



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

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
Application for the grant of a time limited premises licence.	Exmouth Festival, Imperial Recreation Ground, Royal Avenue, Exmouth, Devon. EX8 1DG	<p>Following mediation an agreement has been reached between the applicant (Exmouth Town Council) and Devon & 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><u>Additional Conditions</u></p> <ol style="list-style-type: none"> 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 2. The final draft of the EMP will be submitted to the Safety Advisory Group one month prior to the event taking place. 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. 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. 5. All drinks served at the bar will be served in Plastic/polycarbonate or toughened glass. 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">) Any incidents of disorder or of a violent or anti-social nature) Any crimes at the venue) All ejections of patrons) Seizures of drugs or offensive weapons

		<p>7. All refused sales will be recorded and to include the following:</p> <ul style="list-style-type: none">) Date and time of the refusal) The reason for the refusal) Details of the person refusing the sale) Description of the customer) Any other relevant observations
	<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