



**Agenda for Licensing and Enforcement Sub Committee**  
**Wednesday, 30th January, 2019, 9.00 am**

**Members of Licensing and Enforcement Sub Committee**  
Councillors: C Brown, S Hall and B de Saram

**Venue:** Blackdown House, Honiton

**Contact:** Christopher Lane;  
01395 517544; email: [clane@eastdevon.gov.uk](mailto:clane@eastdevon.gov.uk)  
(or group number 01395 517546)  
Wednesday, 23 January 2019

East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX14 1EJ

DX 48808 HONITON

Tel: 01395 516551  
Fax: 01395 517507

[www.eastdevon.gov.uk](http://www.eastdevon.gov.uk)

- 1 Minutes of the previous meeting (Page 3)
- 2 Apologies
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Matters of urgency  
Information on [matters of urgency](#) is available online
- 5 Confidential/exempt items  
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

**Part A Matters for Decision**

- 6 Schedule of application for Sub Committee (Pages 4 - 6)

**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**

**Minutes of a Meeting of the Licensing & Enforcement Sub-Committee held at Knowle, Sidmouth on Wednesday, 9 January 2019**

**Present:** Councillors:  
Steve Hall (Chairman)  
Colin Brown  
Bruce De Saram

**Also Present:** Councillor Brian Bailey

**Officers:** Giles Salter – Solicitor  
Lesley Barber – Licensing Officer  
Sue Howl – Democratic Services Manager

The meeting started at 9.30 am and ended at 10.40 am.

\*49 **Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 19 December 2018, will be confirmed and signed at the next meeting.

\*50 **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.

\*51 **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.

\*52 **Hackney Carriage Driver Suitability**

Consideration was given to whether a new applicant was a fit and proper person to be licensed as a Hackney Carriage Driver.

Members considered the Council’s policy on all issues, the overriding duty of the Sub Committee was protection of the public.

**RESOLVED** that, Mr CJG’s Hackney Carriage Drivers application for his licence be deferred, pending receipt of further information by the Sub-Committee.

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



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

Date of Meeting: 30/01/2019

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 application  
 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
<p>Application for the grant of a time limited premises licence.</p>	<p>Exmouth Festival, Imperial Recreation Ground, Royal Avenue, Exmouth, Devon. EX8 1DG</p>	<p>Following mediation an agreement has been reached between the applicant (Exmouth Town Council) and Devon &amp; Cornwall Police. Both parties consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application to be approved as submitted, subject to the following additional conditions:</p> <p><b><u>Additional Conditions</u></b></p> <ol style="list-style-type: none"> <li>1. The Licence holder will comply with the EMP throughout the event as submitted to and approved by the Safety Advisory Group and the Licensing Authority</li> <li>2. The final draft of the EMP will be submitted to the Safety Advisory Group one month prior to the event taking place.</li> <li>3. 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.</li> <li>4. SIA registered door staff will be employed at the event in such numbers and times agreed with the Police prior to the event taking place. Security schedules will be listed in the EMP.</li> <li>5. All drinks served at the bar will be served in Plastic/polycarbonate or toughened glass.</li> <li>6. An incident log shall be kept and maintained at the premises, which will include a log of the following: <ul style="list-style-type: none"> <li>) Any incidents of disorder or of a violent or anti-social nature</li> <li>) Any crimes at the venue</li> <li>) All ejections of patrons</li> <li>) Seizures of drugs or offensive weapons</li> </ul> </li> </ol>

		<p>7. All refused sales will be recorded and to include the following:</p> <ul style="list-style-type: none"> <li>) Date and time of the refusal</li> <li>) The reason for the refusal</li> <li>) Details of the person refusing the sale</li> <li>) Description of the customer</li> <li>) Any other relevant observations</li> </ul>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Lesley Barber  
Licensing Officer

Licensing Sub Committee  
30 January 2018