

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 8 August 2018; 9.00am

[Members of the Committee](#)

Members for this Sub Committee: Cllrs 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 25 July 2018



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- 1 [Minutes for 18 July 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, Beer Head Bistro, Beer Head Caravan Park, Beer, Seaton, EX12 3AH (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, Foot Golf on the Exe, Exton, Exeter, EX3 0PJ (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

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 18 July 2018

Present: Councillors:
John O'Leary (Vice Chairman in the Chair)
Geoff Jung

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

The meeting started at 9.02 am and ended at 9.10 am.

- *11 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 13 June 2018, were confirmed and signed as a true record.
- *12 Declarations of interest
Councillor John O'Leary
Minutes *13,*14 & *15
Disclosable Pecuniary Interest – Designated Premises Supervisor
- Councillor Geoff Jung
Minutes *13,*14 & *15
Disclosable Pecuniary Interest – Designated Premises Supervisor
- *13 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:

Smoked & Uncut Festival, Land adjacent to the Pig at Combe, Gittisham, EX14 3AD.

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:

1. Alcohol sales will cease at 22.30 hours.
2. A minimum of 6 SIA registered doorstaff will be employed at the event.

- *14 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:

Donato Ristorante, 8 Victoria Road, Exmouth, EX8 1DL.

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:

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 is ancillary to taking such meals.
2. No customers will be permitted to take open vessels containing alcohol from the premises.
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.
4. The premises adopt a Challenge 21 policy. The only acceptable forms of ID will be Passport, Photo, Driving Licence or Government Approved PASS Card.

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.

*15 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 Old Picture House, Beach road, Seaton, EX12 2LZ.

Agreed position reached by the parties:

Following mediation the applicant, Environmental Health Service 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:

1. The outside balcony area is will not permitted to be used after 2100 hours on any day.

Chairman Date



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

Date of Meeting: 08/08/2018

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.	Beer Head Bistro Beer Head Caravan Park Beer Seaton Devon EX12 3AH	<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. 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. 2. 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. 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.
	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

8 August 2018



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

Date of Meeting: 08/08/2018

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.	Foot Golf on the Exe Exton Exeter Devon EX3 0PJ	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. No spirits or spirit mixtures will be sold at the premises.
	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

8 August 2018