

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 23 May 2018; 10.30am

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

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

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 15 May 2018

- 1 Minutes for 11 April 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 is two items 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, at Mocha Restaurant, Prospect Place, Sidmouth EX12 2TB. (Pages 5-6)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, at Hook Farm Campsite, Gore Lane, Uplyme, DT17 3UU. (Pages 7-9)**
- 8 **The Vice Chairman to move the following:**
“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B Matters for Decision

- 9 **To determine whether and existing Hackney Carriage Driver is a fit and proper person to be licensed in this district** Licensing Officer (10 – 60)

Reason for consideration in Part B: Para 3 Schedule 12A Information relating to the finance or business affairs of any particular person

[Decision making and equalities](#)

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

Mark Williams, Chief Executive
Richard Cohen, Deputy Chief Executive



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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 11 April 2018

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

Also present: Brian Bailey
Maddy Chapman
Cherry Nicholas
Bruce de Saram

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

The meeting started at 9.35 am and ended at 9.55 am.

- *57 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 21 March 2018, were confirmed and signed as a true record.
- *58 Declaration of interest
Councillor John O'Leary
Minute *59 and *60
Disclosable Pecuniary Interest – Personal Licence Holder
- *59 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.

The Chairman, Councillor Steve Hall, expressed some concerns over the way this agreed position had been arrived at and possible reputational issues arising from it the Council may have to deal with.

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:

Site for Temporary Uses, Queens Drive, Exmouth, Devon, EX8 2AY

Agreed position reached by the parties:

Following mediation the applicant, Devon and Cornwall Constabulary and 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:

Amendment

1. Recorded music to be withdrawn from the application.

Conditions

1. There shall be no more than three live music events held outside in any twelve months, with at least two weeks between events.
2. These shall be held on a Friday or Saturday during the following time: Fridays – 16.00 hours and 22.30 hours. Saturdays – 14.00 hours and 21.00 hours.
3. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Office of Police.
4. Images will be retained for a minimum of 28 days, copies of which will be supplied to the Licensing authority or Police upon request.
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.

- *60 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:

Seaton Tram Station, Underfleet, Seaton ,Devon, EX12 2TB.

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 additional conditions:

1. The premises will adopt a Challenge 21 policy. The only acceptable form of ID will be Passport, Photo Driving Licence or Government Approved PASS Card.

Chairman Date



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

Date of Meeting: 23/05/2018

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
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 variation of a premises licence.	Mocha Restaurant, Prospect Place, Sidmouth, Devon, EX12 2TB	<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 additional conditions:</p> <ol style="list-style-type: none"> 1. The supply of Alcohol will be by waiter or waitress service only for consumption on the Premises. 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 21 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. 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.
	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

23 May 2018



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

Date of Meeting: 23/05/2018

Public Document: Yes

Exemption: None

Agenda item: **Item**

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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
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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.	Hook Farm Campsite, Gore Lane, Uplyme, Devon, DT17 3UU	<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 additional conditions:</p> <ol style="list-style-type: none"> 1. Alcohol will only be sold or supplied between the 1st March and 31st October each year. 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. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures. 4. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. 5. 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. 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. 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.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

