



**Agenda for Licensing and Enforcement Sub Committee**  
**Wednesday, 10th April, 2019, 9.30 am**

**Members of Licensing and Enforcement Sub Committee**  
Councillors: C Brown, S Hall, G Jung and B de Saram

**Venue:** Blackdown House, Honiton

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(or group number 01395 517546)  
Wednesday, 3 April 2019

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1 Minutes of the previous meeting (Pages 3 - 4)

2 Apologies

3 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

4 Matters of urgency

Information on [matters of urgency](#) is available online

5 Confidential/exempt items

To agree any items to be dealt with after the public (including the Press) have been excluded. There is one item which officers recommend should be dealt with in this way.

**Part A Matters for Decision**

6 That members consider an application for the grant of a premises licence to allow the sale of alcohol on and off the premises & late night refreshment on the premises at Mansell Raceway, Dunkeswell, Honiton EX14 4AH (Pages 5 - 61)

7 Exclusion of the Public

**The Vice Chairman to move the following:**

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

**Part B Matters for Decision**

- 8 To determine whether the person named in the report is a fit and proper person to be licensed as a Hackney Carriage Driver (Pages 62 - 146)  
Para 1 Schedule 12A Information relating to any individual

**Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).**

[Decision making and equalities](#)

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**Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 30 January 2019**

**Present:** Councillors:  
Steve Hall (Chairman)  
Colin Brown  
Bruce De Saram

**Officers:** Lesley Barber – Licensing Officer  
Sue Howl – Democratic Services Manager

The meeting started at 9.00 am and ended at 9.15 am.

**\*53 Minutes**

The minutes of the meetings of the Licensing and Enforcement Sub-Committees held on 19 December 2018, and 9 January 2019 were confirmed and signed as a true record.

**\*54 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary**

The Sub Committee gave consideration to an application for a grant of a premise licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered a number of concerns relating to similar previous events, and representations made by the police, when making their decision.

The Licensing Officer explained the background to the application and the negotiations that had been carried out.

**RESOLVED** that the application be granted as below, subject to the agreed position set out in the schedule and any relevant statutory conditions and the applicants having complied with the relevant statutory requirements.

**Schedule:**

**Type of application:**

Application for the grant of a time limited premises licence.

**Name of premises and address:**

Exmouth Festival, Imperial Recreation Ground, Royal Avenue, Exmouth, Devon, EX8 1DG.

**Agreed position reached by the parties:**

Following mediation an agreement has been reached between the applicant (Exmouth Town Council) and Devon & Cornwall Police. Both parties consider a hearing to be unnecessary if the following agreed position is approved.

The application to be approved as submitted, subject to the following additional conditions:

**Additional Conditions**

1. The Licence holder will comply with the EMP throughout the event as submitted to and approved by the Safety Advisory Group and the Licensing Authority
2. The final draft of the EMP will be submitted to the Safety Advisory Group one month prior to the event taking place.
3. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government approved PASS Card.
4. SIA registered door staff will be employed at the event in such numbers and times agreed with the Police prior to the event taking place. Security schedules will be listed in the EMP.
5. All drinks served at the bar will be served in Plastic/polycarbonate or toughened glass.
6. An incident log shall be kept and maintained at the premises, which will include a log of the following:
  - Any incidents of disorder or of a violent or antisocial nature
  - Any crimes at the venue
  - All ejections of patrons
  - Seizures of drugs or offensive weapons
7. All refused sales will be recorded and to include the following:
  - Date and time of the refusal
  - The reason for the refusal
  - Details of the person refusing the sale
  - Description of the customer
  - Any other relevant observations

**RESOLVED**

that the application be approved subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003

Chairman ..... Date .....



**Report to:** **Licensing and Enforcement Sub Committee**

**Date of Meeting:** 10 April 2019

**Public Document:** Yes

**Exemption:** None

**Agenda item:** **Item 6**

**Subject:** Application for the grant of a premises licence under the Licensing Act 2003

**Purpose of report:** The report summarises an application for the grant of a premises licence to be considered by the committee.

**Recommendation:** Recommendation

**That members consider an application for the grant of a new premises licence to allow the sale of alcohol ON and OFF the premises & late night refreshment ON the premises at Mansell Raceway, Dunkeswell, Honiton EX14 4AH**

**Reason for recommendation:** To comply with statutory processes.

**Officer:** Lesley Barber – [lesley.barber@eastdevon.gov.uk](mailto:lesley.barber@eastdevon.gov.uk)

**Financial implications:** The only financial implication is if the applicant appeals against the decision made, with the possibility of court costs.

**Legal implications:** Legal implications are included within the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** **Appendices**

- Appendix A – Licensing Application
- Appendix B – Plans of the premises
- Appendix C – Location plan
- Appendix D – Representations received
- Appendix E – Responses to the Notice of Hearing
- Appendix F – Operating Schedule

**Link to Council Plan:** Not applicable

## 1 Description of Application

1.1 An application has been received from Mansell Raceway Ltd, Dunkeswell, Honiton for a new premises licence.

1.2 The application is provided at **APPENDIX A.**  
page 5

1.3 The proposed timings and licensable activities applied for are as follows:

Late night refreshment:	Thursday – Sunday	23:00 – 00:00
Sale of alcohol:	Monday – Wednesday	10:00 - 21:30
	Thursday – Sunday	10:00 –23:30
Opening hours:	Monday – Wednesday	10:00 - 22:00
	Thursday – Sunday	10:00 - 00:00

1.4 The application seeks to licence the 1<sup>st</sup> floor only of the Mansell Raceway building. The proposed licenses area incorporates a fixed bar structure along with areas of seating. The building is adjacent to the Mansell Raceway Outdoor Karting circuit, situated on the edge of Dunkeswell airfield.

1.5 A plan of the premises along with a plan to show the layout of the site, including the outdoor area for the consumption of alcohol is provided at **APPENDIX B**

1.6 A plan of the area incorporating the Mansell Raceway building, the airfield and the villages of Sheldon and Dunkeswell is provided at **APPENDIX C**

## **2 Statutory Bodies' Response**

2.1 Devon & Cornwall Police

No representations have been received.

2.2 Devon & Somerset Fire & Rescue Service

No representations have been received.

2.3 Area Child Protection Committee and Local Safeguarding Children Board

No representations have been received.

2.4 Devon Trading Standards

No representations have been received.

2.5 East Devon District Council, Environmental Health Service

No representations have been received.

2.6 East Devon District Council, Planning & Countryside Service

No representations have been received.

2.7 Primary Care Trust

No representations have been received.

2.8 Home Office

No representations have been received.

## **3 Representations and Responses to Notices of Hearing**

3.1 Representations have been received from ten local residents, Dunkeswell Parish Council and Sheldon Parish Council. Details of their representations are attached at **APPENDIX D**.

3.2 Details of the responses to the statutory Notice of Hearing are attached at **APPENDIX E.**

#### **4 Proposed Operating Schedule and Mediation**

4.1 The conditions offered by the applicant in the operating schedule are attached at **APPENDIX F.**

4.2 A mediation meeting chaired by the Licensing Authority was held at Blackdown House, Honiton on Thursday 28 March. The meeting was attended by Mr Njil Lovell representing Mansell Raceway and four interested parties, some of whom were representing other interested parties who could not attend. Concerns were raised regarding the hours applied for and particularly the proposed closing times of the premises. The applicant indicated he would be willing to consider some changes to the closing times, all parties felt this was positive. However no agreed position could be reached regarding this.

4.3 The applicant suggested he would be able to provide a dedicated contact number for local residents to enable anyone to contact a member of staff at the premises should they have any concerns whilst the premises was being used for licensable activities. However, since not all interested parties were present at the mediation and some were representing the interests of others no formal written agreement was reached.

4.4 Those attending the mediation meeting had expressed concerns that the licensing hours requested may extend the trading hours of the business beyond what is allowed under planning regulations. The applicant's representative advised that the planning restrictions relate to the use of the karting track rather than the opening hours of the premises. The Licensing Authority confirmed that this licensing application would be assessed on its own merits, taking into consideration the four licensing objectives only. Any planning restrictions would not be a matter the licensing sub-committee to consider.

4.4 The applicant will be represented at the hearing by Njil Lovell (Manager) and Amy Cater (Tozers Solicitors).

#### **5 Relevant Licensing Policy Considerations**

##### **Licensing Objectives**

5.1 Section 3.1.1 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.'

These are:-

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

5.2 Section 3.1.2 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 in achieving the licensing objectives.

5.3 Section 3.1.3 of the Policy states: A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

##### **Conditions**

5.4 Section 6 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.

5.5 Section 6.3 of the policy states: Generally it is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. But the Licensing Authority's discretion may be engaged if relevant representations are made and there is an evidential link between the disturbance and the licensed venue.

### **Licensing Hours**

5.6 Section 10.1 of the Policy states: The licensing authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by Responsible Authorities or any other person on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas.

5.7 Section 10.4 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 necessary, proportionate and reasonable to restrict the hours required.

### **Nuisance**

5.8 Section 16.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

### **Capacity**

5.9 Section 17.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary, proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

5.10 The **Guidance** issued under Section 182 Licensing Act 2003 states:

The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are appropriate to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of appropriate, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are appropriate and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate to impose the same or similar duties.

## 6. Observations

- 6.1 Following the implementation of the first set of regulations under the Police Reform and Social Responsibility Act on 25 April 2012 a new provision relating to the 'test' that Licensing Committees should consider when deciding on licensing applications was introduced. The evidential level for Licensing Committees has been lowered so that the test now is that their decisions need only be 'appropriate' and no longer 'necessary'.
- 6.2 The application being considered is for the grant of a Premises Licence to allow:
- Late night refreshment - indoors
  - Sale of alcohol for consumption ON and OFF the premises
- 6.3 The applicant has taken advice from the Police prior to submitting the premises licence application. A number of conditions recommended by the Police have been included within the operating schedule (**APPENDIX F**). A number of measures will be put in place to prevent the sale of alcohol to persons who are to race on the karting track. This will include the use of a wristband system to identify anyone who is booked to race.
- 6.4 The application seeks to licence the inside of the premises for the sale of alcohol and the provision of late night refreshment. There will be no sale of alcohol made in the external areas. However, the application does seek to allow the consumption of alcohol outside. The area set aside for this is shown in green on the plan provided at **APPENDIX B**.
- 6.5 Although no response has been received from a number of the outstanding objectors their original written representations will have to be considered by the committee (**APPENDIX D**).
- 6.6 A number of objectors have responded to the notice of hearing indicating that they wish to attend the hearing to address the committee. Those who have responded and cannot attend have nominated others to represent them. Details of the response to notice of hearing and additional comments in support of the representations are attached at **APPENDIX E**.
- 6.7 In the Response to Notice of Hearing the applicant has proposed the following amendment:
- a hotline number of residents to contact the premises should they experience any disturbance whilst licensable activities are taking place
  - a reduction to the proposed hours on a Sunday, the sale of alcohol to cease at 21:30 rather than the 23:30 originally applied for
- 6.8 Mr Njil Lovell is nominated as the Designated Premises Supervisor. Mr Lovell holds a Personal Licence, issued by Torbay Council in 2005.
- 6.9 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.

## Legal Advice

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by any person, bodies representing them or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
  - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
  - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

### **(a) Section 19 - Mandatory conditions relating to the supply of alcohol**

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
    - (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- Source: Section 19 Licensing Act 2003
2. (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 a disability).
3. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence 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.
5. The responsible person must 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.
6. (1) 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.
- (2) For the purposes of the condition set out in paragraph 7(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.
- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this 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.
- (4) (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.

Source: Section 19A Licensing Act 2003

**(b) Section 20 - Mandatory condition relating to exhibition of films – not required**  
Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

**(c) Section 21 - Door Supervision – not Required**  
Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

## 6. Human Rights Act 1998

6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

6.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.

6.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

6.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.

6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where

it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

## **7. Appeals**

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates' Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a person as designated premises supervisor. 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.

## **8. Review Provisions**

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable any person, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence. A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

## **9. Police Closure**

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

## **10. Surveillance Camera Code of Guidance-June 2013**

Where a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

Guiding principle one states:

Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Legitimate aim and necessity are considered in relation to the four licensing objectives which are set out elsewhere within this report if the Committee is considering conditioning any premises licence with the installation of a CCTV surveillance system.



**East Devon**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@eastdevon.gov.uk](mailto:licensing@eastdevon.gov.uk)  
 Telephone: 01395 517410

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Njal

\* Family name

Lovell

\* E-mail

njal@mansellraceway.com

Main telephone number

07818 467650

Include country code.

Other telephone number

0344 544 1992

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

06366055

Business name

Mansell Raceway Ltd

If your business is registered, use its registered name.

VAT number

GB 919 9235 86

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OSmap reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  [Documents that demonstrate entitlement to work in the UK](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Karting circuit open to the general public and also members of Mansell kart racing club. The premises are mainly to serve visitors, friends and members who's intentions are to participate in karting activities, with the ability to consume food, alcoholic and non alcoholic drinks within the land perimeters of the property. The premises is a new building designed as a multi purpose visitors facility. Incorporating first floor visitors area, seating for approx 80 people selling food, soft drinks and

*Continued from previous page...*

alcohol, reception and viewing area. Ground floor area includes, toilet, showers, drivers briefing room, suit/crash helmet room and lift to first floor. The premise is covered by CCTV internal and external, security and fire alarms.

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

### Section 6 of 21

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes  No

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes  No

### Section 12 of 21

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

page 20

*Continued from previous page...*

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Supply of snacks between the listed hours. No Live music.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="21:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Continued from previous page...

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- iv. Recognising the signs of drunkenness.
- v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.

b) The prevention of crime and disorder

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- i. Any incidents of disorder or of a violent or anti-social nature
- ii. All crimes reported by the venue to the police
- iii. All ejections of patrons
- iv. Seizures of drugs or offensive weapons
- v. Any faults in the CCTV system
- vi. Any visits by an emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

c) Public safety

The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police. All public areas of the licensed premises including entry and exit points will be covered.

The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light conditions.

The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All equipment must have a constant and accurate time and date generation.

All recordings will be stored for a minimum period of 28 days with date and time stamping.

Recordings will be made available immediately upon the request of an authorised officer of a responsible authority throughout the entire 28 day period.

*Continued from previous page...*

The CCTV system will be capable of downloading images to a recognisable viewable format.

The CCTV system will be fitted with security functions to prevent recordings being tampered with, i.e. be password protected.

If the CCTV equipment breaks down the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.

Internal and external lighting will be provided (and regularly checked) to promote the public safety objective.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

Fire escape routes will be indicated, and staff will be instructed in the importance of keeping them clear.

Fire extinguishers will be tested regularly, and their locations reviewed periodically.

A breathalyser will be used if any racer is suspected of drinking alcohol prior to them racing. All tests will be logged with date, time, details of the person and whether the test was positive or negative.

Wristbands will be issued to racers before they race and taken off when they finished racing. No person wearing a wrist band will be served alcohol at the premises. Staff will ensure proxy buying does not occur.

No glass or bottle drinking vessels may be taken outside the premises.

d) The prevention of public nuisance

Noise reduction measures will be put in place to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Customers will be asked not to stand around loudly talking in the street outside the premises.

e) The protection of children from harm

There will be in place an age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASShologram

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

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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.
- 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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

Continued from previous page...

- 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.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o 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.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Non domestic Rateable Value Band A No rateable value to £4,300 - Fee £100 B £4,301 to £33,000 - Fee £190 C £33,001 to £87,000 - Fee £315 D £87,001 to £125,000 - Fee £450 E £125,001 and above - Fee £635

Multiplier for Band D & E - Town centre premises used exclusively or primarily for sale of alcohol - Band D - £ 900 Band E - £1905 Events of 5,000 or more people incur additional fees. Please see our website for details.

\* Fee amount (£)

### DECLARATION

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

 /  /   
dd mm yyyy

**Continued from previous page...**

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/east-devon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

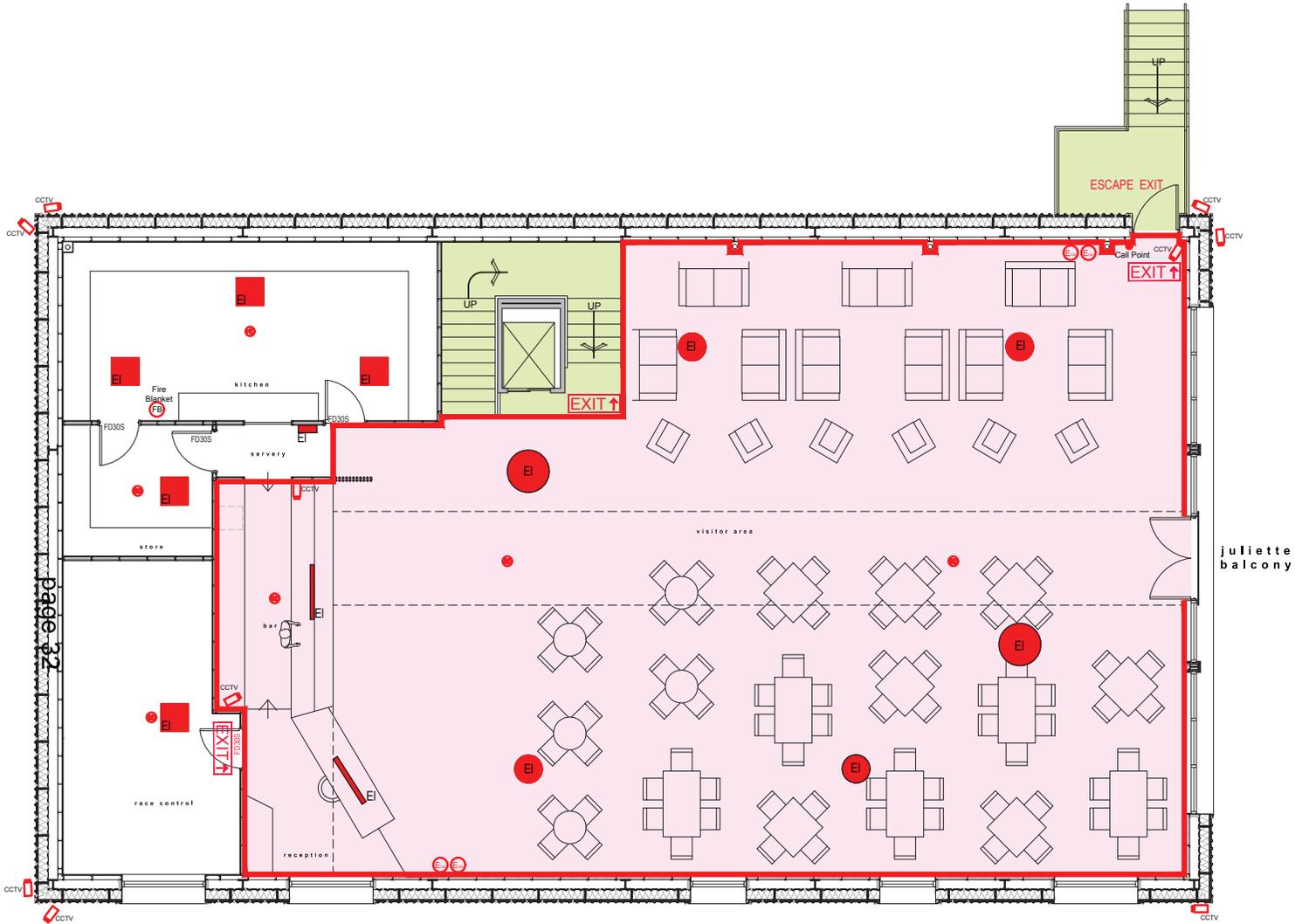
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

**OFFICE USE ONLY**

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Fee paid	<input type="text"/>
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ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
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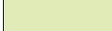
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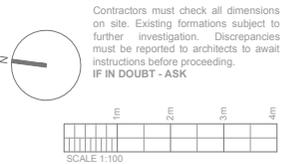
Page 32

APPENDIX B

LEGEND

-  Licensed area
-  Toilet facilities available to the public
-  Circulation areas

-  Location of Fire Extinguishers
-  Location of CCTV Cameras
-  Location of Fire Alarm Call Points
-  Directional EXIT Signs
-  Location of Fire Alarm Sounders
-  Location of Smoke Detectors
-  Location of Heat Detectors
-  Emergency Light Fittings



Rev:	Date:	Description:
A	11-02-19	Amended for clients requirements
B	18-02-19	Licensed area amended

Status	Licensing
Scale	1:100 @A3
Date	February 2019
Drawn	CJ

Project	Mansell Raceway Race Building
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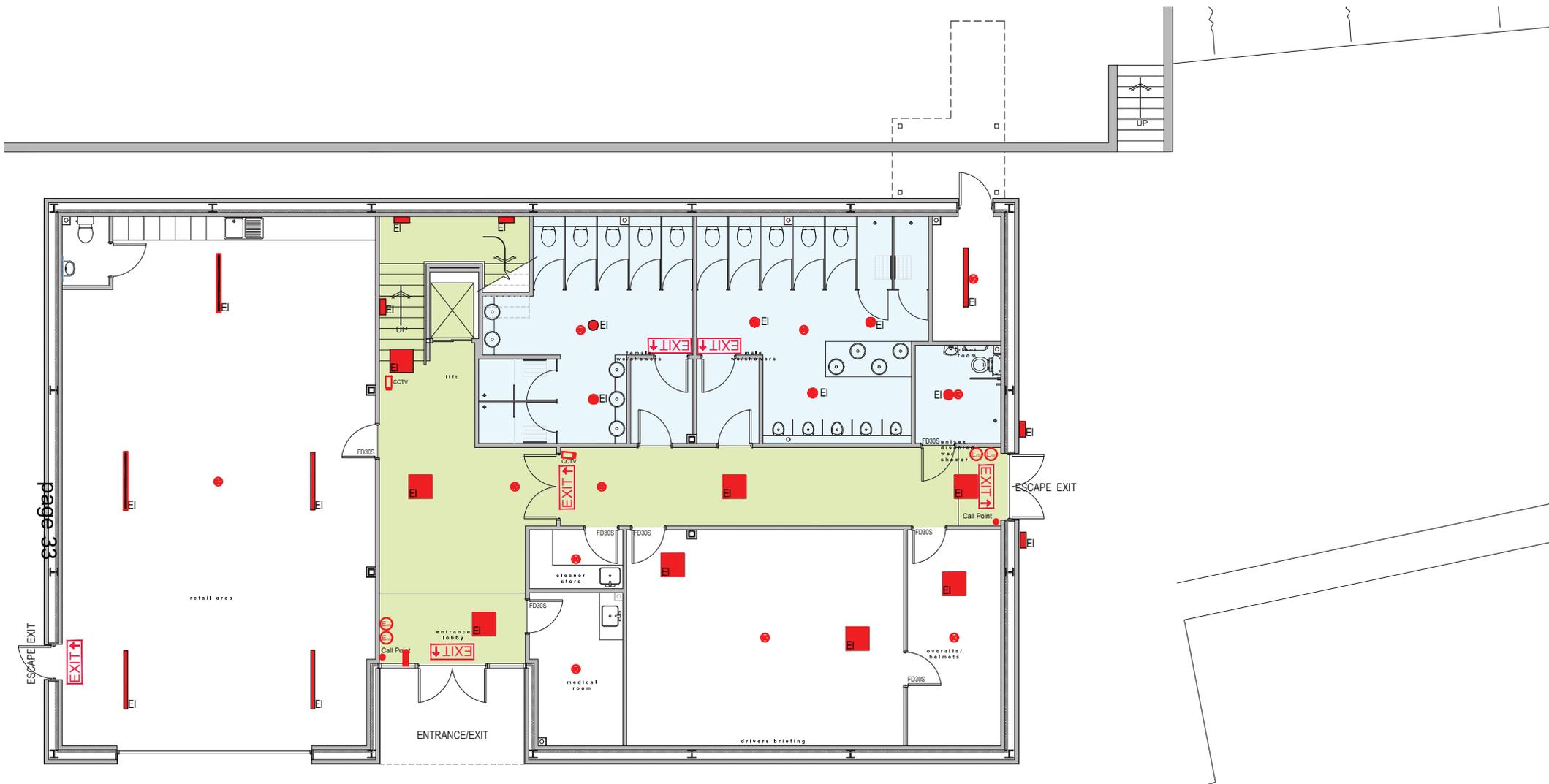
Drawing	Licensing Plan - First Floor
Drwg No	18005-41
Rev	B

armada house  
odhams wharf  
topsham  
exeter  
EX3 0PB

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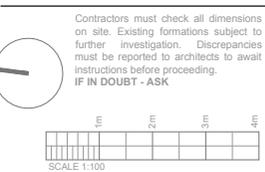


**LEGEND**

- Licensed area
- Toilet facilities available to the public
- Circulation areas

- Location of Fire Extinguishers
- Location of CCTV Cameras
- Location of Fire Alarm Call Points
- Directional EXIT Signs
- Location of Fire Alarm Sounders

- Location of Smoke Detectors
- Location of Heat Detectors
- Emergency Light Fittings



Rev:	Date:	Description:
A	11-02-19	Amended for clients requirements
B	18-02-19	Drawing reference amended

Status	Licensing
Scale	1:100 @A3
Date	February 2019
Drawn	CJ

Project	Mansell Raceway Race Building
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Drawing	Licensing Plan - Ground Floor
Drwg No	18005-40
Rev	B

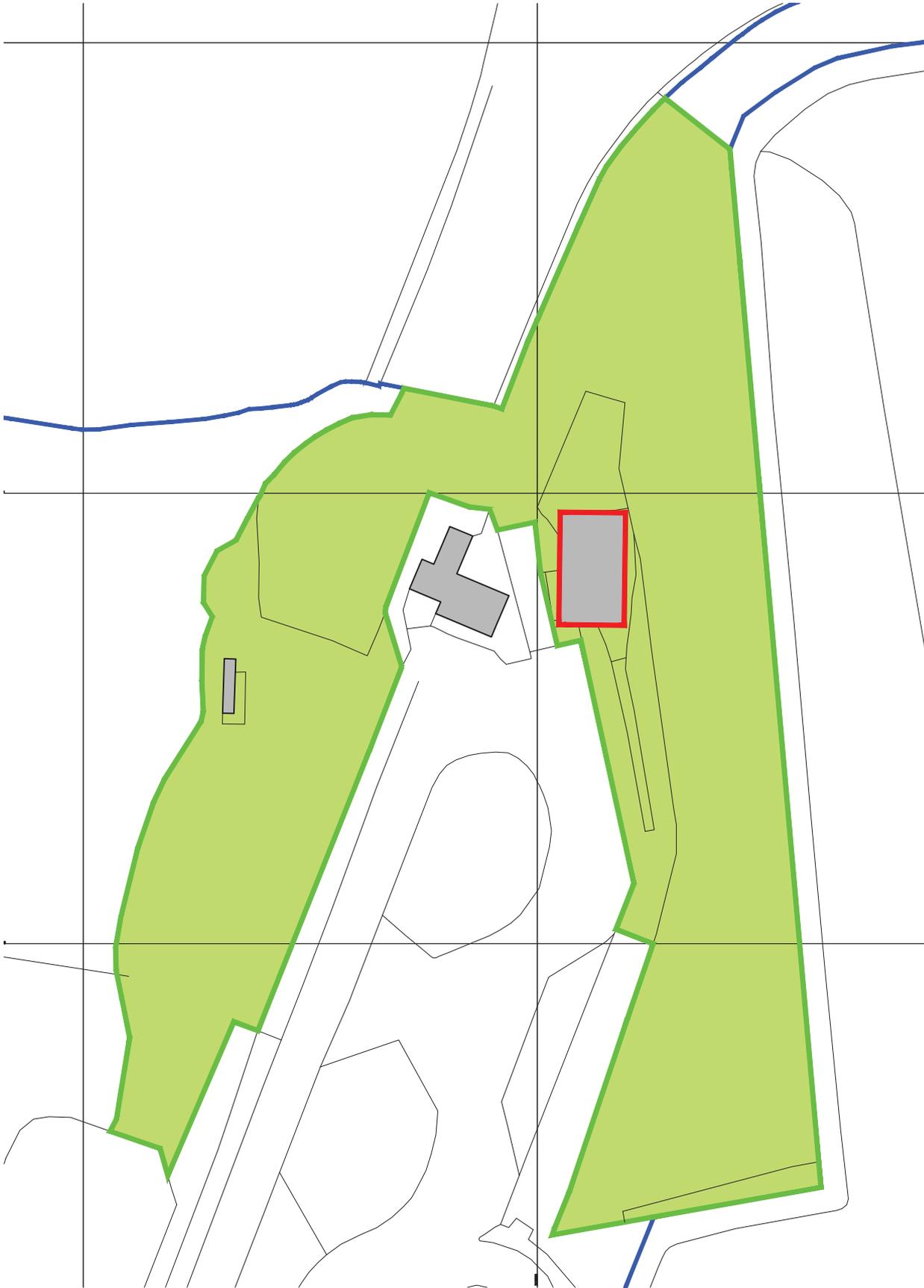
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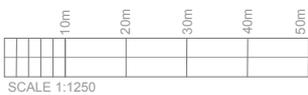
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**Site Location Plan** 1:1250



**Building With  
Licensed Area**



**Alcohol Consumption  
Area**

<b>Status</b>	Planning Application	
<b>Scale</b>	1:1250	@A4
<b>Date</b>	January 2019	
<b>Drawn</b>	CJ	



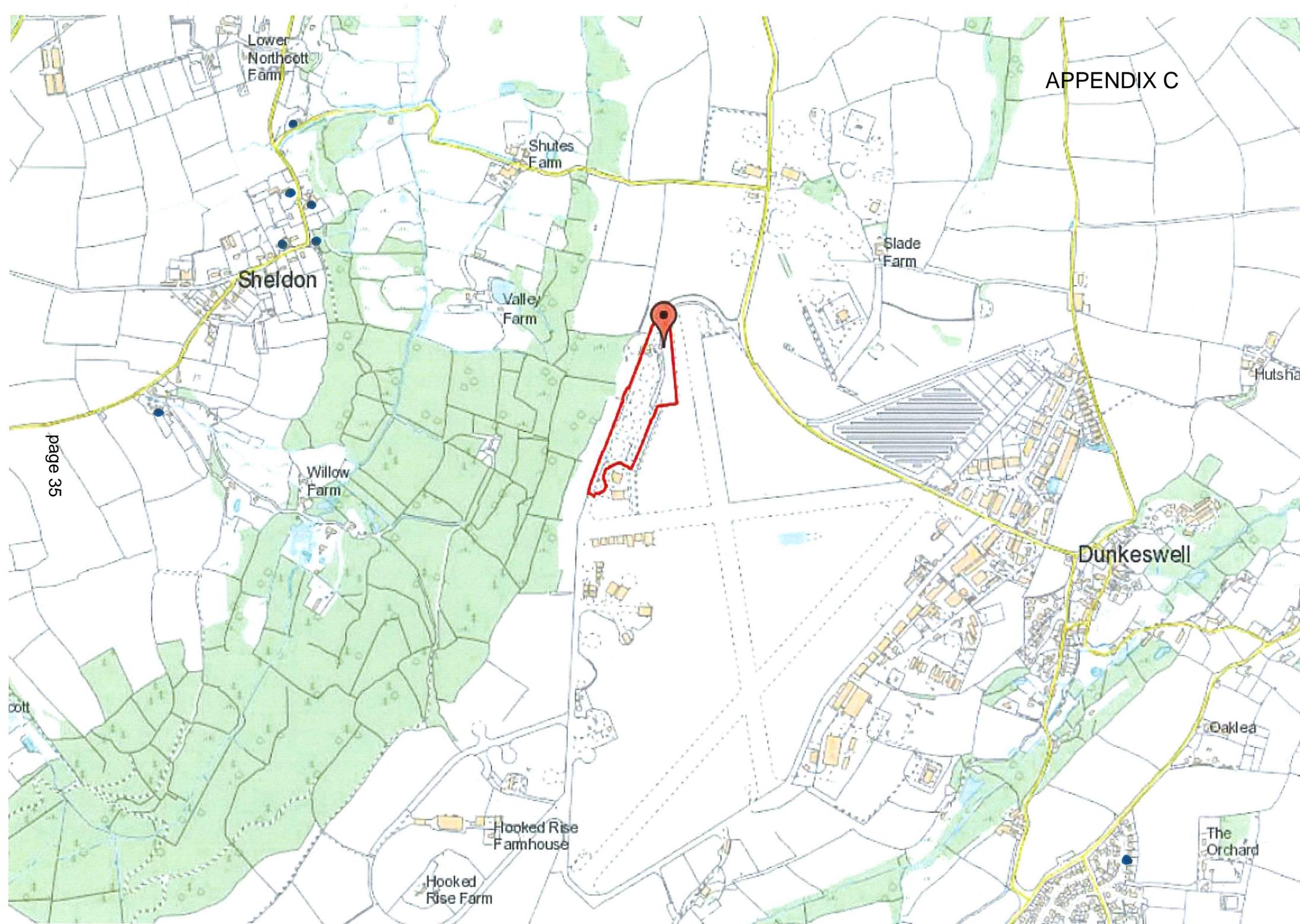
<b>Drawing</b>	Site Location Plan	
<b>Drwg No</b>	18005-SLP	<b>Rev</b> A

<b>Project</b>	Mansell Raceway Licensing Application <b>page 34</b>
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Lower Northcott Farm  
Sheldon

Shutes Farm  
Valley Farm

Slade Farm

Willow Farm

Dunkeswell

Hooked Rise Farmhouse  
Hooked Rise Farm

Oaklea

The Orchard

Hutsha

# REPRESENTATIONS LIST

APPENDIX D

**Application No:** 048204

**Application Date:** 20 February 2019

**Licence Type:** Premises Licence WITH Alcohol

**Licence No:** N/A

**Application Type:** New Application

---

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

---

**Applicant:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

---

**Person making Representation:** Lesley Marion Kilvert Whipp  
Lower Slade Farm, Sheldon, HONITON, Devon, EX14 4QS.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Public Safety - Motor racing and alcohol are not a good combination under any circumstances. This application is completely unnecessary  
  
Prevention of public nuisance - Driving these small lanes is difficult enough, let alone under the influence of drink. This is a recipe for disaster.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** David Whipp  
Lower Slade Farm, Sheldon, HONITON, Devon, EX14 4QS.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Public Safety - The application is being made to provide alcohol at a venue associated with motor racing. As motor racing is a high adrenaline activity.  
  
Prevention of public nuisance - The consumption of alcohol will have an effect on those members leaving the premises with some level of intoxication. This combination is dangerous on any road let alone the narrow lanes of Devon.

**Evidence:**

**Suggestion:** No - Keep alcohol away from racing drivers

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**Person making Representation:** N Airey  
Prospect Cottage, Sheldon, HONITON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I wish to object to Mansell Raceway being granted a licence to sell alcohol. I gather that alcohol consumption may run into the night and even the early hours. This will cause noise and disturbance in a quiet valley in a AONB. The quiet of a rural area disturbed in the evening and night with lights, slamming car doors, music etc.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** Jennifer Ash  
The Lodge, Sheldon, HONITON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** The application number is 048204 and has been submitted by Mansell Raceway Ltd, Dunkeswell, EX14 4AH

My representation relates to two of the areas under which I gather objections can be made:  
Public safety and Prevention of public nuisance .

**Public Safety**

The premises relating to the application are sited on the side of a long unlit country road. The road is fairly straight and traffic often moves fast. For people travelling to the premises on foot, particularly from the village of Dunkeswell, there would be issues of concern around public safety.

**Prevention of Public Nuisance.**

This is the area that I have particular concerns about.

I note that the application is for an alcohol license covering 7 days and evenings a week.

If granted, the license would inevitably vastly increase activity at the Raceway which at present is limited, in particular in relation to large groups/Kart meetings.

I live across the valley, directly facing the Raceway and have a small Retreat Centre. An increase in activity would have a direct impact on myself and the people who come here seeking time in the peace of the countryside.

We are used to the noise that comes from the presently limited, Kart Track activities but I have found a way of adjusting in terms of not holding my events when Race meetings etc are on. Becoming used to the noise is about tolerance for the activities of others and acknowledging a need to "live and let live". This does not mean that the noise, particularly when the wind is in the wrong direction, feels alright.

My concern is that an alcohol license will lead to an increase in Raceway activity and hence noise which definitely feels like a public nuisance when you live nearby.

Apart from Kart Track activities, a 7 days a week food and alcohol license could be seen as a change of use for the Raceway, to incorporate other forms of entertainment. This raises concerns such as were highlighted when some years ago an application was made for additional premises to serve food and drink, an application that was subsequently turned down. There are already established facilities at Dunkeswell airfield, situated much closer to the village, serving food and drink.

A license such as been applied for, would mean the need for outside lighting to ensure public safety, as well as the lighting emitted from the premises. At present the lighting used for the current (and limited) activities is intrusive on the surrounding area. It causes light pollution in this area of outstanding natural beauty, particularly as the site is on high ground with extensive views. When you live within the surrounding area, the bright light obscuring the night sky, is a public nuisance and intrudes on our accustomed way of life.

We moved to Sheldon in the 1970's because we valued the peace of a small community and a way of life lived in harmony with the natural world - something which is becoming increasingly obvious that we need to heed. To hear of current concerns about climate change etc and then to see an increase in noise and light pollution in an AONB, is at best frustrating but it is hard to see how granting this application, quite apart from environmental impact, would not lead to a substantial public nuisance.

My objection is thus based on the two areas of public safety and public nuisance.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** Dunkeswell Parish Council  
c/o 16 Liberator Way, Dunkeswell, Devon, EX14 4XF.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** The Council strongly object to this application. They feel that the current opening hours are long enough, that alcohol and driving is not a good mix, noise levels would be extended and the tranquility of the area disrupted, light pollution for wildlife and local people (mainly affecting Sheldon residents) would be vastly extended, this is contrary to the Neighbourhood Plan Page 22 Policy NE1. There is a likelihood of increased traffic, Please see Neighbourhood Plan page 45, Para 7.15.  
Should you be minded to approve this application, the council would like to ask that the following be taken into consideration alongside the comments above, when the original application for the raceway was approved, the applicant indicated that they were not looking to increase the business & therefore an increase in traffic would not be an issue, The increase in opening hours, does not support this. We ask that if you seek to approve this, that the hours to which the license applies are limited to the current opening hours and that the applicant seeks a temporary/event license to cover any other requirements for extended consumption.

**Evidence:**

**Suggestion:**

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**Person making Representation:** Sheldon Parish Council  
Prospect Cottage, Sheldon, HONITON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Sheldon Parish Meeting strongly object to this application.

1. Changing the use of the Kart Track to gather for race practice and race meetings plus corporate racing to an establishment for drinking not related to the above.
2. The location of the Kart Track would be on an emphasis to drive there as walking distance would only suit very few.
3. Barring in mind the walking distance for any local community which the kart track is not based in and would not serve. Those seeking to walk there and back would do so on an unlit road, without any foot path along a 60 mile per hour road
4. As public transport is very limited, driving is the most likely mode of transport to the Kart Track. This will obviously increase the traffic through Dunkeswell, Hemyock and Sheldon. Roads through Sheldon are single lane with high hedges and no lighting. Anyone leaving the Kart Track without due care, barring in mind the expected increase in traffic that licensing would bring about may have devastating consequences.
5. The establishment itself has no lighting from the main road to the Licensing area concerned. This situation is unlikely to change as the site is in a conservation area (AONB).
6. An application in 2010 for the Kart Track to have facilities for food and drink to be sold was not permitted because of the lighting required for obvious safety reasons would have caused pollution in a conservation area (AONB)
7. Any drinking outside of a building that has no boundaries can not be policed.
8. Any drinking outside of a building is likely to cause noise nuisance especially if crowds attend in large (unpredictable numbers).
9. Members of the Meeting thought the site isn't equipped to safely support the lengthy hours being applied for outside the hours of operation it currently has.
10. Sheldon agrees with Dunkeswell Parish Council's comment, limiting the site to current opening hours.
11. Any temporary licence, alcohol should be consumed only inside the building.
12. Sheldon Parish Meeting whole heartedly support Dunkeswell Parish Council and their comments.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** Benedict Corke  
Eastcott Barn, Sheldon, HONITON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** I object under the objective "Prevention of public nuisance"

I Live directly opposite the kart track, in direct sight line across the narrow valley. From my windows, decking and lawn I can see the buildings and its windows lit up, I can also see the vans and caravans on race/practice meet days. This licence application applies to the building I can see from my house, if the licencing application is passed I will also be able to see and hear the people entering and exiting the premises and the deliveries. I have enjoyed the peace, tranquillity and wildlife of this part of the Blackdown hills AONB, it's the reason we live here and not in an urban environment where people with their associated noise and hustle and bustle like to live a less sedate lifestyle.

To make my objection a shorter read I bullet point my reasons for objecting;

1. There is already a licensed premises on the airfield with ample parking that employs locals and is dependant on the limited business it receives, the closure of the historic Royal Oak in Dunkeswell shows there is not enough business available to allow for further competition.
2. The hours applied for indoors amount to 92 hours per week of consumption, late into the night, every day, all through the year, on my doorstep. People do not stay indoors all the time, doors and windows are opened, people in high spirits come and go.
3. The hours applied for off licence account for close to all the daylight hours in the summer when we might like to be outside enjoying some peace. People will come and go less peacefully.
4. Necessary internal and external lighting will be visible to us contrary to a prior planning application condition, it will also be detrimental to the abundant wildlife in this area.
5. Wristbands for drivers or not, alcohol and motoring of any description do not go together and should be vigorously discouraged just as the advertising regulations in formula 1.
6. Noise reduction measures were meant to be implemented to combat the noise of the karts after previous planning applications, I am confident that the track has become more noisy, particularly as sound impeding trees have been removed between the track and our village.
7. With a touch of liquid courage in people a polite sign asking for quiet for the neighbours at best would be ignored and is more likely to encourage the opposite and with language to suit.
8. There probably isn't a licensed premises in the land that the emergency services haven't had to visit and this type of sport and venue with the age groups attracted to it will most likely be no different.

I see this application as an enormous step towards increased and constant attendance in contravention of everything such an idyllic and supposedly protected natural area has the right to be. I am not against alcohol or social events but in the right places and at the right times in places where better security and control can be maintained.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** James Page  
Eastcott, Sheldon, HONITON, Devon, EX14 4QU.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Prevention of crime and disorder -  
With the proposed license there could well be criminal offences committed by people at the kart track drinking and driving to and from the location. Drivers at the race track drink driving and the chance of causing injury increasing. The increase in drinking alcohol might lead to aggressive behavior and disorder within a pub like environment creating public order incidents.

Public safety -  
With the proposed license and drinking at the Kart track I am concerned about public safety, in particular due to the rural location of the premises it is unlikely that people will walk there, if they did they would be walking on an unlit street in a 60MPH limit and be a danger to themselves or other road users walking to and from the location, and likely to be intoxicated causing a further risk to themselves and others. The increase in vehicle volume on small rural roads already overstretched by traffic.

Prevention of public nuisance -  
The location is a rural location. Sound carries over the valley directly to my house at numerous times throughout the year from the kart track and activities there, there is often an array of caravan type vehicles obscuring the landscape, with the proposed license I fear that I will be further subjected to loud noise, increased lighting at night with the proposes internal and external lighting which will disturb my sleep and peace which I should be entitled to at home in an area of outstanding natural beauty. I fear this will breach my human rights for 'right to life'. Really concerned about lighting and noise nuisance from people drinking at the track.

Public transport is extremely limited at this location so there will be an increase in vehicles and potential for drink driving and increased vehicle transport. Drinking outside of the actual venue could not adequately be police and therefore would increase more noise nuisance.

**Evidence:**

**Suggestion:**

---

**Person making Representation:** Wendy Plimmer-Page  
East Cott Farm, Sheldon, HONITON, Devon.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:** Prevention of crime and disorder -  
Alcohol and kart racing do not seem to go hand in hand. A licensed premises will undoubtedly increase the risk of drink driving, be it in karts at the track or people leaving the venue. There is the likelihood of noise and public disorder due to alcohol. This will not be restricted to the current race weekends but will be seven days a week until late. There is also a great chance of under age drinking and drug use. Wildlife will be disturbed and put at risk on the roads at night due to increased traffic.

Public safety -  
The application will result in increased traffic to and from the premises on rural roads, many single lane, as public transport links are minimal, with risk to pedestrians, dog walkers, horse riders (activities that are consistent with a rural environment). Anyone wishing to walk to the premises would need to do so along an unlit road with a sixty mile speed limit. A premises selling alcohol would increase the risk of drunk drivers on the roads or drunk people walking on the roads.

Prevention of public nuisance -  
This application will result in noise and light pollution. The applicant states there will be internal and external lighting. Due to the extensive hours that have been requested for opening, this will have a major detrimental impact on the night sky in an AONB and on residents who live nearby. Noise will also have a negative impact - the sound of people and cars arriving and leaving, noise from within when doors/windows open, music. The area is tranquil at night and this will have a seriously damaging effect.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** Moira Wood  
Ruinsfield, Sheldon, HONITON, Devon, EX14 4QU.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

- Prevention of crime and disorder -  
This is an unlit rural area and there is no possibility of the applicant being able to police activities following late night opening.
- Public safety -  
As a kart racing venue the club should not be promoting dinking associated with driving. Premises are only accessible by car. Local lanes are narrow and unlit.
- Prevention of public nuisance -  
There will inevitably be light pollution and noise in an area which is dark and quiet - AONB

**Evidence:**

**Suggestion:**

---

**Person making Representation:** Nancy Plimmer  
Eastcott Barn, Sheldon, HONITON, Devon, EX14 4QU.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Prevention of public nuisance  
I wish to object to this application due to my concerns over this growing facility across the valley from my property. I live in an area of outstanding natural beauty (AONB) and enjoy the peace, tranquility and views of the countryside. We have lived alongside this kart track for many years and accepted that there would be race meets on specific weekends during the course of each 12 month period. However, the noise and light pollution has increased with the further building work completed this site in recent times and I am concerned to see that the club is now applying for a licence to serve alcohol, every day of the week until 10pm or midnight. Why is this necessary when the meets are limited? Does motor sport and alcohol go hand in hand? Is it really necessary as there is already 'The Aviator' across the airfield from the kart track which serves alcohol and food to both locals and visitors.

The conditions offered by the client state - 'internal and external lighting will be provided to promote the public safety objective', this will increase the amount of light pollution that is already in existence, which goes against the conditions when the planning permission was granted. The hum of lights, activity and traffic until late will be a disturbance and nuisance to residents in this area. The client states that 'noise reduction measures will be put in place to address the public nuisance objective' but does not explain what these are or how this will happen.

**Evidence:**

**Suggestion:**

---

**Application No:** 048204

**Premises:** Mansell Raceway Ltd  
Dunkeswell, HONITON, Devon, EX14 4AH.

**Person making Representation:** Marie-Claire di Mambro  
Sheldon Court, Sheldon, HONITON, Devon, EX14 4QU.

**Representation Accepted:** Representation has been accepted

**Reason:** N/A

**Details:**

Prevention of crime and disorder -  
The licence to sell alcohol where fast cars are being driven is likely to result in the patrons of the raceway driving vehicles whilst under the influence. It would seem to be a lethal combination.

Public safety -  
The licence sought will increase the number of cars on the roads around the raceway. The roads are very narrow and are used by cyclists, runners and horseriders. The roads are already stretched to full capacity and increasing the traffic anymore will increase the risk to cyclists, runners and horseriders and all other road users.

Prevention of public nuisance -  
I object to this application because this property is in an AONB in a prominent position on the top of a hill where noise light pollution will be a big issue if this application is granted. The noise that we experience on race days is currently horrendous but adding an alcohol licence to those race days and very worryingly 7 days a week will mean that noise will be continuous and disrupt the tranquillity of this beautiful countryside. This will impact upon the local residents causing untold nuisance

**Evidence:**

**Suggestion:**

---

Mansell Raceway – Responses to Notice of Hearing

Applicant

<b>Mansell Raceway Ltd, Dunkeswell, Honiton, EX14 4AH</b>	
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes – Also accompanied by Amy Cater of Tozers LLP Solicitors
<b>Supporting documents</b>	Photos to show light pollution from the airport - attached at the end of this appendix
<b>Summary of key points</b>	<p>Prevention of crime and disorder</p> <ul style="list-style-type: none"> <li>-Staff training on annual basis</li> <li>-Training records retained and available for inspection</li> <li>-Incident log kept re: violence, crimes, ejection of patrons, seizure of drugs or weapons, faults with CCTV, emergency services visits.</li> </ul> <p>Public safety</p> <ul style="list-style-type: none"> <li>-Digital colour CCTV system covering all public areas.</li> <li>-Recordings kept for 28 days</li> <li>-Breathalyser to be used if racer suspected of drinking</li> <li>-Wrist bands for racers to prevent drink driving</li> <li>-No glass or bottle drinking vessels outside premises</li> <li>-Internal and external lighting (as approved by planning)</li> </ul> <p>Prevention of public nuisance</p> <ul style="list-style-type: none"> <li>-Noise reduction measures</li> <li>-Notices requesting customers to leave quietly</li> <li>-Customers told not to talk loudly outside premises</li> <li>-Hotline number provided to local residents</li> <li>-Sunday hours reduced. 10am to 9:30pm</li> </ul> <p>Protection of children from harm</p> <ul style="list-style-type: none"> <li>-Challenge 25 policy</li> <li>-Refusals register</li> </ul>
<b>Comments</b>	<p>I will refer to the operating schedule in my application. The key points are summarised below. In addition I propose:</p> <ul style="list-style-type: none"> <li>-Hotline number for complaints/concerns</li> <li>-Reducing Sunday hours to 10am to 9:30pm</li> </ul>

Interested Parties

<b>1.</b>	<b>Dunkeswell Parish Council, 16 Liberator Way, Dunkeswell, EX14 4XF</b>
<b>Hearing Unnecessary</b>	
<b>Attending</b>	Yes – a councillor will attend on behalf of Dunkeswell Parish Council
<b>Comments</b>	<p><u>Prevention of Crime &amp; Disorder</u></p> <p>Concerns regarding, drinking &amp; driving outside of the venue. Being a rural area, there are few visits from Police at night</p>

Public Safety

Concerns regarding drinking and driving when accessing/egressing the business, remote location, Lanes narrow not many pavements.

Prevention of Public Nuisance

The extension of hours increases the hours in which noise, traffic, light pollution in an Area of Outstanding Natural Beauty.

Having representatives attend the mediation meeting and having further discussed this, The Council would like to propose the following as a suggested compromise.

1. Licence to cover between 9am - 9pm ( current operating hours) with an extension of these hours for the 9 race weekends per year to 11.30pm. With other events that may be planned being covered by applying for an events license.

2. Monday and Tuesday to remain days on which they are closed. (Current operating hours)

3. To limit the purchasing and consumption of alcohol outside of the building to 9pm

4. To limit the use of the outside terrace (on newly proposed building) to 9pm

5. Members/customers of the Race Club only

Dunkeswell Parish Council are concerned about drinking and driving, while they are aware that currently race goers can & do take their own supply of alcohol to the venue, the ability to purchase it on site may increase the amount consumed.

Dunkeswell is a rural area, with few Police patrols, it's roads are very narrow and winding in places and there are few pavements. There are no night bus services for people not staying on site, with the nearest taxis being from Honiton.

Light Pollution -

Any extension of hours past 9pm will mean more light pollution, particularly during winter months. DPC is aware that efforts have been made to limit the source of light pollution from the buildings and the newly proposed workshop and terrace, however it remains that the lighting from this venue continues to have an adverse effect on the residents of our neighbouring Parish of Sheldon. Any extension of hours is, by it's very nature going to require more lighting/more light pollution past 9pm, with exception of the summer months maybe, thereby causing more nuisance.

	<p><b><u>Noise</u></b></p> <p>Any extension of hours past 9pm will mean more noise from traffic, groups and general business from the venue. By asking for the time allowed for alcohol consumption and purchase to be limited to 9pm in general and 11.30pm on the 9 race weekends and restricting it to inside the building after 9pm, will help to protect the tranquillity in an Area of Outstanding Natural Beauty for residents and wildlife. In suggesting it to be for members/customers of the racetrack, this would ensure that there would be no increase in vehicles accessing Dunkeswell/Sheldon via narrow lanes and less vehicles entering/leaving the site, given that the raceway have indicated that most stay for the day or weekend.</p> <p>In suggesting the limit of 9pm for the use of the outside and roof terrace, this will restrict light and noise pollution in the area with it remaining as it is currently and with light pollution coming mainly from the building.</p> <p>In suggesting that Monday &amp; Tuesday remain as days they are closed, will help ensure that affected residents bear no change in arrangements, noise and lighting pollution and this would continue to allow local businesses a brief respite from activities to carry out their own business.</p> <p>Whilst the Council realise that Planning Permissions cannot be considered in conjunction with Licensing applications, The role of the Parish Council requires it to consider and look at any proposal in it's entirety and from the whole communities view, they would like the following to be noted.</p> <p>In no way, does the Council, while suggesting this compromise intend to set any precedent or cause any misunderstanding for any extension in the operating hours, it is their view that the operating hours should remain 9am - 9pm as stated in the Planning Consents, Condition 1 of 15/0280/VAR In respect of the number of Karts that be used and Planning Consents, Condition 8, 18/0419/VAR erection of the Building.</p>
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<b>2. Sheldon Parish Council, Prospect Cottage, Sheldon, EX14 4QX</b>	
<b>Hearing Unnecessary</b>	
<b>Attending</b>	
<b>Comments</b>	<p>Please accept this email as Sheldon Parish Meeting in conjunction and support of Dunkeswell Parish Council objection/suggestion of compromise to the Licensing Application for Mansell Raceway to be heard on April 10<sup>th</sup> 2019.</p> <p><u>Prevention of Crime &amp; Disorder</u></p> <p>Concerns regarding, drinking &amp; driving outside of the venue. Being a rural area, there are few visits from Police at night</p>

Public Safety

Concerns regarding drinking and driving when accessing/egressing the business, remote location, Lanes narrow not many pavements.

Prevention of Public Nuisance

The extension of hours increases the hours in which noise, traffic, light pollution in an Area of Outstanding Natural Beauty.

Having representatives attend the mediation meeting and having further discussed this, The Council would like to propose the following compromise

1. Licence to cover between 9am - 9pm ( current operating hours) with an extension of these hours for the 9 race weekends per year to 11.30pm.

With other events that may be planned being covered by applying for an events license.

2. Monday and Tuesday to remain days on which they are closed. (Current operating hours)

3. To limit the purchasing and consumption of alcohol outside of the building to 9pm

4. To limit the use of the outside terrace (on newly proposed building) to 9pm

5. Members/customers of the Race Club only

Dunkeswell Parish Council are concerned about drinking and driving, while they are aware that currently race goers can & do take their own supply of alcohol to the venue, the ability to purchase it on site may increase the amount consumed.

Dunkeswell is a rural area, with few Police patrols, it roads are very narrow and winding in places and there are few pavements.

There are no night bus services for people not staying on site, with the nearest taxis being from Honiton.

**Light Pollution -**

Any extension of hours past 9pm will mean more light pollution, particularly during winter months. DPC is aware that efforts have been made to limit the source of light pollution from the buildings and the newly proposed workshop and terrace, however it remains that the lighting from this venue continues to have an adverse effect on the residents of our neighbouring Parish of Sheldon. Any extension of hours is, by its very nature going to require more lighting/more light pollution past 9pm, with exception of the summer months maybe, thereby causing more nuisance.

**Noise**

Any extension of hours past 9pm will mean more noise from traffic, groups and general business from the venue. By asking for the time allowed for alcohol consumption and purchase to be limited to 9pm in general and 11.30pm on the 9 race weekends and restricting it to inside the building after 9pm on race weekends will help to protect the tranquillity in an Area of Outstanding Natural Beauty for residents and wildlife. In suggesting it to be for members/customers of the racetrack, this

## APPENDIX E

	<p>would ensure that there would be no increase in vehicles accessing Dunkeswell/Sheldon via narrow lanes and less vehicles entering/leaving the site, given that the raceway have indicated that most stay for the day or weekend, dependant on the event.</p> <p>In suggesting the limit of 9pm for the use of the outside and roof terrace, this will restrict light and noise pollution in the area with it remaining as it is currently and with light pollution coming mainly from the building.</p> <p>In suggesting that Monday &amp; Tuesday remain as days they are closed, will help ensure that affected residents bear no change in arrangements, noise and lighting pollution and this would continue to allow local businesses a brief respite from activities to carry out their own business.</p> <p>Whilst the Council realise that Planning Permissions cannot be considered in conjunction with Licensing applications, they would like the following to be noted.</p> <p style="color: red;">In no way, does the Council, while suggesting this compromise intend to set any precedent or cause any misunderstanding for any extension in the operating hours, it is their view that the operating hours should remain 9am - 9pm as stated in the Planning Consents, Condition 1 of 15/0280/VAR In respect of the number of Karts that be used and Planning Consents, Condition 8, 18/0419/VAR erection of the Building.</p>
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<b>3. N Airey, Prospect Cottage, Sheldon, EX14 4QX</b>	
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response

<b>4. Jennifer Ash, The Lodge, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No – represented by Wendy Plimmer-Page
<b>Summary of key points</b>	<p>Public safety – Increased activity at the raceway which is sited on the side of a fast, unlit country road, unsuitable for pedestrian access from the villages nearby – issues of concern around public safety.</p> <p>Prevention of public nuisance – Concerns of public nuisance caused by noise and light pollution (please see my original comments – copy attached, as well as my comments following the mediation meeting – copy on separate page)</p>
<b>Comments</b>	<p>I am writing further to my initial comments, sent on 19/03/19 to the Licensing Manager.</p> <p>Since writing my original response to the application I have been able to attend the medication meeting held on 28/03/19. This was useful in helping me to better understand the wishes and intention of the applicant. As a result I no longer wish to completely object to the application for a food and alcohol licence and can understand the desire to provide such a facility for people</p>

attending and taking part in the karting weekends and corporate leisure karting.

It seemed at the mediation meeting that there was room for negotiation, so that the needs of the karting fraternity and the needs of those of us living nearby could all be accommodated to some extent.

As the applicant's representative informed the meeting that the aim of the licence was in order to provide better facilities for people coming to Mansell Raceway for some kind of karting activity. I would like to suggest that the licence be restricted to such events, rather than it being a licence open to the general public. I think this could allay some of the concerns about the safety of the general public assessing the site along an unlit, fast country road. It would also contain activity and thus reduce the potential for disturbance of noise and lights which causes a public nuisance.

The application is for a licence for 7 days a week. As the raceway is not open to the public on Monday and Tuesdays, could the licence be restricted to the 5 days when it is available for public karting activities? This would be very helpful for those of us in the vicinity, as it would mean there would be 2 days a week when we could be assured of no disturbance from the kart track vicinity.

I have lived in Sheldon since 1976 and run a business, directly on the opposite side of the valley, facing Mansell Raceway. I have a small Retreat Centre, which by its very nature depends much on the peaceful country atmosphere of the AONB in which we live. If I could depend on two days a week without noise and light pollution from the raceway, it would enable me to plan activities accordingly, in particular group and meditative events. I would like to reiterate that the noise and light pollution do cause a disturbance and particularly if I am offering retreats to potentially stressed people seeking peace and relaxation, this disturbance caused a public nuisance.

Similarly if the licence could be granted until 9pm, except for the official race weekends, when it could be 11.30pm as applied for, this would further reduce the public nuisance. The evenings in Sheldon are sometimes so quiet you cannot hear another human made sound or vehicle and the skies are dark or starry. The earlier timings of the licence would help preserve this, while also giving the raceway the ability to serve alcohol and food to their clients until the end of their karting activities.

Later times of opening mean the potential for noise, in addition there would have to be sufficient lighting when the premises are open in order to provide safe access to the car park, as well as any other necessary lighting thus causing light pollution. It has been said that Sheldon already has light pollution from the units on the airfields but this is not the case. Dunkeswell airfield site and units are much closer to the village of Dunkeswell and not in our line of sight as they are further along the ridge and protected from our view by Sheldon forest.

## APPENDIX E

	I appreciate the suggestion of the applicant's representative to offer a hotline where local residents could make contact in the event of difficulty, this enabling us all to work together. This and the suggestions I have made above could in my opinion help reduce some concerns around public safety and contain some of the public nuisance potentially caused by the granting of this application.
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<b>5. Benedict Corke, Eastcott Barn, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response

<b>6. Marie-Claire Di Mambro, Sheldon Court, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	No response
<b>Attending</b>	No response

<b>7. James Page, Eastcott, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	No – represented by Wendy Plimmer-Page
<b>Comments</b>	If this application is approved in some form, please can the following be considered. Why do the kart track need to have a licence for everyday, can there be restrictions on the number of days for the licence. Can the times be reduced from the proposed times to earlier in the evening. Can drinking outside and on viewing platforms be restricted or blocked. Can it be limited to members only so admit to create a pin like venue.

<b>8. Nancy Plimmer, Eastcott Barn, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	
<b>Attending</b>	No – Represented by Claudia Napier

<b>9. Wendy Plimmer-Page, East Cott Farm, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	No
<b>Attending</b>	Yes
<b>Comments</b>	The content of my original objection still stands but I would like to re-iterate my main concern (prevention of public nuisance) regarding the issue of noise and light pollution from the kart track. I live opposite Mansell Raceway Ltd and while I have been thinking about my response today, the sound of noisy kart engines and tyre squeal has reverberated across the valley. My family and I accept that this happens at appointed times because we know that those times are restricted. However, the prospect of

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	<p>the license application causes my family and I a high degree of worry as it will undoubtedly extend the time when we will be subjected to noise and light pollution. We can already see the building lit up at night on the skyline, which has been exacerbated by the felling of trees in the vicinity. This has an impact on the night sky and our enjoyment of it. The license hours requested in this application are extensive and will extend the hours of light pollution for us in the form of internal and external lighting. The valley is tranquil at night and sound carries. We hear the karts during the day and this application will then extend the noise late in to the evening in the form of people and cars arriving and leaving, voices, music and so on and will not just be restricted to race weekends. The noise and light pollution already cause a great deal of stress to myself and my family which in itself constitutes a public nuisance. The extensive nature of this application will only serve to increase that stress.</p>
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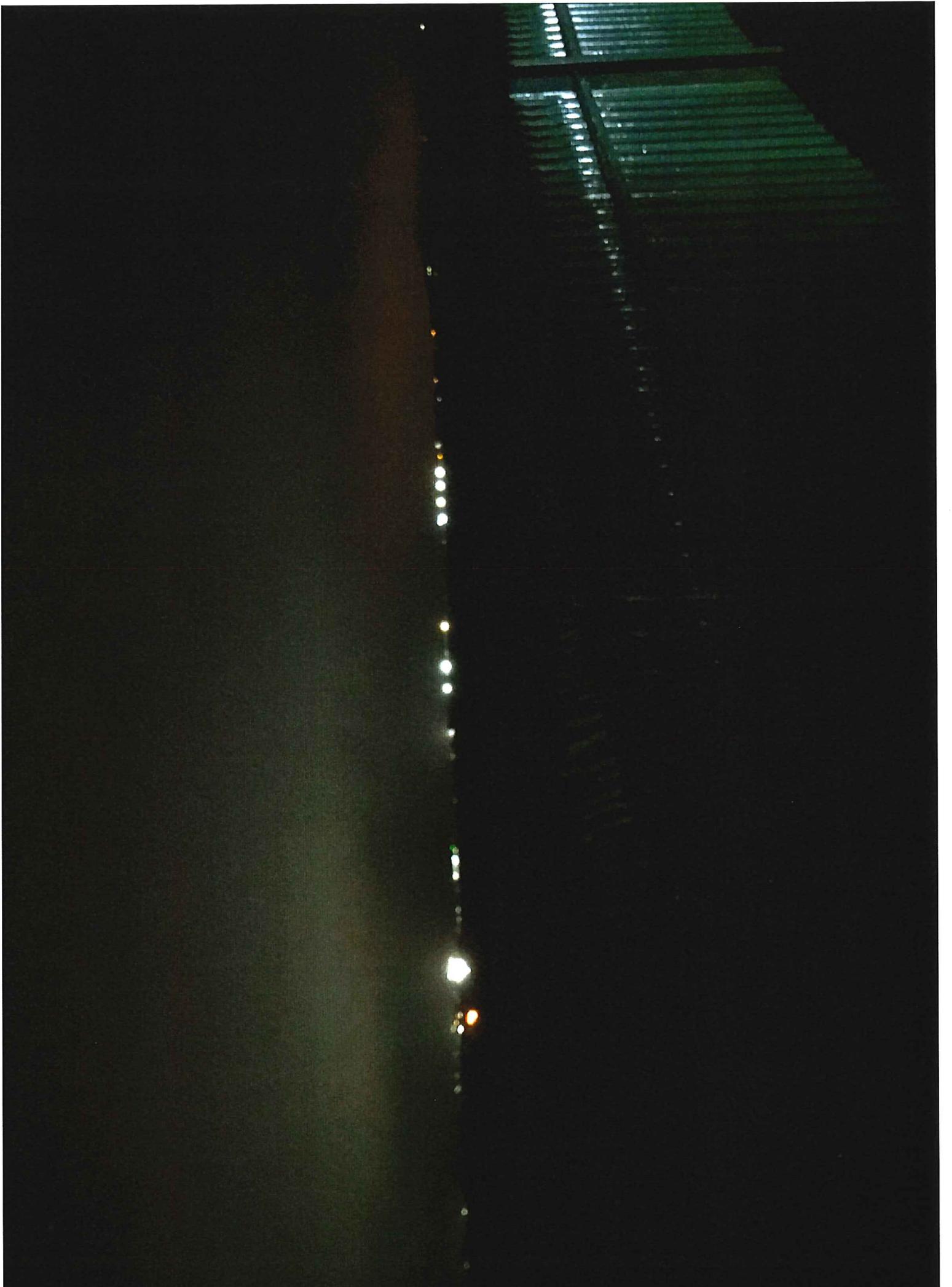
<b>10. David Whipp, Lower Slade Farm, Sheldon, EX14 4QS</b>	
<b>Hearing Unnecessary</b>	
<b>Attending</b>	No – represented by Claudia Napier (Sheldon Parish Council)

<b>11. Lesley Whipp, Lower Slade Farm, Sheldon, EX14 4QS</b>	
<b>Hearing Unnecessary</b>	
<b>Attending</b>	No – represented by Claudia Napier (Sheldon Parish Council)

<b>12. Moira Wood, Ruins Field, Sheldon, EX14 4QU</b>	
<b>Hearing Unnecessary</b>	
<b>Attending</b>	No – represented by Claudia Napier (Sheldon Parish Council)
<b>Summary of key points</b>	<p><u>Prevention of crime and disorder</u> – This unlit rural area presents challenges to the policing of activities by the applicant following late night opening.</p> <p><u>Public safety</u> – As an enterprise focusing on driving there should be no encouragement of drinking. Premises only accessible by car – local lanes narrow and unlit.</p> <p><u>Prevention of public nuisance</u> – This development of the location risks an increase in light pollution and noise in a dark and quiet AONB.</p>



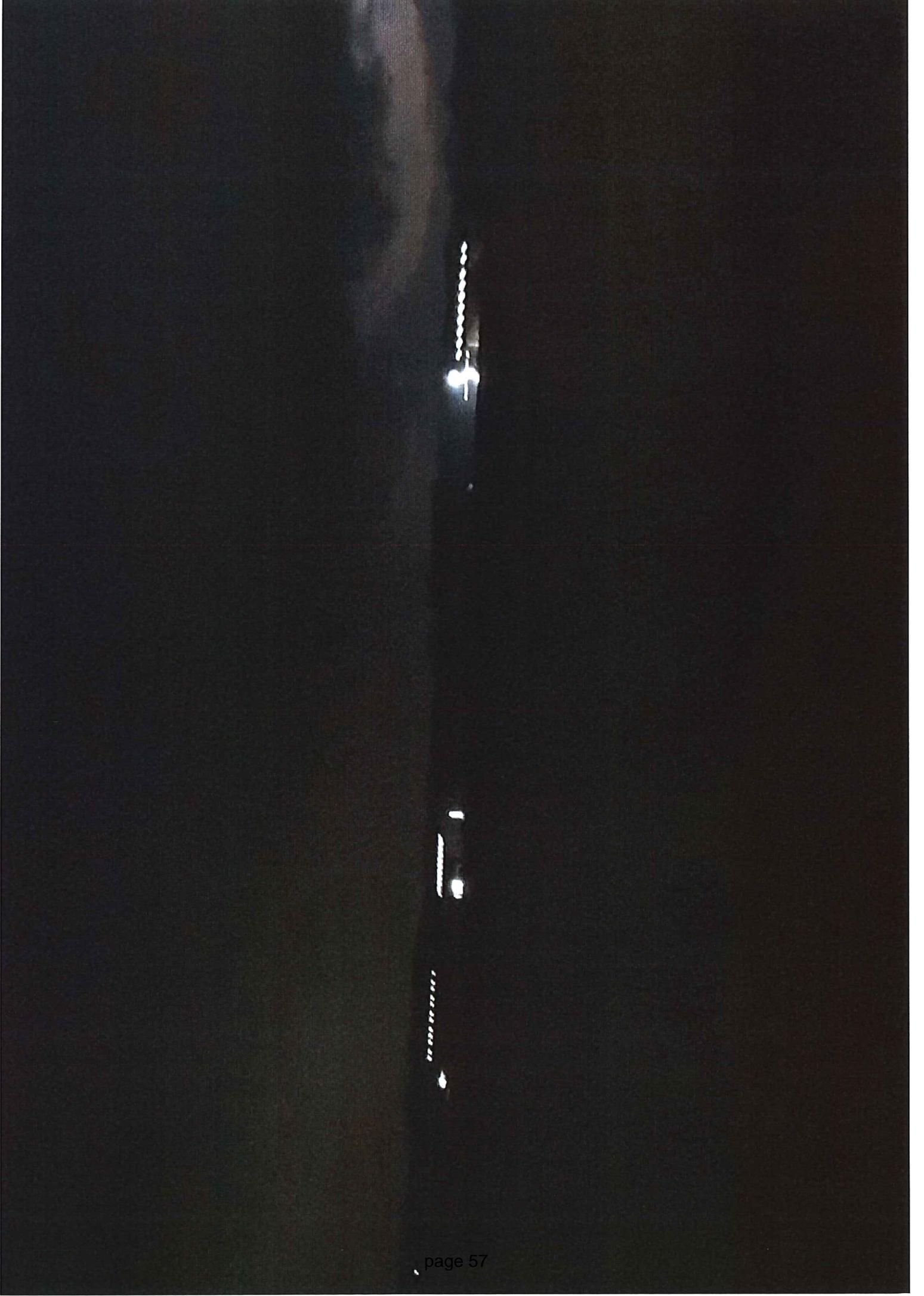












**CHAMPIONSHIPS** September 1961, **CASTLE COMBE** April 1965, **BRANDS HATCH**: Jan. 1966, **DUNKESWELL**: 1966, **SILVERSTONE**: June 1967, **CHASEWATER**: June 1969, **TILBURY**: Sept 1969,



**TORBAY  
MOTOR  
CLUB**

**KART  
MEETING**

SEASON 1966  
DUNKESWELL, DEVON



FOR CONDITIONS OF ENTRY SEE BACK COVER

OFFICIAL PROGRAMME ONE SHILLING

**CONDITIONS OFFERED IN OPERATING SCHEDULE**

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
  - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
  - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
  - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
  - iv. Recognising the signs of drunkenness.
  - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
  - vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals.
3. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority. Training records will be retained for at least 12 months.
4. An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:
  - i. Any incidents of disorder or of a violent or anti-social nature
  - ii. All crimes reported by the venue to the police
  - iii. All ejections of patrons
  - iv. Seizures of drugs or offensive weapons
  - v. Any faults in the CCTV system
  - vi. Any visits by an emergency service.
5. Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
6. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.
7. The premises shall install operate and maintain a comprehensive digital colour CCTV system to the satisfaction of the Police. All public areas of the licensed premises including entry and exit points will be covered. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light conditions.
8. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All equipment must have a constant and accurate time and date generation.

9. All recordings will be stored for a minimum period of 28 days with date and time stamping.
10. Recordings will be made available immediately upon the request of an authorised officer of a responsible authority throughout the entire 28 day period.
11. The CCTV system will be capable of downloading images to a recognisable viewable format.
12. The CCTV system will be fitted with security functions to prevent recordings being tampered with, i.e. be password protected.
13. If the CCTV equipment breaks down the Licensing Authority and the Police must be informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means this was done and to whom the information was reported. Immediate steps must be taken to put the equipment back into action. The Licensing Authority and the Police shall be informed when faults are rectified.
14. Internal and external lighting will be provided (and regularly checked) to promote the public safety objective.
15. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
16. Fire escape routes will be indicated, and staff will be instructed in the importance of keeping them clear.
17. Fire extinguishers will be tested regularly, and their locations reviewed periodically.
18. A breathalyser will be used if any racer is suspected of drinking alcohol prior to them racing. All tests will be logged with date, time, details of the person and whether the test was positive or negative.
19. Wristbands will be issued to racers before they race and taken off when they finished racing. No person wearing a wrist band will be served alcohol at the premises. Staff will ensure proxy buying does not occur.
20. No glass or bottle drinking vessels may be taken outside the premises.
21. Noise reduction measures will be put in place to address the public nuisance objective.
22. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
23. Customers will be asked not to stand around loudly talking in the street outside the premises.

24. There will be in place an age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 25 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification.

The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

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

25. An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

26. The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority. All entries must be made within 24 hours of the refusal

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Document is Restricted