Date:

13 May 2009 (01395) 571518 Contact number:

E-mail:

clane@eastdevon.gov.uk

Our Reference:

Chris Lane

Your Reference:

East Devon District Council Knowle Sidmouth Devon EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551 Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Licensing & Enforcement Sub-Committee (Councillors: Graham Godbeer and Chris Glbblngs) Remaining members of the Licensing and Enforcement Committee for information)

Head of Legal, Licensing & Democratic Services – For Information Senior Licensing Officer **Assistant Soilcitor** 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.

AGENDA

Page/s

- To receive any apologies for absence from Members of the Sub Committee. 1
- To consider any items which in the opinion of the Chairman should be dealt with as 2 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).
- To agree any items to be dealt with after the public (including the press) have been 3 excluded. (There are no items which the Officers recommend should be dealt with In this way are shown under Part B of the agenda).

Licensing Manager

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

3 - 4

Members Remember!

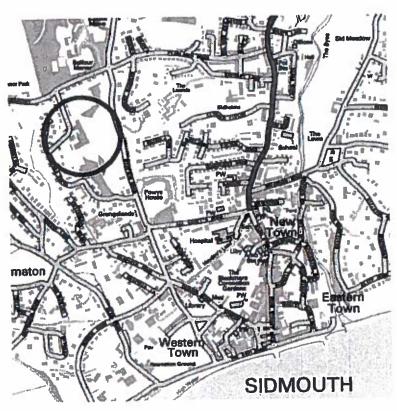
You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.

Make sure you say the reason for your interest as this has to be included in the minutes.

u 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 - 340 (Railway Station), 387 (Town Centre) From Seaton - 52A, 899 From Ottery St Mary - 382, 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 con contact the Democratic Services Team on 01395 517546

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

lan Carter Ext.2080

Licensing Sub Committee

Senior Licensing Officer

20 May 2009