

# West Devon Licensing Sub-Committee



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Thursday, 6th October, 2022</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>Kilworthy Park, Meeting Room 3</b>
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b></p> <p style="text-align: center;"><b>Vice Chairman</b></p> <p><i>Members:</i>            Cllr Leech                            Cllr Ratcliffe                                  Cllr Pearce</p>
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk

**1. Appointment of Chairman**

**2. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**3. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

**4. Application for a Temporary Events Notice at The Stannary Arms, Legion House, 2 King Street, Tavistock, PL19 0DS.**

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Report to: **Licensing Sub-Committee**

Date: **6<sup>th</sup> September 2022**

Title: **Application for a new Temporary Event Notice at The Stannary Arms, Legion House, 2 King Street, Tavistock.**

Portfolio Area: **Customer First**

Wards Affected: **Tavistock**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: **6<sup>th</sup> September 2022**

Author: **Lee Staples** Role: **Senior Licensing Officer**

Contact: **01803 861432/email: lee.staples@swdevon.gov.uk**

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## **Recommendations:**

**That the Sub-Committee considers the application for a Temporary Event Notice and decides whether:**

- i) to allow licensable activities to go ahead as stated in the notice;**
- ii) to allow licensable activities to go ahead, subject to the inclusion of relevant existing premises licence conditions and/or modified to such an extent so as to adequately promote the licensing objectives; or**
- iii) to refuse the application in its entirety.**

**The decision must be in line with the licensing objectives contained within the Licensing Act 2003.**

## **1. Executive summary**

- 1.1 The purpose of the Licensing Sub-Committee meeting is to determine an application for a Temporary Event Notice at **The Stannary Arms, Legion House, 2 King Street, Tavistock, PL19 0DS** in accordance with Section 105 of the Licensing Act 2003.**

- 1.2 The Application seeks approval for the sale by retail of alcohol, provision of regulated entertainment (performance of live music), and late-night refreshment between 7pm on 7<sup>th</sup> October and 2am 8<sup>th</sup> October. A copy of the application can be found at **Appendix A**.
- 1.3 Following the application being circulated to Environmental Health and Devon and Cornwall Police in accordance with the statutory requirements, an objection notice was received on 28<sup>th</sup> September from Environmental Health and as the objection notice has not been withdrawn a hearing is required before the application can be determined. A copy of the objection notice can be found at **Appendix B**.
- 1.4 As each application must be considered on its individual merits and in relation to the licensing objectives under the Licensing Act 2003, recommendations as such cannot be made. However, having considered the individual circumstances of this application and representations and evidence received at hearing, the Sub-Committee may allow or refuse the application as outlined in the Recommendations.

## **2. Background**

- 2.1 The Licensing Authority received an application from Martyn Beech on 23<sup>rd</sup> September 2022 for a Temporary Event Notice on 7<sup>th</sup> to 8<sup>th</sup> October 2022. The application is for:
  - The sale by retail of alcohol between 7pm on 7<sup>th</sup> October and 2am on 8<sup>th</sup> October.
  - The provision of Regulated Entertainment (live music) between 7pm on 7<sup>th</sup> October and 1.30am 8<sup>th</sup> October.
  - The provision of late-night refreshment on the premises between 11pm on 7<sup>th</sup> October and 2am 8<sup>th</sup> October.
- 2.2 The premises has a current premises licence in place and a copy of this can be found at **Appendix C**.
- 2.3 Environmental Health have given notice to the Licensing Authority that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the prevention of public nuisance objective. They have served notice on the applicant to this effect.
- 2.4 Any person over 18 years of age, may give a Temporary Event Notice in respect of permitted temporary activities, intended to take place other than under a licence. This may include:
  - The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment

- 2.5 A temporary event notice must be given to the Licensing Authority the Police and Environmental Health department not less than 10 working days before the event takes place.

Only the Police and Environmental Health department are able to make objections in respect of a Temporary Event Notice on the basis of any of the four licensing objectives.

- 2.6 As an objection in respect of this application has been received from a relevant person (Environmental Health), which has not been withdrawn and mediation has not been possible, the Licensing Sub-Committee acting on behalf of the Licensing Authority must make a determination on this application. When coming to a decision, the Licensing Sub-Committee must give consideration to the Council's Statement of Licensing Policy (the Policy) and Home Office guidance issued under Section 182 Licensing Act 2003 (revised April 2018).

- 2.7 Section 3.1 of the Policy states: The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.

- 2.8 The four licensing objectives are:

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

- 2.9 Section 3.2 of the Policy states: These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. Licensable activities will only be allowed as applied for where the Licensing Authority is satisfied that these objectives have been met.

- 2.10 Section 2.4 of the Policy sets out additional legislation, strategies, policies and guidance to which the Licensing Authority will have regard.

- 2.11 No representations have been received from Devon and Cornwall Police in relation to this application.

### **3. Outcomes/outputs**

- 3.1 When determining an application for a premises licence or Temporary Event Notice application, particularly when considering appropriate conditions and operating hours, the following sections of the Statement of Licensing Policy (the Policy) and Section 182 Guidance (the Guidance) are especially relevant:

- 3.2 Where applications have given rise to representations or objections, any appropriate conditions should normally focus on the most

sensitive periods. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave (paragraph 2.19 of the Guidance).

- 3.3 Sections 5.5.1 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, but the presumption will be to grant the hours requested unless there are relevant objections to those hours raised on the basis of the licensing objectives.
- 3.4 Section 5.5.2 of the policy states: However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control within operating schedules to promote the licensing objectives, especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 3.5 Section 5.5.5 of the Policy states: The terminal hours will normally be approved where the Applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it appropriate to restrict the hours required due to the nature of the activities and the amenity of the area. 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.
- 3.6 Section 3.8.1 of the Policy states: The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.
- 3.7 Section 3.8.6 of the Policy states: When deciding whether or not to limit access to children the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -
  - where entertainment of an adult or sexual nature is provided
  - where there is a strong element of gambling taking place
  - with a known association with drug taking or dealing
  - where there have been convictions of the current management for serving alcohol to those under 18 years
  - where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises
  - where there are unsupervised areas (for example toilets, beer gardens, play zones).

3.8 The desired outcome is a determination of the application with reasons provided which relate to the four licensing objectives and when conditions are imposed, that these are appropriate to address the licensing objectives.

**4. Options available**

4.1 The Committee may decide to allow licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises the committee may also impose one or more of the existing conditions on the notice insofar as such conditions are not inconsistent with the event if it considers that this is appropriate for the promotion of the licensing objectives.

4.2 If the committee decides to impose conditions it must give notice to the premises user which includes a statement of conditions, alternatively it can decide that the event would undermine the licensing objectives and should not take place therefore issuing a counter notice under Section 105 of the Licensing Act 2003.

4.3 The Sub-Committee will need to consider the hours of operation proposed, the effectiveness of any controls proposed by the applicant, the representation(s)/objection(s) received, the location of the premises in relation to residential properties, the history of the management of the premises (if applicable), the evidence provided of any problems in the past, the likely impact of any extension of hours and activities, public transport, taxi availability, the right the applicant has to operate a business and balancing the rights of residents to the quiet enjoyment and privacy of family life. West Devon relies on tourism, with the population in the district increasing considerably in the summer months with holidaymakers both from this country and international visitors who are, in the main, families with young children and retired people – the very segment of society who would perhaps be deterred by anti-social behaviour. These, and any other relevant issues, may be explored at the hearing in so far as it reflects the four licensing objectives.

4.4 A decision made by the Licensing Sub-Committee may be appealed by the applicant or any person who has made relevant representations. The right of appeal is to the Magistrates’ Court by virtue of Section 181 and Schedule 5 of the Licensing Act 2003. The Magistrates’ Court may dismiss the appeal, or substitute its own decision, or send back the case to the Licensing Authority with directions as to how the case is to be dealt with. The Magistrates’ Court may make any costs order it thinks fit.

**5. Implications**

Implications	Relevant to	Details and proposed measures to address
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	proposals Y/N	
Legal/Governance	Y	The legal and governance implications are set out in the body of the report
Financial implications to include reference to value for money	Y	There are no direct financial implications to the Council from this Report.
Risk	Y	<p>The Licensing Authority must follow strict legislation in accordance with the Licensing Act 2003 and adhere to the statutory instruments contained with the Act.</p> <p>All decisions must be taken in consideration of the four licensing objectives (section 2.9). These objectives are in place to give protection to the public from the potential negative impacts caused by licensed premises.</p> <p>Decisions may be appealed leading to risks under the following categories if the above precautions are not taken:</p> <ul style="list-style-type: none"> <li>- Legal Governance</li> <li>- finance</li> </ul> <p>(see financial and legal/governance sections above).</p>
Supporting Corporate Strategy	Y	Stimulating a thriving economy
Climate Change - Carbon / Biodiversity Impact	N	
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	Compliance with the Human Rights Act 1998 – Article 6: right to a fair trial.
Safeguarding		All decisions must take into consideration the ‘protection of children from harm’ licensing objective.
Community Safety, Crime and Disorder		Section 17 Crime and Disorder Act 1998 applies. Decisions made must relate to the four licensing objectives as detailed in section 2.8 of this report.



Health, Safety and Wellbeing		All decisions must take into consideration the four licensing objectives, including 'public safety' and 'protection of children from harm'.
Other implications		

**Supporting Information**

**Appendices:**

- Appendix A – Temporary Event Notice application
- Appendix B – Environmental Health Objection Notice
- Appendix C – Stannary Arms Premises Licence

**Background Papers:**

There are none

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## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title:	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname:			
Forenames:			
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Please describe the nature of the event below. (Please read note 5)	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities (Please read note 9)	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p>

4. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	
Licence number	
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made payment on our website by following the link below <a href="https://pay.southhams.gov.uk/live/webpayments/ml_webpayselect.asp">https://pay.southhams.gov.uk/live/webpayments/ml_webpayselect.asp</a> Payment Reference:	<input type="checkbox"/> <input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:	
<ul style="list-style-type: none"> <li>I. to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and</li> <li>II. to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.</li> </ul>	
Name	
Date	

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Name of Officer	On behalf of the licensing authority
Date	

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.



Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

## Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - 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.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
  - any playing of recorded 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.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or

within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

#### Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

## APPENDIX B

**From:** Sarah Harcombe <Sarah.Harcombe@swdevon.gov.uk>

**Sent:** 27 September 2022 15:01

**To:** Lee Staples <Lee.Staples@swdevon.gov.uk>; Tara OKeefe <Tara.Keefe@swdevon.gov.uk>;  
Mollie Deimert <Mollie.Deimert@swdevon.gov.uk>

**Cc:** Anita Kidby <Anita.Kidby@swdevon.gov.uk>

**Subject:** objection to TEN for Mr Martyn Beech at Stannary Arms for 7th October

Hi all

objection to TEN for Mr Martyn Beech at Stannary Arms for 7th October

I would like to object to this one please as there is no information within the application on how they plan to deal with noise late at night.

I have just left a tel message for Mr Beech to express my concerns at the lack of noise management information, so hopefully will get the chance to speak to him directly in the next couple of days. I understand that there will be a hearing if my objection is received in time.

Incidentally, I have also rung the complainant who says that the music noise has been clearly audible but has ceased at the appropriate time as specified in the licence (11pm I think) since Tara's visit to the pub – and the complainant is happy with that, so that's a good result. However, there are clearly still concerns for events that go on later than 11pm, hence my objection above.

Yours Sincerely

Sarah

Sarah Harcombe

Environmental Health Specialist

Tel direct; 01803 861164

Email; [sarah.harcombe@swdevon.gov.uk](mailto:sarah.harcombe@swdevon.gov.uk)

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# Licensing Act 2003 Premises Licence

Licence Valid From: 19/01/2021

**WDPLWA0339****LOCAL AUTHORITY**

West Devon  
Borough  
Council

Licensing Department  
West Devon Borough Council  
Kilworthy House  
Drake Road  
Tavistock  
PL19 0BZ

**Part 1 - Premises Details****POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****The Stannary Arms**

Legion House, 2 King Street, Tavistock, PL19 0DS

**WHERE THE LICENCES IS TIME LIMITED THE DATES**

Not Applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

Opening hours  
Recorded Music  
Late Night Refresh  
Supply of Alcohol

**THE OPENING HOURS OF THE PREMISES AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES****Opening hours**

Monday	08:00 - 00:30
Tuesday	08:00 - 00:30
Wednesday	08:00 - 00:30
Thursday	08:00 - 00:30
Friday	08:00 - 00:30
Saturday	08:00 - 00:30
Sunday	08:00 - 23:30
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.

**Indoors****Recorded Music**

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	-
Non standard	One additional hour on Bank Holidays. Two additional hours on Christmas Eve and New Year's Eve.

<b>Indoors</b>	<b>Late Night Refresh</b>
Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	-
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.
<b>On and Off Premises</b>	<b>Supply of Alcohol</b>
Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 23:00
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.

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

On and Off Premises

## Part 2

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

M&C Beech Ltd  
Legion House, 2 King Street, Tavistock, PL19 0DS

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

12667446

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

Mr Martyn Roy Beech  
Legion House, 2 King Street, Tavistock, PL19 0DS  
Tel: 07970727308 Email: martynbeech@live.co.uk

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

Licence Number: WDPA0903  
Issuing Authority: West Devon Borough Council

### ANNEXES

#### ANNEX 1 - MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

##### SUPPLY OF ALCOHOL

1. No supply of alcohol may be made under the Premises Licence –

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

#### IRRESPONSIBLE PROMOTIONS

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or  
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### POTABLE WATER

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

#### AGE VERIFICATION

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark or
- (b) an ultraviolet feature.

#### MINIMUM MEASURES

6. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### MINIMUM PERMITTED PRICE FOR THE SALE OR SUPPLY OF ALCOHOL

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –  $P = D + (D \times V)$  Where –

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the

member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

9. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

10. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### EXHIBITION OF FILMS

11. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

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

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

14. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

#### DOOR SUPERVISORS

15. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or (b) be entitled to carry out that activity by virtue of section 4 of the Act.

16. But nothing in subsection (1) requires such a condition to be imposed: (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to (i) any occasion mentioned in paragraph 8(3)(b) or

(c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

17. For the purposes of this section: (a) “security activity” means an activity to which paragraph 2(1)(a) of

that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

### GENERAL

1. Substantial food and substantial beverages other than intoxicating liquor (including drinking water) must be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

### THE PREVENTION OF CRIME AND DISORDER

2. CCTV must be installed, operated and maintained to cover areas of the premises to which the public have access, including any outside areas. The system must enable frontal identification of every person entering the premises. The system must record in real time and operate whilst the premises are open for licensable activities. The recordings must be kept available for a minimum of 31 days. Recordings must be made available immediately on request to an Authorised Officer or a Police Officer (subject to GDPR) throughout the 31 days period following any incident. A member of staff with knowledge of the CCTV system must be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.

3. A staff member from the premises who is conversant with the operation of the CCTV system must be on the premises at all times when the premises are open. This staff member must be able to provide a Police Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. Any stock of alcohol that is not on display for service to customers must be secured safely in a designated areas.

5. A security alarm must be fitted at the premises.

6. Any alcohol sold for consumption off the premises must be served in sealed containers only.

7. Any incident log must be in place at the premises and available to view upon reasonable request from the Police.

8. All staff must be suitably trained in the requirements of the Challenge 25 policy, the operating procedures for refusing service to any person who is drunk or is underage or appears to be underage.

9. Training must be repeated at least every 6 months and must be recorded in documentary form that must be kept at the premises and be available for inspection at the time of request by a member of any relevant authority. The records must be retained for at least 6 months.

10. The premises licence holder must risk assess the requirement for door supervisors at the premises and use door supervisors in such number and at such times as deemed necessary by the risk assessment.

11. There must be no admissions or re-admissions to the premises after 23:00 hrs.

12. The provision of off sales must terminate at 23.00hrs.

13. Patrons must be asked not to stand at the front of the premises to smoke or consume alcohol.

14. Public use of the ground floor external area (the area shown on the plan as the outside area to the rear of the kitchen). This area must be used as the ground floor designated smoking area. There must be no use of this area for the consumption of food and/or drink. The area will have adequate lighting and monitored by CCTV.

15. The first-floor external area marked Outdoor Smoking Area - There must be no public use of this area and no lighting except in the case of emergency between the hours of 2200 and 0800. The area must be monitored by CCTV.

16. The Premises Licence Holder must have and retain a written drugs policy detailing the actions to be undertaken to minimise the opportunity to use or supply illegal substances within the premises. The drugs policy must be the subject of training for all members of staff.

#### PUBLIC SAFETY

17. Appropriate fire safety measures must be installed and maintained as shown on the premises licence plan.

18. Adequate and appropriate first aid equipment and materials must be kept on site, regularly checked and kept in an easily accessible place for staff.

19. Public areas must be maintained free from obstruction and trip hazards.

20. All exit routes must be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

#### PREVENTION OF PUBLIC NUISANCE

21. All highway and public spaces within the vicinity of the premises must be kept litter free to the satisfaction of the Licensing Authority.

22. Refuse such as bottles must be placed into receptacles outside the premises at a time that will minimise the disturbance to the nearby properties and for the avoidance of doubt not between 21:00hrs and 07:00hrs except in the case of an emergency.

23. Deliveries must not take place between 21:00hrs and 07:00hrs

24. Collection including refuse and recyclable food waste must not take place between 12:00hrs and 07:00hrs.

25. Prominent, clear and legible notices must be displayed at all exits requesting that patrons respect the needs of local residents and to leave the premises and the area quietly.

26. No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration will be transmitted through the structure of the premises which gives rise to a nuisance.

27. No fumes, steam or odours shall be emitted from the licensed premises to as to cause a nuisance to any person living or carrying on business in the area where the premises are situated.

28. The Premises Licence Holder and Designated Premises Supervisor must ensure that any outside area included in the licence is controlled in a safe and effective manner to the same standard operated within the premises building and must pay special attention to the impact that the use of the outside area(s) has on the surrounding community.

29. During the hours of operation of the premises the Premises Licence Holder must ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area is swept and/or washed and litter and sweepings collected and stored in accordance of the approved refuse storage arrangement by close of business.

30. There must be no lighting or public use of the first floor external area marked Outdoor Smoking Area between the hours of 22:00hrs and 08:00hrs. Use of the area must not be permitted until such time CCTV

is in operation monitoring the outside area and an alarm has been fitted to the fire exit door which must be in operation to ensure patrons do not access the outdoor area after 22:00hrs.

31. Patrons must not be permitted to access the roof of the premises other than in an emergency.

#### THE PROTECTION OF CHILDREN FROM HARM

32. A Challenge 25 proof of age scheme must be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, military identification, EU identity card, or proof of age card with the PASS hologram. Appropriate signage must be in place at the point of sale.

33. A refusal to serve log must be maintained and made available for inspection to officers upon request. This log must include the date, time, name and signature of the staff member who refused the sale. This log must be countersigned by the DPS of the premises on a monthly basis.

34. Staff must be appropriately trained to counter under age sales and records must be kept for up to 6 months to view upon reasonable request from an authorised responsible authority officer.

### **ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

#### THE PREVENTION OF CRIME AND DISORDER

1. There must be no admissions or re-admissions to the premises after 23:00 hrs.

#### THE PREVENTION OF PUBLIC NUISANCE

2. Refuse such as bottles must be placed into receptacles outside the premises at a time that will minimise the disturbance to the nearby properties and for the avoidance of doubt not between 21:00hrs and 07:00hrs except in the case of an emergency.

3. Deliveries must not take place between 21:00hrs and 07:00hrs

4. Collection including refuse and recyclable food waste must not take place between 12:00hrs and 07:00hrs.

5. There must be no lighting or public use of the first floor external area marked Outdoor Smoking Area between the hours of 22:00hrs and 08:00hrs. Use of the area must not be permitted until such time CCTV is in operation monitoring the outside area and an alarm has been fitted to the fire exit door which must be in operation to ensure patrons do not access the outdoor area after 22:00hrs.

6. Patrons must not be permitted to access the roof of the premises other than in an emergency.

### **ANNEX 4 - PLANS**

Attached.



**Ian Luscombe: Head of Environmental Health Practice  
On behalf of the Licensing Authority**



# Licensing Act 2003 Premises Licence Summary

## WDPLWA0339

Licence Valid From: 19/01/2021

### LOCAL AUTHORITY



West Devon  
Borough  
Council

Licensing Department  
West Devon Borough Council  
Kilworthy House  
Drake Road  
Tavistock  
PL19 0BZ

### Premises Details

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

**The Stannary Arms**

Legion House, 2 King Street, Tavistock, PL19 0DS

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not Applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Recorded Music  
Late Night Refresh  
Supply of Alcohol

#### THE OPENING HOURS OF THE PREMISES AND THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

##### Opening hours

Monday	08:00 - 00:30
Tuesday	08:00 - 00:30
Wednesday	08:00 - 00:30
Thursday	08:00 - 00:30
Friday	08:00 - 00:30
Saturday	08:00 - 00:30
Sunday	08:00 - 23:30
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.

##### Indoors

##### Recorded Music

Monday	12:00 - 23:00
Tuesday	12:00 - 23:00
Wednesday	12:00 - 23:00
Thursday	12:00 - 23:00
Friday	12:00 - 23:00
Saturday	12:00 - 23:00
Sunday	-
Non standard	One additional hour on Bank Holidays. Two additional hours on Christmas Eve and New Year's Eve.

**Indoors****Late Night Refresh**

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	-
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.

**On and Off Premises****Supply of Alcohol**

Monday	12:00 - 00:00
Tuesday	12:00 - 00:00
Wednesday	12:00 - 00:00
Thursday	12:00 - 00:00
Friday	12:00 - 00:00
Saturday	12:00 - 00:00
Sunday	12:00 - 23:00
Non standard	An additional hour on Bank Holidays, Christmas Eve, Boxing Day and New Year's Eve.

WHERE THE LICENCES AUTHORISES THE SUPPLY OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF THE PREMISES

On and Off Premises

NAME AND (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

M&C Beech Ltd  
Legion House, 2 King Street, Tavistock, PL19 0DS

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

12667446

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

Mr Martyn Roy Beech

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

No restrictions