

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 18 July 2018; 9.00am

[Members of the Committee](#)

Members for this Sub Committee: Cllrs

John O’Leary and Geoff Jung

Venue: Committee Room, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 10 July 2018



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- 1 **Minutes for 13 June 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, The Smoked & Uncut Festival, Land adjacent to The Pig at Combe, Gittisham, Honiton, EX14 3AD (pages 4-5).**

- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Donato Ristorante, 8 Victoria Road, Exmouth, EX8 1DL (pages 6-7).**

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, 13 June 2018

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

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

The meeting started at 9.00 am and ended at 9.06 am.

- *8 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 23 May 2018, were confirmed and signed as a true record.
- *9 Declarations of interest
- Councillor John O'Leary
Minute *10
Disclosable Pecuniary Interest – Designated Premises Supervisor
- *10 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:

Le Pisani, 1 Fore Street, Seaton, EX12 2LE.

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 outdoor area to the front of the premises will not be used after 2200 hours.

Chairman Date

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



Date of Meeting: 18/07/2018

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.	Smoked & Uncut Festival, Land Adjacent to The Pig at Combe, Gittisham, Honiton, Devon, EX14 3AD	<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 amendment and additional condition:</p> <ol style="list-style-type: none"> 1. Alcohol sales will cease at 22:30 hrs. 2. A minimum of 6 SIA registered doorstaff will be employed at the event.
	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

18 July 2018

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



Date of Meeting: 18/07/2018

Public Document: Yes

Exemption: None

Agenda item: **Item**

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2. Schedule of Applications

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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"> 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. 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 will 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.
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	