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16 May 2019

LICENSING ACT 2003 SUB-COMMITTEE 1

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Friday, 24th May, 2019** in the King Charles Room, Old Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **1.30 pm**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution:

(1) The Members of the Licensing Act 2003 Sub-Committee 1

Councillor John Nutley
Councillor Dave Rollason
Councillor Richard Keeling

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- (1) All other Members of the Council
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AGENDA

Part I

1. Apologies for absence
2. Election of Chairman
3. Minutes (Pages 1 - 8)
To confirm Minutes of the previous meetings.
4. Agreement of the agenda between Parts I and II
5. Matters of urgency/matters of report especially brought forward with the permission of the Chairman
6. Declarations of Interest
7. Application for a New Premises Licence Snookyfest, Warren Farm, Warren Road, Dawlish Warren (Pages 9 - 30)

LICENSING ACT 2003 SUB-COMMITTEE 1

15 MARCH 2019

Present:

Councillors Hockin (Chairman), Bromell and Nutley

Officers in Attendance:

Trish Corns, Democratic Services Officer
Andrea Furness, Licensing Manager
Marie Downey, Solicitor

1. MINUTES

The Minutes of the meeting held on 19 October 2018 were approved as a correct record and signed by the Chairman.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A NEW PREMISES LICENCE - BIGGLES BAR, 27 STATION, TEIGNMOUTH

3.1 Introductions

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Officer, Democratic Services Officer and explained their respective roles.

The Chairman advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

3.2 Procedure to be Followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

3.3 The Council's Licensing Manager's Report

The Sub-Committee considered a new premises licence for Biggles Bar, 27 Station Road, Teignmouth. Details of the licence are set out in the report circulated with the agenda and is for the provision of live and recorded music, performance of dance, and the supply of alcohol.

The Licensing Manager advised that planning permission would be required to run the premises as a licensed premises because the historic use was a social club which was a different planning Use Class. The Licensing Manager also reported on the history of the premises formerly known as the Roundel Club a Royal Air Force Association Social Club. The licence had been held by the Royal Air Force Association until it was passed to tenants. The applicants took on the premises from the previous tenants and have submitted one TEN following the Police Licensing Officer advising the applicants and the Licensing Authority in November 2018, that the premises was not being run in accordance with the RAFA Social Club rules relevant to the premises, but as a bar. The applicants had also surrendered the club premises certificate at that time. The applicants were then advised to apply for a new premise licence.

3.4 Address by Interested Parties

3.4.1 Devon and Cornwall Police constabulary

The Police Licensing Officer, Mr Norsworthy, referred to the Devon and Cornwall Police Constabulary's statement dated 15 February 2019, in relation to the premises. This submission listed police log statements of incidents involving both applicants from 31 July 2018, and which involved both police and ambulance attendance, and considerable time of these resources. The submission also reported Mr Norsworthy's visit to the premises on the 12 November 2018, when he discussed the running of the premises with the applicants. Mr Norsworthy submitted that Ms Slater was intoxicated with alcohol during his attendance at the premises, during which she stated that she could not cope with the stress and needed a drink. Mr Norsworthy also reported on the incidents detailed in the police submission during the period from 31 July 2018 to 20 December 2018. These provided evidence of Ms Slater's dependency on alcohol, and tensions between the applicants. Mr Norsworthy submitted that it was clearly evidenced that Ms Slater has an unhealthy relationship with alcohol consumption and that this has been impacted by the stress of trying to run the business. He considered that Ms Slater is not suitable to be the DPS or hold the premises licence because she would be unable to ensure that the licensing objectives are met. Mr Norsworthy added that consequently, the police do not consider it appropriate to grant a licence to either of the applicants because in his opinion, Mr Tickell would also have difficulty in ensuring the licensing objectives are met with Ms Slater being on the premises and the issues around her unhealthy relationship with alcohol, and the demands of the business. However, should the Sub-Committee be minded to grant this application to Mr Tickell, the Police requested that the DPS should not be Ms Slater. The Police also requested two additional recommendations being imposed relating to CCTV, and Challenge 25 in relation to the licensing objectives, the prevention of crime and disorder and the protection of children from harm. Details of these conditions were circulated.

3.4.2 Applicants

The applicants were also in attendance at the meeting. We heard from Mr Tickell that he took on the lease for the club premises with his father in April 2018. There was no requirement for a DPS under the Club membership rules provided they operated in accordance with the club rules. He took on the position of Chairman, Ms Slater as Secretary and his mother as Treasurer. The branch of

the Association closed in November 2018 so the premises could no longer be run as a club. He has undertaken the training to hold a personal licence and he has resigned from his long standing full time employment to enable him to be available to work at the premises 24 hours, 7 days a week. The problems arose for Ms Slater with his expectations that she could manage the premises. There was no need for the situation to arise again because he would be present at the premises and the pressure would no longer be there. They would be happy to implement the additional controls requested of the Police Licensing Officer.

3.4.3 Questions

In response to questions from the Sub Committee, Mr Tickell advised that the incidences with Ms Slater over the past months did not reflect her normal disposition, he could take on the DPS role and not Ms Slater; there would be no requirement for her to be in the licenced area; and there were seven letting rooms run as a bed and breakfast which Ms Slater managed. The Police Licensing Officer asked Mr Tickell further questions about the running of the premises as a Club under the RAF Association rules which Mr Tickell was unable to fully answer.

3.4.4 Summaries

The Police Licensing Officer reiterated that the applicants had not run the premises in accordance with the Club rules specific to the premises, at the time they took on the lease. He submitted that the applicants should not be granted a licence to enable them indefinite selling of alcohol.

Mr Tickell added that he would like to be considered as the sole licence holder, should the Sub Committee consider Ms Slater unsuitable to hold a licence.

3.5 Decision

“We have very carefully read and considered all the written and oral evidence and submissions from all the parties.

On the evidence we have read and heard, in particularly from the Police Licensing Officer, we are not satisfied on the balance of probability that, in all circumstances the licensing objectives of: prevention of crime and disorder; public safety; protection of children from harm; and prevention of public nuisance, will be satisfactorily promoted, and we do not consider that it is possible to impose appropriate conditions to address this. In the circumstances, we are therefore refusing the application as detailed in the report.”

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the premises licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates' Court, 1st Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the premises, the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CLLR EDWARD HOCKIN
Chairman

LICENSING ACT 2003 SUB-COMMITTEE 2

23 APRIL 2019

Present:

Councillors Dennis (Chairman), Prowse and Nutley

Officers in Attendance:

Trish Corns, Democratic Services Officer

Andrea Furness, Licensing Manager

Marie Downey, Solicitor

5. MINUTES

The Minutes of the meeting held on 6 December, 2018 were approved as a correct record and signed by the Chairman.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. APPLICATION FOR A NEW PREMISES LICENCE - VIRGO FESTIVAL, GREAT FULFORD, DUNSFORD

7.1 Introductions

The Chairman introduced the Members of the Sub Committee, Legal Adviser, Licensing Officer, Democratic Services Officer and explained their respective roles.

The Chairman advised that the Sub Committee would take into account the merits of the application against the four licensing objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm, in addition to the Home Office Guidance and the Council's Licensing Policy.

7.2 Procedure to be Followed

The Legal Adviser referred to the procedure to be followed for the Hearing and those present wishing to make verbal submissions. There had been no requests from any other party to speak at the hearing. The procedure was as previously circulated to all interested parties with the Notice of Hearing. All parties had been sent an agenda.

7.3 The Council's Licensing Manager's Report

The Sub-Committee considered a new premises licence for Virgo Festival, Great Fulford, Dunsford. Details of the licence were set out in the report circulated with the agenda, and is for the provision of live and recorded music, performance of dance, late night refreshment and the supply of alcohol.

The annual event had been held since 2016 with an annual premises licence.

The Council had received one letter of objection from Mr Dickers, a local resident objecting to the application on the grounds of public nuisance.

7.4 Address by Interested Parties

7.4.1 Mr Dickers, Objector

Mr Dickers objected on the grounds of potential noise nuisance well into the early hours with noise and music being clearly audible from dwellings some 1km away; residents and farmland access' being blocked; and parking on narrow lanes potentially obstructing emergency service vehicles. At a recent event at the same premises, noise could be heard some 10 miles from the site. This event would have noise until 3am, 4am and 5am depending on the day, and 71 hours in total over the 4 day event. The turning down of the music each night at 11pm would help alleviate the noise nuisance for residents, and reductions of hours in line with the other festivals that takes place at this venue.

It was noted that the recent event at the premises referred to by Mr Dickers was not connected to the current Applicant.

In response to questions, the applicant's representative, Mr Adda advised that the times were as previous years, with the additional day of the Thursday evening 12 noon to 3am, and an additional hour Friday to Sunday to allow for a 1 hour wind down period in an Ambient Tent each evening with a much quieter level of music.

7.4.2 Mr Adda and Mr Wright representing the Applicant

Mr Adda submitted that the purpose of the Ambient Tent was to prevent tent parties and therefore decrease disturbance to the local area. This would be the final year of the Virgo festival. It was a smaller event than others held at the premises and sold in the region of 750 tickets each year. One stage only would be open on Thursday and the music level would be lower than the other days.

Mr Wright, Sound Manager for the event advised that advanced methods were used to retain the sound within the area. Should sound levels exceed that allowed, personnel would be alerted immediately, and the noise level reduced accordingly. This occurred a couple of times at last year's event and the level was adjusted immediately. Other similar events at the premises have a varied programme of bands throughout the day. Virgo Festival's programme would be constant and therefore it would be easier to control sound levels.

A summary of the Event Management Plan was circulated for information, and it was confirmed that there was no new or additional information in this document from those previously submitted. However, further clarification was required in relation to some issues in the document.

In response to questions Mr Adda confirmed that a charge would be made for car parking as in previous years. Mr Dickers cautioned that if this was the case cars would park in the road causing difficulties for emergency service vehicles, and blocking farm, field and residents accesses, as had been the case in previous years. Mr Adda commented that no complaints had been received in relation to this issue. Customers were encouraged to use the local highway network as a one way system to reduce congestion. All staff were trained, customers were required to show ID and bags were routinely searched. The festival was for over 18yr olds only. The purpose of the additional day on the Thursday was to enable customers another day to travel to the event that would be less busy on the roads than the Friday.

7.4.3 Decision

“We have carefully considered all the written material and also the oral submissions on behalf of the Interested Parties and Applicant.

The Council’s Licensing Policy states that terminal hours will normally be approved when the applicant can show that the proposal would not adversely affect the licensing objectives, unless after hearing relevant representations, the Council believes it appropriate, reasonable and proportionate to restrict the hours required. We do not consider that it is appropriate, reasonable and proportionate to restrict the hours, because we have not seen any evidence which would support doing so.

We are satisfied that the applicant company is experienced and responsible and we are satisfied, on the balance of probability, that the event will not cause an unreasonable nuisance to local residents.

In the circumstances we grant this application as detailed in the report subject to the final Event Management Plan being received and approved by the Licensing Manager by 7 May, 2019.”

Rights of Appeal

This decision does not take effect until the period for making an appeal has expired, or if an appeal is made, until that appeal has been determined. An appeal may be made by the applicant for the review, the licence holder or any person who made relevant representations in relation to the application.

If you wish to appeal you must give notice of appeal to the Clerk to the Justices at the South Devon Magistrates’ Court, 1st Floor, Riviera House, Nicholson Road, Torquay TQ2 7TT, within the period of 21 days beginning with the day on which you were notified of the decision.

Should there be problems associated with the event the Council's Environmental and Safety Department has powers under the Environmental Protection Act 1990 to take action against statutory noise nuisances.

CHARLIE DENNIS
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

LICENSING ACT 2003 SUB-COMMITTEE

CHAIRMAN:

DATE: 17 May 2019

REPORT OF: Licensing Manager

SUBJECT: **Application for a New Premises Licence –
SnookyFest, Warren Farm, Warren Road, Dawlish
Warren**

PART I

RECOMMENDATION

That the Licensing Act 2003 Sub-Committee is requested to consider this application.

PART I

1. THE APPLICATION

Applicant: Ms Caroline Steffens

Premises: Bryony Cottage, 2 Weech Road, Dawlish, EX7 9BR

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow live music, late night refreshment and supply of alcohol.

The operating schedule shows:-

Hours Premises Open to the Public:
Saturday 13 July 2019 9.30am to 1030pm

Relevant licensable activities:

- Supply of alcohol.
- Provision of regulated entertainment: live music.
- Provision of late night refreshment.

Hours of licensable activities:
Performance of Live Music 10am to 10pm

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concessions etc will be collected from the operators on arrival at the site together with all the necessary certification.

Site layout.

The site layout will be designed to ensure that the number of festival-goers are safely accommodated within the site. The site shall consist of one entrance on Warren Farm, which will also double as one of the 3 emergency exits. A site plan has been provided with this Licence application.

Event insurance

The appropriate event and public liability shall be in place. A copy of this insurance is available for inspection during the event at the Central Control Point.

- The prevention of crime and disorder

Snookyfest has recruited a team of Marshals who will be on duty at various times during the event. Radio communications will be provided to marshals at key points. Furthermore 24-hour security will be provided from when the site is built, and overnight until it is dismantled. Snookyfest has employed SafeGuard Security, an SIA registered specialised event security company who will provide a minimum of 10 security staff at any one time to control the premises throughout the event. A separate assessment shall be produced by the appointed security providers and supplied to Police Events and Licensing Team. This assessment shall include a dot plan and agreed roles of responsibilities of all Marshals and security employed to manage the festival. Security Staff levels will meet or exceeded the recommendations made by Devon & Cornwall Police for this event. The recommendations are as follows:

Up to 1500 ticket sales:

1000hrs to 1400 hrs 6 SIA Door staff

1400 hrs to 1700 hrs 8 SIA Door staff

1700hrs to 2330 10 SIA Door staff

Overnight a minimum of 2 SIA Door staff to patrol the site until 0800hrs

If Ticket sales are 1501 to 1900 plus 4 staff

If Ticket sales are at 1901 to 2400 plus 6 staff

If Ticket sales are at 2401 to 3000 plus 8 staff

SafeGuard Security are fully aware of these staffing levels and have staff on standby should attendance levels exceed 1500 people. An incident log shall be kept on the premises and shall be made available on request to an authorised officer.

If drugs or weapons are found during searches, these will be kept in a secure location for the Police to collect, and accordance with any advice from the Police.

Prohibited items

The following is a list (although not limited to) items prohibited from the site:

Alcohol

Glass containers

Any container of water over 500ml, containers under 500ml shall have tops removed

Illegal substances

Any item that could be considered a weapon.

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Eviction policy

Any person who fulfils any of the following criteria shall be liable for eviction from the festival. The decision as to the interpretation of these criteria and eviction shall be at the discretion of the security coordinator.

Any persons who are found causing disruption or antisocial behaviour

Any person who is arrested and charged by the Police

Any person breaching the terms and conditions of entry.

Eviction Procedure

All persons evicted from the festival shall be processed by the security coordinator.

Reasonable efforts shall be made to ensure their details are recorded in the incident log, with date and time and the reasons for eviction. They shall then escorted to the main entrance and may have wrist band removed. Where necessary the police shall be called, and the persons held to enable them to be collected.

Police consultation

Snookyfest shall work closely with the Police to ensure safe running of the event.

Prevention and monitoring

There will be no glass allowed at the event, only plastic containers will be allowed. The licensed bars shall not provide any alcoholic drinks promotions. Responsible drinking shall be promoted.

An incident log book shall be maintained that details incidents of note that occur at the site. The log book shall be kept at the site and made available for inspection at all times that the site is open. Alternatives - Alternative soft drinks shall be available on site at food concessions.

Event Liaison Team / Communications

An Event Liaison Team (ELT) will be established. This team will comprise of representatives from Snookyfest, and the Security provider. The Security Control and Marshal Control will be co-located for ease of communication and to take advantage of both communication systems. It is within this team that any decisions concerning the safety of the crowd will be made. Each organisation involved in the running of the event will have their own chain of command and communication arrangements. The ELT, the security and Marshalls will ensure that there is an effective communication system with each other so that in the event of an emergency, procedures are coordinated. Stewards and on site production staff will be utilising mobile telephones and two-way radios. The frequencies utilised to be confirmed within the Marshal Communications Pack which will be issued on the day. SIA registered door staff shall be employed from 9.30am until 30 minutes after the end usage of the grounds to control crowds before, during and after the event. SIA registered supervisors shall all wear clothing that can be easily and clearly identifiable to the public.

Targeted searches shall be carried out by SIA security staff of people entering the premises; signs shall be displayed at the entrances to notifying customers of this policy.

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Crowd management at the festival shall be carried out in accordance with the recommendations of the ESG and HSE document on managing crowds safely. The festival site and programme shall be designed so as to keep festival-goers happy throughout the day. All non-staff and performers shall be subject to the same restrictions and searches.

- Public safety

The Management and Production Team have met and will continue to work with the various stake-holders to ensure the safe running of the event.

The entrance system to the ticket exchange shall be designed to comply with current safety guidance. The ingress route rates, including checking tickets using this guidance, is estimated at between 20 - 40 persons per minute.

Sufficient medical provision shall be provided by SafeGuard Security at the festival subject to the guidance in Chapter 20 of the Event Safety Guide. The calculations are based on the nature of the event, event intelligence and additional considerations.

The following measures have been put in place relating to Health and Safety and Fire Safety at the event. This section has been completed in accordance with the Fire Regulatory Reform Order 2005 and Event Safety Guide 1999. In addition a separate Fire Risk Assessment has been produced.

Electrical equipment and fire extinguishers:

The bars, concession unit, the PA and Main Stage are all professional equipment and are fully insured and certificated.

All electrical equipment in use by SnookyFest personnel will be PAT tested, and pass stickers will be visible on all equipment. An electrical completion certificate will be provided on the day of the event by site electricians, this will be available for inspection on the day of the event. The production team will supply 6 Fire Extinguishers which will be located by the Main Stage, the Central Control and the Snooky Trust Tent (thus ensuring rapid availability throughout the site). This equipment will be fully certificated and up to date.

The bar concession will be providing their own fire safety equipment, and also has provided all their own risk assessment and insurance documents, these will be kept on the premises for inspection on the day of the event.

All catering concessions are required to have immediate response fire-fighting equipment within their facilities.

Evacuation and emergency access

The site has been designed so as to allow ease of access to the site emergency. An evacuation procedure shall be in place should the site need to be evacuated in an emergency. Emergency response plan. A complete emergency response plan has been developed and will be included in the Operating Plan. Premises and capacity and means of escape.

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In addition to the current hedgerows, additional fencing/barriers will be provided where necessary. It is unlikely that the site will reach full capacity and the capacity for the stage will fluctuate throughout the day. The capacity will be monitored by way of clickers at the entrance to the site on Warren Farm. The capacity will be recorded in 15 minute intervals and these written records will be available for inspection at the Central Control Point.

SnookyFest is an outdoor event and therefore the recommended evacuation time is between 5-10 minutes.

Based on 108 persons per minute per metre as recommended in the HM Government Fire Safety Risk Assessments for open air events and venues, with a capacity of 3000 persons, the site could be evacuated within the guide lines using the exit routes provided. There shall be 3 fire exits. Exit 1 - The Main Entrance/Staff & Acts; Exit 2 - To the North of the site onto the Warren Road; Exit 3 - To the Southeast of the site onto the coastal path.

Fire safety guidance escape route capacities.

The capacity of an escape route is determined by the rate at which people pass along the route during each minute of the defined escape time. The following are suggested rates of passage for open-air parts of venues:

On all routes within seated accommodation (including gangways and ramps) and stairways – 73 people/metre/minute.

On all routes in other parts of the event or venue (including within standing accommodation) – 109 people/metre/minute

The width and capacity of the escape routes for this event are therefore calculated to permit 300 person to exit the site within the prescribed time limits.

The risk for this event has been initially determined as normal using the Fire Risk Assessment guidance for outdoor events, therefore the evacuation time should be between 5 to 10 minutes.

Based on an evacuation time of 5 minutes, calculated at 109 people per minute, the site would require 5.5m metre exit capacity.

Each exit provided would be a minimum of 3m and therefore would provide sufficient capacity to safely evacuate the site in an emergency. SnookyFest will employ SIA registered festival security. These personnel shall be briefed on the morning of the festival with the full evacuation plan. In addition the event will employ additional marshals to man the queuing into the festival. If necessary pedestrian barriers could be employed to control the queues for the peak times outside the event.

Special effects.

There will be no special effects at the premises.

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Vehicles on site.

One vehicle shall be permitted whilst the event is taking place. This will be used to transport cash from the site and to bring in additional water as required. It will be located at the Central Control Point and will egress and ingress the site via the Staff & Acts entrance.

Marquees and temporary structures.

Temporary structures shall be capable of withstanding and load of force which they may be subjected, and shall be erected by competent persons in accordance with safety guidelines. Temporary demountable structures shall comply with the recommendations in the Institution of Structural Engineers document 'Temporary Demountable Structures - Guidance on Procurement, Design and Use. Any tents and stage structures including roofs and walls shall a) be capable of withstanding any load or force to which they may be subjected, b) not readily collapse when exposed to fire, c) have coverings and fabrics of durably or inherently flame-retarded material, d) have any poles, frames, guy ropes, stakes or anchors clear of gangways and exit routes and be erected by competent persons.

Smoking shall not be permitted inside any tents or enclosed structures and signs shall be erected at entrances to this effect.

Barriers and fencing

The stage area shall be protected by roving patrols of both Security Staff and Marshals. Further personnel will be available on the stages under direct control of the Production Manager. The stage barriers shall be built in accordance with the Event Safety Guide. Designated event barriers of steel construction and 2.5m in length will also surround the stage.

Emergency lighting

The festival takes place predominately during the hours of daylight. In addition the exit routes leading to from the site shall be illuminated by suitable lighting.

Electrical installations

A temporary electrical system shall be set up on the site using a 20Kva generator and wiring system. This will be located in the cordoned area behind the stages. All work shall be carried out by competent and experienced electrical contractors electrical installations shall comply with BS 7671 and BS 7909. Additionally, a 7.5Kw generator and a 2.5Kw Honda Generating Set will be used to power the tills and ticket barcode readers. These will be located at the central Control Point and behind the Beer Tent within a barriered area. Electrical distribution positions, switchgear and wiring shall be kept out of reach of the public and guarded against unauthorised interference. There will be no electrical equipment within public areas. Electrical equipment exposed to the weather shall be of weatherproof design or alternatively shall be provided with suitable weather proof protection.

A completion certificate completed by an appropriately qualified and experienced person, declaring that all the electrical installations at the site are installed, tested and maintained in accordance with the latest British Standards shall be completed prior to the festival admitting the public, and shall be kept on site for inspection by the appropriate authority.

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Food and refreshments

There will be a number of food concessions provided at the festival. All the food concessions and the bar unit shall comply with food safety and hygiene legislation. A SnookyFest staff member is also trained in Food Safety, HaCCP and Allergen awareness. This staff member will carry out covert spot checks on all catering facilities to ensure adherence to current legislation.

Drinks shall not be sold or served in glass receptacles, cans or in any other hard containers. Refreshment units shall be structurally suitable and capable of withstanding and load or force to which they may be subjected. All food and refreshment units shall comply with the standards for electrical insulations. Fire-fighting equipment shall be provided by the concession holders themselves. Dry powder or carbon dioxide fire extinguishers will be sited near to any generators or fuel storage vessels. Access to the generators, fuel, gas cylinders by the public will be prevented through the use of barriers. Suitable receptacles shall be provided for refuse.

Sanitary facilities and waste disposal

Toilet/WC facilities on site will be:

Disabled WC x 3

WC x 16

4 port urinal x 2

6 port urinal x 2

This exceeds the recommended 1 x toilet per 75 females, 1 x toilet per 400 males and 1 x urinal per 100 men. It is assumed the male/female split of attendees will be 50/50. A local waste contractor has been engaged to supply receptacles for rubbish and to remove such from site in accordance with current regulations.

Snookyfest have informed the local tourist board to give persons coming to the festival detailed information about guest houses, local hotels and campsite conveniently located for the festival. In addition the festival shall be targeted at local persons, and people will be encouraged to come to the festival by public transport or by foot.

The local bus company, Stagecoach, will be contacted and a temporary Bus Stop will be requested on Warren Road for the day of the event. Dawlish Disability Transport will be contacted and requested to provide disability transport on a Ring & Ride basis. A Taxi Drop Off/Pick-Up Point will be established on site and local taxi companies will be informed of the event and the facilities for their vehicles.

- The prevention of public nuisance

Snookyfest is very aware of the importance to minimise disruption to the lives of the local residents. Snookyfest will liaise with Council Environmental Health team to minimise disturbance to residents prior to the event.

Snookyfest shall also take the following steps to monitor noise levels during the event: Music stages, the stages shall be situated so that, as much as possible, music noise is directed away from noise sensitive properties.

Maximum noise levels and monitoring points shall be put in place by the PA Company prior to the event, these measures shall be done with reference to Council guidance on outdoor

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events and festivals. Nearby residents will be notified of the event and will be given a dedicated telephone number to call on the day the licence is in use (07379 534064), which shall be staffed by appropriately trained members of the team for the duration of the event. Snookyfest shall also supply a full record of all complaints and record of all noise monitoring to Council Environmental Health Department after the event. In addition, this dedicated telephone number can be used by residents to report incidents other than noise disturbance to the Marshal Controller. A system of forwarding these complaints to the appropriate person has been put in place.

No food or drink shall be permitted off the site whilst licensable activities are taking place.

Additional waste bin facilities shall be provided and rubbish will be disposed of at the end of the day. To ensure the area is kept clean staff shall clear any waste generated by customers, or any other people attracted to the area because of the event. Staff shall undergo hourly clear up operations, and all waste shall be disposed of after the event under the same arrangements as previously detailed. Snookyfest will put in place recycling receptacles in liaison with the waste contractor.

There shall be no road closures requested for this event.

- The protection of children from harm

Information Provided on Advance Ticket Notice of Policy - All advance ticket advertising on social media and the Internet shall contain information stating that the bars at the festival will operate a Challenge 25 policy to ensure that people bring ID with them to the event. Challenge 25 - The licensed bars of the site shall operate a Challenge 25 policy whereby anyone looking 25 or under shall be asked for photo ID to prove their age. If they do not have valid ID they will not be permitted the purchase alcohol at the festival.

Valid ID - Proof of age will need to be evidenced by valid driving licence or Passport, or other such scheme approved by the local Trading Standards Department. No alcohol shall be permitted on site, except that which is purchased from the licensed bars.

No unaccompanied under 16's shall be permitted on the site. Terms and conditions for resident and competition winner wrist bands shall state this and checks shall be made by security during the day.

No drinks are permitted on to the site, and all other refreshment and food units shall carry soft drinks and water.

There will be no gaming machine or amusement machines on site.

A Lost Children Policy has been formulated and facilities will be in place to safeguard a lost child in an area controlled by DBS screened personnel.

Wristbands issued to children entering the site (accompanied by parent or guardian) will be annotated with a mobile telephone number to contact the responsible adult. In this manner a lost child should be easily and quickly reunited with their parent/guardian.

TEIGNBRIDGE DISTRICT COUNCIL

Lost Children Policy

A 'Lost Children' Policy has been developed and will be included in the Operating Plan. All personnel, including security and marshals, will be fully briefed on this procedure and guidance notes will be provided.

2. RELEVANT REPRESENTATIONS

Responsible authorities:

Police – no representation received.

Environmental Health Officer – no objection.

Fire Officer – no objection.

Planning Officer – no objection

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Home Office – no representation received.

Interested parties:

A representation received on the grounds of Public Nuisance.

Note: Relevant extracts from D.C.M.S. Guidance and the Council's own Licensing Policy are attached at the end of the report to assist members consider these representations.

Andrea Furness
Licensing Manager

Wards affected	<i>Dawlish Central and North East</i>
Contact for any more information	<i>Andrea Furness</i>
Background Papers (For Part I reports only)	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Statement of Licensing Policy</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
Community Impact Assessment attached:	<i>No</i>
Appendices attached:	

National Guidance

National guidance regarding premises is as follows:-

- ‘14.9 All statements of policy should begin by stating the four licensing objectives, which the licensing policy should promote. In determining its policy, a licensing authority must have regard to this Guidance and give appropriate weight to the views of consultees.*
- 14.10 While statements of policy may set out a general approach to making licensing decisions, they must not ignore or be inconsistent with provisions in the 2003 Act. For example, a statement of policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits.*
- 14.11 Similarly, no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act.*
- 14.12 Statements of policies should make clear that:*
- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act; and*
 - conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.*
- 14.13 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.*
- 14.29 As noted above, there should be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:*
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
 - Statistics on local anti-social behaviour offences;*
 - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
 - Environmental health complaints, particularly in relation to litter and noise;*
 - Complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;*
 - Residents’ questionnaires;*
 - Evidence from local and parish councillors; and*

- Evidence obtained through local consultation.

14.30 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- Changes in terminal hours of premises;
- Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

14.33 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.46.

14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the

licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

14.46 CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.'

APPENDIX

National guidance regarding licensing hours is as follows:-

- '13.44 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.'*
- 13.45 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.'*

National guidance regarding non-duplication of other regimes is as follows:-

- '13.14 Statements of licensing policy should reflect the general principles regarding licence conditions set out in Chapter 1 of this guidance.'*
- 13.57 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.'*
- 13.58 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.'*

National guidance regarding standardised conditions:-

- '10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives'*

Licensing Policy Considerations

It is considered that the following have a bearing upon the application:

- 3.1 The Council, as the Authority, has a duty under Section 4 of the Act to carry out its licensing functions with a view to promoting the four licensing objectives. Each objective is of equal importance and there are no other licensing objectives. The licensing objectives are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance and
 - the protection of children from harm
- 3.2 These objectives are the only matters to be taken into account in determining applications and any conditions attached must be necessary to achieve the licensing objectives. If there are no relevant representations then an application must be granted and will be subject only to the mandatory conditions and the applicant's operating schedule.
- 4.1.2 The licensing function is only one means of delivering the licensing objectives and should not be seen as a panacea for solving all alcohol and entertainment-related problems within the community. The Authority recognises that as well as the licensing function there are a number of other mechanisms for addressing alcohol-related crime and disorder such as:
- planning controls
 - Community Alcohol Partnerships
 - installation and/or expansion of CCTV systems in problem areas
 - powers to designate parts of the District as places where alcohol may not be consumed
 - publicly (Designated Public Places Orders)
 - S.27 and s.30 Dispersal Orders (Anti-Social Behaviour Act 2003)
 - police powers to close some premises for up to 24 hours in extreme cases of disorder
 - or excessive noise (Licensing Act, ss.160 & 161)
 - the power of Responsible Authorities and other persons to apply for a review of the licence (see 9.2)

The Authority will therefore continue to work in partnership with other licensing authorities, the Responsible Authorities, other agencies such as South Devon and Dartmoor Community Safety Partnership and with local businesses and residents in a co-ordinated approach to tackling alcohol-related crime and anti-social behaviour.

- 4.1.3 In discharging its licensing function, the Authority will comply with relevant legislation Section 17 Crime and Disorder Act 1998, The European Convention on Human Rights,

which is applied by the Human Rights Act 1998 and The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.

The licensing authority will also have regard to other legislation, strategies, policies and guidance in its decision making.

- 4.1.4 The central purpose of the licensing function is to promote the licensing objectives through the effective regulation of licensed premises, qualifying clubs and temporary events. The Authority is keen to foster a safe and vibrant leisure economy and will work with applicants and licence holders to encourage and sustain well managed premises which make a positive contribution to the community. 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.

Home Office guidance 13.57 and 13.58 (S182 March 2015) makes it clear that licensing committees are not bound by decisions made by planning committees and vice-versa. The Guidance also states that, where, as a condition of a planning permission, a terminal hour has been set for use of the premises for commercial purposes and this is different to the licensing hours, the applicant must observe the earlier closing times.

- 4.3.3 The Authority recognises that it is a fundamental principle of the Act that the licensing function should not duplicate other statutory regulation. In particular, the Authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there is no legal basis to refuse a licence application because it does not have planning permission. Applicants are recommended, however, to ensure that appropriate planning permissions are obtained before an application for a premises licence or club premises certificate is made. (See Section 7 – Licence Conditions – for further advice).

Home Office guidance 13.57 and 13.58 (S182 March 2015) makes it clear that licensing committees are not bound by decisions made by planning committees and vice-versa. The Guidance also states that, where, as a condition of a planning permission, a terminal hour has been set for use of the premises for commercial purposes and this is different to the licensing hours, the applicant must observe the earlier closing times.

- 5.3.1 When determining a licence application, the overriding principle adopted by this Authority will be that each application will be determined on its merits. The Authority will have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems necessary to promote the licensing objectives. The Authority may depart from the guidelines in this Policy if it has justifiable and compelling reasons to do so. The Authority will give reasons for any such departure from policy.
- 5.3.2 The Authority will expect applicants to demonstrate in their applications active steps for the promotion of the licensing objectives. When determining an application, a key consideration for the Authority will be the adequacy of measures proposed in the Operating Schedule to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the needs of the local community.
- 5.3.3 The Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, anti-social behaviour, littering, fouling, noise and the capacity of

the infrastructure and police resources to cope with the movement of large numbers of people, particularly late at night and in the early morning.

- 5.3.4 Since the introduction of the Act, the Authority's experience is that the vast majority of complaints about licensed premises are caused by public nuisance, in particular excessive noise from live and recorded music and disturbance caused by customers congregating outside licensed premises. The Authority will expect applicants to have particular regard to these issues and to include in their Operating Schedules adequate and effective steps to control noise and disturbance from their premises. Existing licence holders will also be expected to demonstrate – through the effective management of their premises – that they are taking appropriate and reasonable steps within their control to minimise disorder, anti-social behaviour and public nuisance.

Public nuisance is not defined in the Licensing Act 2003 and retains its broad common law meaning. It should be noted that public nuisance can include low-level nuisance affecting a few people living locally as well as major disturbance affecting the whole community. It may also include the reduction of the living and working amenity and environment of persons and businesses in the vicinity of licensed premises. (Home Office Guidance 2.15 (S182 March 2015))

- 5.3.5 When deciding whether to grant a licence, the Authority may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not sufficiently competent to protect the public from harm or nuisance.

- 5.3.6 When determining an application, the Authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant may be disregarded. The Authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the Authority will consider their application or representation but may attach less weight to it.

- 5.3.7 It should be noted that, when determining an application, the Authority is making a judgement about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened but to make an informed assessment of the risk of such things occurring if a licence is granted and to take such steps as it considers appropriate to prevent or minimise such risks.

- 5.3.3 The Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, anti-social behaviour, littering, fouling, noise and the capacity of the infrastructure and police resources to cope with the movement of large numbers of people, particularly late at night and in the early morning.

- 3.5.1 Public nuisance can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the wider community. Nuisance is generally attributable to noise (from loud music or from rowdy customers), vibration, light pollution, noxious smells and litter. Applicants will be required to demonstrate that they have adequate measures in place in their applications to prevent nuisance and disturbance.

- 3.5.2 Noise from people entering and leaving licensed premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers under the

influence of alcohol are often less inhibited about their behaviour and may be unaware of the noise they are creating. As background noise levels are lower at night, any noise is more intrusive for residents trying to sleep.

- 3.5.3 The Authority will require applicants to take appropriate and proportionate measures for the prevention of public nuisance. Such measures may include those listed in the Authority's guidance for applicants can be viewed at www.teignbridge.gov.uk/licensingact2003.
- 6.1 In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours beyond midnight higher standards of control and supervision will be expected in order to promote the licensing objectives - especially for premises situated in or near residential areas.
- 6.2 The Act does not provide for standard closing times. Licensed premises will generally be permitted to sell alcohol during the hours they intend to open provided they can demonstrate to the satisfaction of the Authority that the premises will be operated in a manner consistent with the licensing objectives, Home Office guidance (S182) and this Policy. However, there is no presumption that applications for extended hours will take precedence over the human rights of local residents and businesses.
- 6.3 The licensed hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives. The Authority may, however, set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area or is necessary to achieve one or more of the licensing objectives.

Home Office Guidance 10.14 (S182 March 2015) states that the licensing objectives should be the Authority's paramount consideration at all times when determining applications. If the Licensing Committee or a sub-committee believes that granting longer hours would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

- 6.4 The Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have already been incidents of disorder and disturbance.
- 6.5 In considering licence applications, the Authority will consider the adequacy of measures proposed to deal with the potential for crime, disorder and/or nuisance having regard to all the circumstances of the case. The Authority strongly encourages the adoption of best practice. This includes the expectation, as an item of best practice that CCTV will be provided in those premises that wish to trade in the sale of alcohol beyond midnight for the purpose of preventing crime and disorder and public safety. Applicants should carry out a risk assessment with regard to CCTV and are expected to include CCTV in their operating schedule. Where they elect not to do so, they are strongly advised to provide information explaining that omission. For example, that the risk assessment has shown CCTV to be unnecessary.
- 7.1 Conditions attached to a premises licence or club premises certificate are a key element of the regulatory framework established by the Act. There are three types of condition:

- mandatory conditions set out in the Act,
- conditions consistent with the operating schedule, and
- conditions imposed by the Authority.

The Licensing Authority may only impose conditions on a premises licence or club premises certificate where it has received a relevant representation about an application. The application will then be determined at a hearing by a Licensing Sub-Committee. If no relevant representation is received, the application must be granted on the terms applied for subject only to the mandatory conditions and conditions consistent with the Operating Schedule.

- 7.2 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
 - not replicate offences set out in the Act or in other legislation
 - be written in a prescriptive format
- 7.3 The Authority encourages applicants to seek technical advice from the appropriate Responsible Authorities when preparing their Operating Schedules as this will enable any problems to be resolved at an early stage and will reduce the likelihood of representations.
- 7.4 Experience has shown that many of the conditions volunteered by applicants are poorly worded, unclear or ambiguous and therefore unenforceable. As an aid to applicants, the Authority has prepared a menu of suggested measures to promote the licensing objectives which applicants are encouraged to consider when preparing their operating schedules. These measures are not prescriptive but will help to ensure that licence conditions are expressed clearly and consistently and enable enforcement to be carried out equitably. The measures can be viewed at www.teignbridge.gov.uk/licensingact2003. The Authority, in consultation with the applicant, may amend the wording of proposed conditions where this is unclear, ambiguous or unenforceable.
- Home Office guidance 10.5 (S182 March 2015) states that it is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.*
- 7.5 The Authority will pay particular attention to the effect – potential or actual - of licensable activities on those living, working or otherwise engaged in the area concerned and, where relevant representations are received, may attach conditions if it considers it appropriate for the promotion of the licensing objectives.
- 7.6 Conditions attached by the Authority to Premises Licences and Club premises certificates will relate to matters falling within the control of individual licensees. It is recognised that the licensing function cannot be a mechanism for the control of disorderly behaviour by individuals once they are beyond the direct control of the licence holder. However, the Authority and Responsible Authorities may take action where it can be established that there is a clear linkage between disorderly behaviour and a specific premises.

- 7.7 The Authority will not impose inappropriate or over-burdensome conditions on licences. The Authority may, however, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives.
- 7.8 Although it is not a legal requirement, the Authority recommends as good practice - in respect of premises licensed to sell or supply alcohol for consumption on the premises – that a Personal Licence holder is on the premises at all times to make or authorise such sales or supplies. The Authority is keen to encourage the presence of properly trained staff on licensed premises. Applicants may wish to consider including this as a condition of licence, where appropriate, as a measure to promote the licensing objectives. Where this is not possible (because the premises is too small or because staffing levels do not permit) or when the Premises Supervisor/Personal Licence holder will be absent for a significant length of time, a responsible person should be authorised to oversee the sale of alcohol in the place of the Premises Supervisor/Personal Licence holder. The Authority will expect the authorisation to be made in writing, kept securely on the premises and made available for inspection by an authorised person if requested. Copies of the authorisation should be sent to the Authority and the police.
- NB. 'Authorisation' does not mean direct supervision. The government recommends that Personal Licence holders give specific written authorisations to individuals they are authorising to sell or supply alcohol and that such individuals are clearly identified (Home Office Guidance 10.30 - 10.37 (S182 March 2015))*
- 8.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Authority can take into account. This should not, however, be equated with 'need' which relates to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 8.2 If the Authority receives relevant representations suggesting that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type and thereby creating problems of disorder and nuisance over and above the impact from the individual premises themselves, the Authority may consider the issue of cumulative impact when determining an application. The onus is on any person, or organisation, making such representations to prove the assertion that the grant of the licence would cause the cumulative impact claimed.
- 8.3 The Authority does not propose to operate a quota system of any kind, which would have the effect of pre-determining any application; nor does it seek to impose general limitations on trading hours in particular areas. The Authority recognises that pubs, clubs, restaurants, hotels, theatres, concert halls and cinemas have contrasting characteristics and styles of operation. Proper regard will be given to those differences and the impact they are likely to have on the promotion of the licensing objectives
- 11.1 The Authority recognises that drug use is not something that is relevant to all licensed premises. However, where relevant representations are received, the Authority may need to impose special conditions for certain types of venues in order to reduce the sale and consumption of drugs and to create a safer environment for customers using the premises. The conditions to be imposed in such cases will be taken from the Government Department pool of conditions which take into account the report "Safer Clubbing" published by the Home Office. The sale or use of new psychoactive substances (NPS) (so called Legal Highs) the Authority will consider any issue with NPS in line with current legislation and government policy. Where the Authority deems such

conditions to be appropriate for the promotion of the licensing objectives, it will seek advice from the local Drugs Action Team and the Police.

- 12.1 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed by the Security Industry Authority. The Authority recognises that certain premises, because of the nature of their operation, their capacity, their licensed hours and the licensable activities provided, may require stricter supervision for the purpose of reducing crime and disorder and public nuisance. In such cases, where relevant representations are received, the Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.
- 12.2 The Authority recognises that Door Supervisors have an important function in terms of supervising customers not only inside premises but also outside. Door Supervisors will therefore be expected to take a pro-active role in managing the behaviour of customers outside premises in order to minimise any disturbance and nuisance to nearby residents. Licence holders should ensure in particular that, at closing times, they have sufficient Door Supervisors to effectively control 'surges' of customers leaving premises.
- 12.3 Whenever security operatives are employed at licensed premises to carry out any security function such operatives must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Strategy.

It is a mandatory condition of a Premises Licence that where the licence requires personnel to carry out security activity (e.g. screening of customers, dealing with conflict management, crowd control) such personnel are licensed by the Security Industry Authority. (Licensing Act 2003, s.21).

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