

# Public Document Pack

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## MID DEVON DISTRICT COUNCIL

### LICENSING SUB-COMMITTEE B

**A MEETING** of the **LICENSING SUB-COMMITTEE B** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Monday, 14 November 2016 at 11.00 am

#### **STEPHEN WALFORD**

Chief Executive  
2 November 2016

**Councillors:** Mrs F J Colthorpe, C J Eginton and L D Taylor

### **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 appointment of Substitute Members (if any).

#### **2 CHAIRMAN - ELECTION**

To elect a Chairman for the meeting.

#### **3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR HIGHER EGGBEER FARM, CHERITON BISHOP, EX6 6JQ (Pages 3 - 72)**

An application has been received for a new premises licence for Higher Eggbeer Farm, Cheriton Bishop. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

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

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

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

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

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

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

Tel: 01884 234209

E-Mail: [jstuckey@middevon.gov.uk](mailto:jstuckey@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

## AGENDA ITEM

### LICENSING SUB COMMITTEE

14 November 2016

#### **REPORT OF THE DIRECTOR OF CORPORATE AFFAIRS AND BUSINESS TRANSFORMATION**

#### **DETERMINATION OF A PREMISES LICENCE APPLICATION FOR HIGHER EGGBEER FARM, CHERITON BISHOP, EX6 6JQ**

Responsible Officer: Jackie Taylor - Licensing Officer

##### **REASON FOR REPORT**

1. An application has been received for a new premises licence for Higher Eggbeer Farm, Cheriton Bishop. Relevant representations have been received. Accordingly, Mid Devon District Council as the licensing authority is obliged to hold a hearing to determine the application.

##### **RECOMMENDATIONS**

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

##### **RELATIONSHIP TO CORPORATE PLAN**

1. None

##### **FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS**

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

<b>Financial</b>	If there is an appeal against the decision the Council could find itself bearing the costs
<b>Legal</b>	If the decision is not lawful the Council could find itself subject to appeal or judicial review
<b>Risk Assessment</b>	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 are.
- 3 Applicants are also obliged to advertise their applications in two ways – on the premises so as to be visible to passers-by and in a local newspaper.

## **1.0 PREMISES**

- 1.1 The premises are described in the application as *“Predominantly a wedding venue. We also hold the Loft Barbers live sessions which is fast becoming one of the best small music venues in England. It comprises of a farm house with barns set in 14 acres of land. There is a large garden and a yard, which is where the arrivals drinks are normally served. The main barn is in the medieval style with a bar situated at the back. There is a second Bar / games room on the south side of the lower yard. The farm has a long private drive and has no close neighbours.”*

## **2.0 APPLICATION**

- 2.1 The application was submitted by Mr Alistair Scott Lawson on 20/09/2016.
- 2.2 In summary, the following licensable activities have been applied for:

### **Plays**

Indoors: Monday – Sunday 11:00 until 23:00

Outdoors: As indoors

### **Films**

Indoors: Monday – Sunday 11:00 until 23:00

Outdoors: As indoors

### **Live Music**

Indoors: Monday – Sunday 11:00 until 23:30

Outdoors: As indoors



### **Recorded Music**

Indoors: Monday – Sunday 11:00 until 01:30

Outdoors: As indoors

### **Performance of Dance**

Indoors: Monday – Sunday 11:00 until 23:00

Outdoors: As indoors

### **Late Night Refreshment**

Indoors Monday – Saturday 11:00 until 01:30

Sunday 11:00 until 24:00

Outdoors: As indoors

### **Supply of Alcohol for consumption on and off the premises**

Monday – Saturday 11:00 until 01:30

Sunday 11:00 until 24:00

### **Hours Open to the Public**

Monday – Saturday 00:00 until 24:00

Sunday 09:00 until 24:00

2.3 The application also includes further details for some of these activities and also some Non-standard timings (i.e. New Year's Eve deregulated). These can be seen on the application itself which is attached as Annex 1. The plans submitted with the application are attached as Annex 2.

2.4 Members should also be aware that Temporary Event Notices have been submitted to cover events at the premises on the following dates:

16/06/2015	10/05/2016
07/06/2016	18/06/2016
06/08/2016	26/07/2016
30/08/2016	27/08/2016
03/07/2015	10/09/2016
05/09/2015	01/10/2016
15/09/2015	08/10/2016
01/03/2016	27/09/2016
24/04/2016	29/10/2016

- 2.5 The Environmental Health Team have received two separate complaints about noise from the premises, one on 16 September 2015 and another on 21 April 2016. On both occasions the Environmental Health Team sent out standard letters to the premises and diary sheets to the complainants. However, the completed diary sheets were not returned to the Environmental Health Team so the matter was not investigated further at the time.

### **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 the following statement within section M of the application:

*I am aware of all the licensing objectives, I will be happy to accept any further advice from the responsible authorities.*

### **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 Environmental Health made a representation on the application on 4 October 2016. The Officer recommended that a noise condition be attached to the premises licence and this is attached as Annex 3. The applicant responded to the licensing team on 4 October 2016 to agree to the condition being attached to the licence. As a result of this agreement, the Environmental Health Team have no further representations.

### **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 received 1 negative representation and 15

positive representations within the statutory 28 day period. They are briefly summarised below and attached in their entirety as Annexes 4 -19.

Miss Lynn Scarsbrook (Annex 4)

- Potential for traffic related noise nuisance from the premises
- Local road network is inadequate
- Dust is created from the untarmacked driveway

Mr Trevelyan Forrester (Annex 5)

- Guests have visited the shop and have been well behaved
- Brings trade to the area
- Not experienced any traffic problems

David Foyle (Annex 6)

- No issues with crime and disorder
- No issues with public safety, traffic or noise
- No issues with regards protecting children from harm children
- Brings trade to the area

Lance Marshall (Annex 7)

- No public nuisance or crime and disorder with guests who stay following events
- Benefits from increased trade

Eddie Hill (Annex 8)

- Guests at the venue are polite and friendly
- Not experienced noise from traffic
- Benefits the community

J Retter (Annex 9)

- Not experienced any disturbance

Claire Marie-Hunt (Annex 10)

- No Crime or disorder at the premises
- Guests arrived /left the venue at different times throughout the day
- Children were safe at the venue and supervised

Nicola Webber (Annex 11)

- Not experienced crime or disorder at the premises
- Not experienced issues with traffic

Steve Coldrick (Annex 12)

- Attended events which were well regulated with no disorder
- Not experienced any traffic problems negative impacts related to the premises

J Lockyer (Annex 13)

- No disorder
- No public nuisance or public safety concerns

Joanne Carter (Annex 14)

- Attended functions with no concerns of crime and disorder
- Not experienced problems with excessive traffic problems or noise

Kate Budd (Annex 15)

- Attended events with no issues with crime or disorder
- No traffic or noise problems
- Children were well supervised and in no danger

Neil Burgess (Annex 16)

- Attended events with no issues
- Not experienced any traffic problems
- Positive economic benefit

Ian Walker (Annex 17)

- Attended events with no evidence of crime or disorder
- No public safety issues
- Beneficial to the community

Garry Retter (Annex 18)

- Not experienced issues with noise or traffic
- Seeing a positive effect on their own business

Mr Andrew Brittain (Annex 19)

- Good conduct by visitors
- Brings trade to the area
- Never experience traffic problems

5.3 In order to try and ensure a focused hearing the following comments are made in relation to this specific application and the representations received:

- The beneficial economic impact on the surrounding area is not a relevant matter
- The issue of drink driving is a criminal matter for the Police

5.4 A map showing the location of the residents who have made representations in relation to the premises is attached as Annex 20.

## **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 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health. (Paragraph 2.15)*

7.4 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night. (Paragraph 2.20)*

7.5 *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)

7.6 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 DEREGULATION DETAILS

8.1 As a result of deregulatory changes that have amended the Licensing Act, no authorisation is required for the following activities:

### Plays

- Performances between 08:00 and 23:00 on any day provided the audience does not exceed 500.

### Dance

- Performances between 08:00 and 23:00 on any day, provided the audience does not exceed 500.

### Indoor Sporting Events

- Events between 08:00 and 23:00 on any day, provided that those present do not exceed 1000.

### Boxing or Wrestling Entertainment

- Events between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.

### Live Music

- A performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
- A performance of amplified live music between 08:00 and 23:00 on any day, on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

### Recorded Music

- Any playing between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided the audience does not exceed 500.

## 8.2 Deregulations: Conditions for live and recorded music

Any conditions relating to live or recorded music which are added to a licence following the determination of an application for a premises licence remain in place (i.e. appear on the face of the licence), but are **suspended** between the hours of 08:00 and 23:00 on the same day, where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

8.3 If an application to review a premises licence is made, section 177A (3) of the Licensing Act allows a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, section 177A (4) allows a licensing authority to add a condition to a licence (following a review application) as if music was a regulated entertainment that requires a licence.

## 9.0 DETERMINATION

9.1 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

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

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

9.4 An adopted Procedure for Hearings is available as Annex 21. This should help guide all parties through the hearing process.

## 10.0 APPEAL

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

## **LIST OF ANNEXES TO THIS REPORT**

**Annex 1:** Premises licence application

**Annex 2:** Plans submitted with the premises licence application

**Annex 3:** Representation from Environmental Health

**Annex 4:** Representation from Miss Lynn Scarsbrook

**Annex 5:** Representation from Mr Trevelyan Forrester

**Annex 6:** Representation from Mr David Foyle

**Annex 7:** Representation from Lance Marshall

**Annex 8:** Representation from Mr Eddie Hill

**Annex 9:** Representation from J Retter

**Annex 10:** Representation from Claire Marie-Hunt

**Annex 11:** Representation from Nicola Webber

**Annex 12:** Representation from Mr Steve Coldrick

**Annex 13:** Representation from Mr J Lockyer

**Annex 14:** Representation from Joanne Carter

**Annex 15:** Representation from Kate Budd

**Annex 16:** Representation from Mr Neil Burgess

**Annex 18:** Representation from Mr Ian Walker

**Annex 19:** Representation from Garry Retter

**Annex 19:** Representation from Andrew Brittain

**Annex 20:** Map showing representations received in relation to the premises

**Annex 21:** Procedure for Hearings

<b>Contact for any more information</b>	Jackie Taylor - 01884 244619 Thomas Keating - 01884 244618
<b>Background Papers</b>	S.182 Guidance to Licensing Act 2003 & MDDC Statement of Licensing Policy
<b>File Reference</b>	Licensing/Hearings/Higher Eggbeer
<b>Circulation of the Report</b>	Applicant / Environmental Health / 'Other Persons'





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Annex 1  
Higher  
Eggbeer.  
last day.  
18.10.16

**Licensing Authority**  
**Mid Devon District Council**

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

**Licensing Act 2003**

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

CHECKLIST	Please tick ✓ yes
I have made or enclosed payment of the fee	<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	<input checked="" type="checkbox"/>
I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable	<input checked="" type="checkbox"/>
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"/>
<b>For office use only</b>	<b>Payment code: HC5507266</b>

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](http://www.middevon.gov.uk/index.cfm?articleid=3746) or contact the Information Management and e-gov Officer on 01884 234916.

paid £100.00  
20.9.16  
Page 15  
15/02/18149

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We** ALISTAIR SCOTT-LAWSON

*(Insert name(s) of applicant)*

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

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>HIGHER EGGBEER FARM, CHERITON BISHOP.</b>			
<b>Post town</b>	EXETER	<b>Postcode</b>	EX66JQ

Telephone number at premises (if any)	07850136131
Non-domestic rateable value of premises	£ 0

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> SCOTT-LAWSON			<b>First names</b> ALISTAIR		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		As above			
Post town				Postcode	
Daytime contact telephone number			07850136131		
E-mail address (optional)		ascottlawson@gmail.com			

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



### Part 3 Operating Schedule

When do you want the premises licence to start? ASAP

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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

DD		MM		YYYY			
1	1	1	1	1	1	1	1

Please give a general description of the premises (please read guidance note 1)  
 HIGHER EGGBEER IS PREDOMINANTLY A WEDDING VENUE, WE ALSO HOLD THE LOFT BARBERS LIVE SESSIONS WHICH IS FAST BECOMING ONE OF THE BEST SMALL MUSIC VENUES IN ENGLAND. IT COMPRISES OF A FARM HOUSE WITH BARNS SET IN FOURTEEN ACRES OF LAND. THERE IS A LARGE GARDEN AND YARD, WHICH IS WHERE THE ARRIVAL DRINKS ARE USUALLY SERVED. THE MAIN BARN IS IN THE MEDIAEVAL STYLE WITH A BAR SITUATED AT THE BACK. THERE IS A SECOND BAR/GAMES ROOM ON THE SOUTH SIDE OF THE LOWER YARD. THE FARM HAS A LONG PRIVATE DRIVE AND HAS NO CLOSE NEIGHBOURS.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

X  
☐

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur	11:00	23:00			
Fri	11:00	23:00	<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Sat	11:00	23:00			
Sun	11:00	23:00			



## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input checked="" type="checkbox"/>
Mon	11:00	23:00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	11:00	23:00			
Wed	11:00	23:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	11:00	23:00			
Fri	11:00	23:00	<b>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</b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Sat	11:00	23:00			
Sun	11:00	23:00			

# C

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

# D

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

# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/> <sup>x</sup>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11:00	23:30			
Tue	11:00	23:30			
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	11:00	23:30			
Thur	11:00	23:30			
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	23:30			

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	X <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon	11:00	01:30				
Tue	11:00	01:30				
Wed	11:00	01:30	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)			
Thur	11:00	01:30				
Fri	11:00	01:30	<b><u>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</u></b> (please read guidance note 5)			
Sat	11:00	01:30	NEW YEARS EVE, DEREGULATED.			
Sun	11:00	01:30				

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
			<b>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</b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Sun	11:00	23:00			



# H

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	X <input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	11:00	01:30			
Tue	11:00	01:30			
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed	11:00	01:30			
Thur	11:00	01:30			
			<b><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></b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Fri	11:00	01:30			
Sat	11:00	01:30			
Sun	11:00	24:00			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11:00	01:30	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Tue	11:00	01:30			
Wed	11:00	01:30			
Thur	11:00	01:30	<b><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></b> (please read guidance note 5) NEW YEARS EVE, DEREGULATED.		
Fri	11:00	01:30			
Sat	11:00	01:30			
Sun	11:00	24:00			

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

Name SIMON SAUNDERS	
Address 53 New Street, Chagford Newton Abbott	
Postcode	TQ13 8BB
Personal licence number (if known) PA0274	
Issuing licensing authority (if known) West Devon Borough Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	02:00	
Tue	09:00	02:00	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)
Wed	09:00	02:00	
Thur	09:00	02:00	
Fri	09:00	02:00	
Sat	09:00	02:00	
Sun	09:00	24:00	

## 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)**

I AM AWARE OF ALL THE LICENSING OBJECTIVES, I WILL BE HAPPY TO ACCEPT ANY FURTHER ADVICE FROM THE RESPONSIBLE AUTHORITIES.

**b) The prevention of crime and disorder**

I AM AWARE OF ALL THE LICENSING OBJECTIVES, I WILL BE HAPPY TO ACCEPT ANY FURTHER ADVICE FROM THE RESPONSIBLE AUTHORITIES.

**c) Public safety**

I AM AWARE OF ALL THE LICENSING OBJECTIVES, I WILL BE HAPPY TO ACCEPT ANY FURTHER ADVICE FROM THE RESPONSIBLE AUTHORITIES.

**d) The prevention of public nuisance**

I AM AWARE OF ALL THE LICENSING OBJECTIVES, I WILL BE HAPPY TO ACCEPT ANY FURTHER ADVICE FROM THE RESPONSIBLE AUTHORITIES.

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

I AM AWARE OF ALL THE LICENSING OBJECTIVES, I WILL BE HAPPY TO ACCEPT ANY FURTHER ADVICE FROM THE RESPONSIBLE AUTHORITIES.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☐
- I have enclosed the plan of the premises. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☐
- I understand that if I do not comply with the above requirements my application will be rejected. ☐

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	Alistair Scott- Lawson
Date	20 September 2016
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 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)

Higher Eggbeer Farm  
Cheriton Bishop  
Devon

Post town	<b>Exeter</b>	Postcode	<b>EX6 6JQ</b>
Telephone number (if any)	07850136131		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
ascottlawson@gmail.com





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

## **Licensing Act 2003**

### **Consent of individual to being specified as premises supervisor**

I [full name of prospective premises supervisor]
<i>SIMON CHRISTOPHER STEWART SANDERS</i>
Of [home address of prospective premises supervisor]
<i>53, NEW STREET, CHAGFORD, NEWTON ABBOT TQ13 8BB</i>
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for [type of application]
<i>FULL ON LICENCE</i>
by [name of applicant]
<i>ALISTAIR SCOTT-LAWSON</i>
relating to a premises licence [number of existing licence, if any]
<i>N/A</i>

for [name and address of premises to which the application relates]

MICHAEL EGGBEER,  
CHERTON BISHOP  
EX6 6JQ

and any premises licence to be granted or varied in respect of this application made by  
[name of applicant]

ALISTAIR SCOTT-LAWSON

concerning the supply of alcohol at [name and address of premises to which application relates]

MICHAEL EGGBEER,  
CHERTON BISHOP  
EX6 6JQ

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

Personal licence number [insert personal licence number, if any]

PA0274

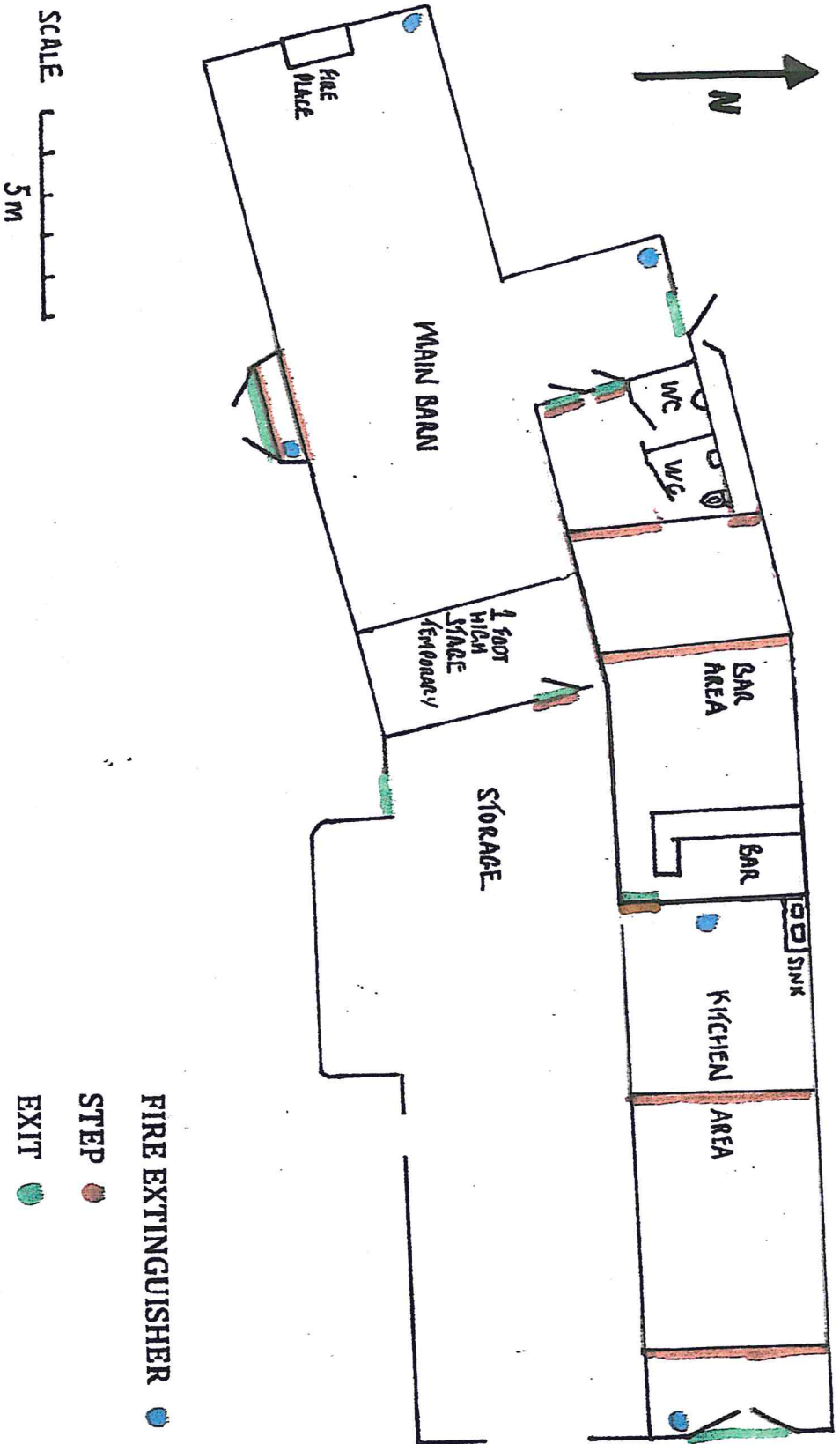
Personal licence issuing authority [insert name and address and telephone number of personal licence issuing authority, if any]

WEST DEVON BOROUGH COUNCIL

Signed	
Name (please print)	S. SANDERS
Date	12/9/2016

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](http://www.middevon.gov.uk/index.cfm?articleid=3746) or contact the Information Management and e-gov Officer on 01884 234916.

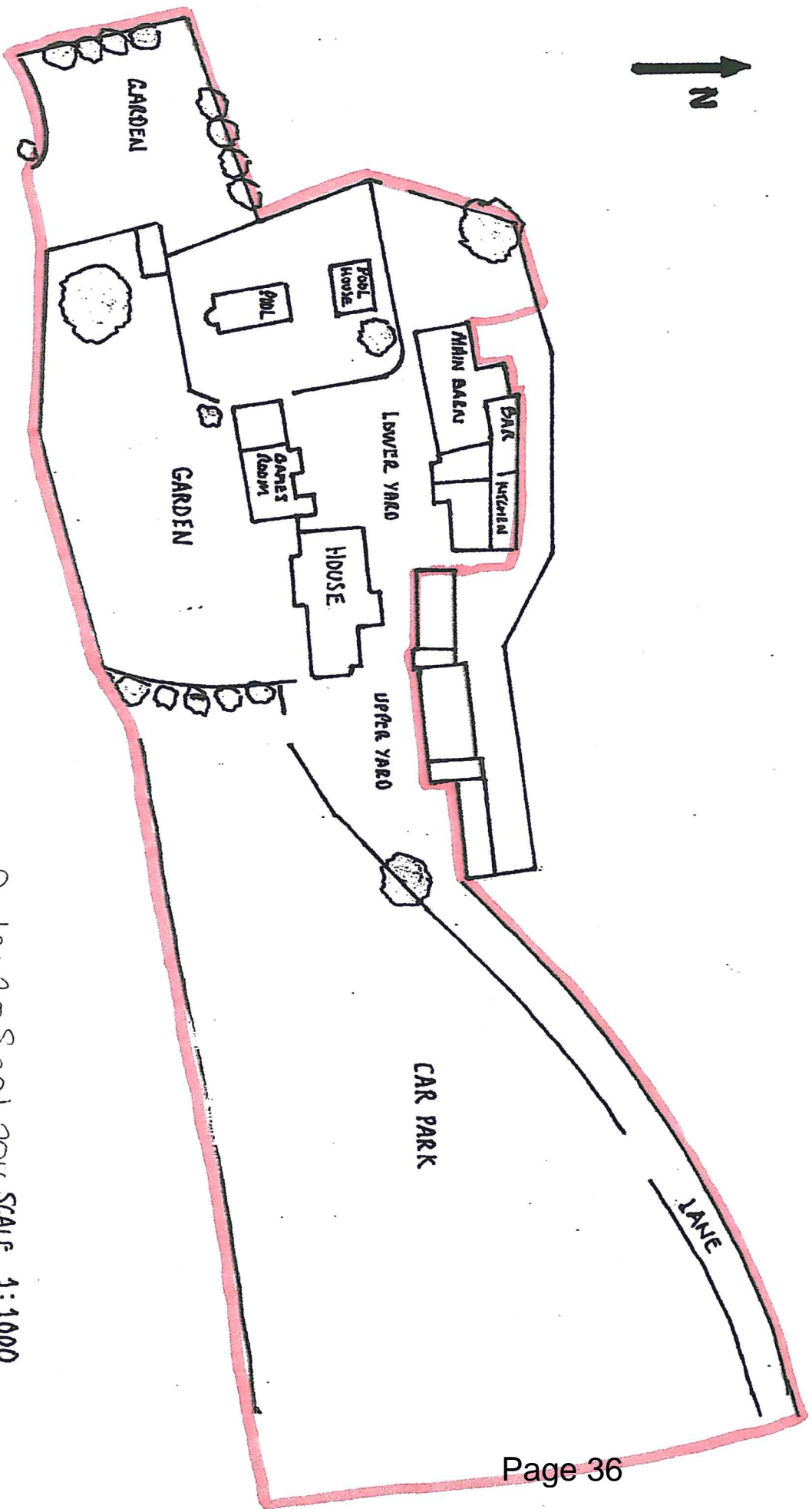
# HIGHER EGGBEER



Date: 20 September 2014

# HIGHER EGGBEER

AREA OUTLINED IN RED WILL BE FOR ALL LICENSABLE ACTIVITIES.



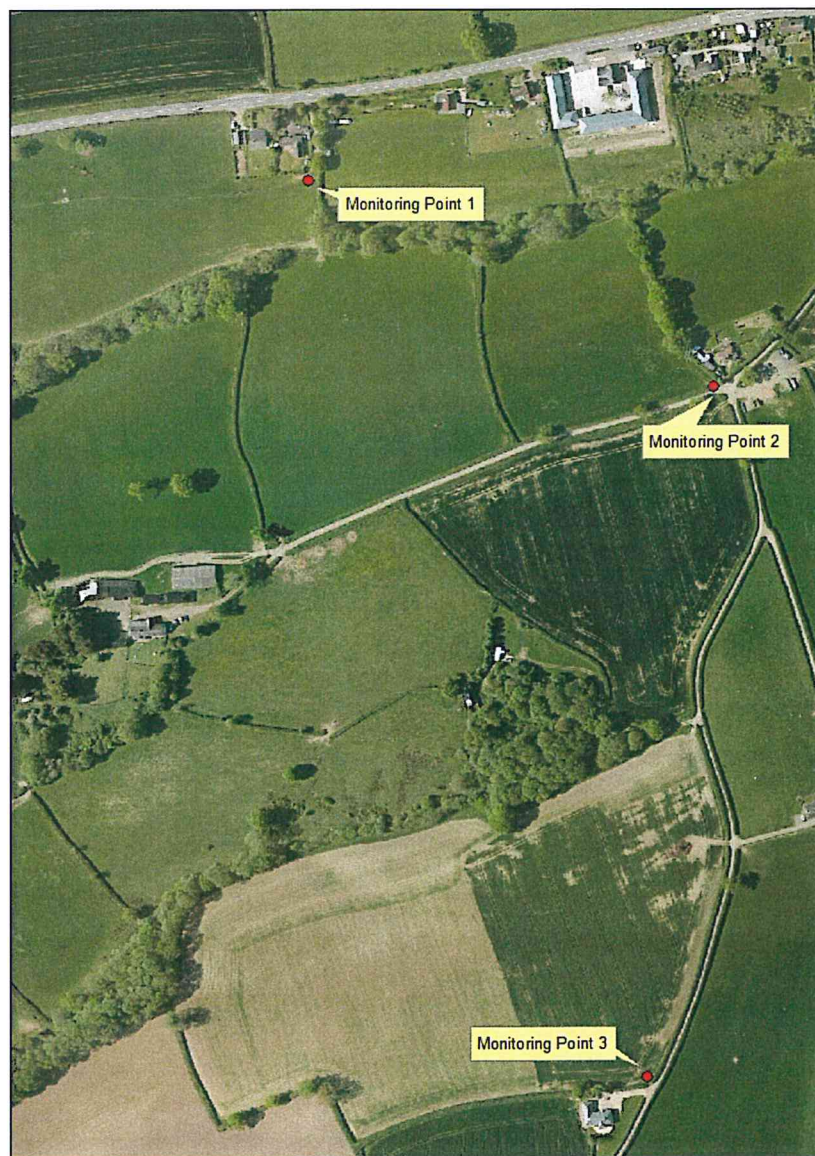


## Noise

During the performance of any regulated entertainment from the licensed premises the Aweighted equivalent continuous noise level ( $LA_{eq}$ ) emanating from the premises, as measured at monitoring points 1, 2 & 3 (detailed on the plan below) shall be controlled to:

ensure that the daytime music noise level between the hours of 09:00 – 23:00 shall not exceed 45 dB ( $LA_{eq(15\text{ min})}$ ) throughout the daytime use of the venue.

ensure that the night-time music noise level between the hours of 23:00 – 09:00 shall not exceed 40 dB ( $LA_{eq(5\text{ min})}$ ) throughout the night-time use of the venue.



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Mid Devon Licensing Authority  
Licensing Act 2003

REPRESENTATION FORM



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

<b>Your name/organisation name/name of body you represent (see note 3)</b>	Miss Lynn Scarsbrook
<b>Organisation name/name of body you represent (if appropriate) (see note 3)</b>	
<b>Postal and email address</b>	Three Gates, Cheriton Bishop, Exeter. EX6 6JQ
<b>Contact telephone number</b>	

<b>Name of the premises you are making a representation about</b>	Higher Eggbeer Farm
<b>Address of the premises you are making a representation about.</b>	Cheriton Bishop, Exeter. EX6 6JQ

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

<b>Licensing Objective</b>	<b>Yes Or No</b>	<b>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</b>
To prevent crime and disorder		
Public safety		
To prevent public nuisance	Yes	See attached sheet
To protect children from harm		

<b>Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. **</b>	I would accept the events finishing at midnight if the driveway entrance issue was improved
--	---

Signed: \_\_\_\_\_

Date: 14<sup>th</sup> October 2016

Please see notes on reverse



I would like to make the following objections on the grounds of public nuisance.

I am objecting to the times some of these events will finish.

Some events will finish by 11.00pm or 11.30pm, but some which have so far finished at midnight, will now be extended to 1.30am.

I think all events should end by 11.30pm so the traffic can clear this road before midnight.

On many occasions I have had disturbances from the traffic leaving these events that can last, on and off, for over an hour. This normally occurs on a Saturday night/Sunday morning and includes:

Noise from the traffic, as many cars come past at an unacceptable speed creating unnecessary noise.

Lights from the vehicles.

Loud music coming from the cars.

Vehicles stopping at the end of Higher Eggbeer driveway, right outside my gate, and the occupants shouting to each other and slamming car doors.

This disturbance is very annoying at that time of night and I think it is unacceptable if it occurs after midnight, particularly in the early hours of a Sunday morning. I believe this to be a public nuisance especially as this could become more frequent as the business grows.

The other problem is the dust created by the amount of traffic entering and leaving Higher Eggbeer driveway - which is only a dirt track.

My issue with this is that the entrance to my property is adjacent to the entrance of Higher Eggbeers' driveway. This area is always muddy when wet and extremely dusty when dry.

The amount of vans, trailers and caravans on the days before and after these events (Friday and Mondays), and the amount of cars and vans on event days (Saturday and Sundays) which are entering and leaving the driveway are now causing unacceptable amounts of dust after any dry spell.

I am not able sit outside the front of my property or have any doors or windows open when this occurs because of the dust caused by this traffic and the health issues it raises.

This is only a single track road. When vehicles meet one of them has to back up onto Higher Eggbeers' driveway, thus creating even more dust, which has become worse with the increase of traffic.

Although I realise it is not possible to keep this area dust free I think it could and should be improved (possibly by being concreted) as it is now becoming an environmental health issue.

I would accept the events finishing at midnight if the driveway area outside my property was improved.

Mid Devon Licensing Authority  
Licensing Act 2003

REPRESENTATION FORM



ANNEX 5

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)	Trevelyan Forrester
Organisation name/name of body you represent (if appropriate) (see note 3)	Central Convenience Stores
Postal and email address	Central Convenience Stores, Cheriton Bishop <del>EX66 5E</del> EX66 5E
Contact telephone number	

Name of the premises you are making a representation about	Higher Eggbeer
Address of the premises you are making a representation about.	Cheriton Bishop EX66 5Q

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	Guests from Higher Eggbeer have never caused problems within the shop but brought trade.
Public safety		
To prevent public nuisance	YES	We have never had any problems with noise or safety with Higher Eggbeer. Nor Traffic issues.
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.	Higher Eggbeer brings trade to our shop.
--	--

Signed: ~

Date: 11/10/16

Please see notes on reverse



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)	DAVID FOICE
Organisation name/name of body you represent (if appropriate) (see note 3)	WOODLEIGH COACH HOUSE.
Postal and email address	WOODLEIGH COACH HOUSE, CHERRION BISHOP, EXETER, EX6 6JL.
Contact telephone number	

Name of the premises you are making a representation about	HIGHEN EGGBER
Address of the premises you are making a representation about.	CHERRION BISHOP, EX6 6JQ.

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	WE HAVE NO ISSUES WITH CRIME OR DISORDER FROM GUESTS AT HIGHEN EGGBER. MANY OF THEM STAY WITH US.
Public safety	yes	NO ISSUES WITH PUBLIC SAFETY.
To prevent public nuisance	yes	NO ISSUES WITH EXA TRAFFIC OR NOISE.
To protect children from harm	yes	NO ISSUES FOR CHILDREN.

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.	EGGBER IS A VALUABLE LOCAL PARTNER FOR US BRINGS BUSINESS TO THE AREA.
--	--

Signed:

Date: 11/10/16.

Please see notes on reverse

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)	Lance Marshall
Organisation name/name of body you represent (if appropriate) (see note 3)	The Old Thatch Inn
Postal and email address	Cheriton Bishop EXETER, EX6 6JH
Contact telephone number	

Name of the premises you are making a representation about	Higher Eggbeer
Address of the premises you are making a representation about	Cheriton Bishop, EX6 6JQ

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	My establishment hosts many of the guests from higher eggbeer with no issues at all.
Public safety		
To prevent public nuisance	yes	We have never experienced any problems from any of the guests of higher Eggbeer.
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.	My establishment benefits greatly from business connected with higher Eggbeer.
--	--

Signed:

Date: 10 Oct 2016.

Please see notes on reverse



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)	EDDY TUTU
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	BURSTONE CORNICE CHALTON BISHOP
Contact telephone number	

Name of the premises you are making a representation about	MICHAEL FULBROOK
Address of the premises you are making a representation about.	CHALTON BISHOP, EX6 6TP

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	CUSTOMERS AT MICHAEL FULBROOK ARE VERY ALARMED + NERVOUS
Public safety		
To prevent public nuisance	YES	OUR PROBLEM IS ON THE TERRACE, HEAR ANY NOISE FROM TRAFFIC, OR PEOPLE LEAVING
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.	WE VERY MUCH ENJOY THE EVENTS AT MICHAEL FULBROOK AND WHAT IT CONTRIBUTES TO AND BENEFITS CHALTON BISHOP
--	--

Signed:

Date:

10/10/16

Please see notes on reverse



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)	J. RETTER
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	TERVULS FARM EX6 6JQ
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGGBEER CHERITON BISHOP, EX6 6JQ
Address of the premises you are making a representation about.	AS ABOVE

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	yes	We are very close to Higher Eggbeer and have never experienced any disturbances
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.	
--	--

Signed:

Date: 10-10-16

Please see notes on reverse



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)	CLAIRE-MARIE HUNT
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	14 SCHOOL LANE TODURN ST MARY EXETER EX6 6AA
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGGBEER FARM
Address of the premises you are making a representation about.	CHERTON BISHOP EXETER DEVON EX6 6JQ

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	We have just held an event for 170 people, of which there was no crime or disorder. Alistair remained at the event, sober and quietly supervised and assisted where necessary.
Public safety		
To prevent public nuisance	yes	Our guests arrived and left throughout the day at different intervals without problem. Evening guests who stayed until the end, mostly stayed the night.
To protect children from harm	yes	We had upwards of 30 children at our event, not one child was harmed, injured or in any danger. The swimming pool cover (12k!) remained on until the next day where Alistair + all adults supervised the children.

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.	
--	--

Signed:

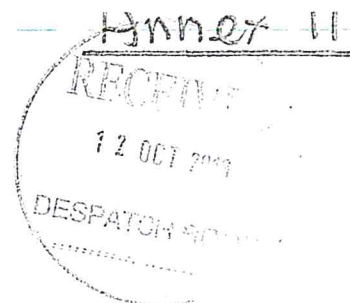
Date: 10.10.16

Please see notes on reverse



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)	NICOLA WEBBER.
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	WEST WOODBROOKE, DREWSTEIGNTON EXETER, DEVON EX6 6PZ. NICKNEW2012 @Yahoo. Com.
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGGBEER.
Address of the premises you are making a representation about.	CHELTON BISHOP EX6 6TQ.

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	WE HAVE BEEN TO EVENTS AT HIGHER EGGBEER & <u>NOT</u> EXPERIENCED ANY CRIME OR DISORDER.
Public safety		
To prevent public nuisance	YES	WE LIVE ON THE SAME ROAD AS HIGHER EGGBEER & HAVE <u>NEVER</u> HAD ANY ISSUES WITH TRAFFIC OR ANY OTHER NEGATIVE ISSUES.
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.	
--	--

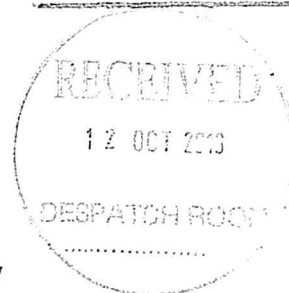
Signed:

Date: 10<sup>th</sup> Oct 2016.

Please see notes on reverse

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)	STEVE COLDERICK
Organisation name/name of body you represent (if appropriate) (see note 3)	N/A
Postal and email address	THE OLD SCHOOL HOUSE, CHURCH LANE CHERTON BISHOP, EXETER EX6 6NY
Contact telephone number	

Name of the premises you are making a representation about	HICHER ECCBEER
Address of the premises you are making a representation about.	HICHER ECCBEER FARM, CHERTON BISHOP

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	I have been to many of the events held here - I have never experienced any disorder or crime - events are well managed and regulated.
Public safety		
To prevent public nuisance	yes	I have lived in Cherton Bishop for 13 years and never experienced any traffic problems or negative impacts emanating from Hicher Eggbeer
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.	
--	--

Signed:

Date: 10.10.16

Please see notes on reverse



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)	J LOCKYER
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	HIGHFIELD CHERITON BISHOP
Contact telephone number	

Name of the premises you are making a representation about	HIGHTR EGGBEER.
Address of the premises you are making a representation about.	CHERITON BISHOP

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	YES	NO DISORDER
Public safety	YES	I LIVE VERY CLOSE TO HIGHER EGGBEER AND HAVE NO OBJECTION TO THIS LICENSING.
To prevent public nuisance	YES	NO PUBLIC NUISANCE CONCERNS.
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.	
--	--

Signed: /

Date: 10-10-16.

Please see notes on reverse

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)	JOANNE CARTER
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	GLOBE VIEW, CHURCH LANE, CHERITON BISHOP, EXETER EX6 6HY
Contact telephone number	

Name of the premises you are making a representation about	HICKER EGGBEER
Address of the premises you are making a representation about	CHERITON BISHOP EX6 6JQ

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	Having personally attended many functions at Higher Eggsbeer, I have never encountered any problems with crime & disorder.
Public safety		
To prevent public nuisance	yes	I live in the village and have not noticed problems with excess traffic, noise or any other kind of nuisance.
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.	The events held at Higher Eggsbeer are carefully organised and are limited in size. They bring people into our village who in turn would use our local pub / shop, etc without being overly-busy.
--	---

Signed:

Date: 10/10/16

Please see notes on reverse



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)	KATE BUOP
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	LOWER EGG BEER FM CHERITON BISHOP
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGG BEER FARM
Address of the premises you are making a representation about	HIGHER EGG BEER FM CHERITON BISHOP

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	yes	We've been to numerous events at Higher Eggbeer and never experienced any issues.
Public safety		
To prevent public nuisance	yes	We live very close to Higher Eggbeer and haven't had any noise/traffic problems
To protect children from harm	yes	My children use the swimming pool occasionally and I feel confident of their safety with to top of the range safety cover.

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.	We love going to the Loft Sessions and are pleased there is this chance for in this area
--	--

Signed:

Date: 11/10/16

Please see notes on reverse



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)	Neil Burgess
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	Woodbrooke Cottage, Prewsteighton, Exeter. EX6 6PZ
Contact telephone number	

Name of the premises you are making a representation about	Higher Eggbeer Farm
Address of the premises you are making a representation about.	Cheriton Bishop, EX6 6TQ

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Been to events, no issues to report.
Public safety		
To prevent public nuisance	Yes	We live on the same lane as Higher Eggbeer and have never experienced any traffic issues.
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.	We are seeing a positive economic benefit.
--	--

Signed:

Date: 10/10/16.

Please see notes on reverse

Mid Devon Licensing Authority  
Licensing Act 2003

REPRESENTATION FORM

Annex 17  
RECEIVED  
12 OCT 2016  
DESPATCH

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)	IAN WALKER.
Organisation name/name of body you represent (if appropriate) (see note 3)	DEVON + CORN WALL CARAVAN SITE
Postal and email address	HAWKSWOODS, CITERION BISITOP EXETER EX6614
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGG BEER
Address of the premises you are making a representation about.	CITERION BISITOP.

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes.	I have attended numerous events at Eggbeer and there have
Public safety	Yes	been no incidents of crime or disorder, I have not witnessed any public safety
To prevent public nuisance	Yes	public nuisance or any situation that have constituted any danger to anyone. I make these observations
To protect children from harm	Yes.	not only as a member of the public but as a retired Police officer who has numerous years of experience in these matters.

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.	The presence of Eggbeer within the community as a whole is highly beneficial with regard to general prosperity and community attitudes + welfare, providing employment and general revenue to the community ie the local pub & shop.
--	--

Signed:   
Please see notes on reverse

Date: 11/10/16.



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)	GARRY RETTER.
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	MOOR VIEW CHERITON BISHOP, EXETER EX6 6JQ.
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGGBEER.
Address of the premises you are making a representation about.	HIGHER EGGBEER CHERITON BISHOP EX6 6JQ

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	YES	WE LIVE VERY CLOSE TO PREMISES & NEVER HAD AN ISSUE WITH NOISE OR TRAFFIC
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.	WE ARE SEEING A POSITIVE EFFECT FROM ACTIVITIES AT HIGHER EGGBEER WHICH ARE BENEFICIAL TO OUR BUSINESS.
--	--

Signed:

Date: 10.10.16.

Please see notes on reverse

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)	ANDREW BRITTAIN
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	BARRONDENE, CHERITON BISNOR, EX6 6HY
Contact telephone number	

Name of the premises you are making a representation about	HIGHER EGGBEER FARM
Address of the premises you are making a representation about.	CHERITON BISNOR

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

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	✓	I have attended many events at Higher Eggbeer, each time I have been very impressed by the conduct of those present.
Public safety	✓	The road to Higher Eggbeer has never appeared blocked / congested when travelling to / from the venue.
To prevent public nuisance		
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.	Higher Eggbeer is a fantastic venue that brings vital trade to the local area.
--	--

Signed:

Date: 12/10/16.

Please see notes on reverse







## Representations received - Higher Eggbeer Farm, Cheriton Bishop

Name	Address	Postcode	Telephone number	E-mail address	Location on the map	Date received
Miss Lynn Scarsbrook	Three Gates, Cheriton Bishop	EX6 6JQ			1.	5/10/16
Mr Trevelyan Forrester	Central Convenience Stores, Cheriton Bishop	EX6 6JE			2.	12/10/16
Mr David Foyle	Woodleigh Coach House, Cheriton Bishop	EX6 6JL			3.	12/10/16
Mr Lance Marshall	The Old Thatch Inn, Cheriton Bishop	EX6 6JH			4.	12/10/16
Mr Eddie Hall	Burstone Cottage, Cheriton Bishop	EX6 6JQ			5.	12/10/16
J Retter	Jervis Farm, Cheriton Bishop	EX6 6JQ			6.	12/10/16
Claire Marie-Hunt	14 School Lane, Tedburn St Mary	EX6 6AA			Not shown on map	12/10/16
Nicola Webber	West Woodbrooke, Drewsteignton,	EX6 6PZ			7.	12/10/16

Mr Steve Coldrick	The Old School House, Church lane, Cheriton Bishop	EX6 6HY			14.	12/10/16
J Lockyer	Highfield, Cheriton Bishop	EX6 6JQ			15.	12/10/16
Joanne Carter	Glebe View, Church Lane, Cheriton Bishop	EX6 6HY			12.	12/10/16
Kate Budd	Lower Eggbeer Farm, Cheriton Bishop	EX6 6JQ			11.	12/10/16
Mr Neil Burgess	Woodbrooke Cottage, Drewsteignton	EX6 6PZ			8.	12/10/16
Mr Ian Walker	Hawks wood, Cheriton Bishop	EX6 6HQ			10.	12/10/16
Garry Retter	Moorview, Cheriton Bishop	EX6 6JQ			9.	12/10/16
Mr Andrew Britain	Barrondene, Cheriton Bishop	EX6 6HY			13.	18/10/16





## **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](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