

# Public Document Pack

Committee Administrator

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## MID DEVON DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE D

**A MEETING** of the **LICENSING SUB-COMMITTEE D** will be held Virtually on Thursday, 22 October 2020 at 11.00 am

#### STEPHEN WALFORD

Chief Executive

7<sup>th</sup> October 2020

**Councillors:** Mrs F J Colthorpe, D R Coren and D J Knowles

Join Zoom Meeting

<https://zoom.us/j/99823824124?pwd=WVJrYXVyVVFZbk5meXhna3kycTJE dz09>

Meeting ID: 998 2382 4124

Passcode: 953896

One tap mobile

08003582817,,99823824124#,,,,,0#,,953896# United Kingdom Toll-free

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Dial by your location

0 800 358 2817 United Kingdom Toll-free

0 800 031 5717 United Kingdom Toll-free

0 800 260 5801 United Kingdom Toll-free

Meeting ID: 998 2382 4124

Passcode: 953896

## A G E N D A

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

- 1 **Election of Chairman**  
To elect a Chairman for the Licensing Sub Committee
- 2 **Apologies and substitute members**  
To receive any apologies or substitute members
- 3 **Remote meeting protocol** (*Pages 3 - 8*)  
Members to note the remote meetings protocol

4 **Access to Information - Exclusion of Press and Public**

During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Sub Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that information relating to an individual may be discussed.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to any individual.

5 **Determination of a new premise licence for 10 High Street, Cullompton, Devon, EX15 1AA. (Pages 9 - 76)**

An application has been received for a new premises licence for Porters Bar and Grill, 10 High Street, Cullompton, Devon, EX15 1AA.

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

**Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information please contact Carole Oliphant on:  
E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)



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## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues – meeting management**

If the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

## **19. Technical issues – Individual Responsibility (Members and Officers)**

Many members and officers live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption. Separate guidance will be issued on how to manage connectivity – this paragraph focusses on the procedural steps. Joining early will help identify problems – see paragraph 6.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- If hosting a meeting via Zoom (briefings etc.), consider creating an additional host when setting up the meeting. The additional host can step in if the main host has problems – remember that without a host, the meeting cannot close and any information on the screens will remain on view
- Have to hand the telephone number of another member or officer expected in the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)
- For informal meetings and as a last resort, members and officers may be able to call another member or officer in the meeting who can put the 'phone on loudspeaker for all to hear – not ideal, but it ensures some degree of participation and continuity
- Member Services will hold a list of contact details for all senior officers

## Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

**Call the toll free number** either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

*"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"*

**Wait.....**

*"You have now entered the meeting"*

### Important notes for participating in meetings

Press **\*6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing **\*9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

## LICENSING SUB COMMITTEE

DATE OF HEARING: 22 OCTOBER 2020

### DETERMINATION OF A PREMISES LICENCE APPLICATION FOR PORTERS BAR AND GRILL, 10 HIGH STREET, CULLOMPTON, DEVON, EX15 1AA

**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 Porters Bar and Grill, 10 High Street, Cullompton, Devon, EX15 1AA.

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 application has been submitted for a new premises licence for Porters Bar and Grill, 10 High Street, Cullompton, Devon, EX15 1AA. The following description of the premises is provided in the application:

*‘Restaurant and bar, with occasional live or recorded music’*

- 1.2 This particular premises already has a premises licence (Licence No. MDV PR0422). This licence was issued in February 2020 and is held by Mrs Caley Briddick and Mr John Briddick. As noted in Section 6 of this report, these are the same people that have also submitted a representation regarding the current premises licence application.
- 1.3 So the Sub-Committee are aware, Section 2 (3) of the Licensing Act 2003 permits two (or more) authorisations to be in effect at the same premises and in practice, this means that a premises can have multiple licences. Further information is provided about this, and its relevance, later in the report.

## **2.0 THE APPLICATION**

- 2.1 The application for a new premises licence was submitted by Mr William Porter. In summary, the following has been applied for:

| <b>Activity</b>                      | <b>Indoors / Outdoors<br/>(or both)</b>            | <b>Days</b>        | <b>Times</b>  |
|--------------------------------------|--|--------------------|---------------|
| Live music                           | Indoors  | Monday -<br>Sunday | 08:00 – 23:00 |
| Recorded music                       | Indoors  | Monday -<br>Sunday | 08:00 – 23:00 |
| Supply of alcohol                    | For consumption<br>both ON and OFF<br>the premises | Monday -<br>Sunday | 08:00 – 23:00 |
| Hours premises<br>open to the public | N/A  | Monday –<br>Sunday | 08:00 – 23:30 |

- 2.2 In addition to the above standard timings, the application also requests that New Year’s Eve be de-regulated.

- 2.3 The application form is attached as **Annex 1** and the plan submitted with the application is attached as **Annex 2**.

### **3.0 CIRCUMSTANCES IN WHICH ENTERTAINMENT ACTIVITIES ARE NOT LICENSABLE**

- 3.1 Many activities that previously required a licence are no longer themselves licensable under the Licensing Act (assuming specific requirements are met). Further details about this can be found here:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

- 3.2 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

- 3.3 In practice, this means that any conditions on a licence which apply to live and recorded music in these circumstances will be 'suspended' because the activities themselves are not considered licensable.

- 3.4 With regards to this application, and without prejudice to the decision of the Sub-Committee, it would appear that although live and recorded music have been applied for Monday – Sunday, it would not actually be considered 'licensable'. The one exception to this is the de-regulation for New Year's Eve, which would permit live and recorded music to take place beyond 23:00 hours.

- 3.5 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 because premises have an overarching duty to promote the four licensing objectives.

### **4.0 LICENSING OBJECTIVES**

- 4.1 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.**

4.2 The applicant has provided information and proposals on this, and in summary, the steps they intend to take are as follows:

- The adoption and operation of a 'Challenge 25' Policy
- The provision of training for relevant staff working at the premises
- The keeping of an incident log at the premises
- The placement of notices at exits, requesting that patrons leave the vicinity quickly and quietly

4.3 Full details of these proposals can be seen within section M of the application (attached as **Annex 1**).

## **5.0 RESPONSIBLE AUTHORITIES**

5.1 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.

5.2 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

5.3 The Police have discussed the application with Mr William Porter and as a consequence, the following additional conditions have been agreed:

- a) The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police and Local Authority.
- b) Steps shall be taken to ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance or obstruction of the public highway.
- c) The following requirements in relation to online sales of alcohol:

## Ordering

- Alcohol can only be ordered for delivery to a residential or business address and not to a public place.
- Alcohol can only be ordered for delivery to the person placing the order.
- Full address details, including postcode, must be given when placing an online order for alcohol.
- At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
- Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.
- All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances

## Delivery

- Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.
- Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.
- Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
- If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.
- All alcohol delivery drivers will be 18 years or over.

5.4 Reference the requirement for CCTV, the Licensing Team have confirmed with the Police that the following CCTV requirements would be acceptable (in ensuring the CCTV system was 'satisfactory'):

- i. Cover all public areas of the licensed premises, including entry and exit points. This also includes any outside areas under the control of the premises licence holder.

- ii. Record clear images permitting the identification of individuals and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition.
  - iii. Continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.
  - iv. Have a constant and accurate time and date generation.
  - v. Store recordings for a minimum period of 14 days with date and time.
  - vi. Viewable copies of recordings will be provided on request to the police and local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 1998 (or any replacement legislation)
  - vii. The CCTV system will be capable of downloading images to a recognisable viewable format.
  - viii. The CCTV system will be fitted with security functions to ensure the integrity of the system and to prevent the tampering with and deletion of images (i.e. password protection).
- 5.5 It should be noted that the hearing should focus on the issues that have led to specific representations and remain 'unresolved'. In this case, the Police have agreed conditions during the relevant 28 day period and for that reason, the Sub-Committee should be mindful of this when making its decision. So they are aware, Mr Paul Butler (Alcohol Licensing Officer, Devon and Cornwall Constabulary) has been the Officer dealing with this matter and it is likely that he will attend the hearing.
- 5.6 With regards to the agreement of conditions relating to the sale of alcohol online, this business activity was not noted on the application form but it is the view of the Licensing Officer that this does not invalidate the application. Sales of alcohol online are covered by the supply of alcohol for consumption OFF the premises, and this was applied for in the application. In this case, it was subsequently picked up by the Police during discussions with the applicant and that is why conditions have been agreed.

## **6.0 OTHER PERSONS**

- 6.1 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).

- 6.2 In this case, the Licensing Authority received THREE representations concerning the application. These are in opposition to the application (or 'negative').
- 6.3 The Sub-Committee should note that although THREE representations were received, not all elements of these representations are considered relevant (in the view of the Licensing Officer). **Table 1** (below) provides details of who has submitted these representations, along with a very brief note of what is, and what is not considered relevant within their submissions.
- 6.4 In this particular case, the representations are not attached to this report. In accordance with the *Licensing Act 2003 (Hearings) Regulations 2005*, they have however been sent to the applicant and also the Sub-Committee. It should be noted that further information (and justification) about what is and what is not considered relevant is provided in section 7 in this report.

| Name of party   | Issue(s) raised considered relevant  | Issue(s) raised not considered relevant   |
|---|--|---|
| Mrs Caley Briddick and Mr John Briddick                                     | Alleged illegal trading (i.e. selling alcohol without the required authorisation)<br><br>Alleged conduct of applicant and impact on management of premises | Issues concerning the current lease and ongoing litigation<br><br>Request for the application to be removed from MDDC website and statement that no other application(s) should be considered |
| Mr Alan Harbud  | Alleged illegal trading (i.e. selling alcohol without the required authorisation)<br><br>Alleged conduct of applicant at the premises                      | Issues concerning the current lease and ongoing litigation  |
| Mr Ben Ballamy  | Alleged illegal trading (i.e. selling alcohol without the required authorisation)<br><br>Alleged conduct of applicant and impact on management of premises | Issues concerning the current lease   |
| <b>Table 1.</b> Brief summary of representations and relevance to licensing |  |   |

- 6.5 Within their representation, Mr and Mrs Briddick have provided details of issues concerning themselves and Mr Porter (the applicant). This information has been provided in support of their representation and they have invited the Licensing Officer to investigate further. So the Sub-Committee are aware, the Licensing Officer has done this and discussed the matter with the Police. The Police have been able to assist the Sub-Committee in this regard by providing further information about the issues highlighted and this will be circulated specifically to the Sub-Committee prior to the hearing.

**IMPORTANT NOTE:** It may become necessary to exclude the public (or any other party) from the hearing (or part of the hearing). This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972.

- 6.6 In addition to this, Mr and Mrs Briddick have also submitted screenshots of what appear to be posts from members of the public on social media (or websites online) and they believe these demonstrate that the applicant has been selling alcohol without the required authorisation. So the Sub-Committee are aware, these screenshots are not attached because they contain personal information that is not considered relevant to this hearing (i.e. they are posts from members of the public). However, a brief summary of the relevant comments is provided below:

- Porters Bar and Grill state they have a fully stocked bar and cocktails (posted on 8 July 2020)
- Person states: *'Came for cocktails'*. Posted on 18 July 2020 but does not appear to give date of visit.
- Porters Bar and Grill state they had (or have) types of beer / cider available (posted on 20 and 21 July 2020)
- Person states: *'All washed down with beautiful cocktails'*. Posted 25 July 2020 and references 'last night' (i.e. 24 July 2020).
- Person states: *'I also ordered a mojito...'* Posted on 26 July 2020 but does not appear to give date of visit.
- Person states: *'Thanks for a great meal last night and for fitting us in last minute! Homemade cider was great and food was awesome'*. Posted 31 July 2020 and references 'last night' (i.e. 30 July 2020).
- Person states: *'my drink was a beer'*. Posted '2 months ago' and the post states that the booking was 31 July 2020.
- Person states: *'really tasty meal and cocktails for my birthday. Billy the owner went out of his way to make it a great safe atmosphere for everyone'*. Posted 5 August 2020 but does not appear to give date of booking

- Person states: *'The only red wine available was Merlot...'* Posted 'a month ago' and does not appear to give date of visit.
- 6.7 Following this allegation a member of the Licensing Team did consider the information available and ultimately, this resulted in no further action being taken at the time. So the Sub-Committee are aware, a letter was sent to Mr Porter, dated 10 September 2020, and this is attached as **Annex 3**.
- 6.8 In making this decision, the relevant Licensing Officer considered:
- Co-operation from Mr Porter and actions to rectify issues
  - The quality of evidence available – for example, although posts mention alcohol this does not necessarily mean it was sold and consumption of alcohol in itself is not licensable. This means that a premises licence or a Temporary Event Notice is not required if customers bring their own alcohol, or if alcohol is genuinely given away.
  - Some of the posts do not mention the relevant dates (and therefore could have been referring to a time when a Temporary Event Notice was in effect)
  - The Councils enforcement Policy and how similar situations have been dealt with previously.
  - The letter includes reference to the relevant legislation (and possible offence(s)) and this would mean that future issues would likely result in a different form of action (i.e. escalation).
- 6.9 The Licensing Officer can confirm that the premises had submitted some Temporary Event Notices during July and August 2020. From reviewing the dates of these and the screenshots submitted (which contain references to dates of visit), it seems to be that a TEN was in place for ONE relevant date (24 July 2020), but not another TWO (30 July and 31 July 2020). This point needs to be assessed in light of the considerations mentioned in Paragraph 6.8 of this report.
- 7.0 LICENSING OFFICER ASSESSMENT AND COMMENTS ON THE REPRESENTATIONS RECEIVED**
- 7.1 In order to assist the Licensing Sub-Committee, the general topics that have been raised in the representations received are summarised below and information provided as to why they are considered as either being relevant or not relevant. This section of the report does not seek to reproduce the representations in full.
- 7.2 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](mailto:licensing@middevon.gov.uk). The Sub-Committee can then consider the issue(s) that have been raised at the hearing.

- 7.3 It must also 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.
- 7.4 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.
- 7.5 In some paragraphs, S182 Guidance and Mid Devon District Council's Licensing Act Policy is referenced and further information about these documents can be found in sections 8 and 9 of this report.

#### **Overview of issues considered relevant**

- 7.6 **Issue 1:** Alleged illegal trading (i.e. selling alcohol without the required authorisation)

**Officer comment:** This relates to the applicant selling alcohol without the required licence or authorisation. As highlighted above (see Paragraph 6.7 of this report) a Licensing Officer has looked at and dealt with this issue. This ultimately resulted in no further action being taken at the time. The subsequent letter sent to Mr Porter, dated 10 September 2020, is attached as **Annex 3**.

With regards to considering this issue as relevant (or conceivably relevant) It should be noted that the Council's Licensing Act Policy states:

*In reaching a decision on whether or not to grant a licence, the Licensing Authority, if relevant representations are made, may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance. (Paragraph 6.14).*

The Officer appreciates that this references 'other' statutory requirements and therefore extends beyond the Licensing Act 2003, but believes that the point still applies. Without prejudice to this particular application, if an applicant has previously failed to comply with the relevant legislation then the Sub-Committee considering the issue would need to evaluate the likelihood of non-compliance occurring in the future.

- 7.7 **Issue 2:** Alleged conduct of applicant (and impact on management of premises)

This refers to alleged conduct of the applicant with the implication being that this alleged behaviour indicates the way in which the premises may operate should a licence be granted.

It should be noted that although this is considered conceivably relevant, the Licensing Officer is not discussing the matter in detail within this report. However, all relevant information will be sent to the Sub-Committee for consideration. It is for the Licensing Sub-Committee to consider the specific information provided in this case and its merits, the likelihood of issues occurring and the possible impact on the four licensing objectives.

### **Overview of issues NOT considered relevant**

- 7.8 It is the view of the Licensing Officer that some of the comments made in the representations received extend beyond what is considered relevant under the Licensing Act. Instead, they relate to issues that have occurred between the applicant and those (or some of those) that have objected.
- 7.9 The Licensing Officer believes it is important to highlight the issues that are not considered relevant under the Licensing Act 2003 and what follows is a brief explanation of these points.
- 7.10 **Issue 3 and 4:** Issues concerning the current lease and ongoing litigation, demand for the application to be removed from MDDC website and statement that no other application(s) should be considered for the premises.

**Officer comment:** The Council must ensure that it administers the statutory functions it is responsible for under the Licensing Act 2003. Although a Premises Licence is already in effect for this particular premises, it must be noted that Section 2 (3) of the Licensing Act 2003 permits two (or more) authorisations to be in effect at the same premises. In practice, this means that a premises can have multiple licences.

In addition to this, an applicant does not need to show the Licensing Authority that they have a legal interest in the premises. The Licensing Act requires that the applicant either carries on, or proposes to carry on, a business which involves the use of the premises for licensable activities. For this reason, the issue of current litigation and who has a right to occupy the premises is not considered relevant in this particular case.

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

| Relevant |   |
|----------|---|
| Issue 1  | Alleged illegal trading (i.e. selling alcohol without the required authorisation) |
| Issue 2  | Alleged conduct of applicant and impact on management of premises                 |

| Not relevant |   |
|--------------|---|
| Issue 3      | Issues concerning the current lease and ongoing litigation  |
| Issue 4      | Request for the application to be removed from MDDC website and statement that no other application(s) should be considered |

### Relevant, vexatious and frivolous representations

- 7.12 Given the situation with this particular premises (i.e. the current litigation and apparent conflict between the applicant and at least one objector), the Licensing Officer carefully considered the following sections of S182 guidance:
- 7.13 *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)*
- 7.14 *It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise*

*because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.* (Paragraph 9.5)

- 7.15 *Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.* (Paragraph 9.6)
- 7.16 *Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.* (Paragraph 9.7)
- 7.17 *Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.* (Paragraph 9.8)
- 7.18 *It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.* (Paragraph 9.9)
- 7.19 The Licensing Officer has considered the contents of the representations and has provided a comment on what is, and what is not, considered relevant. In addition to this, the Licensing Officer also gave consideration to the broader issue of whether or not a representation (or representations) are vexatious. On reflection, the Officer felt that for this particular application, it would have been a borderline case and therefore decided to refer the matter to a Regulatory Sub-Committee. However, it is right that the Sub-Committee are aware of the range of issues that have transpired in this particular case and consider for themselves the merits of representations and decide how much weight to attach to them.

## **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 *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)*

- 8.10 *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)*
- 8.11 *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)*
- 8.12 *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)*
- 8.13 *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)*
- 8.14 *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)*
- 8.15 *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)*
- 8.16 *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)*
- 8.17 *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)*
- 8.18 *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)*
- 8.19 *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)*

- 8.20 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/>

- 8.21 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 *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)*
- 9.4 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until*

*they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. (Paragraph 2.21)*

## **10.0 DETERMINATION AND OPTIONS OF THE SUB-COMMITTEE**

- 10.1 *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)*
- 10.2 *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)*
- 10.3 *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)*
- 10.4 *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)*
- 10.5 *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

- 10.6 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
  - Rejecting the application
- 10.7 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.
- 10.8 Members have five working days from the conclusion of the hearing to make a decision.

### **11.0 APPEAL**

- 11.1 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.

### **12.0 THE PROCESS FOR THIS HEARING**

- 12.1 The Council have an adopted procedure for hearings and this attached to this report as **Annexe 4**. In so far as is possible and practicable, the Licensing Authority will work in accordance with this procedure.
- 12.2 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).
- 12.3 A practical guide on using Zoom has been produced by Kings Chambers and this is attached as **Annex 5**. 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](mailto:licensing@middevon.gov.uk)) as soon as possible.

12.4 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](mailto:licensing@middevon.gov.uk)) with their response to the Notice of Hearing (which must be submitted 5 working days before the hearing).

12.5 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](mailto:tkeating@middevon.gov.uk) OR Simon Newcombe (Group Manager for Public Health and Regulatory Services) / 07967 679939 / [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

#### **Circulation of the Report:**

Legal Services / Members of Licensing Sub-Committee / Applicant / Police / 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 William Thomas Porter

**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<br>Porters Bar and Grill<br>10 High Street |            |                 |          |
| <b>Post town</b>  | Cullompton | <b>Postcode</b> | EX15 1AA |

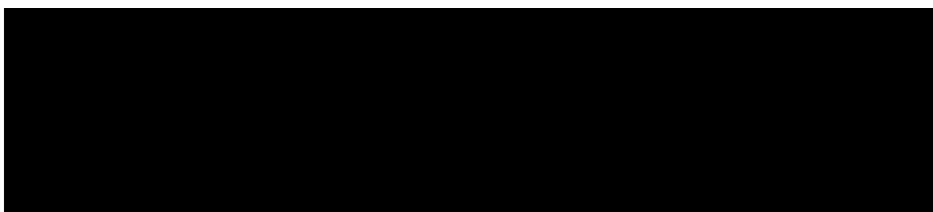
  

|   |  |
|---|--|
| Telephone number at premises (if any)   | <div style="background-color: black; width: 100%; height: 1.2em;"></div> |
| Non-domestic rateable value of premises | £6300  |

#### Part 2 - Applicant details

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

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| a) an individual or individuals *                    | X                        | 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 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 checked="" type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/>          | Other Title (for example, Rev) |  |
| <b>Surname</b><br>Porter               |                              |                               | <b>First names</b><br>William Thomas |                                |  |

**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                 |                                |  |
|                             |                              |                               |                             |                                |  |

**(B) OTHER APPLICANTS**

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

|   |
|---|
| Name  |
| Address   |
| Registered number (where applicable)  |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |

|                           |
|---------------------------|
| Telephone number (if any) |
| E-mail address (optional) |

### Part 3 Operating Schedule

When do you want the premises licence to start?

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| DD                   | MM                   | YYYY                 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

If you wish the licence to be valid only for a limited period, when do you want it to end?

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| DD                   | MM                   | YYYY                 |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

Restaurant and bar, with occasional live or recorded music.

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

N/a

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                          |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | X                        |
| f) recorded music (if ticking yes, fill in box F)   | X                        |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

☐

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

X

**In all cases complete boxes K, L and M**

# A

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

# B

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

# C

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

# D

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

# E

|  |       |        |   |          |  |
|--|-------|--------|---|----------|--|
| <b>Live music</b><br>Standard days and timings (please read guidance note 7) |       |        | <b>Will the performance of live music take place indoors or outdoors or both – please tick</b><br>(please read guidance note 3)   | Indoors  | <input checked="checked" type="checkbox"/> |
|  |       |        |   | Outdoors | <input type="checkbox"/>                   |
|  |       |        |   | Both     | <input type="checkbox"/>                   |
| Day  | Start | Finish | <b>Please give further details here</b> (please read guidance note 4)   |          |  |
| Mon  | 08:00 | 23:00  |   |          |  |
|  |       |        |   |          |  |
| Tue  | 08:00 | 23:00  |   |          |  |
|  |       |        |   |          |  |
| Wed  | 08:00 | 23:00  | <b>State any seasonal variations for the performance of live music</b><br>(please read guidance note 5)   |          |  |
|  |       |        |   |          |  |
| Thur   | 08:00 | 23:00  |   |          |  |
|  |       |        |   |          |  |
| Fri  | 08:00 | 23:00  | <b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)<br>New Years Eve De-regulated |          |  |
|  |       |        |   |          |  |
| Sat  | 08:00 | 23:00  |   |          |  |
|  |       |        |   |          |  |
| Sun  | 08:00 | 23:00  |   |          |  |
|  |       |        |   |          |  |

# F

|  |       |        |  |  |          |                                     |
|--|-------|--------|--|--|----------|-------------------------------------|
| <b>Recorded music</b><br>Standard days and timings (please read guidance note 7) |       |        | <b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b><br>(please read guidance note 3)   |  | Indoors  | <input checked="" type="checkbox"/> |
|  |       |        |  |  | Outdoors | <input type="checkbox"/>            |
| Day  | Start | Finish |  |  | Both     | <input type="checkbox"/>            |
| Mon  | 08:00 | 23:00  | <b><u>Please give further details here</u></b> (please read guidance note 4)   |  |          |                                     |
|  |       |        |  |  |          |                                     |
| Tue  | 08:00 | 23:00  |  |  |          |                                     |
|  |       |        |  |  |          |                                     |
| Wed  | 08:00 | 23:00  | <b><u>State any seasonal variations for the playing of recorded music</u></b><br>(please read guidance note 5)   |  |          |                                     |
|  |       |        |  |  |          |                                     |
| Thur   | 08:00 | 23:00  |  |  |          |                                     |
|  |       |        |  |  |          |                                     |
| Fri  | 08:00 | 23:00  | <b><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></b> (please read guidance note 6)<br>New Years Eve De-regulated |  |          |                                     |
| Sat  | 08:00 | 23:00  |  |  |          |                                     |
|  |       |        |  |  |          |                                     |
| Sun  | 08:00 | 23:00  |  |  |          |                                     |
|  |       |        |  |  |          |                                     |

# G

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

## H

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

# I

|  |       |        |  |          |                          |
|--|-------|--------|--|----------|--------------------------|
| <b>Late night refreshment</b><br>Standard days and timings (please read guidance note 7) |       |        | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)   | Indoors  | <input type="checkbox"/> |
|  |       |        |  | Outdoors | <input type="checkbox"/> |
|  |       |        |  | Both     | <input type="checkbox"/> |
| Day  | Start | Finish |  |          |                          |
| 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  |       |        | <b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6) |          |                          |
|  |       |        |  |          |                          |
| Sat  |       |        |  |          |                          |
|  |       |        |  |          |                          |
| Sun  |       |        |  |          |                          |

## J

|   |       |        |   |  |                  |                          |
|---|-------|--------|---|--|------------------|--------------------------|
| <b>Supply of alcohol</b><br>Standard days and timings (please read guidance note 7) |       |        | <b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)    |  | On the premises  | <input type="checkbox"/> |
|   |       |        |   |  | Off the premises | <input type="checkbox"/> |
|   |       |        |   |  | Both             | X                        |
| Day   | Start | Finish | <b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5) |  |                  |                          |
| 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  |   |  |                  |                          |
|   |       |        |   |  |                  |                          |

**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 | Miss Lauren Hellier |
|------|---------------------|

## 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

|   |       |        |  |
|---|-------|--------|--|
| <b>Hours premises are open to the public</b><br>Standard days and timings (please read guidance note 7) |       |        | <b><u>State any seasonal variations</u></b> (please read guidance note 5)  |
| Day   | Start | Finish | <b><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></b> (please read guidance note 6)<br>New Years Eve De-regulated |
| Mon   | 08:00 | 23:30  |  |
|   |       |        |  |
| Tue   | 08:00 | 23:30  |  |
|   |       |        |  |
| Wed   | 08:00 | 23:30  |  |
|   |       |        |  |
| Thur  | 08:00 | 23:30  |  |
|   |       |        |  |
| Fri   | 08:00 | 23:30  |  |
|   |       |        |  |
| Sat   | 08:00 | 23:30  |  |
|   |       |        |  |
| Sun   | 08:00 | 23:30  |  |
|   |       |        |  |

## M

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

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

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

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

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

Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details (*select from the following*):

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported to the venue, or by the venue to the police
- iii. All ejections of patrons
- iv. Any complaints received
- v. Seizures of drugs or offensive weapons
- vi. Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

### b) The prevention of crime and disorder

**c) Public safety**

**d) The prevention of public nuisance**

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**

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.  | X                        |
| • I have enclosed the plan of the premises.  | X                        |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable.  | <input type="checkbox"/> |
| • I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.   | X                        |
| • I understand that I must now advertise my application.   | X                        |
| • I understand that if I do not comply with the above requirements my application will be rejected.  | X                        |
| • [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). | X                        |

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

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

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

|                    |   |
|--------------------|---|
| <b>Declaration</b> | <ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul> |
| Signature          | William porter  |
| Date               | 28/8/2020   |
| Capacity           | Owner   |

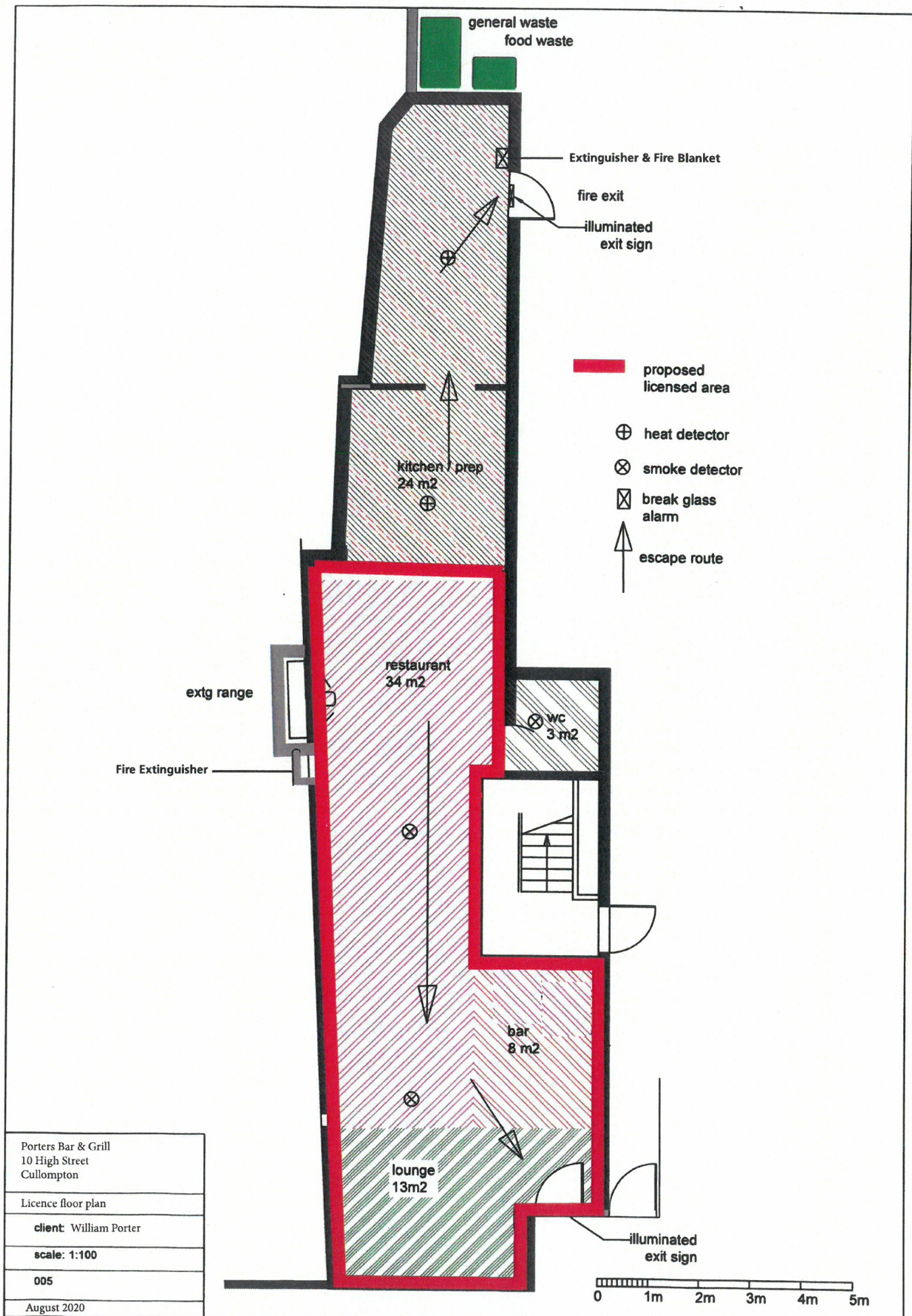
**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
|-----------|--|

|          |  |
|----------|--|
| Date     |  |
| Capacity |  |

### 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.



Date 28.8.20.

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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.
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- 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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## 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](mailto: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/uksi/2005/44/pdfs/uksi\\_20050044\\_en.pdf](http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi_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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