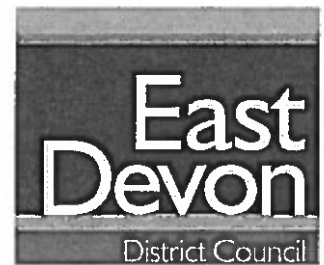


Date: 6 June 2011  
Contact number: (01395) 517544  
E-mail: [clane@eastdevon.gov.uk](mailto:clane@eastdevon.gov.uk)  
Our Reference: Chris Lane  
Your Reference: -



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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).

**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 31 May 2011.   | 3 - 5                   |
| 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.  |                         |
| <p>(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).</p> |                         |
| 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 6 - 8 |



# **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 Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	The Redwing Inn, Church Road, Lympstone, Devon, EX8 5JT.	<p>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.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> <li>1. 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)</li> <li>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.</li> <li>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.</li> </ol>
<b>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</b>		
Application for a premises licence to be granted.	Lyme Bay Auctions Ltd, Harepath Road, Seaton, Devon, EX12 2SX.	<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 the addition of the following conditions</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. The CCTV system must be operational at all</li> </ol>

		<p>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.</p> <p>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.</p>
<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>		
<p>Application for a premises licence to be granted</p>	<p>Michael's Cafe and Restaurant, 11 Tower Street, Exmouth, EX8 1NT.</p>	<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> <ol style="list-style-type: none"> <li>1. Reduce times for supply of alcohol from 0030 to midnight on all days.</li> <li>2. Reduce the time the premises are open to the public from 0100 to 0030 on all days.</li> </ol>
<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>		

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.

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## 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	<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 the addition of the following conditions:</p> <ol style="list-style-type: none"> <li>1. Membership of the Local Licensees Association must be maintained and the licence holder or their representative must attend meetings and participate in all relevant initiatives.</li> <li>2. No person carrying open or sealed bottles or glasses will be admitted to the premises at any time.</li> <li>3. No customers will be permitted to take open containers of alcoholic or soft drinks from the premises.</li> <li>4. The licence holder or people authorised by them must check the premises prior to its opening to the public in order to ensure there are no risks to patrons and that all safety precautions are in place.</li> <li>5. The licence holder must ensure that all staff receive appropriate training regarding emergency and general safety precautions and procedures.</li> <li>6. The licence holder must ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.</li> <li>7. All bottles and glasses and rubbish must be removed from the public areas on a regular and frequent basis.</li> </ol>

		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

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Neil McDonald Ext.2079

Licensing Officer

Licensing Sub Committee

14 June 2011