

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 24 August 2016; 11.00am(or upon the rising of the Licensing & Enforcement Committee)

(Councillors Steve Hall (Chairman), Jim Knight (Vice Chairman))

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 16 August 2016



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- 1 Minutes for 27 July 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, 27 July 2016

Attendance list at the end of the document

Please note that no recording was made of this meeting due to technical problems.

The meeting started at 9.30 am and ended at 9.35 am

- *1 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 4 May 2016, were confirmed and signed as a true record.
- *2 Declarations of interest
No declarations of interest were made.
- *3 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.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Unit 3, Colliton Barton, Broadhembury, Devon, EX14 3LJ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary 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 amendments and conditions:

1. The business is an online business only and no members of the public must be able to call at the premises to purchase alcohol.

2. All alcohol must be secured in a locked and alarmed premise.
3. Customers ordering online must be required to enter their date of birth before purchase to prove that they are over 18 years of age.
4. All parcels sent out containing alcohol must be sent out by means of a 'signed delivery' and the person signing to accept delivery must be able to prove their age.
5. All parcels must be labelled to advise that it contains alcohol, and on delivery must not be left with anyone under the age of 18 years. A challenge 25 policy will be in place. If the driver considers the recipient of alcohol appears under 25 then ID will be requested. Suitable ID will be a passport, photo licence or a proof of age card bearing the PASS logo.

Attendance list

Councillors present:

Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Also present:

Councillors
John Dyson
Douglas Hull

Officers present:

Giles Salter, Solicitor
Steve Saunders, Licensing Manager
Diana Vernon, Democratic Services Manager
Emily Westlake, Licensing Officer

Apologies

Councillors:
Brian Bailey
Steve Gazzard

Chairman Date

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



Date of Meeting: 24 August 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 local 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.	Exmouth Country Lodge & Campsite, Maer Lane, Exmouth, Devon, EX8 5DB.	<p>Following mediation the applicant and three local 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:</p> <ol style="list-style-type: none"> 1. Reduce the times for any licensable activities that have been requested to end at 1am to end at 12 midnight and closing times from 1.30 am to 12.30am.
	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

24 August 2016