

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 7 November 2018; 9.00am

[Members of the Committee](#)

Members for this Sub Committee: Cllrs Steve Hall and Geoff Jung

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

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 31 October 2018



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- 1 **Minutes for 17 October 2018 (pages 2-3)**
- 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, Unit 5, Skyways, Exeter Business Park, Exeter, EX5 2UL. (pages 4-5).**

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, 17 October 2018

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

Officers: Giles Salter – Solicitor
Lesley Barber – Licensing Officer
Neil McDonald – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 10.20 am.

- *29 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 19 September 2018, were confirmed and signed as a true record.
- *30 Declarations of interest
Councillor John O'Leary
Minute *32.
Disclosable Pecuniary Interest – Designated Premises Supervisor.
- *31 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.
- *32 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, EX13 7RA.

Agreed position reached by the parties:

Following mediation the applicant, Devon and Cornwall Constabulary and the 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 additional conditions:

1. To reduce the hours for live music on the 19/7/19 and 20/7/19 to end at 23.00hours.
2. The license holder will comply with the Event Management Plan throughout the event as submitted to an approved by the Licensing authority and the Safety Advisory Group.
3. The Licence holder will comply with the Event Management Plan throughout the event as submitted to and approved by the Licensing Authority and the Safety Advisory Group.
4. The final draft of the Event Management plan will be submitted to the Safety Advisory Group one month prior to the event taking place.
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.
6. SAIA door staff will be employed at the event in such numbers and times as agreed with the police prior to the event taking place.
7. Security schedules will listed in the Event Management Plan.

***33 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.

***34 Hackney Carriage Driver Suitability**

Consideration was given to whether an applicant was a fit and proper person to be re-licensed as a Hackney Carriage Driver.

Members considered the Council's policy on all issues, the overriding duty of the Sub Committee was protection of the public. The Sub Committee were pleased to hear that the applicant had passed the appropriate taxi test at the fourth time of asking and that he had taken further driving lessons to enhance the skills required to ensure that he could convey the public of East Devon.

RESOLVED that, Mr V S's Hackney Carriage Drivers application for his licence to be renewed, as, following his passing of the appropriate taxi test, he was considered to be a 'fit and proper' person.

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



Date of Meeting: 07/11/2018

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 grant of a premises licence.	Unit 5 Skyways Exeter Business Park Exeter Devon EX5 2UL	<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 condition:</p> <ol style="list-style-type: none"> 1. If a delivery driver considers the recipient of the alcohol to appear under 25, passport, photo driving licence or Government Approved PASS card will be requested and must be provided evidencing the recipient to be 18 years of age before any alcohol is handed over.
	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

07November 2018