

## Licencing Sub Committee

Thursday, 10 April 2025 at 9.30 am

**Please Note:** This meeting will take place via Teams.

[To join the meeting click here](#)

Meeting ID: 358 650 947 418  
Passcode: 5wy3oH3s

### Membership

Cllr A Cuddy  
Cllr L J Cruwys  
Cllr S Keable

### 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 Chair**  
To elect a Chair for the Licensing Sub-Committee.
- 3      **Determination of a Premises Licence for Re:Fuel Southwest Ltd, Five Bridges, Cullompton, Devon, EX15 1QP** (Pages 5 - 62)  
An application has been received for a new premises licence for Re:Fuel Southwest Ltd, Five Bridges, Cullompton, Devon, EX15 1QP.

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  
2<sup>nd</sup> April 2025

## **Guidance notes for meetings of Mid Devon District Council**

### **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](mailto:Committee@middevon.gov.uk)

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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. Minutes of meetings are not verbatim.

### **4. 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.
- 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.

### **5. 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.

## **6. Recording of meetings**

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## LICENSING SUB COMMITTEE

DATE OF HEARING: 2 APRIL 2025

### DETERMINATION OF A PREMISES LICENCE APPLICATION FOR RE:FUEL SOUTHWEST LTD, FIVE BRIDGES, CULLOMPTON, DEVON, EX15 1QP

**Cabinet Member(s):** David Wulff, Cabinet Member for Quality of Living, Equalities and Public Health

**Responsible Officer:** Simon Newcombe, Head of Housing and Health

**Reason for Report:** An application has been received for a new premises licence for Re:Fuel Southwest Ltd, Five Bridges, Cullompton, Devon, EX15 1QP.

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

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

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

**Legal Implications:** If there is an appeal against the decision Mid Devon District Council (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 Act). 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 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 for a new premises licence for Re:Fuel Southwest Ltd, Five Bridges, Cullompton, Devon, EX15 1QP.
- 1.2 The applicant has given the following description of the premises in the application form:

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

A cafe with an open plan layout, ground floor indoor seating for approximately 95 people and an outdoor patio area with seating for approximately 48 people. Across the paddock during the summertime, there is a stretch tent with seating for approximately 54 people.

Operating hours are 8:30am - 5:00pm Monday to Friday and 9am-5:30pm Saturdays & Sundays. Currently we occasionally host evening events and pop-up food nights Monday to Sunday. The cafe primarily serves food (breakfast, lunch and non-alcoholic drinks) between the hours of 8:30am - 4pm). There is a small retail shop selling merchandise and local produce including a small selection of alcohol. There are clearly defined seating areas inside and out, rest rooms and a staff only kitchen. Indoors is fully accessible aside from the small mezzanine area that will be used for private events. Once we have our licence, we intend work towards opening as a restaurant and for local community events in the evenings, meaning our opening hours will then run from 8:30am to 00:00pm Monday to Friday, and 9:00am to 00:00pm Saturday and Sunday.

## 2.0 THE APPLICATION

- 2.1 The application for a new premises licence was submitted by Re:Fuel Southwest Ltd.
- 2.2 In summary, the following has been applied for:

Activity	Indoors / Outdoors (or both)	Days	Times
Films	Both	Monday – Sunday	08:00 – 00:00
Live music	Both	Monday – Sunday	08:00 – 23:00
Recorded music	Both	Monday – Sunday	08:00 – 23:00

Late night refreshment	Both	Monday - Sunday	23:00 – 00:00
Supply of alcohol	For consumption ON and OFF the premises	Monday - Sunday	08:00 – 23:30
Hours premises open to the public	N/A	Monday – Sunday	08:00 – 00:00
<b>Table 1: Activities / times requested on application</b>			

#### Late night refreshment

2.3 It should be noted that late night refreshment relates to the supply of hot food or hot drink between the hours of 23.00 and 05.00. This is highlighted because the applicant has asked for it to be licensed from 08:00 and at this time, the requirement for a licence would not apply.

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

### **3.0 CIRCUMSTANCES IN WHICH ENTERTAINMENT ACTIVITIES ARE NOT LICENSABLE AND IMPACT ON CURRENT APPLICATION**

3.1 Many activities that previously required a licence are no longer themselves licensable under the 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.

- 3.4 This is highlighted because the applicant has applied for live and recorded music up until 23:00 and depending on the specific circumstances, it may not be considered licensable.

Impact of licence conditions on non-licensable entertainment

- 3.5 Any 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.
- 3.6 Essentially, if the live or recorded music is not considered licensable, any conditions on a licence which apply will be 'suspended'.
- 3.7 The applicant has also stated that recorded music will be played in the background throughout service. Music that is incidental or 'background' is not classified as regulated entertainment and therefore does not require a licence.

Dealing with issues as a result of non-licensable entertainment

- 3.8 Issues or problems relating to activities which are not considered licensable can still be addressed. For example, if music is causing a nuisance, Environmental Health can still take action under the Environmental Protection Act 1990.
- 3.9 From a licensing perspective, any potential licence can be reviewed 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 not a relevant consideration for the current application.

**4.0 LICENSING OBJECTIVES**

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

4.2 The applicant has provided information and proposals on this, and these can be seen in Section M of the application (attached as **Annex 1**).

## **5.0 RESPONSIBLE AUTHORITIES**

5.1 Responsible Authorities under the Act are notified of all new premises licence applications. The onus is on each Responsible Authority to determine when they have appropriate grounds to make a representation.

5.2 The Responsible Authorities are:

- Police
- Fire Service
- Environmental Health (nuisance and health and safety)
- Planning Authority
- Licensing Authority
- Health and Safety Executive
- Weights and Measures (Trading Standards)
- the body responsible for Child Protection
- the local Director of Public Health
- Home Office

5.3 No Responsible Authorities made representations in this case.

5.4 So the Sub-Committee are aware, we understand the Licensing Officer from Devon and Cornwall Police had discussions with the applicant prior to submission of the application about conditions that would be considered appropriate. The applicant can potentially provide more information about this at the hearing.

5.5 Devon and Somerset Fire and Rescue Service reviewed the application and confirmed that they have no observations to make.

5.6 Although the Planning Authority have not made a representation, they did provide some comments and they are as follows:

*'Having read through the information set out within the application form, I consider that planning permission would be required for the proposed use/activities for the building and site. A Certificate of Lawful use, which included retail use amongst other uses (Use Class A1 - now replaced By Class E) was approved in 2016 (App No: 15/01843/COU). However, uses including drinking establishments, drinking establishments with expanded food provision, and venues for live music performance are excluded from classification and thus become 'sui generis'. Planning permission is required for those uses. The applicant should therefore seek planning permission for the proposed uses. Alternatively, if they consider that the proposed uses would not result in a material change of use, it is advised that they apply for a Certificate of Lawful use for the proposed use.'*

*It should be noted that the above comments are not raising an objection to the licensing application, rather setting out the position from a planning perspective’.*

- 5.7 The Licensing Officer has contacted the applicant regarding the planning issue and from a licensing perspective, the matter is not relevant. The Section 182 Guidance makes clear that the planning and licensing regimes are separate. It states that:

*‘The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa’.* (Paragraph 14.65)

- 5.8 It has been suggested in a representation that the premises licence application should be ‘deferred’ until after any potential planning issue has been resolved but this is not possible. The Sub-Committee should make a decision on the application, based on the licensing objectives and the individual merits of the case. It is for the applicant to discuss and resolve any planning issues with the Planning Authority.

## **6.0 OTHER PERSONS**

- 6.1 The Act allows ‘other persons’ to make representations provided they are relevant and not considered frivolous or vexatious. To be relevant, a representation must relate to the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives. 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).

- 6.2 In this case, the Licensing Authority received 3 ‘negative’ representations against the application that contain, to varying degrees, relevant information.

- 6.3 All of the representations are attached in full as **Annex 3, 4, and 5**.

- 6.4 It is the Licensing Officer’s view that certain elements of the representations are lacking in 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’.*

- 6.5 As a result, relevant parties will be expected to amplify and clarify their representations at the hearing.

- 6.6 So the Sub-Committee are aware, an additional representation was received but the Licensing Officer has discounted this as not being relevant. This is because it raised, solely, the issue of the public highway. The reasons for this particular issue not being considered relevant are given in section 7 of this report.
- 6.7 A map showing the location of the premises in relation to those that have submitted representations will be available for Members of the Sub-Committee.

## **7.0 LICENSING OFFICER COMMENTS ON REPRESENTATIONS**

### **Issues not considered relevant under the Act**

- 7.1 As stated in Paragraph 6.1 of this report, representations must relate to the impact of licensable activities carried on from premises on the licensing objectives. It is the Licensing Officers view that elements of the representations are not relevant and what follows is a brief overview of these issues.
- 7.2 It is important to note that just because something is not considered as relevant under the Act, this does not mean the issue itself does not merit attention. It just means that the Act is not seen to be the relevant process / legislation to deal with the issue.

### **General road safety concerns and responsibility for behaviour / safety of those that have left the premises and its immediate vicinity**

- 7.3 A number of representations have mentioned concerns about the health and safety of the public as a consequence of the suitability of the road on which the premises sits. This includes highlighting the use of the road, how busy it can get and previous accidents that have occurred.
- 7.4 The Licensing Officer is of the view that the applicant cannot control issues like the general use of the road, the speed at which people drive and the provision of lighting on a public highway. Additionally, it should be remembered that representations should relate to the impact of licensable activities carried on from premises on the licensing objectives. The public can attend the site and use this road regardless of whether or not the premises has a licence (as they have been).
- 7.5 It is important to note that the public safety licensing objective relates to the safety of those using the premises. This is confirmed in the Section 182 Guidance which states that: *‘Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation’.* (Paragraph 2.8)
- 7.6 With regards to ensuring the safe departure of those using the premises, the Section 182 Guidance goes on to state:

*‘Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:*

- Providing information on the premises of local taxi companies who can provide safe transportation home; and*
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks’. (Paragraph 2.16)*

7.7 It is the Licensing Officers view that the applicant is unable to control how someone may travel to and from the premises. The examples given above are indicative of the type of things that the applicant can directly control (i.e. they can ensure information is available concerning the taxis available in the local area and they can potentially place lighting in the car park, assuming they have the right / permission to do so). A premises could also, in theory, implement a one-way system for vehicles entering / leaving the site but any such systems may need to be made in consultation with other authorities, such as the Planning Authority and Devon County Council Highways.

7.8 The importance of issues and resulting actions being within the control of an applicant is reinforced by the Councils’ Licensing Policy which states:

*‘Conditions attached by the Licensing 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’. (Paragraph 6.28)*

7.9 The S182 Guidance also states that conditions *‘cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave’. (Paragraph 1.16)*

7.10 As noted previously, planning is a separate regime to licensing and issues regarding traffic and highway safety may be considerations of the Council as the Local Planning Authority (LPA). Devon County Council (Highways) could also be a relevant body in this regard.

7.11 With regards to placing lighting outside the premises, it should be noted that the Section 182 Guidance warns:

*‘Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues’. (Paragraph 2.26)*



### Concern for financial capacity of applicant and potential future transfer of licence

- 7.12 There is no obligation under the Act for applicants to show proof of funds.
- 7.13 If conditions are placed on a licence and then not subsequently complied with, for whatever reason, this then becomes an enforcement matter to be considered at that time.
- 7.14 With regards to the potential financial burden of conditions, the Section 182 Guidance does make some reference to it and states that:

*...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. (Paragraph 9.44)*

- 7.15 Additionally, questioning what would happen if the applicant was to go out of business having been granted a licence is not something the Sub-Committee can consider. The ability to transfer a licence is stipulated in the Act and appropriate safeguards exist should there be concerns as a result of this.

### Unauthorised signage on a highway

- 7.16 Having looked at this issue, and in light of the fact that such signage could be erected regardless of whether or not the premises had a licence, the Licensing Officer believes Devon County Council would be the primary authority for such matters. More information about this can be found here: <https://www.devon.gov.uk/roads-and-transport/maintaining-roads/managing-the-network/unauthorised-signage/> .

### **Issues considered relevant under the Act**

- 7.17 What follows is a very brief overview of the issues that have been raised in representations that are considered to be relevant. To be clear, what follows is not meant to repeat verbatim the issues as they can be seen in the attached Annexes. Additionally, those that made these representations can expand on them in their response to the Notice of Hearing and at the hearing.
- Incidents of anti-social behaviour linked to the sale and consumption of alcohol, in the immediate vicinity of the premises.
  - Safety of those leaving the premises, in so far as they relate to matters that the applicant can control (for example, making information available about local taxis\* and providing adequate outside lighting)

*\*It should be noted that the applicant has offered a condition in the application which states they will provide a list of taxis upon customer request.*

- Noise generated from the premises, including from patrons whilst in the immediate vicinity of the premises and the impact of the sale of alcohol in this regard.
- Possible protection of children from harm issues and restrictions on the areas / hours children may be present.
- Increased litter at the premises and in the immediate vicinity.

7.18 The above information does not prevent any 'Other Person' in presenting and expanding on the relevant representation they have made during the hearing. If the above summary has missed out part of a relevant representation, this may still be raised and discussed.

7.19 If any 'Other Person' has comments or observations to make about the above, i.e. if they believe that issues are relevant under the Act but have been considered as not being relevant, they are asked to contact the Licensing Team on receipt of this report and provide any information in support of their view. This can be done by emailing [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk) or alternatively writing to Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP.

## **8.0 LICENSING POLICY**

8.1 The Act requires the Council, as the Licensing Authority, to formally adopt a policy setting out how it will deal with its duties under the Act. The Policy 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 Other Person attending 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 Licensing Authority will be that each application will be determined on its merits. The Licensing Authority will have regard to any guidance issued by the Home Office, this Policy and any measures it deems necessary to promote the licensing objectives. The Licensing Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Licensing Authority will give reasons for any such departure from the Policy. (Paragraph 6.3)*
- 8.7 *The Licensing 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 Licensing Authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community... (Paragraph 6.4)*
- 8.8 *The authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, antisocial behaviour, littering and noise, particularly late at night and in the early morning. (Paragraph 6.5)*
- 8.9 *Since the introduction of the Act, the Licensing Authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The Licensing Authority will expect applicants to have particular regard to these issues and, if considered appropriate, to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises. (Paragraph 6.6)*
- 8.10 *When determining an application, the authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant will be disregarded. The authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the authority will consider their application or representation but may attach less weight to it. (Paragraph 6.7)*
- 8.11 *It should be noted that, when determining an application, the authority is making a judgment about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks. (Paragraph 6.8)*
- 8.12 *Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide*

sufficient protection, for example Health and safety at work, fire safety legislation etc. (Paragraph 6.9)

- 8.13 *The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. (Paragraph 6.10)*
- 8.14 *The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the authority will consider when discharging its decision making function. (Paragraph 6.11)*
- 8.15 *The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or Other Persons on the basis of the licensing objectives. (Paragraph 6.15)*
- 8.16 *In general, applications for licensed premises located in residential areas wishing to open beyond 23.00, and those operating a beer garden or outside area beyond 21:00, will be expected to have a higher standard of control included within their operating schedule to address any potential public nuisance issue. (Paragraph 6.16)*
- 8.17 *Where representations are received, stricter conditions relating to noise control may be appropriate and necessary in sensitive locations such as residential areas. (Paragraph 6.17)*
- 8.18 *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)*
- 8.19 *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/>.

## **9.0 GOVERNMENT GUIDANCE**

9.1 Members are also obliged to have regard to the Guidance produced under Section 182 of the Act. The most recent version of this was published in February 2025 and some relevant sections are highlighted below. The full Guidance can be viewed here:

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

9.2 *Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged.*

*Licence conditions:*

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve;*
- *should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;*
- *must be tailored to the individual type, location and characteristics of the premises and events concerned;*
- *should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;*
- *should not replicate offences set out in the 2003 Act or other legislation;*
- *should be proportionate, justifiable and be capable of being met;*
- *cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and*
- *should be written in a prescriptive format. (Paragraph 1.16)*

9.3 *Licensing authorities should look to the police as the main source of advice on crime and disorder. (Paragraph 2.1)*

9.4 *Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. (Paragraph 2.8)*

9.5 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (Paragraph 2.22)*

9.6 *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)

- 9.7 *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)*
- 9.8 *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)*
- 9.9 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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 2.27)*

## **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... (Paragraph 9.44)*

#### Options of the Sub-Committee

- 10.6 The Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. This may include:
- Granting the licence as applied for
  - Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives
  - Excluding from the scope of the licence any of the licensable activities to which the application relates
  - Refusing to specify a Designated Premises Supervisor
  - Rejecting the application



- 10.7 Reasons must be given for the decision and they must set out the matters taken into consideration and why such a decision was arrived at.
- 10.8 Members have five working days from the conclusion of the hearing to make a decision.

## **11.0 APPEAL**

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

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

- 12.1 The Council have an adopted procedure for hearings and this attached to this report as **Annex 6**. 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 application form
Annex 2	Plan of premises
Annex 3	Representation 1
Annex 4	Representation 2
Annex 5	Representation 3
Annex 6	Procedure for hearings

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

**Circulation of the Report:** Legal Services / Members of Licensing Sub-Committee / Applicant / Other Persons (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/>

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# **outsideApplication for a premises licence to be granted under the Licensing Act 2003**

## **Please read the following instructions first**

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

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

I/We **RE:FUEL SOUTHWEST LTD**

(Insert name(s) of applicant)

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

## **Part 1 – Premises details**

<b>RE:FUEL SOUTHWEST LTD, FIVE BRIDGES, WILLAND ROAD</b>			
<b>Post town</b>	<b>Cullompton</b>	<b>Postcode</b>	<b>EX15 1QP</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ <b>16,000</b>

## **Part 2 - Applicant details**

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

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	<b>X</b>	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)

	iv	other (for example a statutory corporation)		please complete section (B)
c)		a recognised club		please complete section (B)
d)		a charity		please complete section (B)
e)		the proprietor of an educational establishment		please complete section (B)
f)		a health service body		please complete section (B)
g)		a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)		a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)		the chief officer of police of a police force in England and Wales		please complete section (B)

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

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

**(A) individual applicants** (fill in as applicable)

Mr      Mrs      Miss      Ms		Other Title (for example, Rev)		
Surname		First names		
Date of birth		I am 18 years old or over		Please tick yes
Nationality				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				

<b>E-mail address (optional)</b>	
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)	

**Second individual applicant (if applicable)**

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

**(B) Other applicants**

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

Name: RE:FUEL SOUTHWEST LTD

Address RE:FUEL FIVE BRIDGES, WILLAND ROAD, CULLOMPTON, EX15 1QP
Registered number (where applicable) 12175049
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

0	1	0	3	2	0	2	5
---	---	---	---	---	---	---	---

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

DD MM YYYY

--	--	--	--	--	--	--	--

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

A cafe with an open plan layout, ground floor indoor seating for approximately 95 people and an outdoor patio area with seating for approximately 48 people. Across the paddock during the summertime, there is a stretch tent with seating for approximately 54 people.

Operating hours are 8:30am - 5:00pm Monday to Friday and 9am-5:30pm Saturdays & Sundays. Currently we occasionally host evening events and pop-up food nights Monday to Sunday. The cafe primarily serves food (breakfast, lunch and non-alcoholic drinks) between the hours of 8:30am - 4pm). There is a small retail shop selling merchandise and local produce including a small selection of alcohol. There are clearly defined seating areas inside and out, rest rooms and a staff only kitchen. Indoors is fully accessible aside from the small mezzanine area that will be used for private events. Once we have our licence, we intend work towards opening as a restaurant and for local community events in the evenings, meaning our opening hours will then run from 8:30am to 00:00pm Monday to Friday, and 9:00am to 00:00pm Saturday and Sunday.

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

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

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

Provision of regulated entertainment (please read guidance note 2)		Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	x
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)	x
f)	recorded music (if ticking yes, fill in box F)	x
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)	

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

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



# A

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

# B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon	8:00	00:00	Please give further details here (please read guidance note 4) Occasional showing of films for profit on a large screen inside or outside	Both	✓
Tue	8:00	00:00			
Wed	8:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 5) More likely to be outside in summer months.		
Thur	8:00	00:00			
Fri	8:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	8:00	00:00			
Sun	8:00	00:00			

**C**

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

# D

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

E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	
			Outdoors	
			Both	✓
Day	Start	Finish		
Mon	8:00	23:00	<b>Please give further details here</b> (please read guidance note 4)  Solo artist, band, acoustic and amplified and DJ Genres varied Frequency likely to be weekly Live music/amplifiers are plotted on the plan	
Tue	8:00	23:00		
Wed	8:00	23:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)  Summer outside, no music outside in winter months	
Thur	8:00	23:00		
Fri	8:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)	
Sat	8:00	23:00		
Sun	8:00	23:00		

F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finis h</b>	<b>Please give further details here</b> (please read guidance note 4)	
Mon	8:00	23:00	We have music playing in the background throughout service. All genres but mainly clean / family friendly music.	
Tue	8:00	23:00		
Wed	8:00	23:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)	
			none	
Thur	8:00	23:00		
Fri	8:00	23:00		
			<b>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</b> (please read guidance note 6)	
Sat	8:00	23:00		
Sun	8:00	23:00		

# G

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

# H

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



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	4
Day	Start	Finish			
Mon	08:00	00:00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	08:00	00:00			
Wed	08:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	08:00	00:00			
Fri	08:00	00:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	08:00	00:00			
Sun	08:00	00:00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8) Yes, beer, wine and spirits will be sold for on premises consumption and sold in our shop for off premises consumption		On the premises	
					Off the premises	
					Both	✓
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) In warmer months alcohol will be sold outside from our Canopy Cafe.			
Mon	8:00	23:30				
Tue	8:00	23:30				
Wed	8:00	23:30				
Thur	8:00	23:30				
Fri	8:00	23:30				
			<b>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</b> (please read guidance note 6) Will allow a 30 minute cooling off period			
Sat	8:00	23:30				
Sun	8:00	23:30				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

<b>Name</b>	Simon Brand
<b>Issuing licensing authority (if known)</b> South Hams District Council	

**K**

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)		
Day	Start	Finish
Mon	8:00	00:00
Tue	8:00	00:00
Wed	8:00	00:00
Thur	8:00	00:00
Fri	8:00	00:00
Sat	8:00	00:00
Sun	8:00	00:00

**State any seasonal variations** (please read guidance note 5)

**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** (please read guidance note 6)

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## M

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

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

- Staff will all be trained (conflict, challenge 25, intoxication, weights and measures for spirits) and there will be a refusal log.
- Associated signage will be displayed throughout the venue.
- **A risk assessment will be carried out by the premises licence holder to determine if door staff are required, with a written log of each decision in relation to the risk assessment. The number of SIA licensed door supervisors employed shall be in accordance with the following ratio: A minimum of 2 door supervisors will be employed for the first 100 customers and one door supervisor for every 100 thereafter if door staff are deemed necessary for the event**
- We will make sure that there is always someone in the bar and the alcohol is never left unattended during opening hours. There will be one of each pre-packaged alcohol drinks on display for customers to see but they will have to order with staff members to receive.
- We have a smoking area designated on the plan too.
- We also provide free tap water to customers that is self service.
- Alcohol will be stocktaken once per month and will be stored as outlined on the plan in a lockable room/container.

### b) The prevention of crime and disorder

- CCTV will cover all entry/exit points, till alcohol sale points in the cafe and in the outdoor "Canopy Cafe". CCTV will be held on record for a minimum of 31 days and will be available to responsible authorities within 48 hours if requested.
- Shop alcohol will be positioned by the till.
- 'Don't drink and drive' signs to be displayed.
- We will provide a list of taxi drivers upon customer request.
- Open containers of alcohol shall not be removed from the premises, except for consumption in any delineated external area as shown on the plan attached to the licence.
- The consumption of alcohol on the premises shall cease 30 mins before close to provide a cooling off time.
- The alcohol on display and will be in such a position so as not to be obscured from the constant view of the cashier / staff. There is also a CCTV camera covering this area.

### c) Public safety



- We will hold an incident/refusal log and record any issues staff or customer related.
- We will have a first aid trained team member at the venue at all times during opening hours.
- Our exits are clearly marked and we have fire extinguishers in key areas, marked on the plan.
- In respect of temporary sanitary facilities the servicing of sanitary accommodation must take place on a continuous basis throughout opening hours to ensure the sanitary accommodation is kept in a usable condition at all times when the public require it to be available.
- Long queues are not anticipated and people are always seated by staff at a table quickly.
- All drinks will be served in glasses inside the cafe, except bottled beer and wine or drinks in cans.
- All drinks purchased for outside consumption will be served or decanted in plastic or polycarbonate containers aside from cans which will be opened for the customer for consumption.

#### **d) The prevention of public nuisance**

- Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect local residents and businesses and to leave the vicinity as quietly as possible.
- Cooling down period will be given and alcohol sales will be cut off 30 mins before closing.
- Outdoor bins and cigarette disposal bins will be provided for waste management.
- Staff will make regular collection runs for glasses or waste.
- A telephone number shall be made available and displayed in a prominent location where it can be conveniently read from the exterior of the premises for local residents to contact a manager in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises.

#### **e) The protection of children from harm**

- If alcohol is ordered staff must ask for ID if the customer looks under 25 before processing the sale.
- If the person ordering is part of a group, ensure the person buying is old enough and ask for ID from others in the group if they will be drinking alcohol.
- If drinks are ordered through table service (e.g., via a server or app), staff must check ID when delivering the drinks if the person receiving the drinks looks under 25.
- We will keep a refusal log.
- All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
- A member of staff will ID attendees viewing movie nights where the movie is rated above a 'U'.
- Online alcohol sales for delivery or collection will be available during the alcohol sales hours listed above. The application for ordering will prompt the customer to have their ID ready.

- We will prompt customers ordering alcohol via apps or servers to have ID ready.
- Outdoor Bar Service (Pay-and-Take): ID checks must be conducted at the point of sale and before handing over alcohol.
- Staff at the outdoor bar area must be diligent in asking for ID.
- A 16- year-old or older will take an alcohol order at the till, process the payment, or deliver drinks to tables, as long as there is an 18+ supervisor available who is legally responsible for ensuring compliance.
- A 16 & 17 year old can have one alcoholic drink with an adult present if they are also consuming a substantial meal

**Checklist:**

**Please tick to indicate agreement**

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

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

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

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

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do</li> </ul>
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	<p>not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	[Redacted]
Date	2025-02-04
Capacity	Director

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

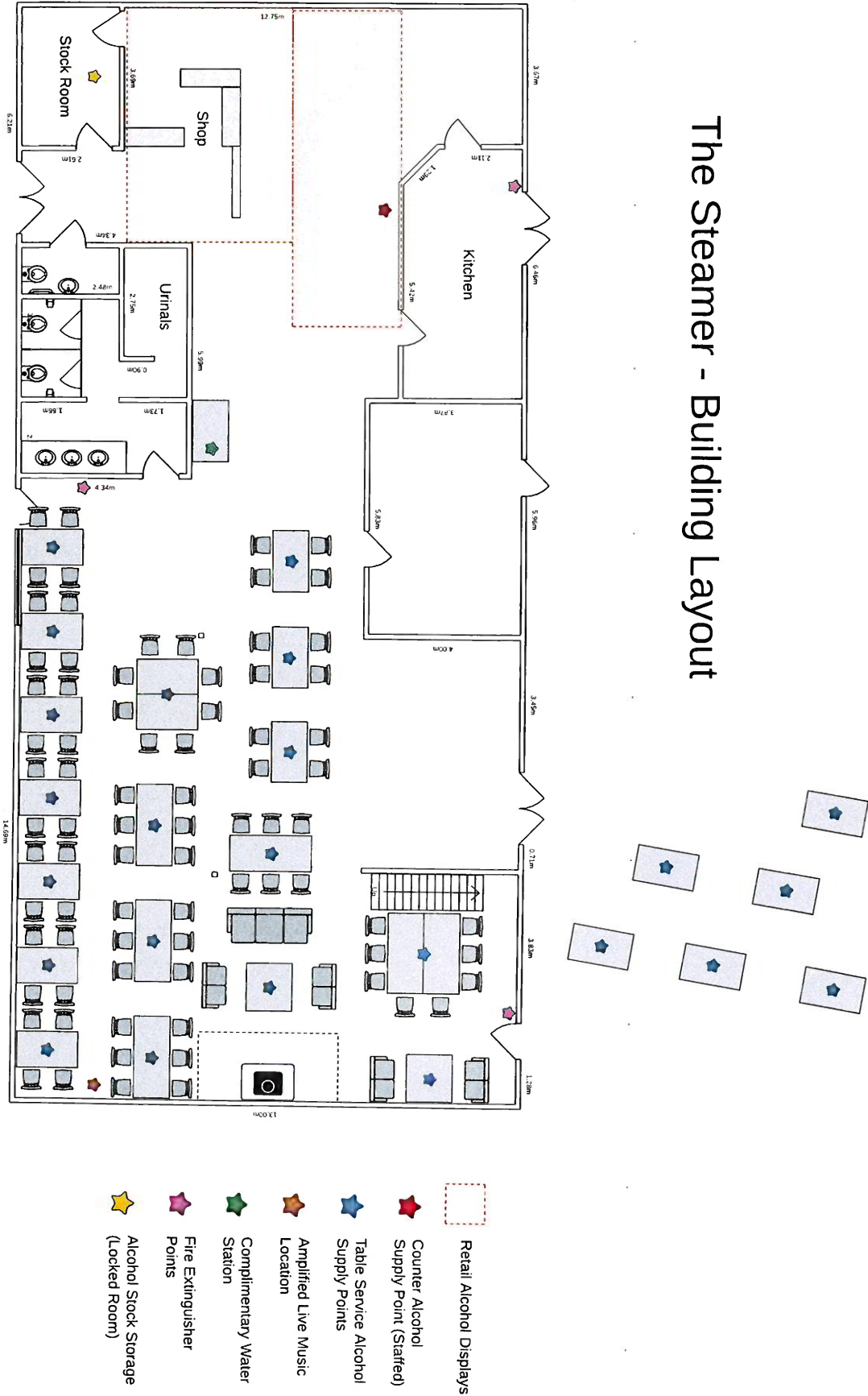
Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</p> <p>DANIEL REGAN RE:FUEL FIVE BRIDGES WILLAND ROAD</p>	
Post town	CULLOMPTON
[Redacted]	

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The Steamer - Building Layout



## Licensed Area





## Mid Devon District Council – Licensing Act 2003

### REPRESENTATION FORM

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

<b>Your full name</b>	Lee Eric Thompson
<b>The name of the organisation / body you represent (if appropriate)</b>	Neighbour
<b>Postal address</b>	Five-Bridges, Cullompton, Devon, Ex15 1QP
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Name of the premises you are making a representation about</b>	Re:Fuel Southwest Ltd
<b>Address of the premises you are making a representation about</b>	Five-Bridges, Willand Road, Cullompton, Devon, EX15 1QP

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>		I fear the sale of Alcohol could lead to crime of Urinating on the premises where I live. Concern for this due to Re:Fuel premises not having adequate toilet facility or sewerage to cope with high volume of customers. (can provide details)
<b>Public Safety</b>		I fear the public will not be safe for multiple reasons. Individuals walking to and from the premises late at night will be at risk especially if drunk leaving the venue. There is no safe route to travel from Re:Fuel Southwest to Willand. No safe places to cross the road could lead to risk taking during dark late nights and could lead to an accident for drivers and pedestrians. Walking from Re:Fuel Southwest to Cullompton has a very thin pathway not suitable for pedestrians.(most recently a lady in wheelchair was stuck on this pathway traveling to Cullompton). There isn't adequate streetlighting in both directions or a suitable pathway. Road has history of accidents (fatalities). Throughout Re:Fuel's Sunday events there have been multiple occurrences of build of traffic on main road due to high volume. (can provide details) I fear this will only continue with evening to late night events. Fear for more dangerous driving leaving the venue. (can provide details). Fear of too much signage blowing over in high winds. (can provide details) Only a matter of time could be in main road causing accident. Young children leaving venue with family's in dark can be dangerous.
<b>To prevent public nuisance</b>		Currently there isn't adequate bins outside the front of the venue. Fear for more litter.  Concerned for antisocial behaviour that may arrive with the sale of alcohol.
<b>To protect children from harm</b>		My main concern is for my own 2 children. Late night high volume of cars entering and leaving premises especially

	with high noise revving vehicles causing the disturbance of my children sleeping potentially impacting on their behaviours and education throughout the next day.
--	---

<b>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).</b>	This is a representation against the Application by Re:Fuel Southwest. I object the Application due to the reasons stated.
---	--

Signed: Lee Thompson

Date: 06/03/2025

06/03/2025

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](mailto:licensing@middevon.gov.uk).

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**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:

<b>Your full name</b>	Kenneth William Small
<b>The name of the organisation / body you represent (if appropriate)</b>	Neighbour & Company Director of K SMALL AND SON LIMITED
<b>Postal address</b>	Five-Bridges, Cullompton, Devon, EX151QP.
<b>Email address</b>	
<b>Contact telephone number</b>	
<b>Name of the premises you are making a representation about</b>	Land Registry Title Number DN375070 L M Bateman & Co Ltd / Stone Hill Layby / Recently Trading as Re:Fuel Southwest Limited
<b>Address of the premises you are making a representation about</b>	Five-Bridges, Willand Rd, Cullompton, Devon. EX151QP

Your representation must relate to one of the four Licensing Objectives

<b>Licensing Objective</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</b>
<b>To prevent crime and disorder</b>		I am concerned that the Licence Applicants Re:Fuel Southwest Limited, may not have the financial capacity to operate this large venture, which may require them to employ qualified security staff, to prevent crime and disorder, alcohol fuelled violence or drug taking or dealing, on the premises. If the Licence is for the Premises and Transferable, in the event of Re:Fuel SW Ltd going out business, who are the true owners of the property?
<b>Public safety</b>		The premises is situated on a very dangerous stretch of road, where there have been two separate recent fatalities. The Site was never designed to be used as a Café or Public House / Entertainment Venue, only ever having Planning Consent for a Business Connected to Agriculture. This can cause parking & traffic chaos, when events are held at the site, with a huge influx of vehicles with too few designated parking bays at the front of the premises, leading to cars being jammed up in the entrance and out in the main road. The Site is situated in a rural area, with no street lighting, which could be a danger to pedestrians walking to and from the premises from Cullompton or Willand at night. The proliferation at the site, of unauthorised signage at the roadside, (which should require planning applications) could be a distraction to road users, leading to possible road accidents.
<b>To prevent public nuisance</b>		Living right beside this unauthorised 7 Day a Week Café / Video Game Arcade & Car Meet Venue has personally been very distressing for me. My House [REDACTED] was once a lovely quiet home, where myself and my family could relax and enjoy our life. Adding the sale of alcohol for consumption on or off the premises at this neighbouring property, late night opening, and un-organised events, are bound to cause an increase in noise, litter and anti-social behaviour, for me and my

		family and the other residents of Five-Bridges.
<b>To protect children from harm</b>		How will obtaining a new alcohol licence for this business benefit the health and wellbeing of children? Will Children be allowed in the public bar areas or only if having food? As the Premises were only built for an Agricultural Business, how will the Toilets & Baby Changing Facilities cope with a large influx of customers with children? Does it require the fitting of a proper sewerage system, to stop the overflowing of waste materials at the café entrance, which currently happens regularly?

<b>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).</b>	This is a representation against this New Application by Re:Fuel Southwest Limited in its entirety. I would suggest that any hearing or decision for this application, should be deferred, until after a Retrospective Planning Application is made by the site owners and the businesses trading in breach of its current planning permission.
---	--

Signed:



Date: 27<sup>th</sup> February 2025

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](mailto:licensing@middevon.gov.uk).

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

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

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

Alternatively, you can email it to [licensing@middevon.gov.uk](mailto:licensing@middevon.gov.uk).



[REDACTED]  
Five Bridges

Cullompton

EX15 1QP

25/02/25



**RE – Licencing application for RE:Fuel Southwest Ltd at Five Bridges EX15 1QP**

Dear Licencing Officer

I have recently become aware that a nearby business is applying for a drinks and entertainment licence.

As this is likely to affect the neighbourhood, I would have thought there would be some obligation on the applicants part to inform the neighbours.

It was only by luck that a friend saw a small notice and let me know.

You may not be aware of this location.

It is in a rural area and whilst the cafe itself is not a problem there are traffic and noise problems from the motorbike and car events with vehicles looping along the road and queueing to enter the car park.

There have been several accidents on this road, some of them fatal and the venue is near a blind corner with poor visibility.

With extra traffic waiting to gain entry into the car park, this could cause more traffic accidents.

Put into this mix alcohol and late night music and I feel there is potential for more serious problems.

As I have mentioned, this is a quiet rural area, and we feel it is not suitable for a night club type venue.

Yours sincerely  
Mrs M and Mr P. Penny



## **MID DEVON DISTRICT COUNCIL – LICENSING COMMITTEE**

### **Protocol and Procedure for Licensing Sub-Committee Hearings**

#### **1.0 Introduction**

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

#### **2.0 Composition of Sub-Committee**

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

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

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

#### **3.0 Hearings to be held in public**

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

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

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

#### **4.0 Time of Hearings**

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

#### **5.0 Notice of Hearing**

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

#### **6.0 Right of Attendance, Assistance and Representation**

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

**7.0 Hearings held on more than one day**

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

**8.0 Right to dispense with a hearing**

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

**9.0 Right to postpone or adjourn a hearing**

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

**10.0 Report**

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

**11.0 Detailed Procedural notes**

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

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

**12.0 Procedure at hearing - General**

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

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

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

### **13.0 Roles of Officers**

#### Representative of Legal Services

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

#### Representative of Member Services

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

#### Licensing Officer

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

### **14.0 Determination of Applications / Notices**

- 14.1 Unless the matter being considered by the Sub-Committee falls within one of the categories listed in point 14.2, the Sub-Committee has five working days to make their determination beginning with the day, or the last day, on which the hearing was held.
- 14.2 In relation to the following matters, the Sub-Committee must make its decision at the conclusion of the hearing:
- a) A counter notice following an objection to a temporary event notice
  - b) Review of a premises licence following closure order

### **15.0 Record of proceedings**

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

### **16.0 Appeals**

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

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

**17.0 Irregularities**

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

**The following information and procedures are associated with this document**

**Legislation**

- The Licensing Act 2003 (Hearings) Regulations 2005:
  - [http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi\\_20050044\\_en.pdf](http://www.legislation.gov.uk/uksi/2005/44/pdfs/uksi_20050044_en.pdf)

**Hearing Procedures**

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

**Hearing Guidance**

- General guidance to attendees

## **HEARING PROCEDURE: NEW / VARIATION OF PREMISES OR CLUB**

### **Introduction and Preliminary remarks**

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

### **Statement by the licensing officer**

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

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

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

**Case for the applicant**

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

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

- Responsible Authorities
- Other Parties
- Sub-Committee

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

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

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

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

- Applicant
- Other Parties
- Sub-Committee

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

**Case for the 'other parties'**

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

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



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

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

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

#### **Discussion about conditions**

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

#### **Summary**

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

- Applicant
- Responsible Authorities
- Other Parties

#### **The decision**

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

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

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

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

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