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MID DEVON DISTRICT COUNCIL

LICENSING SUB-COMMITTEE A

A MEETING of the **LICENSING SUB-COMMITTEE A** will be held in the Exe Room, Phoenix House, Tiverton on Friday, 5 August 2016 at 11.00 am

STEPHEN WALFORD

Chief Executive
2 August 2016

Councillors: Cllr D R Coren substituting for Cllr Mrs E M Andrews, Cllr F J Colthorpe substituting for Cllr R J Chesterton and Cllr J L Smith

A G E N D A

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

1 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of substitution (if any).

2 CHAIRMAN

To elect a Chairman for the Sub Committee.

3 DETERMINATION OF A TEMPORARY EVENT NOTICE FOR A 'PRIVATE EVENT WITH CAMPING' NEAR WASHFIELD WEIR, BOLHAM, TIVERTON (Pages 3 - 56)

To receive a report from the Licensing Officer regarding determination of a temporary event notice for a 'private event with camping' near Washfield Weir, Bolham, Tiverton.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any

member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

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

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

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

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

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

Agenda Item 3

AGENDA ITEM

LICENSING SUB COMMITTEE

5 August 2016

REPORT OF THE HEAD OF HUMAN RESOURCES AND DEVELOPMENT

DETERMINATION OF A TEMPORARY EVENT NOTICE FOR A 'PRIVATE EVENT WITH CAMPING' NEAR WASHFIELD WEIR, BOLHAM, TIVERTON.

REASON FOR REPORT

1. Objections to a Temporary Event Notice (TEN) have been received from the Police and Environmental Health which means the Licensing Authority must hold a hearing.

RECOMMENDATIONS

1. That the Sub Committee consider the objections that have been made and decide whether or not the event should be allowed to go ahead.

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. There is no 'consultation' process for TENs – the only responsible authorities who are formally notified of such notices are the Police and Environmental Health.

1.0 BACKGROUND

1.1 Temporary Event Notices (TENs) are intended to be a light touch approach to enable the carrying on of licensable activities on a temporary basis. As such they are not considered as 'applications' to be authorised by the Licensing Authority. They are 'notices' provided to a Licensing Authority which set out what licensable activities are due to take place.

1.2 TENs can last a maximum of 168 hours and cover up to 499 people attending the premises at any one time. There are two categories of TEN and these are a 'standard' TEN and a 'late' TEN. A standard TEN must be submitted at least 10 clear working days' before the event start date and a late TEN must be submitted between 5 and 9 workings before.

1.3 The Licensing Authority cannot oppose a notice. However, there are two 'responsible authorities' who are able to make objections – the Police and Environmental Health and the legislation describes them as "a relevant person". S.104(2) of the Licensing Act 2003 sets out that "Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an "objection notice") to –

- The relevant licensing authority
- The premises user; and
- To every other relevant person."

1.4 The licensing objectives are as follows:

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

1.5 The main difference between a standard TEN and a late TEN is that if an objection notice is received by the Licensing Authority for a standard TEN then a hearing must be held to consider the matter. If an objection notice is received against a late TEN then the event cannot go ahead and there is no hearing.

2.0 HISTORY OF SITE AND INFORMATION ABOUT THIS TEMPORARY EVENT NOTICE

2.1 The Sub Committee should be aware that there have been two previous TENs submitted for this site in the current calendar year. These were submitted by different people and both were to cover multiple day events. Following the involvement of the Police and Environmental Health both TENs were withdrawn and as a result neither went to a hearing. This is provided as background information only and any decision on the current TEN must be based on the individual merits of this case.

- 2.2 This hearing is to consider objections to a standard TEN. The TEN was submitted electronically by Mr Josh Sasanow (the 'premises user') on 20 July 2016. The TEN submitted did not include details of the number of people attending. As a result it was not accepted on the initial date of submission.
- 2.3 Mr Josh Sasanow confirmed on 24 July 2016 that there would be no more than 499 people on site at any one time. As a result of this confirmation, the TEN was considered submitted correctly on 24 July 2016. A copy of the TEN is attached as Annex 1.
- 2.4 The event is described as a 'private event with camping'. It is to be held at fields near Washfield Weir, Bolham, Tiverton with a grid reference provided of 50.934228, 3.504080. When checked this reference appears to display an address in Belgium.
- 2.5 The TEN is to cover the sale of alcohol (for consumption on the premises), regulated entertainment and late night refreshment. The following dates and times are listed on the TEN as when licensable activities will take place:
- 2 September – 12:00 to 02:00 (Friday)
 - 3 September – 12:00 to 04:00 (Saturday)
 - 4 September – 12:00 to 22:00 (Sunday)
 - 5 September – 10:00 to 14:00 (Monday)
- 2.6 As the TEN was submitted electronically it was forwarded to the Police and Environmental Health by the Licensing Authority.

3.0 OBJECTION NOTICES

- 3.1 The Police and Environmental Health must give any objections they have to the Licensing Authority before the end of the third working day following the day on which they have received the TEN. As this TEN was accepted on 24 July 2016 objection notices had to be submitted no later than 27 July 2016.
- 3.2 The Police and Environmental Health both submitted objection notices within the prescribed period and they are attached as Annex 2 and 3 respectively.
- 3.3 The Police objection is summarised below and covers the prevention of crime and disorder, public safety and the protection of children from harm. A number of questions are posed as a result of the lack of information provided within the TEN.
- What kind of event it will be? i.e. family orientated / over 18's only etc.
 - What security measures are proposed?
 - What provisions are in place to manage the sale of alcohol in a responsible manner and ensure it is not sold to children?

- Will alcohol be provided in glass containers or plastic only?
- How will the number of attendees be monitored to ensure compliance?
- How will unauthorised access to the site be prevented?
- What policies are in place to deal with drug use?
- The site is adjacent to a river. How will this be managed? Will swimming be allowed?
- The site is adjacent to the A396. How will access and egress be managed safely from this busy road? How will people walking on the highway be dealt with? How will traffic be managed to ensure there is no build up?

3.4 The objection from Environmental health is summarised below and covers public safety and the prevention of public nuisance.

- Due to the close proximity of the river, the site raises a number of public safety concerns that have not been addressed in the information submitted to date
- They are not satisfied that the event can be managed safely considering the mix of people, alcohol and the river
- Given the quietness of the area and the close proximity of residential properties it is felt that an outdoor music event with the sale of alcohol and late night refreshment (at the times applied for) will result in public nuisance through intrusive noise.

3.5 Representatives from both the Police and Environmental Health will attend the hearing to present the objections they have made and respond to any questions members may ask.

3.6 It should be noted that Mr Josh Sasanow has submitted a risk assessment to accompany the TEN (attached as Annex 4). This was submitted after the Police objection was made but before the objection by Environmental Health. The Sub Committee may therefore wish to ask parties present at the hearing to clarify what concerns remain outstanding. This will ensure the hearing is focused on the relevant points.

4.0 LICENSING POLICY & GOVERNMENT GUIDANCE

4.1 Members are obliged to have regard to the Council's Licensing Policy. The most recent version of this will be available at the hearing.

- 4.2 Members are also obliged to have regard to the Guidance produced under S.182 of the Licensing Act 2003. The most recent version of this was published in March 2015. A copy will be available at the hearing but the following sections should be noted.
- 4.3 *Licensing authorities should look to the police as the main source of advice on crime and disorder. (Paragraph 2.1)*
- 4.4 *If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice... Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice. (Paragraph 7.28)*
- 4.5 It also includes the following advice which, although not specifically relating to hearings for TENs, is important to note.

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. (Paragraph 9.36)

5.0 LEGAL FRAMEWORK

- 5.1 Where a Licensing Authority receives an objection notice it is required, by S.105(2) of the Licensing Act 2003 to:
- hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the Licensing Authority agree that a hearing is unnecessary; and
 - having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.2 When a hearing is required it must be held within seven working days, starting from the end of the period within which objections may be made. That is why this hearing appears to have been set up with short notice. Similarly, the notice of hearing has to be sent out no later than two working days before the day of the hearing.

6.0 OPTIONS

- 6.1 The Sub Committee can decide to either:
- Stop the event from taking place (issue a Counter Notice), OR
 - Allow the event to take place

7.0 DETERMINATION

7.1 Members are obliged to decide whether or not to issue a counter notice following consideration of the evidence presented to them. They may only issue a counter notice if they consider it appropriate for the promotion of the licensing objectives.

7.2 Where Members decide to serve a counter notice, the Licensing Authority must give the premises user;

- the counter notice; and
- a notice stating the reasons for the decision

A copy must also be given to the Police and Environmental Health.

7.3 Where Members decide not to serve a counter notice, the Licensing Authority must give the premises user, Environmental Health and the Police notice of this decision. The notice must include detailed reasons for the decision that is made.

7.4 This Council has adopted a procedure for hearings and this is attached as Annexe 5.

8.0 APPEAL

8.1 Under Paragraph 16 of Schedule 5 to the Licensing Act 2003 an appeal may be made against the Licensing Sub Committee's decision by:

- the premises user if a counter notice is issued; or
- Environmental Health or the Police (or both) if a counter notice is not issued

8.2 Any appeal must be made to the Magistrates' Court within 21 days of having received formal notification of the decision by the Licensing Authority.

Annexes attached to this report

- Annex 1: Copy of TEN
Annex 2: Police objection
Annex 3: EH objection
Annex 4: Risk assessment submitted by Mr Sasanow
Annex 5: Hearing procedure documents

Contact for any more information	Mr Tom Keating (01884) 244618 Lead Licensing Officer
Background Papers	Licensing Act 2003 / MDDC Policy / S182 Guidance
File Reference	Licensing/Hearings/Washfield Weir
Circulation of the Report	Sub Committee / Premises User / EH / Police

MID DEVON DISTRICT COUNCIL
 LICENSING
 24 JUL 2016



Licensing Authority

Mid Devon District Council

Phoenix House, Phoenix Lane
 Tiverton, Devon EX16 6PP
 Tel: 01884 244617/8/9/46

Temporary Event Notice

Application for a temporary event notice licence to be granted
 under the Licensing Act 2003

CHECKLIST	Please tick <input type="checkbox"/> yes <input type="checkbox"/> no
Send at least one copy of this notice to the licensing authority for the area in which the premises are located	
Send a copy of this notice to the chief officer of police and Environmental Health for the area in which the premises are located	
Send at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	
Make or enclose payment of the fee of £21 for the application	
Sign the declaration in Section 9	
For office use only	Payment code: HC5507269

Temporary Event Notice

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport (http://www.culture.gov.uk/alcohol_and_entertainment/default.htm) or from your local licensing authority.

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Part 1 - The personal details of premises user (Please read note 1)

Title	Mr	
Surname	Sasanow	
Forenames	Josh	
PREVIOUS NAMES (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)		
Title		
Surname		
Forenames		
Your date of birth		
Your place of birth		
National Insurance Number		

<p>YOUR CURRENT ADDRESS (We will use this address to correspond with you unless you complete the separate correspondence box below)</p> <p>Honeysuckle Cottage Sutton Lane Sutton</p>	
<p>Post Town Witney</p>	<p>Post Code OX29 5RU</p>
<p>TELEPHONE NUMBERS Daytime</p>	
<p>Evening (optional)</p>	
<p>Mobile (optional)</p>	
<p>FAX NUMBER (optional)</p>	
<p>E-Mail Address (if available)</p>	
<p>ALTERNATIVE ADDRESS FOR CORRESPONDENCE (If you complete the details below, we will use this address to correspond with you)</p>	
<p>Post Town</p>	<p>Post Code</p>
<p>TELEPHONE NUMBERS Daytime</p>	
<p>Evening (optional)</p>	
<p>Mobile (optional)</p>	
<p>FAX NUMBER (optional)</p>	
<p>E-Mail Address (if available)</p>	

Part 2 - The premises

<p>Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) - (Please read note 2) Pasture Fields Near Washfield Weir, Bolham, Tiverton, Devon - 50.934228, -3.504080</p>
<p>Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so , please enter the licence or certificate number below</p>
<p>Premises Licence number:</p>
<p>Club Premises Certificate number:</p>
<p>If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)</p>
<p>Please describe the nature of the premises below. (Please read note 4) pasture land</p>

Please describe the nature of the event below. (Please read note 5)
 private event with camping

Part 3 - The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>

Are you giving a late temporary event notice? (Please read note 7)
 Yes No

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)
 2-5 September

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)

- 2nd - 12pm-2am
- 3rd - 12pm - 4am
- 4th - 12pm - 10pm
- 5th - 10am - 2pm

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	499
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="radio"/>
	Off the premises only	<input type="radio"/>
	Both	<input type="radio"/>

Part 4 - Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="radio"/>	No <input type="radio"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Bristol City Council	
Licence number	13/05532/LAPER	
Date of issue	03/01/14	
Date of expiry	03/01/24	
Any further relevant details		

Part 5 - Previous temporary event notices you have given (Please read note 13)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>

Part 6 - Associates and business colleagues (Please read note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="radio"/>	No <input checked="" type="radio"/>

Part 7 - Checklist (Please read note 15)

I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are located	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input type="checkbox"/>
Send a copy of this notice to the local authority exercising Environmental Health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy	<input type="checkbox"/>

of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, send A copy of this notice to each additional local authority exercising Environmental Health functions	
Make or enclose payment of the fee of £21 for the application	
Sign the declaration in Section 9 below	

Part 8 - Condition (Please read note 16)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

Part 9 - Declarations (Please read note 17)

The information contained in this form is correct to the best of my knowledge and belief.
 I understand that it is an offence:
 (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

SIGNATURE	✓	DATE	20/07/2016
Name of Person signing		Josh Sasanow	

For completion by the Licensing Authority

Part 10 - Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

SIGNATURE		DATE	
On behalf of the Licensing Authority			
Name of Officer Signing			

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.aspx?articleid=3746 or contact the Information Management and e-gov Officer on 01884 234916.

MID DEVON LICENSING AUTHORITY
Licensing Act 2003

OBJECTION NOTICE FORM FROM A RESPONSIBLE AUTHORITY

Responsible Authority: Police

Your Name	Lesley CARLO
Job Title	Alcohol Licensing Officer
Postal and email address	Force Licensing Team Devon and Cornwall Police Middlemoor Exeter EX2 7HQ licensingeast@devonandcornwall.pnn.police.uk
Contact telephone number	01392 226313

Name of applicant for TEN	Mr Josh Sasanow
Address of premises for proposed TEN	Pasture Fields, Washfield Weir, Bolham, Tiverton.
Date this objection was given to:	
Licensing Authority	25/07/16
Premises user (applicant)	25/07/16
Any other relevant persons	25/07/16

<i>Which of the four licensing Objectives does your objection relate to?</i>	<i>Yes Or No</i>	<i>Please detail the reason for your objection. Please use separate sheets if necessary</i>
To prevent crime and disorder	YES	<ol style="list-style-type: none"> 1. The notice indicates this is a private event. How many persons will be attending – this is not indicated on the notice? 2. What type of event is this? Family event? Over 18s only? Music event? 3. What security provision, if any, is in place to prevent and deal with crime or disorder? 4. How will the sale of alcohol be managed, what provisions are in place to prevent the sale of alcohol to persons under eighteen or persons who are drunk? 5. Is alcohol to be provided in glass or plastic only? What policy is in place? 6. How will numbers be managed to ensure the maximum number allowed under a TEN is not exceeded? 7. How will unauthorised access to these fields be restricted? 8. What steps have been taken to prevent the sale or supply of drugs at this event? <p>There is minimal information provided on this TEN, I cannot judge if sufficient measures are in place to meet this licensing objective. This event is planned over four days, with the latest sale of alcohol time being 0400 (Saturday night into Sunday morning). I would expect robust policies in place to monitor the sale of alcohol until such a late hour.</p>
Public safety	YES	<ol style="list-style-type: none"> 1. The field is adjacent to the river and the weir. This raises concerns regarding public safety. Is it the intention to allow swimming as part of this event, as has been suggested by previous notice givers at this

		<p>site? How will this be managed or how will the river be fenced to prevent unauthorised access?</p> <p>2. The location is adjacent to the A396. How will access and egress to this site be managed safely given the proximity to this busy road? How will persons walking on the highway be managed? How will vehicle access from the A396 be managed so as not to impact on the highway?</p> <p>There is minimal information provided on this TEN, I cannot judge if sufficient measures are in place to meet this licensing objective.</p>
To prevent public nuisance	NO	
To protect children from harm	YES	<p>1. What provisions are in place to prevent the sale of alcohol to persons under 18?</p> <p>2. What provisions are in place to prevent access to the river?</p> <p>There is minimal information provided on this TEN, I cannot judge if sufficient measures are in place to meet this licensing objective</p>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?	NO	
If yes, are there conditions on the licence, consistent with the activities applied for on the TEN, that you feel are appropriate to promote the licensing objectives?	NO	

Please state the relevant conditions below:

Signed: Lesley Carlo

Date: 25/7/16

This form must be returned within the Statutory Period. For more details please check with the Licensing Section on 01884 244617/8/9.

OBJECTION NOTICE FORM FROM A RESPONSIBLE AUTHORITY

Responsible Authority (please delete as applicable): Police / Environmental Health

Your Name	Ian Winter
Job Title	Environmental Protection Officer
Postal and email address	Environmental Health Services Mid Devon District Council iwinter@middevon.gov.uk
Contact telephone number	01884 244604

TEN Reference Number	Sasanow1022893277
Name of applicant for TEN	Mr Sasanow
Address of premises for proposed TEN	Pasture Fields Near Washfield Weir, Bolham, Tiverton, Devon - 50.934228, -3.504080
Date this objection was given to:	
Licensing Authority	26 th July 2016
Premises user (applicant)	26 th July 2016
Any other relevant persons	26 th July 2016

<i>Which of the four licensing Objectives does your objection relate to?</i>	<i>Yes Or No</i>	<i>Please detail the reason for your objection. Please use separate sheets if necessary</i>
To prevent crime and disorder	No	
Public safety	YES	Due to the close proximity of the river Exe, this site raises a number of public safety concerns that have not been fully addressed with the information has that been provided with this TEN and the subsequent Risk Assessment. I am not satisfied that the event can be managed safety and I have some major concerns with regards to the mix of people, alcohol and a fast flowing river.
To prevent public nuisance	Yes	Due to the quietness of the surrounding area and the close proximity of residential properties to the sites location, I feel that an outdoor music event with the sale alcohol and late night refreshments until 2am on Friday, 4am Saturday will result in public nuisance by the emitting of intrusive noise affecting nearby residential properties.
To protect children from harm	No	

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?		No
If yes, are there conditions on the licence, consistent with the activities applied for on the TEN, that you feel are appropriate to promote the licensing objectives?		No

• Please state the relevant conditions below:

Signed: Ian Winter

Date: 26th July 2016

This form must be returned within the Statutory Period. For more details please check with the Licensing Section on 01884 244617/8/9.

1

Risk Assessment

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

Page(s) 22-23 : Catering

2

All identified risks will be given a severity rating out of 25.

Risk Rating = Likelihood x Severity

S e v e r i t y	Catastrophic	5	5	10	15			
	Significant	4	4	8	12			
	Moderate	3	3	6	9	12	15	
	Low	2	2	4	6	8	10	
	Negligible	1	1	2	3	4	5	
			1	2	3	4	5	
			Improbable	Remote	Occasional	Probable	Frequent	
			Likelihood					

- Catastrophic  STOP
- Unacceptable  URGENT ACTION
- Undesirable  ACTION
- Acceptable  MONITOR
- Desirable  NO ACTION

3

Venue / Site Design

Subject : Terrain – Flat, grass/pasture fields

Risks Identified : Trip, slip, fall hazards

Persons / Property at Risk : Crew, Public, Emergency Services

Existing Control Measures : None

Risk Rating : **6**
Severity : 3
Likelihood : 2

Action (If required) :
1. Appropriate sign-age
2. Fill in pot-holes (Soil/wood-chip)
3. Cordon off (If actions 1 and 2 don't suffice)

Person(s) Responsible : Site Manager

Subject : Trees, hedgerow

Risks Identified : Loose branches falling

Persons / Property at Risk : Crew, Public, Emergency Services

Existing Control Measures : None

Risk Rating : **10**
Severity : 5
Likelihood : 2

Action (If required) :
1. Inspection
2. Felled by qualified tree surgeon

Person(s) Responsible : Site Manager

Subject : River

Risks Identified : Drowning

Persons / Property at Risk : Crew, Public, Emergency Services

Existing Control Measures : None

4

Risk Rating :

10

Severity :

5

Likelihood :

2

Action (If required) :

1. Heras fencing
2. 24 hour lighting
3. Lifeguard
4. Emergency service access routes
5. Appropriate sign-age

Person(s) Responsible :

Site Manager
Health & Safety Officer
Production Manager

Subject :

Demountable structure layout

Risks Identified :

Public congestion.

Persons / Property at Risk :

Public
Staff

Existing Control Measures :

Pre-planned layout circulated to all contractors and build crew. Thoroughfares at least 1m wide, if flow is expected to be greater this is increased. Major Ingress/Egress points use 3 single file lane queuing system and are one-way (Staffed). Layout considered HSE guidelines and recommendation from experienced contractors.

Risk Rating :

1

Severity :

1

Likelihood :

1

Action (If required) :

Site constantly monitored and reassessed if necessary.

Person(s) Responsible :

Site Manager
Production Manager

Subject :

Demountable structure stability (adverse weather)

Risks Identified :

Damage to property.
Public Injury

5

Persons / Property at Risk :

Staff
Public
Contractors
Property

Existing Control Measures :

Structures supplied and erected by experienced, professional companies.
Structures suitable for purpose.
Site in sheltered location.

Risk Rating :

5

Severity :

1

Likelihood :

1

Action (If required) :

Evacuation of structures and surrounding areas should wind speed breach 65mph.
Monitor weather and forecast.
Keep in contact with suppliers for advice.

Person(s) Responsible :

Production Manger

Subject :

Site in use at night

Risks Identified :

Slip, trip, fall

Persons / Property at Risk :

Public
Staff

Existing Control Measures :

Venues lit up.
High visibility material on posts and stakes (covered in foam).
Walk ways and gates lit up. Festoon lighting.
Facilities floodlit.
Camp-site, car park and main social areas floodlit.
Back-up power available.
Staff/Security in High-vis.

Risk Rating :

4

Severity :

2

Likelihood :

2

Action (If required) :

Person(s) Responsible :

Production Manager
Site Manager
Head of Security

6

Subject : Unattended equipment

Risks Identified : Theft/Loss.
Vandalism.

Persons / Property at Risk : Property

Existing Control Measures : Lost & Found.
Locked stores for artist equipment.
Stage equipment lock-up at each venue.
Offices locked.
Security Staff

Risk Rating : 2
Severity : 1
Likelihood : 1

Action (If required) : Public info stating to keep valuable on person.

Person(s) Responsible : Production Manager.
Head of Security.

Subject : Vehicle movement on-site

Risks Identified : Personal injury.

Persons / Property at Risk : Public
Staff

Existing Control Measures : Vehicle lane around perimeter.
All venue, stall, food and waste delivery/pick-up points located show side of vehicle lane.
All vehicle movement authorised by Production Manager.
Signs, cones, fencing and structures creat barrier between public and vehicle lane.

Risk Rating : 3
Severity : 3
Likelihood : 1

Action (If required) : 5Mph speed limit on-site.
High vis member of staff to walk in front of vehicle and make sure lane is clear.

Person(s) Responsible : Site Manager
Production Manager

7

Crew

Subject :

Volunteers

Risks Identified :

Insufficient numbers.
Unsuitable volunteers
Performing tasks they are insufficiently trained/qualified for.
Volunteer welfare.

Persons / Property at Risk :

Volunteers.
Public.
Staff.
Hodgepodge Productions - (Insurance)

Existing Control Measures :

Recruitment/vetting process to include:
All volunteers over 18,
Disabilities, allergies, eating requirements,
Contact details & next of kin.

Brief to include:
Manual handling,
Aproprate H&S info,
Task & Responsibility info,
Chain of command list (Inc radio channel list),
Supervisor contact list,
Site rules,
Importance of hydration.

Regular breaks.
Meal tokens.
Access to staff facilities (toilet, water points).

Public Liability Insurance.

Risk Rating :

4

Severity :

4

Likelihood :

1

Action (If required) :

Person(s) Responsible :

Production Manager
Volunteer Co-ordinator.

8

Subject :	Staff
Risks Identified :	Insufficient numbers. Unsuitable Staff. Performing tasks they are insufficiently trained/qualified for. Staff welfare.
Persons / Property at Risk :	Other Staff Volunteers Public Hodgepodge Productions - Insurance
Existing Control Measures :	Regular breaks. Regular meals. Access to staff facilities (toilet, water points). Brief to include: Manual handling, Appropriate H&S info, Task & Responsibility info, Chain of command list (Inc radio channel list), Supervisor contact list, Site rules, Importance of hydration. Public Liability Insurance Assessment of skills and qualifications. Staff NOT to complete task they are not suitable for/don't feel comfortable with.
Risk Rating :	4
Severity :	4
Likelihood :	1
Action (If required) :	Daily pre/de-briefs.
Person(s) Responsible :	Production Manager Supervisors

Crowd Management

Subject : Large numbers of public

Risks Identified : Overcrowding, crushing
Lack of information, confusion

Persons / Property at Risk : Public

Existing Control Measures : 3 x single file queueing system through public pedestrian gates, staffed at all times. One-way system in place.
Curved front of stage crowd barriers.
Appropriate sign-age, directions and change of circumstance info.
Site maps handed out at entrance (free of charge). Site maps visible around site.
24Hour staffed up-to-date information point.

Risk Rating : 3
Severity : 3
Likelihood : 1

Action (If required) : Monitor crowd flow behaviour.
All staff briefed every morning on circumstances.
All staff to wear 'Crew' T-shirts around the site.

Person(s) Responsible : Site Manager
Volunteer Co-ordinator
Production Manager
Head of Security

Subject : Public Welfare

Risks Identified : Lack of facilities (Toilets/Water points)
Unhygienic facilities.

Persons / Property at Risk : Public

Existing Control Measures : Toilet blocks close to main entertainment areas. Toilet block in camp-site. Single portaloos in Car-park. Urinals at each major toilet block.
Facilities supplied to HSE standards (Minimum)
Multiple water points around the site.

Risk Rating : 3

10

Severity :	2
Likelihood :	1
Action (If required) :	Visible and well signed. Lit up at night. Professional toilet company used – Cleaned once a day. Water quality monitored, bowser water change every 48hours (Minimum).
Person(s) Responsible :	Site Manager Production Manager
Subject :	Alcohol
Risks Identified :	Intoxication leading to anti-social behaviour and/or injury. Taking alcohol off-site (against license) Under-age drinking.
Persons / Property at Risk :	Staff. Public. Hodgepodge Production (Licensing) Performers
Existing Control Measures :	Experience bar staff. Refuse to serve if over intoxicated. Security and staff to monitor corwd. Alcohol served ONLY from the Bar. Monitoring of levels taken on site by public. All alcohol purchased on site disposed of at site egress gates (staffed).
Risk Rating :	6
Severity :	2
Likelihood :	3
Action (If required) :	Challenge 21. Over 18 event so should be OK but CHECK if unsure. Appropriate sign-age about dangers of drinking to much. Appropriate sign-age of event rules. Free water supplied.
Person(s) Responsible :	Bar Manager Production Manager

Subject : Drugs

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Risks Identified :	Intoxication leading to anti-social behaviour and/or injury.
Persons / Property at Risk :	Staff. Public. Performers.
Existing Control Measures :	Search on entrance. Crowd monitoring (Staff/Security)
Risk Rating :	9
Severity :	3
Likelihood :	3
Action (If required) :	Amnesty Bin. Appropriate sign-age about dangers of drugs and laws. Information about No-Tolerance stance on drugs on social media.
Person(s) Responsible :	Marketing Manager Production Manager Head of Security

Subject : Driver suitability.

Risks Identified : Unqualified/Uninsured drivers.
Drivers with invalid licenses.
Personal/Property injury/harm.

Persons / Property at Risk : Drivers.
Public.
Staff.
Hodgepodge Productions (Insurance)

Existing Control Measures : Checks for current UK driving license (valid).
Photo-copy of license taken, held in production office.
Suitable Insurance checked.
All deliveries and site vehicles registration numbers and driver contact details logged.
All on-site vehicle supplied with windscreen sticker.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

Person(s) Responsible : Production Manager

Subject : Vehicle movement on-site

Risks Identified : Accident/Injury
Unauthorised movement.
Lack of awareness about site-rules/procedures.

Persons / Property at Risk : Drivers
Public
Staff

Existing Control Measures : 5mph speed limit.
High-vis staff to walk in front of vehicle.
Ingress/Egress log in/out.
Appropriate sign-age & information visible.

Risk Rating : 3
Severity : 3
Likelihood : 1

Action (If required) :

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Person(s) Responsible : Production Manager
Volunteer Co-ordinator

Subject : Accident/incident whilst driving

Risks Identified : Fuel.
Accident logging.
Mechanical fault.

Persons / Property at Risk : Drivers.
Public.
Staff.

Existing Control Measures : Vehicles checked for suitability/maintenance.
Fuel levels monitored by staff.
Divers briefed with accident procedures.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

Person(s) Responsible : Production Manager

Subject : Speeding on-site

Risks Identified : Injury through reckless driving.

Persons / Property at Risk : Public.
Staff.
Drivers.

Existing Control Measures : 5mph limit on whole site. Appropriate sign-age.
Hi-vis staff to walk in front of vehicle.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

Person(s) Responsible : Production Manager.
Volunteer Co-ordinator.

Entertainment

14

Subject : On-stage layout.

Risks Identified : Trip/slip/fall (Unsecured cables, Flight cases/storage boxes).

Persons / Property at Risk : Performers.
Staff.

Existing Control Measures : Storage space provided.
Equipment set-up by hired professional company.

Risk Rating : 4
Severity : 2
Likelihood : 2

Action (If required) : Stage manager to secure any loose cabling, (check between each act).
Performers personal equipment to be checked and stored safely.

Person(s) Responsible : Stage Manager(s)

Subject : Lighting, projections.

Risks Identified : Dazzling
Falling lighting.

Persons / Property at Risk : Performers.
Public.
Staff.

Existing Control Measures : Installed and rigged by professional company to HSE standards.
Public Liability Insurance.

Risk Rating : 2
Severity : 2
Likelihood : 1

Action (If required) :

Person(s) Responsible : Production Manager
Stage Manager(s)

Subject : Sound levels (dB)

Risks Identified : Hearing damage.

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	Noise complaints.
Persons / Property at Risk :	Public. Staff. Performers. Hodgepodge Productions.
Existing Control Measures :	dB metres supplied to all sound engineers (specification briefed). Regular dB readings within venues and surrounding areas. Regular dB reading at site perimeter. Regular dB reading at external locations. Sound control measures (hay-bales, double speaker set-up)
Risk Rating :	6
Severity :	2
Likelihood :	3
Action (If required) :	Strict enforcement of procedures.
Person(s) Responsible :	Site Manager Sound Engineers

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Subject : Communication

Risks Identified : Accident/Emergency occurring away from trained individuals.
Misinformation in emergency.

Persons / Property at Risk : Public.
Staff. Volunteers.
Performers.

Existing Control Measures : Chain of command issued to all staff and volunteers.
Clear radio channel list issued to all staff and volunteers.
2-way radios supplied to suitable individuals.
Private and emergency overriding channels on all radios.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

Person(s) Responsible : Production Manager
Volunteer Co-ordinator.

Subject : Evacuation

Risks Identified : Unsure of procedures.
Misinformation. (*see communication assessment [above]*)
Staff not acting properly.

Persons / Property at Risk : Public.
Staff. Volunteers.
Performers.

Existing Control Measures : Evacuation procedure included in briefings.
Experiences staff to lead evacuation.
Clear chain of command.
Code words used to avoid panic.
Back-up power.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

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Person(s) Responsible : Site Manager
Production Manager
Volunteer Co-ordinator

Subject : First Aid Response

Risks Identified : Illness/Injury.
First aider not available

Persons / Property at Risk : Public.
Staff. Volunteers
Performers.

Existing Control Measures : First aid procedure assessed.
Emergency First Aid training for senior staff.
Event details supplied to St Johns Ambulance service.
Briefing on procedure for staff and volunteers.
Plans to HSE compliance standards.
Route to hospital (A&E) on-site and planned.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) :

Person(s) Responsible : Site Manager.
First Aiders.
Production Manager.
Security

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Subject :	Entertainment areas
Risks Identified :	Electrical fires. Material (tent, decor) fires
Persons / Property at Risk :	Public. Staff. Volunteers Performers. Hodgepodge Productions.
Existing Control Measures :	Appropriate fire extinguishers supplied labelled and signed. Staff briefed of fire procedures. How to act, chain of command. Decor flame retardant (Flambard). Demountable structures supplied by professional companies that meet HSE requirement. Fire exits signed and clear. Fire lane access clear at all times.
Risk Rating :	5
Severity :	5
Likelihood :	1
Action (If required) :	
Person(s) Responsible :	Production Manager. Stage Manager(s). Volunteer Co-ordinator.

Subject :	Fire engine access
Risks Identified :	Blocked access.
Persons / Property at Risk :	Public. Staff. Volunteers. Performers.
Existing Control Measures :	Designated fire lane around perimeter to be kept clear at all times.
Risk Rating :	5
Severity :	5
Likelihood :	1
Action (If required) :	
Person(s) Responsible :	Site Manager.

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Production Manager.

Subject : Waste Management

Risks Identified : Build up of rubbish. (Pests and Disease)
Smell and visible pollution.
Rubbish left behind after event.

Persons / Property at Risk : Public.
Staff.

Existing Control Measures : Bins at entertainment areas, camp-site, gates, seating areas, food and beverage stalls and on pedestrian lanes.
Bin's well signed, monitored and emptied regularly.
Waste store, fenced off, down of prevailing wind.
Recycling and rubbish bags supplied on entry and handed out on Monday morning.
Arena litter-picked daily.
Full site litter-pick after event.
Waste disposed of by local council.

Risk Rating : 2
Severity : 1
Likelihood : 2

Action (If required) :

Person(s) Responsible : Production Manager.

Subject : Recycling & Waste reduction

Risks Identified : Environmental Impact. (negative)
PR. (Negative)

Persons / Property at Risk : Environment.
Hodgepodge Productions.

Existing Control Measures : Recycling facilities widely available and promoted.
Recycling bags handed out on entry and Monday morning.
Social media spread of green stance.
Reusable plastic cups for drinks (£1 deposit)
Reusable mugs for hot drinks (£1 deposit)
Staff advised to bring own plates, cutlery and mugs.
Food vendors to supply food in recyclable containers.
Compost for food waste.
Eco-loos

Risk Rating : 4
Severity : 2
Likelihood : 2

Action (If required) :

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Person(s) Responsible : Site Manager
Production Manager
Marketing Manager

Subject : Site

Risks Identified : Damage to turf, trees, plants and river.

Persons / Property at Risk : Environment.

Existing Control Measures : Good communication with land owners.
Contractors briefed on preventative measures.

Risk Rating : 3
Severity : 1
Likelihood : 3

Action (If required) : Possibility of re-turfing.

Person(s) Responsible : Site Manager

Subject : Sound Pollution

Risks Identified : Hearing damage.
Noise complaints.

Persons / Property at Risk : Public.
Staff.
Performers.
Hodgepodge Productions.

Existing Control Measures : dB metres supplied to all sound engineers (specification briefed).
Regular dB readings within venues and surrounding areas.
Regular dB reading at site perimeter.
Regular dB reading at external locations.
Sound control measures (hay-bales, double speaker set-up)

Risk Rating : 6
Severity : 2
Likelihood : 3

Action (If required) : Strict enforcement of procedures.

Person(s) Responsible : Site Manager
Sound Engineers

Catering

Subject : Food

Risks Identified : Hearing damage.
Noise complaints.

Persons / Property at Risk : Public.
Staff.
Performers.
Hodgepodge Productions.

Existing Control Measures : dB metres supplied to all sound engineers (specification briefed).
Regular dB readings within venues and surrounding areas.
Regular dB reading at site perimeter.
Regular dB reading at external locations.
Sound control measures (hay-bales, double speaker set-up)

Risk Rating : 6
Severity : 2
Likelihood : 3

Action (If required) : Strict enforcement of procedures.

Person(s) Responsible : Site Manager
Sound Engineers

Subject : Food & beverage vendors.

Risks Identified : Hygiene.
Food Poisoning.
Suitable for all eating types.

Persons / Property at Risk : Public.
Staff.

Existing Control Measures : Food Hygiene Certificates checked for all appropriate vendors.
PL insurance checked
Vendor selection includes, vegan/vegetarian, allergy and gluten free options.

Risk Rating : 5
Severity : 5
Likelihood : 1

Action (If required) : Regular hygiene checks by Traders Manger.

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Person(s) Responsible :

Production Manager
Traders Manager

MID DEVON DISTRICT COUNCIL – LICENSING COMMITTEE

Protocol and Procedure for Licensing Sub-Committee Hearings

1.0 Introduction

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

2.0 Composition of Sub-Committee

- 2.1 The Sub-Committee shall usually consist of three Councillors drawn on a "panel" basis from the membership of the Licensing Committee.

- 2.2 In forming the Membership of the Licensing Sub-Committee for a hearing, and where Councillors availability permits, Members Services shall try to ensure that:

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

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

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

3.0 Hearings to be held in public

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

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

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

4.0 Time of Hearings

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

5.0 Notice of Hearing

- 5.1 The Licensing Authority shall give parties to the Hearing a notice stating the date, time and place where the Hearing is to be held. This is the 'Notice of Hearing' and must be given in accordance with the provisions of the regulations.

- 5.2 The Notice of Hearing shall be accompanied by information regarding the following:

- a) the rights of a party provided for in regulations 15 and 16 of the Licensing Act 2003 (Hearings) Regulations 2005
- b) the consequences if a party does not attend or is not represented at the Hearing
- c) the procedure to be followed at the hearing; and
- d) any particular points on which the Licensing Authority considers that it will want clarification from a party at the hearing.

- 5.3 Each party shall respond to the Notice of Hearing within the time prescribed by regulations which shall be stated on the Notice itself. The response must state:

- a) whether he/she intends to attend or be represented at the hearing;
- b) whether he/she considers a hearing to be unnecessary

6.0 Right of Attendance, Assistance and Representation

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

7.0 Hearings held on more than one day

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

8.0 Right to dispense with a hearing

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

9.0 Right to postpone or adjourn a hearing

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

10.0 Report

10.1 A report prepared by the Licensing Authority will be put before the Sub-Committee.

10.2 A copy of the report will be made available to all parties in advance of the hearing.

11.0 Detailed Procedural notes

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

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

12.0 Procedure at hearing - General

12.1 At the beginning of the hearing, the Chairman and members of the Sub-Committee will introduce themselves, invite parties to identify / introduce themselves and then explain the procedure that the Sub-Committee intends to follow.

12.2 If applicable, the Sub-Committee will then consider any request made by a party for any other person to appear at the hearing. Permission shall not be unreasonably withheld.

12.3 Where the written evidence or information provided by the applicant or any other party has raised legal issues or submissions, the Chairman may request that any legal

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

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

13.0 Roles of Officers

Representative of Legal Services

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

Representative of Member Services

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

Licensing Officer

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

14.0 Determination of Applications / Notices

- 14.1 Unless the matter being considered by the Sub-Committee falls within one of the categories listed in point 14.2, the Sub-Committee has five working days to make their determination beginning with the day, or the last day, on which the hearing was held.

- 14.2 In relation to the following matters, the Sub-Committee must make its decision at the conclusion of the hearing:

- a) A counter notice following an objection to a temporary event notice
- b) Review of a premises licence following closure order

15.0 Record of proceedings

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

16.0 Appeals

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

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

17.0 Irregularities

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

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

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

The following information and procedures are associated with this document

Legislation

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

Hearing Procedures

- Temporary Event Notices

Hearing Guidance

- General guidance to attendees

HEARING PROCEDURE: TEMPORARY EVENT NOTICES (TENs)

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:
 - Premises User (the person who has submitted the TEN) and any person representing or assisting them
 - Responsible Authorities that have made a relevant representation
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:
 - Premises User

- Responsible Authorities
- Sub-Committee

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

Case for the premises user (the person who has submitted the TEN)

11. The premises user (or their representative) to present case in support of the TEN.

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
- Sub-Committee

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

Case for responsible authorities (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:

- Premises user
- Sub-Committee

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

Summary

17. 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:

- Premises User
- Responsible Authorities

The decision

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

19. 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.
20. The Chairman to announce the Sub-Committee's decision and the reason for the decision.
21. The Council's legal officer will then outline the rights of appeal.
22. 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

TEMPORARY EVENT NOTICE – WASHFIELD WEIR, BOLHAM, TIVERTON

POLICE OBJECTION

Please note that I shall attend the hearing on behalf of the Police along with Police Sergeant 6152 Mike Warriner. Further to the Police objection I offer the following information for the benefit of the committee ahead of the hearing on Friday along with a brief outline of the concerns that remain outstanding:

1. Photos taken at the location on Wednesday 3 August 2016. My apologies, I have had some issues with our scanning process – these photos are better viewed once printed off but unfortunately difficult to view on screen. A brief guide to photos is shown below.

- 1 A396 at entrance to field
- 2 A396 showing entrance
- 3 Entrance
- 4 Looking back on to A396
- 5/6/7/8 Lane running from entrance adjacent to river – unfenced, drop to river
- 9 River, fast flowing on date of visit
- 10/11 View of fields
- 12/13/14 The weir, fast flowing on day of visit, unfenced
- 15 Pond, runs directly into the weir
- 16/17/18 Property in close proximity to the pond and field
- 19/20/21 General photos of fields

2. This is NOT a ‘private event’ as stated in the Temporary Event Notice. This event is advertised online with tickets available for purchase. I have attached some of the online adverts to assist the committee. Research suggests that the notice giver Mr Josh SASANOW is also known as Josh HODGEPODGE. The event is advertised as the Hodgepodge Weekender 2016. Whilst the exact location is not divulged online the dates shown on advertisements and the photo used of Washfield Weir tie this event to this location. Photo A shows the weir. Photos marked B,C,D are submitted to show the nature of the event.

3. Mr SASANOW does not have permission to hold the event at this location. This has been verified with the farmer who leases the fields.

4. Police concerns remain regarding ingress and egress to the event and the proximity of the road (public safety)

5. Police concerns remain regarding the proximity of the river and weir and the safeguards in place to prevent access to the river (public safety)

6. Police concerns remain regarding the drugs policy (prevention of crime & disorder, public safety)

7. Police concerns exists re the risk assessment now submitted in support of this TEN (prevention of crime & disorder, public safety)

Lesley Carlo

Licensing Officer - East & Mid Devon

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