

Agenda for Licensing & Enforcement Sub Committee

Wednesday, 25 October 2017; 9.00am

[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 25 September 2017



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- 1 Minutes for 4 October 2017 (page 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, Central Stores, Market Place, Colyton, Devon, EX24 6JR, (Pages 4-6)**
- 7 **Schedule of application for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary, Safar Restaurant, Old Weighbridge House, Woodmead Road, Axminster, Devon, EX13 5PJ. (Pages 7-9)**

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, 4 October 2017

Present: Councillors:
John O'Leary(Chairman)
Geoff Jung

Apologies: Councillor Steve Hall

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

The meeting started at 9.00 am and ended at 9.05 am.

- *26 Minutes
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 20 September 2017, were confirmed and signed as a true record.
- *27 Declaration of interest
Councillor John 'Leary
Minute *28
Disclosable Pecuniary Interest – Personal Licence Holder
- Councillor Geoff Jung
Minute *28
Disclosable Pecuniary Interest – Personal Licence Holder
- *28 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 two applications for grants of premises licences 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 applications 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:

Honiton SF Connect, Turks Head Lane, Honiton, EX14 1BQ.

Agreed position reached by the parties:

Following mediation the applicant, the Devon and Cornwall Constabulary and a local councillor 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. Before commencing the sale of alcohol outside of the hours of 0800 to 2300 the licence holder will undertake a risk assessment a copy of which will be made available to the licensing authority on request.
2. Between the hours of 2300 and 0500 there will be a minimum of two members of staff on duty. In the alternative, if there is only one member of staff on duty between 2300 and 0500 the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.

Schedule:

Type of application:

Application for the grant of a premises licence

Name of premises and address:

Winehub Devon Ltd, 31-32 The Strand, Devon, EX8 1AQ.

Agreed position reached by the parties:

Following mediation the applicant and the Devon and Cornwall Constabulary 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. Alcohol can only be ordered for delivery to a residential or business address and not to a public place.
2. Full address details including postcode must be given when placing an order online for alcohol.
3. At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.
4. All licence conditions pertaining to online sale of alcohol must be part of the terms and conditions which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering.
5. No person carrying open vessels containing alcohol will be admitted to the premises at any time.
6. No customers will be permitted to take open vessels containing alcohol from the premises.
7. Sales of alcohol for consumption on the premises will be limited to no more than 25cl per serving.

Chairman Date

Report to:

Licensing and Enforcement Sub Committee



Date of Meeting: 25 October 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 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 variation of a premises licence.	Central stores Market Place Colyton Devon EX24 6JR.	<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 will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card. 2. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. 3. Images will be retained for a minimum of 21 days copies of which will be supplied to the Licensing Authority or Police upon request. 4. 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 and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 5. All signs must comply with the requirements of the Data Protection Act 2002.
	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

25 October 2017

Report to:

Licensing and Enforcement Sub Committee



Date of Meeting: 25 October 2017

Public Document: Yes

Exemption: None

Agenda item: Item 7

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
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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.	Safar Restaurant Old Weighbridge House Woodmead Road Axminster Devon EX13 5PJ.	<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 will adopt a Challenge 25 policy. The only acceptable forms of ID will be Passport, Photo Driving Licence or Government Approved PASS Card. 2. CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. 3. Images will be retained for a minimum of 14 days copies of which will be supplied to the Licensing Authority or Police upon request. 4. 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 and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book. 5. A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. 6. All signs must comply with the requirements of the Data Protection Act 2002. 7. No customer carrying open vessels containing alcohol will be admitted to the premises at any time.

		8. No customers will be permitted to take open vessels containing alcohol from the premises.
	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

25 October 2017