

# West Devon Licensing Sub-Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Tuesday, 23rd August, 2022</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Meeting Room 3 - Kilworthy Park</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b></p> <p style="text-align: center;"><b>Vice Chairman</b></p> <p><i>Members:</i>                      Cllr Moyse                      Cllr Yelland    Cllr Pearce</p>
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk

**1. Appointment of Chairman**

**2. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**3. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

**4. Application for a new Premises Licence at Eversfield Manor Cottages, Bratton Clovelly** **1 - 68**

Report to: **Licensing Sub-Committee**

Date: **23<sup>rd</sup> August 2022**

Title: **Application for a new Premises Licence at Eversfield Manor Cottages, Bratton Clovelly.**

Portfolio Area: **Customer First**

Wards Affected: **Bratton Clovelly**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: 23<sup>rd</sup> August 2022

Author: **Lee Staples** Role: **Licensing Specialist**

Contact: **01803 861432/email: lee.staples@swdevon.gov.uk**

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## **Recommendations:**

That the Sub-Committee considers the application for a new Premises Licence and decides whether:

- i) to grant the application in full on the terms and conditions contained in the operating schedule along with relevant mandatory conditions;
- ii) to grant the application, modified to such an extent as considered appropriate to satisfy any relevant representations so as to adequately promote the licensing objectives; or
- iii) to refuse the application in its entirety.

### **1. Executive summary**

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a new Premises Licence at **Eversfield Manor Cottages, Bratton Clovelly, EX20 4JF**, in accordance with Section 18 of the Licensing Act 2003.
- 1.2 The Application seeks approval for the supply of alcohol for consumption on- and off- the premises; the provision of late-night refreshment and the performance of live music. Following the application being advertised in accordance with the statutory requirements, a number of relevant representations were received and as these have not been resolved a hearing is required before the application can be determined.

- 1.3 As each application must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003, recommendations as such cannot be made. However, having considered the individual circumstances of this application and representations and evidence received at hearing, the Sub-Committee may grant or refuse the application as outlined in the Recommendations.

## 2. Background

2.1 The Licensing Authority received an application from Bernard McNelis and Li Zhu for a new Premises Licence on 6<sup>th</sup> June 2022. The application is for:

- The supply of alcohol for consumption on and off the premises Monday to Sunday 12:00 to 23:00.
- The provision of late-night refreshment on and off the premises Monday to Sunday 23:00 to 01:00.
- The performance of live music Monday to Sunday 12:00 to 2300.

2.2 A copy of the application and plan is attached at **Appendix A.2.3** In addition to the Licensable activities listed above, the applicants have also included within their application non-standard timings applicable to the application, namely:

- Late night refreshment "On a maximum of 25 occasions during the year, food will be served from 23:00 until 01:00 hrs to cater for wedding receptions and dining club dinners", and between 23:00 and 01:00 on the following days Christmas Eve, New Year's Eve, Chinese New Year, Summer and Winter Solstice;
- Supply of alcohol on and off the premises "On a maximum of 25 occasions during the year, food will be served from 23:00 until 02:00 hrs to cater for wedding receptions and dining club dinners", and between 23:00 and 02:00 on the following days Christmas Eve, New Years Eve, Chinese New Year, Summer and Winter Solstice.
- Live music "On a maximum of 25 occasions during the year, food will be served from 23:00 until 01:00 hrs to cater for wedding receptions and dining club dinners", and between 23:00 and 01:00 on the following days Christmas Eve, New Years Eve, Chinese New Year, Summer and Winter Solstice. The application further states that amplified music will not be played after 24:00hrs.

2.4 The premises is located near the village of Bratton Clovelly. A map of the location is attached at **Appendix B**. It is described in the application as a cluster of exclusive, high end, self-catering apartments with ancillary amenities set half-a-mile from the Village of Bratton Clovelly. The 'premises' is described as being contained within this complex and will provide accommodation for occasional banquets for guests, weddings, company events and a members-only dining club.

2.5 During the consultation period, 22 relevant representations were received from local residents in objection to the application, as well as 17 relevant representations in support of the application. Copies of the representations are attached at **Appendix C**. No representations were received from any of the Responsible Authorities or District Councillors.

2.6 Issues raised by those objecting to the application make reference to all four of the licensing objectives, but there is particular concern in relation to the prevention of public nuisance and also public safety. Concerns regarding public nuisance relate in particular to the potential for disturbance from the noise of licensable activities, whereas the concerns regarding public safety relate primarily to the road access to the site, and the potential for vehicle movements to cause a hazard on the adjacent rural road network.

2.7 Another issue raised repeatedly in the representations received against the application is the impact of noise and light from licensable activities on the local wildlife, in particular the local bat population. These concerns are not relevant for consideration in respect of a premises licence application. In addition references within the representations to the number of other licensed premises in the local area are not relevant, and as such also cannot be taken into consideration.

2.8 Comments included in the representations of support for the application include that the premises is an "asset, which brings revenue and jobs to the area", and "Issuing the premises with a license would allow the owners to control the availability of alcohol and any associated disturbance". In addition numerous respondents in support of the application comment that no complaints were received about events held prior to this application, and further respondents mention events that they have attended and enjoyed at the premises previously.

2.9 During the consultation period the applicant engaged with Devon and Cornwall Constabulary and have agreed a number of proposed licence conditions with the applicant which are attached at **Appendix D**.

2.10 As relevant representations in respect of this application have been received, which have not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2018).

2.11 Section 3.1 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.

2.12 The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

2.13 Section 3.2 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 to achieve the licensing objectives. Each objective is of equal importance. A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

2.14 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

2.15 The Guidance issued under Section 182 of the Licensing Act 2003 which was revised and re-published in April 2018 states: The Licensing Authority may not impose conditions unless its discretion has been engaged 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 (paragraph 10.8 of the guidance).

2.16 The following responsible authorities are statutory consultees under the Licensing Act 2003:

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon Safeguarding Children's Board
- Devon County Council Trading Standards
- Devon Drug and Alcohol Action Team, NHS Devon
- West Devon District Council Planning Department
- West Devon District Council Environmental Health (Health & Safety)
- West Devon District Council Environmental Health (Pollution Control)

2.17 No representations have been received from any of the responsible authorities. However, Devon and Cornwall Police have put forward conditions agreed with the applicant, and the application was acknowledged by Devon and Somerset Fire and Rescue service who highlighted the need for a fire risk assessment in the event that the licence is granted.

2.18 In addition to the above responsible authorities, any person may make a representation in relation to a premises licence application.

### **3. Outcomes/outputs**

- 3.1 When determining an application for a premises licence, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the Policy) and Section 182 Guidance (the Guidance) are especially relevant:
- 3.2 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the Guidance).
- 3.3 Sections 5.5.1 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 Section 5.5.2 of the policy states: However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 Section 5.5.5 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 appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -
  - where entertainment of an adult or sexual nature is provided
  - where there is a strong element of gambling taking place
  - with a known association with drug taking or dealing

- where there have been convictions of the current management for serving alcohol to those under 18 years
- where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
- where there are unsupervised areas (for example toilets, beer gardens, play zones).

3.8 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

#### **4. Options available**

- 4.1 The Licensing Authority may decide to impose additional conditions to address the four licensing objectives, or to amend or remove requested licensable activities. When coming to their decision the Licensing Sub-Committee must give consideration to the Section 182 Guidance and the Statement of Licensing Policy. Reasons must be given which relate to the licensing objectives for any decision made.
- 4.2 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. West Devon relies on tourism, with the population in the district increasing considerably in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.
- 4.3 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates' Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. 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.



4.4 The Licensing Act 2003 contains a provision which enables a responsible authority or any other person to apply to this Licensing Authority for a review of the premises licence once granted. A hearing follows which enables the Sub-Committee to use the normal powers available, but also to suspend the licence for a period of up to three months or to withdraw it.

## 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The legal and governance implications are set out in the body of the report
Financial implications to include reference to value for money	Y	There are no direct financial implications to the Council from this Report.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.9). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed leading to risks under the following categories if the above precautions are not taken:</p> <ul style="list-style-type: none"> <li>- Legal Governance</li> <li>- finance</li> </ul> <p>(see financial and legal/governance sections above).</p>
Supporting Corporate Strategy	Y	Stimulating a thriving economy
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		

Equality and Diversity	Y	Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the 'protection of children from harm' licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.8 of this report.
Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

### **Supporting Information**

#### **Appendices:**

Appendix A(i) – premises licence application

Appendix A(ii) – premises licence plan

Appendix B – location plan

Appendix C – representations

Appendix D – additional licence conditions agreed between the applicant and Devon and Cornwall Constabulary

#### **Background Papers:**

There are none



# Application for a premises licence to be granted under the Licensing Act 2003

## Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

<b>I/We</b>	Bernard McNelis and Li Zhu
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(Insert name(s) of applicant)

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Eversfield Manor Cottages Bratton Clovelly Devon			
<b>Post town</b>	Okehampton	<b>Postcode</b>	EX20 4JF

Telephone number at premises	[REDACTED]
Non-domestic rateable value of premises	£ [REDACTED]

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as:

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i as a limited company/limited liability partnership  please complete section (B)
- ii as a partnership (other than limited liability)  please complete section (B)
- iii as an unincorporated association or  please complete section (B)
- iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) Individual Applicants** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	Professor
<b>Surname</b> McNelis			<b>First names</b> Bernard		
<b>Date of birth</b> [REDACTED]			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
<b>Nationality</b> British					
Current residential address if different from premises address		The Manor, Bratton Clovelly, Devon			
Post town	Okehampton		Postcode	EX20 4JF	
<b>Daytime contact telephone number</b>			[REDACTED]		
<b>E-mail address</b>		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

**Second Individual Applicant** (if applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b> Zhu			<b>First names</b> Li		
<b>Date of birth</b>		[REDACTED]		I am 18 or over <input checked="" type="checkbox"/> Please tick yes	
<b>Nationality</b> British					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
<b>Current residential address if different from premises address</b>		The Manor Bratton Clovelly, Devon			
<b>Post town</b>	Okehampton			<b>Postcode</b>	EX20 4JF
<b>Daytime contact telephone number</b>		[REDACTED]			
<b>E-mail address</b>	[REDACTED]				

**(B) Other Applicants**

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

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?	DD MM YYYY 0 8 0 7 2 0 2 2
If you wish the licence to be valid only for a limited period, when do you want it to end?	DD MM YYYY x x x x x x x x

Please give a general description of the premises (please read guidance note 1)

Eversfield Manor Cottages is a cluster of exclusive, high-end, self-catering apartments with ancillary amenities set half-a-mile from Bratton Clovelly. These will attract well-heeled guests from abroad and the UK to enjoy the delights of Devon. The enterprise will benefit the local community by providing much-needed employment and revenue for local businesses. The 'premises' is contained within this complex and will provide accommodation for occasional banquets for guests, weddings, company

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

N/A

### What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input checked="" type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>
<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	<input checked="" type="checkbox"/>
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	<input checked="" type="checkbox"/>

In all cases complete boxes K, L and M



## A - Plays

Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for performing plays (please read guidance note 5)		
Wed			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

## B - Films

Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**C - Indoor sporting events**

Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			
Fri			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat			
Sun			

**D - Boxing or wrestling entertainments**

Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)	
Thur				
Fri			<b>Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat				
Sun				

## E - Live music

Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4) Amplified music will not be played after 24:00hrs.		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5) On the following days, live music will be played indoors from 23:00 until 01:00hrs. in addition, on the following occasions:- Christmas and New Years Eves Chinese New Year Summer & Winter Solstice		
Fri	12:00	23:00	<b>Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	12:00	23:00	On a maximum of 25 occasions during the year, non-amplified music will be played indoors from 23:00 to 01:00hrs. in addition to cater for function work		
Sun	12:00	23:00			

**F - Recorded music**

Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed					
Thur					
			<b>Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					

## G - Performances of dance

Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur								
Fri								
Sat						<b>Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun								

**H - Anything of a similar description to that falling within (e), (f) or (g)**

Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Thur			<b>Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri					
Sat					
Sun					



### I - Late night refreshment

Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both		
Mon	23:00	01:00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	23:00	01:00			
Wed	23:00	01:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) On the following days, late night refreshment will be supplied from 01:00 to 02:00hrs:- Christmas and New Year's Eves Chinese New Year Summer and Winter Solstice		
Thur	23:00	01:00			
Fri	23:00	01:00	<b>Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6) On a maximum of 25 occasions during the year, late night refreshment will be supplied from 01:00 to 02:00hrs to cater for function work.		
Sat	23:00	01:00			
Sun	23:00	01:00			

## J - Supply of alcohol

Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) On the following days, alcohol will be supplied from 23:00 to 02:00hrs. Christmas and New Year's Eves Chinese New Year Summer and Winter Solstices		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) On a maximum of 25 occasions each year, alcohol will be supplied from 23:00 to 02:00 to cater for function work.		
Fri	12:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b>	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**K**

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</b></p>
---

**L - Hours premises are open to the public**

Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Wed			
Thur			
Fri			
Sat			
Sun			

## M

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

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

All full-time and casual staff will be made fully aware of the need to observe all of the house rules for achieving the four licensing objectives.

This will be achieved through:-

- Induction and on-going training,
- A signing-in sheet completed prior to each session worked,
- Guests are made aware of Eversfield Manor Cottages house rules when booking and sign to accept these terms.

### **b) The prevention of crime and disorder**

- DRUGS - Eversfield Manor Cottages is a 'no drug zone'. Neither supply nor use will be tolerated and any breach reported to the police.

- VIOLENCE - Through vigilance and dealing with incidents before they become heated, the duty manager will be responsible for maintaining good order.

- Surveillance Cameras are sited in the Spa Lounge and Pool areas and monitored from the office.

### **c) Public safety**

Copies of Eversfield Manor Cottages Health & Safety policy and Accident Reporting procedures are attached.

- Glass bottles and drinking vessels will not be allowed in the sauna, pool and hot tub areas,

- All beverages will be served in plastic/paper vessels in this area,

- Guests will not be permitted to bring their own drinks into this area, notices to this effect will be prominently displayed,

The pool cover is opened by means of an electric switch which is

### **d) The prevention of public nuisance**

- NOISE

- Outdoor music will not be played after 11 p.m.,

- Indoor music will cease at midnight,

- Notices will be posted, requesting guests leaving the property to do so quietly.

- LIGHT levels will be controlled so as not to provide nuisance to houses in the vicinity.

**e) The protection of children from harm**

- Staff will be made fully aware of the Eversfield Manor Cottages 'Age Verification Policy' (copy attached)
  - Staff will be trained to ask for valid photo proof of age from anyone who appears to be under 25 years of age who attempts to purchase alcohol,
  - 'No under-age drinking' notices to be displayed,
  - Staff to be trained to handle alcohol purchase requests from minors with tact and diplomacy,
- No child will be allowed in the swimming pool area unless an adult is

**Checklist:**

**Please tick to indicate agreement**

- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**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.**

**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**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of Second applicant or Second applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town

Postcode

Telephone number

E-mail address

**Once you have completed this form, please save it, then use the link below to upload the form and any supporting documentation.**

**You can also pay for your licence at the same time.**

[www.southhams.gov.uk/licensing-application](http://www.southhams.gov.uk/licensing-application)

[www.westdevon.gov.uk/licensing-application](http://www.westdevon.gov.uk/licensing-application)

#### **Data Protection**

The information that you provided will be held by South Hams District/West Devon Borough Council and will be used to process your application. It will be held securely at all times in accordance with current Data Protection legislation. We must protect the public funds that we handle, so we may use the information you have provided on this form to prevent and detect fraud.

We may also share this information with other organisations that handle public funds. Information you provide may also be used to check the accuracy of records held elsewhere in the council. If you wish to see the personal data that the Council holds about you please contact the Data Protection Officer.



## Notes for Guidance

1. 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.
2. 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:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - 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.
    - 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.

- 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.
- 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:
  - 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.
  - 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.
  - 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.
- 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:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - 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;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please 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.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please 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 or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. 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).

**Home Office online Right to work checking service**

As an alternative to providing a copy of original documents, 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 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, will allow the licensing authority to carry out the check.

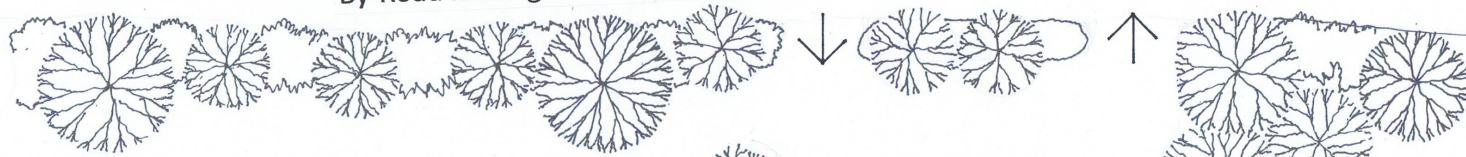
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. 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 copies of documents as set out above.

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.

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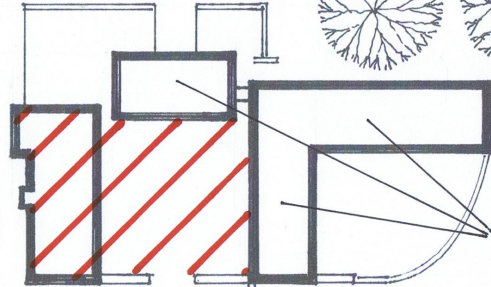
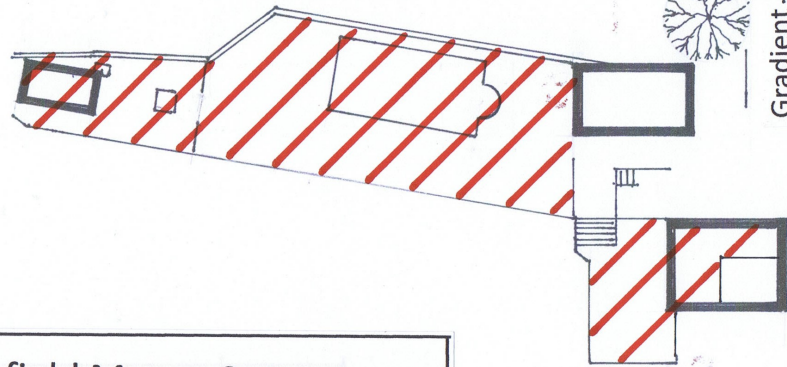
By-Road leading to Boasley Road



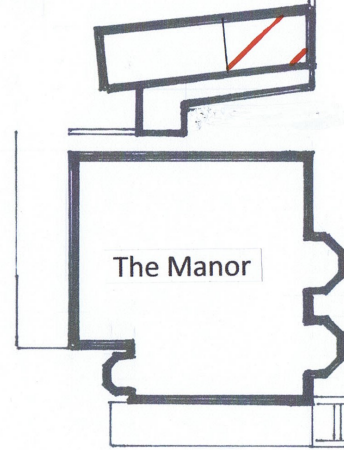
Parking

Gradient

Accommodation



Parkland



Eversfield Manor Cottages

Premises Licence Application

Site Plan

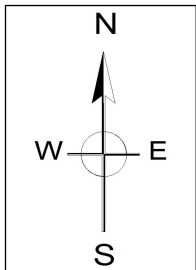
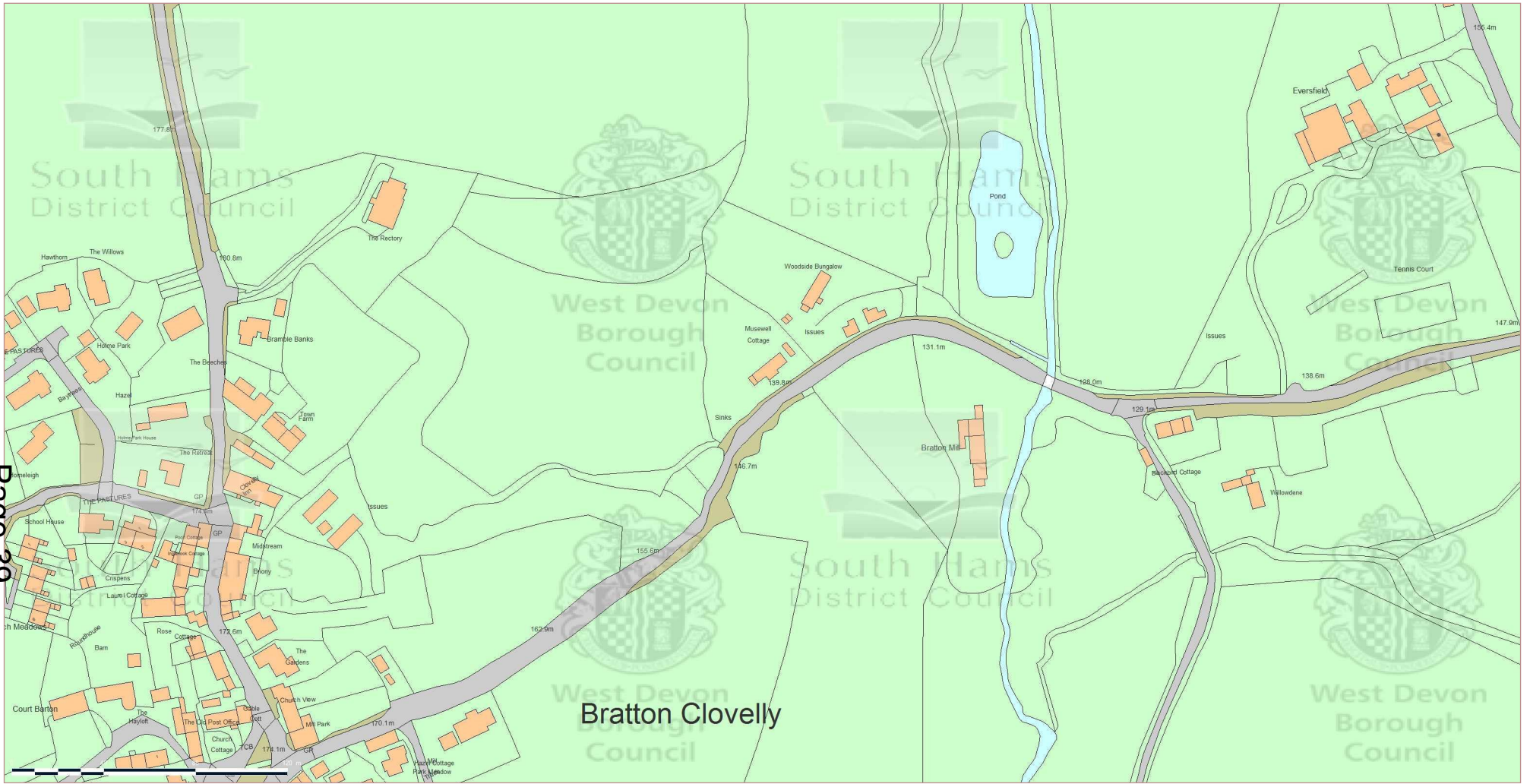
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Drawn by Anthony Stockbridge

31 May 2021

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GIS Data

1:2500

Eversfield Manor Location Plan



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Eversfield manor support

#### Support 1

I was at the open-air theatre at the Manor last September. My daughter was one of the actors. The amplified acting and singing, and the electric band which proceeded the play could not be perceived as too loud or disturbing. This was a delightful social event for everyone there and such events should be encouraged.

#### Support 2

I strongly support the application for a premises licence by Bernard McNelis and Li Zhu of the Manor, Bratton Clovelly.

The enterprise is an asset, which brings revenue and jobs to the area.

The grant of a licence will help to control noise nuisance, rather than cause it, because of the legal obligation to refuse the service of alcohol to anyone who appears to be drunk. I understand that, to further strengthen this control, the proprietors would no longer permit guests to bring in their own alcohol.

In addition, if there were to be noise nuisance, those affected would have recourse to calling the public health authority who have the power to close the premises for up to 24 hours. Persistent breach could lead to a review of the licence and possible revocation.

Taking these two points into consideration, I think it is a necessity for the business to be licensed.

#### Support 3

I feel that the premises license in question should be granted. The applicants are both responsible individuals and will in my opinion do their utmost to ensure that no nuisance is caused, especially after the airing of contrarian views by some other local inhabitants at the recent public meeting. Indeed, the purpose of the license is to provide for better control over the behaviour of guests in attendance. It is noteworthy that no complaints had been made directly to the applicants prior to this meeting. Also, the fact that any licence granted can be readily revoked will surely focus minds to ensure that the required standards are upheld. The applicants have indicated their willingness to discuss compromise if given the opportunity. Moreover, I feel that the suggested dangers due to

vehicles entering and leaving the premises have been overstated, in that the number of vehicles should not be affected by the granting of a license. If considered necessary, additional warning signage could be put in place at the entrance/exit.

#### Support 4

Regarding the recent application from Mr Bernard Mcnelis and Mrs Li Zhu of Eversfield Manor Cottages Bratton Clovelly, I should like to make a few points in their favour.

I have known the couple for a considerable length of time and during this time I have found them very diligent in considering the needs and concerns of the local community. The application is for an established business and at present guests are able to bring their own unlimited supply of alcohol and therefore this gives rise to possible incidents of unruly behaviour. So by having a alcohol licence, the couple will be able to limit the supply of alcohol and thereby control any unacceptable behaviour.

I believe that a number of residents of the village are concerned that the licence will result in late night drinking and live music for 365 days of the year. My husband and I have been to events hosted by the couple where they have obtained a TEN licence and at no time has there been any noise or trouble and indeed any complaints from neighbouring properties.

To my knowledge there has only been two occasions where live music has been played. In September 2021 they hosted a charity outdoor theatre and previous to that in summer 2019.

#### Support 5

My family and I were at the open-air theatre at the Manor garden last summer. It was a delightful event that brought the community together with a funny Robin Hood play, food, and bar, with dancing at the end. I guess there were about 100 people all happily enjoying themselves. There was no drunkenness. The band used electric amplifiers and it was not too loud. I cannot imagine there was any nuisance for anyone. I hope there will be more gatherings like this.

#### Support 6

I would like to support the application for a premises license by Eversfield Manor Cottages. This is an established holiday letting business which can host 18-20 staying guests and where currently guests are able to bring their own unlimited stocks of alcohol. Issuing the premises with a license would allow the owners to control the availability of alcohol and any associated disturbance. Concern was raised over late night drinking and live music 365day/year at the recent parish council meeting where the application was discussed. However, the application for the license is for no more than 25 events/year; there have been just 2 outdoor events in the past two years. A formal offer by the owners to meet and discuss any concerns raised by local residents over noise has evidently been ignored. The owners have never received any complaints by local residents directly.

The issuance of a premises licence is unlikely to impact traffic/access to the site as the guests would already be travelling by car.

#### Support 7

Last September Eversfield hosted the Tuck Inn show in their garden and my wife and I attended along with some friends. The show was most enjoyable, as was the hospitality.

Upon arrival, the organisers were very helpful with directing us to our parking bay in the spacious parking area, as they were on departing where we were safely helped to join the road.

The show itself was preceded by live music that was clearly enjoyed by all, and along with the food from a broad menu, and a few pints of one's choice from the bar, it made an excellent evening out.

I cannot understand why anyone would have any reason for complaint as the whole event was a good natured family friendly gathering. I would certainly go again, so hope there will be a next time. Everyone there was enjoying the hospitality, both food and drink, and the atmosphere was jolly.

It was refreshing to have a cultural event locally as most such events are a long way from this rural area. This kind of event is an asset to the community and should be positively encouraged.

We Believe therefore that Eversfield Manor should be granted the license they have applied for.

#### Support 8

The premises provide job opportunities for local people. reducing the need to travel further afield, thus reducing carbon emissions.

I feel it is important to have such premises licensed as opposed to not. This would ensure greater control of activities, giving villagers the opportunity (if it were ever needed) to complain to the relevant authorities within the framework of the 2003 Licensing Act.

#### Support 9

I am writing to you in support of the application mentioned above, although I fear that I may be too late.

There are a number of properties within the village that do have similar licenses such as The Clvelly Arms, The Bratton Clovelly Parish Hall and, I understand, Eversfield Farm and no particular problems have arisen from those properties having such a license, in fact the granting of a license would seem to give the Council more regulating powers and thereby the public more protection, through license reviews or even revocation action, should any nuisances arise.

It is for this reason that I support the application.

#### Support 10

I was at Eversfield Manor yesterday evening for the Scouts & Cubs Annual end-of-term BBQ. I saw the notice that Bernard McNelis & Li Zhu have applied for a licence. I wish to support the application for drinks and music licence by Eversfield Manor. I have been to the Manor for several fund-raising events with food, drinks, and music as well as the Cubs & Scouts BBQs and camp-fires over the past eight years and all

have been a great success. I think Bernard and Li are wonderful hosts and they should be supported and encouraged to open the Manor even more than in the past.

#### Support 11

I see that Bernard McNelis and Li Zhu have applied for a licence for their house in Bratton Clovelly. Both my husband and I live in the centre of the village and we support this application. We have never been bothered by any music or noise.

#### Support 12

I see that Bernard McNelis and Li Zhu have applied for a licence for their house in Bratton Clovelly. Both my husband and I live in the centre of the village and we support this application. We have never been bothered by any music or noise.

#### Support 13

It is my understanding that a licence for the sale of Alcohol, Food and Entertainment has been applied for at Eversfield Manor, Bratton Clovelly.

It is also my belief that the reason for the applicants applying for this licence is because currently guests arriving at the Manor house have until now brought and consumed their own drink, and this is something of an issue with the current owners, as they have no control over the amount of alcohol consumed, and of course this could lead to problems with some people becoming inebriated.

This is a problem that the owners are very keen to ensure does not become an issue for local residents, and believe that the issuing of an official licence will enable them to officially control the amount of alcohol that people drink, and with the added bonus of being able to stop selling wine and spirits at a reasonable time, this should alleviate the problem of excessive noise that can sometimes be associated with what some would refer to as drunken behaviour.

Therefore I would consider the application for a licence should be viewed as a responsible solution that is beneficial to all concerned.

With reference to the noise levels that I understand were of concern to nearby residents, it is my understanding that the only time that this has been an issue, was at the end of last summer, when the owners held what I believe was a charity event to raise funds for a good cause.

The reason for the excessive sound was because it was held outside in the grounds of the manor.

It is also my belief that this was never raised as an issue by neighbours, and I'm sure that if it had been, then it would have been dealt with in a very responsible way by the owners.

#### Support 14

I would like to support the alcohol licence application made by B McNelis and Li Zhu in connection with Eversfield Manor Cottages.

This is a family run enterprise that has been running for several years, with no complaints from neighbours. The obvious intention in applying for a licence is to further regulate the business - a responsible action.

There have been a vociferous few who are objecting - it is not clear on what logical grounds but compromise may be reached by the modification of the live music licence application .  
I would like to confirm that I have no pecuniary interest in the aforementioned business.

#### Support 15

Bernard has explained to me his intentions for the holiday lets and why they need to get a premises licence.

It seems like it is the right thing to do and Bernard has told me they only want this to cover their guests, so it should not affect other people.

I think this will help make the holiday lets more successful and that will help bring opportunities for work for young people like me in the village.

Based on the explanation and reassurances Bernard has given me, I therefore support this application.

#### Support 16

I am writing to you in support of the licence application for Li Zhu and Bernard McNelis, at Eversfield Manor, Bratton Clovelly.

I have attended several dinners and parties at Eversfield Manor while there were guests staying in the holiday cottages. During these visits, I have never witnessed any drunken behaviour or heard any loud music.

Li and Bernard have done a fantastic job, restoring and improving this important, historic property, creating a beautiful and peaceful environment. I am certain they would not tolerate any activities from their guests which would disturb their neighbours.

Thank you for your consideration.

#### Support 17

I am writing to you in support of the licence application for Li Zhu and Bernard McNelis, at Eversfield Manor, Bratton Clovelly.

I have attended several dinners and parties at Eversfield Manor while there were guests staying in the holiday cottages. During these visits, I have never witnessed any drunken behaviour or heard any loud music.

Li and Bernard have done a fantastic job, restoring and improving this important, historic property, creating a beautiful and peaceful environment. I am certain they would not tolerate any activities from their guests which would disturb their neighbours.

Thank you for your consideration.



## Eversfield Manor Representation

### Objection 1

**Our objection to this application for alcohol and music licenses for these premises is as follows,**

The premises with the address given are holiday let cottages that accommodate a maximum of 18 guests in the grounds of a private residence for which it is impossible to see any requirement or need for licences

The premises is located on the side of a quiet rural valley directly opposite the quiet isolated village of Bratton Clovelly which means any noise generated by music or even loud voices would create a nuisance to the whole village as sound travels across the valley very easily, this especially true for any outside activity which would need illumination and create light pollution as well.

There have already been complaints about noise generated at the premises and it is impossible to see how the granting of licences would not increase the number and severity of complaints.

The website associated with these premises mentions weddings, this could only take place outside or in a marquee with the outcome of increased noise and light pollution and the possibility as is fashionable of fireworks which would be totally unacceptable in a farming area with livestock and local wildlife. The increase in traffic on a dangerous narrow country road would also be a public nuisance.

### Objection 2

The following information sets out the likely effect of granting the application on the promotion of three of the four licensing objectives.

### **Introduction – The application**

Eversfield Manor Cottages, a self-catering complex, has grown without direct neighbours and other residents in the village being aware of the scale of the operation, mainly due to no planning applications being submitted for the significant changes being made therefore the information on the site was not in the public domain. Some of the change of usage and development of the accommodation was completed just in 2019 but still has some ongoing works to the pool area.

The application appears to have not been advertised in accordance with the application requirements, and the neighbours and other affected residents had no contact from the owners of the complex to discuss and communicate their intentions and allow discussion and possible compromise prior to the application. This could have negated the need for a lot of worry and upset. WDBC licencing process states *'Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of parties ..... This includes proactively liaising with local residents, local ward councillors, businesses, and responsible authorities'*

None of which has happened. Indeed, it would have gone completely unnoticed if a neighbouring parish council had not seen the application. Also, it would be good to know what newspaper it has been advertised in, a requirement of the licence application and what the different responsible authorities, interested parties determined when contacted by the applicant, as required?

- **The prevention of public nuisance and the prevention of crime and disorder**

The noise from the complex was an issue in summer of 2020 and 2021 when more of the outbuildings must have come into use, with the loud music and noise coming from what is now understood to be a growing holiday complex. Evidence (from reviews submitted online) demonstrates that they have, in the past, been given free rein on the amount of noise they can make. The position of the property means the noise carries beyond the directly affected areas and encompasses the village, **notably a conservation area**. This is a problem during the day for those that are retired or work from home but particularly distressing in the evening and into the night.

There are bookings from large family groups, corporate team-building, weddings, hen/stag parties, etc which have partied outside and into the night. The continuous and unreasonable noise and disorder has already caused substantial interference in the use and enjoyment of residents' property in their homes, gardens and sleeping, both of very close neighbours and those in the village which is actually much closer to the complex than stated on the application form. It must be made clear that the application is misleading in

its distance of half a mile to the village. Half a mile in each direction would actually be on the far outskirts leaving the village. The centre of the village is less than 400m from the property. We are adjacent for 100m of our garden and theirs.

The neighbours did, on separate occasions, have to speak to the guests to reduce the noise levels.

A premises licence has the potential to exacerbate the problem and selling alcohol until 2300 hours, and extended to 1am on 30 separate occasions, could result in drinking and associated anti-social behaviour, especially noise, continuing well past this time as guests return to their accommodation or elsewhere **on or off the premises** to continue the nuisance, as they have already done. The very nature of the business means there is no closing time to the premises or the surrounding grounds which is for full use by the customers. How would this be managed to stop any further noise nuisance or disorder past the cut of time?

I can only see this as escalating, with long hours to be able to buy and consume alcohol, both on and off the premises.

With the Covid 19 pandemic many people, including myself and my husband, both work from home and should not be subjected to loud music and guests shouting and screaming during the day and even more so at night as sound carries. Good sleep and time in the garden have proven so beneficial to mental health during the pandemic and this should be part of the consideration when allowing on and off premises alcohol sales and all day live and amplified music in a quiet rural village, where residents have chosen to live because of this.

The property is also surrounded by farmland with cattle, sheep, and other animals, including protected wildlife species, such as owls and bats, which will be affected by the inevitable increase in noise associated with the extended sale of alcohol for 7 days a week from midday and by default the permission for loud music. There has been no consideration of this in the licence application or through planning consent where ecological impact assessments are mandatory.

- **The protection of public safety**

There have been several instances recently in the village where objections have been raised to any increase in traffic or noise and this is no different. The additional 20 to 22 people, plus any visitors, results in higher numbers of cars using a dangerous entrance/exit (a bridleway and farm track) This has previously been highlighted as problematic by highways, in a previous planning application in 2001 (1829/2001/OKE) for a sand school at the premises, with the decision to limit lessons to only 5 a day to keep the traffic to a minimum for safety concerns. With no planning applications having been submitted, this additional traffic has been overlooked and is an accident waiting to happen as the entrance/exit to the complex is onto a blind bend in a 60mph single track road with no lighting or pavement.

In summary, our representation is for the prevention of public nuisance as defined earlier from the noise, which is already a problem, and for public safety associated with the increase of traffic for such a large number of guests on the local, poorly maintained roads, who will, of course be attracted by the licencing and increase in alcohol consumption. Additionally, there are no amenities such as a shop, post office, public transport so driving is the only option for the guests. This is unreasonable in this peaceful, rural village, in

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### Objection 3

Noise- Eversfield Manor is set towards the bottom of a natural bowl facing the village, this means any noise from the premises rolls across the village and around the surrounding hillside. The late and daily nature of the licence means that this nuisance noise, from people who may have been drinking most of the day and from live music, could continue daily from lunch time until 01:00hrs, and until 02:00 for up to 30 occasions annually. This is a deeply rural community and such noise is detrimental

to locals and wildlife alike, as well as local businesses that offer peaceful retreat. Due to the geography of the location, this nuisance is not restricted to immediate neighbours, but affects the whole village.

There was also a concern about public safety with guests coming and going from a small farm track onto the main Bratton Clovelly road at a spot that DCC Highways recognises as a danger point.”

#### Objection 4

The following information sets out the likely effect of granting the application on the promotion of three of the four licensing objectives.

##### **Introduction — The application**

Eversfield Manor has direct neighbours and lies less than ¼ of a mile from the village centre, in itself a conservation area. The application is entirely wrong to suggest it is half a mile from the village. In fact you’d be leaving the village on all three roads within half a mile and the impact of noise, light and danger posed by the nature of the road layout to humans and well as protected wildlife species is considerable.

It also needs to be highlighted that the ongoing development on the site (currently x4 letting units for c.20 guests, swimming pool, spa, sauna etc) has not followed any planning application process and therefore has not had any engagement with any neighbour never mind statutory bodies. It also remains a private residence and has no change of use for what appears to be a growing holiday complex. I realise this is a separate planning issue but obviously the license application is to provide alcohol and live entertainment and it is clearly inter-related to the provision of accommodation and “day spa” facilities.

Also, notification was posted **outside** of the license application requirement of the property and no idea what paper this was publicised in. Could proof be supplied?

##### **The prevention of public nuisance**

Noise emanating from Eversfield has already, on a number of occasions, been a problem. Our garden borders Eversfield grounds for c.100m and is separated only by a narrow country road. The playing of recorded music during the day and night disturb my place of work at home but also my ability to sleep in the night as easily audible with windows open. The complex of accommodation extends with the building of seating areas and facilities (tennis court etc) right down to the far extent of the grounds beside us where groups of families and team building events have taken place with no nuisance limitations put in place by the owners. This is a peaceful setting and why many people move here and is incredibly impactful and simply unfair.

##### **The prevention of crime and disorder**

In our property alone we have x3 roosting pairs of protected brown long eared bats and also soprano pipistrelle roosting in the external slate hung façade. Of an evening the mating and hunting calls of many other species, some further protected by UK, EU and international law i.e. the Barn owl, can also be heard. The summer is not only the main time for holidaying guests to arrive but also these protected species to mate, roost and forage in this beautiful landscape with adequate habitat, minimal light and noise levels. Bats and owls are after all acoustic foragers and can be seen in plentiful numbers at dusk not just on our property but well into Eversfield and surrounding woodland/hedgerow. How are these likely to be impacted and what ecological impact

assessment has been made by the owners on wildlife? It must be highlighted that this would have been a statutory obligation under planning to understand.

On reading the fuller license application it becomes apparent that the already totally unacceptable timings for provision of alcohol and entertainment (on and off premises!) are extended on 30 days of the year with alcohol sale and refreshment until 0200hrs and live music until 0100hrs...on and off premises for the former 2! With guests bringing their own alcohol to the accommodation units the likely increase of not just nuisance but breach of the peace and disorder are clearly elevated.

### **The protection of public safety**

Access to the property is via a very dangerous 'S bend' from the road and on to an unmetalled bridle way. There are no lights, no pavements, on a hill and high hedging on both sides.

This is why there already exists a Highway Safety concern under a conditional planning consent granted in 2001 (1829/2001/OKE) to permit only 5 additional vehicles per day to a riding school the previous owner put in place.

This has been totally disregarded by the current owners who have built x4 accommodation units for c.20 people as well as providing day-spa services, corporate team-building and weddings.

The danger to life is high to not only the guests unfamiliar with this stretch of road and the nature of our daily rural traffic (tractor and trailers etc) but also the many pedestrians, cyclists and numerous dog walkers using the beautiful bridle way that forms a circular walk around the village. The applicant drawings state that this is a "By-road". That is nonsense with no way any traffic could get past the farm at the end of the lane before it turns into a track passable by foot or bike only.

This is a serious concern and the danger to public safety from a business in breach of planning consent with no regard for safety of villagers and guests despite Highways having already assessed the danger.

I could also add that there is a deep pond that the current owners have excavated on the SW boundary of their property where they detail "wild swimming" as something to enjoy. I don't need to detail how swimming and alcohol do not go together but it reveals an ill thought through development complex and license application that has engaged no-one locally despite the owner being the chair of the parish council.

### **Summary**

This is wonderful, peaceful village with abundant wildlife and charm that is attractive to live and work in. The license application is wholly inappropriate for a private dwelling with direct neighbours and close to our village centre by introducing noise and light pollution impacting on many neighbours and protected species but perhaps more than this, introduces risks to public safety. I object in full to the application as requested.

### **Objection 5**

I wish to object to the Licensing application for Eversfield Manor Cottages as excessive, inconsistent, and incomplete:

- Rather than seek a licence for residents and guests only, the current application would enable alcohol to be sold to and consumed by any member of the public.

· Rather than seek a Premises-only license to include all areas of the property that residents and guests might reasonably use to consume alcohol, the application defines the Premises as specific areas and seeks an Off-premises license for everywhere else which would enable alcohol to be consumed outside the property.

· While the Standard timing for the supply of alcohol ends at 23:00, the supply of late-night refreshments will continue until 1am every night. Realistically the consumption of alcohol is likely to continue into the early hours.

· The application includes Standard timings for live music between 12:00 and 23:00 and additional amplified music until 24:00 every day, all year, with un-amplified live music until 1am on 25 occasions and, although unstated presumably amplified, live music until 1am on 5 occasions. Amplified live music is particularly intrusive. Up to 13 hours of intrusive, amplified live music is excessive.

The application should be defined to closely support the accommodation, catering, wedding, spa and sauna activities offered by the applicants rather than this as-broad-as-possible application.

Furthermore, I object on the following grounds:

(a) prevention of crime and disorder;

The application includes the late-night supply of alcohol on and off the premises, the latter increasing the likelihood of intoxicated driving by non-residents.

(b) public safety;

Access to Eversfield Manor Cottages is by a rough, un-tarmacked, track/bridleway shared with pedestrians and horses which opens on to the steep rural road at a dark and unlit junction, a little way from a sharp bend. This was of concern to Highways for a previous planning application as the potential for a serious road accident is high.

(c) the prevention of public nuisance;

The application includes the provision of late-night live music and the supply of refreshments and consumption of alcohol until 2am on 30 occasions per year. There is no stipulation that this would be indoors. Prior experience of the noise from events held at Eversfield Manor confirms that this would cause a material nuisance on an excessive number of occasions and is wholly inappropriate in such a quiet rural environment.

(d) the protection of children from harm

The applicants' family include young children living in the same premises. How are these protected from intoxicated guests?

It is also unclear whether the applicants have the required fire safety, hygiene and wedding licenses or planning permission for what amounts to a change of use.

Lastly, the application makes no reference to adverse effects of loud noise and bright light on bats which are highly likely to be present in such a location. Even if there is the potential, a license is required from Natural England.

## Objection 6

Licensing Objective	Reason for Representation
<p><b>Prevention of Crime &amp; Disorder</b></p>	<p>It could encourage undesirable people intent on committing crime to a small, peaceful, rural village.</p>
<p><b>Prevention of Public Nuisance</b></p>	<p>Noise, anti social behaviour, under age drinking, loud music (base sound), increase of vehicles, i.e. deliveries, customers, light pollution. Possibility of fireworks.</p>
<p><b>Protection of Children from Harm</b></p>	<p>It could encourage strong language, risk of adult entertainment, drinking alcohol, drug-taking and violence.</p>
<p><b>Public Safety</b></p>	<p>Increase of traffic on inadequate lanes. Possible risks to users of the footpaths and bridleways. Drink driving. Already one death in the locality attributed to drink driving.</p>

Objection 7

We strenuously object to the granting of the licences in this application, primarily on the grounds of public nuisance from noise and light pollution.

The location of the property is wholly inappropriate for the proposed uses, situated, as it is, in a tranquil and near-silent position (with the exception of agricultural activity), adjacent to the village. Any noises emanating from the premises travel across the valley to the properties throughout the village and potentially 365-day live music would dramatically impact on people's rightful enjoyment

of their own homes. Given the unusually quiet environment, it's not hard to visualize the impact on people's mental health if these licences are granted.

Irrespective of the application for a licence for amplified music, the granting of an on- & off-premises alcohol licence automatically confers a right to perform it, the application simply shows the applicants' intention to do so. Previous events at the property have been clearly audible to the villagers, both inside and outside their homes. The claimed half-mile distance from the village is, in fact, considerably less, but a moot point, given the ability of bass notes in particular, to travel long distances. There have already, last year, been problems with guests creating noise late into the night, with neighbours having to go and ask them to be quiet.

Furthermore, the on- and off-licences imply outdoor drinking, eating, chatter and revelry, throughout the afternoon and into the late evening. Apart from the economic damage from homes becoming near unsaleable, the potential mental health issues caused by the frustration and helplessness of one family inflicting their activities on many others are considerable.

After dark, there's the issue of light pollution – not just eroding the (thankfully) unspoilt and rare darkness for humans but for the wildlife. This is a dark sky area. Though (apparently, and inexplicably) not to be considered by the licensing authority, there are at least two woods adjoining Eversfield, plentiful in birdlife, with owl calls an ever-present background sound and large numbers of bats. The impact on their stress would be profound from light and noise. Other nesting birds would be similarly vulnerable.

The licences applied for give carte blanche for all manner of intrusive activities and, once granted, there would be little chance for reversal. An indoor dining venue – without the music – would be completely uncontroversial but, in this locale the current proposal would be potentially dreadful. The Clovelly Inn contains its noise within the building, with little impact on its neighbours, whilst this proposal seems intent on impacting its surroundings.

Secondarily, there is a genuine issue around public safety: the road access to the premises is very poor, off a road that non-locals find challenging to navigate. So much so that a recent planning application for a single dwelling was objected to, *by one of the applicants for these licences themselves*, on the grounds of access from the same 'unsuitable' road. Convoys of wedding guests arriving at and leaving the premises would have the potential for being involved in accidents with both vehicles and the many people walking the Pack Horse Trail.

We sincerely hope that this application is refused - doing so would not materially affect the existing accommodation business, but the alternative would be disproportionately and hugely damaging to the local community.

#### Objection 8



With reference to:-

Premises Licence Application, at Eversfield  
Manor Cottages, Bratton Clovelly EX20 4JL

The supply of alcohol for consumption on and of  
the premises Monday to Sunday 12:00 to 23:00

The provision of late night refreshment on and of  
the premises Monday to Sunday 23:00 to 01:00

The performance of Live Music Monday to Sunday  
12:00 to 23:00

We object to all 3 applications

① Road system is totally inadequate, Single Track  
for most of road - 5 bends above & below Access give  
little or no visibility for entrance of vehicles and exit

② The 3 cottages have provided their own alcohol so far

③ The public house in the village has and is perfectly capable of providing good food and beverage for Bratton Clavelly and surrounding areas, another alcohol provider is not required.

④ There is a danger that offsite sales of alcohol will lead to inebriated persons in the lane maybe even driving!

⑤ We have already experienced live music sound. During last summer, loud invasive and distracting music was played outside of the cottages. It caused a lot of stress and disruption with its continuous persistence.

We hope you will listen to our concerns as we feel any provision of licences to Eversfield Manor cottages will be exploited to the fullest possible effect and we will suffer noise, privacy and disruption as a result.

This E mail is in addition to a 2 page letter handed in over the reception desk at Kilworthy park at the end of June.

We feel that the access roads to the site are not being considered to be a good reason to give this application any problems.

Yes, Mr McNelis can park a large number of vehicles on his premises, but all of the vehicles will have to travel on the Boasley Road. This road is single track for the majority of its length, it has a few passing places and gateways.

Much local traffic uses this road, and often people have to reverse , sometimes uphill, to allow other vehicles through.

There are Lorries and vans and sometimes trailers additional to tractors complete with tools and trailed grass gear, on top of the cars , local and not . This compounds the problem caused when vehicles from both directions meet, and reversing of a group of vehicles is required to clear the obstacle that becomes a rolling roadblock. This then means other vehicles begin to join the ends of these blocks of vehicles, and blockage ensues, with all the delays this causes.

This already happens without the additional vehicular this application will bring , and makes the idea of having Events , Weddings , and Live Music , with the need for more vehicles to use our village roads , a recipe for disaster . The other problem is of people not attending the events, stopping and parking in our lanes, causing restrictive passage to other vehicles trying to pass on and out of the village. I personally do not wish to find my drive blocked or some of the lane ends full of parked cars, not allowing access through.

Yours in hope you will listen to our concerns ,

#### Objection 9

I feel I must bring to the committee's attention the incorrect application form statement about The Manor being an hotel.

The nature of the business may be viewed online at 'The Manor, Bratton Clovelly'.

I object to this licence application on three counts: noise, public safety, crime.

Noise. The Manor is already the source of considerable loud late night disturbance. The applicants' claim that no complaints have been received was strenuously refuted at the Parish Council meeting convened to discuss concerns. The Manor's enviable hillside-and-valley location funnels noise toward the village. No offer was made to host future events inside, doors and windows closed, somewhere the ambient temperature might be controlled, the acoustic tailored. If quality of performance be the aim may I suggest that few musical instruments sound better outside than in, perhaps only the bagpipes. No offer was made to gauge public opinion after any and all future outdoor events. The calls of night birds, particularly owls, have become fewer, and previously frequent daytime sightings of deer quite rare. Could it be that wildlife is being driven from the area?

Public safety. The firepit/barbeque attraction advertised has not only been created in woodland but is overhung by trees! The 'pit' is not a pit but a freestanding brazier! The site is only a very few metres from Parsonage Wood, a mature conifer plantation not owned by The Manor. There is a high risk of a potentially catastrophic wildfire being sparked. My home and others lie close to this wood. Inebriated wedding guests cremating sausages must add to such risk. The fire officer has been informed.

Crime. Rural crime is of increasing concern countrywide. There exists a correlation between noisy late night events and theft. The milling about of cars around such events helps what might normally be recognized as suspicious vehicle behaviour go unnoticed. And the event's noise almost certainly louder than that made by the thieves.

#### Objection 10

The main reason for my objection is **noise**. Because of the topography and the way that Eversfield sits into the hill, the sound gets transported across the valley to such a level that one can even hear a car door shutting. I am also aware that people within the village have complained about the sound of children playing in the swimming pool at Eversfield. Any noise is very detrimental to the whole village and especially to the applicants' neighbours. I refer to a failed planning application (3974/18) by the applicants to build 2 houses within their grounds and the reason for refusal of the development as having a harmful impact upon its historic landscape context.

Furthermore, I am concerned that a previous planning application (1829/2001/OKE) restricted traffic movements in and out of the site due to **highway safety** issues. I consider that any licence would create a highways danger through an increase in traffic.

In addition, I am concerned about an increase in **light pollution** and how this will impact wildlife, in particular the bat population, which includes lesser horseshoe bats (*Rhinolophus hipposideros*) that live in our neighbouring property. There is evidence that this species is especially sensitive to light pollution, even when LED lighting is used (Stone et al. 2012).

Finally, due to a lack of planning, I believe that there are no building regulations in place for a number of works that have already taken place upon the premises. I am concerned that there is a **public safety** issue relating to possible non-compliance, in particular with regards to electricity supply compliance and fire safety.

#### Objection 11

I would like to object to the applications for an Alcohol and Music license at Eversfield Manor, Bratton Clovelly. The sound of music at all times of the day and night will have a huge impact due to the position of Eversfield, it will carry the sound across the valley as the house sits parallel to the Village. We live in a very quiet and peaceful area, without much tourism and not many cars, it is still a very agricultural community. The impact of extra cars, driving through the Village to get to Eversfield and entering the drive through one of the worst visibility splay in the Village, is an accident waiting to happen! I feel it is an extremely inappropriate location for such a Venue and feel very concerned by the applications intentions.

#### Objection 12

## **Licensing objective: Prevention of Public Nuisance**

### Objection on the grounds of noise nuisance

The application states that the cottages are situated half a mile from the village of Bratton Clovelly. Not only is this incorrect – it is less than 600 meters to the centre of the village - but it fails to mention that several independent properties lie well within 600 meters of the location with the closest being within 200 meters of it. The proximity of the centre of the village and closeness of neighbouring properties were both used in argument by the applicant in an appeal against refused planning permission for application 3974/18/PIP. Noise levels experienced at previous events held at Eversfield Manor have been of considerable nuisance not only to the occupants of neighbouring properties but also to the more numerous residents of the village and there is no reason to expect functions for which the license is intended will be any different.

The license application seeks to play music until 01.00 on up to 30 occasions a year and while the application makes some provision for "restrictions", the most likely scenario is that the "indoor" premises comprises a marquee which offers no protection from noise carrying to the rest of the neighbourhood.

The noise of vehicles attending the premises at unsocial hours is also an unwelcome intrusion upon the neighbouring properties.

WDBC's licensing policy recognises the predominantly rural nature of the borough and the general higher age demographics of its residents. Bratton Clovelly is such a rural location with a higher than average number of more senior residents who live here because of its peace and quiet and respect for the environment it enjoys. Also, the area has a number of holiday lets which are sought by people wishing to experience that same tranquillity enjoyed by its residents. The ambient man-made noise levels here are predominantly low to non-existent. 2.1.2 of the licensing policy indicates an expectation that license holders (/applicants?) will display "*sensitivity to the impact of the premises on the quality of life of persons living and/or working in the vicinity of the premises*" but, in this case, the applicants have demonstrated no such consideration. Residents have the fundamental human right to the peaceful enjoyment of their property and the regular infringement of unwelcome noise into the early hours is a contravention of that right.

Far from providing opportunity, the potential noise levels will detract from holiday lettings and be detrimental to local businesses in that sector.

While the detrimental impact of noise upon the public is a major factor here, the close proximity of the premises to livestock and wildlife and the environment in general warrants the same consideration here.

**Licensing Objective: Public Safety**

Objection

While the location of Eversfield Manor Cottages is within the curtilage of "The Manor" (historically Eversfield Manor and known as such locally), the latter is within a short distance from the public highway with access and egress at two points, both of which are at places in a single track road with restricted vision. The planning decision 1829/2001/OKE to grant permission for a riding school at Eversfield Manor limited the number of lessons allowed per day "in the interests of highway safety to limit the number of vehicles accessing the site". The activities for which this license application is made and their frequency will inevitably attract a considerable increase in vehicles attending the location both for work and recreation since there is no public transport nearby. Limited parking at the premises has potential to cause overflow onto the narrow highway thus presenting a danger to other road users –particularly pedestrians, horse riders and cyclists - and restricting access of emergency vehicles. The track from which the premises is accessed is also a farm entrance and bridle path where the impact of increased vehicle usage upon highway safety was recognised in the aforementioned planning consent.

Objection 13

To whom it may concern:

My husband and I would like to lodge our opposition to the licence application for Eversfield Manor, Bratton Clovelly, Okehampton.

We live in the heart of Bratton Clovelly, we both work full-time and are concerned about the impact that this will have on our community.

The licence is for events and live music 365 days a year, for functions and weddings etc as far as we are aware. The impact of tens or hundreds of vehicles accessing the venue either via Boasley Cross or the Broadwoodwiger exit from the A30 would mean an incredibly high volume of traffic coming through very small country roads and through the village, potentially every day of the year. The road infrastructure to the village via all of the access roads is not appropriate for this level of traffic and we are extremely concerned about inevitable increase in traffic collisions, accidents, increased damage to property, access and our already poorly maintained roads, hold ups for local families and workers etc.

Significantly increased traffic through these tiny lanes would mean it was no longer safe to walk our 3 year old daughter from our house near the Church to the play area near the village hall, or to walk our dog through the village around to the field. There are no footpaths to safely walk and no possibility of the council installing them due to the historic nature of the roads and position of the properties.

Furthermore, events taking place with live music daily, until 11pm and on 30 occasions potentially till 2am would cause unbearable noise pollution to village residents. Noise carries. The Manor is situated in the valley less than 1/2 mile out off the village. A theatrical event took place at the Manor a while ago, and this was an acoustic event, but the contents of the play voiced by the cast, and the music they played during the performance was clearly audible at our home. If the proposed licence is granted, our quality of life would be significantly diminished and disturbed, potentially on a daily basis. It is assumed that the licence will be for amplified DJs and bands, which would be far louder than the aforementioned play performance. This would seriously impact on the peaceful village atmosphere in Bratton Clovelly and our day to day lives. The village pub has live music on occasion, very rarely, but it is contained within the pub and does not disturb the village at all. Large events taking place at the Manor regularly would change resident's lives immeasurably.

There is also the increased risk of criminality in terms of drunk drivers leaving the remote area at all hours of the day and night. The village is served by one public bus per week, to go to the market in Okehampton, and so visitors are generally confined to driving to and from any social event or gathering. There are very few taxi companies that serve this village due to the rural location. This would inevitably encourage people to drive whilst under the influence, and I would be gravely concerned about the impact on village residents, and our already overstretched public services such as police.

Overall, we feel that the applicants have wholly disregarded the impact on residents' wellbeing and lives, on village infrastructure, on safety and security, and on the more vulnerable members of the community, namely pensioners and children.

#### Objection 14

We wish to object to the Licensing application for Eversfield Manor, Bratton Clovelly, for the following reasons:

- 1) Long hours of potential noise nuisance throughout the day and night, due to guests staying on site, not restricted to the licensing hours, although the long hours will obviously make it worse.
- 2) Possibility of inebriated guests causing a nuisance in the surrounding area, not only to residents, but also to wildlife.
- 3) No consultation with villagers about the extent of the development and has planning been sought at any stage?
- 4) Very poor access to site on a blind bend, often used by tractors and farm machinery throughout the day and into the evening, which could cause problems.

Bratton Clovelly is a quite rural village and would like to remain so.

#### Objection 15

following a well attended Parish Council meeting the Parish Council have the following comment to make:

“Parishioners of Bratton Clovelly have expressed the following concerns –

Noise- Eversfield Manor is set towards the bottom of a natural bowl facing the village, this means any noise from the premises rolls across the village and around the surrounding hillside. The late and daily nature of the licence means that this nuisance noise, from people who may have been drinking most of the day and from live music, could continue daily from lunch time until 01:00hrs, and until 02:00 for up to 30 occasions annually. This is a deeply rural community and such noise is detrimental to locals and wildlife alike, as well as local businesses that offer peaceful retreat. Due to the geography of the location, this nuisance is not restricted to immediate neighbours, but affects the whole village.

There was also a concern about public safety with guests coming and going from a small farm track onto the main Bratton Clovelly road at a spot that DCC Highways recognises as a danger point.”

#### Objection 16

Eversfield Manor-Licensing and Development at Bratton Clovelly

Dear Sir

Bratton Clovelly is a small, quiet rural village.

We do not support the above application as we believe this would constitute a public nuisance because of the noise which would be heard through the village as the property is in a dip, also the light problem. A function held there a year ago could be heard by us, with the talking on the microphone and the music, and we are some distance from the property. It would be a lot worse for someone who lives nearby.

The siting of this property has already been highlighted as a public safety concern regarding access at the bottom of a hill, and on a bend.

No one in the village was given the courtesy of being told about the application



### Objection 17

Dear sir/madam

I wish to object to the application for alcohol and live entertainment license at Eversfield Manor under the following reason:

\* public safety - namely the increased traffic on and through the village and noise coming from the establishment.

### Objection 18

I am writing to object to the license application for Eversfield Manor Cottages, Okehampton, Devon, EX20 4JF.

My first concern is the noise nuisance. The late and daily nature of the license means that this potential nuisance noise from people who may have been drinking most of the day and from live music could continue daily from 12.00hrs until 01.00hrs, and until 02.00hrs for up to 30 occasions annually. Bratton Clovelly is a quiet, deeply rural village and I feel such noise is detrimental to locals and wildlife alike. Due to the geography of the location, this nuisance is not restricted to immediate neighbours, but affects the whole village.

My second concern is about public safety with guests coming and going from the location via the small farm track which is a Public Bridleway and main village footpath route used by local dog walkers and holiday makers visiting the village. Cars merging into the main Bratton Clovelly road from this track have no way of seeing oncoming traffic or walkers until nearly fully on the road.

I trust the concerns raised will be considered in the decision whether to grant this license.

### Objection 19

I am a resident of Bratton Clovelly and I would like to object to the application for a alcohol and live entertainment license, made by:

Bernard McNelis & Li Zhu

Eversfield Manor Cottages,

Bratton Clovelly

My objection to this license application is in order to prevent a public nuisance.

Last summer, a play was put on at the manor during the afternoon. Initially, when I heard the noise, I thought that my neighbours were having a party. I was surprised to learn where the noise was coming from, as I am not a near neighbour of the Manor House.

The noise generated by live music at the manor will cause a disturbance in the evenings and into the night for those who live or are holidaying in the village.

#### Objection 20

As close neighbours to Eversfield we were disappointed not to have previously been advised of the application for an alcohol and live entertainment license, to which we strongly object.

We have enjoyed the peace and quiet of our rural surroundings over the past twenty years and dread the thought of nearby noisy parties and associated road traffic at any time of day or night.

We are hopeful that you will decline this application.

#### Objection 21

I am writing to object to the premises application for Eversfield Manor,  
EX20 4JF.

My reason for objecting is based solely on the live music. I believe the music will be detrimental to the village; as we all know how far noise travels and this has the potential to be 7 days a week, 11 hours a day.

I am also concerned that the application and details temporarily disappeared from the website and that no notices have been seen at the property or in the village. This leaves many people unaware of this application and its possible consequences.

Accepting this application could really destroy a quiet Devon village and I hope this is taken into consideration.

#### Objection 22

I would like to object to the applications for an Alcohol and Music license at Eversfield Manor, Bratton Clovelly. The sound of music at all times of the day and night will have a huge impact due to the position of Eversfield, it will carry the sound across the valley as the house sits parallel to the Village. We live in a very quiet and peaceful area, without much tourism and not many cars, it is still a very agricultural community. The impact of extra cars, driving through the Village to get to Eversfield and entering the drive through one of the worst visibility splay in the Village, is an accident waiting to happen! I feel it is an extremely inappropriate location for such a Venue and feel very concerned by the applications intentions.

Appendix D- Devon and Cornwall Constabulary Proposed Licence Conditions

Thanks for your help. All is fine with me (I doubt we will ever have so many events or ever need bouncers!)

Best regards

Bernard

*Prof. Bernard McNelis*

*The Manor*

*Bratton Clovelly*

-----Original Message-----

From: BARKER Rebecca

To:

Sent: Wed, 22 Jun 2022 17:03

Subject: Eversfield Manor cottages

Good afternoon,

Thank you for speaking with me yesterday. As discussed this email is my follow up to the phone call where I have detailed any amendments to the licence application in support of the licensing objectives should the licence be granted.

*As you have requested an extension to licensable activities for 25 occasions per annum I would like to offer the condition below;*

For a maximum of 25 occasions throughout the year the premises can be pre booked for a bona fide function allowing the extension to the standard timings for the licensable activities detailed.

The venue will not be open to the general public except for those attending a pre booked bona fide function or booked residents and their guests.

*As you are wishing to permit guests to use the pool whilst consuming alcohol it is important that all staff are diligent in respect of customer behaviour and warn customers of the dangers when combining the two;*

Staff will continuously monitor the behaviour of their guests whilst consuming alcohol and using the pool facilities. Customers will be informed of the dangers of excessive alcohol consumption when around water.

**PREVENTION OF CRIME AND DISORDER**

*I have attached a standard condition for cctv as you will see below. Have a read through to ensure you are happy and this fits with your provision.*

## **CCTV**

The premises shall install, operate and maintain 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.

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 or deletion of images.

*As discussed depending on the type of event booked I would like the below condition to be included. Though this does not mean you are required to have door stewards it means you will risk assess each occasion as to the need.*

## **DOOR STEWARDS**

At any time when alcohol is offered for sale at the premises, the DPS will risk assess the need for Door Supervisors depending on the type and size of event planned. Should it be felt that there is a need for Door Supervisors there shall be a minimum of 2 who will be Security Industry Authority (SIA) registered.

You have mentioned the training of staff in the application and this condition formalises the wording to replace that offered.

## **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.

#### **PROTECTION OF CHILDREN FROM HARM**

*Again the below is the preferred industry standard to replace any age verification condition offered in the application.*

#### **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.

*The below condition works similar to an incident book. If there is a need to refuse a sale you can document the circumstance and shows due diligence in support of the licensing objectives.*

#### **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.

Please take the time to read through my suggested amendments in support of the licensing objectives and let me know of any questions or concerns you may have. Once we have reached an agreed position I will then be able to notify the local authority of the amendments to the application.