

Licencing Sub Committee

Friday, 26 April 2024 at 1.30 pm
Phoenix House

Membership

C Adcock
J M Downes
L G J Kennedy

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 Variation Application for General Sir Redvers Buller, 37 High Street, Crediton, Devon. EX15 3JP (Pages 5 - 96)**

An application has been received to vary the premises licence for General Sir Redvers Buller, 37 High Street, Crediton, Devon, EX17 3JP.

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

Stephen Walford
Chief Executive
12th April 2024

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LICENSING SUB COMMITTEE

DATE OF HEARING: FRIDAY 26 APRIL AT 1.30PM

DETERMINATION OF A PREMISES LICENCE VARIATION APPLICATION FOR GENERAL SIR REDVERS BULLER, 37 HIGH STREET, CREDITON, DEVON, EX17 3JP

Cabinet Member(s):	David Wulff, Cabinet Member for Community & Leisure
Responsible Officer:	Simon Newcombe, Corporate Manager for Public Health, Regulation & Housing.
Reason for Report:	<p>An application has been received to vary the premises licence for General Sir Redvers Buller, 37 High Street, Crediton, Devon, EX17 3JP.</p> <p>Relevant representations have been received and the Licensing Authority (Mid Devon District Council) must hold a hearing to determine the application.</p>

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 (Trading Standards), 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 An application has been submitted to vary the premises licence for General Sir Redvers Buller, 37 High Street, Crediton, Devon, EX17 3JP.
- 1.2 The General Sir Redvers Buller has held a premises licence since 2005, which was when the Licensing Act 2003 first had effect. A copy of the current Premises Licence is attached as **Annex 1** (Licence no. MDV PR0099).
- 1.3 From November 2005 to November 2023, this premises licence was held by 'JD Wetherspoon PLC'. In November 2023, the licence was transferred to 'Clarkan Trading Ltd'. They remain the current licence holder and have submitted the application to vary the licence which is now being considered.
- 1.4 The Licensing Authority is aware that the premises may have changed its name and requests that the Licence holder confirms if this is the case by emailing details to licensing@middevon.gov.uk.

Previous complaints and compliance issues

- 1.5 Since Clarkan Trading Ltd has held the licence, the Licensing Authority is unable to find any complaints about the premises on file, prior to the submission of the variation application on 4 March 2024. If any party has made complaints or experienced issues **prior** to the variation application being submitted on 4 March 2024, they should provide details of these to the Licensing Team with their response to the Notice of Hearing. This will allow, if necessary, time for copies of information to be made and circulated to all relevant parties (i.e. the applicant and members of the Sub-Committee).
- 1.6 The Sub-Committee should be aware that some of the parties that have submitted representations against the application have mentioned issues with the premises as a result of an event held on 29 March 2024.
- 1.7 This event was held under a Temporary Event Notice (TEN) which was submitted on 13 March 2024 to enable the sale of alcohol and the provision of regulated entertainment on 29 and 30 March 2024 from 17:00 to 00:00. The Premises User had stated on the TEN that it was to cover live music indoors for a total of 150 people.
- 1.8 So Interested Parties are aware, a TEN is a 'notice' and is submitted by a person to authorise licensable activities on a temporary basis. It is not an application and assuming the statutory provisions are complied with and no representations are made by the Police or Environmental Health, TENs cannot be refused by the Licensing Authority.

2.0 THE APPLICATION

- 2.1 The application seeks to vary the licence by adding some licensable activities and removing a particular licence condition. In order to assist all parties, **Table 1** summarises the existing activities / times permitted by the licence, along with new activities / times being applied for. This table does not include extensions permitted by the licence for specific days (i.e. New Year's Eve, St Patrick's Day and Good Friday).

Licensable activity / opening hours	Day(s)	Current times	Times applied for
Plays (indoors)	Monday to Sunday	Not on licence	10:00 – 00:30
Live music (indoors)	Monday to Sunday	Not on licence	10:00 – 00:30
Live music (outdoors)	Monday to Sunday	Not on licence	10:00 – 21:00
Recorded music (indoors and outdoors)	Monday to Sunday	Not on licence	07:00 – 00:30
Performance of dance (indoors)	Monday to Sunday	Not on licence	10:00 – 00:30
Entertainment similar (indoors)	Monday to Sunday	Not on licence	10:00 – 00:30
Late night refreshment	Monday to Thursday	23:00 – 00:30	No change
	Friday	23:00 – 01:00	
	Saturday	23:00 – 01:00	
	Sunday	23:00 – 00:30	
Alcohol ON and OFF	Monday to Thursday	09:00 – 00:30	No change
	Friday	09:00 – 01:00	
	Saturday	09:00 – 01:00	
	Sunday	09:00 – 00:30	
Opening hours	Monday to Thursday	07:00 – 01:30	No change
	Friday	07:00 – 02:00	
	Saturday	07:00 – 02:00	
	Sunday	07:00 – 01:30	

Table 1: Existing times permitted by licence compared to times being applied for.

- 2.2 The application includes a request to remove the following condition from the licence:

'The premises shall operate in accordance with the document 'J D Wetherspoon PLC Overview of Operations', which will only be changed or amended after consultation and with the agreement of the Licensing Authority'.

- 2.3 The application form is attached as **Annex 2**. A copy of the existing plan for the premises can be seen as **Annex 3**.

- 2.4 As this is a variation application, the Sub-Committee are only considering those issues for which a variation is sought. They are not to review and amend the existing entitlements of the licence.

3.0 CIRCUMSTANCES IN WHICH ENTERTAINMENT ACTIVITIES ARE NOT LICENSABLE AND IMPACT ON CURRENT LICENCE / APPLICATION

- 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 So parties are aware, with regards to live and recorded music, 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 A licence is also not required to:

- put on unamplified live music at any place between the same hours; or
- put on amplified live music between 08.00 and 23.00, in a workplace that does not have a licence, provided that the audience does not exceed 500.

Indoor area of the premises

- 3.4 In this case, the inside area of the ground floor forms part of the 'licensed area' (as per the existing plan - **Annex 3**) and it is therefore likely that live and recorded music can take place here, in line with paragraph 3.2 above, without the need to vary the licence.

Outdoor area of the premises

- 3.5 Although the beer garden is included in the existing plan of the premises (**Annex 3**) it has not been included within the 'perimeter of licensed area', as highlighted on the plan with a red line. A note on the plan states:

'All public areas of the premises can be used for recorded music, late refreshment and for the supply and consumption of alcohol'.

- 3.6 This is somewhat confusing in the sense that recorded music was not actually permitted by the licence but the plan indicated all public areas of the premises could be used for it.
- 3.7 As it was not included within the specific red line demarking the licensed area, the Licensing Officer is of the view that the beer garden does not, under the existing plan, form part of the licensed area.
- 3.8 This is an important point because it means that although alcohol can be consumed in the beer garden, it cannot be sold there. As a result, it may not benefit from the exemptions for certain entertainments, as highlighted in paragraph 3.2 above.
- 3.9 However, if it is not part of the licensed area (and therefore not licensed) it could still potentially benefit from the workplace exemption which permits live music, not recorded music, in accordance with paragraph 3.3 above. This is based on the permissions of the existing licence – as noted in paragraph 3.12 below, this may change as a consequence of the current variation application.
- 3.10 The Revised Guidance issued under section 182 of the Licensing Act 2003 (S182 Guidance) has some particularly relevant information on this issue:

'Beer gardens are often included as part of a premises licence or club premises certificate. Live amplified music that takes place in a beer garden is exempt from licensing requirements, provided the beer garden is included in the licence or certificate applying to the relevant licensed premises, and the performance takes place between 08.00 and 23.00 on the same day before an audience of 500 people or fewer'. (Paragraph 16.42)

'Where a beer garden does not form part of the relevant licensed premises and so is not included in plans attached to a premises licence or club premises certificate, it is nevertheless very likely that it will be a workplace. Paragraph 12B of Schedule 1 to the 2003 Act says that a performance of live music in a workplace that does not have a licence (except to provide late night refreshment) is not regulated entertainment if it takes place between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people. Note that the exemption in paragraph 12B does not apply to the playing of recorded music'. (Paragraph 16.43)

'However, a licensing authority may, where justified, impose a licence condition that relates to the performance of live music in an unlicensed beer garden being

served by any associated premises licence or club premises certificate. Provided such a condition is lawfully imposed, it takes effect in accordance with its terms'. (Paragraph 16.43)

- 3.11 Although the applicant has applied for live and recorded music outdoors as part of the variation application, they have not submitted an additional plan of the premises to show where this would be. In Part 3 of the application, the applicant states that live music would be in the beer garden so presumably, this is the outdoor area in which regulated entertainment would take place but the applicant is asked to confirm this in their response to the Notice of Hearing.
- 3.12 It is important to clarify this point because if the entertainment is proposed to take place in the beer garden, it is essentially extending the red line around this area for live and recorded music (but not the sale of alcohol). As a result, the workplace live music exemption would no longer appear to apply, as per Section 12B, Schedule 1 of the Licensing Act 2003. This is because the place where the performance would be provided (i.e. the beer garden) would then be 'licensed'* under the Licensing Act 2003.

*Note: The workplace exemption in Section 12B, Schedule 1 of the Licensing Act 2003 relies on the premises not being 'licensed', whereas the exemption highlighted in paragraph 3.2 of this report (and as per Section 12A (2) of Schedule 1) specifically relies on the premises licence authorising the sale of alcohol for consumption on the premises.

- 3.13 In summary, and in order to try and ensure it is clear for all parties going forward:
- As the premises is currently unable to sell alcohol in the beer garden, it does not benefit from the exemptions highlighted in paragraph 3.2 of this report.
 - As the beer garden does not currently form part of the licensed area, it could possibly benefit from the workplace exemption highlighted in paragraph 3.3 of this report.
 - If, depending on the outcome of this variation application, the beer garden forms part of the licensed area for entertainment purposes, the workplace exemption for live music would not apply. The beer garden would also still not benefit from the exemptions in paragraph 3.2 of this report.
- 3.14 The Licensing Authority appreciate that this is a significant consideration and invites any party that disagrees with the above view to provide further details as part of their response to the Notice of Hearing. This will hopefully give the Licensing Authority time to review this information prior to the hearing.

Regulated entertainment or incidental?

- 3.15 With regards to the entertainment being provided, it is important to make a distinction between music that is classed as 'regulated entertainment' under the

Licensing Act 2003 and music that is considered to be 'background' or 'incidental'.

3.16 The Section 182 Guidance states:

'The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act'. (Paragraph 16.57).

3.17 The explanatory notes of the Licensing Act 2003 state that:

A number of exemptions to regulated entertainment are included in the Act including:-...

b) music which is incidental to an activity which is not itself the provision of regulated entertainment, for example, music played in lifts or piano music played in the background in a restaurant.

3.18 This is relevant in this case because in Part 3 of the application form, the applicant has stated that they wish to 'add the provision of background music'. The applicant should therefore confirm if they require recorded music to be licensed, in the knowledge of the above information and the fact that background music is unlikely to be licensable.

Impact of licence conditions on non-licensable entertainment

3.19 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

3.20 Essentially, if the live and recorded music is not considered licensable, any conditions on a licence which apply will be 'suspended'. However, the licence could be reviewed if there are issues and at this stage, conditions could be made to have effect or be placed on the licence. It is important to note that this power follows on from an application to review a premises licence and this is therefore not a relevant consideration for the current application.

Dealing with issues as a result of non-licensable entertainment

- 3.21 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, as stated above.

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 As stated above, the applicant requests to remove the condition relating to operating in accordance with a JD Wetherspoon document. This makes sense as it is no longer relevant.

- 4.3 The applicant has also offered conditions in order to promote the licensing objectives and these can be seen in section M of the application form (attached as **Annex 1**).

- 4.4 It is the Licensing Officers view that some of these conditions require rewording to ensure they are precise and enforceable. Additionally, the Sub-Committee may want to consider the impact and usefulness of some conditions in their current format.

- 4.5 For example, the applicant has said that to prevent public nuisance they will be '*keeping windows closed after 9pm*'. However, this may not address the potential issue caused by doors left open longer than required for normal entrance and egress.

- 4.6 Additionally, the applicant has said '*we will keep a decibel meter on site and perform regular volume checks*'.

- 4.7 Ideally, and depending on the intention of the applicant, such a condition might define what 'regular' means (i.e. give a specific time period) and could quantify what level is considered acceptable / unacceptable along with the resulting actions that would then follow. This may have not been the intention of the applicant but in light of the representations, it is right for the Sub-Committee to consider such issues and ask the applicant to explain how such a condition would work in practice.

- 4.8 As part of their response to the Notice of Hearing, the applicant is asked to reconsider the wording of the conditions they have offered and provide the Licensing Authority with details of any potential amendments. To be clear, the

applicant does not have to provide updated conditions, but it may be helpful for the Sub-Committee and Other Persons to better understand what conditions and actions are proposed and how they will be complied with.

- 4.9 It may be helpful for the applicant to refer to the Council's '*Pool of licensing conditions*' document, which is available here:

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

5.0 RESPONSIBLE AUTHORITIES

- 5.1 Responsible Authorities under the Licensing Act 2003 are notified of all full premises licence variation 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
- Home Office

- 5.3 No representation was received from any Responsible Authority concerning this application. As a result, they are not party to the hearing.

6.0 OTHER PERSONS

- 6.1 The Licensing Act 2003 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. The Section 182 Guidance states that '*... representations should relate to the impact of licensable activities carried on from premises on the objectives*' (Paragraph 9.4). For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

- 6.2 In this case, the Licensing Authority received THIRTEEN representations concerning the application. These are in opposition to the application (or 'negative').

- 6.3 The Sub-Committee should note that although THIRTEEN representations were received, not all elements of these representations are considered relevant by the Licensing Officer. **Table 2** (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 All of these representations are attached to this report in full (as identified in **Table 2**). It should be noted that further information (and justification) about what is and what is not considered relevant is provided in paragraph 7 of this report.
- 6.5 It is the Licensing Officers view that some of the representations are lacking information. However, paragraph 9.9 of the Section 182 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’.*
- 6.6 As a result, relevant parties will be expected to amplify and clarify their representations at the hearing. If someone feels that the brief summary below misses a specific point made within a representation then this can be stated in their response to the Notice of Hearing.

No.	Name	Issue(s) raised considered relevant	Issue(s) raised not considered relevant
1.	Teresa Hodges (Annex 4)	<ul style="list-style-type: none"> Live and recorded music (inside and outside) could lead to noise nuisance in a residential area. A change in the licence / operation of the premises could lead to increased noise and anti-social behaviour from patrons. 	
2.	Ian Hodges (Annex 5)	<ul style="list-style-type: none"> This representation appears identical to the one above. 	
3.	Emma Reid (Annex 6)	<ul style="list-style-type: none"> Live music (inside and outside) could lead to noise nuisance. 	<ul style="list-style-type: none"> The potential impact on the value of the property
4.	Holly Fairchild (Annex 7)	<ul style="list-style-type: none"> General comment about effect of application but must provide further information. 	

5.	Guy Garret (Annex 8)	<ul style="list-style-type: none"> • Live music (inside and outside) could lead to noise nuisance. 	<ul style="list-style-type: none"> • The representation states that '<i>increased alcohol consumption (longer hours)</i>' could lead to disorderly behaviour. However, the application does not seek to vary the existing hours for the sale of alcohol or opening.
6.	Mary Abbott (Annex 9)	<ul style="list-style-type: none"> • Live and recorded music (inside and outside) could lead to noise nuisance in a residential area • A change in the licence / operation of the premises could lead to anti-social behaviour. 	<ul style="list-style-type: none"> • Noise from traffic in the St Saviour's Way car park.
7.	Dawn Crofts (Annex 10)	<ul style="list-style-type: none"> • Music outside could lead to noise nuisance. 	
8.	Nathan Crofts (Annex 11)	<ul style="list-style-type: none"> • Music outside could lead to noise nuisance. 	
9.	Esme Cooper (Annex 12)	<ul style="list-style-type: none"> • Noise from music – experienced issue on 29 March 2024. • Noise from patrons. 	
10.	Avelie Stuart and Daniel Davey (Annex 13)	<ul style="list-style-type: none"> • Noise from music – experienced issue on 29 March 2024. • Outside rear area / beer garden closing an hour before premises closing time is too late and could result in loud noise and bright lights. • Monitoring and use of emergency footpath which leads from the beer garden. 	

		<ul style="list-style-type: none"> • Dispersal of patrons and possible public nuisance. 	
11.	Susan Welsh (Annex 14)	<ul style="list-style-type: none"> • Noise from music and people could lead to nuisance - experienced issue on 29 March 2024 and submitted video recording. 	
12.	Nigel Garside (Annex 15)	<ul style="list-style-type: none"> • Noise from music could lead to nuisance. 	
13.	Emma Rowe (Annex 16)	<ul style="list-style-type: none"> • Impact of late night noise from premises. • Concerns about behaviour of patrons. 	
Table 2. Brief summary of representations and relevance to licensing.			

- 6.7 A map showing the location of the premises in relation to those that have submitted representations will be sent to Members of the Sub-Committee prior to the hearing.

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, as they are attached separately.
- 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. 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 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, the Section 182 Guidance is referenced and further information about this Guidance can be found in paragraph 9 of this report.

Overview of issues considered relevant

- 7.6 **Issue 1:** Music from the premises leading to a nuisance
- 7.7 **Officer comment:** The potential for noise from music is relevant (in terms of public nuisance) and this has been raised as an issue both indoors and outdoors. The Licensing Officer does wish to clarify the following points:
- With regards to live music, the application requests this from 10:00 – 00:30 indoors and from 10:00 – 21:00 outdoors (Monday to Sunday).
 - Any conditions (or potential conditions) which relate to live or recorded music are suspended between 08.00 and 23.00, if certain conditions are met.
- 7.8 With regards to public nuisance, the Section 182 Guidance states:

‘Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues’. (Paragraph 2.23)

‘As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate’. (Paragraph 2.24)

'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 2.25)

7.9 Some of those that have made representations have noted that they experienced a noise nuisance on 29 March 2024. It would be helpful if the applicant can provide details of any actions taken at this event to try and ensure nearby residents were not adversely effected.

7.10 **Issue 2:** Behaviour of patrons / anti-social behaviour

7.11 **Officer comment:** This is relevant and the Sub-Committee needs to consider the concerns raised in light of the licensing objectives, and balance them against the conditions offered up / response of the applicant.

7.12 It should be noted that the Section 182 Guidance states:

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 2.25)

7.13 **Issue 3:** Dispersal of patrons and possible public nuisance

7.14 **Officer comment:** This is relevant and can be linked to the above point. The Sub-Committee may like to consider if the change in use of the premises (i.e. the addition of regulated entertainment) may result in a different atmosphere / dynamic that could potentially have an impact on these kinds of issues.

7.15 The Section 182 Guidance highlights that... *'premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective'. (Paragraph 8.44)*

7.16 **Issue 4:** Beer garden closing time(s) and loud noise / bright lights

7.17 **Officer comment:** This is relevant as the variation application seeks to use this area for licensable activities (i.e. live music until 21:00 and recorded music until 00:30). The Sub-Committee needs to consider the concerns raised in light of

the licensing objectives, and balance them against the conditions offered up / response of the applicant.

7.18 The existing licence does not appear to contain any restrictions on the use of the beer garden (i.e. specific closing times) and the Licensing Officer believes the Sub-Committee should think carefully about how to approach this matter. As stated in paragraph 2.4 of this report, the Sub-Committee should only consider those issues for which a variation is sought. They are not to review and amend the existing entitlements of the licence and in this instance, it is the applicant that has offered a condition to close the outside rear area / beer garden an hour before the premises closing time.

7.19 To be clear, the Licensing Officer is of the view that the Sub-Committee can restrict / condition the use of the outside area in relation to the activities applied for, if deemed necessary, but should not restrict access to this area in general, beyond what the applicant has offered, because the current licence permits this up until the closing times.

7.20 If there were subsequent issues with the use of the beer garden as a result of non-licensable activities, they could legitimately be addressed via other means, such as a review of the licence and conditions being added. The Section 182 Guidance confirms this:

'If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the 2003 Act came into force...

It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time'. (Paragraph 16.52)

7.21 The condition offered by the applicant could also be clarified in the sense that it is not clear if closing the external area ties in with the closing times of the licence OR the times they decide to close on any given day, which could be earlier than the licence permits.

7.22 **Issue 5:** Monitoring and use of emergency footpath

7.23 **Officer comment:** This is potentially relevant but it may depend on the extent to which the licence holder can exert control over this area. The Licensing Officer hopes to visit the premises prior to the hearing to better understand where this path is in relation to the beer garden. If it is an emergency exit / route then it may well need to be kept clear but there may be a number of parties responsible for this.

7.24 It must be remembered that conditions must be focused on matters which are within the control of individual licence holders.

Overview of issues NOT considered relevant

- 7.25 **Issue 6:** Impact on the value of a property
- 7.26 **Officer comment:** There was a comment that the value of a property may be effected by the premises in some way. As stated above, 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. The value of a property does not link to a licensing objective and is therefore not relevant.
- 7.27 **Issue 7:** Noise from traffic in the St Saviour's Way car park
- 7.28 **Office comment:** The licence holder has no control over the use of a public car park, which, regardless of the current application, can be used by anyone. Any conditions need to be focused on the matters which are within the control of individual licence holders and this means on the premises and within its vicinity. For this reason, the issue is not considered relevant.

Issue concerning the protection of children from harm licensing objective

- 7.29 Some of the representations mention the possible issue of children not on the premises hearing foul language and this engaging the protection of children from harm licensing objective. The Licensing Officer understands and appreciates the concern but would question whether or not this does engage the protection of children from harm objective, as opposed to the public nuisance objective.
- 7.30 With regards to the protection of children from harm, the Section 182 Guidance states:
- Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.* (Paragraph 2.26).
- 7.31 As a consequence, the Licensing Officer believes that the concerns raised, insofar as they are understood, do not apply to children being on the actual premises.
- 7.32 Additionally, Section K of the application asks the applicant to state what adult entertainment or services they may undertake at the premises which may give rise to concern in respect of children. This has been completed as ‘N/A’.
- 7.33 None of this negates the fact that this could still be a public nuisance issue and a licence holder should manage the premises in a way that promotes the licensing objectives. This includes supervising and managing the behaviour of those on the premises.
- 7.34 In summary, the Licensing Officer believes the following to be potentially relevant / not relevant for the Sub-Committee to consider:

Relevant	
Issue 1	Music from the premises leading to a nuisance
Issue 2	Behaviour of patrons / anti-social behaviour
Issue 3	Dispersal of patrons and possible public nuisance
Issue 4	Beer garden closing time(s) and loud noise / bright lights
Issue 5	Monitoring and use of emergency footpath

Not relevant	
Issue 6	Impact on the value of a property
Issue 7	Noise from traffic in the St Saviour's Way car park

8.0 LICENSING POLICY

- 8.1 The Licensing Act 2003 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 *In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their operating schedule to address any potential public nuisance issue. (Paragraph 6.16)*
- 8.16 *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)*
- 8.17 *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)*
- 8.18 *Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:*
- be appropriate, reasonable and proportionate*
 - be enforceable*
 - not duplicate other statutory requirements*
 - be relevant to the particular type, location and character of the premises concerned*
 - not be standardised*
 - should be justifiable and capable of being met*
 - not replicate offences set out in the Act or in other legislation*
 - be written in a prescriptive format. (Paragraph 6.22)*

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

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

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

9.0 GOVERNMENT GUIDANCE

- 9.1 Members are also obliged to have regard to the Guidance produced under Section 182 of the Licensing Act 2003. The most recent version of this was published in January 2024 and various sections have been highlighted throughout this report. The Guidance can be viewed here:

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

10.0 DETERMINATION AND OPTIONS OF THE SUB-COMMITTEE

- 10.1 The 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 any 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. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business... (Paragraph 9.44)*

Options of the Sub-Committee

- 10.6 By virtue of Section 35 (3) and (4) of the Licensing Act 2003, the Sub-Committee must, having regard to any relevant representations, take such steps it considers appropriate for the promotion of the licensing objectives.

These steps are:

- To grant the variation, as applied for;
- To modify the conditions of the licence (conditions are modified if they are altered or omitted or any new condition is added);
- To reject the whole or part of 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 17**. In so far as is possible and practicable, the Licensing Authority will work in accordance with this procedure.

13.0 ANNEXES TO THIS REPORT

Annex 1	Copy of current premises licence
Annex 2	Copy of application form
Annex 3	Plan of premises
Annex 4	Representation 1
Annex 5	Representation 2
Annex 6	Representation 3
Annex 7	Representation 4
Annex 8	Representation 5
Annex 9	Representation 6
Annex 10	Representation 7
Annex 11	Representation 8
Annex 12	Representation 9
Annex 13	Representation 10
Annex 14	Representation 11
Annex 15	Representation 12
Annex 16	Representation 13
Annex 17	Procedure for hearings

Contact for more Information: Tom Keating (Specialist Lead, Licensing) / tkeating@middevon.gov.uk OR Harriet Said (Team Lead, Commercial) / hsaid@middevon.gov.uk

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

List of Background Papers:

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

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You are here » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 14:46 on 8 April 2024

General Sir Redvers Buller

37 High Street, Crediton, Devon, EX17 3JP

Premises Licence MDV PR0099 from from 19/12/2023 to indefinite

Licence holder(s)

Full Name:	Clarkan Trading Ltd
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Designated Premises Supervisor

Full Name:	Courtney Jade Curtis
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Permitted Activities

- the supply of alcohol
- provision of late night refreshment

Premises Open Hours Granted

	Time From	Time To
Monday to Thursday	07:00	01:30
Friday and Saturday	07:00	02:00
Sunday	07:00	01:30
Christmas Eve	07:00	03:00
Boxing Day	07:00	03:00

Activities - Times Granted

	Time From	Time To
I. Late night refreshment (Indoors)		
Monday to Thursday	23:00	00:30
Friday and Saturday	23:00	01:00
Sunday	23:00	00:30
Christmas Eve	23:00	02:00
Boxing Day	23:00	02:00
J. Supply of alcohol for consumption ON and OFF the premises		
Monday to Thursday	09:00	00:30
Friday and Saturday	09:00	01:00
Sunday	09:00	00:30
Christmas Eve	09:00	02:00
Boxing Day	09:00	02:00

Additional Conditions

ANNEX 1 - MANDATORY CONDITIONS

No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or

- (b) an ultraviolet feature.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) 'permitted price' is the price found by applying the formula-

$$P = D + (D \times V)$$

Where-

- i. P is the permitted price,
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-

- i. the holder of the premises licence,
- ii. the designated premises supervisor (if any) in respect of such a licence, or
- iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) 'valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Alcohol can be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The premises opening hours, provision of late night refreshment and supply of alcohol can be provided for an additional hour to the finish times on the following dates:-

Burns Night - 25th January
Australia Day - 26th January
St David's Day - 1st March
St Patrick's Day - 17th March
St George's Day - 23rd April
St Andrew's Day - 30th November

The premises opening hours, provision of late night refreshment and supply of alcohol can be provided for an additional 30 minutes to the finish times on the following dates:-

Thursday immediately preceding Good Friday
Sunday immediately preceding a Bank Holiday Monday

The premises shall operate in accordance with the document 'J D Wetherspoon PLC Overview of Operations', which will only be changed or amended after consultation and with the agreement of the Licensing Authority.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

N/A

Premises Plans

- [Page 1 of 1](#)

Application to vary a premises licence 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/ Clarkan Trading Ltd
We

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number MD VPR 0099

Part 1 – Premises Details

GENERAL SIR REDVERS BULLER HIGH STREET				
<table border="1"> <tr> <td>Post town</td> <td>CREDITON</td> <td>Postcode</td> <td>EX17 3JP</td> </tr> </table>	Post town	CREDITON	Postcode	EX17 3JP
Post town	CREDITON	Postcode	EX17 3JP	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 34,300

Part 2 – Applicant details

Daytime contact telephone number	RYAN STANSFIELD		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes 

No

DD MM YYYY

If not, from what date do you want the variation to take effect?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

ADD THE PROVISION OF BACKGROUND MUSIC
BETWEEN THE HOURS OF 7AM AND 12.30AM

ADD THE PROVISION OF LIVE PERFORMANCE IN THE BEER GARDEN
BETWEEN THE HOURS OF 10AM AND 9PM

ADD THE PROVISION OF LIVE PERFORMANCE INSIDE
BETWEEN THE HOURS OF 10AM AND 12.30AM

ADD THE PERFORMANCE OF DANCE INDOORS
BETWEEN THE HOURS OF 10AM & 12.30AM

ADD ANYTHING OF A SIMILAR PROVISION SUCH AS PUB QUIZZES & RAFFLES
WITH AMPLIFIED VOICE
BETWEEN THE HOURS OF 10AM AND 12.30AM

REMOVE THE CONDITION;
"THE PREMISES SHALL OPERATE IN ACCORDANCE WITH THE DOCUMENT 'J D
WETHERSPOON PLC OVERVIEW OF OPERATIONS', WHICH WILL ONLY BE
CHANGED OR AMENDED AFTER CONSULTATION AND WITH THE AGREEMENT OF
THE LICENSING AUTHORITY"






If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

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) 

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
Day	Start	Finish	Both		
Mon	10AM	12.30 AM	<u>Please give further details here</u> (please read guidance note 5)		
Tue	10AM	12.30 AM			
Wed	10AM	12.30 AM			
Thur	10AM	12.30 AM	<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Fri	10AM	12.30 AM	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	10AM	12.30 AM			
Sun	10AM	12.30 AM			

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) OUTDOORS 10AM TO 9PM		
Mon	10AM	12.30 AM			
Tue	10AM	12.30 AM			
Wed	10AM	12.30 AM	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	10AM	12.30 AM			
Fri	10AM	12.30 AM			
Sat	10AM	12.30 AM	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) OUTDOORS BETWEEN 10AM AND 9PM ONLY		
Sun	10AM	12.30 AM			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	
				Outdoors	
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	7AM	12.30 AM	<u>Please give further details here</u> (please read guidance note 5)		
Tue	7AM	12.30 AM			
Wed	7AM	12.30 AM			
Thur	7AM	12.30 AM	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Fri	7AM	12.30 AM	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	7AM	12.30 AM			
Sun	7AM	12.30 AM			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	10AM	12.30 AM			
Tue	10AM	12.30 AM			
Wed	10AM	12.30 AM	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	10AM	12.30 AM			
Fri	10AM	12.30 AM			
Sat	10AM	12.30 AM	<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 7)		
Sun	10AM	12.30 AM			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	Indoors <input checked="checked" type="checkbox"/>
Mon	10AM	12.30 AM		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	10AM	12.30 AM	<u>Please give further details here</u> (please read guidance note 5) PUB QUIZ MEAT RAFFLE PUB BINGO	
Wed	10AM	12.30 AM		
Thur	10AM	12.30 AM	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)	
Fri	10AM	12.30 AM		
Sat	10AM	12.30 AM		
Sun	10AM	12.30 AM	<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 7)	

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)			
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 7)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<u>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</u> (please read guidance note 7)		

K

<p>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 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			<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 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove the following condition:

The premises shall operate in accordance with the document 'J D Wetherspoon PLC Overview of Operations', which will only be changed or amended after consultation and with the agreement of the Licensing Authority.



Please tick as appropriate

I have enclosed the premises licence



I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

ENSURE TRAINING OF ALL STAFF IN MANAGING THE BELOW CONDITIONS
APPROPRIATE SIGNAGE WILL BE PLACED TO REAFFIRM THE BELOW
CONDITIONS
INDICATING TO PERFORMERS IN ADVANCE OF CUT OFF TIME(S)

b) The prevention of crime and disorder

REGULAR PERIMETER CHECKS BY STAFF & DPS

c) Public safety

REGULAR PERIMETER CHECKS BY STAFF & DPS
CHALLENGE 25 POLICY

d) The prevention of public nuisance


WE WILL KEEP A DECIBEL METER ON SITE AND PERFORM REGULAR
VOLUME CHECKS
WE WILL CLOSE THE OUTSIDE REAR AREAS/BEER GARDEN AN HOUR BEFORE
CLOSING
KEEPING WINDOWS CLOSED AFTER 9PM

e) The protection of children from harm


CHILDREN ONLY WELCOME UP UNTIL 1 HOUR AFTER FOODSERVICE ENDS
CHILDREN UNDER 17 MUST BE ACCOMPANIED BY AN ADULT
WE OPERATE A 'CHALLENGE 25' POLICY


Checklist:


Please tick to indicate agreement


I have made payment or 

I have not made payment of the fee because this application has been made in relation to the introduction of the late night levy.

I have sent copies of this application and the plan to responsible authorities and others where applicable. 

I understand that I must now advertise my application. 

I have enclosed the premises licence or relevant part of it or explanation. 

I understand that if I do not comply with the above requirements my application will be rejected. 

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	RYAN STANSFIELD
Date	26/2/24
Capacity	LEASEE

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	RUSSEL TOM CLARKE
Date	26/2/24
Capacity	DIRECTOR, CLARKAN TRADING LTD, PREMISES LICENCE HOLDER

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

[illegible][illegible]

1. Definition
 2. Classification
 3. Causes
 4. Pathogenesis
 5. Pathology
 6. Diagnosis
 7. Prognosis
 8. Treatment
 9. Prevention
 10. Conclusion

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ANNEX 4

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 Teresa Hodges
The name of the organisation / body you represent (if appropriate)	
Postal address	■ St Saviours Way, Crediton. EX17 3■
Email address	■
Contact telephone number	■

Name of the premises you are making a representation about	The General Sir Redvers Buller,
Address of the premises you are making a representation about	37 High Street, Crediton EX17 3JP

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>I object strongly to any change in the premises licence that will permit the owner of the General Sir Redvers Buller public house to play recorded music or hold live music performances inside the pub, or in the beer garden.</p> <p>When I moved into my home ■ St Saviours Way in 1996, the building currently known as the Sir General Redvers Buller was a large, non- licenced, property with a garden at the rear. At that time the house was used as a meeting place for the Crediton Liberal Party. The building was later sold to JD Wetherspoon who converted it into a licensed premises and named the business The General Sir Redvers Buller.</p> <p>JD Wetherspoon recognised that they were creating a new public house and beer garden inside of a residential area and were always very considerate towards their neighbours. Wetherspoon also maintained a policy of not having live or recorded music playing inside or outside of their pubs. At the time, this reassured local residents that a new pub would not create a noise nuisance and may have worked in favour of Wetherspoon being granted a</p>

licence. Indirectly, the 'no music' policy has also been very effective in helping to reduce noise from customers leaving the premises.

The current proposal will create a new public noise nuisance where there was none before.

As the owner is seeking permission to play music inside the premises and host live music performances in the beer garden, this will adversely affect large numbers of people. In addition to those living in flats close by on the High Street, the noise will also affect people living around the St Saviours Way car park because it is in the centre of a residential area surrounded by houses, maisonettes and flats. Sound reverberates around the car park and noise generated from music played inside the pub during discos/dances/parties or other events can easily escape from windows and doors. This will disturb residents in the adjacent properties. Live music performances in the beer garden will be a particular problem for residents living in Albert Place, Town Park, Silbury Place, St Saviours Way and Greenway who will be exposed to loud, obtrusive noise.

When the current owner decided to purchase this business, he was aware that the property was surrounded by houses and flats. He would also have understood that the previous owner, Wetherspoon was focussed on selling food and drink in a relaxed atmosphere. By making an application to host live music performances and discos/dances we feel that he is seeking to turn the public house into a business that more closely resembles a nightclub.

Changing the type of entertainment available at the General Sir Redvers Buller would increase the probability that some customers leaving the premises would engage in loud, anti-social behaviour. This would have an extremely negative affect on the quality of life for people who live along Crediton High Street and in the surrounding area.

Finally, nearly all of the residential properties near the General Sir Redvers Buller and current beer garden were constructed long before the former Liberal Club was converted into a public house. People who moved into these homes did so in the knowledge that they were not going to be suffering noise nuisance or anti-social behaviour from the Liberal Club.

More recently, people moved into these homes knowing that JD Wetherspoon was a responsible business and good neighbour. It is unreasonable, therefore, to vary the premises licence so that noise nuisance from this new business will be allowed to blight the lives of people who bought or rented their homes before the public house changed hands. Residents of Town Park, Silbury Place, Albert Place, St Saviours Way, Greenway and the High Street should be able to enjoy living in Crediton without encountering public noise nuisance from inside or outside of the General Sir Redvers Buller.

To protect children from harm		
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<p>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).</p>	<p>I do not feel that this is the appropriate venue to play music inside or outside of the building under any circumstances.</p>
--	--

Signed



Date: 25th March 2024

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:

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	Mr Ian David Hodges
The name of the organisation / body you represent (if appropriate)	
Postal address	■ St Saviours Way, Crediton. EX17 3■
Email address	■
Contact telephone number	■

Name of the premises you are making a representation about	The General Sir Redvers Buller,
Address of the premises you are making a representation about	37 High Street, Crediton EX17 3JP

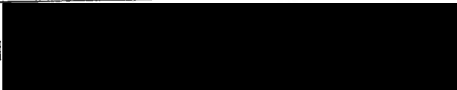
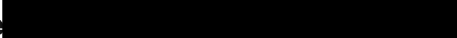
Your representation must relate to one of the four Licensing Objectives

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>I object strongly to any change in the premises licence that will permit the owner of the General Sir Redvers Buller public house to play recorded music or hold live music performances inside the pub, or in the beer garden.</p> <p>When I moved into my home ■ St Saviours Way in 1996, the building currently known as the Sir General Redvers Buller was a large, non- licenced, property with a garden at the rear. At that time the house was used as a meeting place for the Crediton Liberal Party. The building was later sold to JD Wetherspoon who converted it into a licensed premises and named the business The General Sir Redvers Buller.</p> <p>JD Wetherspoon recognised that they were creating a new public house and beer garden inside of a residential area and were always very considerate towards their neighbours. Wetherspoon also maintained a policy of not having live or recorded music playing inside or outside of their pubs. At the time, this reassured local residents that a new pub would not create a noise nuisance and may have worked in favour of Wetherspoon being granted a licence. Indirectly, the 'no music' policy has also been very effective in helping to reduce noise from customers leaving</p>

		<p>the premises.</p> <p>The current proposal will create a new public noise nuisance where there was none before.</p> <p>As the owner is seeking permission to play music inside the premises and host live music performances in the beer garden, this will adversely affect large numbers of people. In addition to those living in flats close by on the High Street, the noise will also affect people living around the St Saviours Way car park because it is in the centre of a residential area surrounded by houses, maisonettes and flats. Sound reverberates around the car park and noise generated from music played inside the pub during discos/dances/parties or other events can easily escape from windows and doors. This will disturb residents in the adjacent properties. Live music performances in the beer garden will be a particular problem for residents living in Albert Place, Town Park, Silbury Place, St Saviours Way and Greenway who will be exposed to loud, obtrusive noise.</p> <p>When the current owner decided to purchase this business, he was aware that the property was surrounded by houses and flats. He would also have understood that the previous owner, Wetherspoon was focussed on selling food and drink in a relaxed atmosphere. By making an application to host live music performances and discos/dances we feel that he is seeking to turn the public house into a business that more closely resembles a nightclub.</p> <p>Changing the type of entertainment available at the General Sir Redvers Buller would increase the probability that some customers leaving the premises would engage in loud, anti-social behaviour. This would have an extremely negative affect on the quality of life for people who live along Crediton High Street and in the surrounding area.</p> <p>Finally, nearly all of the residential properties near the General Sir Redvers Buller and current beer garden were constructed long before the former Liberal Club was converted into a public house. People who moved into these homes did so in the knowledge that they were not going to be suffering noise nuisance or anti-social behaviour from the Liberal Club.</p> <p>More recently, people moved into these homes knowing that JD Wetherspoon was a responsible business and good neighbour. It is unreasonable, therefore, to vary the premises licence so that noise nuisance from this new business will be allowed to blight the lives of people who bought or rented their homes before the public house changed hands. Residents of Town Park, Silbury Place, Albert Place, St Saviours Way, Greenway and the High Street should be able to enjoy living in Crediton without encountering public noise nuisance from inside or outside of the General Sir Redvers Buller.</p>
To protect children from harm		

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<p>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).</p>	<p>I do not feel that this is the appropriate venue to play music inside or outside of the building under any circumstances.</p>
--	--

Signed 
Please 

Date: 26/3/24

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.

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	Emma Louise Reid
The name of the organisation / body you represent (if appropriate)	N/A
Postal address	High St Crediton EX17 3
Email address	
Contact telephone number	

Name of the premises you are making a representation about	General Sir Redvers Buller
Address of the premises you are making a representation about	37 High St, Crediton EX17 3JP

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	No	
Public safety	No	
To prevent public nuisance	Yes	I am writing to strongly object to the proposed provision of live music both within the premises and in the beer garden. My property is in the alleyway opposite the side of the pub and my bedroom window is on that side of the property. I am a healthcare worker and start work early, with a 7-day shift pattern so any noise in the evening/night from live music will have a severe detrimental effect on my ability to relax and sleep in my own home and therefore would affect my quality of life & work. I also believe that this would have a negative effect on the value of my property and the ability to sell the property in the future as it mortgage companies may take this into account for potential mortgage applications. When I bought the property, the pub was owned by Wetherspoons who have a 'no music' policy so I did not take this into account when purchasing my property.
To protect children from harm	No	

If you are making a representation against a new application or full variation, please suggest any	I am not apposed to the provision of background music or amplified voice for pub quizzes, raffles etc within the premises with an earlier finish time e.g. 11pm
--	---

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:

Date: 28/03/2024

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.

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	Holly Fairclough
The name of the organisation / body you represent (if appropriate)	
Postal address	MOORE COURT HIGH STREET CREDITON EX173
Email address	
Contact telephone number	
Name of the premises you are making a representation about	GENERAL SIR RIVERS
Address of the premises you are making a representation about	CREDITON HIGH STREET

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	✓	I AM A NEIGHBOUR OF THE PUB AND MY CHILDRENS BEDROOM IS POSITIONED RIGHT NEXT TO THE GARDEN. THIS WILL HAVE A NEGATIVE EFFECT MY CHILDREN 1 OF WHICH HAS AUTISM.
To protect children from harm		

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

Signe

Date: 01/04/24

Please

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.

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	Guy Garrett
The name of the organisation / body you represent (if appropriate)	
Postal address	[REDACTED] East Village, Crediton EX17 4 [REDACTED]
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you are making a representation about	General Sir Redvers Buller
Address of the premises you are making a representation about	37 High Street, Crediton EX17 3JP

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	Increased alcohol consumption (longer hours) leading to disorderly behaviour in a primarily residential part of the High Street
Public safety	yes	Increased alcohol consumption (longer hours) leading to disorderly behaviour
To prevent public nuisance	yes	Noise of live music inside and outside will disturb residents in the vicinity, especially those in Linwood Terrace and the flats at [REDACTED] High Street which adjoin the pub and garden
To protect children from harm	no	

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).	Retain existing licence conditions
--	------------------------------------

Signed [REDACTED]

Date: 27-03-24

Please see notes on [REDACTED]

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ANNEX 9

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 MARY ABBOTT
The name of the organisation / body you represent (if appropriate)	
Postal address	<div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div> ST. SAVIOURS WAY CREDITON EX17 3 <div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div>
Email address	<div style="background-color: black; width: 100%; height: 20px;"></div>
Contact telephone number	<div style="background-color: black; width: 100%; height: 20px;"></div>

Name of the premises you are making a representation about	THE GENERAL SIR REDVERS BULLER
Address of the premises you are making a representation about	37, HIGH STREET CREDITON EX17 3NY

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	OBJECT STRONGLY TO ANY

		<p>CHANGE IN THE PREMISES LICENCE THAT WILL PERMIT THE OWNER OF THE GENERAL SIR REDVERS BULLER PUBLIC HOUSE TO PLAY RECORDED MUSIC OR HOLD LIVE MUSIC PERFORMANCES INSIDE THE PUB, OR IN THE BEER GARDEN. ON PURCHASING MY HOUSE IN 1981 THE AFORE MENTIONED BUILDING WAS A QUIET, NOISE-LICENCED MEETING PLACE FOR CREDITON LIBERAL PARTY WATER SOLD TO JD WETHERSPON CONVERTING IT INTO A LICENCED PREMISES, NAMING THE BUSINESS THE GENERAL SIR REDVERS BULLER. JD WETHERSPON'S CREATED A PUB WITH BEER GARDEN IN THE RESIDENTIAL AREA WHERE I RESIDE AND WERE CONSIDERATE NEIGHBOURS NOT HAVING LIVE OR RECORDED MUSIC PLAYING INSIDE OR OUT, WHICH MAY HAVE BEEN FAVOURABLE TO BEING GRANTED A LICENCE THUS REDUCING NOISE FROM EXITING CUSTOMERS.</p>
To protect children from harm		

<p>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).</p>	
---	--

Signed:

Date:

Please see notes on reverse

Cont'd

①

THE CURRENT PROPOSAL WILL CREATE A NEW NOISE NUISANCE, WHERE J.D. WEATHERSPOON WERE VERY CONSIDERATE IN AVOIDING THIS.

HOSTING LIVE PERFORMANCES IN THE BEER GARDEN UP UNTIL 12.30AM WILL ADVERSLEY AFFECT ALL THE LOCAL RESIDENTS OF TOWN PARK, SILBURY COURT AND THE HIGH STREET PROPERTIES AS WELL AS ST. SAVIOURS WAY.

INCREASE NOISE FROM TRAFFIC IN THE ST. SAVIOURS WAY CARPARK UP UNTIL 12.30AM WILL CAUSE RESIDENTS TO BE AFFECTED DURING SLEEPING HOURS, PARTICULARLY DURING SUMMER MONTHS WHEN WINDOWS ARE MORE LIKELY TO BE OPEN.

WITH THE LONGER HOURS APPLICATION LICENCE FOR MUSIC THIS RESEMBLES MORE OF NIGHTCLUB THAN A PUB AS IT WAS PREVIOUSLY WITH J.D. WEATHERSPOON.

THERE COULD BE A POSSIBILITY OF MORE ANTI-SOCIAL BEHAVIOUR WITH LONGER LICENCING HOURS NEGATING THE HEALTH & WELLBEING OF LOCAL RESIDENTS.

MOST OF THE RESIDENTIAL PROPERTIES SURROUNDING THE GENERAL SIR REDVERS BOILER WERE CONSTRUCTED WELL BEFORE THE LIBERAL CLUB CONVERSION TO A PUBLIC HOUSE, DOING SO KNOWINGLY AVOIDING ANY PUBLIC NOISE NUISANCE & ANTI-SOCIAL BEHAVIOUR.

INCREASING THE LICENCING HOURS WOULD SEEM TO BE UNREASONABLE AND DEFINITELY UNFAVOURABLE TO ALL THE SURROUNDING RESIDENTS WHO WOULD BE ADVERSLEY AFFECTED BY PUBLIC NOISE NUISANCE FROM WITHIN / OUTSIDE THE GENERAL.

- Court D

SIR REDVERS BUNNER.

I FEEL THIS IS TOTALLY INAPPROPRIATE TO
AFFORD THIS VENUE LICENCE TO PLAY MUSIC
INSIDE AND OUTSIDE OF THE BUILDING AT
ANY TIME OF THE DAY OR NIGHT.



24th March 2024.

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	Dawn Crofts
The name of the organisation / body you represent (if appropriate)	
Postal address	Moore Court. High Street, Crediton, Devon, EX173
Email address	
Contact telephone number	

Name of the premises you are making a representation about	The General Sir Redvers Public House EX173JP (now renamed The Kirton Cow)
Address of the premises you are making a representation about	37 High Street Crediton, Devon

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	No	
Public safety	No	
To prevent public nuisance	Y	<p>I am a resident that lives in a property adjacent to the garden of the pub. My own outside space is small but where I go to sit and relax and or read at the end of a day when the weather allows. The door into my lounge is less than 15 feet from the border of the pub garden and feel if music is allowed in their garden, it will have an impact inside my house also. I would like to be able to use my outside space without the additional sounds of music coming from the garden.</p> <p>I like to have my windows open and feel that if there is music being played I will not be able to do so without having to hear the music. I like all genres of music but I also like time to escape after busy times at work. The option or choice to escape within my own home will be taken away if all I can hear is music from the pub garden. The general "hum" of people being in the pub garden has never been an issue in the 17 years I have lived here. Concerning to see that on google if you search the pub, they are already promoting live music but I am of the belief they took on the Wetherspoons licence conditions which did allow music indoors.</p>
To protect children from harm	N	

--	--	--

<p>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).</p>	<p>I have no issues with music inside the venue as that can be contained.</p>
--	---

Signed:



Date: 31.03.24

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.

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	Nathan Crofts
The name of the organisation / body you represent (if appropriate)	
Postal address	Moore Court, High Street, Crediton, Devon, EX173
Email address	
Contact telephone number	

Name of the premises you are making a representation about	The GSRB Public House EX173JP (now renamed The Kilton Cow)
Address of the premises you are making a representation about	37 High Street Crediton, Devon

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	No	
Public safety	No	
To prevent public nuisance	Y	I live next to the garden of the pub and my outside space backs on to the boundary to that garden. During the summer months when the weather is warmer I come back from work and sit with a drink and enjoy the fresh air and the quiet after a busy day in a noisy farm shop. I accept that I live near a pub and have been used to the chatter and jovial noise that comes from the pub garden and don't see this as an issue. However I can choose if I want to listen to music inside my own house rather than having to experience this without any control after a busy day. I also can do shift work on a weekend which means an early rise on a morning, which as a result I get a reasonably early nights sleep which potentially would be affected. I frequent live music events myself all over the UK which are all different genres, but these are inside purpose built arenas or venues which means the noise is contained within said venue.
To protect children from harm	N	

If you are making a representation against a new application or full	Music inside the pub would not be an issue, as it is able to be contained.
--	--

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: [REDACTED]

Date: 31.03.24

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.
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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.
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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.

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	Esme Cooper
The name of the organisation / body you represent (if appropriate)	
Postal address	[REDACTED] High Street, Crediton, EX17 3 [REDACTED]
Email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	General Sir Redvers Buller, now known as Kirton Cow.
Address of the premises you are making a representation about	High Street, Crediton.

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	No	
Public safety	No	
To prevent public nuisance	Yes	This would be extremely detrimental to our quality of life. The noise issues arising from loud music, shouting, swearing in the pub and beer garden will affect a lot of residents living in such close proximity to the pub.
To protect children from harm	Yes	By allowing loud and live music and the accompanying drunk customers using foul language is not something any children in my family should have to experience.

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).	No, as any music license will be intolerable.
--	---

Signed:

Date:

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.
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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.
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Tiverton, Devon, EX16 6PP.

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

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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:

This is to accompany my 'representation' against any change in the license agreement regarding General Sir Redvers Buller pub, Crediton. Now known as Kirton Cow.

Sadly the Licensing department agreed to give the pub a Temporary Music License this past Friday evening (March 29th).

As residents we were not consulted nor told about this by the pub owners. I and my neighbours live literally 4 feet from the pub and had to endure loud live music until 11:05pm. I couldn't see if the pub windows were open but it certainly seemed as if they were. The noise was intolerable.

I can't understand why this license was agreed to when there are so many residents living alongside the pub and surely the Council would be able to see that from looking on the local map and know that we would all be affected by the noise.

I also thought that an establishment putting on loud music have to soundproof their building? Well the GSRB or KC does not have any such noise barriers.

My family and I have lived alongside the pub since it was the Liberal Club and have tolerated Wetherspoons being the license holder as they put actions in place to keep their customers quiet, they respected their place in the neighbourhood.

I do hope that you can understand why I am so against this application.

Esme Cooper

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	Avelie Stuart and Daniel George Stevenson Davey
The name of the organisation / body you represent (if appropriate)	
Postal address	█ Lynwood Terrace, High Street, EX17 3 █
Email address	█
Contact telephone number	█

Name of the premises you are making a representation about	General Sir Redvers Buller (newly renamed Kirton Cow)
Address of the premises you are making a representation about	37 High Street, Crediton EX17 3JP

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>We object to the proposed licensing changes to have live entertainment at the premises because it will prevent us from living comfortably in our own home. We live in one of the terraced houses next door to the premises. The premises has never previously had live entertainment.</p> <p>On the 29th March 2024, with the temporary license operating, we observed very loud live music from inside the premises, from 8:30pm until 11:30pm. The noise penetrated every room in our house even with all of our windows and doors closed. It was not possible to shut out the noise. This was unbearable.</p> <p>The proposed changes state that they want to play live music outdoors as well. The outdoors music would be even more unbearable than the indoor music. In addition, they request the ability to play live entertainment every day of the week.</p> <p>If these changes go ahead, we will not be able to sleep at night nor enjoy comfort in our home at any time there is live entertainment.</p> <p>In addition, we object to their request to leave the pub garden open until one hour before closing. If closing time</p>

		<p>is as late as 02:00 (or even 03:00 on holiday weekends), then this is far too late and would result in loud noise and bright lights shining into our windows.</p> <p>We are also concerned about the monitoring of the emergency exit footpath that goes directly between our house and the premises from the pub garden. People already use this despite signs telling them not to, and they walk past our kitchen window and peer in and on occasion have started shouting, and also leaving litter behind. The later the garden is open the more likely it seems this behaviour will occur. In general, we are also concerned about the public nuisance caused by the dispersal of people from the pub and the application does not say how this will be managed.</p>
To protect children from harm		

<p>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).</p>	<p>If full sound insulation measures are able to make the live entertainment completely inaudible from the outside then indoor music would be acceptable as long as the pub garden is closed early in the evening and people are prevented from using the garden emergency exits for non-emergencies.</p>
--	---

Date: 02/04/2024

Please see notes on reverse

NOTES

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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:

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4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

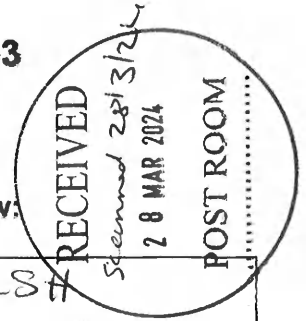
Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane,
Tiverton, Devon, EX16 6PP.

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	SUSAN CAROLINE WELSH
The name of the organisation / body you represent (if appropriate)	
Postal address	LYNWOOD TERRACE, HIGH STREET, CREDITON, EX17 3
Email address	
Contact telephone number	
Name of the premises you are making a representation about	GENERAL SIR REDVERS BULLER -- *NOW -- THE KIRTON COW*
Address of the premises you are making a representation about	37, HIGH STREET, CREDITON EX17 3JP

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	NO	
Public safety	NO	
To prevent public nuisance	YES	I believe that the proposed variation to the license at the above property would result in considerable disturbance and unreasonable noise for me, given my proximity to their premises. PLEASE SEE ATTACHED LETTER
To protect children from harm	NO	

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)	I can only suggest that the license should remain as it is now, where one is aware of a degree of activity, sometimes loud, but nothing at all intolerable.
---	---

Signed

Date: 28-03-2024

Please see notes on reverse

Mrs. Sue Welsh.

██████████ Lynwood Terrace,

High Street,

CREDITON

EX17 3 ██████████

28.03.2024

INFORMATION and STATEMENT to support my REPRESENTATION

Re: General Sir Redvers Buller, now The Kirton Cow, request for variation of the License for these premises

The rear wall of my terrace house backs onto the narrow service alley, which runs up the right hand side of the premises in question.

My kitchen windows are immediately opposite the double side doors accessing their bar area, doors which in summer are often left open, presumably for ventilation, so that one hears a degree of merriment and occasional shouting and swearing.

I feel very strongly that should dance music and amplified voice events be allowed, along with the inevitable loud laughter and shouting, they will often generate noise that I would find very intrusive, likely to disturb my sleep, and would be very hard to cope with.

In addition, live music in the Beer Garden will, inevitably again, be on those warmer summer days when one wants open windows or to sit in one's garden. With the music and the accompanying merriment that goes along with drinking, the proximity of this to my house and garden will be more than I can tolerate.

I lived previously near a pub (but considerably further away than to this one in question !) where live music all day on summer Sundays badly affected my

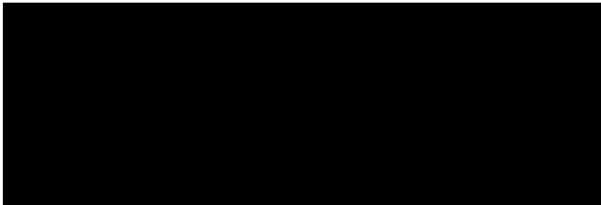
well-being. All windows had to be closed on the hottest days and on occasions I had to go out and away for some hours to get relief, so I have experienced the sort of situation before!

I am horrified that I may be subjected to this again. I am 83 now and unable to escape should I need to; nor should I have to.

I believe this would all amount to 'Unreasonable Noise', where it is defined as:

"Noise that unreasonably and substantially interferes with the use or enjoyment of a home".

Please accept my representation.



Susan C. Welsh.

Philip White

From: Sue Welsh [REDACTED]
Sent: 02 April 2024 14:08
To: Licensing
Subject: Fwd: Further to my Hand delivered Representation
Attachments: representation-form-for-other-parties(1).doc; VID_20240329_222507.mp4; VID_20240329_212835.mp4

Follow Up Flag: Follow up
Flag Status: Completed

Categories: REPRESENTATION

 You don't often get email from [REDACTED] [Learn why this is important](#)

Hopefully correct address now
----- Forwarded message -----

From: Sue Welsh [REDACTED]
Date: Tue, 2 Apr 2024 at 14:03
Subject: Further to my Hand delivered Representation
To: <licensing@middevon.co.uk>

[REDACTED] Lynwood Terrace,
High Street,
Crediton
EX17 3 [REDACTED]

Tues. 02.04.2024

Good afternoon,

Re. Representations Concerning change to Licensing for The Kirton Cow

On Thursday 28.03.2024 I submitted by hand my representation objecting to the above proposed change of Licence.

May I please add to that by this email ??

The disturbance I experienced, as an immediate neighbour of the pub, **from music in the bar on 29.03.2024, Friday evening**, was truly awful. Far worse than anything I had expected. I recorded some short videos from my back bedroom and will try to add them here as further support for my objection.
I would be most grateful if you would take these into consideration.

I have also added here a second representation form, in digital form, simply to tie both my representaions together.

My full statement is on my handwritten submission. (I apologise greatly if this is awkward for you. But at 83 I struggle with typing, with my eyesight and with unsure digital skills !! - even though I hope I have managed this OK!)

With many thanks,

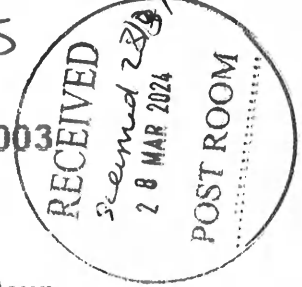
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ANNEX 15

15

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	Nigel Garside
The name of the organisation / body you represent (if appropriate)	n/a
Postal address	[REDACTED] Lynwood Terrace Crediton Devon EX17 3 [REDACTED]
Email address	[REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you are making a representation about	General Sir Redvers Buller
Address of the premises you are making a representation about	High St. Crediton Devon

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	no	
Public safety	no	
To prevent public nuisance	yes	Change in licensing restrictions will result in excessive noise to surrounding residential properties. Please refer to attached letter.
To protect children from harm	no	

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).	The pub garden should NOT be permitted any outdoor music nor noise-making activities. Amplified music both from within and outside the pub will be heard by adjoining residential properties.
--	---

Signed: N. Garside

Date: 26-03-24

Please see notes

NOTES

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Tiverton, Devon, EX16 6PP.

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

N. Garside
[redacted] Lynwood Terrace
Creddon
EX17 3 [redacted]

25-03-24

Ref. Licensing amendments General Sir Redvers Buller, High St Creddon

To, whoever it may concern,

I would like to take this opportunity to object in the strongest possible terms to the application by Clarkan Trading Ltd. regarding the licensing conditions at The General Sir Redvers Buller, High St. Creddon.

We live alongside the garden of the GSRB. We have lived in our property for 25 years and we have tolerated the voices from the pub when it was owned by Wetherspoons. We had a good working relationship with Wetherspoons who would ensure that reacted positively to neighbourly noise concerns and they understood their position within the local neighbourhood had a good working relationship within the community. The current licensing restrictions meant that we can enjoy relative peace both within our house and garden and ensure that neither us, nor the other surrounding residents, are subjected to any music/BBQ's/bouncy castles etc. from the pub garden.

The current application to allow unlimited music at any time from 10am until 9pm at any volume is not acceptable in a built up residential area when many peoples houses are mere feet away from the pub garden.

The noise from the pub garden can already be heard by ourselves, our neighbours, residents of Moore Ct. and residents of Town Park. If the current licensing restrictions are lifted by yourselves the increase in noise would be totally intrusive to many people in the area giving us nowhere to go to escape the noise having to live behind closed windows which, especially in summer, would be totally unacceptable.

We, ourselves, are separated from the pub by not much more than a hedge and I therefore implore you to refuse the application for outdoor music and any activity that would have such a detrimental effect on not only us but all the local residents.

I could guarantee that you yourself would not want to live next door to such noise, robbing you of your house and gardens' peace and quiet.

The licensing restrictions were placed on Wetherspoons for good reason. There is surely no reason to change. I am unaware that no other pub in Creddon has a licence for outdoor events.

Thankyou for your understanding and please put yourselves in our shoes when you are making your decision.

You are more than welcome to come and visit us and appreciate our proximity to the pub.

Yours

Nig

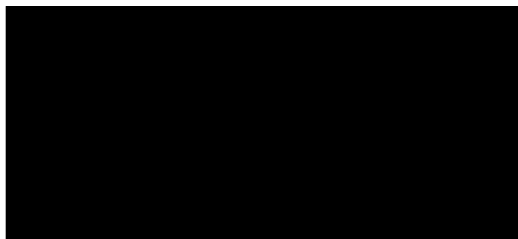
27th MARCH 2024

REF: LICENSING RESTRICTIONS RE: PUBLIC
HOUSE FORMERLY KNOWN AS
'GENERAL SIR REDVERS BULLER'
HIGH ST. CREDITON, DEVON.

PLEASE NOTE THAT SINCE THE PERIOD OF
CONSULTATION BEGAIN THE ABOVE PREMISES
HAS SINCE BEEN RE-NAMED TO
'THE KIRTON COW'

PLEASE READ THE ENCLOSED DOCUMENT AND
COVERING LETTER TO REFER TO THE
REJOINED ESTABLISHMENT.

MY OBJECTIONS AND CONCERNS STILL STAND
REGARDLESS OF THE RE-NAMING OF THE PREMISES.



NIGEL GORSIOE

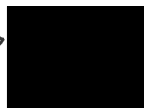


LYNWOOD TERRACE

CREDITON

DEVON

EX17 3



REPRESENTATION FORM

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

Your full name	Emma Rowe
The name of the organisation / body you represent (if appropriate)	
Postal address	moore court High Street Crediton Devon EX17 3
Email address	
Contact telephone number	

Name of the premises you are making a representation about	General Sir Redvers Buller Pub
Address of the premises you are making a representation about	General Sir Redvers Buller High Street Crediton

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	No	
Public safety	No	
To prevent public nuisance	Yes	the noise that late is not fair on residents especially the young and disabled. the increase in, in drunk, noisy, disruptive behaviour will cause significant distress.
To protect children from harm	Yes	I have two young autistic children who would not cope with this amount of noise they will have panic attacks and become very disregulated to the point of hurting themselves they should not have to live in fear in their own home.



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

once a month on fri, SAT Night
indoors only. all local residents
should be notified in advance.

Signed:



Date: 30/3/24

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.

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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

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.