

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 10 June 2026**

#### **Attendance list at end of document**

The meeting started at 2.03 pm and ended at 4.48 pm

#### **1 Minutes of the previous meeting**

The minutes of the previous meeting held on 6 May 2026 were agreed as a true record.

#### **2 Declarations of interest**

Minute 7. Application for the grant of a premises licence under the Licensing Act 2003 for a trailer bar situated on the paved area at the eastern end of Queen's Drive near Orcombe Point in Exmouth.

Councillor Olly Davey, Affects Non-registerable Interest, Member of Exmouth Town Council but does not sit on the Exmouth Town Council Planning Committee.

Minute 7. Application for the grant of a premises licence under the Licensing Act 2003 for a trailer bar situated on the paved area at the eastern end of Queen's Drive near Orcombe Point in Exmouth.

Councillor Steve Gazzard, Affects Non-registerable Interest, Member of Exmouth Town Council but does not sit on the Exmouth Town Council Planning Committee.

#### **3 Matters of urgency**

There were no matters of urgency.

#### **4 Confidential/exempt items**

There were no confidential or exempt items.

#### **5 Application for the grant of a premises licence under the Licensing Act 2003 at The Loft Bar & Grill, 11A Church Street, Exmouth, EX8 1PE**

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the officers present.

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 at The Loft Bar and Grill, 11A Church Street, Exmouth, EX8 1PE.

The applicant, present and entitled to make representations, was Miss Kerry Roach. Miss Roach was represented by Kate Waddams, Solicitor, supported by Faye Dunn, Paralegal, both from Vine Orchards Solicitors.

The interested person, present and entitled to make representations, was Mr Thomas Gordon.

The Licensing Manager summarised the application and raised that there had been claims that other representations had been sent in respect of this application. However, after checking on more than one occasion with the post room and other departments across the council, Licensing Officers had not located any other letters of representation sent before 14 May 2026, this being the last date for representations to be received in respect of this application.

Responses to questions for the Licensing Manager from Councillors included the following points:

- The Licensing Manager clarified how the timings in the previous premises licence differed from those in the current application.
- The applicant had reached an agreed position with Environmental Health where there would be no persons to be admitted to the rooftop terrace on any occasion, and this agreed condition would go on the Premises Licence, if granted.
- The Licensing Manager clarified the CCTV conditions set out in previous licence.

Responses to questions for the Licensing Manager from the interested person included the following points:

- Licensing Officers were not informed of any non-compliance with CCTV conditions under the previous licence, and this was left to police investigation.

There were no questions for the Licensing Manager from the applicant's representative..

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

- The applicant's late father had been the leaseholder for 11 years and the lease had been inherited by the applicant on his passing, with 9 years remaining on it.
- The permitted use of the premises was as a wine bar licensed for sale of alcohol, food and refreshment to the public. The premises must be used for permitted use only and the applicant would lose her livelihood if the licence was not granted.
- The applicant's father had held a premises licence, but the applicant had thought that the licence was in her name. As soon as she became aware that this was not the case and the licence had lapsed, she immediately closed and applied for a licence.
- It was not the case that windows were left open for extended periods, and noise levels were not excessive. Music stopped at midnight and there had been no live music since June 2025.
- The interested party had claimed that he had had to adjust the opening hours of his business due to lack of sleep caused by noise levels from the premises; however, the premises had operated reduced hours since the pandemic, opening only weekends and bank holidays, and Mr Gordon's shop was not open on those days.
- There had been no evidence of drug use or antisocial behaviour at the premises, and there had been no police callouts. Random police inspections had revealed no illegal substances or non-compliance at the premises.
- The roof terrace was not accessible to the public.
- Six CCTV cameras had been in operation during opening hours. The premises did not need door staff but when hired for private functions, organisers were required to provide their own door staff.
- The premises was fitted with smoke alarms, heat alarms, carbon monoxide detectors and fire extinguishers in compliance with fire regulations. Outstanding issues relating to the roof and glazing were the responsibility of the freeholder.
- The premises had been a licensed bar for over 40 years and there were 2 other licensed venues in the immediate area. Many of the claims made in representations were conflating issues that had or may have occurred at the other licensed venues, and many

were based on the nature of the premises some years ago, before the applicant's time, or were hypothetical.

Responses to questions from the Sub Committee included the following points:

- Due to low income and customer base, the premises had been opening from 7pm to midnight on Fridays and Saturdays only; however, the applicant was now requesting to open throughout the week.
- The applicant would like the option to open up the second floor as a restaurant in the future.
- If the second floor was opened up, the applicant would put an alarm and signage on the door to the rooftop terrace to highlight that it was out of bounds and to alert staff should anyone open the door.
- When the CCTV system was found by police to not be operational, it had not been working for six weeks.
- The applicant had now purchased a new CCTV system with a larger hard drive.
- Currently there was no CCTV on the second floor but the applicant would put a camera in place in the event that this area was opened to the public.
- The applicant had held a personal licence for more than 21 years.
- All actions specified by the fire service had been completed. The applicant had also purchased fire-resistant upholstery, emergency lighting on the stairwells and exit lighting.
- The second floor was currently used as an arts and craft studio for the applicant's personal use only, and the door to the second floor was kept locked.
- There were fire doors on the other side of the building which were kept closed but unlocked, as they were the fire exit from upstairs. The applicant confirmed that this door could be alarmed, if required.
- There was soundproofing in the building over the windows on the street, which was also to stop lights from shining into neighbouring homes

In response to a question from the Sub Committee, the Licensing Manager confirmed that officers had not received any complaints of antisocial behaviour at the premises, and Environmental Health had not given any indication that they had concerns due to noise complaints.

Responses to questions from the interested party included the following points:

- The Council's Licensing Officers had brought to the applicant's attention in December 2025 that as her father, who was the premises licence holder, had died, the premises licence had lapsed.
- The applicant outlined the personal impact of her father's death and explained that she had been under the misunderstanding that the licence was in her name since the Council had always dealt with her and not with her father.

The interested person made their case and highlighted the following objections to the application:

- The rooftop terrace was accessible to the public through the staircase that was the fire exit, and if the doors to this staircase were alarmed then this would stop anyone from using it to access the roof.
- The off licence was mainly to allow drinking on the rooftop terrace. It would therefore be advisable to not grant an off licence, to reinforce the condition that the rooftop terrace was not to be used.
- There was a long a consistent history of nuisance from the premises including under Miss Roach's control; however, it had proved difficult to gain evidence to combat non-compliance with conditions.
- Exit from the premises was onto a narrow pavement causing customers to step out into the road, creating a hazard to themselves and car drivers.
- Since the smoking ban, car drivers had had to slow down or stop due to smokers congregating and blocking the road. Smokers were also disturbing for the 7 residences

directly opposite and constituted a new nuisance since the previous premises licence was originally applied for.

- If there was a condition for an SIA door supervisor at all opening times, they could stop customers from exiting when a car was coming, and could direct smokers around the corner where they would not cause nuisance.
- The Edwardian sash windows were not double glazed or sound glazed and the insulation over two of the windows was ineffective. The other licensed premise in the vicinity had live music but was double glazed and did not create the same nuisance.
- If CCTV with extended hard drive was required to operate 24 hours everywhere on the premises, this would enable statutory bodies to see what happened outside of the times that the venue was open for licensable activities.

In response to questions from the Sub Committee, the interested person made the following points:

- There was one door which was the only entrance and exit for the public normally, and this led out to a narrow pavement of approximately 24 inches, and then onto the road. Whilst a light traffic area, the street was the main route around the pedestrian precinct.
- There had been a history of items, including tables and chairs, being stored on the rooftop terrace despite a condition on the licence that it was not to be used for any purpose at all.

There were no questions for the interested person from the applicant's representative.

In response to a question from the legal advisor, the Licensing Manager stated that the conditions on the previous licence were quite extensive. The Sub Committee was then provided with a printed copy of the licence, for reference.

In summary, the applicant's representative stated that the applicant was willing to work with Licensing to achieve a position that was acceptable to all.

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

## **6 Application for the grant of a premises licence under the Licensing Act 2003 for a trailer bar situated on the paved area at the eastern end of Queen's Drive near Orcombe Point in Exmouth**

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee and the officers present.

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 for a trailer bar situated on the paved area at the eastern end of Queen's Drive near Orcombe Point in Exmouth.

The applicant, present and entitled to make representations, was Mr Oliver Bainbridge.

The interested parties, present and entitled to make representations, were Cllr Graham Deasy, Cllr Brian Bailey, Cllr Nick Hookway, Mrs Ava Wood and Mrs Dierdre Mackness.

The Licensing Officer summarised the application as set out in the report.

Responses to questions for the Licensing Officer from Councillors included the following points:

- There was no record of any complaints from the previous two occasions that licenses had been granted for the trailer bar at this location.
- There was no condition offered in relation to two members of the staff being on duty during licensable hours.
- The applicant had reached an agreed position with the police on the previous application. The police had not given any specific reason but had requested conditions, which were agreed to.
- The police responded almost every time to consultation, and Licensing Officers had not received any representation from them on this application.

Responses to questions for the Licensing Officer from the interested persons included the following points:

- Applications in previous years were for Saturday 3<sup>rd</sup> and Sunday 4<sup>th</sup> June, and for Saturdays and Sundays between 12<sup>th</sup> August and 3 September 2023, 12.00pm to 7.00pm.
- Anything offered in section 18 of the application form would form conditions on the licence. The applicant would be bound to adhere to those conditions and they would be enforceable by the Licensing Authority.

There were no questions for the Licensing Officer from the Applicant.

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

- The applicant ran a brewery and three pubs on the Exe estuary, and had also run numerous events in Exmouth and knew the area very well.
- There had been lots of objections to events, which the applicant had always listened to and acted upon appropriately, and none of the statutory authorities had ever come back with any negatives about his events or businesses in any way.
- The applicant employed thirty local people in business, many of them young people who went on to build their careers in hospitality.
- The beer was expensive, high quality craft beer which tended to be interesting and nuanced, and differentiated from what was sold at the off licence further along the seafront.
- The applicant knew Orcombe Point well, often walking in that area and he understood the concerns around the site. He observed that antisocial behaviour had escalated since the introduction of a ban on campervans staying overnight, their presence having previously mitigated and balanced the misbehaviour.
- It was the applicant's view, from his experience, that putting licensees in such locations was part of the solution rather than the problem, given the legal framework in which they had to conduct themselves. It meant that they could help to enforce rules and improve the environment and general behaviour at a location, and have ownership over the space, ensuring it was a nicer and safer place to be.

Responses to questions from the Sub Committee included the following points:

- The intention was to relocate staff to operate from the trailer bar in the event of good weather when people were flocking to the beach and the applicant's pub in town was deserted. The initiative had to be financially viable and applying for 60 days meant that the applicant could make last minute decisions to put the trailer bar on site, dependent on the weather.
- The trailer would be removed from the site every day when trading had finished.
- Prices for the craft beer would start at £11.00 per litre, compared with approximately £5.00 for 2 litres at a supermarket.
- The beer would be sold in biodegradable plastic glasses, which the applicant's contractor could dispose of properly. Water and soft drinks would be sold in cans.

- A Ring recording device would be in place at the trailer, with a cloud-based recording facility.
- The application was not to be judged by the lack of toilet provision at Orcombe Point. Toilets were not the applicant's responsibility and the situation was not made worse by the temporary presence of the trailer bar.

The interested persons put questions to the applicant. Questions and the responses included the following points:

- The applicant was a licensee of 30 years and had a lot of experience in dealing with challenging behaviour, and had found that there was a way of approaching people which worked and a way that did not work. The applicant would appropriately intervene with a view to addressing low level antisocial behaviour and would call the police in the event of illegal activity.
- The applicant would not be at the trailer bar all the time but there would always be staff who he had trained and had his trust in dealing with situations which might arise.
- The trailer bar would most likely attract people who had a good reason to be at Orcombe Point and who were friendly, gentle, and interested in buying local and supporting local businesses.
- The applicant had asked to bring in all conditions from the previous application into the current application.
- Bins would be provided for the plastic containers to be taken back to the pub to be recycled by the contractor, and staff would carry out a 50m litter sweep.

The interested persons made their case which included the following points:

- It would be difficult at short notice for authorities to put in place appropriate measures that may be required to prevent crime and disorder.
- The location for the trailer bar was a designated Public Spaces Protection Order area; this, and the proposed application, did not reconcile.
- The trailer bar could increase crowding at that end of the beach, potentially compromising public safety as it was not clear that Exmouth had the resources locally to cope with that.
- The location had an established history of public nuisance and was in close proximity to a residential area. The Town Council had been asked to put up CCTV to try to prevent issues in that area, and the Town Council's Planning Committee remained to be convinced that the presence of the applicant and his staff would reduce the risk of public nuisance occurring.
- The location was a family friendly area at a quieter end of town and the presence of available alcohol would send out the wrong message to a generation of children.
- People who had been drinking were at higher risk of harm from entering the water, and it was questioned whether the applicant had sought advice from organisations involved in water safety.
- The lack of drinking and eating establishments at Orcombe Point were part of what made that end of the beach special and a welcome change from the hustle and bustle elsewhere.
- The trailer bar would be an inappropriate use of the area for a number of reasons including parking issues, lack of toilet provision, and the open-ended nature of the application which had the potential to exacerbate antisocial behaviour.
- The specific days that the trailer bar was to be operational needed to be specified as a condition of the licence in order to give residents and authorities certainty.
- The previous two applications were for sale of alcohol up to 7.00pm and the current application sought to extend that time to 9.00pm, which was problematic.
- It was suggested that there should be no music either outside or from inside of the trailer.
- It would be appropriate to reduce the number of days the trailer bar could be operational so that area did not acquire a status as a destination where alcohol was served consistently.

The applicant responded that the first application he had put in was for a different location; the Council's Beach Safety Officer had had a conversation with the applicant at that time about water safety, and had had no concerns.

In response to questions from the Sub Committee, the interested persons advised:

- The Town Council currently had no plans to put CCTV in the area.
- There was no bar at the location when disorder occurred on the beach and seafront during the pandemic.

There were no questions for the independent persons from the applicant.

The applicant delivered his closing statement and stated that he was a resident himself and understood how local residents felt. His intention was for people to be made aware through his social media notifications when the bar was going to be on site. He reiterated that none of the statutory authorities had offered any objection or comments at all and there was very little evidence regarding the impact that the bar had. The bar has been at Orcombe Point before with no issues but it was a changing environment and he hoped that the sub committee could take a view that by the nature of the way the licence was granted, the situation would be regularly reviewed and there would be options to bring some evidence in future years. In the past, the applicant has not seen a financial return from the trailer bar and he was keen to explore what the conditions were to make this work, with decisions based on evidence and facts.

The Chair thanked everyone for attending and advised that the Sub Committee's decision would be notified to all within five working days.

**Attendance List**

**Councillors present:**

I Barlow  
K Bloxham (Chair)  
O Davey (Vice-Chair)

**Councillors also present (for some or all the meeting)**

S Gazzard

**Officers in attendance:**

Sarah James, Democratic Services Officer  
Phillippa Norsworthy, Licensing Manager  
Giles Salter, Solicitor  
Emily Westlake, Licensing Officer  
Zoe Jones, Licensing Officer

Chair: .....

Date: .....