

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 17 January 2018; 9.30am

[Members of the Committee](#)

Members for this Sub Committee: Cllr John O’Leary, Jim Knight and Geoff Jung

Venue: Committee Room, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 10 January 2018

- 1 **Minutes for 22 November 2017 (pages 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.**

- 6 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Northleigh Village Hall, Northleigh, Colyton, Devon, EX24 6BJ. (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, Yarty Party, . (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)

[Recording the meeting](#)
[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
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 29 November 2017

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

Apologies: Councillors Maddy Chapman
Steve Gazzard

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

The meeting started at 9.00 am and ended at 9.05 am.

- *37 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 8 November 2017, were confirmed and signed as a true record.
- *38 Declaration of interest
Councillor John 'Leary
Minute *39
Disclosable Pecuniary Interest – Personal Licence Holder
- *39 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 variation of a premise 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 variation of a premises licence

Name of premises and address:

Axminster Conservative Club, Silver Street, Axminster, EX13 5AN.

Agreed position reached by the parties:

Following mediation the applicant, 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:

Amendments

Remove conditions 2-7.

Remove condition 11 and replace with –

No customer carrying open vessels containing alcohol will be admitted to the premises at any time.

No customers will be permitted to take open vessels containing alcohol from the premises.

Additional Conditions

1. 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.
2. An incident book must be maintained within which full details of all occurrences of anti-social behaviour, disorder and refused alcohol sales at the premises must be recorded.
3. The incident book must be kept on the premises at all times and must be made available for inspection by officers of both the Licensing Authority and the police.

Chairman Date

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



Date of Meeting: 17/01/2018

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 & 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.	Northleigh Village Hall, Northleigh, Colyton, Devon, EX24 6BJ.	<p>Following mediation the applicant, the Devon and Cornwall Police and the Council's Environmental Health Team 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 amendments and additional conditions:</p> <ol style="list-style-type: none"> 1. All outside music both live and recorded to cease at 11pm. 2. All hours from Monday to Thursday on the application to be reduced by one hour. 3. SIA security staff shall be employed at the premises at the discretion of the Designated Premises Supervisor/Holder of the Premises Licence in accordance with their assessment of risk for events at the premises. A written risk assessment shall be prepared. The risk assessment shall be made available for inspection by the authorities on demand. 4. An incident book must be maintained within which full details of all occurrences of disorder and refused alcohol sales at the premises must be recorded. The incident book must be kept on the premises at all times and must be made available for inspection by the Licensing Authority and the Police. 5. No customer carrying open vessels containing alcohol will be admitted to the premises at any time. 6. No customers will be permitted to take open vessels containing alcohol from the premises. 7. The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo

		<p>Driving Licence or Government Approved PASS Card.</p> <p><u>Remove the following offered conditions –</u></p> <p>Where drinks are going to be consumed in outdoor areas they must be served in plastic or toughened glass.</p> <p>Free drinking water must be made available at all times the premises is open to the public.</p> <p>Irresponsible drinks promotions must not be permitted, and the standards for the management of responsible drinks promotions including 'happy hours' produced by the British Beer and Pub Association will be complied with.</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

17 January 2018



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

Date of Meeting: 17/01/2018

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 the 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.	Yarty Party Axminster Showground A35 Western Approach Axminster Devon EX13 7RA	<p>Following mediation the applicant, 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 amendments and additional conditions:</p> <p><u>Amendment to offered condition of -</u></p> <p>The Licence holder will comply with the event management plan throughout the event as submitted to and approved by the licensing authority.</p> <p>Add 'and Safety Advisory Group'</p> <p><u>Additional Conditions</u></p> <ol style="list-style-type: none"> 1. The final draft of the Event Management Plan (EMP) will be submitted to the Safety Advisory Group one month prior to the event taking place. 2. 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. 3. SIA door staff will be employed at the event in such numbers and times as agreed with the police prior to the event taking place. Security schedules will be listed in the EMP.
	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

17 January 2018