

# Agenda for Licensing & Enforcement Sub Committee

Wednesday, 13 June 2018; 9.00am

[Members of the Committee](#)

**Members for this Sub Committee: Cllr 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 5 June 2018



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- 1 **Minutes for 23 May 2018 (pages 2-5)**
- 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 Donato Ristorante, 8 Victoria Road, Exmouth, EX8 1DL. (Pages 6-8)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Le Pisani, 1 Fore Street, Seaton, EX12 2LE. (Pages 9-10)**

**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](#)

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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 May 2018

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

Also Present: Brian Bailey  
Bruce de Saram

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

The meeting started at 10.30 am and ended at 1.10 pm.

- \*1 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 11 April 2018, were confirmed and signed as a true record.
- \*2 Declarations of interest  
Councillor Steve Hall  
Minute \*7  
Disclosable Pecuniary Interest – Private Hire Licence Holder
- Councillor John O'Leary  
Minute \*4  
Disclosable Pecuniary Interest – Designated Premises Supervisor
- \*3 Exempt Information  
**RESOLVED** that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.
- \*4 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:**

Mocha Restaurant, Prospect Place, Sidmouth, EX12 2TB.

**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:

Additional Conditions

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.

\*5 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:**

Hook Farm Campsite, Gore Lane, Uplyme, DT7 3UU.

**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:

Additional Conditions

1. Alcohol will only be sold or supplied between the 1<sup>st</sup> March and 31<sup>st</sup> 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.

\*6 Exclusion of the Public

**RESOLVED** 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.

\*7 Hackney Carriage Driver Suitability

Consideration was given to whether an applicant, Mr SAM, was a fit and proper person to continue to be licensed as a Hackney Carriage Driver. Members considered a complaint received by the authority regarding the conduct of the driver who has not and does not work in the East Devon District.

**RESOLVED**

that, Mr SAM's Hackney Carriage Drivers licence be revoked as it was considered that he was not a fit and proper person to hold a Hackney Carriage Drivers Licence as set out in the Local Government (Miscellaneous Provisions) Act 1976 at Section 61 (1) (b) 'any other reasonable cause.'

Chairman ..... Date .....

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



**Date of Meeting:** 13/06/2018

**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 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

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Donato Ristorante 8 Victoria Road Exmouth Devon, EX8 1DL	<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"> <li>1. The Premises shall only operate as a restaurant where alcohol is not to be sold or supplied otherwise than for consumption by persons taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>2. No customers will be permitted to take open vessels containing alcohol from the premises.</li> <li>3. 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.</li> <li>4. 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.</li> <li>5. Staff Training records will be retained for at least 12 months at the premises and made available for inspection by officers of both the Licensing Authority and the Police.</li> </ol>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	





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



**Date of Meeting:** 13/06/2018

**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](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 applications  
Representations received from the police  
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The District Council's Statement of Licensing Policy

**Link to Council Plan:** Not applicable

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## 2. Schedule of Applications

<b>Type of Application</b>	<b>Name of premises and address</b>	<b>Agreed position reached by the parties</b>
Application for the grant of a premises licence.	Le Pisani 1 Fore Street Seaton Devon, EX12 2LE	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 condition:  1. The outdoor area to the front of the premises will not be used after 2200 hours.
	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 June 2018