

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 26 August 2015; 11.30am (or upon the rising of the main Licensing & Enforcement Committee)

[Members of the Committee](#)

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

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 19 August 2015



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- 1 Minutes for 19 August 2015 (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.

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 (pages 5-6)**

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, 19 August 2015

Present: Councillors:
Steve Hall (Chairman)(Minutes *5, & 6
and 8 below only)
Pat Graham
Colin Brown(minute *7 & 9 below only)
John O'Leary

Apologies from Non
Members of
the Sub
Committee: Councillor:
Maddy Chapman

Officers: Douglas Jackson – Licensing Officer
(Minute *10 only)
Chris Lane – Democratic Services Officer
Giles Salter – Solicitor
Neil McDonald – Licensing Officer (Minute
*8 only)
Steve Saunders – Licensing Officer
(Minute *8 only)

The meeting started at 9.30 am and ended at 9.50 am.

- *5 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 5 August 2015, were confirmed and signed as a true record.
- *6 Declarations of interest
Councillor Steve Hall
Minute 50
Disclosable Pecuniary Interest – private hire licence holder

Councillor John O'Leary
Minute 13
Disclosable Pecuniary Interest – personal licence holder
- *7 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.

- *8 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 the grant of a premises licence where an agreed position had been reached and all parties had agreed that a hearing was unnecessary. The Chairman and Vice Chairman considered equality impacts when making their decision.

The Licensing Officer explained the background of 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.

Name of premises and address:

The Oddfellows, High Street, Exmouth, Devon, EX8 1NP.

Agreed position reached by the parties:

Following mediation the applicant, the Devon & Cornwall Constabulary and the Council's Environmental Health Service a local Councillor and three residents 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 amendment and conditions:

1. Reduce the hours for licensable activities on a Wednesday and Thursday to 12 midnight with a 12:30am closing time.
2. The balcony will be closed to customers: Sunday – Thursday: 23:00 hours at the latest. Friday, Saturday and Bank Holiday Sundays: 01:30 hours at the latest.
3. The balcony will not be used for the purposes of Regulated Entertainment.
4. The terminal hour for off sales of alcohol will be 23:00 hours every day.
5. Customers will not be permitted into the garden with drinks Sunday – Thursday past 00:30 hours and on Fridays, Saturdays and Bank Holiday Sundays past 01:30 hours.
6. Regulated Entertainment indoors after 23.00 hours will be controlled by a sound limiter. The maximum noise levels will be set in agreement with the East Devon Environmental Health Service and will be reviewed from time to time as appropriate.
7. Door supervisors must be employed from 21:00 hours on a Friday and Saturday night (and on any other night when the premises are open for licensable activities past midnight) until the premises are closed and all customers have left.
8. Door supervisors will be used at a ratio of 1:100, with a minimum of two at any time.

9. A door staff register will be maintained at the premises to include details of date, name, SIA badge number and time on/off duty of all doorstaff.
10. CCTV must be installed, operated and maintained to the satisfaction of the Chief Officer of Police and Licensing Authority, subject to the ICO Code of Practice & relevant Data Protection Laws.
11. CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or Licensing Authority.
12. 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 must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
13. Warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation.
14. All signs must comply with the requirements of relevant Data Protection laws.

*9 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.

*10 Hackney Carriage Vehicle Suitability

Consideration was given to the report of the Licensing Officer which set out the District Council's policy that on initial licensing as a Hackney Carriage a vehicle should be no more than four years old from the date of first registration. Vehicles should not normally be licensed in the case of ordinary cars beyond eight years old and purpose built hackney carriages beyond ten years of age. Members were asked to consider licensing a vehicle as a hackney carriage which was 4 years old on 1 August 2015. The vehicle was in good condition.

RESOLVED that the application to license a Hyundai car registration number BX11HRK as a hackney carriage vehicle, despite falling outside of the criteria required by East Devon District Council by 19 days, be granted as an exception due to its good condition and circumstances surrounding the application, when presented to the Sub Committee for inspection.

Chairman Date

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



Date of Meeting: 26 August 2015

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 Responsible Authority
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.	Broadhembury Memorial Hall, Broadhembury, Honiton, EX14 3NG.	<p>Following mediation the applicant and the Council's Environmental Health Service 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 amendment and conditions:</p> <ol style="list-style-type: none"> 1. Reduce the hours for Live and recorded music on Mondays to Thursdays to end at 12 midnight. 2. The licence holder must control the volume of regulated entertainment taking place at the premises, by the installation of a noise limiter which shall be set by and to the satisfaction of an Environmental Health Officer of East Devon District Council. 3. The licence holder must ensure that all doors and windows are kept closed during periods of regulated entertainment.
	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

26 August 2015