	Noise late at night - especially in summer when windows open. Volume of traffic near site Close to railway reserve
Protection of children from harm	<input type="checkbox"/>	
Your signature:		
Your name and email	Your address:  Claire Brown 	

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by: MR ROBBIE SILLARS				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address				
Please explain how this person will be able to assist the Licensing Sub-Committee: LOCAL RESIDENT IN THE VICINITY OF THE CRICKET CLUB.				
I enclose the following documents to support my original representations: (Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application , *representation or *objection . I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:	BRIAN HITCHCOCK	Tel No & Email		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

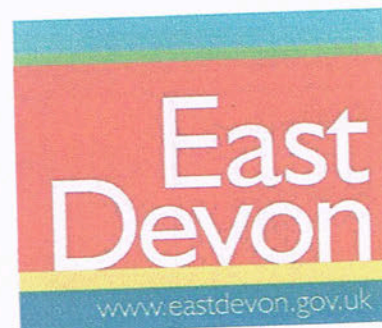
YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points

Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	<p>① THE CLOSE PROXIMITY OF THE CLUB TO RESIDENTIAL HOUSING AND OTTER VALLEY NATURE RESERVE</p> <p>② THE REQUESTED RESTRICTIONS ON MUSIC AND EVENTS (INDOOR & OUTDOOR).</p>
Protection of children from harm	<input type="checkbox"/>	
Your signature:	<div style="background-color: black; width: 200px; height: 30px; margin: 0 auto;"></div>	
Your name and email	Your address: BRIAN HITCHCOCK	

From: Brian Hitchcock

To:
Licensing Manager,
licensing@eastdevon.gov.uk
East Devon District Council,
Blackdown House, Border Rd,
Heathpark Industrial Estate,
Honiton, EX14 1E3

1 June 2023

Representation
Licensing application No. 055718, New Application
Premises Licence with Alcohol, Budleigh Salterton Cricket Club

Dear Sir, Madam

We refer to the above application.

We live [REDACTED] [REDACTED] [REDACTED] We are very concerned about the current application and the effect that it will have upon the neighbourhood and surrounding wildlife, in terms of the requests for performance and playing of live music which are extremely worrying. This is a quiet neighbourhood situated on the sides of the Otter Valley nature reserve, a site of Special Scientific Interest.

We notice that the application states '*the club does not anticipate noise levels to have a negative impact at any time given the nature of its business and the fact that the bar area is a considerable distance from residential properties*'.

Noise that will emanate from the playing and performance of music (in and outdoors) - please note that we can hear noise that emanates from any event the club has had in the past when it was over 600 meters away and we can also hear music from Bickton Park when they have events. The new club is close to us and other residents are closer still. Please review the above statement in the application.

We fully support the relocation and development of the club but it is a local town cricket club and not an events venue. Whilst we appreciate they may wish to have club social events we would ask that outdoor music is limited to 5-6 times a year (which will enable traditional summer parties and say at Christmas and bonfire night) which is normal for a local sports club. Whilst we appreciate the club may wish to raise funds it should not be used as a special events venue as we believe this goes beyond being a local cricket club and its spirit in the neighbourhood.

We request more detailed consultation in the local media and town notice boards before any close of representations and that noise levels are considered further in the application in detail.

In view of the above we would kindly also request:

②

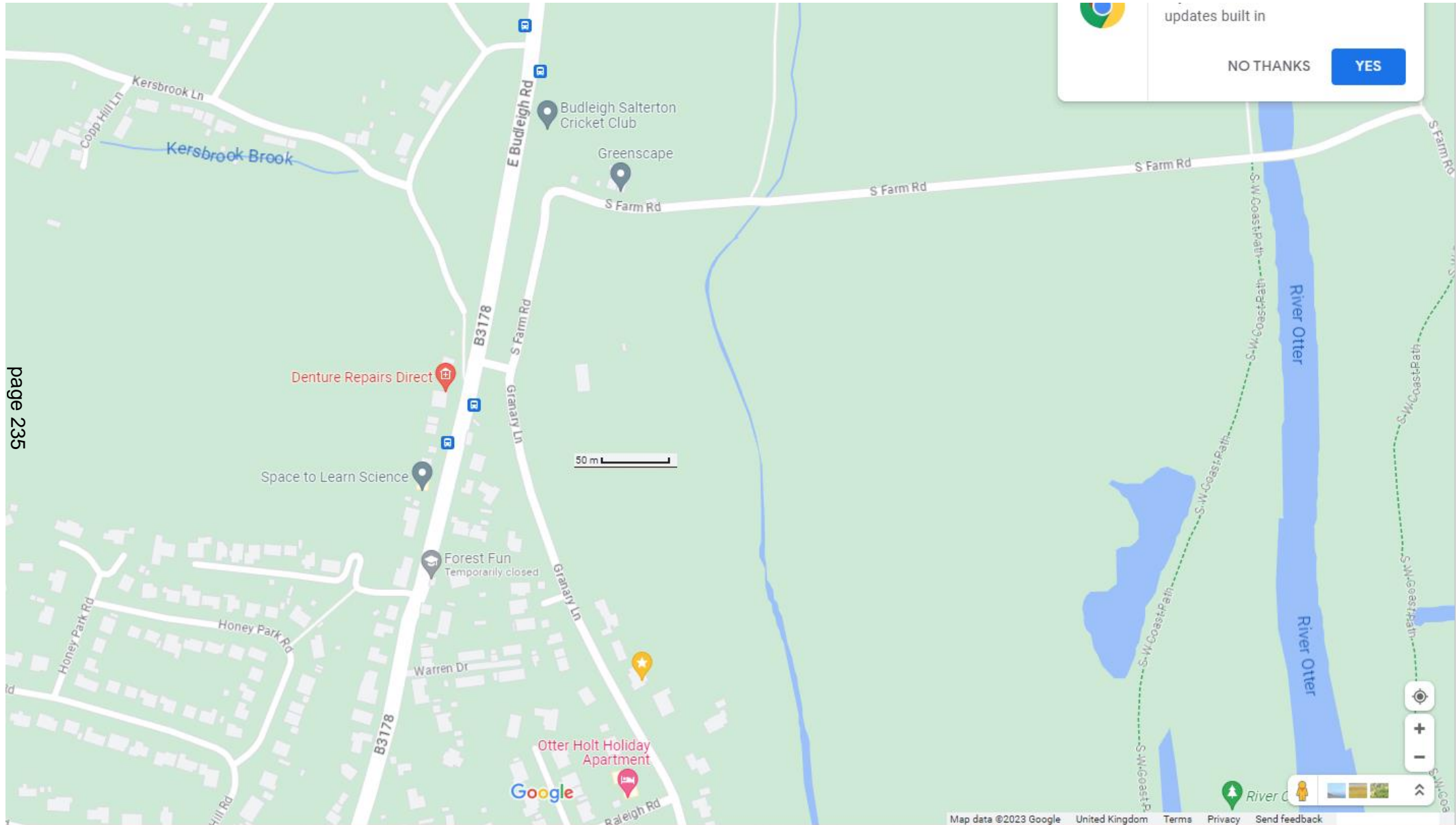
1. E: Performance of live music (Indoors & Outdoors) – Indoors be limited to 23:00 on Friday and Saturday with strict noise control and monitoring measures. Outdoor live events be limited to 3 times per year with noise control measures and monitoring.
1. F: Playing of recorded music (Indoors & Outdoors) – Indoors be limited to 23:00 on Friday and Saturday with noise control measures and monitoring. Provide a limitation on outdoor events 3 times per year with noise control measures and monitoring.
2. J: Supply of alcohol for consumption ON and OFF the premises only - please be limited to 23:00 on any given day
3. Provide specific limitation on the use of fireworks given the nature of the site and proximity to wildlife (and our pets).

Best wishes






Brian Hitchcock

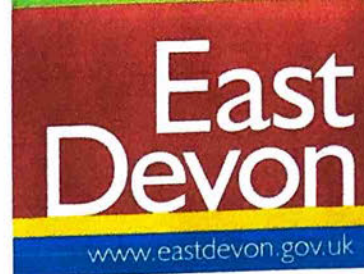
(1) The close proximity of the club to residential housing and the otter valley nature reserve



Key Points	
------------	--

Which of the four licensing objectives does your <i>application, representation or objection</i> relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	
Protection of children from harm	<input type="checkbox"/>	
Your signature:		
Your name and email	MIKE SHEEHAN 	
Your address:		

Strategic Lead - Governance
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

(Tick as appropriate)		Yes	No
I consider this hearing to be unnecessary		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing		<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: MRS YVONNE MILLS [Redacted]			
Please see note below (Please give details of the person's name and address in this box)			
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)			
Name and address	MRS YVONNE MILLS [Redacted]		
Please explain how this person will be able to assist the Licensing Sub-Committee: MY REPRESENTATIVE WILL BE ABLE TO ASK QUESTIONS ON MY BEHALF TO OBTAIN CLARIFICATION AND PROVIDE CLARIFICATION AND COMMENT ON PROXIMITY OF CRICKET CLUB TO RESIDENCE AND THE POTENTIAL IMPACT ON QUALITY OF LIFE ON GRANTING OF AN ENTERTAINMENT'S LICENSE FOR HOURS (HOURS).			
I enclose the following documents to support my original representations: EXTRACT FROM ENCYCLOPEDIA BRITANNICA ON PROPAGATION OF NOISE DEFRA NOISE POLICY STATEMENT FOR ENGLAND NOISE EXPOSURE HIERARCHY TABLE MAPS DETAILING PROXIMITY OF CRICKET CLUB TO PROPERTY. PHOTOGRAPH OF CRICKET CLUB HOUSE AS VIEWED FROM PROPERTY. (Please list them)			
(Tick as appropriate)		Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:	[Redacted]	Your Address: [Redacted]	
Name:	ANDREW MILLS	Tel No & Email: [Redacted]	

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

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Governance and Licensing
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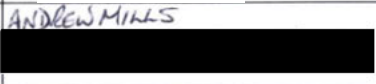
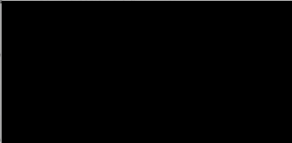
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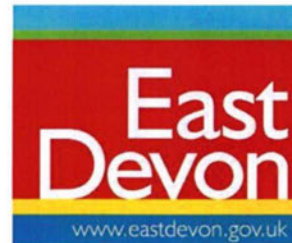
YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Points		
Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input checked="" type="checkbox"/>	LATE NIGHT CONSUMPTION OF ALCOHOL NECESSARY OF LICENSE TO INCLUDE SUPPLY OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES WHEN TOWN HAS ESTABLISHMENTS THAT CARE FOR THIS REQUIREMENT. RESTRICTIONS OF LICENSE TO ON PREMISES CONSUMPTION OF ALCOHOL TO REDUCE LIKENHOOD OF DISORDER. PREVENTATIVE MEASURES.
Public Safety	<input type="checkbox"/>	
Prevention of public nuisance	<input checked="" type="checkbox"/>	LEVELS OF NOISE FROM PEOPLE ARRIVING AND DEPARTING VENUE LATE AT NIGHT NOISE POLLUTION INDUCED FROM PERFORMANCE OF LIVE MUSIC AND / OR PLAYING OF RECORD MUSIC (INDOORS AND OUTDOORS) NO NOISE PREVENTATIVE MEASURES IN PLACE NO NOISE ASSESSMENT OR NOISE MANAGEMENT IN PLACE. PROPAGATION OF NOISE PROXIMITY OF CLUBS TO PROPERTY.
Protection of children from harm	<input type="checkbox"/>	
Your signature:		Your address:
Your name and email	ANDREW MILLS 	

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

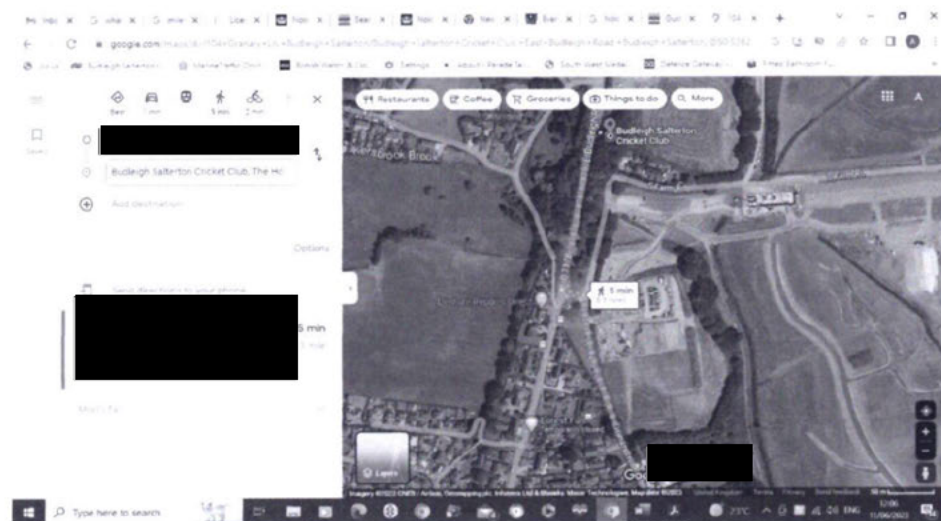
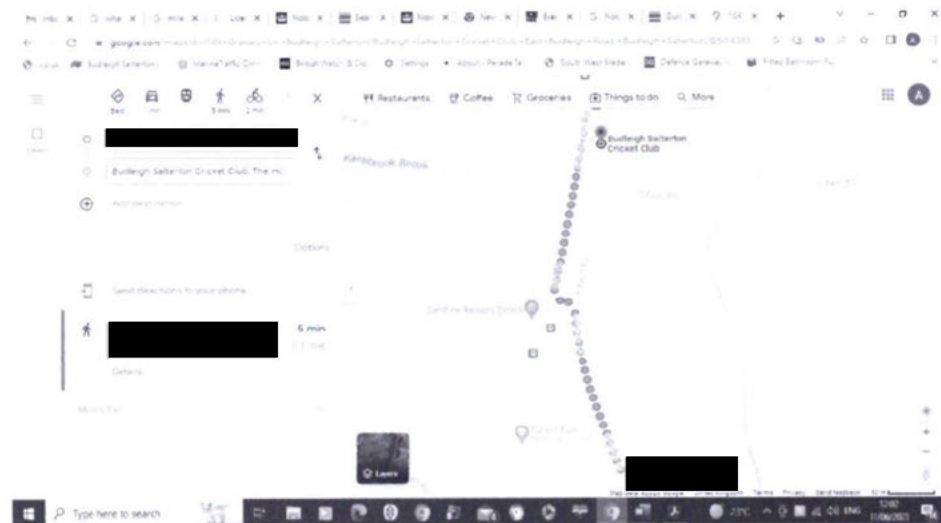


Street map identifying my property in relation to Cricket Club.

In relation to proximity and impact of noise.

Cricket Club resides approx. 0.3 of a mile (482meters), shorter as the crow flies from my property.

Due to topography, the club house is in direct line of site from my patio at rear of property.





Extract from GOV.UK Guidance Noise.

Noise exposure hierarchy table

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			

Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

Extract taken from Encyclopaedia Britannica on propagation of noise at night and during windy days.

At night or during periods of dense cloud cover, a [temperature inversion](#) occurs; the temperature of the air increases with elevation, and sound waves are refracted back down to the ground. Temperature inversion is the reason why sounds can be heard much more clearly over longer distances at night than during the day—an effect often incorrectly attributed to the psychological result of night time quiet. The effect is [enhanced](#) if the sound is [propagated](#) over [water](#), allowing sound to be heard remarkably clearly over great distances.

Refraction is also observable on [windy](#) days. Wind, moving faster at greater heights, causes a change in the effective speed of sound with distance above ground. When one speaks with the [wind](#), the sound wave is refracted back down to the ground, and one's voice is able to “carry” farther than on a still day. When one speaks into the wind, however, the sound wave is refracted upward, away from the ground, and the voice is “lost.”



www.defra.gov.uk

Noise Policy Statement for England (NPSE)

March 2010

Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR
Telephone 020 7238 6000
Website: www.defra.gov.uk

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Email: helpline@defra.gsi.gov.uk

This document is available on the Defra website:
<http://www.defra.gov.uk/environment/quality/noise/>

Published by the Department for Environment, Food and Rural Affairs

Noise Policy Statement for England

- 1.1 The Government is committed to sustainable development and Defra plays an important role in this by working to secure a healthy environment in which we and future generations can prosper. One aspect of meeting these objectives is the need to manage noise for which Defra has the overall responsibility in England.
- 1.2 The Government recognises that the effective management of noise requires a co-ordinated and long term approach that encompasses many aspects of modern society.
- 1.3 The aim of this document is to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level, in a cost-effective manner and in a timely fashion.
- 1.4 The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It has been developed following discussions with stakeholders regarding the effects on the noise environment of current policies and practices.
- 1.5 This Noise Policy Statement for England (NPSE) should apply to all forms of noise including environmental noise, neighbour noise and neighbourhood noise. The NPSE does not apply to noise in the workplace (occupational noise).
- 1.6 This Noise Policy Statement for England (NPSE) sets out the long term vision of Government noise policy:

Noise Policy Vision

Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

- 1.7 This long term vision is supported by the following aims:

Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

- 1.8 The vision and aims of NPSE should be interpreted by having regard to the set of shared UK principles that underpin the Government's sustainable development strategy.

Guiding principles of sustainable development

Ensuring a Strong Healthy and Just Society – Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

Using Sound Science Responsibly – Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.

Living Within Environmental Limits – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

Achieving a Sustainable Economy – Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.

Promoting Good Governance – Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy and diversity.

Source: Securing the future – delivering UK sustainable development strategy, HM Government, March 2005.

Noise Policy Statement for England Explanatory Note

Why do we need a Noise Policy Statement for England (NPSE)?

- 2.1 Noise is an inevitable consequence of a mature and vibrant society. For some the noise of city life provides a desirable sense of excitement and exhilaration, but for others noise is an unwanted intrusion that adversely impacts on their quality of life, affecting their health and well being.
- 2.2 The management of noise has developed over many years as the types and character of noise sources have altered and as people's attitude to noise has changed. The Noise Abatement Act came into law in 1960 and the Report from the Committee on the Problem of Noise was published in 1963 (the Wilson report). Since then, examples of noise management can be found in many areas including reducing noise at source; the use of the land use and transport planning systems, compensation measures, the statutory nuisance and licensing regimes and other related legislation.
- 2.3 Furthermore, the broad aim of noise management has been to separate noise sources from sensitive noise receivers and to 'minimise' noise. Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise 'as far as reasonably practical'. This concept can be found in the Environmental Protection Act 1990, where, in some circumstances, there is a defence of 'best practicable means' in summary statutory nuisance proceedings.
- 2.4 By describing clear policy vision and aims the NPSE provides the necessary clarity and direction to enable decisions to be made regarding what is an acceptable noise burden to place on society.

What types of noise are addressed by the Noise Policy Statement for England?

- 2.5 The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise). For the purposes of the NPSE, "noise" includes:
 - "environmental noise" which includes noise from transportation sources;
 - "neighbour noise" which includes noise from inside and outside people's homes; and
 - "neighbourhood noise" which includes noise arising from within the community such as industrial and entertainment premises, trade and business premises, construction sites and noise in the street.

What will the Noise Policy Statement for England achieve?

- 2.6 The application of the NPSE should mean that noise is properly taken into account at the appropriate time. In the past, the opportunity for the cost effective management of noise has often been missed because the noise implications of a particular policy, development or other activity have not been considered at an early enough stage.
- 2.7 In addition, the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications.

- 2.8 In the longer term, the Government hopes that existing policies could be reviewed (on a prioritised basis), and revised if necessary, so that the policies and any noise management measures being adopted accord with the vision, aims and principles of the NPSE.

How should the Noise Policy Statement for England be used?

- 2.9 Noise management is a complex issue and at times requires complex solutions. Unlike air quality, there are currently no European or national noise limits which have to be met, although there can be specific local limits for specific developments. Furthermore, sound only becomes noise (often defined as 'unwanted sound') when it exists in the wrong place or at the wrong time such that it causes or contributes to some harmful or otherwise unwanted effect, like annoyance or sleep disturbance. Unlike many other pollutants, noise pollution depends not just on the physical aspects of the sound itself, but also the human reaction to it. Consequently, the NPSE provides a clear description of desired outcome from the noise management of a particular situation.
- 2.10 The guiding principles of Government policy on sustainable development, (paragraph 1.8), should be used to assist in its implementation. The development of further principles specifically to underpin implementation of noise management policy will be kept under review as experience is gained from the application of the NPSE.

What does the vision of the Noise Policy Statement for England mean?

- 2.11 There are several key phrases within the NPSE vision and these are discussed below.
- "Health and quality of life"***
- 2.12 The World Health Organisation defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, and recognises the enjoyment of the highest attainable standard of health as one of the fundamental rights of every human being.
- 2.13 It can be argued that quality of life contributes to our standard of health. However, in the NPSE it has been decided to make a distinction between 'quality of life' which is a subjective measure that refers to people's emotional, social and physical well being and 'health' which refers to physical and mental well being.
- 2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.

"Promote good health and good quality of life"

- 2.15 This statement expresses the long term desired policy outcome, but in the use of "promote" and "good" recognises that it is not possible to have a single objective noise-based measure that is mandatory and applicable to all sources of noise in all situations.

"Effective management of noise"

- 2.16 This concept confirms that the policy applies to all types of "noise" (environmental, neighbour and neighbourhood) and that the solution could be more than simply minimising the noise.

"Within the context of Government policy on sustainable development"

- 2.17 Sustainable development is a core principle underpinning all government policy. For the UK Government the goal of sustainable development is being pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment and a just society that promotes social inclusion, sustainable communities and personal wellbeing. The goal is pursued in ways that protect and enhance the physical and natural environment, and that use resources and energy as efficiently as possible.
- 2.18 There is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.

What do the aims of the Noise Policy Statement for England mean?

- 2.19 There are several key phrases within the NPSE aims and these are discussed below.

"Significant adverse" and "adverse"

- 2.20 There are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

- 2.21 Extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

- 2.22 It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

- 2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.

Nobel House
17 Smith Square
London SW1P 3JR
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Website: www.defra.gov.uk

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Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Mr Simon King
Address: [REDACTED]

Date: 05/06/2023

LICENSING ACT 2003

NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE

Application Number: 055718

Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

TAKE NOTICE that the hearing of this application will be heard by a Licensing Sub-Committee at Blackdown House, Honiton

AT: 11.00am

ON: Wednesday 21 June 2023

Mark Williams
Chief Executive
East Devon Licensing Authority

N.B. YOU ARE LEGALLY REQUIRED TO RESPOND TO THIS NOTICE.

Please turn to page 2 which explains how and by when you must respond.

YOUR RESPONSE TO NOTICE OF HEARING

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Strategic Lead - Governance and Licensing a notice: -

- a) stating whether you intend to attend and/or be represented at the hearing;
- b) stating whether you consider a hearing to be unnecessary;
- c) requesting permission if you wish any other person to appear at the hearing, (e.g. as a witness) stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable)
- d) enclosing any documents on which you seek to rely to support the representations already made. A summary of the key points on which you seek to rely in making your case should be included.

YOU MUST SEND THIS INFORMATION TO:

Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, Devon, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

YOUR WRITTEN RESPONSE MUST ARRIVE AT THE COUNCIL OFFICES NO LATER THAN:

15/06/2023

LATE RESPONSES CAN ONLY BE CONSIDERED AT THE HEARING IF ALL THE OTHER PARTIES AGREE

Key Information for all parties about the hearing:

1. You have the right to be represented at the hearing by another person, whether that person is legally qualified or not. (Please note that the Licensing Sub-committee has no power to order one party to pay another party's costs whatever the outcome of the hearing).
2. If the Chairman gives permission you may question other parties.
3. You will have the opportunity to address the authority about your application, representation or objection, subject to any maximum time limit imposed by the sub-committee. The time allowed will normally be a maximum of ten minutes.

4. If you do not attend or are not represented at the hearing, then the sub-committee may decide to make its decision on the application in your absence, taking into account any written representations or objections you have made and your Response to this Notice of Hearing.
5. If the Licensing Authority require clarification of any matters at the hearing a separate note will be attached to this notice.
6. If you wish to withdraw any representations you have made, you may do so by writing to the address given in this notice no later than 24 hours before the hearing is due to start, or by attending the hearing and saying so.
7. A copy of the Licensing Authority's hearing procedure is attached for your information.

Where general representations have been made relating to disorder, nuisance safety further clarification should be provided where available - for example evidence to support the representation.

To: Strategic Lead - Governance and Licensing
Attn Licensing Manager
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 5 June 2023 relating to the following application:

Application Number: 055718


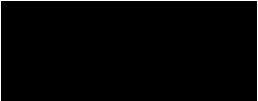


Application: Premises Licence WITH Alcohol New Application

By: Budleigh Salterton Cricket Club Ltd

Of NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)	Yes	No
I consider this hearing to be unnecessary			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: Mike Sheehan				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	Mike Sheehan 			
Please explain how this person will be able to assist the Licensing Sub-Committee: Mike + I have discussed this situation and are in agreement with our views.				
I enclose the following documents to support my original representations: Letter to the committee				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:	SIMON KING	Tel No & Email		

Note: - Where there are a large number of similar representations local residents may wish to consider appointing a spokesperson on their behalf.

YOU MUST RETURN THIS NOTICE PROPERLY COMPLETED TO:

Governance and Licensing
Attn. Licensing Manager
East Devon District Council,
Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

Tel: 01404 515616
E-mail: licensing@eastdevon.gov.uk

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Attn Licensing Manager
East Devon District Council
Blackdown House
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Honiton EX14 1EJ



SUMMARY OF KEY POINTS

These are the key points I rely on to support my *application, representation or objection* (*delete as applicable).

Application Number: 055718


Application: Premises Licence WITH Alcohol New Application

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Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points	
Which of the four licensing objectives does your application, representation or objection relate	Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input checked="" type="checkbox"/> Late night disturbance of people who are inebriated walking passed our home into Budleigh Salterton late at night
Public Safety	<input checked="" type="checkbox"/> <u>Drunk Driving</u>
Prevention of public nuisance	<input checked="" type="checkbox"/> Noise from loud music & rowdy people late at night
Protection of children from harm	<input type="checkbox"/>
Your signature:	
Your name and email	
Your address:	



licensing@eastdevon.gov.uk

30th May 2021

Re: Licensing Application No 055718. New Application. Premises Licence WITH Alcohol.
Budleigh Salterton Cricket Club

Dear Sirs,

I would like to draw the Council's attention to our concern regarding the proposed licensing application for Budleigh Salterton Cricket Club.

I would ask you to be aware of and respect the close neighbours of the new site of the Budleigh Salterton Cricket Club when considering this application.

Please do NOT inflict regular late-night revelry, loud music, revving car engines, fireworks on the local residents.

A cut off time of 23.00 would be preferable.

The Budleigh Salterton Cricket Club was mindful of the above in its previous location, please ensure it continues to be respectful in the new pavilion.

Yours faithfully

Simon King.

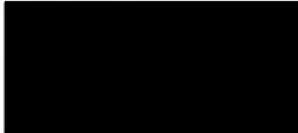
Rosemary King



Strategic Lead - Governance and Licensing
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton EX14 1EJ



Name: Mrs Rosie King
Address:



Date: 05/06/2023

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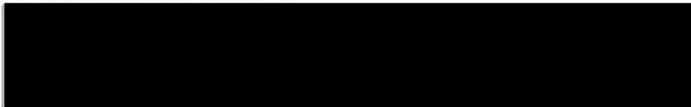



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I intend to attend the hearing			<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to be represented at the hearing by: Mike Sheehan				
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and address	Mike Sheehan 			
Please explain how this person will be able to assist the Licensing Sub-Committee: Mike Sheehan has been made aware of my opinion about this matter				
I enclose the following documents to support my original representations: Letter to committee				
(Please list them)				
		(Tick as appropriate)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your Address:		
Name:	ROSEMARY KING	Tel No & Email		

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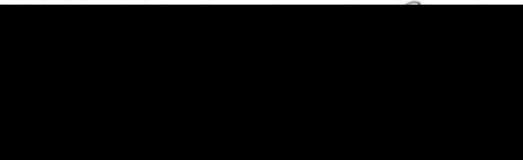
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By: Budleigh Salterton Cricket Club Ltd

Of: NSG Financials Ltd, Old School House, Church Road, Colaton Raleigh, ,

Re: Budleigh Salterton Cricket Club, East Budleigh Road, BUDLEIGH SALTERTON, Devon, EX9 7BA,

Key Points

Which of the four licensing objectives does your application, representation or objection relate		Please enter a summary of your key points in the table below. Please use an additional page if necessary
Prevention of crime and disorder	<input type="checkbox"/>	Disturbance outside our home of inebriated people walking back into Beedleigh Salteton late at night
Public Safety	<input checked="" type="checkbox"/>	<u>Drunk Driving</u>
Prevention of public nuisance	<input checked="" type="checkbox"/>	Noise from loud music & rowdy ret revellers late at night
Protection of children from harm	<input type="checkbox"/>	
Your signature:		
Your name and email	ROSEMARY LING 	Your address: 



licensing@eastdevon.gov.uk

30th May 2021

Re: Licensing Application No 055718, New Application, Premises Licence WITH Alcohol,
Budleigh Salterton Cricket Club

Dear Sirs,

I would like to draw the Council's attention to our concern regarding the proposed licensing application for Budleigh Salterton Cricket Club.

I would ask you to be aware of and respect the close neighbours of the new site of the Budleigh Salterton Cricket Club when considering this application.

Please do NOT inflict regular late-night revelry, loud music, revving car engines, fireworks on the local residents.

A cut off time of 23.00 would be preferable.

The Budleigh Salterton Cricket Club was mindful of the above in its previous location, please ensure it continues to be respectful in the new pavilion.

Yours faithfully

Simon King,

Rosemary King

