

# Agenda for Licensing & Enforcement Sub Committee

Wednesday, 14 February 2018; 10.30am

(or upon the rising of the Licensing & Enforcement Committee)

[Members of the Committee](#)

**Members for this Sub Committee: Cllrs Steve Hall  
And John O'Leary,**

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

[View directions](#)

**Contact:** [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 6 February 2018

- 1 **Minutes for 17 January 2018 (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.**
  
- 6 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Exmouth Festival, Imperial Recreation Ground, The Royal Avenue, Exmouth, Devon, EX8 1DG.  
(Pages 5-6)**

**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**



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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 January 2018

Present: Councillors:  
Jim Knight (Chairman)  
Geoff Jung

Apologies: Councillors John O'Leary  
Steve Hall  
Maddy Chapman

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

The meeting started at 9.30 am and ended at 9.35 am.

- \*40 Election of Chairman  
**RESOLVED** that in the absence of Chairman and Vice Chairman, Councillor Jim Knight be elected chairman for the meeting.
- \*41 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 29 November 2017, were confirmed and signed as a true record.
- \*42 Declaration of interest  
Councillor Geoff Jung  
Minutes \*43 and \*44  
Disclosable Pecuniary Interest – Personal Licence Holder
- \*43 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 equality impacts 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 premises licence

**Name of premises and address:**

Northleigh Village Hall, Northleigh, Colyton, EX24 6BJ.

**Agreed position reached by the parties:**

Following mediation the applicant, Devon and Cornwall Constabulary and the Council's Environmental Health Team had agreed that they considered 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:

Additional Conditions

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 Driving Licence or Government Approved PASS Card.

Remove the following offered conditions –

Where drinks are going to be consumed in outdoor areas they must be served in plastic or toughened glass.

Free drinking water must be made available at all times the premises is open to the public.

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.

\*44 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 equality impacts 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 premises licence

**Name of premises and address:**

Yarty Party Axminster Showground  
A35 Western Approach  
Axminster  
Devon  
EX13 7RA

**Agreed position reached by the parties:**

Following mediation the applicant, Devon and Cornwall Constabulary had agreed that they considered 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:

Amendment to offered condition of -

The Licence holder will comply with the event management plan throughout the event as submitted to and approved by the licensing authority.  
Add 'and Safety Advisory Group'.

Additional Conditions

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.



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

**Date of Meeting:** 14/02/2018

**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](mailto: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 application  
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.	Exmouth Festival, Imperial Recreation Ground, The Royal Avenue, Exmouth, Devon, EX8 1DG	<p>Following mediation the applicant 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 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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Plastic or toughened glass will be used.</li> <li>5. All bottles containing alcohol will be decanted.</li> </ol>
	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

14 February 2018