

## LICENSING AND REGULATORY SUB-COMMITTEE

**DATE:** 3 April 2023  
**REPORT OF:** Licensing Officer  
**SUBJECT:** **Application for a New Premises Licence – Woodland Café and Yurt Camp**

### PART I

#### RECOMMENDATION

That the Licensing Act 2003 Sub-Committee is requested to consider this application.

### PART I

#### 1. THE APPLICATION

**Applicant:** Mr Stuart Crook

**Premises:** Woodland Café and Yurt Camp, Staplehill Road, Liverton, Newton Abbot  
TQ12 6FU

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the supply of alcohol and regulated entertainment. Attached is a copy of the site plan and individual areas (Appendix A).

The operating schedule shows:-

Hours Premises Open to the Public:  
Monday to Thursday 8am to 11.30pm  
Friday and Saturday 8am to 12.30am  
Sunday 8am to 11.30pm

Relevant licensable activities:

- Supply of alcohol.
- Provision of regulated entertainment: live music and anything similar.
- Provision of late-night refreshment.

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Hours of licensable activities:

Supply of Alcohol (on and off the premises)	Monday to Thursday 8am to 11pm Friday and Saturday 11am to midnight Sunday 8am to 11pm
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Playing of Recorded Music	Friday and Saturday 8am to midnight
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Late Night Refreshment	Friday and Saturday 11pm to midnight
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Seasonal variation on all licensable activities

Supply of alcohol – Christmas Eve/Day and New Year's Eve/Day -8am to 1am  
(on and off the premise)

Late Night Refreshment – Christmas Eve/Day and New Year's Eve/Day 11pm to 12.30am

Recorded Music – Christmas Eve/Day and New Year's Eve/Day 8am to 1am

Exhibition of Film - on occasion during the summer months 8am to 11.30pm

Performance of a Play – during the summer months 8am to 11.30pm

Entertainment of a similar description – during the summer months 8am to 11.30pm

Live Music – 3<sup>rd</sup> weekend of May for fundraiser event 8am to 11.30pm

Designated premises supervisor: Stuart Crook

Supply of alcohol is for consumption on and off the premises.

Steps to promote licensing objectives:

- General  
Close relationship with other local hospitality businesses & phone calls to be made if any need regards individuals & anti-social behaviour.
- The Prevention of Crime and Disorder  
CCTV

The premises shall install operate and maintain a comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 14 days with date and time stamping.

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Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) a staff member from the premises who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation).

The CCTV system will be capable of downloading images to a recognisable viewable format. There will be security measures in place to ensure the integrity of the system to prevent the tampering with, and deletion of, images.

### 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..Any ejections of patrons
- iv..Any complaints received
- v..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.

### 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.

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### STAFF TRAINING

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

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

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

### 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. This means that staff working at the premises must 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.

- Public Safety  
Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket plus external fire bell for site. All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.
- The Prevention of Public Nuisance  
Our rural site has zero impact on neighbours for vocal noise as cafe is situated amongst 44 acres of woods but on any busy or late events guests will be asked to be respectful of neighbours.  
Team trained not to serve drunk people or get people overly intoxicated.

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- The Protection of Children from Harm

Challenge 25 in place. All staff will be trained for UNDERAGE SALES PREVENTION regularly. Any physical structural issues to be communicated to owner immediately.

Children must be accompanied at all times posters up.

No lone working on site so always available to help any lost/injured child

**Environmental Health** – conditions to be agreed with the applicant.

### Conditions relating to Standard Timings

- The noise climate of the surrounding area must be protected such that the A- weighted equivalent continuous noise level (LAeq) emanating from the application site must not increase by more than +3dBa over the La90 background sound level, as measured 1m from any facade of any noise sensitive premises over any 5min period.
- Observations in the vicinity of the properties neighbouring the premises at, a minimum of, 120 minute intervals between 18.30 and 23.30 hours, whilst live music, karaoke or DJ's playing recorded music is taking place, will be undertaken to establish whether there is a noise breakout from the premises.
  - (i) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
  - (ii) A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
  - (iii) Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.
- The orientation of any sound stage or speakers must be such that speakers are faced away from noise sensitive premises and the natural landscaping utilised to mitigate any potential disturbance from noise.
- Participants and campers are not permitted to bring explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding area.

### Conditions relating to Music Events to occur on the 3<sup>rd</sup> weekend of May annually

- All amplified music in any outside marquee, structure or in the open air shall finish no later than 23:00 hours.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not, at any noise sensitive premises, exceed 65dB(A) over a fifteen minute period throughout the duration of the event.
- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level shall not, at any noise sensitive premises, exceed 65dB(A) over a fifteen minute period throughout the duration of any rehearsal or sound check for the event.

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- Observations in the vicinity of the properties neighbouring the premises at, a minimum of, 120 minute intervals between 18.30 and 23.00 hours, whilst live music, karaoke or DJ's playing recorded music is taking place, will be undertaken to establish whether there is a noise breakout from the premises.
  - (i) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.
  - (ii) A record of such observations shall be kept in a log for that purpose, the log shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.
  - (iii) Such records must be made available for inspection and copying at all times upon request to an authorised officer of a responsible authority.
- The Event Organiser shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Responsible Authority for Environmental Health (Environmental Protection) regarding noise levels are complied with.
- An Event Management Plan covering the annual fundraising events and any other event on site of a similar nature, shall be submitted to the Licensing Authority no later than 4 weeks prior to the first day of the event (inclusive of any "build days"). The Licensing Authority shall be made aware of the date of set-up and will be permitted to attend a sound propagation test prior to the commencement of the first day of the event. During events, sound shall be monitored at the sound mixer position, designated monitoring points, at 1m from the facade of noise sensitive properties. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
- Residents who may be disturbed by any events should be sent a letter / leaflet outlining the nature of the event, the date, the start and finish times and a number to contact should they experience disturbance/nuisance. This information will also be provided to Teignbridge Council's Environmental Protection Department. This telephone number will be manned and incidents will be evaluated and followed up and impact adjusted as appropriate with a log of all complaints kept.
- The orientation of any sound stage must be such that speakers are faced away from noise sensitive premises and the natural landscaping utilised to mitigate any potential disturbance from noise.
- Participants and campers are not permitted to bring explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding area.

## 2. RELEVANT REPRESENTATIONS

### Responsible authorities:

Police – no objection

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Environmental Health Officer – no objection but conditions to be agreed with applicant.

Fire Officer – no objection

Planning Officer – representation received but not valid

Food and Safety - no representation received.

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Health Authority - no representation received.

### **Interested parties:**

11 representations received on the grounds of Public Nuisance.

Note: Relevant extracts from D.C.M.S. Guidance and the Council's own Licensing Policy considerations are attached at the end of the report to assist members consider these representations.

**Debbie Rosenfeldt**  
**Licensing Officer**

<b>Wards affected</b>	<i>Haytor</i>
<b>Contact for any more information</b>	<i>Debbie Rosenfeldt</i>
<b>Background Papers (For Part I reports only)</b>	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Licensing Policy Considerations</i>
<b>Key Decision</b>	<i>No</i>
<b>In Forward Plan</b>	<i>No</i>
<b>Community Impact Assessment attached:</b>	<i>No</i>
<b>Appendices attached:</b>	<i>Appendix A – Location plan and plan of premises Appendix B – National guidance Appendix C – Policy Considerations</i>