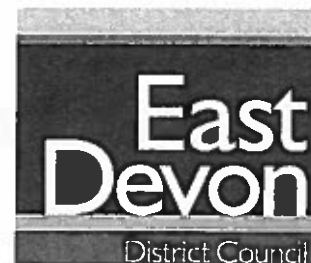


Date: 22 November 2010  
Contact number: (01395) 517544  
E-mail: [clane@eastdevon.gov.uk](mailto:clane@eastdevon.gov.uk)  
Our Reference: Chris Lane  
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To: Members of the Licensing & Enforcement Sub-Committee  
(Councillors: Chris Gibbings, David Atkins, Roger Boote)

Licensing Officer

Dear Sir/Madam

**Licensing & Enforcement Sub-Committee, Tuesday 30 November 2010 at 9.30am**

The Licensing & Enforcement Sub Committee meeting will take place in the Council Chamber, Knowle, Sidmouth, to consider the matters detailed on this agenda.

**Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. 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).**

**A G E N D A**

Page/s

1. To confirm the minutes of the meetings of the Licensing and Enforcement Sub Committee held on 2 November 2010. 4 – 6
2. To receive any apologies for absence from Members of the Sub Committee.
3. To receive any declarations of interests relating to items on the agenda.
4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances.

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).

**PART A**

**MATTERS FOR DECISION**

5. To agree any items to be dealt with after the public (including the press) have been excluded. (Items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

## PART A

### MATTERS FOR DECISION

Pages

6. The Vice Chairman of the Sub Committee to move the following:- 7
- “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 (Part B)”.

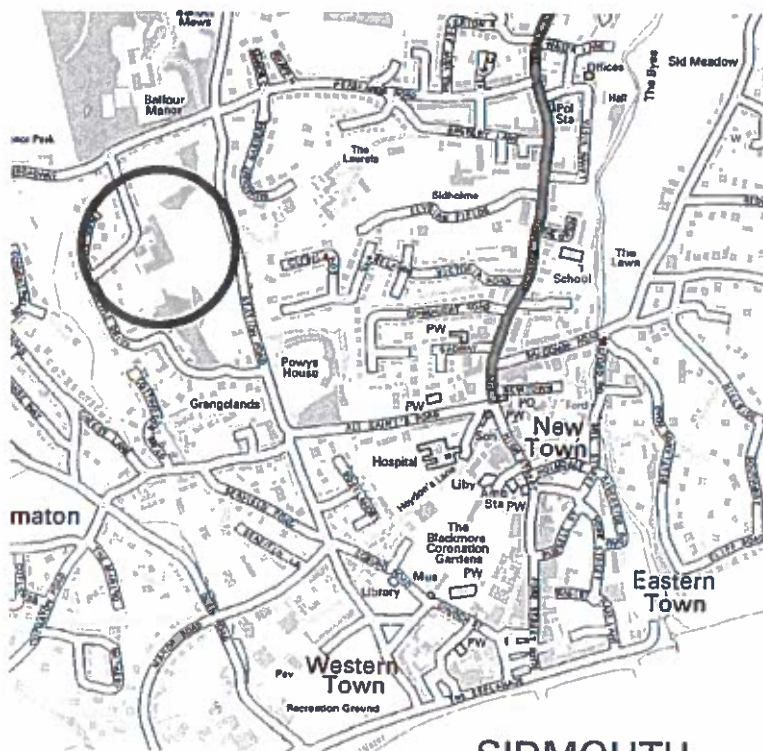
## PART B

### MATTERS FOR DECISION – EXEMPT INFORMATION

7. Hackney Carriage Drivers Licence      Para 3, Schedule 12A      Licensing Officer      8 - 12
- Information relating to the financial or business affairs of any particular person.

### **Members Remember!**

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.



### **Getting to the Meeting – for the benefit of visitors**

The entrance to the Council Offices is located on Station Road, Sidmouth.

**Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road:  
**From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

**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 Tuesday, 2 November 2010

**Present:** Councillors:  
Chris Gibbings (Chairman)  
Steve Hall (Vice Chairman)

Francis Newth (minute no \*25 only)  
Ken Potter

**Officers:** Douglas Jackson – Licensing Officer  
Chris Lane – Democratic Services Officer  
Giles Salter – Assistant Solicitor  
Neil McDonald – Licensing Officer

The meeting started at 9.30 am and ended at 10.35 am.

### \*19 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 7 September 2010, were confirmed and signed as a true record.

### \*20 Declarations of interest

Councillor/ Officer	Agenda Item	Type of interest	Nature of interest
Councillor Steve Hall	25 – Hackney Carriage Drivers Licence.	Personal & Prejudicial and left the room during discussion of this item.	Had known the applicant for a number of years.
Councillor John Humphreys	25 – Hackney Carriage Drivers Licence.	Personal & Prejudicial and left the room during discussion of this item.	Had known the applicant.

### \*21 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.

### \*22 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary

Consideration was given to the report of the Licensing Officer which set out a schedule of applications for Sub Committee approval where an agreed position had been reached and all parties had agreed that a hearing was unnecessary.

\*22 **Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary**

The Licensing Officer explained the background of the application and the negotiations carried out.

**RESOLVED** that the application be granted as below, subject to the agreed positions set out in the schedule and any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Royal British Legion (Honiton) Club Ltd, 51 Dowell Street, Honiton, Devon EX14 1NB.	<p>Following mediation the applicant and the Councils Environmental Health service 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:</p> <ol style="list-style-type: none"> <li>1. All internal and external doors and windows must be kept closed at all times during regulated entertainment except where being used for access and egress. Only the doors into the main entrance foyer shall be used for access and egress into the building during such entertainment.</li> <li>2. A senior member of staff must assess the noise level at the facade of the nearest residential premises at the start of regulated entertainment and periodically during the event to establish whether music or bass noise is audible. If music or bass noise is audible then steps must be taken to reduce the level accordingly, and to maintain the lower level throughout the event.</li> </ol>
Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003		
Application for the Variation of a premises licence to be granted	The Grapevine 2 Victoria Road, Exmouth EX8 1DL	<p>Following mediation the applicant and the Devon &amp; 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:</p> <ol style="list-style-type: none"> <li>1. The non-standard timings for all licensable activities and opening hours to be amended to "From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day."</li> </ol>
<b>Recommend</b>	Recommend approval of application subject to the amended	

<b>dation</b>	operating schedule and the relevant mandatory conditions of the Licensing Act 2003
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**\*23 Private Hire Vehicle Suitability**

Consideration was given to the report of the Licensing Officer in respect of an application received to licence a vehicle as a Private Hire vehicle, which was 12.5 years old. It was the District Council's policy to require all vehicles to be licensed as a Private Hire vehicle to be not more than four years old when initially licenced by the Council. Members noted some minor concerns over the condition of the bodywork of the vehicle, but it was felt that any future problems would be highlighted by the required 6 monthly MOT and compliance test.

**RESOLVED** that the application to license a private hire vehicle that fell outside of the criteria as required by the East Devon District Council be agreed and an exception be made to the District Council's policy in this case.

**\*24 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.

**\*25 Hackney Carriage Driver's Licence Application**

(Minute no \*16 of 2 August 2010 refers)

Consideration was given to whether an existing Hackney Carriage Driver was a fit and proper person to be relicensed as Hackney Carriage driver. Members heard detailed evidence of alleged offences committed by the Hackney Carriage Driver from the Police Officer present at the Hearing. Members gave detailed and lengthy consideration to the case presented by both the Police Officer present and the applicant who had also spoken at the meeting.

**RESOLVED** that Mr CED's Hackney Carriage Driver Licence be renewed and suspended for 28 days and in the interests of public safety the suspension commences from when the notice is served on him, and that it is monitored in conjunction with police investigations so as to minimise any unnecessary suspension time.

This decision does not affect Mr CED's right to appeal to a Magistrates Court, but means that the suspension is immediate on service of the notice.

(Councillors Steve Hall and John Humphreys withdrew from the meeting as they had declared a personal and prejudicial interest in this item as they knew the applicant and left the Chamber and took no part in the debate or voting. Councillor Francis Newth as a member of the Licensing & Enforcement Committee took their place for decision on this application).

In reaching these decisions the Licensing & Enforcement Sub Committee had regard to the Human Rights Act 1998 and in particular, Article 6.

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

Exclusion of the Public

The Vice Chairman of the Committee to move the following:-

“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(s) set out on the agenda is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”

