

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 4 February 2015; 9.30am

[Members of the Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 Minutes for 17 December 2014 (pages 2-4)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A Matters for Decision

- 6 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties Have agreed a hearing is unnecessary (pages 5-8)**

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)

[Recording the meeting](#)

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL
Minutes of a Meeting of the Licensing &
Enforcement Sub-Committee held at Knowle, Sidmouth on
Wednesday, 17 December 2014

Attendance list at the end of the document

The meeting started at 9.30 am and ended at 9.40 am

- *20 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 3 December 2014, were confirmed and signed as a true record.
- *21 Declarations of interest
There were none.
- *22 Application for a premises licence to allow recorded music on the premises and the sale of alcohol on and off the premises at Oak Barn Furnishings Coffee Lounge, Knowle Hill, Budleigh Salterton

The Sub Committee gave consideration to an application for a Premises Licence to allow recorded music on the premises and the sale of alcohol on and off the premises at Oak Barn Furnishings Coffee Lounge, Knowle Hill, Budleigh Salterton.

The Sub Committee carefully considered the application with the amendments the applicant proposed for the licensable activities and the extension of proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 were also taken into account in making the decision.

The Sub Committee carefully considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They considered the particular locality of the premises in a small village and its physical relationship with other residential and commercial properties in the vicinity.

The Sub Committee considered it relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, following mediation, which were, public nuisance, public safety, crime and disorder and protection of children from harm. From this the Sub Committee concluded that the police did not consider that there were currently any significant problems associated with the current operation of the premises, or that there was likely to be if the application was granted.

The applicant's case (represented by Messrs Terry Coates and Mike Henderson) was the premises were a furniture shop and had a coffee lounge that served food to enhance the customer's experience. The applicant was requesting the sale of alcohol (wine) with meals at customers' request. The facilities had a 5* rating, a CCTV system and the premises were well managed. The applicant stated the Devonshire Sofas, next door, was not part of the application and that there would be no extra traffic at the site as a result of the application.

The interested party's case, Major J V White RA (Retd), on paper was firstly, in relation to the prevention of crime and disorder, imprecise, uncertain and unenforceable conditions offered in the application. Regarding public safety issues linked to planning consent, vehicular access and egress onto the highway B3179 roundabout at Knowle Hill. There were concerns over the opening times and the applicant's intentions as to the operation of the premises.

Regarding the prevention of public nuisance, concerns as to the operation of the licence outside. Regarding the protection of children from harm, the present name of the premises did not indicate to the public that alcohol would be on sale. The interested party did not attend the hearing.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application. In relation to the evidence the Sub Committee had heard regarding the history of the premises, they considered that the establishment was well managed with good policies in place and adequate supervision from line management.

The Sub Committee did not accept that there was evidence of a significant public nuisance, risk of crime and disorder or risk to public safety arising from the current operation of the premises. At the present time there was no real evidence that the operation the applicant proposed to run would cause the unacceptable impact local residents suggested.

All parties were reminded of the closure and review powers which the Government brought into force when the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

- RESOLVED
1. that a grant of the Premises Licence be made as follows:
 - a) The extent of the areas within which the various licensable activities will be permitted as indicated by the legends on the applicant's plan.
 - b) Permitted hours for the various licensable activities shall be as set out in the Appendix A.
 - c) The conditions will now be as shown in Appendix F.
 - d) The mandatory conditions of Section 19 of the Licensing Act 2003 shall be imposed.
 2. the designated Premises Supervisor will be:
Michael Henderson, 15A Knowle Road, Budleigh Salterton.

Attendance list

Councillors present

Jim Knight (Chairman)
John O'Leary
Pauline Stott

Councillor also present:

Steve Hall
Peter Sullivan

Councillor apologies from non members of the Sub Committee

Maddy Chapman
Steve Gazzard
Tom Wright

Officers present

Giles Salter, Solicitor
Neil McDonald, Licensing
Chris Lane, Democratic Services

Chairman Date

Agenda Item 6

Licensing Sub Committee

4 February 2015

NMcD



Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Summary

The report details these applications.

Recommendation

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

- a) Reasons for Recommendation
To ensure full compliance with statutory processes.
- b) Alternative Options
The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.
- c) Risk Considerations
Applications must be dealt with within the statutory time limits.
- d) Policy and Budgetary Considerations
Officers have taken into account the Council's Licensing Policy in making the recommendation.
- e) Date for Review of Decision
The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

- 1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for the grant of a premises licence	Axminster Town Football Club, Chard Road, Axminster, Devon, EX13 5RH.	<p>Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the following conditions:</p> <ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy. 2. CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 3. The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 4. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV

		<p>is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.</p> <ol style="list-style-type: none"> 5. SIA registered door supervisors shall be employed at the premises at the discretion of the Designated Premises Supervisor or Premises Licence Holder in accordance with their assessment of risk. A written risk assessment shall be prepared on a monthly basis and reflect anticipated events for the forthcoming period. The risk assessment shall be made available for inspection by the Police or Licensing Authority when requested. 6. The licence holder must ensure that staff regularly patrol the premises both indoors and outdoors to supervise the orderly conduct of patrons. 7. Customers must be asked not to stand around talking in the street outside the premises or car park and will be asked to leave the vicinity quickly and quietly. 8. Suitable signage must be displayed in the terraced area requesting patrons to respect the amenities of local residents. 9. The use of the terraced area beer garden shall cease at midnight. 10. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible. 11. A noise limiter must be installed in the premises to control the volume of the music. The limiter level must be set by an Environmental Health Officer for Pollution. The limiter must be capable of controlling all frequency bands independently.
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing applications
- Representations received from Responsible Authorities
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

4 February 2015