

Public Document Pack

Mid Devon District Council

Licensing Sub-Committee E

**Tuesday, 26 April 2016 at 10am
Phoenix Chamber 1, Phoenix House, Tiverton**

Those attending are advised that this meeting will be recorded

Membership

Cllr T G Hughes
Cllr L D Taylor
Cllr Mrs B M Hull

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 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 Moorhayes Community Centre (Pages 3 - 64)**
To receive a report from the Head of Human Resources and Development. An application has been received for a new premises licence for Moorhayes Community Centre, Tiverton, Devon, EX16 6TN. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

Stephen Walford
Chief Executive
11 April 2016

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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 Council Chamber on the first floor of the building 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

AGENDA ITEM

LICENSING SUB COMMITTEE
26 April 2016

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

DETERMINATION OF A PREMISES LICENCE APPLICATION FOR MOORHAYES COMMUNITY CENTRE, TIVERTON, DEVON, EX16 6TN

REASON FOR REPORT

1. An application has been received for a new premises licence for Moorhayes Community Centre, Tiverton, Devon, EX16 6TN. Relevant representation 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 following description of the premises is provided in the application:

‘Moorhayes Community Centre is a purpose built community centre with a main hall and meeting room, together with a full commercial kitchen. There is a large outside grassed area, suitable for and normally used as a football pitch, a hard surfaced and fenced multi use games area, outside seating areas, children’s play area and also a car park. The premises have been extended to improve the facilities available to the local community and consist of the existing ‘Country House’ bar, plus a new restaurant and bar area. The main hall has a bar which can be opened for functions’.

- 1.2 Although the application to be considered is for a new premises licence, it should be noted that the premises has held a premises licence since 2007. This new application must be considered on its own individual merits, but a copy of the current premises licence is attached for member’s information as Annex 1. This is because some of the representations made relate to the existing function of the premises and it may be useful to refer to.

2.0 APPLICATION

- 2.1 The application was submitted by Moorhayes Community Association.

- 2.2 In summary, the following licensable activities have been applied for:

- Plays (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Films (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Indoor sporting events from 08:00 until 01:00, Monday to Sunday
- Boxing or Wrestling (indoors) from 08:00 until 01:00, Monday to Sunday
- Live music (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Recorded music (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Performance of dance (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Anything of a similar description to live music, recorded music and dance (indoors and outdoors) from 08:00 until 01:00, Monday to Sunday
- Late night refreshment (indoors and outdoors) from 23:00 until 01:00, Monday to Sunday

- Supply of alcohol (on and off the premises) from 08:00 until 01:00, Monday to Sunday

2.3 For some of the activities outlined above, the application also includes a New Year's Eve 'de-regulation'.

2.4 The application also states that any outside event held on the field will be restricted to weekends, with all music and / or performances to finish by midnight. Outside events will also be restricted to no more than six per calendar year.

2.5 Specific timings can be seen on the application itself which is attached as Annex 2. The plans are attached as Annex 3. In terms of what the plans show, the application states the following:

'The overall site plan shows the entire site etched in blue and the 'main' premises area including some outside seating, immediately outside the building etched in red. The area etched in red is where licensed activities may take place in accordance with the schedules/times indicated below and the wider outside area marked in blue is where they shall be restricted to a maximum six times per calendar year'.

2.6 The application includes a request for the condition requiring a Designated Premises Supervisor to be 'dissapplied', which essentially means that Moorhayes Community Association will be responsible for ensuring alcohol sales are properly supervised. The existing licence in place has this same arrangement.

3.0 LICENSING OBJECTIVES

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

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

3.2 The applicant has provided information on this which can be seen within section M of the application (attached as Annex 2).

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:

- *The requirement for SIA registered door staff at any function involving licensable activities shall be risk assessed by the Committee and the promoter of the event*
- *Any outside event involving licensable activities shall be subject to the Committee / promoter of the event providing the Police and Licensing Authority with 21 days' notice of such event, providing details of numbers attending, timings, activities and measures to uphold the licensing objectives*
- *CCTV will be fitted, operated and maintained to the satisfaction of the Chief Officer of Police and the Licensing Authority*

4.4 With the agreement of the Police and the applicant the CCTV condition was subsequently re-worded as follows:

- CCTV cameras are located within the premises to cover all public areas including all entrances and exits (*to be marked on the plan attached to the premises licence*)
- The system records clear images permitting the identification of individuals, with cameras at entrances and exits capturing images of face and torso
- The CCTV system is able to capture a minimum of 8 frames per second and all recorded footage must be securely retained for a minimum of 28 days
- The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation
- The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected
- There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998

4.5 On the basis of these conditions being agreed the Police have no further comments and will not be attending the hearing.

4.6 The following comment was received from Ian Winter, Environmental Protection Officer, Mid Devon District Council:

'Having reviewed the application I have no objections with regards to noise and nuisances. The applicant has detailed that outdoor events will be finishing at 12 midnight and that the number of events will be limited to six per year. I understand that objections have been made to the licensing team but on checking the Council's Data system no recent noise complaints have been made to Environmental Health.'

Should noise become an issue once the licence has been granted Environmental Health will have the option to take action under the Licensing Legislation (by asking for a Review of the licence) or through the Statutory Nuisance Legislation’.

5.0 OTHER PERSONS

- 5.1 The Licensing Act allows ‘other persons’ to make representations provided they are relevant. 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 licensing authority will not accept representations considered to be frivolous or vexatious.
- 5.2 In this case the licensing authority has received four representations (two from the same household). The representations were submitted by Ms Carol Barnett, Mr Wayne Fearn, Ms Lynn Jenner and Mr Peter Radford-Gourlay. They are attached as Annex 4, 5, 6 and 7 respectively. Any representation in the form of an email chain has been pasted into a word document to ensure they are easy to read.
- 5.3 The prescribed 28 day period for representations ended on 29 March 2016 and it should be noted that the representation from Mr Peter Radford-Gourley was received on 30 March 2016. Following a conversation between the Licensing Team and Mr Radford-Gourley it was pointed out that the notice advertising the application may have been interpreted as the final day for representations being 30 March 2016. A copy of the notice is attached as Annex 8 so members can view this for themselves.
- 5.4 In order to ensure the process is not prejudicial, and also in consideration of the fact that representations had already been made, it is recommended that this representation be considered. The specific issue of interpreting the date differently on the notice has not been a problem in the past, perhaps because representations are generally not left until the final day. However, in recognition of the ambiguity the template notice that this authority provides to applicants has now been amended to clearly show the final date for representations. This will prevent this issue from occurring in the future.
- 5.5 The relevant parts of the representations are summarised briefly below, and for continuity, have been phrased similarly where possible to enable re-occurring themes to be highlighted.
- 5.6 Mrs Carol Barnett has raised the following points:
- The premises is close to residential properties and would be intrusive to those living nearby
 - The scale and scope of the licence is considered unreasonable
- 5.7 Mr Wayne Fearn has raised the following points:
- The premises is close to residential properties
 - The patio style doors are often left open during events and this leads to noise nuisance from music and patrons
 - The potential for litter problems
- 5.8 Ms Lynn Jenner has raised the following points:
- The premises is close to residential properties
 - The hours applied for are considered too much

- The patio style doors are often left open during events and this leads to noise nuisance from music and patrons
- The potential for litter problems

5.9 Mr Peter Radford-Gourlay has raised the following:

- The premises is close to residential properties and the sale of alcohol for consumption off the premises would lead to additional rowdiness and disturbance

5.10 Mr Peter Radford-Gourlay has also raised some points about the commercial aspect of the premises. This is not considered relevant to the four licensing objectives.

5.11 A map showing the location of the residents who 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 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)
- 7.4 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 It is important that reasons are 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 9. 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: Copy of current licence (for information only)

Annex 2: Application for a new premises licence

Annex 3: Plans submitted with the premises licence application

Annex 4: Representation from Ms Carol Barnett

Annex 5: Representation from Mr Wayne Fearn

Annex 6: Representation from Ms Lynn Jenner

Annex 7: Representation from Mr Peter Radford-Gourlay

Annex 8: Copy of notice advertising application

Annex 9: Hearing Procedure

Contact for any more information	Thomas Keating (01884 244618) Lead Licensing Officer
Background Papers	S.182 Guidance to Licensing Act 2003 & MDDC Statement of Licensing Policy
File Reference	Licensing/Hearings/Moorhayes
Circulation of the Report	Applicant / 'Other Persons'

Licensing Act 2003
Premises Licence

MDV PR0246

LOCAL AUTHORITY



Licensing Section
 Mid Devon District Council
 Phoenix House
 Phoenix Lane
 TIVERTON
 DEVON
 EX16 6PP

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Moorhayes Community Centre

Lea Road, Moorhayes, Tiverton, Devon.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	8:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday	8:00am	1:00am
C. Indoor sporting event	Monday to Sunday	8:00am	1:00am
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	8:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday	8:00am	1:00am
	New Years Eve	8:00am	2:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	8:00am	1:00am
	New Years Eve	8:00am	2:00am
G. Performance of dance (Indoors)	Monday to Sunday	8:00am	1:00am

Licensing Act 2003
Premises Licence

MDV PR0246

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
I. Provision of facilities for making music (Indoors)	Monday to Sunday	8:00am	1:00am
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	8:00am	1:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	8:00am	12:30am
	New Years Eve	8:00am	1:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	1:00am
New Years Eve	8:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Moorhayes Community Association
residents@moorhayescentre.org.uk

Moorhayes Community Centre, Lea Road, Tiverton, Devon.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

MOORHAYES COMMUNITY COMMITTEE

Moorhayes Community Centre, Lea Road, Tiverton, Devon, EX16 6TN.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. N/A

Issued by



ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children-

- (a) games or activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

The responsible person shall ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Where the film classification is specified in the licence, unless subsection (3)(b) applies, admission of the children must be restricted in accordance with any recommendation made by that body.

Where

- a) the film classification body is not specified in the licence, or
 - b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of the children must be restricted in accordance with any recommendation made by that licensing authority.



ANNEXES continued ...

In this section

'children' means persons aged under 18; and

'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c39) (authority to determine suitability of video works for classification).

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

THE PREVENTION OF CRIME AND DISORDER

- The premises will only be hired to outside bodies or organisations in accordance with the terms of the Association's hiring agreement in force at the time of hire.
- All functions held on the premises which involve the sale of alcohol will be subject of a risk assessment by the Bookings Secretary or Association General Committee to assess the impact of the function on the four licensing objectives.
- Where any disco, live music and dance is arranged which involves the Sale of Alcohol the organiser of that function will be required at the discretion of the Association to employ/provide SIA Registered Door Supervisors for the duration of the event at a ratio of 1:50.
- An incident book shall be kept and details of all public disorder on the premises will be recorded.
- No customers will be permitted to take open containers of alcoholic or soft drinks from the licensed area.
- All bottles and glasses will be removed from public areas as soon as they are finished with or empty.
- Crime prevention notices will be displayed warning customers of the prevalence of crime which may target them, eg 'bags should not be left unattended', 'watch out for pickpockets'.
- A detailed 'customer code of conduct' poster will be displayed warning customers that if they act in an inappropriate manner, they could be barred from all licensed premises in the vicinity.
- The premises shall operate a 'zero tolerance' policy toward drugs and drug users.
- Any restrictions on the admission of children to the premises will be displayed outside the premises.
- A minimum of six face recognition CCTV cameras will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority.
- CCTV will be installed in the bar currently named the Country House bar.

PUBLIC SAFETY

- The electrical systems will be inspected and tested annually by a competent person to ensure safety.
- The gas system including appliances will be inspected and tested by a CORGI registered gas engineer annually and a satisfactory Gas Safety Certificate will be obtained.
- All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
- The maximum occupancy figures for the premises will be 324 (hall) and 35 (meeting room) in agreement with the Council and Devon Fire and Rescue based on fire safety issues, available floor space and the sanitary accommodation available.
- When disabled people are present, adequate arrangements will exist to enable their safe evacuation in the event of an emergency.
- The sanitary accommodation consists of:
 - Male WCs - 1
 - Male urinals - 3
 - Male WHBs - 3
 - Female WCs - 4
 - Female WHBs - 3
- We will ensure that at all times there are adequate first aid arrangements. Our arrangements for first aid provision includes the provision of a first aid kit.
- Gangways, exit routes and steps will be maintained in good order with non-slippery and even surfaces.
- Where glazing forms part of windows, walls or partitions below waist height it will be constructed of safety materials.
- Where glazing forms part of a door or side panel at below shoulder height it will be constructed of safety



ANNEXES continued ...

materials.

- The premises will be regularly checked to ensure there are no risks to patrons and that all safety precautions are in place.
- External security lighting will remain lit until 15 minutes after the premises closing time to ensure patrons can leave safely.

THE PREVENTION OF PUBLIC NUISANCE

- All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment likely to give rise to noise.
- Suitable signage at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.
- Patrons will be asked not to stand around talking in the street outside the premises or any car park; and asked to leave the vicinity quickly and quietly.
- An announcement will be made prior to closing requesting patron's co-operation in leaving the premises and vicinity as quietly and quickly as possible.
- The emergency exits are well fitted and are kept shut during opening hours.
- Management will control the sound levels of the music/entertainment through verbal agreement with performers and users of amplified equipment.
- The delivery of goods is restricted to the hours of 08:00 hours to 19:00 hours.
- The handling of beer kegs, bottles and other similar items will not take place outside the Community Centre between the hours of 22:00 and 08:00, when noise generated could cause a nuisance.
- Bottle skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal office hours.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11 pm.
- The use of gardens and external play areas, including the football pitch, will not commence before the start of normal trading hours (08:00 hours) and will cease no later than 22:00 hours.
- No music or speech will be relayed by external speakers without the consent of the Licensing Authority.
- The Association will monitor the use of the car park to ensure patrons do not congregate in this area and cause annoyance.
- All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid.
- Facilities for disposing litter and the collection of litter generated by patrons will be available and maintained where outside areas are provided for the use of patrons.
- The use of lighting in gardens and external areas will cease at 22:00 except for health and safety or security reasons.

THE PROTECTION OF CHILDREN FROM HARM

- A proof of age policy to the satisfaction of the Police and Local Authority shall be in place.
- Irresponsible drinks promotions will not be permitted.
- Unaccompanied children under the age of 16 will not be permitted to enter the premises at any time during events involving the sale of alcohol.
- For any activity or entertainment of a clearly adult or sexual nature, access will not be permitted for children under 18 years.
- Advertising of such events will be agreed with the Council in advance.
- No person under 18 will be permitted to enter the premises whilst nudity or striptease is taking place.
- Physical contact will not be permitted between performers, staff and customers.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**ANNEX 4 - PLAN OF PREMISES**

Licensing Act 2003
Premises Licence

MDV PR0246

ANNEXES continued ...

See attached plan dated 6 January 2012.



Signature of Authorised Officer



LOCAL AUTHORITY



Licensing Section
 Mid Devon District Council
 Phoenix House
 Phoenix Lane
 TIVERTON
 DEVON
 EX16 6PP

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Moorhayes Community Centre

Lea Road, Moorhayes, Tiverton, Devon.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday	8:00am	1:00am
B. Exhibition of films (Indoors)	Monday to Sunday	8:00am	1:00am
C. Indoor sporting event	Monday to Sunday	8:00am	1:00am
D. Boxing or wrestling entertainment (Indoors)	Monday to Sunday	8:00am	1:00am
E. Performance of live music (Indoors)	Monday to Sunday	8:00am	1:00am
	New Years Eve	8:00am	2:00am
F. Playing of recorded music (Indoors)	Monday to Sunday	8:00am	1:00am
	New Years Eve	8:00am	2:00am



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors)	Monday to Sunday	8:00am	1:00am
I. Provision of facilities for making music (Indoors)	Monday to Sunday	8:00am	1:00am
J. Provision of facilities for dancing (Indoors)	Monday to Sunday	8:00am	1:00am
L. Late night refreshment (Indoors)	Monday to Sunday	11:00pm	1:00am
M. The sale by retail of alcohol for consumption ON the premises only	Monday to Sunday	8:00am	12:30am
	New Years Eve	8:00am	1:30am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	1:00am
New Years Eve	8:00am	2:00am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Moorhayes Community Association

Moorhayes Community Centre, Lea Road, Tiverton, Devon.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

MOORHAYES COMMUNITY COMMITTEE

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable


Signature of Authorised Officer





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 <input type="checkbox"/> yes
I have made or enclosed payment of the fee	<input checked="" type="checkbox"/>
I have enclosed the plan of the premises	<input checked="" type="checkbox"/>
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	n/a
I understand that I must now advertise my application	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>
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.

We Moorhayes Community Association

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 Moorhayes Community Centre Lea Road Tiverton EX16 6TN			
Post town	Tiverton	Postcode	EX16 6TN

Telephone number at premises (if any)	01884 254490
Non-domestic rateable value of premises	£ 10,000

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 | please complete section (B) |
| ii. as a partnership | 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:

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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname N/A			First names		
I am 18 years old or over				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	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname N/A			First names		
I am 18 years old or over				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	Moorhayes Community Association
Address	Moorhayes Community Centre Lea Road Tiverton EX16 6TN
Company number:	07550464
Charity number:	1146202
Moorhayes Community Association – registered company incorporated / limited by Guarantee and a registered Charity.	
Tel: 01884 254490 (centre number) or Phil White mobile: 07838 387110	
E-mail address (optional)	phillipwhite@live.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

01 April 2016

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

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

Moorhayes Community Centre is a purpose built community centre with a main hall and meeting room, together with a full commercial kitchen. There is a large outside grassed area, suitable for and normally used as a football pitch, a hard surfaced and fenced multi use games area, outside seating areas, children's play area and also a car park. The premises have been extended to improve the facilities available to the local community and consist of the existing 'Country House' bar, plus a new restaurant and bar area. The main hall has a bar which can be opened for functions.

The overall site plan shows the entire site etched in blue and the 'main' premises area including some outside seating, immediately outside the building etched in red. The area etched in red is where licensed activities may take place in accordance with the schedules/times indicated below and the wider outside area marked in blue is where they shall be restricted to a maximum six times per calendar year.

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

N/A

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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	X
Mon	08.00	01.00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	08.00	01.00			
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed	08.00	01.00			
Thur	08.00	01.00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	08.00	01.00			
Sat	08.00	01.00			

Sun	08.00	01.00	

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	
				Outdoors	
Day	Start	Finish		Both	X
Mon	0800	0100	Please give further details here (please read guidance note 3)		
Tue	0800	0100			
Wed	0800	0100	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	0800	0100			
Fri	0800	0100	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)		
Sat	0800	0100			
Sun	0800	0100			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	0800	0100	
Tue	0800	0100	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	0800	0100	
Thur	0800	0100	
Fri	0800	0100	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 (please read guidance note 5)
Sat	0800	0100	
Sun	0800	0100	

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	X
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	0800	0100			
Tue	0800	0100	<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed	0800	0100	<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur	0800	0100			
Fri	0800	0100			
Sat	0800	0100			
Sun	0800	0100			

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	X
Mon	0800	0100	On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.		
Tue	0800	0100			
Wed	0800	0100			
Thur	0800	0100			
Fri	0800	0100	<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	0800	0100			
			New years eve de-regulated		
Sun	0800	0100			

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	
				Outdoors	
Day	Start	Finish		Both	X
Mon	0800	0100	On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.		
Tue	0800	0100			
Wed	0800	0100			
Thur	0800	0100			
Fri	0800	0100	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)		
Sat	0800	0100			
Sun	0800	0100	New years eve de-regulated		

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	
				Outdoors	
Day	Start	Finish		Both	X
Mon	0800	0100	On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music and/or performance will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.		
Tue	0800	0100			
Wed	0800	0100	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	0800	0100			
Fri	0800	0100	<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)		
Sat	0800	0100	New years eve de-regulated		
Sun	0800	0100			

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		<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	
Mon	0800	0100		Outdoors	
				Both	X
Tue	0800	0100	On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music and/or performance will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.		
Wed	0800	0100			
Thur	0800	0100	<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	0800	0100			
Sat	0800	0100	<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	0800	0100			
			New years eve de-regulated		

I

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	
				Outdoors	
Day	Start	Finish		Both	X
Mon	2300	0100	<u>Please give further details here</u> (please read guidance note 3)		
Tue	2300	0100			
Wed	2300	0100	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	2300	0100			
Fri	2300	0100	<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	0100	New years eve de-regulated		
Sun	2300	0100			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish		Both	X
Mon	0800	0100	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music and/or performance will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.		
Tue	0800	0100			
Wed	0800	0100			
Thur	0800	0100	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New years eve de-regulated		
Fri	0800	0100			
Sat	800	0100			
Sun	0800	0100			

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

Application submitted concurrently for the requirement for a Designated Premises Supervisor be disappplied.	
Nb. Currently license – the requirement for a DPS is already disappplied.	
Postcode	
Personal licence number (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).

No such activities have or currently take place and none are proposed. Should any such event be proposed in future it would firstly need to be approved by the management committee, who would consider all the risks involved and in particular risks to children, as well as any offence which may be caused to the wider community. In the unlikely event of any such activity being approved by the committee, children would not be permitted on the premises and door staff would be used to prevent access.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			
Day	Start	Finish	
Mon	0800	0100	
Tue	0800	0100	
Wed	0800	0100	
Thur	0800	0100	
Fri	0800	0130	<p><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 (please read guidance note 5)</u></p> <p>New years eve de-regulated.</p> <p>On any occasion we have an outside event on the field it will be restricted to weekends (including public holidays) and all outside music will finish by 12 Midnight. To be restricted to a maximum six outside events per calendar year.</p>
Sat	0800	0130	
Sun	0800	100	

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)

The following information (box a) is given for is intended for information only / not a condition.

The management committee normally meets on a monthly basis to deal with the general management and upkeep of the premises. The committee will from time to time review the management of the premises in respect of licensed activities to ensure the licensing objectives are being met.

An incident book is maintained and will be reviewed by the committee. r the potential or actual harm to children will be reported to the committee.

b) The prevention of crime and disorder

An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record must contain the time and date, the nature of the incident, the people involved (if possible), and details of the action taken.

The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained on the premises for at least 12 months from the date of the incident.

No customers will be permitted to take open containers of alcoholic or soft drinks from the licensed area.

A detailed 'customer code of conduct' poster will be displayed warning customers that if they act in an inappropriate manner, they could be barred from all licensed premises in the vicinity.

Any restrictions on the admission of children to the premises will be displayed outside the premises.

c) Public safety

The premises will be regularly checked to ensure there are no risks to patrons and that all safety precautions are in place.

Appropriate risk assessments will be carried out and reviewed from time to time.

d) The prevention of public nuisance

All doors and windows shall be kept shut, other than for access and egress, during regulated entertainment.

Outside events taking place on the playing field area (area hatched in blue on the site plan) are limited to weekends (including public holidays) and a maximum 6 times per calendar year.

e) The protection of children from harm

The premises will operate a 'Challenge 21' scheme. This means that staff working at the premises must ask individuals who appear to be under 21 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- An identification card carrying the PASS holographic logo
- A photo driving license
- A passport

Unless such identification is produced the sale of alcohol must be refused.

The Premises shall maintain a refusal register for the sale of alcohol. This must include details of all alcohol sales refused and the reason for refusal. The refusals register must be kept on the premises and be made available for inspection to an authorised enforcement officer on request.

For any activity or entertainment of a clearly adult or sexual nature, access will not be permitted for children under 18 years of age. Windows would also be blocked out to prevent anyone outside from seeing in.

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.

N/A

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	P. White
Date	1 February 2016
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.

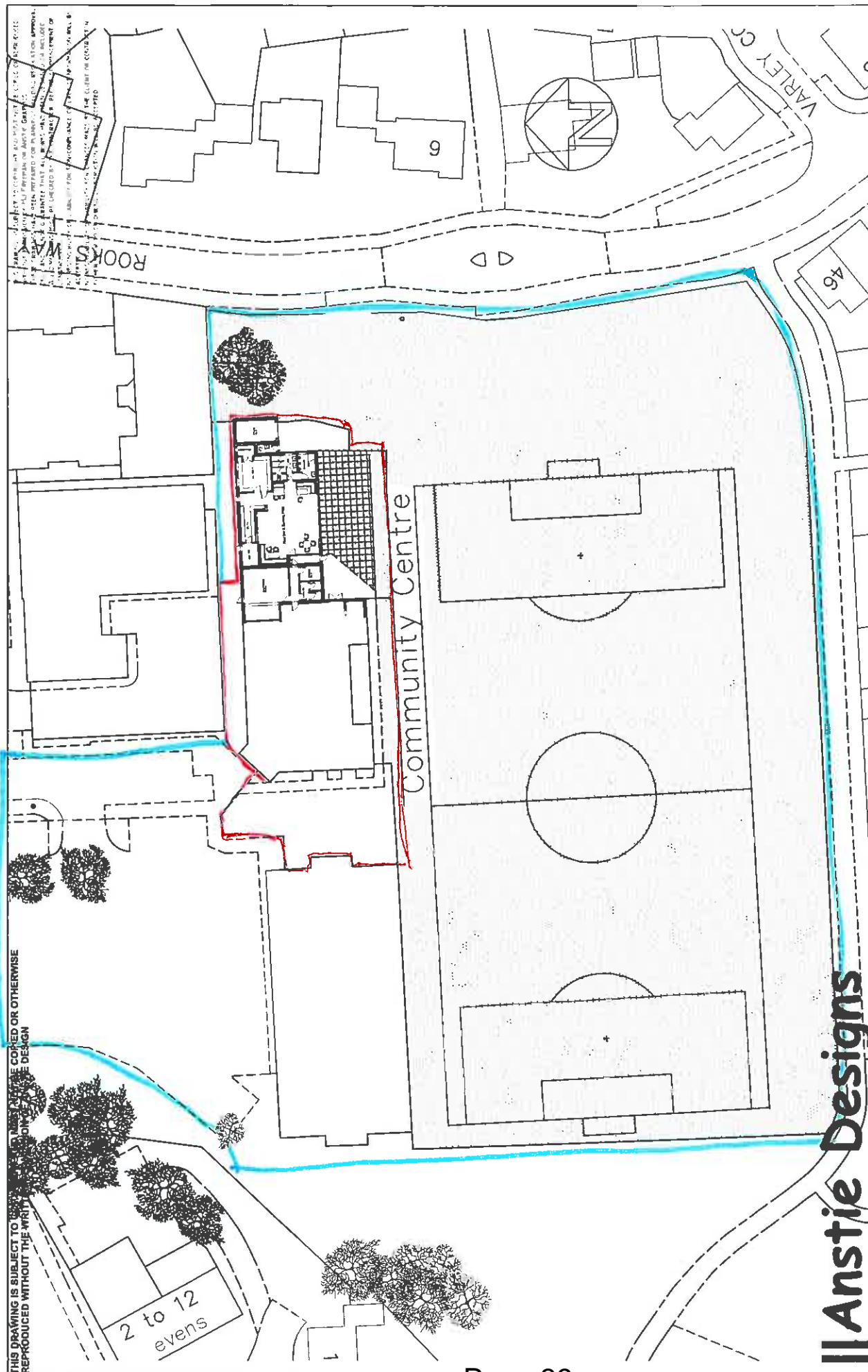
Signature	
Date	
Capacity	

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



Anstie Designs

martin@anstiedesigns.co.uk
25 Park Terrace
Bartons Causeway
Tiverton
EX16 6RL

Tel No 01884 255347

CLIENT Moorhayes Community Centre
PROJECT Extension to Bar Area & Changing Rooms

Date 26 March 2014

Scale: 1:500

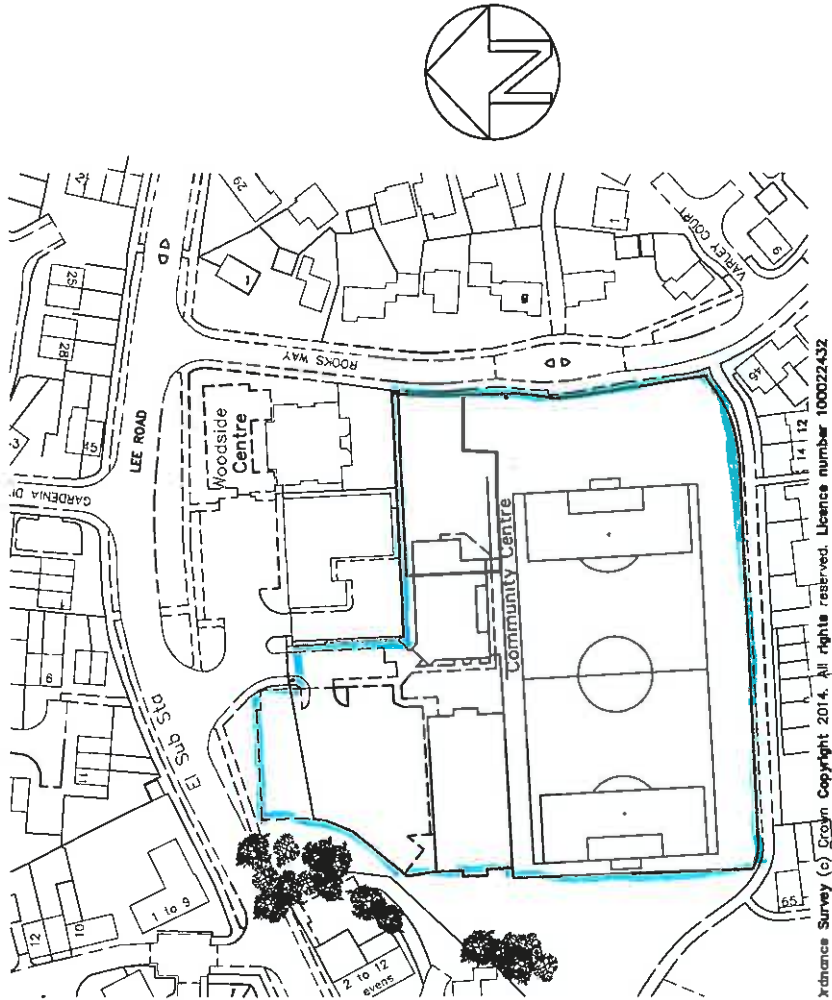
Job No: 540

Draw No: 3/1/MP(4)

DRAWING TITLE Proposed Block Plan

Dated 5 Feb 2016

THIS DRAWING IS THE PROPERTY OF ANSTIE DESIGN AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ANSTIE DESIGN. THE DRAWING HAS BEEN PREPARED FOR THE CLIENT'S USE ONLY. THE CLIENT'S RESPONSIBILITY IS TO ENSURE THAT THE DRAWING IS USED IN ACCORDANCE WITH THE INTENT OF THE CLIENT. ANSTIE DESIGN DOES NOT ACCEPT ANY LIABILITY FOR CHANGES MADE BY THE CLIENT OR CONTRACTOR AFTER THE DATE OF THE DRAWING. THE CLIENT'S RESPONSIBILITY IS TO ENSURE THAT THE DRAWING IS USED IN ACCORDANCE WITH THE INTENT OF THE CLIENT.



LOCATION MAP

Anstie Designs

martin@ans tiedesigns.co.uk
25 Park Terrace
Bartons Causeway
Tiverton
EX16 6RL

Tel No 01884 255347

CLIENT Moorhayes Community Centre
PROJECT Extension to Bar Area & Changing Rooms

Date 26 March 2014

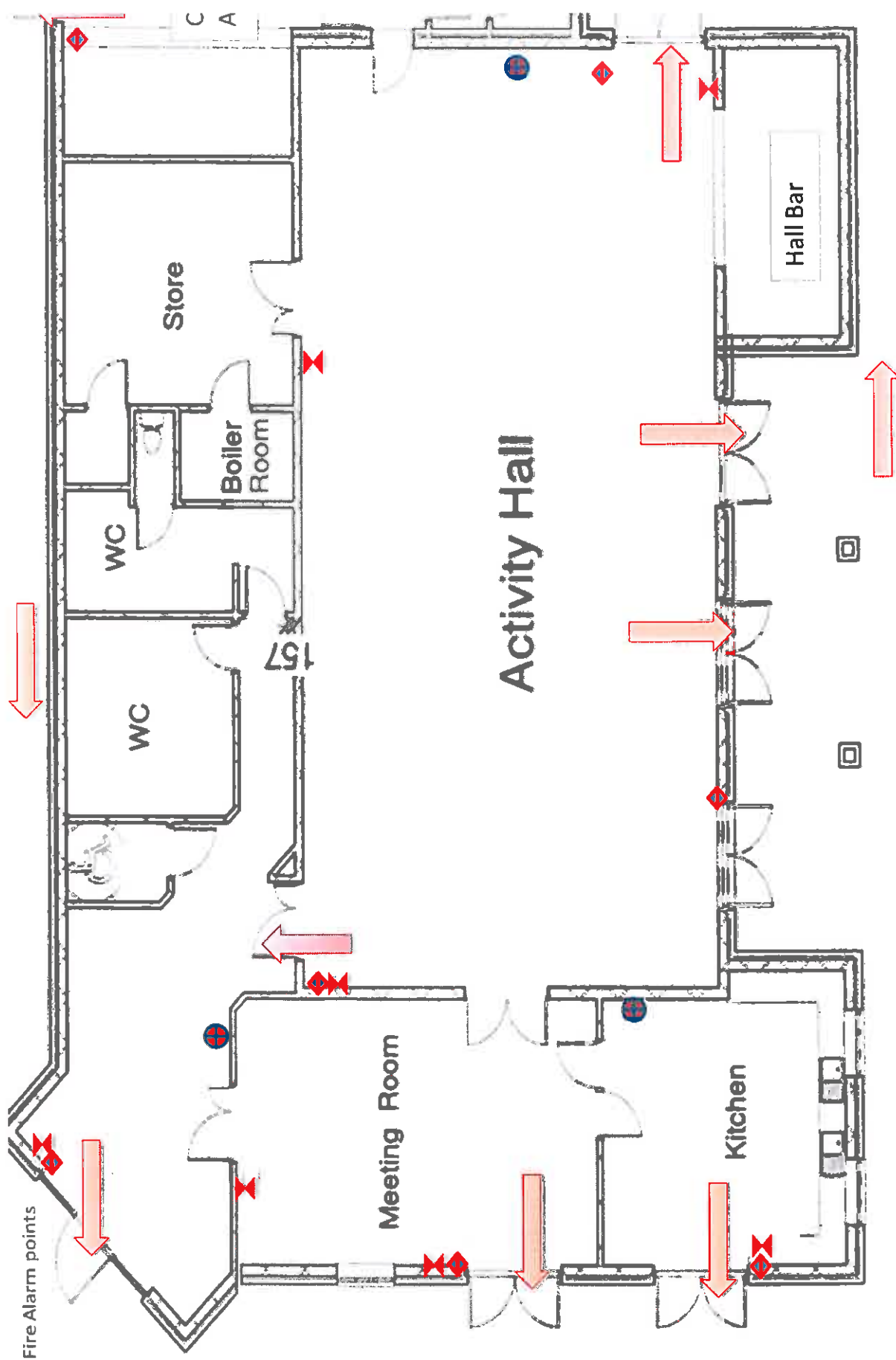
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Job No 540

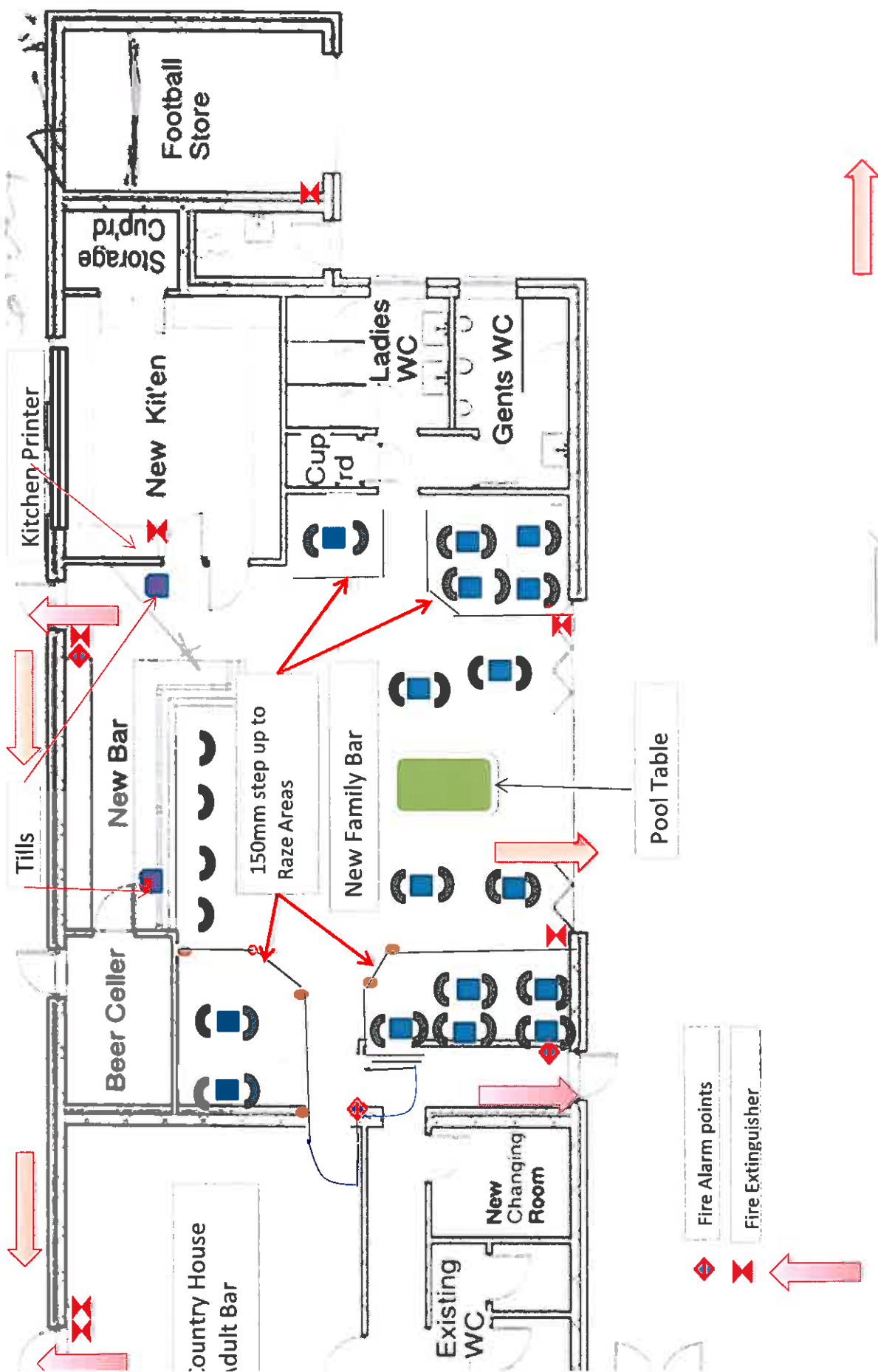
Drawn by 21/MP(4)

DRAWING TITLE LOCATION MAP

DATED 5 Feb 2016



DATED 5 Feb 2016



**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)	CAROL BARNETT
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	44 ROOKS WAY, TIVERTON EX16 6FE
Contact telephone number	

Name of the premises you are making a representation about	MOORTHAYES COMMUNITY CENTRE
Address of the premises you are making a representation about.	LEA ROAD, TIVERTON EX16 6TN

☐ Our 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	The basis of this objection is submitted given the proximity of the premises (Moorthayes Community Centre) to the residential properties within the Moorthayes Estate. Several are within a 300 yard range.
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. **	Restrictions to reduce the scope & scale of the proposed activities
---	---

Signed:

Date:

18/3/16

Please see notes on reverse



Moorhayes Community Centre

Continuation of licensing objection

Both the scale and scope of the intended license - the sale of alcohol, music events, boxing/ wrestling and late night entertainment 7 days a week.

Such activities are considered beyond what is reasonable.

The consequences of granting this license would be intrusive to those living close by to the Community Centre and would be prejudicial to the quiet enjoyment of the residents within these properties, to which they are entitled.

Representation from WAYNE FEARN, 14 Suter Drive, Tiverton, Devon, EX16 6FH

Moorhayes Community Centre

What follows is the email chain between Wayne Fearn and the licensing team.

The application is not taking in to consideration the impact that the extended hours will have on local residents. The centre is surrounded by residential properties. The centres patio style doors are more often than not open during events. These doors are not for access/egress but just opened for convenience, this leads to increased noise levels (including foul language) for local residents to endure.

If the doors are opened because the venue is too hot, maybe air conditioning should have been installed.

Regards

Wayne Fearn

Dear Wayne

Please can you provide us with your address and telephone number.

Your representation relates to public nuisance and the impact on local residents – could I ask if you have experienced this directly and if so, please can you provide us with specific details.

Kind regards

Thomas Keating / Lead Licensing Officer / Mid Devon District Council

I can't supply you with any particular dates, as this noise issue has been ongoing for some time. It tends to be worse during the summer months, when the large patio doors always get opened. This results in music travelling across the field towards the residential properties. Allied to this is the sound of shouting, screaming, swearing etc. I must add that this seems worse during private parties at the centre. An extension in the licensing hours would lead to this issues continuing later into the night. We often witness bottles etc on the field and surrounding footpaths after events in the centre, this would increase if the off sales license were to be granted.

I'm not a killjoy. I believe that the centre plays an important role for the area. However I do feel that the local residents are not considered during the organisation of events.

Wayne Fearn

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Representation from LYNN JENNER, 14 Suter Drive, Tiverton, Devon, EX16 6FH

Moorhayes Community Centre

What follows is the email chain between Lynn Jenner and the licensing team.

I would like you to consider my concerns for the above Licence application 018815.

I do not believe that anyone has taken into consideration that this is a residential area and not a business park. The hours that have been requested I believe are too much. Not only do you have working people residing in the area you have children that need to be able to sleep.

Residents already experience a lot of noise from the centre as the majority of the time the doors are not kept shut and noise travels, especially at night. We also have to put with hearing bad language and shouting often alcohol fuelled.

I am very pleased at the amount of use the Community Centre has, but reassurance is needed that the doors will not be open (which already does not happen) and that the noise level will not further disturb the people who have to live next to it. An extension has already been built which has extra patio doors that open onto the playing field, which again would cause more noise.

I do not think it necessary for such late hours in a residential area and the knock on effect it would have on the area. Please consider the residents.

Regards Lynn Jenner

Dear Lynn

Please can you provide us with your address and telephone number.

Your representation relates to public nuisance and the impact the application will have on nearby residents – please can I ask if you have experienced this directly already, and if so, please can you provide us with specific details?

Kind regards

Thomas Keating / Lead Licensing Officer / Mid Devon District Council

Hi Thomas

Since the Community Centre has opened it has been well used and supported, which is good. Unfortunately when in use especially when the weather is warm all the doors are opened and noise emanates across the playing field to the houses backing onto to the field.

The noise travels more at night when it is quieter and we have experienced loud music, loud talking, shouting, swearing, drunken disputes and domestic squabbles. We would not wish to stop anyone having fun, but it is unpleasant when you are trying to sleep and cannot due to the noise. This has happened on a regular basis when private parties are being held.

On occasions the playing field has cans and bottles scattered around and also around the paths and hedges adjacent to our homes after these events.

We are concerned that with the new extension that has been built, with more doors and what looks like a patio area, that the doors will be open more and encourage people to drink/smoke outside more, thus increasing the noise. As we are a residential area there are also young children and working people who do shift work and need to sleep.

If you require any further information, please do not hesitate to contact me.

Kind regards

Lynn Jenner

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)	PETER RADFORD - GOURLAY
Organisation name/name of body you represent (if appropriate) (see note 3)	N/A
Postal and email address	15 ROOKS WAY, TIVERTON, EX16 6UG
Contact telephone number	

Name of the premises you are making a representation about	MOORHAYES COMMUNITY CENTRE
Address of the premises you are making a representation about.	LEA ROAD, TIVERTON

☐ Our 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	No	
Public safety	No	
To prevent public nuisance	YES	PLEASE SEE ATTACHED DOCUMENTS
To protect children from harm	No	

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. **	AS DETAILED IN ATTACHED DOCUMENT.
---	-----------------------------------

Signer

Date: 29/3/2016

Please see notes on reverse

Representation regarding:

Moorhayes Community Centre Licensing Application 018815

Regarding the Objective "To prevent public nuisance":-

I am concerned that the request to permit the Off-License sale of Alcohol will lead to additional rowdiness and disturbance locally, in what is a normally quiet, well established Residential Area. This would be exacerbated by permitting these sales to be available for 17 hours every day of the week, until 1 a.m. in the morning.

I do not see that this proposed commercial activity fits in with the remit of the Community Centre, but consider it is simply a way to raise money without consideration for local residents. Adjoining the Centre is Tesco's Express, which has an existing off-licence until 11 p.m., so until that time there is no valid "Community" reason for the Centre to sell alcohol for consumption off the premises at all. By permitting the Centre to sell alcohol until 1 a.m. you would be encouraging its use by customers from a wider area, many without any connection to the Moorhayes Community. This would lead to an increase in traffic and noise being suffered by the local residents.

For these reasons I urge you to decline the part of the Licensing Application specified in Paragraph J of the "Activities – Times Requested" section.

P. Radford-Gourlay.

PUBLIC NOTICE LICENSING ACT 2003

To whom it may concern:

We Moorhayes Community Association do hereby give notice that we have applied to the Licensing Authority at Mid Devon District Council for a new Premises Licence at;

Moorhayes Community Centre,
Lea Road, Tiverton EX16 6TN

Brief description: The application is to provide regulated entertainment seven days a week, along with the sale of alcohol and late night refreshment. The application also includes provision to hold outside events up to a maximum six occasions per calendar year at weekends/public holidays. Full details can be viewed on the application available at Mid Devon District Council (www.middevon.gov.uk/business/licensing)

Any person wishing to make representations on this application may do so by writing to The Licensing Section, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP not later than 28 days after the date of this notice. (www.middevon.gov.uk).

A copy of the application can be viewed at the Licensing Authority's address during normal office hours.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000

Dated 2nd March

* Regulations 25 & 26 of the Licensing Act 2003 (Premises Licences and club premises certificates) Regulations 2005.

**Goods Vehicle
Operator's Licence**

Craig Berry trading as CB Plant

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MID DEVON DISTRICT COUNCIL – LICENSING COMMITTEE

Protocol and Procedure for Licensing Sub-Committee Hearings

1.0 Introduction

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

2.0 Composition of Sub-Committee

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

- There are at least two experienced Members in attendance
- Rotation of Membership

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

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

3.0 Hearings to be held in public

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

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

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

4.0 Time of Hearings

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

5.0 Notice of Hearing

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

6.0 Right of Attendance, Assistance and Representation

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

7.0 Hearings held on more than one day

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

8.0 Right to dispense with a hearing

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

9.0 Right to postpone or adjourn a hearing

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

10.0 Report

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

11.0 Detailed Procedural notes

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

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

12.0 Procedure at hearing - General

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

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

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

13.0 Roles of Officers

Representative of Legal Services

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

Representative of Member Services

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

Licensing Officer

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

14.0 Determination of Applications / Notices

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

15.0 Record of proceedings

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

16.0 Appeals

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

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

17.0 Irregularities

17.1 Proceedings will not be rendered void only as a result of failure to comply with any provision of the Hearing Regulations.

17.2 Where the authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.

17.3 Clerical mistakes in any document recording a determination of the authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the authority.

The following information and procedures are associated with this document

Legislation

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

Hearing Procedures

- New premises licence application (attached)

Hearing Guidance

- General guidance to attendees (attached)

HEARING PROCEDURE: NEW PREMISES LICENCE APPLICATION

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.

General guidance to attendees

RIGHTS OF A PARTY

As a party to the hearing, you are entitled to:

- Attend the hearing
- Be assisted or represented at the hearing by another person, whether or not that person is legally qualified
- Give further information in support of your application or representation in circumstances where the Licensing Authority has given you notice that clarification on a point is required
- Question any other party if given permission to do so by the Licensing Authority
- Address the Licensing Authority

FAILURE TO ATTEND THE HEARING

- If you or your representative are unable to attend the hearing, the hearing may proceed in your absence (in which case the Licensing Authority will consider the application, representation or notice made by you)
- Alternatively, the Licensing Authority may, where it is in the public interest, adjourn the hearing to another date and notify all parties

HEARING PROCEDURE

- The procedure to be followed at the hearing is contained in the document 'Protocol and Procedure for Licensing Sub-Committee Hearings'.

ADDITIONAL INFORMATION

Documents

- You may produce documents or other information in support of your application, representation or notice (as applicable) either before the hearing, or with the consent of all the other parties, at the hearing
- In considering the representations or notice made by you, the Licensing Authority may take into account any documents produced in accordance with this provision.

Submissions

- You must confine your submission at the hearing to the representations you have made within the statutory prescribed period. You may not raise new representations at the hearing.

Time

- There is no set time limit for verbal submissions at the hearing. The Chairman or Councils legal advisor may move the discussion on if you begin to repeat yourself or introduce points that are not relevant.
- Where a number of parties attending a hearing wish to make the same or similar points, the Chairman may invite parties to appoint a spokesperson (if they have not done so already). You will then be entitled to add anything you consider the spokesperson has omitted.

Disruptive behaviour

- Any person attending the hearing who is deemed by the Licensing Authority to be behaving in a disruptive manner will be required to leave the hearing.

DETERMINATION AND NOTIFICATION OF DECISION

- The Licensing Authority will try to make its decision on the same day as the hearing whenever possible
- The Licensing Authority will notify each party in writing of its determination and the rights of appeal

ADDITIONAL INFORMATION

Should you require any further information about the hearing process please contact the Licensing Authority on 01884 255255