

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 2 August 2017; 9.00am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:
Steve Hall, John O'Leary,

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 19 July 2017



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- 1 Minutes for 12 July 2017 (page 2-3)
- 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 is one item 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, Rewe Social Club, The Village Hall, Main Road, Rewe, EX5 4EU (Pages 4-6)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Bank & No 9, St Andrews Road, Exmouth, EX8 1AP (Pages 7-8)**

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)

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 12 July 2017

Present: Councillors:
Steve Hall (Chairman)
John O'Leary

Officers: Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 9.40 am.

*11 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 June 2017, were confirmed and signed as a true record.

*12 Declaration of interest
Councillor John 'Leary
Minute *13
Disclosable Pecuniary Interest – Personal Licence Holder

*13 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 three applications for grants of premises licences where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Sub Committee considered equality impacts when making their decision.

The Licensing Officer explained the background to the applications 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 premises licence

Name of premises and address:

Poppys Coffee, 1 Broad Street, Ottery St Mary, EX11 1BR.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Alcohol will only be served to persons taking table meals at the premises by waiter or waitress service.
2. Staff training shall be recorded and training records shall be made available for inspection upon reasonable request by an authorised officer of a responsible authority.
3. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
4. No customers will be permitted to take open vessels containing alcohol from the premises.
5. The premises will operate a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government approved PASS card.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Cherryhayes Farm, Smeatharpe, Honiton, EX14 9RD.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

The application be approved as submitted subject to the following amendment and conditions:

1. There will be no more than 2000 persons on site at any one time.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Darkplace Brewery, Unit 6A, Colyton Business Park, Wheelers Yard, Colyton, EX24 6DT.

Agreed position reached by the parties:

Following mediation the applicant and the Colyton Parish Council had agreed that they consider a hearing to be unnecessary if the agreed position set out below was approved.

The application be approved as submitted subject to the following amendment and conditions:

1. Reduce the hours on a Friday and Saturday nights for the sale of alcohol on and off the premises from 10am to 11pm to 10am to 9pm closing time reduced to 9.30pm.



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

Date of Meeting: 2 August 2017

Public Document: Yes

Exemption: None

Agenda item: **Item 6**

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

Purpose of report: 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.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

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

Legal implications: The council's decision may be appealed to the Magistrates Court.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: Background Papers
The relevant licensing applications
Representations received from police
Guidance issued under Section 182 of the Licensing Act 2003
The District Council's Statement of Licensing Policy

Link to Council Plan: Not applicable

Report in full

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. | Rewe Social Club, The Village Hall, Main Road, Rewe, Exeter, Devon, EX5 4EU. | <p>Following mediation the applicant and the Devon and Cornwall Constabulary 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 additional conditions:</p> <ol style="list-style-type: none"> 1. Volunteer bar staff will be regularly trained in their responsibilities in respect of the four Licensing Objectives and records of such training will be kept. 2. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. 3. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request. 4. 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. 5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV 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. 6. The club will ensure that all staff are adequately trained on age verification and identification and records of such training will be kept. |

| | | |
|--|--|--|
| | | <p>7. No one under the age of 18 will be allowed behind the bar area and no persons under 18 will be permitted to sit at the bar.</p> <p>8. No person carrying open vessels containing alcohol will be admitted to the premises at any time.</p> <p>9. No customers will be permitted to take open vessels containing alcohol from the premises.</p> |
| | <p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p> | |

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

2 August 2017



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

Date of Meeting: 2 August 2017

Public Document: Yes

Exemption: None

Agenda item: **Item 7**

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

Purpose of report: 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.

Reason for recommendation: To comply with statutory processes.

Officer: Neil McDonald nmcdonald@eastdevon.gov.uk 01395 517410

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

Legal implications: The council's decision may be appealed to the Magistrates Court.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: Background Papers
The relevant licensing applications
Representations received from Environmental Health
Guidance issued under Section 182 of the Licensing Act 2003
The District Council's Statement of Licensing Policy

Link to Council Plan: Not applicable

Report in full

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. | Bank & Number 9, St Andrews Road, Exmouth, Devon, EX8 1AP. | <p>Following mediation the applicant and the Council's Environmental Health Department 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 additional conditions:</p> <ol style="list-style-type: none"> 1. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 2. All outside live and recorded music shall cease at 11pm. |
| | Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003 | |

Neil McDonald Ext.2079

Licensing Officer

Licensing Sub Committee

2 August 2017