



\* 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   |                      | You can put what you want here to help you track applications if you make lots of them. It is passed to the authority. |

Are you an agent acting on behalf of the applicant?

- Yes
  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

|                        |                |
|------------------------|----------------|
| * First name           | Angela & Peter |
| * Family name          | Yarwood        |
| * E-mail               | [REDACTED]     |
| Main telephone number  | [REDACTED]     |
| Other telephone number |                |

Include country code.

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

|                               |   |
|-------------------------------|---|
| * Building number or name     | <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"/> |

### Agent Details

|                        |                                       |
|------------------------|---------------------------------------|
| * First name           | <input type="text" value="Gill"/>     |
| * Family name          | <input type="text" value="Sherratt"/> |
| * E-mail               | <input type="text"/>                  |
| Main telephone number  | <input type="text"/>                  |
| Other telephone number | <input type="text"/>                  |

Include country code.

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           | <input type="text" value="05822732"/>                |
| Business name                 | <input type="text" value="Licensing Matters Ltd"/>   |
| VAT number                    | <input type="text" value="-"/>                       |
| Legal status                  | <input type="text" value="Private Limited Company"/> |
| Your position in the business | <input type="text"/>                                 |
| Home country                  | <input type="text" value="United Kingdom"/>          |

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

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

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**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

- Address     OS map reference     Description

**Postal Address Of Premises**

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

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

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**VARIATION**

Continued from previous page...

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

Yes  No

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

Yes  No

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

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

### Describe Briefly The Nature Of The Proposed Variation

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

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

A summary of the intended concept can be seen below:

LICENSED ART CAFE - RELAXED AND INFORMAL DINING

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

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

Since taking over Brook Gallery in 2007, we have embraced a journey of discovery, anticipation, and fulfilment, through the medium of those that we have been fortunate enough to work with, represent and support... friends and customers alike. Fifteen years later, we find ourselves embarking on our brand-new adventure, bringing together a fantastic team of talented associates - people who care...

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

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

*Continued from previous page...*

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

In summary the application is for the following:

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

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

- Yes  No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

- Yes  No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

- Yes  No

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##### 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

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##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

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

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors                       Outdoors                       Both

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

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

State any seasonal variations for the performance of live music

*Continued from previous page...*

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

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

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

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#### 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

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#### 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

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#### 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

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## SUPPLY OF ALCOHOL

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

- Yes  No

### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises  Off the premises  Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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



Continued from previous page...

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

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

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**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

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

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

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

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

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

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

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

*Continued from previous page...*

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

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

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

e) The protection of children from harm

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

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

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**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.

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### PAYMENT DETAILS

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

Non domestic Rateable Value Band A No rateable value to £4,300 B £4,301 to £33,000 C £33,001 to £87,000 D £87,001 to £125,000 E £125,001 and above

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

\* Fee amount (£)

### DECLARATION

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

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

 /  /   
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**OFFICE USE ONLY**

Applicant reference number

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