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MID DEVON DISTRICT COUNCIL

LICENSING SUB-COMMITTEE C

A MEETING of the **LICENSING SUB-COMMITTEE C** will be held in the Exe Room, Phoenix House, Tiverton, on Thursday 18 June 2015 at 10.00 am.

KEVIN FINAN

Chief Executive
3 June 2015

This meeting will be audio recorded

Councillors: Mrs F J Colthorpe (substituting for Cllr N V Davey), Cllr Mrs J Doe (substituting for Cllr J M Downes) and Cllr P H D Hare-Scott

A G E N D A

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

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notices of Substitution (if any).
- 2 **Chairman - Election**
To elect a Chairman for the Hearing.
- 3 **Determination of a premises licence application for Elmore, Horsden Park, Heathcoat Way, Tiverton, Devon, EX16 4DB (Pages 3 - 56)**
To receive a report from the Head of Human Resources and Development. An application has been received for a new premises licence for Elmore, Horsdon Park, Heathcoat Way, Tiverton, Devon, EX16 4DB. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Mayoralty Room on the first floor of the Town Hall or the Exe Room in Phoenix House is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on:

Tel: 01884 234310

E-Mail: slees@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

DETERMINATION OF A PREMISES LICENCE APPLICATION FOR ELMORE, HORSDON PARK, HEATHCOAT WAY, TIVERTON, DEVON, EX16 4DB

REASON FOR REPORT

1. An application has been received for a new premises licence for Elmore, Horsdon Park, Heathcoat Way, Tiverton, Devon, EX16 4DB. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

RECOMMENDATIONS

1. That this application is decided in accordance with the licensing objectives

RELATIONSHIP TO CORPORATE PLAN

1. None

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	If there is an appeal against the decision the Council could find itself bearing the costs
Legal	If the decision is not lawful the Council could find itself subject to appeal or judicial review
Risk Assessment	If the decision is not reasonably and lawfully made it could be overturned on appeal to the Magistrates' Court

CONSULTATION CARRIED OUT WITH:

1. The process of applying for these licences is prescribed by regulations made under the Licensing Act 2003. The applicant must copy their applications to the “Responsible Authorities” consisting of the Police, Fire Service, Weights and Measures, body responsible for Health and Safety (Environmental Health), Environmental Health for nuisance, the Planning Authority, the Licensing Authority, the local Director of Public Health and the body responsible for Child Protection. If the application is submitted online the Licensing Authority must forward it to all Responsible Authorities.
- 2 This Council notifies the relevant town or parish council for where the premises is.
- 3 Applicants are also obliged to advertise their applications in two ways – on the premises so as to be visible to passers-by and in a local newspaper.

1.0 PREMISES

- 1.1 The premises are described in the application as being a sports and social club established in 1947, set within four acres of land. The application then provides a description of what surrounds the premises. Included in this description is the following:

‘The only potential noise impact to local business could be the Hotel (Tiverton Hotel). In the past we have always consulted with them on external events that involve music and dance. We also do a leaflet drop to local residence 7 to 14 days prior to an external event. All Licensable activities outside will terminate at midnight’.

- 1.2 The premises have held a Club Premises Certificate since 2005.

2.0 APPLICATION

- 2.1 The application was submitted by Elmore AFC of Horsdon Park, Tiverton. For the benefit of the Sub-Committee, when the application was initially submitted it was incorrectly advertised. This led to this application being refused and the process starting again. This then happened a second time when the applicant failed to place a notice in a local newspaper. As a result, some representations were received during the incorrect 28 day period (i.e. before the ‘new’ 28 day period had started). The Licensing Authority contacted all of those who had made representations by letter to explain they would need to resubmit them during the new 28 day period. This is covered in more detail in section 5.1 of this report.
- 2.2 In summary, the following licensable activities have been applied for: (NOTE: As stated previously, all outside licensable activities will stop at 00:00 so later times listed refer to indoors only)

Indoor sporting events

- Monday to Thursday - 12:00 until 00:00
- Friday and Saturday - 11:00 until 02:00
- Sunday - 11:00 until 00:00

Boxing or wrestling

- Monday to Thursday - 12:00 until 00:00

- Friday and Saturday - 11:00 until 02:00
- Sunday - 11:00 until 00:00

Live music (indoors and outdoors)

- Monday to Thursday - 12:00 until 00:00
- Friday and Saturday – 11:00 until 02:00
- Sunday – 11:00 until 00:00

Recorded music (indoors and outdoors)

- Monday to Thursday - 12:00 until 00:00
- Friday and Saturday – 11:00 until 02:00
- Sunday – 11:00 until 00:00

Performance of dance (indoors and outdoors)

- Monday to Thursday - 12:00 until 00:00
- Friday and Saturday – 11:00 until 02:00
- Sunday – 11:00 until 00:00

Late night refreshment (indoors and outdoors)

- Monday to Sunday – 23:00 until 00:00

Supply of alcohol (for consumption on and off the premises)

- Monday to Thursday - 12:00 until 00:00
- Friday and Saturday – 11:00 until 02:00
- Sunday – 11:00 until 00:00

2.3 The application also includes the following Non-standard timings for all licensable activities (excluding Late Night Refreshment):

- Christmas Eve – until 03:00
- Boxing Night – until 03:00
- New Year's Eve – until 03:00

2.4 The application is attached in its entirety as Annex 1. The Plans submitted with the application are attached as Annex 2.

3.0 LICENSING OBJECTIVES

3.1 All applicants are required to set out in Section M of their application the steps they intend to take to promote the four licensing objectives. These are:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

- 3.2 The applicant made one comment in this section and this was under the prevention of public nuisance heading. It stated 'Noise management plan for external music events'. A Noise Management Plan was not supplied with the application but was provided following comment by Environmental Health (detailed in section 4 of this report).

4.0 RESPONSIBLE AUTHORITIES

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

- 4.2 The Responsible Authorities are:

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

- 4.3 The Police provided a response to the application and agreed the following conditions with the applicant:

A CCTV system will be installed, operated and maintained on these premises in accordance with Mid Devon District Councils CCTV operational requirement document for licensed premises and to the satisfaction of the Chief Officer of Police.

Where the number of people exceeds 250 when attending an outside licensable event, the DPS shall provide details of the event to the Police and Licensing Authority at least 21 days prior to the event taking place.

- 4.4 The Police had also made some comments regarding current noise conditions on the Club Premises Certificate and the prospect of these appearing on the new premises licence. In the end it was felt that these conditions were no longer suitable and the Police decided to leave the noise issues as a matter for Environmental Health to deal with.

- 4.5 Environmental Health made a response to the application and this is attached as Annex 3. It states:

The applicant must provide a Noise Management Plan detailing the noise control measures that will be undertaken to control the noise levels from any indoor and outdoor regulated entertainment taking place at the premises. The noise management plan must be submitted to and approved by Mid Devon's Environmental Health Team prior to any events taking place.

- 4.6 The applicant subsequently agreed to this and has provided Environmental Health with a Noise Management Plan which is attached as Annex 4. Environmental Health request that this Noise Management Plan is attached to the licence as a condition.

- 4.7 Following an outdoor music event held at Elmore on 23 May 2015 under a Temporary Event Notice, Environmental Health emailed the applicant to try and agree a condition to limit the number of outdoor (licensable) events that could be held under the new premises licence. This is attached as Annex 5.
- 4.8 The applicant has provided a response to this which agrees to limit external events (licensable) involving amplified music to two per year. This is attached as Annex 6.
- 4.9 Although the above agreements have been made between Responsible Authorities and the applicant, it is still ultimately up to the Licensing Sub-Committee to decide what conditions appear on the licence, should they be minded to grant.
- 4.10 A member of the Environmental Health department will be available to attend the hearing should the Sub-Committee wish to speak to them.

5.0 OTHER PERSONS

- 5.1 The Licensing Act allows 'Other Persons' to make representations provided they are received within the 28 day period and relevant. As raised in point 2.1 of this report, as a result of a change in the 28 day timeline, the Licensing Authority received a total of five representations too early to be considered against a subsequent application. The Licensing Authority contacted these five people to explain that they would need to 'resubmit' the representations they had made if they wish to still make them. Four of them subsequently did.
- 5.2 To be considered a 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 licensing authority will not accept representations considered to be frivolous or vexatious.
- 5.3 In this case the licensing authority has received a total of nine valid representations from Other Persons. Eight of these are from households in Kings Crescent and the remaining representation is from Tiverton Hotel.
- 5.4 All of the representations are attached as Annexes 7 – 15.
- 5.5 As a brief summary, all of the representations relate to the prevention of public nuisance licensing objective and concerns about noise from licensable activities. A number of them specifically mention the outdoor music element of the application as their main objection, especially if events are to be held outside on a more frequent basis than has previously occurred.
- 5.6 For the benefit of the Sub-Committee, previous outside events have been held under Temporary Event Notices. As an example of frequency and number, since 2012 Temporary Event Notices have been submitted for the following dates:
- 19 May 2012
 - 25 August 2012
 - 8 June 2013
 - 17 August 2013
 - 17 May 2014
 - 24 May 2014
 - 11-13 July 2014
 - 23 May 2015

- 5.7 There appear to be two points raised in the representations that are not relevant. Firstly, the noise from fireworks which in itself is not a licensable activity and secondly, the fact that in the past 'drunk people coming from events at Elmore have damaged garden fences'. The licence holder cannot reasonably be held accountable for the actions of customers beyond the immediate area surrounding the premises. An individual who engages in anti-social behaviour, like in this example, is accountable in their own right.
- 5.8 A map showing the location of the residents and the business that have made representations in relation to the premises will be made available at the hearing to assist members.

6.0 LICENSING POLICY

- 6.1 The Licensing Act requires the Council as the Licensing Authority to formally adopt a policy setting out how it will deal with its duties under the Act. That policy must be reviewed every five years and this Council formally adopted the current policy on 18 December 2013 and it came into effect 7 January 2014. It includes the following:
- 6.2 The Licensing Authority has a duty to carry out its licensing functions with the aim of promoting the four licensing objectives. (Paragraph 3.1)
- 6.3 The Authority will expect applicants and licence holders to demonstrate that they have given thought to and have in place adequate measures to ensure that the operation of their premises will not have an adverse effect on the quality of life of persons living and/or working in the vicinity of the premises. (Paragraph 4.1.4)
- 6.4 In determining a licensing application, the overriding principle adopted by this Authority will be that each application will be determined on its own merits. (Paragraph 5.3.1)
- 6.5 Conditions are crucial in setting the parameters within which premises can lawfully operate. Any contravention of a condition on a premises licence or club premises certificate is a criminal offence so it is essential that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:
- be appropriate, reasonable and proportionate
 - be enforceable
 - not duplicate other statutory requirements
 - be relevant to the particular type, location and character of the premises concerned
 - not be standardised
 - should be justifiable and capable of being met
 - not replicate offences set out in the Act or in other legislation
 - be written in a prescriptive format (Paragraph 7.2)
- 6.6 Members must have regard to the policy when making their decision and are requested to bring their own copy to the hearing.

7.0 GOVERNMENT GUIDANCE

- 7.1 Members are also obliged to have regard to the Guidance produced under S.182 of the Licensing Act 2003. The relevant version for this application was published in March 2015. It includes the following:
- 7.2 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls

within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case. (Paragraph 1.17)

- 7.3 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. (Paragraph 2.16)
- 7.4 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 2.17)
- 7.5 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 2.18)
- 7.6 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. (Paragraph 9.36)
- 7.7 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 9.37)

8.0 DETERMINATION

8.1 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

8.2 Reasons should be given for the decision which set out the matters taken into consideration and why such a decision was arrived at.

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

8.4 An adopted procedure for Hearings is available as Annexe 16. This should help guide all parties through the hearing process.

9.0 APPEAL

9.1 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.

LIST OF ANNEXES TO THIS REPORT

- **Annex 1:** Premises licence application
- **Annex 2:** Plans submitted with the premises licence application
- **Annex 3:** Environmental Health Representation
- **Annex 4:** Noise Management Plan submitted by Elmore
- **Annex 5:** Email from Environmental Health to applicant re. Number of events
- **Annex 6:** Applicants response to Environmental Health email re. Number of events
- **Annex 7 - 15:** Representations from Other Persons
- **Annex 16:** Hearing Procedure

Contact for any more information	Simon Newcombe Public Health Manager
Background Papers	S.182 Guidance to Licensing Act 2003 & MDDC Statement of Licensing Policy
Circulation of the Report	Applicant / 'Other Persons'



Licensing Authority
Mid Devon District Council
 Phoenix House, Phoenix Lane
 Tiverton, Devon EX16 6PP
 Tel: 01884 244617/8/9 or 01884 244646

Licensing Act 2003

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

CHECKLIST	Please tick ✓ yes
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 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	
For office use only	Payment code: HC5507266

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see www.middevon.gov.uk/index.cfm?articleid=3746 or contact the Information Management and e-gov Officer on 01884 234916.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Elmore AFC

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Horsdon Park Heathcoat Way			
Post town	Tiverton	Postcode	EX16 4DB

Telephone number at premises (if any)	01884 252341
Non-domestic rateable value of premises	£ 6500

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---------------------------------------------------|-----------------------------------------------------------------|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input checked="" type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> 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:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ✓

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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 Elmore AFC
Address Horsdon Park Heathcoat Way Tiverton EX16 4DB
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Football Association
Telephone number (if any) 01884 252341
E-mail address (optional) Jedhewitt007@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

We are a sports and social club and have been since 1947. We are set in four acres of land with Amory park football pitches to the West separated by a river and large established trees. To the North of the site is the BMX track which is separated by a fence and a river. To the East is EB Janes scrap merchants and recycling centre which is separated by a road, 4 metre fence and a row of well-established trees. To the South of the site in the far corner is the Tiverton Great Western Hotel. This is separated by a river, four metre fence and a row of well-established trees. The only potential noise impact to local business could be the Hotel. In the past we have always consulted with them on external events that involve music and dance. We also do a leaflet drop to local residence 7 to 14 days prior to an external event. All licensable activities outside will terminate at midnight.

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 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

☒

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

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			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 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	1200	0000	
Tue	1200	0000	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	1200	0000	
Thur	1200	0000	
Fri	1100	0200	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Christmas Eve 0300 Boxing night 0300 New Year's Eve 0300
Sat	1100	0200	
Sun	1100	0000	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1200	0000			
Tue	1200	0000	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed	1200	0000			
Thur	1200	0000			
Fri	1100	0200	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 (please read guidance note 5)		
Sat	1100	0200	Christmas eve 0300 Boxing night 0300 New Year's Eve 0300		
Sun	1100	0000			

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	1200	0000	<u>Please give further details here</u> (please read guidance note 3) Music will be amplified		
Tue	1200	0000			
Wed	1200	0000	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	1200	0000			
Fri	1100	0200	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	1100	0200	Christmas Eve 0300 Boxing Night 0300 New Year's Eve 0300		
Sun	1100	0000			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Music will be amplified		
Mon	1200	0000			
Tue	1200	0000	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	1200	0000			
Thur	1200	0000	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	0200			
Sat	1100	0200	Christmas Eve 0300 Boxing night 0300 New Year's Eve 0300		
Sun	1100	0000			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon	1200	0000				
Tue	1200	0000				
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Wed	1200	0000				
Thur	1200	0000				
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Christmas eve 0300 Boxing night 0300 New Year's eve 0300			
Fri	1100	0200				
Sat	1100	0200				
Sun	1100	0000				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	2300	0000			
Tue	2300	0000			
Wed	2300	0000	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	2300	0000			
Fri	2300	0000	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	2300	0000			
Sun	2300	0000			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	12	0000			
Tue	1200	0000			
Wed	1200	0000			
Thur	1200	0000	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Christmas eve 0300 Boxing night 0300 New Year's Eve 0300		
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0000			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Mr Julian Hewitt	
Address Wayview Bickleigh Tiverton	
Postcode	EX16 8HQ
Personal licence number (if known)	
Issuing licensing authority (if known)	

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 8).

On occasions we may have events with strippers. No one under the age of 18 will be allowed to attend these events and windows will be blocked out.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Christmas eve 0300 Boxing night 0300 New Year's eve 0300
Mon	0800	0000	
Tue	0800	0000	
Wed	0800	0000	
Thur	0800	0000	
Fri	0800	0200	
Sat	0800	0200	
Sun	0800	0000	

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 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Noise management plan for external music events

e) The protection of children from harm

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. ✓

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Julian Hewitt
Date	03 March 2015
Capacity	Chairman

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Licensing Authority
Mid Devon District Council
Phoenix House, Phoenix Lane
Tiverton, Devon EX16 6PP
Tel: 01884 244617/8/9

Licensing Act 2003

Consent of individual to being specified as premises supervisor

I [full name of prospective premises supervisor] Julian Hewitt
Of [home address of prospective premises supervisor] Wayview Bickleigh Tiverton EX168HQ
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for Premises licence]
by ELMORE AFC
relating to a premises licence
for [name and address of premises to which the application relates]

Elmore AFC Horsdon Park Heathcoat way Tiverton Devon Ex16 4DL

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

concerning the supply of alcohol at Elmore AFC Horsdon Park Heathcoat way Tiverton Devon EX164DB

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

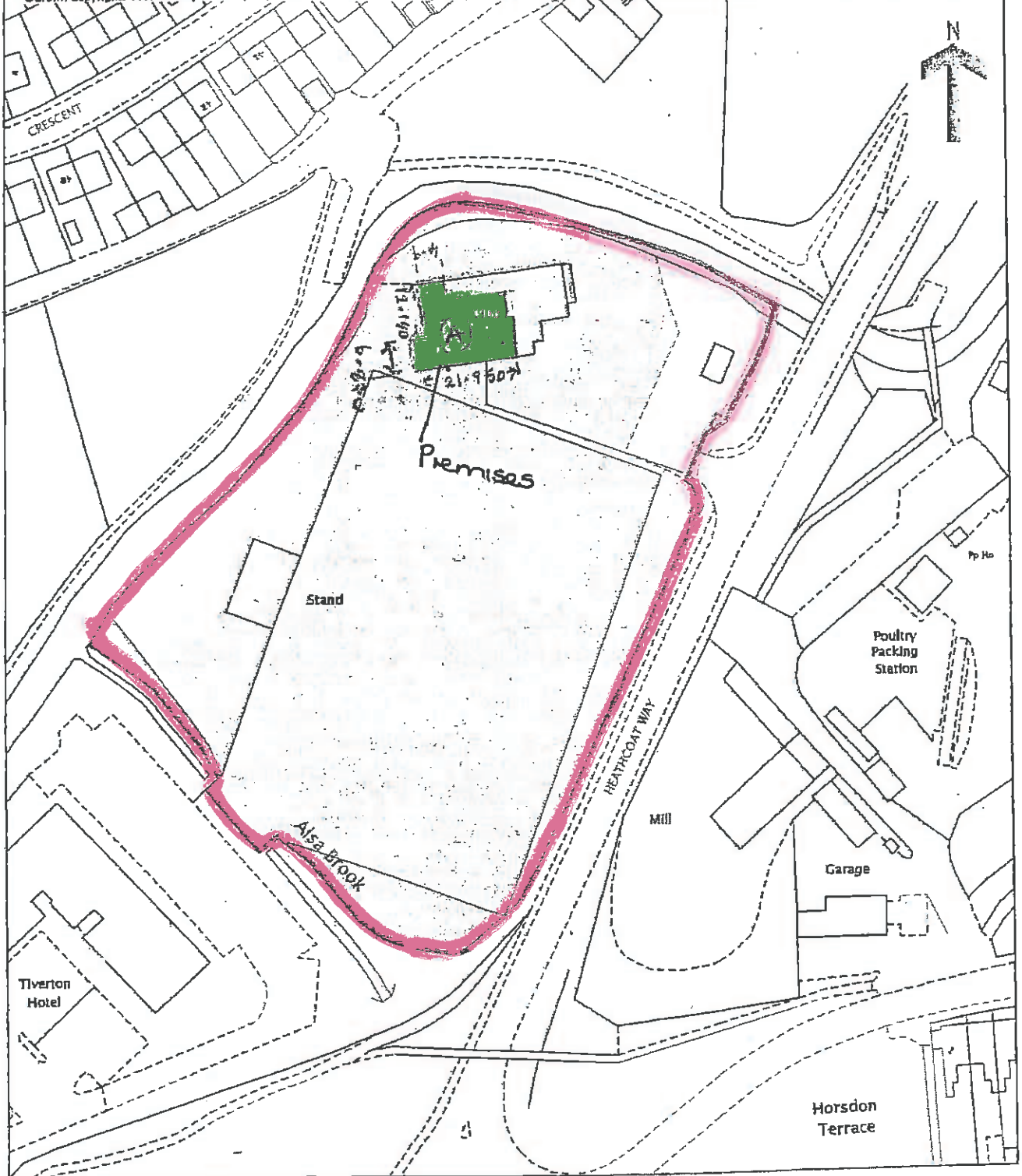
Personal licence number

Personal licence issuing authority Mid Devon District Council
Phoenix house Phoenix lane Tiverton Devon EX166PP

Signed	Julian Hewitt
Name (please print)	JULIAN HEWITT
Date	4 3 2015

This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see www.middevon.gov.uk/index.cfm?articleid=3746 or contact the Information Management and e-gov Officer on 01884 234916.

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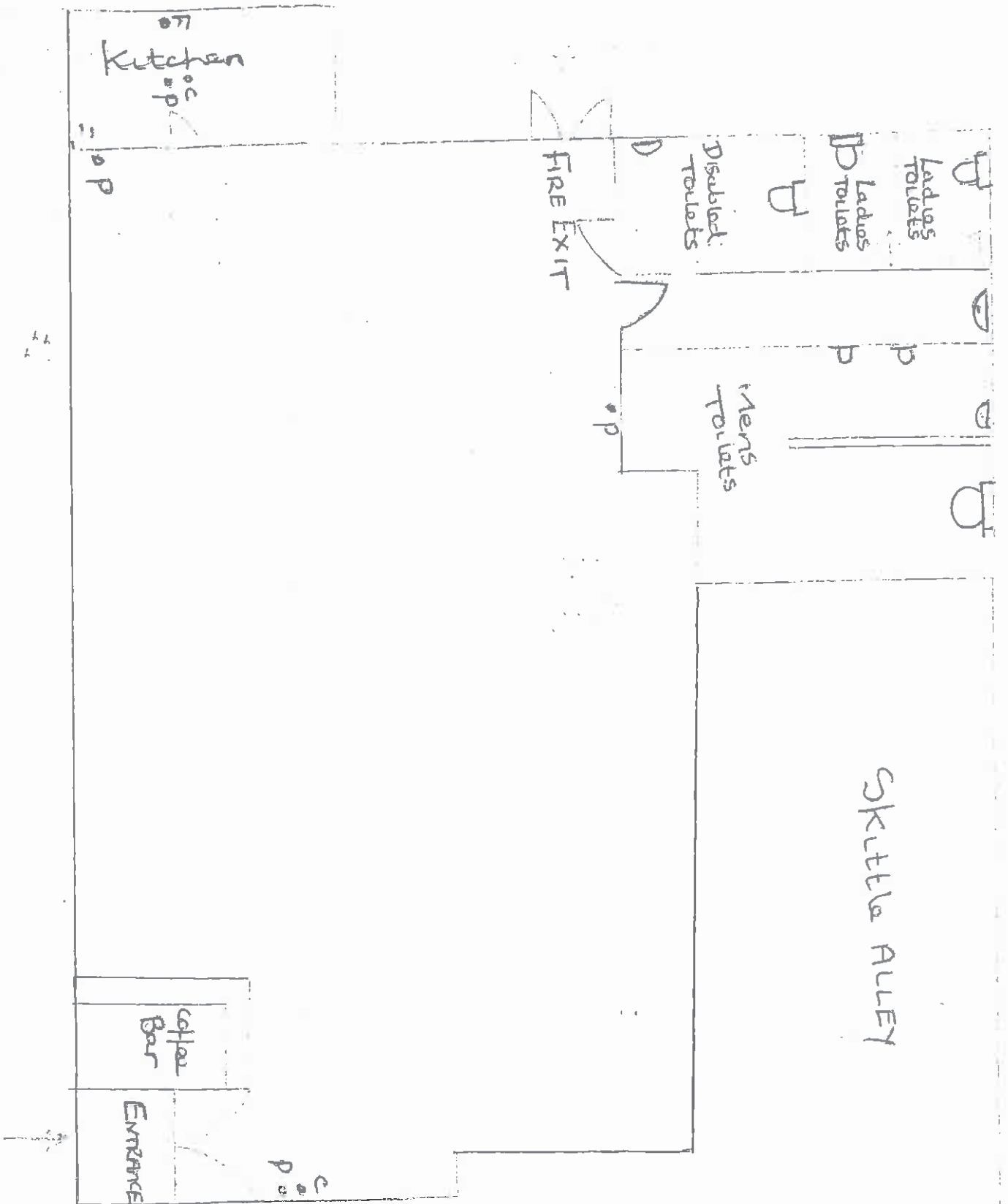


Red The perimeter of the site (Licensable activities).

Green The premises (A)

This official copy is incomplete without the preceding notes page.

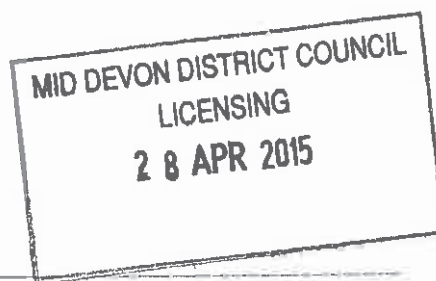
ELMORE HRC PREMISES



F = Fire Blanket
 C = CO2 Extinguisher
 P = Powder Extinguisher

PLAN NOT TO
 SCALE

From: Jan Winter
To: Thomas Keating
Subject: RE: Elmore - Application for a new premises licence
Date: 07 April 2015 09:27:35



Hi Tom

I've looked at the old noise conditions and to be honest I don't think they are worth keeping. A better approach will be the requirement for the applicant to submit a new noise management plan to cover the whole premises for indoor and outdoor events.

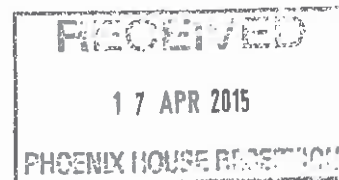
Therefore my response to the application is:

The applicant must provide a Noise Management Plan detailing the noise control measures that will be undertaken to control the noise levels from any indoor and outdoor regulated entertainment taking place at the premises. The noise management plan must be submitted to and approved by Mid Devon's Environmental Health Team prior to any events taking place.

Thanks

Ian

Noise Management Plan Elmore AFC
Horsdon Park, Heathcoat Way, Tiverton EX16 4DB 2015



Introduction –

We have acknowledged that we have a responsibility to ensure that external events does not generate excessive noise disturbance. The management plan has procedures we aim to ensure as far as possible the minimisation of disturbance to local residents. Our aim is to adopt the best options to ensure that the conditions meet the requirements of the premises licence.

Key elements of the plan –

Minimise impact to local residents and business to satisfy the licensing authority plan detailing action to be taken to minimise noise pollution.

Noise measurement checks.

A complaints procedure.

Security staff will be employed for external events up to one hour after the event ends to make sure dispersal takes place in an orderly and proper manner. Staff will take a pro active approach to noise management whilst on the site and when leaving the site. Make customers aware of the consequences of late night noise and to be pro active in dealing with the problem.

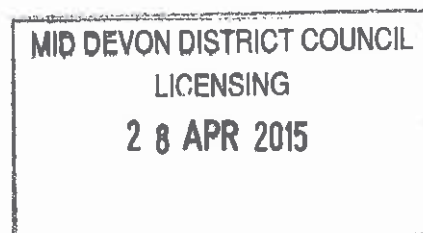
Noise monitoring –

This is a four acre site and we intend to noise monitor on the four boundaries of the site, North, South, East and West when we have external events involving amplified music. All complaints must be addressed to Mr Julian Hewitt who has the final say on reducing noise control and action to be taken. A note of all monitoring or complaints should be made using the log sheets.

Complaint Procedure

IF there are any complaints concerning noise these must be recorded on log sheets along With the action taken .

Supervisor/Nominated person
 Mr Julian Hewitt



Noise Management Plan 2015 – Elmore AFC

SOURCE OF IMPACT	NOISE MANAGEMENT TO CONSIDER	ACTION TO BE TAKEN
Inside music noise not amplified	No music after 0200hrs Volume Doors and windows Base control	Control Keep closed Limit base music system behind bar
Outside music amplified 1100 hrs up to 2400 hrs	Sound Control Residents Volume daytime 65DB limit up to 2300 LEAQ(5min) Volume night 55DB 2300h/2400h LEAQ(15min) Direction of speakers Location of speakers Stage Noise monitoring And control	Test & sound checks to correlate music noise levels at mixing desk. Liaise 14 days prior to event with leaflet information. Control Light and sound operator Point away from residents Facing away from noise sensitive areas as possible Positioned with consideration for residents and local business to avoid minimal disruption. Checks to be undertaken not to exceed 65DB daytime and 55DB night time.
Smoking areas and eating areas	Location away from Great Western Hotel. North of grandstand under cover.	No music and supervise by door staff noise for external events
Customer and car parking	Radios and slamming of doors, loitering. Taxi operators	No movement of vehicles after 2400hrs. Lock parking area until 8am the following day. Collection point near main gates.
Generators and chillers	Generators location 55DB at 10 metres	Position North of grandstand on hard standing and away from residents. Use silent running equipment
Refuse and recycling	General noise	Site refuse and recycling to be carried out in the morning not at night.

Children rides and slides	Children shouting, crying and laughing	All children activities to shut down by 2000hrs
---------------------------	----------------------------------------	-------------------------------------------------

Log Sheet Noise assessment /Action Taken

Date	Time	Noise levels	Action Taken	Conditions	Name

Thomas Keating

From: Ian Winter
Sent: 27 May 2015 17:34
To: 'jedhewitt007@yahoo.co.uk'; Richard Keith-Hill
Cc: Licensing
Subject: Premises Licence

Dear Jed

We've received a number of noise complaints in relation to the event held at Elmore AFC last weekend. Currently I'm still in the process of getting the exact details i.e. timings for when it was bad. As soon as I have this information I will come back to you to see if any monitoring was carried out at the same time. This isn't great timing for you with the hearing coming up for your premises licence. One thing I was thinking that might be of benefit to you in relaying the fears of some of the objectors to your premises licence would be to limit the number of outdoor events per year. This would deal with any worries with regards to the escalating of outdoor events at the site.

Do you have an idea of the numbers of outdoor events that you would be running per year and would you be happy in having that number of events conditioned in the licence??

Kind Regards

Ian

Ian Winter
Lead Officer
Environmental Protection Team
Environmental Health Services
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP

(01884) 211601 2/3

iwinter@middevon.gov.uk

From: [Julian Hewitt](#)
To: [Thomas Keating](#)
Subject: Re: Premises Licence
Date: 28 May 2015 14:24:24

Sent from Yahoo Mail on Android

From: "Julian Hewitt" <jedhewitt007@yahoo.co.uk>
Date: Wed, 27 May, 2015 at 22:28
Subject: Re: Premises Licence

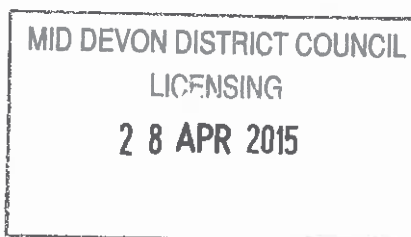
I would be happy to agree to two events externally within the grounds has a condition that would involve amplified music . The reason behind this is that are preseason football starts mid august and league football runs from Sept right through to early May . It would not be possible to put on any external events on the pitch from Sept to mid May . We have four football teams normally playing two or three games every week during these periods . This in itself prevents us doing any event on the pitch .

The only time we could put on any external event on the pitch is mid May upto end of August .Also during this period we have to do pitch repairs grass seeding and turfing when carried out allows no access onto the pitch for a six week period. So the window gets even smaller.

Sent from Yahoo Mail on Android

Mr. P Waterman
33 kings Crescent
Tiverton
Devon
EX16 6DN

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



~~4/22/2015~~
28/04/15

Dear Sir's

Let me start by asking that my name and address not be made public, in fear of reprisals thank you.

Without Prejudice

I would like to object to the planning application made by Elmore AFC for seven days a week indoor/outdoor live/recorded music.

I find the application for Live/Recorded music outdoors on any night wholly unacceptable! Elmore is situated in the middle of residential housing estates; weeknight music will affect not only the people that have work the following day but also the school children who have school the following day!

Elmore has proven in the past that they cannot adhere to the times of a Licensing notice when the music should stop at 12am they are still playing extremely loud music at between 2-3am.

Week day during the summer music is played for football training until around 10:30 why does it need this for football training? Why does it need outdoor music at all? I don't think any objection would be made against indoor music as long as it is indoors with all doors, fire doors, and windows shut, unlike some events in the past!

If you deem it that the Elmore AFC, a football club and a club house for social gathering not a nightclub, be allowed to have live/ recorded music outdoors I think it should only happen if the club builds a bank or noise suppressing fence/wall to block out the extremely loud music from causing a nuisance to local residence!

I live about 100 meters from the club house and on the occasions I find out about a outdoor event being held I go away for the weekend, why should I be driven from my home in order for Elmore AFC to do what they want?

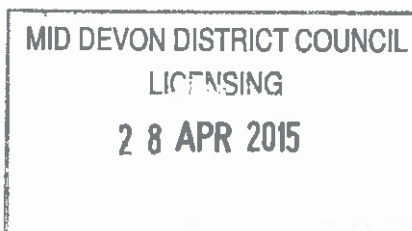
Mr. P Waterman

I found in the past that the police are unable to do anything about the noise, and the council is unable to get involved at the time, all they are willing to do is ask them to turn the noise down the next time. Residents have no one that is able to tackle the noise problem, at the time!

A few years ago there was a ban on loud music being played at Elmore due to the complaints about it! That worked fine for all concerned, Elmore AFC could have their events (indoors with all doors, fire doors, and windows shut) without causing a nuisance to residence. Then the law allowed it to start again if a TENS license was applied for! And Elmore could not help themselves playing loud music until about 2:30am when I believe the license cutoff point was 12am. Now Elmore AFC wants to play loud music seven days a week! They do not have any consideration for the residents of the area at all, just money, money, money!

Yours Sincerely

Mr. P Waterman





B. SCOBLE

24 KINGS CRESCENT

TIVERTON

EX 16.6 DL

~~2014~~ 5 5 2015

B.B

I am writing to object to ELMORE ARE

application for ~~extended~~ longer licensing hours. The events they hold at present are disturbing to residents of this street. We should not have to put up with late night music and noise including fireworks just for someone else's profit. On the past Elmore has shown total lack of consideration for any of its neighbours and hopes this time.

MID DEVON DISTRICT COUNCIL

LICENSING

05 MAY 2015

45 Kings Crescent
Twerton
ANNEX 9

re Elmore F.C.



Devon
EX16 6DN.
28 April 15

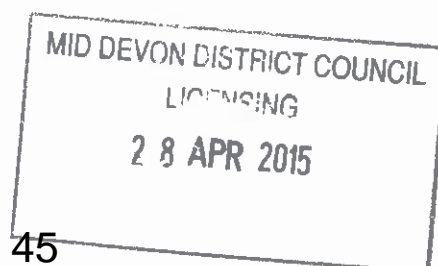
Dear Sirs

I am extremely concerned at the possibility of Elmore F.C. having a late night licence, I work 42 hrs per week and the thought of no sleep until the early hours of the morning is unbearable, there are many young families in this street who need to be considered.

Yours sincerely



P.S. I wish to point out that the Planning Notices are once again on the main rd and not being seen by the people in Kings Crescent area who will be mostly affected.



Mr Barry Horwood,
58 Kings Crescent,
Tiverton,
Devon EX16 6DN

28th April 2015

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

Dear Sirs,

I would like to make representation and objection to application 017552, made by Elmore AFC on the grounds of public nuisance.

I am a resident of Kings crescent, adjacent to Amory Park and the Horsden Park football ground.

At present we have noise from external music events on an occasional basis and have been happy to condone the local amateur football club in their fundraising events.

The application for the facility to have many late night events would, however, seriously impact on the lives of local residents in Kings Crescent.

The outside, large events have been on the football pitch in marquees, which offer no noise suppression and this would be unacceptable on a regular basis.

I note that the applicant states that he does a leaflet drop to local residents before an event (having lived here for 12 years) I have yet to receive one. In the application, no other mention or consideration of the impact to local residents has been made.

The O.S. map supplied with the application does little to highlight the close proximity of the residential properties in Kings Crescent.

This whole area is either residential or parkland and would be changed considerably by the granting this license to a pseudo night club.

Yours sincerely,


Mr B Horwood



43 Kings Crescent
Tiverton
EX16 6DN

Licencing department
Mid Devon Council
Phoenix House
Phoenix Lane
Tiverton, EX16 6PP

23rd April 2015

To whom it may concern,

Concerns for licence request due to public nuisance - Elmore FCA

I would like to inform you of my concern regarding the licence application that has been submitted by Elmore FCA.

As a close neighbour to the club I have already been subjected to disturbances due to the open air music on the site. During the duration of the event I cannot enjoy my garden peacefully. Even in the comfort of my home I can hear it in every room in the house. The most affected is the small rooms at the back with one being occupied by my 3 year old. On occasions that an outdoor event is taking place it is hard to get her to settle as she can clearly hear the music. I have made no complaint to date due to the infrequency of the events.

As you can understand I was very concerned to see the notice displayed regarding their request for outside music for potential every night of the week up to midnight. I understand that the club may not use the licence every day. However with the need for everyone to diversify to make ends meet, it does concern me that they would have more open air events causing a regular disturbance to me and my neighbours. I worry that regular events would adversely affect my 3 years olds ability to sleep and put myself under undue stress with an overtired child through no fault of our own.

My concerns for the licence are not around the indoor events proposed but by outdoor events (particularly music) in the grounds. If an outdoor music licence was to be issued I would like a restriction to be added to protect us from the noise pollution with a maximum number of uses in a year. I also feel that the club should give some thought to the volume of the performance and consider measures that would restrict the travelling of the noise.

I look forward to hearing from you in due course regarding how the Elmore's licence application is progressing.

Yours sincerely



Alison Wallage





The Norwell's,
26, Kings Crescent,
Tiverton,
Devon,
EX16 6DN

We are writing to strongly disagree with Elmore AFC being given the notice of application that they have applied for. It would cause a lot of noise and disruption to the neighbouring residents of Kings Crescent, Cowleymoor, Blundell's Road and Wilcombe. These are areas where there are lots of families with young children, so during the week if events were to be put on it would have a major impact on children's sleep and people who have to get up early for work e.g post people, lorry drivers, shift workers, nurses etc. It is very important that this is not deliberately interrupted by adding noisy entertainment evenings by nearby football clubs. I am sure we are not the only residents to be concerned about this and hope the council will give it serious thought when looking at this application.

Kind regards





42. Kings Crescent.
Tiverton ANNEX 13
Ex16 bDN.

20th May 2015

For the attention of the Licensing Team
Mid Devon District Council.

I am writing with great concern at the prospect of Elmore FCA's application to extend their entertainment activities and permitted hours of those activities.

Kings Crescent is in such close proximity to the club and the sound does travel as we already experience in this area.

There really is enough noise and loud music to be heard from the club and Bmx track combined.

Many people are working or have small children in the area and the need for relaxation let alone sleep is paramount.

I do hope ^{these} concerns will be taken into consideration.

Yours Sincerely



**Mid Devon Licensing Authority
Licensing Act 2003**

REPRESENTATION FORM

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

Your name/organisation name/name of body you represent (see note 3)	MRS TCARPENTER-SMITH
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	38 KINGS CRESENT TIVERTON DEVON EX16 6DN [REDACTED]
Contact telephone number	[REDACTED]
Name of the premises you are making a representation about	ELMORE FC
Address of the premises you are making a representation about.	HORSDON PARK HEATHCOAT WAY TIVERTON

Your representation must relate to one of the four Licensing Objectives (see note 1)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your response Please use separate sheets if necessary
To prevent crime and disorder	Yes	IN THE PAST DRUNK PEOPLE COMING FROM EVENTS AT ELMORE HAVE DAMAGED GARDEN FENCES.
Public safety		
To prevent public nuisance	Yes	THE NOISE KEEPS MY CHILDREN AWAKE ALOT ALREADY (ESPEACALLY IN THE SUMMER WHEN WINDOWS ARE OPEN), SO IF THEY STAY OPEN LATER THIS WILL GET WORSE. SCHOOL DAYS ARE THE WORST. OFTEN DRUMS.
To protect children from harm		

Mid Devon Licensing Authority
Licensing Act 2003

REPRESENTATION FORM

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

Your name/organisation name/name of body you represent (see note 3)	RHYS ROBERTS - DIRECTOR
Organisation name/name of body you represent (if appropriate) (see note 3)	TIVERTON HOTEL
Postal and email address	BLUNDALL ROAD TIVERTON EX16 4DB
Contact telephone number	[REDACTED]

Name of the premises you are making a representation about	ELMLEE AFC
Address of the premises you are making a representation about.	HOLDSOM PARK, TIVERTON. DEVON EX16 4DB

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	SUPPORTING EVIDENCE ATTACHED.
To protect children from harm		

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.

MID DEVON DISTRICT COUNCIL
LICENSING
28 APR 2015

Signed: [REDACTED]

Date: 24.4.15.

Please see notes on reverse

28.4.15



BEST WESTERN
TIVERTON HOTEL

— "The Gateway to the Westcountry" —

Blundells Road, Tiverton, Devon EX16 4DB

Tel: 01884 256120 Fax: 01884 258101

Email: sales@tivertonhotel.co.uk www.bw-tivertonhotel.co.uk

24 April 2015
28th

To the Members of the Licensing Sub Committee

Ref Elmore AFC Application

MID DEVON DISTRICT COUNCIL
LICENSING
28 APR 2015

I am the owner and operator of the Best Western Tiverton Hotel located next door to Elmore AFC and have over the past 15 years of operating the hotel sought to encourage and foster a good relationship with our neighbours. During that time we have not once raised any formal objection to the activities of our nearest local football club but now we have no alternative but to do so as our concerns have simply been totally disregarded by those running the business.

In the past few years we have seen a considerable increase in the commercial activities of the club and accepted a lorry park, increased functions held within the club and several outdoor activities involving large numbers of people and loud music. We have done this in the spirit of good neighbourly relationships and a desire to see the club move to a more sustainable footing. That growth has not been without difficulties and I have on several occasions been in contact with Mr Hewitt to discuss with him complaints we received from our guests staying at times when the outdoor activities in particular have been taking place.

To date I have not formalised any objection having taking into account the relatively low number of occasions the outdoor activities have occurred. I am now been made aware that the club wish to apply for an outdoor licence which obviously raises the potential to radically increase these activities in the future and if that were allowed it would in my opinion have a really damaging effect on my business and our guests.

We are a 69 bedroom three star hotel operating in both the corporate and leisure markets and in the time we have operated the hotel have built up the business and now attract a significant number of guests visiting and staying in the area. Overwhelmingly those guests, particularly when coming down for social reasons, come down due to experience the beautiful countryside and the peaceful way of life. We emphasise these special qualities when marketing the Mid Devon area and we know from our research that these qualities are a key driver in attracting visitors to the hotel and surrounding attractions.

Our previous experience of outdoor events at Elmore have not been positive and despite informing our guests beforehand, we have had to deal with a substantial number of noise complaints at the time. Inevitably future outdoor activities at the club will occur at warmer and lighter periods of the year and weekends and I read with dismay that the club have now applied for an extension to their weekend liquor licence to 2am which is completely unacceptable to the hotel when we had problems with previous outdoor functions finishing at midnight. I find it hard to understand the rationale for any extension.

The policy at the hotel has been for many years not to allow our functions to finish later than 12.30am despite having a licence which allows us to do so. We accept we operate mindful of our location and the needs of the local residents, all we ask is that other businesses in the area do the same.

I would respectfully request that members of the licensing sub-committee take into account our concerns on the effects that extending the club's current agreements would be not only on the hotel but the many homes in this area.

Regards



Rhys Roberts

Director

BW Tiverton Hotel

MID DEVON DISTRICT COUNCIL

Licensing Committee

Procedure for Hearings

1. Introduction

The hearing will be conducted in accordance with The Licensing Act 2003 (Hearings) Regulations (2005). The Sub-Committee will follow the procedure set out below at all hearings under the Licensing Act (2003)

2 The Officers

- 2.1 Each Sub-Committee will comprise of three Councillors of Mid Devon District Council who will hear applications made under the Licensing Act (2003)
- 2.2 The Committee will be attended by a:
 - (a) A Licensing Officer
 - (b) Representative of Legal Services
 - (c) Representative of Member Services
- 2.3 The role of the Licensing Officer will be to introduce the application, outline the relevant facts and any issues involved through the presentation of their report
- 2.4 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.
- 2.5 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 given and a minute of the decision reached, inclusive of the reasons for the decision.

3. Procedures at the hearing

- 3.1 The Chair of the hearing will introduce the members of the Sub-Committee and the Officers present at the hearing.
- 3.2 The Chair will introduce the matter to be resolved, and will ask the parties present at the hearing to introduce themselves.
- 3.3 The Chair will outline the procedure to be followed at the hearing.
- 3.4 Upon the failure of a party to attend the hearing, the Sub-Committee will decide whether to adjourn the matter, or proceed in the party's absence. If the decision is taken to proceed, the party's written application or representation will be taken into account.
- 3.5 The Sub-Committee will consider whether the hearing should be held in public or private session. The hearing will usually be heard in public except where the Sub-

Committee decide that it is in the public interest for the public to be excluded from a particular hearing, or part thereof or where the Sub-Committee make a resolution that the public and the press be excluded from the hearing, on the basis that either confidential or exempt information is likely to be disclosed.

- 3.6 The Sub-Committee will decide whether to grant any written request made by a party for permission to call a witness at the hearing. Any request may not be unreasonably withheld.
- 3.7 The Sub-Committee will consider any requests to present any new evidence or information that has not already been disclosed to all the parties and the Sub-Committee. The general rule is that the Sub-Committee must not consider information or evidence that was not disclosed to it or to the other parties prior to the hearing taking place, although all parties at the hearing can agree to that extra information being considered on the day of the hearing.
- 3.8 The Sub-Committee will consider any requests to call witnesses and will make a decision on such requests.
- 3.9 The Sub-Committee will consider any requests for permission to ask questions of other parties. The Sub-Committee will consider whether asking questions is required in order for it to consider the case properly. If permission is given to one party to ask questions, it will usually be given to all other parties at the hearing.
- 3.10 The Sub-Committee will decide the length of time that each party will be allowed to present their case.
- 3.11 The hearing will take the form of a discussion to be led by the Sub-committee
- 3.12 The Chair will ask the Licensing Officer to outline the matter before the Sub-Committee.
- 3.13 Where the written evidence or information provided by the applicant, responsible authorities and/or interested parties have raised legal issues or submissions, the Chair may request that any legal representatives present at the hearing and the legal representative of Legal Services address the Sub-Committee on the legal points raised.
- 3.14 The Applicant will make their case first either personally or through a representative. The Applicant may give further information in support of the application, but only in response to a point upon which the authority has given notice that it will want clarification.
- 3.15 Documentary evidence or other information produced by the Applicant may be considered, provided this has been produced prior to the hearing, or if not, with the consent of all the other parties. It may be necessary in some circumstances for the hearing to be put back until later in the day so that parties may consider additional information which is produced at the hearing.
- 3.16 The Applicant may then be questioned by members of the Sub-Committee. Questions will either be directed through the Chairman, or put directly by members with the agreement of the Chairman.

- 3.17 The Applicant may call any witnesses in support of his application, if this has been permitted by the Sub-Committee. The witnesses will address the Sub-Committee, which may then ask any question of the witnesses.
- 3.18 When the Applicant has completed the presentation of their case, the representatives of any responsible authorities who have made relevant representations address the Sub-Committee, and may be questioned by members of the Sub-Committee.
- 3.19 Witnesses may be called by the responsible authorities where permitted by the Sub-Committee. Documentary or other information produced on behalf of the responsible authority may be considered
- 3.20 Thereafter, other persons address the hearing, and they may be questioned by members of the Sub-Committee.
- 3.21 Witnesses who are permitted to be called in support of the submissions of the interested parties are then questioned by members of the Sub-Committee. Documentary or other information produced on behalf of an interested party may be considered
- 3.22 Where the Applicant is a responsible authority or an interested party the licence holder will present their case after the applicant followed by any responsible authorities and then interested parties.
- 3.23 After the conclusion of the evidence, each party may sum up their case, by addressing the sub-committee in the order in which they presented their case.
- 3.24 The Sub-Committee will either leave the hearing room to deliberate or ask all parties to leave the room.
- 3.25 Depending on the nature of the application, a determination of the case may be made either at the conclusion of the hearing or within 5 working days.
- 3.26 Where the case is determined at the end of the hearing the Chairman will read the Sub-Committee's determination aloud together with the terms of the decision made and the reasons for such decision.
- 3.27 The Chairman will thank everyone for their contributions, and closes the meeting, or moves on to the next item on the agenda.

4. After the Hearing

- 4.1 Once the meeting of the Sub-Committee has been concluded, Member Services will prepare minutes of the hearings.
- 4.2 The Licensing Officer will issue a notice to all of the parties involved (whether present at the hearing or not), outlining the decision of the Sub-Committee.