Date:

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To: Members of the Licensing & Enforcement Sub-Committee (Councillors: Steve Hall, Roger Boote)

Licensing Officer **Assistant Solicitor**

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 14 June 2011 at 11.00am (or upon the rising of the Licensing & Enforcement Committee)

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).

AGENDA

3 - 5 To confirm the minutes of the meetings of the Licensing and Enforcement Sub-1. Committee held on 31 May 2011.

- To receive any apologies for absence from Members of the Sub Committee. 2.
- To receive any declarations of interests relating to items on the agenda. 3.
- To consider any items which in the opinion of the Chairman should be dealt with as 4. 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).

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

Licensing Officer

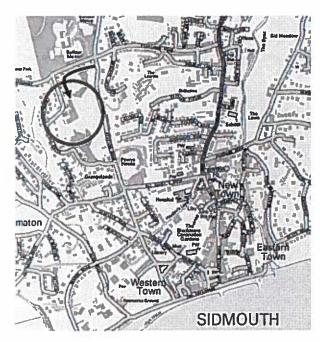
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Members Remember!

- 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, 31 May 2011

Present:

Councillors:

Steve Hall (Chairman)
Jim Knight (Vice Chairman)

Ken Potter

Also present:

Councillor:

Tom Wright

Officers:

Chris Lane - Democratic Services Officer

Giles Salter – Assistant Solicitor Neil McDonald – Licensing Officer John Tippin Licensing Manager

The meeting started at 9.30 am and ended at 9.40 am.

*1 Minutes

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 3 May 2011 were confirmed and signed as a true record.

*2 Application for Review of a Premises Licence under the Licensing Act 2003 – Fat Jax, 8 Victoria Road, Exmouth

Members noted that following information received from the Devon & Cornwall Constabulary, their request for a review of premises licence for Fat Jax, 8 Victoria Road, Exmouth had been withdrawn. The issues that the Police had raised concerns about had been satisfactorily dealt with through a Minor Variation which came into effect on Friday 27 May 2011.

*3 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.

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

*3 Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary (Cont)

RESOLVED

that the applications 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	Name of	Agreed position reached by the parties		
Application	premises and	- 3. To a position reached by the parties		
Application for a premises licence to be granted	address The Redwing Inn, Church Road, Lympstone, Devon, EX8 5JT.	Following mediation the applicant and the Council's Environmental Health service 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 addition of the following conditions		
		Music or any amplified sound from the premises shall not be audible at or within the site boundary of any residential property (that is not under the control of the applicant)		
		2. To install a noise limiter on each floor and the levels must be set by an Environmental Health Officer for Pollution from East Devon District Council.		
		3. A designated area must be allocated for the provision of smoking outside the building to the satisfaction of the Environmental Health Officer for Pollution from East Devon District Council.		
	Recommend appro	oval of application subject to the amended operating		
Application for a premises licence to be granted.	Lyme Bay Auctions Ltd, Harepath Road, Seaton, Devon, Schedule and the relevant mandatory conditions of the Licensing Advantage and the Devon Cornwall Constabulary have agreed that they con a hearing to be unnecessary if the following agree position is approved.			
be granted.	EX12 2SX.	The application be approved as submitted subject to the addition of the following conditions		
		CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.		
		 CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second. 		
		3. The CCTV system must be operational at all		

	warm.	
		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.
		4. 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 sited on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.
	Recommend appr schedule and the	oval of application subject to the amended operating relevant mandatory conditions of the Licensing Act 2003
Application for a premises licence to be granted	or a and Restaurant, 11 Tower Street, icence to Exmouth,	Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.
be granted	LAO IIVI.	 Reduce times for supply of alcohol from 0030 to midnight on all days. Reduce the time the premises are open to the public from 0100 to 0030 on all days.
		oval of application subject to the amended e and the relevant mandatory conditions of the

Chairman	Date	

Agenda Item 5

Licensing Sub Committee

14 June 2011

NMcD



Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Summary

The report details these applications.

Recommendation

That this 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.

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

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 a premises licence to be granted	Avanti, 3 High Street, Exmouth, EX8 1NN	Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.		
		The application be approved as su to the addition of the following cond		
		/ li a	Membership of the Local Licensees Association must be maintained and the icence holder or their representative must attend meetings and participate in all relevant initiatives.	
		C	No person carrying open or sealed bottles or glasses will be admitted to the premises at any time.	
		C	No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.	
		t c	The licence holder or people authorised by hem must check the premises prior to its opening to the public in order to ensure here are no risks to patrons and that all safety precautions are in place.	
		8	The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.	
		8	The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.	
		t	All bottles and glasses and rubbish must be removed from the public areas on a regular and frequent basis.	

8. The licence holder must ensure that staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.
Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- □ The relevant licensing applications
- Representation received from Responsible Authority
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

14 June 2011