

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 11 April 2018; 9.30am

[Members of the Committee](#)

Members for this Sub Committee: Cllr Steve Hall and John O'Leary

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

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 3 April 2018



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- 1 **Minutes for 21 March 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, Site for Temporary uses, Queens Drive, Exmouth, EX8 2AY. (Pages 5-7)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Seaton Tram Station, Underfleet, Seaton, EX12 2TB. (Pages 8-9)**

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

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 21 March 2018

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

Also present: Megan Armstrong
Maddy Chapoman
Steve Gazzard
Cherry Nicholas

Officers: Lesley Carlo – Licensing Officer
Steve Saunders – Licensing Manager
Chris Lane – Democratic Services Officer

The meeting started at 10.30 am and ended at 10.35 am.

*53 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 March 2018, were confirmed and signed as a true record.

*54 Declaration of interest

Councillor John O'Leary

Minute *47 and *48

Disclosable Pecuniary Interest – Personal Licence Holder

Councillor Geoff Jung

Minute *47 and *48

Disclosable Pecuniary Interest – Personal Licence Holder

*55 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:

Andrewshayes, Caravan Park, Dalwood, Axminster, Devon, EX13 7DY

Agreed position reached by the parties:

Following mediation the applicant and 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:

Additional Conditions

- . 1. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.
 2. Images will be retained for a minimum of 28 days copies of which will be supplied to the Licensing Authority or Police upon request.
 3. 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.
 4. All signs must comply with the requirements of the Data Protection Act 2002.
 5. 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.
 6. 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.
 7. 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.
- *56 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:

The Golden Hind, The Street, Musbury, EX13 8AU.

Agreed position reached by the parties:

Following mediation the applicant and 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

1. New plans to be submitted to include fire doors left off of the original plan.

Conditions

1. CCTV will be installed, operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.
2. Images will be retained for a minimum of 28 days copies of which will be supplied to the Licensing Authority or Police upon request.
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. 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 officers of both the Licensing Authority and the Police.
5. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.
6. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.
7. Training records will be retained for at least 12 months and 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: 11/04/2018

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
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.	Site for Temporary Uses, Queens Drive, Exmouth, Devon, EX8 2 AY.	<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> <p><u>Amendment</u></p> <ol style="list-style-type: none"> Recorded music to be withdrawn from the application. <p><u>Conditions</u></p> <ol style="list-style-type: none"> There shall be no more than three live music events held outside in any twelve months, with at least two weeks between events. These shall be held only on a Friday or Saturday during the following times: Fridays – 16:00hrs and 22:30hrs Saturdays – 14:00hrs and 21:00hrs CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. Images will be retained for a minimum of 28 days copies of which will be supplied to the Licensing Authority or Police upon request. 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.
	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

11 April 2018

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



Date of Meeting: 11/04/2018

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.	Seaton Tram Station, Underfleet, Seaton, Devon, EX12 2TB	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. The application be approved as submitted subject to the following 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.
	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

11 April 2018