

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 12 July 2017; 9.30am

[Members of the Committee](#)

Members of the Sub Committee will be Councillors:

Steve Hall, John O'Leary,

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

[View directions](#)

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 4 July 2017



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 Minutes for 7 June 2017 (page 2)
- 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 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Poppys Coffee, 1 Broad Street, Ottery St Mary, Devon, EX11 1BR (Pages 3-4)**

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](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 7 June 2017

Present: Councillors:
Jim Knight (Chairman)
Dean Barrow
John O'Leary

Officers: Giles Salter – Solicitor
Steve Saunders – Licensing Officer
Lesley Carlo – Licensing Officer
Chris Lane – Democratic Services Officer

The meeting started at 9.30 am and ended at 10.00 am.

- *7 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 24 May 2017, were confirmed and signed as a true record.
- *8 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.
- *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 Driver Suitability
Consideration was given to whether an applicant was a fit and proper person to be licensed as a Hackney Carriage Driver. Members considered the Council's policy on medical issues, the overriding duty of the Sub Committee was protection of the public. This application had been initially considered at a meeting on 29 March 2017 and adjourned to enable the applicant to provide further medical information in support of his application.
RESOLVED that, Mr MP's Hackney Carriage Drivers application for a licence be granted as it was considered that he was now a fit and proper person to hold a Hackney Carriage Drivers Licence. The Sub Committee asked that Mr Plume notify the Licensing Authority if his health deteriorated.

Chairman Date



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

Date of Meeting: 12 July 2017

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 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.	Poppys Coffee, 1 Broad Street, Ottery St Mary, Devon, EX11 1BR.	<p>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.</p> <p>The application be approved as submitted subject to the following additional conditions:</p> <ol style="list-style-type: none"> 1. Alcohol will only be served to persons taking table meals at the premises by waiter or waitress service. 2. Staff training shall be recorded and training records shall be made available for inspection upon reasonable request by an authorised officer of a responsible authority. 3. No person carrying open vessels containing alcohol will be admitted to the premises at any time. 4. No customers will be permitted to take open vessels containing alcohol from the premises. 5. The premises will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence and Government approved PASS card.
	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

12 July 2017