

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 27 January 2016; 9.30am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:
Steve Hall, Colin Brown, John O'Leary.

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 20 January 2016



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- 1 Minutes for 6 January 2016 (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.

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 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)

[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, 6 January 2016 in the Committee Room

Present: Councillors:
Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Apologies: Councillors:
Colin Brown
John O'Leary

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

The meeting started at 9.30 am and ended at 9.35am.

*29 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 16 December 2015, were confirmed and signed as a true record.

- *30 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 Sub Committee 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.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

The Volunteer Inn, Broad Street, Ottery St Mary, Devon, EX11 1BZ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary and the Council's Environmental Health Service had agreed that they consider 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. Withdraw the application for recorded music outside the premises.
2. Amend the premises opening hours to close 30 minutes earlier in all the standard, seasonal and non standard timings requested.
3. No person carrying open vessels containing alcohol will be admitted to the premises.
4. No customers will be permitted to take open vessels containing alcohol from the premises.
5. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.
6. Images will be maintained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police on request.
7. Notices will be on display advising customers CCTV is in operation.
8. The premises will operate a Challenge 21 policy. The only acceptable forms of ID will be passport, photo driving licence, military ID bearing photo and date of birth and government approved pass card.

Chairman Date

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



Date of Meeting: 27 January 2016

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 Authorities & Residents
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.	Rusty Pig Yonder Street, Ottery St Mary, Devon, EX11 1HD.	<p>Following mediation the applicant, the Devon & Cornwall Constabulary and four residents 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 amendments and additional conditions:</p> <ol style="list-style-type: none"> 1. The request for recorded music will be withdrawn from the application. 2. Live music will be restricted to Friday and Saturdays only. 3. On the annual Tar Barrels event we will employ a SIA registered door staff from 6pm until close. On all other occasions when the premises hold an event the Premises Licence Holder or Designated Premises Supervisor will risk assess the need for door staff. 4. On the annual Tar Barrels event the premises will use plastic or toughened glass and all bottles will be decanted. On all other occasions the premises hold an event the Premises Licence Holder or Designated Premises Supervisor will risk assess the need for plastic or toughened glass. 5. 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. 6. The premises will keep an incident book where all incidents, refusals or challenges will be recorded.
	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

27 January 2016