

Licensing Committee

Friday, 27 June 2025 at 10.30 am
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Friday, 5 December 2025 at 10.30 am

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

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

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Meeting ID: 379 049 641 818

Passcode: 8jp6c8Dn

Membership

Cllr L J Cruwys

Cllr J Buczkowski

Cllr J Cairney

Cllr A Cuddy

Cllr D Broom

Cllr F J Colthorpe

Cllr J M Downes

Cllr G Duchesne

Cllr M Jenkins

Cllr S Keable

Cabinet Member for Planning and Economic
Regeneration

Cllr L G J Kennedy

Cllr J Lock

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **ELECTION OF CHAIR**
To elect a Chair of the Licensing Committee for the municipal year 2025/2026.
- 2 **ELECTION OF VICE-CHAIR**
To elect a Vice-Chair of the Licensing Committee for the municipal year 2025/2026.
- 3 **START TIME OF MEETINGS**
To agree a start time for the Licensing Committee for the municipal year 2025/2026.
- 4 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 5 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 6 **PUBLIC QUESTION TIME**
To receive any questions from members of the public and replies thereto.
- 7 **MINUTES OF THE LAST MEETING** (*Pages 5 - 8*)
To consider whether to approve the minutes as a correct record of the meeting held on 2 October 2024.
- 8 **LICENSING UPDATE REPORT** (*Pages 9 - 16*)
To provide the Committee with an update on Licensing Act 2003 regulatory activity as applicable to the Licensing Committee undertaken by the Licensing Team during 2024/2025.

To provide an overview of legislative and guidance changes and make recommendations where these have an impact on service delivery.

Stephen Walford
Chief Executive
Thursday, 19 June 2025

Guidance notes for meetings of Mid Devon District Council

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

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called “turn on live captions” which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **LICENSING COMMITTEE** held on 2 October 2024 at 12.00 pm

Present

Councillors

J Buczkowski, J Cairney, F J Colthorpe,
J M Downes, M Jenkins, S Keable and
L G J Kennedy

Apologies

Councillors

S Chenore, A Cuddy, D Broom and L J Cruwys

Also Present

Officers

Deborah Sharpley (Operations Manager Legal Services and Monitoring), Harriet Said (Team Leader (Commercial), Public Health), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

Councillor

Online

E Buczkowski

10 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:41)

Apologies were received from Cllr D Broom, Cllr L Cruwys and Cllr A Cuddy.

11 PUBLIC QUESTION TIME (00:04:55)

There were no public questions.

12 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:05:05)

There were no declarations of interest received.

13 MINUTES OF THE PREVIOUS MEETING (00:05:21)

The minutes of the 28 June 2024 were **APPROVED** and signed by the Chair.

14 GAMBLING ACT STATEMENT OF PRINCIPLES (00:05:45)

The Committee had before it a report * from the Head of Housing and Health which was presented by the Team Leader, (Commercial) Public Health of the Gambling Act Statement of Principles and highlighted the following:-

- The Gambling Act 3 principles were:-
 - (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - (ii) Ensuring that gambling was conducted in a fair and open way.
 - (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- Section 349 required Local Authorities to review and publish a Statement of Principles which must be published by January 2025 for Mid Devon District Council (the Council), and was a statutory 3 year process.
- It was proposed to carry out a minor review to meet these requirements however the Gambling Commission were due to publish revised guidance which would have an impact and a wider review would be carried out by the Council at that stage.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received as below:-
 - (i) Devon County Council
 - Language and terminology – using the term “harmful” gambling instead of “problem” gambling – this had now been adjusted within the Statement of Principles.
 - To provide additional training to those working in a licensed premises to include the ability to identify and provide support to vulnerable people and also recommendations for sharing and signposting support mechanisms for those experiencing gambling related harm – Both of these would be addressed by updating the Council’s website and to provide links to support networks and organisations.
 - The possible development and implementation of a Local Area Profile to better understand the groups at risk within the Mid Devon District – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (ii) GamCare
 - To explore ways to gather and analyse data to better understand the level of gambling related harm in Mid Devon. To work with partnerships to look at the wider public health approach - those issues would be considered as part of the next review once updated guidance had been issued.
 - The development and implementation of a Local Area Profile – this would be addressed as part of a more detailed review once the Gambling Commission had published revised guidance.
 - (iii) Parish Council - they did not give any specific feedback.
 - (iv) Village Hall – the response received would not be something that the Statement of Principles would address at a local level
- As the Statement of Principles was due to be published at the end of 2024 (weeks before it comes into effect on 31 January 2025) it would be presented to Full Council on 30th October 2024.

Discussion took place regarding:-

- The fees that the Council charged for services and whether that covered the costs of the services it offered. It was explained that the annual fee charge included an annual visit and administration costs and that the fees were prescribed.
- Whether the Statement of Principles also covered online gambling. It was explained that the Statement of Principles related to premises within the District only.

The Committee **RESOLVED** that the Gambling Act Statement of Principles as attached in Annexe A be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

15 **STATEMENT OF LICENSING POLICY (00:18:50)**

The Committee had before it a report * from the Head of Housing and Health and which was presented by the Specialist Lead, Licensing on the Statement of Licensing Policy and highlighted the following:-

- The Council was required to adopt a Statement of Licensing Policy on how it would administer its functions under the Licensing Act 2003.
- The changes to the Statement were not significant and included the following:
 - The removal of the Appendix C (pool of Conditions) and Appendix D (Code of good practice for licensed premises) attached to the Policy itself. These would now be standalone documents available online; they would be easier to update.
 - Additional information provided on non-licensable activities for local residents and how they could address concerns about these.
 - More information on bigger events and the Safety Advisory Group.
 - Additional information regarding drink spiking prevention and that licence holders and applicants should consider the safeguards they had in place to prevent it.
 - Safeguarding training for relevant premises.
- A consultation took place for 6 weeks from 12 July 2024 to 23 August 2024 during which 5 responses were received, but only 3 responses were directed at the Statement of Licensing Policy:-
 - (v) Devon County Council (DCC)
 - That they should be referred to as the Director of Public Health – this amendment had been made.
 - (vi) Member of the Public
 - Many points raised within the Policy were only relevant to DCC. The Specialist Officer had spoken to the person who had submitted the response but they did not give any examples of this. DCC were consulted on the Policy and they did not make any such comments themselves. It was also explained that DCC were a Responsible Authority under the Licensing Act 2003 so there would be an expected cross over. The Licensing Act 2003 had been in place for

almost 20 years and Responsible Authorities were familiar with their role.

- Members should be more involved with decision making and less should be delegated to officers as this was not best practice. The Specialist Officer explained that this related to the list of delegations contained within the Statement of Licensing Policy and was based on the Section 185 Guidance from the Home Office which was best practice. Therefore no amendment was proposed to the Statement of Licensing Policy in light of that comment. However in terms of Members being more involved this would be reviewed and the Council website would be updated to ensure members of the public had access and information to contact the relevant elected Member to discuss any concerns they had regarding a premises licence.
- (vii) Licence Holder – it was a good policy which was informative, useful and practicable.

Discussion took place regarding:-

- Whether drink spiking training would be mandatory and how would training be accessed. It was explained that it would not be mandatory however resources would be made available online and to point people in the right direction where training could be applied for and received. Furthermore, the 'Stamp out Spiking' organisation would be providing training to the Licensing Team in November 2024 on how they could better support licence holders and sign post them to guidance and information. Any relevant information would be brought to the next meeting of the Licensing Committee in December 2024.

The Committee **RESOLVED** that the Statement of Licensing Policy as attached in Annexe B be recommended to Full Council for approval.

(Proposed by the Chair)

Note: * Report previously circulated.

(The meeting ended at 12.30 pm)

CHAIRMAN



Report for: Licensing Committee

Date of Meeting:	27 June 2025
Subject:	LICENSING UPDATE REPORT
Cabinet Member:	Cllr David Wulff Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe, Head of Housing and Health
Exempt:	No
Wards Affected:	All wards
Enclosures:	None

Section 1 – Summary and Recommendations

To provide the Committee with an update on Licensing Act 2003 regulatory activity as applicable to the Licensing Committee undertaken by the Licensing Team during 2024/2025.

To provide an overview of legislative and guidance changes and make recommendations where these have an impact on service delivery.

Recommendation:

- 1. That the Licensing Committee note the report**

Section 2 – Report

1 Introduction

- 1.1 This report provides an overview of the activity carried out by the Licensing Team during 2024/25 as applicable to the Licensing Committee. Therefore, in respect of the following: regulated entertainment, late night refreshment, gambling and all aspects of alcohol licensing.
- 1.2 It also provides an overview of changes to legislation and guidance affecting the delivery of the Licensing service, and detail of service delivery constraints.

2 Service Delivery

Contextual data

- 2.1 The Licensing Team is responsible for issuing a range of premises licences and personal licences under the Licensing Act 2003, this is broken down as below
() = variance on last report:

Type of Licence	Total active	Issued or amended 2024/25	Surrendered or suspended
<i>Personal Licence</i>	1463 (+40)	55	0
<i>Premises With alcohol</i>	310 (+5)	73	3
<i>Premises with no alcohol</i>	64 (+1)	1	0
<i>Club premises with alcohol</i>	33 (-1)	2	0

- 2.2 Mid Devon currently has 407 premises licensed under the Licensing Act 2003. The Licensing Service dealt with applications from 18% of the licensed premises within the District during 2024/25, this will include new applications, and amendments via minor and full variations.

- 2.3 A Temporary Event Notice (TEN) is a notification given by an individual to the Licensing Authority where it is proposed to use a premises for one or more licensable activities during a period not exceeding 168 hours. They can be used to authorise relatively small-scale ad hoc events held in or on any premises involving no more than 499 people at any one time.

- 2.4 The number of Temporary Event Notices (TEN) issued within the last financial year:

Temporary Event Notices	Standard TEN 2024/25	Late TEN 2024/25
With alcohol	391	95
No alcohol	17	0

- 2.5 A total of 503 TENS were received during 2024/2025. A 12% increase on 2023/24 (448). There has been a year on year increase in the number of TENS that the team are receiving and processing.

- 2.6 Five pavement Licenses were issued during 2024/25. These licences permit the placement of removable furniture on a pavement in connection with an establishment where food and drink is sold for consumption on or off the premises.

2.7 Mid Devon has the following licences under the Gambling Act 2005:

Type of permit/Licence	Number active within District
Adult Gaming centres	2
Betting premises	3
Gaming machine permit	2
Club gaming permit	2
Club machine permit	2
Licensed premises gaming permit	4
Gambling machine notifications	76
Small society lotteries	73

Licensing at events

- 2.8 Licensing Officers sit on the Safety Advisory Group (SAG) for Mid Devon. The SAG is co-ordinated by the Council and made up of representatives from relevant services including the Licensing team and Public Health plus emergency services, other relevant bodies, and the event organiser.
- 2.9 SAGs provide a forum for discussing and advising on public safety at an event. They aim to help organisers with the planning, and management of an event and to encourage cooperation and coordination between all relevant agencies.
- 2.10 Discussions may extend beyond an organiser's duty to comply with workplace health and safety law and even the boundaries of an event site, to include considering the impact on the local transport network and civil contingencies in the event of an emergency. The advice provided by the SAG and any decisions taken are proportionate to the risk profile of the event.
- 2.11 The guiding principle is that events presenting a significant potential public safety risk (whether in terms of numbers and profile of people attending, or the nature of the event activity and/or the challenge of the environment) are considered by the SAG.
- 2.12 24 event organisers attended a SAG meeting where licensing related matters would have been raised/ advised on as relevant.
- 2.13 Officers visited Shobrooke Park, as a joint inspection with Police, Licensing and the Fire Officer during the setup of The Enchanted Ball, one of our biggest annual events within Mid Devon.
- 2.14 A site visit was also made to Mid Devon show to consider Licensable activities as well as Food Safety and Animal contact.

Inspections

- 2.15 Licensing Officers have conducted 7 licensed premises visits with a purpose of determining if the premises are compliant with licence conditions. An inspection

may be initiated as a result of a complaint, or by using a risk rating that is applied to premises to identify those that are a priority for inspection.

- 2.16 Four of these visits were carried out jointly with Devon and Cornwall Police Licensing, and one with a DCC Highways Officer, where information and intelligence suggested that there was a non-compliance with licence conditions and that a multi-agency approach was more appropriate.
- 2.17 Inspections were carried out in all of our (three) licenced betting shops in order to check compliance with conditions under the Gambling Act 2005.

Speed of processing and determination of applications

- 2.18 The Licensing Team ensures effective consultation on all applications received and is focused on determining applications within the legislative deadlines. All applications were determined within the deadlines over the period.
- 2.19 There have been some issues with the accuracy of Licensing Act applications that were not picked up during processing which has led to delay for the applicant, as the process has had to recommence. To prevent re-occurrence, the Lead Officer and Team Leader are reviewing the application process and will provide training for the Licensing team.

Staffing update

- 2.20 The staffing situation within the team remains challenging, with a number of changes throughout the year. During quarter 1, the service manager will review the vacancies as a priority and will seek to address these ongoing recruitment challenges.
- 2.21 Where possible, resources required to provide statutory licensing functions will be met from changes to the licensing fees, however some fees, notably those under the Licensing Act 2003 for alcohol premises licenses and certificates, personal licences and temporary event notices, are set down in Regulations issued the Secretary of State. Therefore, these are fixed and cannot be set or changed locally.

3 Enforcement and Hearings

Hearings

- 3.1 There were four Sub-Committee hearings during the 2024/25 as set out below:
 - 1. Hearing to consider a variation application for General Sir Redvers Buller. The application for the variation of the licence was granted as applied for.
 - 2. Hearing to consider a new premises licence application for Wembworthy Village hall. The application was granted as applied for.
 - 3. Hearing to consider a new premises licence application for ASDA Express PFS. The application was granted, with the addition of a condition about

the provision of quarterly information being supplied to the Licensing Authority.

4. Hearing to consider a new premises licence application for The Seahorse. The application was granted with modified conditions, limiting timings.

Enforcement

- 3.2 No other formal enforcement action was recorded during 2024/25. Officers apply a graduated approach to enforcement, initially working to resolve issues of non-compliance informally as set out in line with the adopted corporate Enforcement Policy.

4 Legislative and Policy updates

Martyn's Law

- 4.1 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Ascent on 3rd April 2025.
- 4.2 The Act delivers the Government's manifesto commitment to strengthen the security of public premises and events.
- 4.3 The Government intends for there to be an implementation period of at least 24 months before the Act requirements come into force.
- 4.4 Those responsible for premises will have new requirements for emergency preparedness, depending on their size and venue capacity. There is a tiered approach to the requirements; Standard Duty premises and Enhanced Duty premises.
- 4.5 A Standard Duty premises is any location with a capacity of 200-799 people. They will be required to put in place procedures to reduce harm to the public in the event of an attack. This involves 4 key areas:
 - Evacuation
 - Invacuating
 - Lockdown
 - Communication

This will involve staff training on how to identify safe routes to cover and how to use any security equipment.

- 4.6 An Enhanced Duty premises is any location with a capacity of 800+ people. The enhanced tier has the responsibility to reduce the risk of an attack. They have to consider:
 - Measures
 - Controls
 - Procedures
 - Mitigation
 - Attack types

- Plus the 4 key areas in the standard tier

This may involve putting in place extra measures such as CCTV or hiring security staff.

- 4.7 To support enforcement of the regime, a new regulatory function will be established within the Security Industry Authority (SIA) and consequently there is no direct role for Local Authorities in enforcing this legislation. The Council may nonetheless have premises within the scope of the new legislation where it must meet the new requirements and the Licensing Team may also receive requests for support and advice from the operators of premises we license under the Licensing Act 2003.

Relaxed off-site drinking rules to come to an end

- 4.8 The alcohol licensing regulatory easements relating to off-sales, set out in the Business and Planning Act 2020 (BPA), was extended in 2023 until 31 March 2025.
- 4.9 Following a consultation in 2024, it was decided that the off-sales measure within the BPA will not be renewed and will therefore expire on 31 March 2025, and the Licensing Act 2003, will revert to its pre-COVID position.
- 4.10 Any licenced premises with on-sales authorisation only will no longer be able to sell alcohol for off-site consumption from that date.

Tobacco and Vapes Bill

- 4.11 As part of the Government's commitment to creating a smoke-free generation, the Tobacco and Vapes Bill gives allows the introduction of a new licensing scheme for the retail sale of tobacco products, herbal smoking products, cigarette papers, vapes, and nicotine products.
- 4.12 Following a future consultation on the design of a licensing scheme, new regulations will be brought in to introduce the scheme and will cover online and in person retailers. This may set new requirements on the Council as the Licensing Authority.

Financial Implications: All licences for the areas mentioned above have a charge associated with them. The income from the licences is used to offset the running of the Service. The Service is not self-funding as the Licensing Act 2003 and Gambling Act 2005 fees are set at a national level (see report) and have not been increased for many years therefore do not fully cover costs. Where possible the fee income is used to reduce the contribution of the general fund to the running of the Service.

Legal Implications: There are various regulations that govern the range of applications administered by the Licensing Team. These detail a range of duties and statutory deadlines, as well as policy and procedural requirements.

Risk Assessment: Provision of the Licensing Service is a statutory obligation. If resources for the Team are not available there is a risk that the Council is unable to

meet its statutory duties in relation to licensed activities. This would put the wellbeing, health and safety of residents at risk if they accessed a service that did not meet licensing standards, or if we do not have resource to investigate intelligence and complaints relating to unlicensed operators.

Impact on Climate Change: There is no direct impact on climate change as a result of this report.

Equalities Impact Assessment: An equality impact assessment is not required in respect of this update report.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting health, wellbeing and safety of residents and licensed service users. It therefore contributes to the priority of Community, People & Equalities within the Corporate Plan 2024-2028.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 11 June 2025

Statutory Officer: Maria de Leburne
Agreed on behalf of the Monitoring Officer
Date: 11 June 2025

Chief Officer: Stephen Walford
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 11 June 2025

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 06 June 2025

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact:

Name: Harriet Said - Commercial Team Leader, Public Health and Housing Options / Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

[Tobacco and Vapes Bill – licensing of the retail sale of tobacco, vaping and nicotine products | Local Government Association](#)