

Public Document Pack

Mid Devon District Council

Licensing Sub-Committee A

Monday, 3 April 2023 at 2.00 pm
Phoenix House, Tiverton

Next ordinary meeting
Date Not Specified at Time Not Specified

Please Note: This meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Membership

Cllr Mrs F J Colthorpe
Cllr J M Downes
Cllr Mrs E J Slade

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 **Apologies**
To receive any apologies for absence.
- 2 **Election of Chairman**
To elect a Chairman for the Sub-Committee.
- 3 **Determination of a Premises Licence Application for Smeatharpe Stadium, Clayhidon, EX14 4SP (Pages 3 - 54)**
An application has been received for a new premises licence to be granted under the Licensing Act 2023 for the Smeatharpe Stadium, Clayhidon, EX14 4SP.

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

Stephen Walford
Chief Executive
22 March 2023

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

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Please note that a reasonable amount of hardcopies at the meeting will be available, however this is a limited number. If you are attending the meeting and would like a hardcopy of the agenda we encourage that you notify Member Services in advance of the meeting to ensure that a hardcopy is available. Otherwise, copies of the agenda can be found on our website.

If you would like a copy of the Agenda in another format (for example in large print) please contact Andrew Seaman on: aseaman@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

LICENSING SUB COMMITTEE

DATE OF HEARING: 3 APRIL 2023

LICENSING UPDATE

Cabinet Member(s): Dennis Knowles, Cabinet Member for Community Wellbeing

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report: An application has been received for a new premises licence to be granted under the Licensing Act 2023 for the Smeatharpe Stadium, Clayhidon, EX14 4SP.

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 any town or parish council in Mid Devon for where the premises are located.

1.0 THE PREMISES

- 1.1 An application has been submitted to grant a premises licence for Smeatharpe Stadium, Clayhidon, EX14 4SP. (The application and Map **Annex A & B**). The following description of the premises is provided from the application:

“SMEATHARPE STADIUM IS A BANGER AND STOCK CAR RACE TRACK. I WOULD LIKE TO LICENCE THE MAIN STADIUM WITHIN THE RED BOUNDARY MARKED ON THE MAP PROVIDED”

The location is a decommissioned Second World War airfield in a remote location within the Blackdown Hills, area of outstanding natural beauty. The nearest village of Smeatharpe is approximately 1 mile away. (see **Annex C**)

The area for which the applicant has applied to sell alcohol is within the stadium and is double fenced. One fence at the perimeter of the premises and a second fence around the stadium itself which the applicant has marked in red on their map.

There are two bars that the application applies to license within the stadium area. The two locations are marked on the applicant's map.

2.0 THE APPLICATION

- 2.1 The application has been received from Mr Mark Pearce.
- 2.2 In summary the applicant has applied for a licence to supply alcohol between 11.00 am and 11.30 pm.
- 2.3 After discussions with the Police and the Licensing Authority the applicant has consented to restrict the application to 10.30pm rather than 11.30 pm and to have a condition placed on the licence that the bar will only operate while there is a motor racing event taking place at the stadium.
- 2.4 The Licensing Authority has received three relevant representations in relation to this application and they are contained at **Annex D**.
- 2.5 Entertainment activities taking place at Smeatharpe stadium such as the racing of vehicles are not regulated activities for the purposes of the Licensing Act 2003.
- 2.6 In 2022 the premises has been operating with the use of Temporary Event Notices (TENs). In that year 12 were applied for and granted.

3.0 LICENSING OBJECTIVES

- 3.1 *All applicants are required to set out in their application the steps they intend to take to promote the four licensing objectives. These are:*
- *The prevention of crime and disorder*
 - *Public safety*
 - *The prevention of public nuisance; and*
 - *The protection of children from harm*

- 3.2 *The applicant has identified a number of steps they intend to take to satisfy the licensing objectives in their operating schedule.*
- 3.3 *The statutory guidance states that it is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.*
- 3.4 *The Licensing Authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.*
- 3.5 *Full details of the applicant's operating schedule can be seen within section M of the application, attached as Annex A.*

4.0 RESPONSIBLE AUTHORITIES

- 4.1 *Responsible Authorities under the Licensing Act are notified of all new premises licence applications. The onus is on each Responsible Authority to determine when they have appropriate grounds to make a representation.*
- 4.2 *The Responsible Authorities are:*
- *Police*
 - *Fire service*
 - *Environmental Health (nuisance and health and safety)*
 - *Planning Authority*
 - *Licensing Authority*
 - *Health and Safety Executive*
 - *Weights and Measures (Trading Standards)*
 - *the body responsible for Child Protection*
 - *Director of Public Health*
 - *Home Office*
- 4.3 *No representation have been received from the Responsible Authorities*

5.0 OTHER PERSONS

- 5.1 *The Licensing Act allows 'Other Persons' to make representations provided they are relevant and not considered frivolous or vexatious. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. S182 Guidance states that '... representations should relate to the impact of licensable activities carried on from premises on the objectives' (Paragraph 9.4).*
- 5.2 *In this case, the Licensing Authority received communication from TEN parties concerning the application.*
- 5.3 *Of these SEVEN were ruled out as not being a relevant representation for either: not directing their comments to one or more of the licensing objectives, or not providing an address or wishing to remain anonymous*

6.0 LICENSING OFFICER ASSESSMENT AND COMMENTS ON THE REPRESENTATIONS RECEIVED

- 6.1 *In the opinion of the Licensing Officer various comments, or aspects of comments, cannot be considered as relevant representations under the Licensing Act.*
- 6.2 *It has not been possible to communicate directly with each individual person who has made a representation to discuss what they have specifically commented on. There has been some communication with each of the three interested parties to clarify points in relation to the application. All Interested Parties (i.e. those that have made a relevant representation) have also been sent a copy of this report, along with a Notice of Hearing and the hearing procedure.*

Not relevant under the Licensing Act 2003

- 6.3 *As stated in Paragraph 5.1 of this report, representations must relate to the four licensing objectives and the licensable activities being proposed.*
- 6.4 *The statutory guidance (S182 Guidance, Paragraph 14.13) states that It must be noted that 'licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the holistic approach to the management of the evening and night-time economy in town and city centres'. Individuals remain responsible and accountable in their own right for their actions.*
- 6.5 *In this context where comments have been made regarding noise and light pollution arising from the motoring events taking place at the stadium they have been considered not relevant since the motoring events are not licensable and outside the control of the Licensing Act and the applicant.*

Area of Outstanding Natural Beauty and Planning Restrictions

- 6.6 *Many of the representations made reference to the planning restrictions and the fact that the premises is located in an area of outstanding natural beauty.*
- 6.7 *The Planning restrictions do not allow more than 17 motoring events per year. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.*

6.8 *“Need” concerns the commercial demand for another licensed premises in a location and is a matter for the Planning Authority and for the market. This is not a matter for a Licensing Authority in discharging its licensing functions.*

6.9 *Mid Devon Licensing Policy (Page 15 paragraph 3.20) states the following; The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.*

6.10 *There is no specific mention in the Mid Devon Licensing Policy that would impact on the application because the premises is located in an area of outstanding natural beauty, although paragraph 6.5 (page 37) states;*

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.

6.11 *And at paragraph 8.17 (page 49)*

The Licensing Authority recommends that applicants and licensees apply a higher standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises where:

- *They are located in a residential or noise sensitive area*
- *They have or are proposing extended open hours*

Road safety and drink driving

6.12 *There was a generic concern expressed that allowing a licence for a premises to sell alcohol in such a remote location would encourage drink driving and increase the problems of road safety.*

6.13 *S182 Guidance (Paragraph 2.10) states that ‘Licence holders should make provision to ensure that premises users safely leave their premises’.*

6.14 *However, a distinction must be made between the safety of people as they leave the premises and then the safety of those people once they have left the immediate vicinity of the premises. Once they have left the immediate vicinity, a licence holder (or applicant) cannot be expected to manage the behaviour of customers.*

6.15 *Should a premises be shown to be failing to take action or even encouraging drink driving by its patrons the Police or the Licensing Authority could take action against the Designated Premises Supervisor. The Police have actively engaged with this application and shared no concerns regarding potential drink driving issues.*

6.16 *It is also true that the Mid Devon Licensing Policy recognises that;*

“The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, the fire authority, the Council’s Environmental Health Department, the Community Safety Partnership, local businesses and local people towards the promotion of the objectives as outlined.”

Relevant representations

- 6.17 *Some of the details arising from the remaining three representations are unclear. Despite further exchanges with the Interested Parties Officers have not been able to clarify exactly what the objection in their representation relates to.*
- 6.18 *The Licensing Sub-Committee hearing may allow the relevant party to expand on and clarify the various specific points made.*
- 6.19 *In such cases, it should be noted that Paragraph 9.9 of S182 Guidance states: ‘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’*

7.0 LICENSING POLICY

- 7.1 *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.*
- 7.2 *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)*
- 7.3 *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)*
- 7.4 *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)*
- 7.5 *Any party to a hearing may expand on their representation but may not introduce new or different representations. (Paragraph 5.14)*

- 7.6 *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)*
- 7.7 *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)*
- 7.8 *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)*
- 7.9 *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)*
- 7.10 *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)*
- 7.11 *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)*
- 7.12 *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)*

- 7.13 *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)*
- 7.14 *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)*
- 7.15 *In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their operating schedule to address any potential public nuisance issue. (Paragraph 6.16)*
- 7.16 *Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas. (Paragraph 6.17)*
- 7.17 *In considering relevant representations, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or public disorder having regard to all the circumstances of the case. (Paragraph 6.19)*
- 7.18 *The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other ‘flashpoints’ in areas where there have already been incidents of disorder and disturbance. (Paragraph 6.20)*
- 7.19 *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)*

- 7.20 *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)*
- 7.21 *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)*
- 7.22 *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)*
- 7.23 *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)*
- 7.24 *Members must have regard to the Policy when making their decision and it can be viewed in full here: [Statement of Licensing Policy Licensing Act 2003 \(middevon.gov.uk\)](https://www.middevon.gov.uk/Document/Statement%20of%20Licensing%20Policy%20Licensing%20Act%202003)*
- 7.25 *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' ([Appendix C - Pool of Conditions \(middevon.gov.uk\)](https://www.middevon.gov.uk/Document/Appendix%20C%20-%20Pool%20of%20Conditions)) and a 'Code of Good Practice' ([Appendix D - Code of good practice \(middevon.gov.uk\)](https://www.middevon.gov.uk/Document/Appendix%20D%20-%20Code%20of%20good%20practice)).*

8.0 GOVERNMENT GUIDANCE

- 8.1 *Members are also obliged to have regard to the Guidance produced under S182 of the Licensing Act 2003. The most recent version of this was published in December 2022 and some relevant sections are highlighted below. The Guidance can be viewed here: [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/106444/Revised_Guidance_issued_under_section_182_of_the_Licensing_Act_2003.pdf)*
- 8.2 *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)*
- 8.3 *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)*
- 8.4 *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)*

9.0 DETERMINATION AND OPTIONS OF THE SUB-COMMITTEE

- 9.1 *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)*
- 9.2 *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)

9.3 *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)*

9.4 *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)*

9.5 *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

9.6 *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*
- *Rejecting the application*

9.7 *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.*

9.8 *Members have five working days from the conclusion of the hearing to make a decision.*

10.0 **APPEAL**

10.1 *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.*

11.0 **THE PROCESS FOR THIS HEARING**

11.1 *The Council have an adopted procedure for hearings and this is attached to this report as **Annex E**. In so far as is possible and practicable, the Licensing Authority will work in accordance with this procedure.*

Contact for more Information: Alan Drake, Specialist Licensing Officer 01884 234618 adrake@middevon.gov.uk

Circulation of the Report: Legal Services / Members of Licensing Sub-Committee / Applicant / Other Parties
(As per the Licensing Act)

List of Background Papers:

The Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

The Local Government Act 1972

Section 182 Guidance

Mid Devon District Council Statement of Licensing Policy

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

Please read the following instructions first

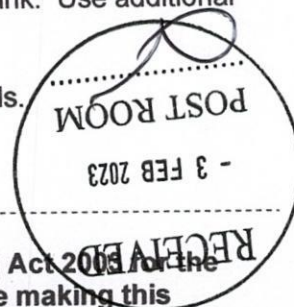
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We MR MARK ANTHONY PEARCE

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003



Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description SMEATHARPE STADIUM			
Post town	CLAYHIDON	Postcode	EX14 4SP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 18,000.00

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
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		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

<input checked="" type="radio"/> Mr	<input type="radio"/> Mrs	<input type="radio"/> Miss	<input type="radio"/> Ms	Other Title (for example, Rev)	
Surname PEARCE			First names MARK ANTHONY		
Date of birth 09/02/1979		I am 18 years old or over		Please tick yes	
Nationality		BRITISH			
Current residential address if different from premises address		90 VICTORIA AVENUE			
Post town	CHARD			Postcode	TA20 1HF
Daytime contact telephone number			07782379023		
E-mail address (optional)		somersetmobilebars@gmail.com			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(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
1	2	0 3 2 0 2 3

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 SMEATHARPE STADIUM IS A BANGER AND STOCK CAR RACE TRACK. I
 WOULD LIKE TO LICENCE THE MAIN STADIUM WITHIN THE RED BOUNDARY
 MARKED ON THE MAP PROVIDED.

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


--

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)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
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 exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<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> (please read guidance note 6)		
Sat					
Sun					

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			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 (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11.00	23.30			
Tue	11.00	23.30			
Wed	11.00	23.30			
Thur	11.00	23.30			
Fri	11.00	23.30			
Sat	11.00	23.30			
Sun	11.00	23.30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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	MR MARK ANTHONY PEARCE
Date of birth	09/02/1979
Address	90 VICTORIA AVENUE, CHARD, SOMERSET
Postcode	TA20 1HF
Personal licence number (if known)	052442

Issuing licensing authority (if known)
SOUTH SOMERSET DISTRICT COUNCIL

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	10.30	11.30	
Tue	10.30	11.30	
Wed	10.30	11.30	
Thur	10.30	11.30	
Fri	10.30	11.30	
Sat	10.30	11.30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

Sun	10.30	11.30	
-----	-------	-------	--

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)

PERSONAL LICENCE HOLDER ON THE PREMISES AT ALL TIMES AND
DPS NOMINATED AND ALL TRAINING UNDERTAKEN.

b) The prevention of crime and disorder

SITE SECURITY, PLASTIC GLASSES AND ALL GLASS BOTTLES ARE
DECANTED INTO PLASTIC GLASSES, PHOTO ID TO CONTROL UNDERAGE
DRINKING, CHALLENGE 25 IN PLACE.

c) Public safety

GAS AND ELECTRIC BAR EQUIPMENT SERVICED AND CHECKER
REGULARLY, HEALTH AND SAFETY POLICY, EMPLOYERS AND PUBLIC
LIABILITY INSURANCE IN PLACE.

d) The prevention of public nuisance

NOISE IS LIKELY TO BE THE MAIN NUISANCE, BUT AS THIS IS A NOISY
OUTDOOR SPORT IN A REMOTE DESTINATION THAT HAS BEEN HELD HERE
FOR OVER 30 YEARS I CAN NOT SEE THIS BEING A PROBLEM.

e) The protection of children from harm

NO CHILDREN TO ATTEND THE BAR WITHOUT ADULT SUPERVISION.

Checklist:

Please tick to indicate agreement

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in
--------------------	---

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>M. Pearce</i>
Date	2/2/2023
Capacity	APPLICANT

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

Consent of individual to being specified as premises supervisor

I MR MARK PEARCE
[full name of prospective premises supervisor]

of
90 VICTORIA AVENUE
CHARD
SOMERSET
TA20 1HF

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

ALCOHOL APPLICATION FOR A PREMISES LICENCE
[type of application]

by MR MARK PEARCE
[name of applicant]

relating to a premises licence -----
[number of existing licence, if any]

for

SMEATHARPE STADIUM
CLAYHIDON
EX14 4SP

and any premises licence to be granted or varied in respect of this application made by

[name of applicant]

MR MARK PEARCE

concerning the supply of alcohol at

SMEATHARPE STADIUM
CLAYHIDON
EX14 4SP

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

052442

[insert personal licence number, if any]

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

SOUTH SOMERSET DISTRICT COUNCIL
01935 462 462

Signed



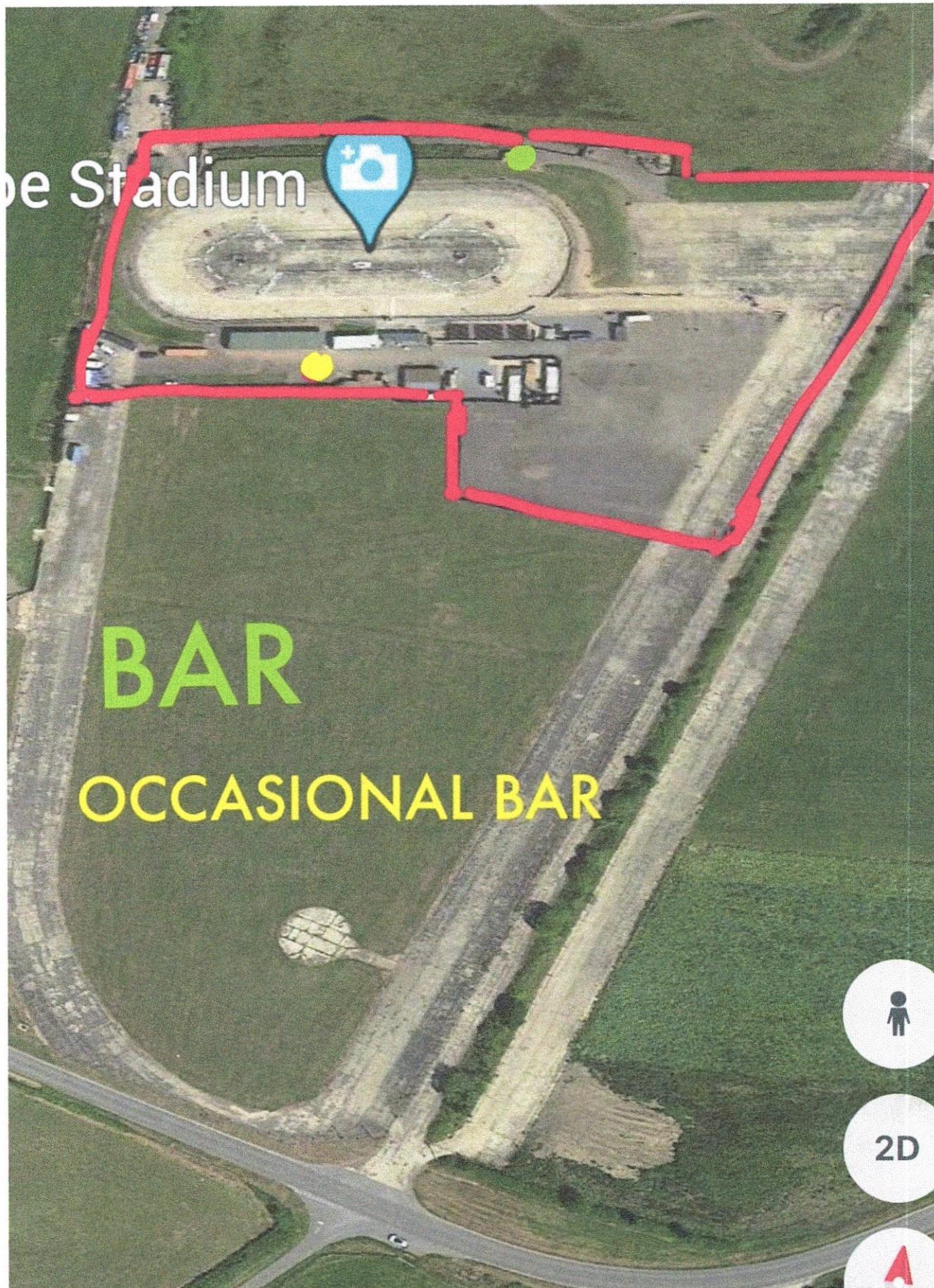
Name (please print)

MARK PEARCE

Date

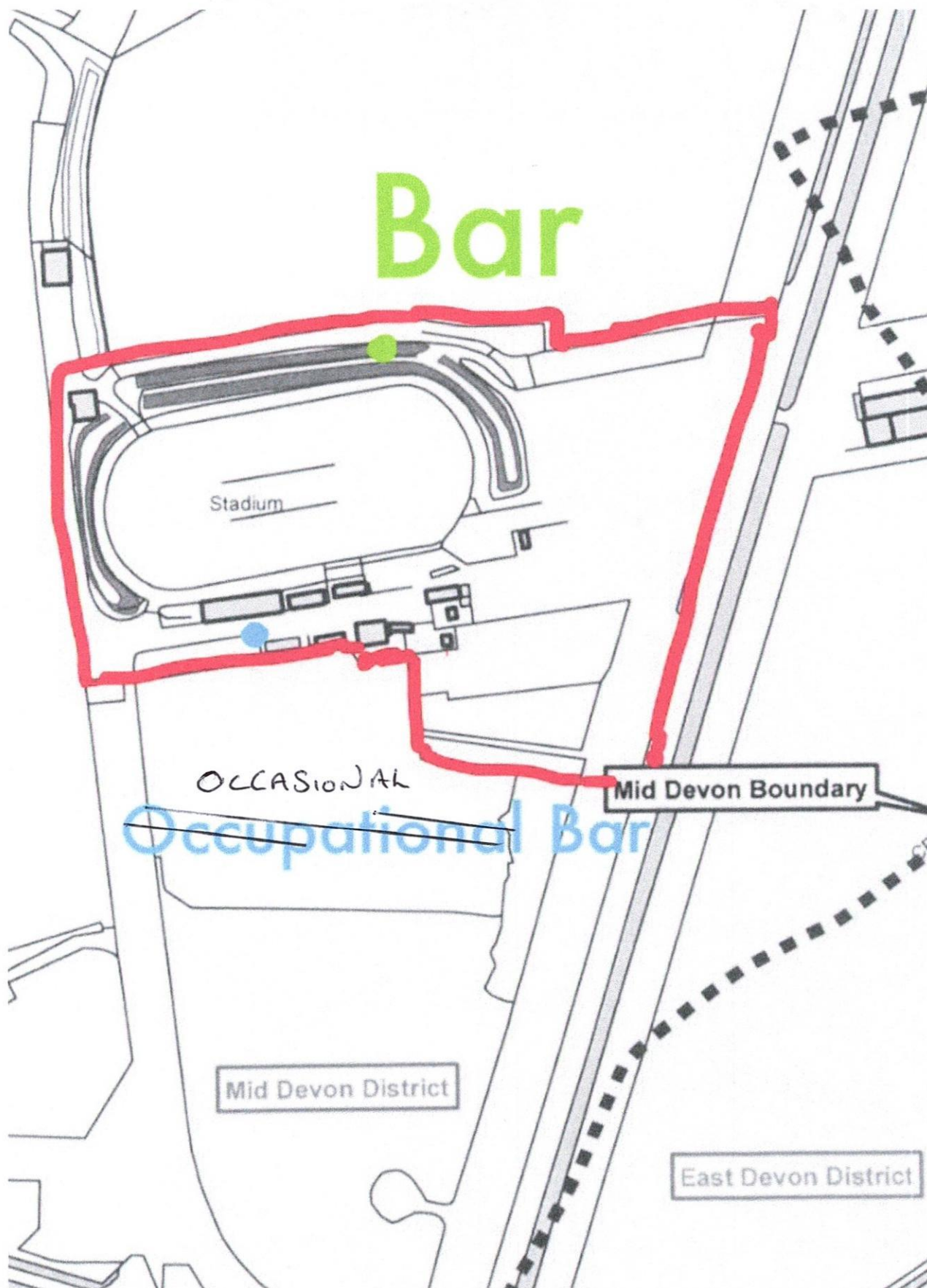
2/2/2023

From: mark pearce mark9279@outlook.com
Subject:
Date: 2 February 2023 at 15:41
To: jonesy@thehotelphoenix.com



From: mark pearce mark9279@outlook.com
Subject:
Date: 2 February 2023 at 15:41
To: jonesy@thehotelphoenix.com

MP



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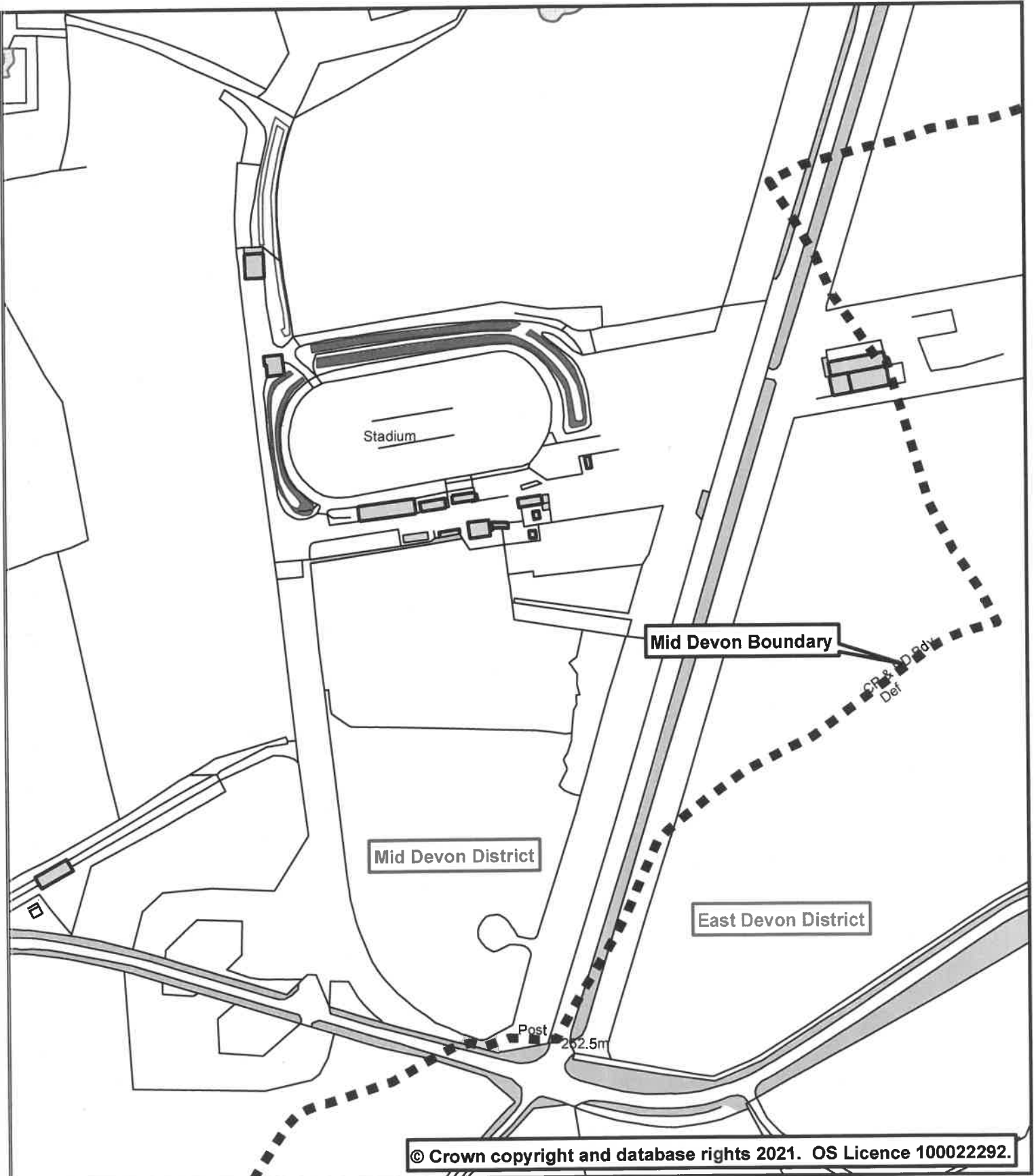


Licensing and Community Safety

Phoenix House
Phoenix Lane, Tiverton EX16 6PP

Tel: 01884 255255

Website: www.middevon.gov.uk



Scale 1:2,500 @ A4

Date 09 August 2021

Drg. No. Smeatharpe Stadium, Clayhidon, Devon

Produced by GMS Unit

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Mid Devon District Council – Licensing Act 2003

REPRESENTATION FORM

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

Your full name	Mrs Wendy Higginson
The name of the organisation / body you represent (if appropriate)	
Postal address	[REDACTED] Smeatharpe, Honiton, EX14 9RF
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Smeatharpe Stadium
Address of the premises you are making a representation about	Smeatharpe Stadium, Clayhidon, Honiton, Devon, EX14 4SP

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	As Smeatharpe Stadium can only be reached by car, there will be an increased risk of "Drink Driving!"
Public safety	YES	An increased risk of "Drink Driving" as Smeatharpe village can only be reached by car. No public transport. Many hidden access roads and no footpaths.
To prevent public nuisance	YES	Increased traffic and therefore noise and litter within an area of AONB. Likely increase in number of noisy events.
To protect children from harm	YES	As "Public Safety" above.

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	
--	--

Signed: Wendy Higginson

Date: 6th March 2023

Please see notes on reverse

NOTES

If you are making a representation in relation to a 'new' premises or a 'full variation' please read the following notes:

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

If you are making a representation in relation to a 'minor variation' please read the following notes:

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

Mid Devon District Council – Licensing Act 2003

REPRESENTATION FORM

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

Your full name	James Rogan
The name of the organisation / body you represent (if appropriate)	
Postal address	[REDACTED] Luppitt Ex14 4SP
Email address	[REDACTED]
Contact telephone number	

Name of the premises you are making a representation about	Smeatharpe Stadium
Address of the premises you are making a representation about	Smeatharpe Stadium EX14 4SP

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	yes	<p>This representation is made from a private property close to the Stadium.</p> <p>The application states that noise nuisance would not be a problem Quote "Noise is likely to be the main nuisance, but as this is a noisy outdoor sport in a remote destination that has been held here for over 30 years I cannot see this being a problem."</p> <p>This ignores the fact that events at the stadium have been controlled by Mid Devon Council by the means of a restriction on the number of events involving motor racing, practices and demonstrations by the Planning restrictions and licensing registration system for other ad hoc events which has been in place for many years.</p> <p>The licence is clearly aimed at giving the stadium the opportunity of holding many more events for drinking alcohol related to motor and music events without seeking further permission, both of which have been a nuisance to local neighbours and subject to complaint, who would prefer to have the current restrictions maintained. The prospect of evening events also increases the number of occasions when there is significant light pollution from overhead floodlighting. This application is not consistent with maintaining the delicate environment of an area of outstanding beauty (AONB) and undermines the setting up of the stadium to have limited events in order to preserve the agrarian and tranquil area.</p>

To protect children from harm		
-------------------------------	--	--

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	Keep the current restrictions of application for licenses to a limited number of events per year.
--	---

Signed: J Rogan

Date: 20th February 2023

Please see notes on reverse

NOTES

If you are making a representation in relation to a 'new' premises or a 'full variation' please read the following notes:

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

If you are making a representation in relation to a 'minor variation' please read the following notes:

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

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Mid Devon District Council – Licensing Act 2003

REPRESENTATION FORM

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

Your full name	Lisa Turner
The name of the organisation / body you represent (if appropriate)	Blackdown Hills AONB Partnership
Postal address	Riverside, Hemyock, Cullompton, Devon EX15 3SH
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	Smeatharpe Stadium
Address of the premises you are making a representation about	Smeatharpe Stadium, Clayhidon, Honiton, Devon EX14 4SP

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	It is considered that granting of this licence would have an effect on the licensing objective of preventing public nuisance and would be at odds with conserving and enhancing the AONB. Please see statement on separate sheet at end of form.
To protect children from harm		

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	Conditions limiting opening hours. Conditions limiting sales only to those attending events on the premises and only for the duration of said events.
---	--

[REDACTED]

Signed:

NOTES

If you are making a representation in relation to a 'new' premises or a 'full variation' please read the following notes:

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

If you are making a representation in relation to a 'minor variation' please read the following notes:

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

Alternatively, you can email it to licensing@middevon.gov.uk.

Reason for representation

I am writing to make representations to this licence application on behalf of the Blackdown Hills Areas of Outstanding Natural Beauty (AONB) Partnership as an interested party.

The AONB Partnership is a coalition of local authorities, government agencies, conservation organisations and community groups who work together to conserve and enhance this nationally important landscape. Smeatharpe is located at the geographical centre of the AONB.

It is our view that the Licensing Act should not be considered in isolation. The statutory purpose of Areas of Outstanding Natural Beauty is to conserve and enhance their natural beauty. The Countryside and Rights of Way Act 2000 places a duty on local authorities and other public bodies to have regard to this purpose in exercising their functions and duties. Defra guidance on this duty reiterates that it applies “to any decisions or activities an authority may take affecting land in these areas; not just to those that relate to narrowly-defined environmental or ‘countryside’ issues.”

The Blackdown Hills AONB Management Plan 2019 – 2024 is a statutorily required plan for the area. This sets out local authority policies for managing the AONB and contains the following policies considered to be relevant to this licence application:

RET3: Tourism and recreation provision will contribute to the local economy without harming the Blackdown Hills landscape, historic environment, biodiversity or tranquillity, and respecting the special qualities of the AONB

LC3: Promote high levels of peace and tranquillity with dark night skies by minimising noise, intrusive development and light pollution

Within this context it is considered that granting of this licence would have an effect on the licensing objective of preventing public nuisance and would be at odds with conserving and enhancing the AONB.

Although a well-established venue, racing and other activities at the stadium are rightly limited in respect of days and hours currently. It is therefore of some concern that this application appears to be well over and above that required to provide a service for spectators and participants at organised events. A licence which permits sale and consumption of alcohol 365 days a year up to 11.30 pm each night at an outdoor venue in the middle of the AONB risks encouraging additional noise, lights, activity and traffic which would adversely affect nocturnal wildlife and nearby residents and holiday-makers.

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