

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 13 September 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 5 September 2017



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 Minutes for 23 August 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, Axminster Arts Café, Axminster (Pages 4-5) 18**

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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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 23 August 2017

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

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

Also Present: Councillor Megan Armstrong

The meeting started at 10.30 am and ended at 10.40 am.

- *17 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 12 July 2017, were confirmed and signed as a true record.
- *18 Declaration of interest
Councillor John 'Leary
Minute *13
Disclosable Pecuniary Interest – Personal Licence Holder
- *19 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 two 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:

Fields of Sidmouth, The Market Place, Sidmouth, EX10 8AR.

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:

Submit an amended plan showing the areas for off sales only and area for on sales of alcohol.

1. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
2. No customers will be permitted to take open vessels containing alcohol from the premises.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

18 Westward Drive, Exmouth, EX8 1JD.

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 can only be ordered for delivery to a residential or business address and not to a public place.
2. All licence conditions pertaining to online sales of alcohol must be part of the Terms and Conditions which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering.

Chairman Date



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

Date of Meeting: 13 September 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 the police
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.	Arts Café The Old Courthouse, Church Street, Axminster, Devon, EX13 5AQ.	<p>Following mediation the applicant, the Council's Environmental Health Team and the Devon and Cornwall Police 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. A maximum number of six events can be held between 18.00hrs - 22.00hrs each year, with at least four weeks in between each event and a maximum of two amplified outside events per week can be held between 10.00hrs - 18.00hrs. These events must be held between 1st May and 30th October only each year. Any evening event between 18.00hrs and 22.00hrs must not follow on the same day as any of the two amplified events per week between 10.00hrs and 18.00hrs. 2. The licence holder must control the volume of regulated entertainment taking place at the premises, by monitoring the noise levels throughout the events and ensure that the volume is reduced sufficiently and to the satisfaction of an Environmental Health Officer of East Devon District Council. 3. Whenever a temporary structure or bar is erected in the courtyard for the sale or supply of alcohol the Licensing Authority and Police will be informed 14 days in advance with a plan showing the location in the courtyard of the structure or bar. 4. The times for the last sale of alcohol to be reduced to 22.00hrs. 5. Amend the wording of non-standard timings from 'summer' to '1st May to 30th October'.

		<p>6. No person carrying open vessels containing alcohol will be admitted to the premises at any time.</p> <p>7. No customers will be permitted to take open vessels containing alcohol from the premises.</p> <p>8. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.</p>
	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 Sub Committee

Licensing Officer

13 September 2017