

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 12 December 2018; 9.30am



Members of the Sub Committee will be Councillors:
Steve Hall, Megan Armstrong, Jim Knight.
Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL
[View directions](#)

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Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 4 December 2018

- 1 Minutes for 28 November 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 one item that officers recommend should be dealt with in this way.

Part A Matters for Decision

6 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

7 To determine whether the person named in this report is a fit and proper person to continue to be licensed as a hackney carriage driver Licensing Officer (pages 5 – 27)

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](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 28 November 2018

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

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

The meeting started at 9.30 am and ended at 9.45 am.

- *38 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 November 2018, were confirmed and signed as a true record.
- *39 Declarations of interest
Councillor John O'Leary
Minute *40 and *41
Disclosable Pecuniary Interest – Designated Premises Supervisor.
- *40 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:

Donkey Sanctuary Gift Shop, Slade House Farm, Sidmouth, EX10 0NJ.

Agreed position reached by the parties:

Following mediation the applicant and Devon and Cornwall Police 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. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.
3. Training records will be retained for at least 12 months.

*41 Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary

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The Licensing Officer explained the background to the application and the negotiations that had been carried out.

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Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Le Bistro, Great Houndbeare Farm, Oak Road, Aylesbeare, Exeter, EX5 2DB.

Agreed position reached by the parties:

Following mediation the applicant and Devon and Cornwall Police 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:

Timings

Supply of alcohol – terminal hour amended from 08:00 to 02:30

Late Night Refreshment – terminal hour amended from 05:00 to 03:00

Hours Premises are open to the public – terminal hour amended from 06:00 to 03:00

Amended Conditions

1. The Licence will be restricted to a maximum of 50 residents and bona fide guests, except for when the marquee area it to be used the maximum will be 250 residents and bona fide guests.
2. When there is an event in the marquee area, plans of the marquee and its location within the field will be submitted at least 28 days prior to the event to EDDC Licensing and Environmental Health department and the Police.
3. All outside events will be limited to 20 events a year.
4. External CCTV will be installed operated and maintained to the satisfaction of the Licensing authority and chief Officer of Police.
5. Images will be retained for a minimum of 31 days copies of which will be supplied to the Licensing Authority or Police upon request.
6. The External 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.
7. 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.

Additional Conditions

1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:
 - i. The challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
 - ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the Licence.
 - iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
 - iv. Recognising the signs of drunkenness.
 - v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
 - vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.
3. Training records will be retained for at least 12 months.

Chairman Date