

# Agenda for Licensing & Enforcement Sub Committee

**Wednesday, 28 November 2018; 9.30am**

[Members of the Committee](#)

**Members for this Sub Committee: Cllrs Steve Hall and John O'Leary**

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

[View directions](#)

**Contact:** [Chris Lane](#), 01395 517544 (or group number 01395 517546): Issued 19 November 2018



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- 1 **Minutes for 7 November 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, Donkey Sanctuary Gift Shop, Slade House, Sidmouth, EX10 0NJ. (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, Le Bistro, Great Houndbeare Farm, Oak Road, Aylesbeare, EX5 2DB. (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)**

[Recording the meeting](#)

[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 November 2018

Present: Councillors:  
Steve Hall (Chairman)  
Geoff Jung

Also Present: Councillor Brian Bailey

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

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

- \*35 Minutes  
The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 17 October 2018, were confirmed and signed as a true record.
- \*36 Declarations of interest  
Councillor Geoff Jung  
Minute \*37  
Disclosable Pecuniary Interest – Designated Premises Supervisor.
- \*37 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:**

Unit 5, Skyways, Exeter Business Park, Exeter, EX5 2UL.

#### **Agreed position reached by the parties:**

Following mediation the applicant and Devon and Cornwall Police 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:

1. If a delivery driver considers the recipient of the alcohol to appear to be under 25, passport photo driving licence or government Approved Pass card will be requested and must be provided evidencing the recipient to be 18 years of age before any alcohol is handed over.

Chairman ..... Date .....

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



**Date of Meeting:** 28/11/2018

**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:** Lesley Barber [lesley.barber@eastdevon.gov.uk](mailto:lesley.barber@eastdevon.gov.uk)

**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.	Donkey Sanctuary Gift Shop Slade House Farm Sidmouth EX10 0NJ	<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 amended and additional conditions:</p> <p><b><u>Amended Condition</u></b></p> <p>Remove 'military ID' from the list of acceptable identification in respect of the Challenge 25 condition offered.</p> <p><b><u>Additional Conditions</u></b></p> <p>1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:</p> <p>i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.</p> <p>ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.</p> <p>iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).</p> <p>iv. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.</p> <p>2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>3. Training records will be retained for at least 12 months.</p>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

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Lesley Barber

Licensing Officer

Licensing Sub Committee

28 November 2018

Report to:

## Licensing and Enforcement Sub Committee



**Date of Meeting:** 28/11/2018

**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:** Lesley Barber [lesley.barber@eastdevon.gov.uk](mailto:lesley.barber@eastdevon.gov.uk)

**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.	Le Bistro Great Houndbeare Farm Oak Road Aylesbeare Exeter EX5 2DB	<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. The application be approved as submitted subject to the following amendments and additional conditions:</p> <p><b><u>Timings</u></b></p> <p>Supply of Alcohol – terminal hour amended from 06:00 to 02:30 Late Night Refreshment – terminal hour amended from 05:00 to 03:00 Hours Premises are open to the public – terminal hour amended from 06:00 to 03:00</p> <p><b><u>Amended Conditions</u></b></p> <ol style="list-style-type: none"> <li>1. The Licence will be restricted to a maximum of 50 residents and bona fide guests, except for when the marquee area is to be used the maximum will be 250 residents and bona fide guests.</li> <li>2. When there is an event in the marquee area, plans of the marquee and its location within the field will be submitted at least 28 days prior to the event to EDDC Licensing and Environmental Health department and the Police.</li> <li>3. All outside events will be limited to 20 events a year.</li> <li>4. External CCTV will be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.</li> <li>5. Images will be retained for a minimum of 31 days copies of which will be supplied to the Licensing Authority or Police upon request.</li> <li>6. The External 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.</li> </ol>



		<p>7. 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.</p> <p><b><u>Additional Conditions</u></b></p> <p>1. All staff engaged in licensable activity at the premises will receive training and information in relation to the following:</p> <p>i. The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.</p> <p>ii. The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.</p> <p>iii. How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).</p> <p>iv. Recognising the signs of drunkenness.</p> <p>v. The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.</p> <p>vi. Action to be taken in the event of an emergency, including reporting an incident to the emergency services.</p> <p>2. Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 12 month intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.</p> <p>3. Training records will be retained for at least 12 months.</p>
	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Lesley Barber

Licensing Officer

Licensing Sub Committee

28 November 2018