

Date: 13 May 2009
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To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Graham Godbeer and Chris Gibblings)
Remaining members of the Licensing and Enforcement Committee
for information)

Head of Legal, Licensing & Democratic Services – For Information
Senior Licensing Officer
Assistant Solicitor
All parties to the hearing

Meeting of the Licensing & Enforcement Sub-Committee

Wednesday 20 May 2009 at 4.30pm Council Chamber, Knowle, Sidmouth

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).

Visitors please note that the doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time.

A G E N D A

Page/s

- 1 To receive any apologies for absence from Members of the Sub Committee.
- 2 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).

- 3 To agree any items to be dealt with after the public (including the press) have been excluded. (There are no items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

Agenda Item 4

Licensing Sub Committee

20 May 2009

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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 positions 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 the grant of a premises licence | Fair Field, Green Bridge, Colyton | 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 licence to time limited to 6 June 2009 to 7 June 2009. The hours that the premises will be open to the public to be 10.00 am to 11.30 pm The proposed operating schedule be replaced with an Event Safety Management Plan. |
| Recommendation | Recommend approval of application subject to the amended operating schedule | |

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing application
- Representations received from Interested Parties & Responsible Authorities
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Ian Carter Ext.2080

Senior Licensing Officer

Licensing Sub Committee

20 May 2009