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MID DEVON DISTRICT COUNCIL

LICENSING SUB-COMMITTEE A

A MEETING of the **LICENSING SUB-COMMITTEE A** - This meeting is to be held virtually on Friday, 15 May 2020 at 10.00 am

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STEPHEN WALFORD

Chief Executive

29th April 2020

Councillors: J M Downes, D J Knowles and L D Taylor

A G E N D A

MEMBES ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

- 1 **Apologies**
To receive any apologies or substitute members
- 2 **Election of Chairman**
Sub Committee to elect a Chairman for the hearing

3 **DETERMINATION OF A PREMISES LICENCE APPLICATION FOR
SAMPFORD PEVERELL RECREATION GROUND AND SPORTS
PAVILION, SAMPFORD PEVERELL, TIVERTON, DEVON, EX16 7BU**
(Pages 3 - 74)

An application has been received for a new premises licence for Sampford Peverell Recreation Ground and Sports Pavilion, Sampford Peverell, Tiverton, EX16 7BU.

Relevant representations have been received and the licensing authority (Mid Devon District Council) must hold a hearing to determine the application.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

E-Mail: coliphant@middevon.gov.uk

LICENSING SUB COMMITTEE
DATE OF HEARING: 15 MAY 2020

DETERMINATION OF A PREMISES LICENCE APPLICATION FOR SAMPFORD PEVERELL RECREATION GROUND AND SPORTS PAVILION, SAMPFORD PEVERELL, TIVERTON, DEVON, EX16 7BU

Cabinet Member(s): Cllr Dennis Knowles, Cabinet Member for Community Well-being

Responsible Officer: Simon Newcombe, Group Manager for Public Health and Regulatory Services

Reason for Report: An application has been received for a new premises licence for Sampford Peverell Recreation Ground and Sports Pavilion, Sampford Peverell, Tiverton, EX16 7BU.

Relevant representations have been received and the licensing authority (Mid Devon District Council) must hold a hearing to determine the application.

RECOMMENDATION: That this application be decided in accordance with the licensing objectives.

Financial Implications: The potential cost of defending an appeal in the courts.

Legal Implications: If there is an appeal against the decision the Council could find itself bearing the costs.

Risk Assessment: If the decision is not reasonably and lawfully made it could be overturned on appeal to the Magistrates' Court.

Equality Impact Assessment: No equality issues identified for this report.

Relationship to Corporate Plan: Not applicable

Impact on climate change: Not applicable

Additional information relevant to this application: The process of applying for these licences is prescribed by regulations made under the Licensing Act 2003. The applicant must copy their applications to the "Responsible Authorities" consisting of the Police, Fire Service, Weights and Measures, body responsible for Health and Safety (Environmental Health), Environmental Health for nuisance, the Planning Authority, the Licensing Authority, the local Director of Public Health, the body responsible for Child Protection and the Home Office. If the application is submitted online the Licensing Authority must forward it to all Responsible Authorities.

Although not a requirement under the Licensing Act, this Council also notifies the relevant town or parish council for where the premises are located.

Applicants are also obliged to advertise their applications in two ways – on the premises and in a local newspaper.

1.0 THE PREMISES

1.1 The following description of the premises is provided in the application:

There is a sports pavilion with kitchen, a room with tables and chairs, changing room; showers and storeroom.

There is a sports field with a cricket pitch and a football pitch.

There is a multiuse games area which has an enclosed all year round surface big enough for 5 aside football, cricket nets, net ball or any other suitable games.

A tent/marquee would be occasionally erected for serving alcohol separate from any other refreshments when occasional outside events take place this is shown on the plan.

2.0 THE APPLICATION

2.1 The application was submitted by Samford Peverell Recreation Ground and Village Hall Charity.

2.2 In summary, the following has been applied for:

Activity	Indoors / Outdoors (or both)	Days	Times
Live music	Both	Friday – Sunday	10:00 – 23:00
Recorded music	Both	Monday – Sunday	10:00 – 23:00
Supply of alcohol	For consumption both ON and OFF the premises	Monday - Sunday	10:00 – 23:00
Hours premises open to the public	N/A	Monday - Sunday	08:00 – 23:00

- 2.3 The application also includes further details for some activities, such as live music only being played in the summer months outside. Full details can be seen on the application form which is attached as **Annex 1**. The plans submitted with the application are attached as **Annex 2**. They show both the indoor pavilion area and the site plan, which includes the area for licensable activities outdoors.
- 2.4 Samford Peverell Recreation Ground and Village Hall Charity has also applied to 'disapply' the requirement for a Designated Premises Supervisor (DPS). This is an option available to 'community premises' and would make the licence holder (i.e. the 'management committee') responsible for the supervision and authorisation of the supply of alcohol made under the licence. The paperwork for this has not been included within this report bundle but is available on request should Members of the Sub-Committee need it.
- 2.5 Included with the application to disapply the requirement for a DPS was a copy of a booking form to be completed by any third party wishing to hire the premises (should a licence be granted). The Licensing Officer has noticed that the booking form is actually for 'Sampford Peverell Memorial Hall' and does not apply directly to the current application being considered. For example, under the 'conditions of hire', it references incorrect times for music. The applicant should amend this booking form and submit this to licensing (licensing@middevon.gov.uk) as soon as possible and prior to the hearing.

3.0 LICENSING OBJECTIVES

- 3.1 All applicants are required to set out in their application the steps they intend to take to promote the four licensing objectives. These are:
- **The prevention of crime and disorder**
 - **Public safety**
 - **The prevention of public nuisance; and**
 - **The protection of children from harm.**
- 3.2 The applicant has provided information and proposals on this which can be seen within section M of the application (attached as **Annex 1**).

4.0 RESPONSIBLE AUTHORITIES

- 4.1 Responsible Authorities under the Licensing Act are notified of all new premises licence applications. The onus is on each Responsible Authority to determine when they have appropriate grounds to make a representation.
- 4.2 The Responsible Authorities are:
- Police
 - Fire service
 - Environmental Health (nuisance and health and safety)
 - Planning Authority
 - Licensing Authority

- Health and Safety Executive
- Weights and Measures
- the body responsible for Child Protection
- the local Director of Public Health

4.3 No representation was received from any Responsible Authority concerning this application and as a result, they are not party to the hearing.

5.0 OTHER PERSONS

5.1 The Licensing Act allows 'Other Persons' to make representations provided they are relevant and not considered frivolous or vexatious. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. S182 Guidance states that '*... representations should relate to the impact of licensable activities carried on from premises on the objectives*' (Paragraph 9.4).

5.2 In this case, the Licensing Authority has received 2 representations against the application. They are from the following parties:

- Mrs Leonie Mackenzie (attached as **Annex 3**)
- Mr Mike Penfold (attached as **Annex 4**)

5.3 It should be noted that the two representations are very similar and essentially cover the same issues. It is the opinion of the Licensing Officer writing this report that some of the comments within these representations cannot be considered as relevant under the Licensing Act. For clarity, and based on the individual merits of this case, a brief overview of these issues is provided in the next section of this report.

5.4 A map showing the location of the premises in relation to local residential properties (including those that have made representations) will be sent to Members of the Sub-Committee prior to the hearing.

6.0 LICENSING OFFICER ASSESSMENT AND COMMENTS ON THE REPRESENTATIONS RECEIVED

6.1 In order to assist the Licensing Sub-Committee, the general topics that have been raised in the representations received are summarised below and noted as either being relevant or not relevant. This section of the report does not seek to reproduce the representations in full, as they are attached to this report.

6.2 It must be noted that what follows is the view of the Licensing Officer based on the information available at the time of completing this report. If any Interested Party has comments or observations to make about what follows they are asked to contact the Licensing Team on receipt of this report and provide any information in support of their view. This can be done by emailing licensing@middevon.gov.uk. The Sub-Committee can then consider the issue(s) that have been raised at the hearing.

- 6.3 It must be noted that just because something has not been considered as relevant in the information that follows, this does not mean that the issue itself is not deserving of attention. It just means that it is not an issue that the Licensing Sub-Committee should consider with regards to their decision on this application.
- 6.4 Additionally, although something may be considered as being relevant the Licensing Sub-Committee must still then make a decision on the likelihood of the issue occurring and the potential for the licensing objective(s) to be undermined. This is a judgement about the level of risk and will dictate what action, if any, is appropriate and necessary.
- 6.5 In some paragraphs, S182 Guidance is referenced and further information about this Guidance can be found in section 8 of this report.

The prevention of crime and disorder

- 6.6 **Issue 1:** The premises is not designed for the secure containment of cash or alcohol and the addition of licensable activities may lead to an increased risk of crime. It is also noted that damage already occurs at the premises due to 'youth activity'.

Officer comment: It appears that the primary concern here is with crime being directed towards the premises itself. This is considered relevant and the applicant should provide Members with more information about this and any safeguards they may have in place, including how alcohol is to be stored.

With regards to the example of damage already occurring to the premises itself, it must be noted that individuals remain responsible and accountable in their own right for their actions and the licence holder cannot be held accountable for issues that they cannot actually control. This specific example is therefore not considered relevant.

- 6.7 **Issue 2:** The addition of alcohol sales at the premises introduces the opportunity for disorder. At present, those playing sports on site go off site at the end of the match and therefore any alcohol consumption / issues occur elsewhere.

Officer comment: In general terms, the addition of alcohol sales may introduce the 'opportunity' for disorder and this is why the licensing regime exists and why the applicant is expected to provide details of any steps they intend to take to promote the licensing objectives. This issue is relevant but the Sub-Committee must consider the likelihood of such issues occurring and the actual risk of the licensing objective(s) being undermined, as opposed to 'conceivable risk'.

- 6.8 **Issue 3:** The traffic disorder which occurs on Whitnage Road will become worse. It is also noted that there is no dedicated parking at the premises and parking can be poor.

Officer comment: The provision of parking in this area is not something that the applicant can control and the Licensing Officer does not believe that this should be considered as relevant. Any person may park in the surrounding area and ultimately, they may do so regardless of whether or not the premises have a licence.

With regards to poor parking, this is an issue where each individual road user is accountable for their actions. For example, if people park on double yellow lines or cause an obstruction, legislation exists to address these issues and it is not considered relevant for the Sub-Committee to consider. If residents have concerns about illegal parking they should report these to Devon County Council (see here: <https://new.devon.gov.uk/roadsandtransport/parking/>).

Public safety

- 6.9 **Issue 4:** The lack of parking will lead to safety risks to all residents who use Whitnage Road.

Officer comment: S182 Guidance (Paragraph 2.7) states that '*Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation*'. Accordingly, and because the representation concerns the safety of people who are not using the premises, this is not considered as relevant.

- 6.10 **Issue 5:** The introduction of cash, alcohol and stock on site represent a risk to the safety of those whose property adjoins the premises.

Officer comment: It is not specifically stated why the introduction of these activities may pose a risk to the safety of those living nearby but as mentioned above, the public safety licensing objective concerns the safety of those using the premises so this is not considered as relevant.

The prevention of public nuisance

- 6.11 **Issue 6:** The premises are not suitable as a bar or function room due to its limited size. This would likely lead to people congregating outside creating a noise nuisance.

Officer comment: The potential for noise nuisance from people outside is considered to be relevant.

- 6.12 **Issue 7:** If live or recorded music was being played it would lead to a noise nuisance.

Officer comment: The potential for noise nuisance from music is considered to be relevant. However, section 7 of this report must be noted as live and recorded music is not always licensable.

- 6.13 **Issue 8:** There are already two other licensed premises in the village and this application would spread the area in which public nuisance could occur.

Officer comment: S182 Guidance (Paragraph 14.19) states that the need for licensing premises *'concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions'*. As a result, the mere presence of other licensed premises in the village is not relevant.

Additionally, Mid Devon District Council has not adopted a Cumulative Impact Policy. Such a policy can be adopted by an authority to address the 'cumulative impact' of a number of premises within a specific area. For example, this could be where disorder is being experienced, linked to a high number of licensed premises and large numbers of people concentrating in one area.

If adopted, such a policy requires the applicant to demonstrate that the grant of a licence would not undermine the licensing objectives. This would be against a potential presumption of refusal of the application, given the already established and evidenced issues. As such a policy has not been adopted, the assessment of the application should not be framed in this manner.

The protection of children from harm

- 6.14 **Issue 9:** Children and young persons are at risk of hearing and seeing activities associated with licensed premises.

Officer comment: It is not clear from the representations what exactly is meant by 'associated' activities that may put children or young people at risk with regards to this particular application. As a result, this issue is considered as relevant but those that made representations should provide more information about this in their response to the Notice of Hearing, detailing specifically what they believe to be of concern.

It must be noted that the applicant has not provided details of any adult entertainment, services or activities that may give rise to concern in respect of children (which would be required in section K of the application form). This box should have been completed if the premise were going to be used for anything involving nudity or semi-nudity, films for restricted age groups or gambling.

- 6.15 In summary, the Licensing Officer believes the following to be potentially relevant / not relevant for the Licensing Sub-Committee to consider:

Relevant (or potentially relevant but requires more information)	
Issue 1	The security of the premises (including the storage of cash or alcohol) and the addition of licensable activities may lead to an increased risk of crime
Issue 2	The addition of alcohol sales may lead to an increased risk of disorder
Issue 6	People could congregate outside and this could create a noise nuisance
Issue 7	Live or recorded music could lead to a noise nuisance
Issue 9	Children and young person's at risk of hearing and seeing activities associated with licensed premises

Not relevant	
Issue 3	Traffic disorder and parking related concerns
Issue 4	Lack of parking creating a public safety problem for residents
Issue 5	The introduction of cash, alcohol and stock on site creating a risk to the safety of those whose property adjoins the premises
Issue 8	The existence of two other licensed premises in the village and the extended area in which public nuisance may occur

7.0 CIRCUMSTANCES IN WHICH ENTERTAINMENT ACTIVITIES ARE NOT LICENSABLE

7.1 Many activities that previously required a licence are no longer themselves licensable under the Licensing Act (assuming specific requirements are met) (see <https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act> for more information).

7.2 Relevant to this application is the provision of live and recorded music and in summary, a licence is not required for these activities if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

- 7.3 In practice, this means that conditions should not be placed on an application which relate to live and recorded music in these specific circumstances. Additionally, any conditions on a licence which do apply to live and recorded music will be 'suspended' when the activities themselves are not considered licensable.
- 7.4 In the case of this particular application, and without prejudice to the decision of the Sub-Committee, conditions relating to music would therefore apply to any bigger events (with more than 500 people) but would not apply for smaller events (assuming the other requirements mentioned in Paragraph 7.2 of this report are complied with).
- 7.5 It must be noted that issues or problems relating to activities which are not considered licensable can still be dealt with via other means. For example, if music is causing a nuisance, Environmental Health can still take action under the Environmental Protection Act 1990 and from a licensing perspective, the licence itself can be reviewed.

8.0 LICENSING POLICY

- 8.1 The Licensing Act requires the Council, as the Licensing Authority, to formally adopt a policy setting out how it will deal with its duties under the Act. That policy must be reviewed every five years and the current Policy came into effect on 7 January 2019. It must be considered in its entirety, but in order to help proceedings, the following information is highlighted in advance of the hearing.
- 8.2 *In carrying out its licensing function the Licensing Authority must promote the following four licensing objectives:*
- *The prevention of crime and disorder*
 - *Public Safety*
 - *The prevention of public nuisance*
 - *The protection of children from harm (Paragraph 2.2)*
- 8.3 *It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a "cure all" for solving all problems within the community... (Paragraph 3.2)*
- 8.4 *Where no relevant representations are received, the application will be granted on the terms applied for. Where relevant representations are received, the application will be considered by a Licensing Sub Committee at a hearing... (Paragraph 5.13)*
- 8.5 *Any party to a hearing may expand on their representation but may not introduce new or different representations. (Paragraph 5.14)*
- 8.6 *When determining a licence application, the overriding principle adopted by this authority will be that each application will be determined on its merits. The authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to*

promote the licensing objectives. The authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The authority will give reasons for any such departure from policy. (Paragraph 6.3)

- 8.7 *The authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community. (Paragraph 6.4)*
- 8.8 *The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning. (Paragraph 6.5)*
- 8.9 *Since the introduction of the Act, the authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The authority will expect applicants to have particular regard to these issues and, if considered appropriate, to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises. (Paragraph 6.6)*
- 8.10 *When determining an application, the authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the authority will consider their application or representation but may attach less weight to it. (Paragraph 6.7)*
- 8.11 *It should be noted that, when determining an application, the authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks. (Paragraph 6.8)*
- 8.12 *Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and safety at work, fire safety legislation etc. (Paragraph 6.9)*
- 8.13 *The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left*

licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. (Paragraph 6.10)

- 8.14 *The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the authority will consider when discharging its decision making function. (Paragraph 6.11)*
- 8.15 *The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Other Persons on the basis of the licensing objectives. (Paragraph 6.15)*
- 8.16 *In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their operating schedule to address any potential public nuisance issue. (Paragraph 6.16)*
- 8.17 *Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas. (Paragraph 6.17)*
- 8.18 *Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:*
- be appropriate, reasonable and proportionate*
 - be enforceable*
 - not duplicate other statutory requirements*
 - be relevant to the particular type, location and character of the premises concerned*
 - not be standardised*
 - should be justifiable and capable of being met*
 - not replicate offences set out in the Act or in other legislation*
 - be written in a prescriptive format. (Paragraph 6.22)*

- 8.19 *The Authority will pay particular attention to the effect (or potential effect) of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives. (Paragraph 6.27)*
- 8.20 *Conditions attached by the Authority to Premises Licences and Club premises certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Licensing Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises. (Paragraph 6.28)*
- 8.21 *The Authority will not impose inappropriate or over-burdensome conditions on licences. The Authority may, however, if its discretion is engaged, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives. (Paragraph 6.29)*
- 8.22 *When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed. Consideration should also be given to the following:*
- The size, nature and style of operation*
 - Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested*
 - The cumulative effect of conditions in terms of cost and practical implementation*
 - The likely cost of the condition(s) for the operator*
 - Whether a simpler or better way of dealing with a perceived problem could be found*
 - Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition*
 - Whether the condition will be enforceable, if it is not specific or could be considered subjective it may not be enforceable. (Paragraph 6.30)*
- 8.23 *Members must have regard to the Licensing Authorities Policy when making their decision and it can be viewed in full here:*

<https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>

- 8.24 It should be noted that the Policy contains various Appendices, some of which may be of use to Parties attending the hearing. This includes a 'Pool of Conditions' (<https://www.middevon.gov.uk/media/346400/appendix-c-pool-of-conditions.pdf>) and a 'Code of Good Practice' (<https://www.middevon.gov.uk/media/346401/appendix-d-code-of-good-practice.pdf>).

9.0 GOVERNMENT GUIDANCE

- 9.1 Members are also obliged to have regard to the Guidance produced under S.182 of the Licensing Act 2003. The most recent version of this was published in April 2018 and some relevant sections are highlighted below. The Guidance can be viewed here:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

- 9.2 *Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (Paragraph 1.17)*
- 9.3 *Licensing authorities should look to the police as the main source of advice on crime and disorder. (Paragraph 2.1). As stated previously in this report, the Police have not made a representation and are therefore not party to this hearing.*
- 9.4 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. (Paragraph 2.15)*
- 9.5 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and*

8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave. (Paragraph 2.19)

- 9.6 *The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). (Paragraph 2.22)*
- 9.7 *A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises. (Paragraph 9.4)*

10.0 PRE-HEARING DISCUSSION AND FURTHER INFORMATION PROVIDED BY THE APPLICANT

- 10.1 In line with the Council’s Licensing Policy, the Licensing Officer has made efforts to see if an agreement between parties can be made prior to the hearing. However, at the time of writing this report, it does not seem like this will be possible.
- 10.2 Both representations indicate that if the application was to cover just ONE fundraising event per year then they would not have any objection. However, it has become clear that this was not the sole intention of the application and as a result, the applicant was not willing to agree to limit the use of the licence to just ONE event.
- 10.3 In order to clarify how the premises may be used the Licensing Officer asked the applicant to provide an overview of the fundraising event that takes place, as well as what else the premises may be used for. Mr Ian Adlington, Chairman of Sampford Peverell Recreation Ground and Village Hall Charity, has provided the following information.

‘The largest event is the CLIC Sargent event due to take place on 19th July. This year the organisers expect 750 runners and walkers who will finish at the Recreation Ground. Some will have their families meeting them there so there could be excess of 800 people for this event. There will be a festival during the

rest of the day with various stalls, entertainment and a beer tent which will be organised and run by the Globe Public House. This event is very well managed by the event organisers. For example there will be traffic marshals, parking provided at the Station Road car park and each stall holder has to provide proof of insurance.

We have not been approached by anyone else for a large event on the field but we would envisage that there could be a maximum of one or two more large events such as a Village Fete or a Church Fete and we would expect no more than 200 people.

We would expect organisers of this kind of event to have an event plan and we would agree to notify Responsible Authorities in advance.

The Cricket Club will have 18 league games this year and would like to be able to serve beers. They will usually include six barbecues during the year.

The Pavilion has a social room which is a little over five square meters in area. Our risk assessment would only allow a maximum of 35 people using the room. Consequently the Pavilion will not be rented out for any functions or events but will be used for serving alcohol at cricket match or barbecue times'.

- 10.4 It is important to note that this information was not necessarily provided by the applicant as possible conditions to be placed on the licence, but was supplied in response to a general request for information about the use of the premises.
- 10.5 Prior to considering any specific conditions, it is important that the Sub-Committee carefully assess the types of events that may occur, the likelihood that such events will undermine the licensing objectives (in line with the representations received) and the action(s) they believe to be appropriate and necessary to promote the licensing objectives.
- 10.6 If the Sub-Committee believe that an event (or particular type of event) will not undermine the licensing objectives, then it is a good indication that no action is needed. Conversely, if the Sub-Committee believes that an event (or particular type of event) will undermine the licensing objectives, then it is a good indication that some form of action is needed, such as the addition of conditions, which may include limiting / prohibiting those types of events. More information about the determination process follows in the next section of this report.

11.0 DETERMINATION AND OPTIONS OF THE SUB-COMMITTEE

- 11.1 Section 182 Guidance states that: '*As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing*

representation and should be allowed sufficient time to do so, within reasonable and practicable limits'. (Paragraph 9.37)

11.2 *In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:*

- *the steps that are appropriate to promote the licensing objectives;*
- *the representations (including supporting information) presented by all the parties;*
- *this Guidance;*
- *its own statement of licensing policy. (Paragraph 9.38)*

11.3 *Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. (Paragraph 9.42)*

11.4 *The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. (Paragraph 9.43)*

11.5 *Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters... (Paragraph 9.44)*

Options of the Sub-Committee

11.6 The Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. This may include:

- Granting the licence as applied for
- Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives

- Excluding from the scope of the licence any of the licensable activities to which the application relates
 - Refusing to specify a Designated Premises Supervisor (or in this case, refusing to include the alternative licence condition enabling the management committee to authorise the supply of alcohol if they are not satisfied with the management of the premises)
 - Rejecting the application
- 11.7 Reasons must be given for the decision and they must set out the matters taken into consideration and why such a decision was arrived at.
- 11.8 Members have five working days from the conclusion of the hearing to make a decision.

12.0 APPEAL

- 12.1 If any party (i.e. applicant or 'other person') is dissatisfied with the decision made then they have the right of appeal to the Magistrates' Court within 21 days of formal notification of the decision.

13.0 THE PROCESS FOR THIS HEARING

- 13.1 The Council have an adopted procedure for hearings and this attached to this report as **Annexe 5**. In so far as is possible and practicable, the Licensing Authority will work in accordance with this procedure.
- 13.2 As a result of the current Coronavirus (COVID-19) pandemic, one of the most significant changes for this hearing is that it will be conducted using the video-conferencing platform 'Zoom' (as opposed to being held in a meeting room at the Council offices).
- 13.3 A practical guide on using Zoom has been produced by Kings Chambers and this is attached as **Annex 6**. The Licensing Authority request that all parties install and familiarise themselves with this system at least 48 hours prior to the hearing. A link which will take you to the meeting is provided in the agenda section of this report bundle. If there are any issues (or if you are unable to attend the hearing) you should notify the licensing team (licensing@middevon.gov.uk) as soon as possible.
- 13.4 In theory, attendees can, with the consent of all parties, produce documentary information at the hearing. In practice, and because of how the hearing is now being held, this may be difficult and the Licensing Authority is requesting that if any party has documentary information they wish to provide or rely on, this be sent to the licensing team (licensing@middevon.gov.uk) with their response to the Notice of Hearing (which must be submitted 5 working days before the hearing).

13.5 In addition, and to try and ensure the hearing runs as smoothly as possible, the following points should be noted and followed during the hearing:

- Parties should ensure that they are in a private, quiet space where they will not be disturbed. Other occupants of the household should be reminded not to interrupt the participant during the hearing. The door to the room in which the participant is based should be closed and, if possible, locked.
- Other noise sources should be silenced including telephones, mobile phones, tablet devices, Amazon Echo & Google Home devices, door bells, dishwashers etc.
- Participants should organise their workspace carefully in advance. Clear it of anything that is not related to the hearing.
- Attendees should, if possible, ensure that they have a plain wall as a background.
- Ensure that you are well lit by natural or artificial light. Avoid sitting with your back to a window or other light source. This can result in only your silhouette appearing on screen.
- Parties should attend the hearing alone, unless they are sat together with another attendee. The room should be one that has a good Wi-Fi/internet connection and has good lighting.
- Participants should dress in a similar manner to the way they would dress if attending a traditional hearing.
- No food should be eaten during a remote hearing. A glass of water or coffee / tea should suffice for refreshment.
- Parties should remain seated during the hearing.
- Parties should check that their microphone, camera and sound settings are working. This should preferably be done as early as possible. This will allow any technical issues to be raised and dealt with without the need to delay the hearing. A computer or other device's in-built camera, microphone and speaker will usually suffice.
- Avoid setting your device to the highest volume, since this is likely to cause feedback when you are speaking.
- Participants should log in at least 15-20 minutes before the hearing starts to confirm that they are having no technical difficulties.
- In case of a technological problem concerning the internet or Wi-Fi connection, you should have a telephone on hand. You should ensure that the number for this phone is provided to the licensing team in your response to the Notice of Hearing.

- If there is a technical failure that cannot be fixed, then the hearing may have to be adjourned.
- Parties should mute their audio when they are not speaking. A failure to do so may disrupt the hearing.
- When it is your turn to speak, remember to unmute your microphone. Speak directly into the microphone.
- Parties should keep their video cameras on at all times if possible. They should be aware that many video-platforms will show your entered name and (if chosen) picture if the camera is turned off. Parties should check their name is correct and their picture is appropriate.
- When speaking, maintain eye contact with the camera. This will ensure you appear to be looking at your audience.
- Ensure that you are clearly visible by maintaining a reasonable distance from the camera, to show your head and upper body. Too close and your image may blur and fill the screen, too far and you will appear distant and detached from the hearing.
- Be mindful that the camera records a wider area than one sees on one's own screen.
- Remember that others are watching even if you cannot see them. In cases involving multiple participants, thumbnail video images may appear on screen, but these thumbnails often move off screen to allow participants to see the face of the person talking, or the document being shared. Observers may also be present. As such, often there are people present at the hearing who are not visible.
- Oral submissions should be structured, relevant to the issues, and not repetitive. Concentrate on the substance. Brevity and precision are key. Aim to present your case in a low-key, courteous and measured way.
- In a remote hearing, a brief delay typically occurs between the video image of the person speaking and their voice being heard by the court/tribunal and witness. This connection delay may lead participants to believe a person has finished speaking before they have, in fact, done so and is liable to result in participants inadvertently speaking over one another.
- Do not interrupt. Let a speaker finish before speaking. Be especially careful not to interrupt another speaker.
- After each party is finished speaking the video hearing should always revert back to the Chair to invite the next speaker. No one should speak without being invited to do so by the Chair.

Contact for more Information: Tom Keating (Specialist Lead, Licensing) / 07967 179666 / tkeating@middevon.gov.uk OR Simon Newcombe (Group Manager for Public Health and Regulatory Services) / 01884234615 / snewcombe@middevon.gov.uk

Circulation of the Report:

Legal Services / Members of Licensing Sub-Committee / Applicant / Other Parties (as per the Licensing Act)

List of Background Papers:

- Licensing Act 2003 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Section 182 Guidance - <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Mid Devon District Council Licensing Act Policy - <https://www.middevon.gov.uk/business/licensing/new-statement-of-licensing-policy-licensing-act-2003/>

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.

I/We Sampford Peverell Recreation Ground and Village Hall Charity

(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 Sampford Peverell Recreation Ground and Sports Pavilion Whitnage Road Sampford Peverell			
Post town	Tiverton	Postcode	EX16 7BU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input checked="" type="checkbox"/> | 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over		Please tick yes
Nationality British					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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 type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
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)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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 Sampford Peverell Recreation Ground and Village Hall Charity
Address The Village Hall Lower Town Sampford Peverell EX16 7BE
Registered number (where applicable) UK Charity Number 300956
Description of applicant (for example, partnership, company, unincorporated association etc.) The committee of the above charity

h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			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 (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4) This will be occasional: there is currently one annual event where live music would be played. This would not be in the form of a concert		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) Live music would only be Played in the summer months outside		
Thur					
Fri	10:00	23:00	<u>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</u> (please read guidance note 6)		
Sat	10:00	23:00			
Sun	10:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	23:00	<u>Please give further details here</u> (please read guidance note 4) This will be occasional: there is currently one annual event where live music would be played.		
Tue	10:00	23:00			
Wed	10:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	23:00	<u>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</u> (please read guidance note 6)		
Sat	10:00	23:00			
Sun	10:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (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	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	10:00	23:00						
Tue	10:00	23:00						
Wed	10:00	23:00						
Thur	10:00	23:00				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 (please read guidance note 6)		
Fri	10:00	23:00						
Sat	10:00	23:00						
Sun	10:00	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):

Name	
Date of birth	
Address	
Dis- apply DPS mandatory condition	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) The Premises is currently used for football at the weekends in the football season. The cricket pitch is used in the summer months both mid week and the week ends. The Multi use Games area is used regularly in the week night evenings during the winter months as there is lighting available. Also for the cricket nets in the summer. All the areas are available for rent.
Day	Start	Finish	<u>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</u> (please read guidance note 6)
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

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)

We will consider recommendations from the responsible authorities.

b) The prevention of crime and disorder

We will consider recommendations from the responsible authorities.

1. 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.

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.

c) Public safety

We will consider recommendations from the responsible authorities.

d) The prevention of public nuisance

We will consider recommendations from the responsible authorities.

2. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.

e) The protection of children from harm

We will consider recommendations from the responsible authorities.

3. 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.

Checklist:

Please tick to indicate agreement

- I have made payment of the fee. ☒
- 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. N/A
- 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). N/A

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.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, 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)
Signature	
Date	19/03/20
Capacity	Chairman Sampford Peverell Recreation Ground and Village Hall Charity

For joint applications, signature of 2nd applicant or 2nd 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) Ian Adlington [REDACTED] [REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)		[REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

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).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies

having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

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

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

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

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;

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

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

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

Home Office online right to work checking service

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

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

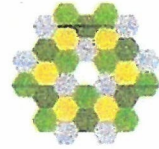
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

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

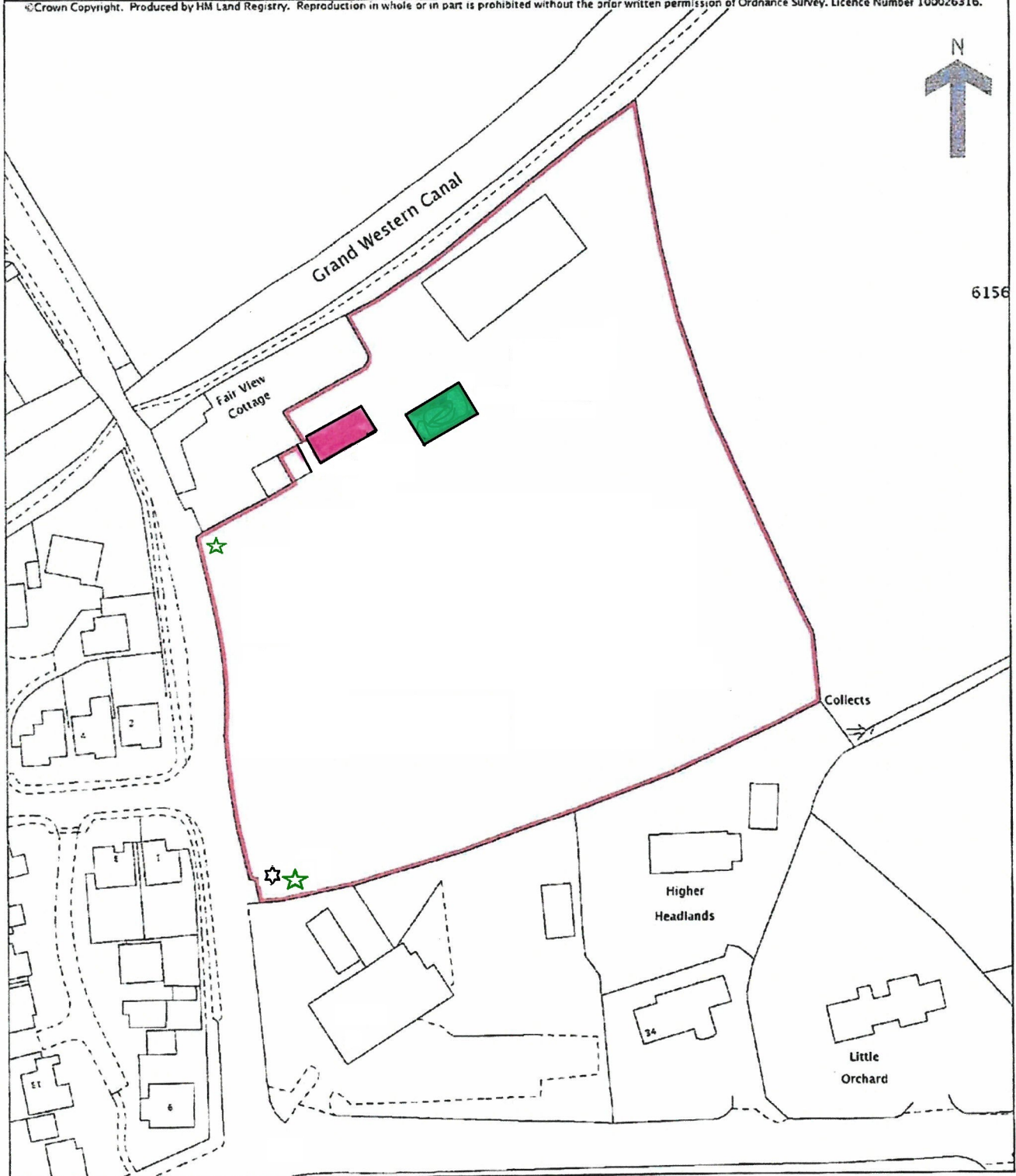
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HM Land Registry
Official copy of
title plan

Title number DN538901
Ordnance Survey map reference ST0314NE
Scale 1:1250 enlarged from 1:2500
Administrative area Devon : Mid Devon



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AREA WHERE LICENSABLE ACTIVITIES WILL TAKE PLACE
INCLUDING THE CONSUMPTION OF ALCOHOL



LOCATION OF PAVILLION WHERE SALE OF
ALCOHOL WILL TAKE PLACE INDOORS



AREA WHERE MARQUEE WILL BE LOCATED WHEN
SALE OF ALCOHOL TAKES PLACE OUTSIDE



PEDESTRIAN ACCESS

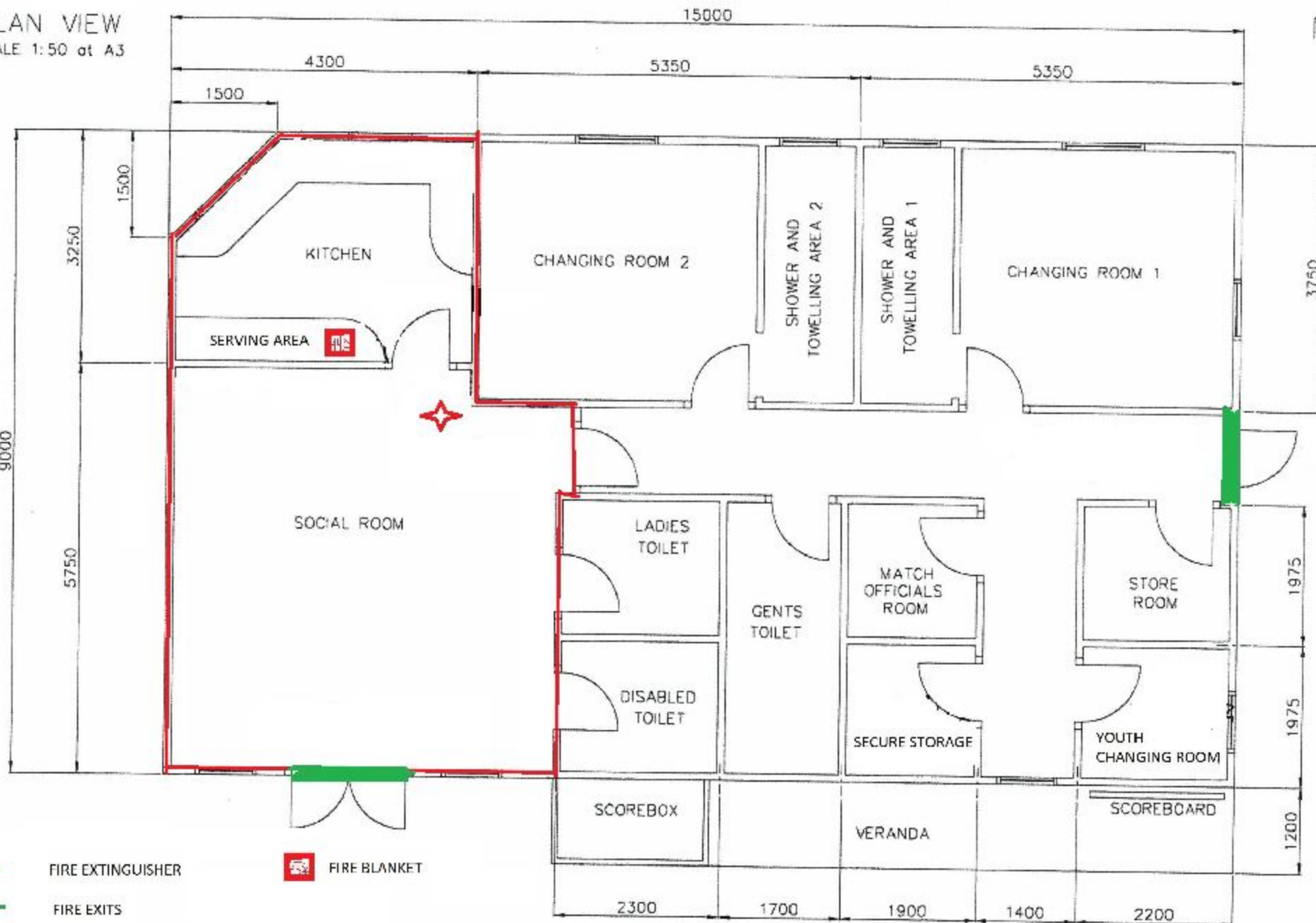


VEHICULAR ACCESS

PLAN VIEW
SCALE 1:50 at A3



Page 50



FIRE EXTINGUISHER



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FIRE EXITS



INSIDE AREAS FOR LICENCED ACTIVITIES INCLUDING
THE SALE AND CONSUMPTION OF ALCOHOL

ISSUE B
CHANGING ROOMS
LAYOUT CHANGED
14/03/13

HALBERTON & SAMPFORD PEVERELL CRICKET CLUB
NEW SPORTS PAVILION

DATED
18/03/20

**Mid Devon Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	Mrs L. MacKenzie
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	Whitnage Road, Sampford Peverell. EX16 7BU
Contact telephone number	

Name of the premises you are making a representation about	Sampford Peverell Recreation Ground and Sports Pavilion.
Address of the premises you are making a representation about.	Whitnage Road, Sampford Peverell. EX16 7BU

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Y	<p>-The current facilities at the premises are not used for sales (excepting tea / coffee sales) so do not present a risk to crime due to cash or stock held on site. The premises have not been designed for secure containment of cash or stock including alcohol, and are recognised as a sports pavilion which is unoccupied for much of the week and overnight. The introduction of this activity represents an increased risk of crime at this location. Damage already occurs at the premises due to youth activity in a relatively un-overlooked area.</p> <p>-The introduction of alcohol sales at the premises introduces the opportunity for disorder at a location which is currently identified as for community use and frequented by families. The current arrangements mean that the sports players go off site at the end of the match, and any associated alcohol consumption / behaviour occurs elsewhere.</p> <p>-Use of the premises for additional activities (ie those for which application has made) will exacerbate the severe traffic disorder which occurs on Whitnage Road when the sports facilities are in use. This is most frequently evidenced during junior football matches at the premises but occurs for all events. At these times buses and tractors with trailers can be unable to navigate Whitnage Road due to the poor parking and volume of people attending. This can block the road for noticeable periods of time and causes a safety risk and constrains access to a significant proportion of the residential area of the village (Richmond Close, Boobery and roads leading off). There is no dedicated parking at the premises, only what is available on the road. A licence will prolong and exacerbate the disorder that ensues.</p>
Public safety	Y	As detailed above, the lack of parking at the premises

		causes blockages on Whitnage Road, leading to a safety risk for all residents who rely on Whitnage Road for their main access. The introduction of cash, alcohol and stock at the site increases the risk to our public safety as our property adjoins the pavilion and pitch.
To prevent public nuisance	Y	The premises are not suitable as a bar or as a function room. The only public space is sitting room sized, the rest of the building being taken up with changing rooms, store rooms and toilets. This will lead to people spilling outside onto the playing field and hence cause a noise nuisance to ourselves and other nearby residents. If live or recorded music was being played the noise problem would obviously be made much worse. Any improper language will be clearly heard at our property and other nearby properties. The village already has two public houses which are sited on Lower Town at the centre of the village. Licenced premises on Whitnage Road will spread the area over which there is a risk of public nuisance associated with alcohol sale. We note that such activities currently occur infrequently eg for the canal fun run charitable cause, and that the current arrangements which limit the frequency of such activities to once or twice a year are acceptable.
To protect children from harm	Y	Children living in our house and at other nearby residences are at risk of hearing and observing activity associated with licenced activities; a significant change from the peaceful family space which is currently there.

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.	We have heard but have not been formally advised in any way, that the application for a license was made in order to accommodate a fund raising day by the organisation CLIC Sargent, which raises money to provide support to families affected by childhood cancer. This is an admirable and very well run event. If the license was to be limited to and used solely for this event I would have no objection. However the application gives no assurance that the license will not be used regularly for general social activity by other parties such as the football club and cricket club or that the premises will not be out hired as a venue for parties or other events.
---	--

Signed:



electronically and by email

Date: *14 April 2020*

Please see notes on reverse

NOTES

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.

3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Mid Devon Licensing Authority
Phoenix House
Phoenix Lane
Tiverton
Devon EX16 6PP

Tel: 01884 244617/8/9

Email: licensing@middevon.gov.uk

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**Mid Devon Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below

Your name/organisation name/name of body you represent (see note 3)	Mr M W Penfold
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	■ Fairfield, Sampford Peverell. EX16 7DE
Contact telephone number	■■■■■■■■■■

Name of the premises you are making a representation about	Sampford Peverell Recreation Ground and Sports Pavilion.
Address of the premises you are making a representation about.	Whitnage Road, Sampford Peverell. EX16 7BU

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Y	<p>-The facilities at the premises are only used for sales of non-alcoholic refreshments so do not present a crime risk due to cash or stock held. The premises are not designed for safe containment of cash or just alcohol, and are recognised as a sports pavilion, unoccupied for much of the week and overnight. The introduction of this activity represents an increased risk of crime at this location (and probably surrounding area).</p> <p>-The introduction of alcohol sales would introduce the opportunity for disorder at a location which is currently identified for community use and frequented by families and young persons. The current arrangements mean that the participants go off site at the end of the match, and if necessary consume alcohol elsewhere.</p> <p>-Use of the premises for additional activities (ie those for which application has made) will exacerbate the severe traffic disorder which occurs on Whitnage Road when the sports facilities events occur. At these times buses and tractors with trailers can be unable to navigate Whitnage Road due to the poor parking and volume of people attending. This restricts road use for significant periods of time and causes a safety risk and constrains access to a significant proportion of the residential area of the village (Fairfield in particular). There is no dedicated parking at the premises, only what is available on the road. A licence will prolong and exacerbate the disorder that ensues.</p>
Public safety	Y	As described above, the lack of parking at the premises causes blockages on Whitnage Road, leading to a safety

		<p>risk for all residents who rely on Whitnage Road for their main access.</p> <p>The introduction of cash, alcohol and stock at the site increases the risk of criminal activity.</p>
To prevent public nuisance	Y	<p>The premises are not suitable for a bar or as a function room. There is only very small public space, the rest of the building being taken up with changing rooms, store rooms and toilets. This will probably lead to people spilling outside onto the playing field causing a noise nuisance to nearby residents. If live or recorded music was being played the noise problem would obviously be made much worse.</p> <p>The village already has two public houses which are sited on Lower Town at the centre of the village. Licenced premises on Whitnage Road will spread the area over which there is a risk of public nuisance associated with alcohol sale.</p> <p>Currently activities occur infrequently eg the canal fun run and that the current arrangements which limit the frequency of such activities to once or twice a year are acceptable.</p>
To protect children from harm	Y	<p>Young persons living nearby residences are at risk of hearing and observing activity associated with licenced activities; a significant change from the peaceful family space which is currently there and is often used by families with young children.</p>
Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.		<p>The application for a license was made in order to accommodate a fund raising day by the organisation CLIC Sargent, which raises money to provide support to families affected by childhood cancer. If the license was to be limited to and used solely for this event I would have no objection. The application gives no assurance that the license will not be used regularly for general social activity by other parties such as the football club and cricket club or that the premises will not be out hired as a venue for parties or other events.</p>

Signed: [REDACTED] electronically and by email Date: 15 April 2020

Please see notes on reverse

NOTES

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.

2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
- 3 You may make a representation wherever you live in relation to the premises but your representation must be relevant.
- 4 Representations can only relate to the four licensing objectives.
- 5 Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
- 6 Please return this form when completed to:

Mid Devon Licensing Authority
Phoenix House
Phoenix Lane
Tiverton, Devon EX16 6PP

Tel: 01884 244617/8/9

Email: licensing@middevon.gov.uk

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Hearing Procedures

The Council has a 'Protocol and Procedure for Licensing Sub-Committee Hearings' and this document starts from the next page.

Coronavirus (COVID-19) and Licensing Act hearings

Hearings would normally be held at the Council offices but as a result of the current Coronavirus (COVID-19) pandemic, this hearing will be held via the video-conferencing platform 'Zoom'. Although the Council still plan to follow the standard procedures (in so far as is possible and practicable) the following information should be noted:

- a) Members of the public can still attend this hearing, but in order to facilitate this they will have to give their details to the clerk (Member Services) the day before the hearing (i.e. they will have to 'pre-register'). This is to ensure the hearing itself is not disrupted. As is standard, they can then only observe the hearing and they will not be able to speak at the meeting itself.
- b) Attendees can, **with the consent of all parties**, produce documentary information at the hearing. In practice, and because of how the hearing is now being held, this may be difficult and the Licensing Authority is requesting that if any party has documentary information they wish to provide or rely on, this be sent to the licensing team (licensing@middevon.gov.uk) with their response to the Notice of Hearing (which must be submitted 5 working days before the hearing).
- c) In addition to the standard role of Member Service (i.e. making a record of proceedings), they will also be responsible for 'hosting' the Zoom meeting and the general administration of the platform.

MID DEVON DISTRICT COUNCIL – LICENSING COMMITTEE

Protocol and Procedure for Licensing Sub-Committee Hearings

1.0 Introduction

- 1.1 The role of the Sub-Committee is to determine Applications / Notices in an impartial manner in accordance with the relevant provisions of the Licensing Act 2003, national guidance and the Council's Policies.

2.0 Composition of Sub-Committee

- 2.1 The Sub-Committee shall usually consist of three Councillors drawn on a "panel" basis from the membership of the Licensing Committee.
- 2.2 In forming the Membership of the Licensing Sub-Committee for a hearing, and where Councillors availability permits, Members Services shall try to ensure that:

- There are at least two experienced Members in attendance
- Rotation of Membership

'Experienced' is defined as having previously taken part in two separate hearings.

- 2.3 Members may sit on a Hearing which relates to their own Ward as long as there is no conflict of interest 'and any relevant declarations are made at the beginning of the meeting.
- 2.4 The Chairman for a Hearing shall be selected from the Members that form the Sub-Committee.
- 2.5 When unforeseen circumstances require, or an urgent matter has arisen, the Sub-Committee may be made up of two Councillors as opposed to three.

3.0 Hearings to be held in public

- 3.1 Licensing Hearings shall take place in public. However, the Sub-Committee may exclude the public (including a party to the hearing) from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- 3.2 The Sub-Committee may require any person attending the hearing who is in their opinion behaving in a disruptive manner to leave the hearing and may:
- a) refuse to permit that person to return, or

- b) permit him/her to return only on such conditions as the Sub-Committee may specify,

but such a person may, before the end of the hearing, submit to the Sub-Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

4.0 Time of Hearings

- 4.1 Hearings of the Licensing Sub-Committee shall usually be held at the Council Offices during the day.

5.0 Notice of Hearing

- 5.1 The Licensing Authority shall give parties to the Hearing a notice stating the date, time and place where the Hearing is to be held. This is the 'Notice of Hearing' and must be given in accordance with the provisions of the regulations.
- 5.2 The Notice of Hearing shall be accompanied by information regarding the following:
 - a) the rights of a party provided for in regulations 15 and 16 of the Licensing Act 2003 (Hearings) Regulations 2005
 - b) the consequences if a party does not attend or is not represented at the Hearing
 - c) the procedure to be followed at the hearing; and
 - d) any particular points on which the Licensing Authority considers that it will want clarification from a party at the hearing.
- 5.3 Each party shall respond to the Notice of Hearing within the time prescribed by regulations which shall be stated on the Notice itself. The response must state:
 - a) whether he/she intends to attend or be represented at the hearing;
 - b) whether he/she considers a hearing to be unnecessary

6.0 Right of Attendance, Assistance and Representation

- 6.1 Subject to paragraphs 3.1 and 3.2, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. A party may be assisted or represented by their Ward Councillor. Any Councillor undertaking such a role would not take part in the determination of the matter before the Sub-Committee.

7.0 Hearings held on more than one day

- 7.1 When a hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.

8.0 Right to dispense with a hearing

- 8.1 If all parties agree that a hearing is unnecessary, then with the agreement of the Licensing Authority, the hearing may be dispensed with.

9.0 Right to postpone or adjourn a hearing

- 9.1 The Sub-Committee may postpone or adjourn a hearing where it considers this to be necessary for its consideration of any representations or notice made by a party.

10.0 Report

- 10.1 A report prepared by the Licensing Authority will be put before the Sub-Committee.
- 10.2 A copy of the report will be made available to all parties in advance of the hearing.

11.0 Detailed Procedural notes

- 11.1 Detailed procedural notes for the most regularly heard hearings are available and will be circulated in advance of the relevant hearing. These procedural notes cover the following applications / notices:

- New Premises Licence / Variation of existing Premises Licence (or Club Premises Certificate)
- Temporary Event Notices
- Review of a Premises Licence or Club Premises Certificate

12.0 Procedure at hearing - General

- 12.1 At the beginning of the hearing, the Chairman and members of the Sub-Committee will introduce themselves, invite parties to identify / introduce themselves and then explain the procedure that the Sub-Committee intends to follow.
- 12.2 If applicable, the Sub-Committee will then consider any request made by a party for any other person to appear at the hearing. Permission shall not be unreasonably withheld.
- 12.3 Where the written evidence or information provided by the applicant or any other party has raised legal issues or submissions, the Chairman may request that any legal

representatives present at the hearing and the legal representative of the authority address the Sub-Committee on the legal points raised.

- 12.4 The hearing shall take the form of a discussion led by the Sub-Committee on any matter that is relevant to the application, notice or review.
- 12.5 The Chairman should indicate that members of the Sub-Committee have read the circulated papers; therefore there is no need for parties to repeat points that have already been made in representations.
- 12.6 In circumstances where there are a number of parties who wish to make the same or similar representations the nomination of a single spokesperson will usually be encouraged, and would normally be expected. This does not prevent those who have made representations from speaking during the hearing.
- 12.7 Applicants and other parties will not usually be given a time limit to present their application / representations but the Sub-Committee may stop them should they begin to repeat themselves or straying from what is considered to be relevant matters.
- 12.8 In considering any representations or notice made by a party the Sub-Committee may take into account documentary or other information produced by a party either before the hearing or, with the consent of all other parties, at the hearing. A party introducing documentary evidence at a hearing should bring sufficient copies for all other parties and the Sub-Committee.
- 12.9 Members of the Sub-Committee may ask any question of any party or other person appearing at the hearing.
- 12.10 The Sub-Committee will disregard any information given by a party that is not relevant to the application, notice or representations made.
- 12.11 Parties may question any other party if permission is given by the Sub-Committee. Cross examination will not be allowed unless the Sub-Committee considers that it is required for it to consider the representations, application or notice as the case may require.
- 12.12 Hearsay evidence is admissible but consideration will always be given to the weight, if any, to be attached to such evidence, depending on the circumstances in which it arises.

13.0 Roles of Officers

Representative of Legal Services

- 13.1 The role of the representative of Legal Services will be to deal with any questions of law, matters of practice and procedure and where appropriate assist the Sub-Committee in formulating the reasons for its decision. They may ask questions of parties and witnesses in order to clarify the evidence and any issues in the case.

Representative of Member Services

- 13.2 The role of the representative of Member Services will be to make a record of the proceedings both by way of notes of the evidence / information given and a minute of the decision reached, inclusive of the reasons for the decision.

Licensing Officer

- 13.3 The role of the Licensing Officer will be to introduce the application / notice, outline the relevant facts and any issues involved through the presentation of their report.

14.0 Determination of Applications / Notices

- 14.1 Unless the matter being considered by the Sub-Committee falls within one of the categories listed in point 14.2, the Sub-Committee has five working days to make their determination beginning with the day, or the last day, on which the hearing was held.

- 14.2 In relation to the following matters, the Sub-Committee must make its decision at the conclusion of the hearing:

- a) A counter notice following an objection to a temporary event notice
- b) Review of a premises licence following closure order

15.0 Record of proceedings

- 15.1 A record of the hearing shall be made by authority and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the record must be kept for six years from the date of disposal of the appeal. The authority may also record the proceeding through audio tape.

16.0 Appeals

- 16.1 Either those who have made an application or those who have made a representation on an application may have the right to appeal the authorities decision to the Magistrates Court.

- 16.2 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the licensing authority of their decision.

17.0 Irregularities

- 17.1 Proceedings will not be rendered void only as a result of failure to comply with any provision of the Hearing Regulations.
- 17.2 Where the authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.
- 17.3 Clerical mistakes in any document recording a determination of the authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the authority.

The following information and procedures are associated with this document

Legislation

- The Licensing Act 2003 (Hearings) Regulations 2005:
 - http://www.legislation.gov.uk/ukxi/2005/44/pdfs/ukxi_20050044_en.pdf

Hearing Procedures

- New / Variation of Premises or Club
- Temporary Event Notices
- Review

Hearing Guidance

- General guidance to attendees

HEARING PROCEDURE: NEW / VARIATION OF PREMISES OR CLUB

Introduction and Preliminary remarks

1. The following parties will introduce themselves:
 - The Chairman of the Sub-Committee
 - Members of the Sub-Committee
 - Council Officers (legal advisor, member services officer and licensing officer)
2. The Chairman will ask for any declarations of interest.
3. The Chairman will announce if the hearing is to be held in public or private session.
4. The Chairman will ask those present to introduce themselves. This will be the order in which they present their case and is as follows:
 - Applicant and any person representing or assisting them
 - Responsible Authorities that have made a relevant representation
 - Other Parties who have made a relevant representation. If a spokesperson has been appointed / nominated for a group they should be identified.
5. The Sub-Committee will consider any requests by a party for any other person to appear at the hearing. Such permission shall not be unreasonably withheld provided proper notice has been given in response to the Notice of Hearing.
6. The Chairman will confirm that members of the Sub-Committee have received and read the paperwork and as such, parties will not need to repeat verbatim what they have already submitted.
7. The Chairman will state that time limits will not be set for speakers but if it is felt that matters are being repeated or are irrelevant, they or the legal advisor may move the discussion on.

Statement by the licensing officer

8. The Chairman will ask the officer to summarise the matter under consideration and present the salient points of the report.
9. Each other party (if permitted by, and via the Chairman) may then ask questions of the licensing officer based on what they have heard. This will be in the following order:

- Applicant
- Responsible Authorities
- Other Parties
- Sub-Committee

10. The licensing officer may respond to any new issues raised.

Case for the applicant

11. The applicant (or their representative) to present case in support of the application.

12. Each other party (if permitted by, and via the Chairman) may then ask questions of the applicant (or their representative) based on what they have heard. This will be in the following order:

- Responsible Authorities
- Other Parties
- Sub-Committee

13. The applicant (or their representative) may then respond to any new issues raised

Case for responsible authorities (i.e. Police, Environmental Health)

14. The representative of each responsible authority will be invited in turn to present the views of their organisation.

15. Each other party (if permitted by, and via the Chairman) may then ask questions of the representative based on what they have heard. This will be in the following order:

- Applicant
- Other Parties
- Sub-Committee

16. The representative may then respond to any new issues raised.

Case for the 'other parties'

17. Those who have made representations will be invited to present their views.

18. If a spokesperson has agreed to speak on behalf of a several people, all of those he/she represents may add any further points after.

19. Each other party (if permitted by, and via the Chairman) may then ask questions of the other party based on what they have heard. This will be in the following order:

- Applicant
- Responsible Authorities
- Other Parties
- Sub-Committee

20. The other party may then respond to any new issues raised.

Discussion about conditions

21. If it appears to any party that one or more of the issues raised during the hearing could be dealt with by means of a condition attached to the licence, that person may put forward the suggestion(s) to the Chairman at this stage. All other parties are to be given an opportunity to comment and express a view on any proposed condition.

Summary

22. Any party wishing to summarise his or her views may do so, in the order in which they presented their case. This will usually be as follows:

- Applicant
- Responsible Authorities
- Other Parties

The decision

23. The Sub-Committee will retire to reach a decision in private, accompanied by the Council's representatives from legal and members services.

24. Members of the Sub-Committee return. Any legal advice given in the absence of the parties will be repeated in public and all parties given an opportunity to respond before a decision is announced.

25. The Chairman to announce the Sub-Committee's decision if one has been made. This can include giving reasons (if finalised). If the Sub-Committee is minded to grant with the addition of conditions they may give the generals of the condition and the intention of them. Specific wording in line with the Sub-Committees direction may then be delegated to the Licensing Officer to prepare and send out in the decision notice.

26. The Council's legal officer will then outline the rights of appeal.

27. The decision and rights of appeal will be confirmed in writing by the licensing officer.

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VIDEO CONFERENCE (ZOOM) PROCEDURE

The procedure outlined below should be followed when conducting a hearing via Zoom.

It is intended for public distribution to assist with the conducting of Virtual Hearings via Zoom

Prior to the Hearing

Sign Up and Download 'Zoom' (found at <https://zoom.us>)

- it is free to sign up and download a 'personal account'.
- This will allow you to attend Zoom hearings.

Please ensure that you are in a private, quiet space where you will not be disturbed. You should attend the meeting alone, unless you are sat together with another attendee

- Choose a room that has good wifi/internet connection
- Choose a room that has good lighting

Check your Camera and Microphone are working

- To test your camera – open the Zoom application, go to settings (the cog symbol usually in right hand corner), go to 'Video', check the camera works and picture is clear.
- To test your microphone - open the Zoom application, go to settings (the cog symbol usually in right hand corner), go to 'Audio', test speaker and microphone

The Zoom 'Chat' function will be turned off by the Host.

- Instead if private conversation (such as between Applicant and Representative) is required it is recommended that this is done via text/What's App over the phone.
- This is less disruptive and runs no risk of private messages being broadcast to the rest of the Hearing

The Host of the Hearing will take precautions to protect the hearing from unauthorised/ disruptive participants

- The Hearing will be Password protected
- If the hearing is public –
 - o The number of people who can share their screen will be limited – this is to prevent any disruption
 - o The hearing will be "locked" once it has started – preventing anyone new from joining – this can be done via the participants panel.
 - o In the event that any unintended persons join they will be removed from the connection this can be done via the participants panel and clicking on the person's name

During the Hearing

When you are not speaking please mute the audio, a failure to do so may disrupt the hearing

- To mute/unmute click on the microphone symbol in bottom left corner of the screen at the left end of the taskbar. The text under the symbol will change from 'Mute' to 'Unmute'

Please ensure you keep the camera on at all times, even if you are not speaking

- If you need to do something that might distract the hearing you can turn you camera on/off by clicking the Camera icon in left corner next to the microphone at the left end of the taskbar. The text will change from 'Stop Video' to 'Start Video'
- Be aware that once video is stopping your name or a picture (if selected) will appear in place of your image. Make sure you have an appropriate name and/or picture

Select the 'Grid View' instead of the 'Speaker View'

- This is done by clicking on the appropriate option in the right-hand corner of the screen.
- Grid view enables the viewer to see all the participants in a grid.
- Speaker view automatically enlarges and brings to the forefront the current participant speaking but can be unreliable and distracting.

All participants should have the relevant documents for the hearing in front of them physically or on their computer.

- Zoom will continue to run in the background (with microphone and video on) even if the participant is looking at a document in a different window.

We advise that participants have independent access to documents. However the Host will be able to show relevant documents throughout the Hearing through the 'Screen Share' function

- This allows for the 'video feed' of the Host to instead show what is on their computer screen. A document can be therefore be loaded onto a computer and showed to the Hearing.
- This is done by the Host selecting the 'Share Screen' option in the middle of the task bar.
- We recommend that only the Host have the power to Screen Share.
 - o It can be used to direct the attention of the Hearing to a particular document – which itself can be annotated
- If a document is submitted 'late' on the day of the Hearing it should be emailed to the relevant Officer to be displayed to the hearing on Screen Share if it cannot be distributed earlier.

To expand the document you are viewing on Screen Share:

- Go to the dropdown menu to the right of the Green Bar on your screen
- Click on the dropdown menu
- Choose to expand the screen to an appropriate % (150% etc)
- This will allow you to expand the document without the participant sharing the screen having to do so for the entire hearing.

Breakout Rooms

- If certain participants wish to hold private discussions while remaining in Zoom the Host can create a virtual 'Breakout Room'.
- The Breakout Room function must, prior to the meeting, be made available in the settings on the webpage account of the Host.
- The Host will then be able to create a Breakout Room via a button on the taskbar. They can choose which participants are allowed in
- Chosen participants will receive an invitation to join the Breakout Room. They will then be transported to a private Zoom meeting with those participants.
- During this time the 'main' Zoom Hearing will continue to be live, but those in the main meeting will not be able to hear or see those in the Breakout Room.
- Once those in the Breakout Room have finished their private conversation, they can request the help of the Host. The Host will then return to the Breakout Room, cease the Breakout Meeting, and return those participants to the Main Hearing.
- This is suitable for when Committee Members need to take legal advice or come to their determination.

Emergency Procedure – the virtual 'hand' raise

- If you are experiencing technical difficulty and need to get the attention of the 'Host'
- Click the 'participants' tab in the taskbar at the bottom of the screen.
- This will open a sidebar to the right of the screen
- At the bottom of the side bar click 'Raise Hand'
- This will virtually raise a blue hand icon in the top left of your video
- The Host will be able to see your hand and come to you at an appropriate moment in the hearing

Recording the Hearing

- If you are the 'Host' and wish to record a hearing
- Click the record button in the taskbar
- The zoom hearing will be recorded – as indicated by a red dot in the top left corner of the screen.
- Once the hearing ends the video of the hearing will be saved on the Host's computer

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