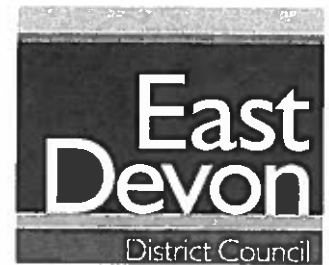


Date: 12 January 2010
Contact number: (01395) 571544
E-mail: clane@eastdevon.gov.uk
Our Reference: Christopher Lane
Your Reference: CL



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

Senior Licensing Officer
Assistant Solicitor
All parties to the hearing

East Devon District Council
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Meeting of the Licensing & Enforcement Sub-Committee

Tuesday 19 January 2010 at 9.30 am 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). Visitor car parking is available at the top of the drive outside the main reception area.

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 the minutes of the meetings held on 15 December 2009. 3 - 4
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.

(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. 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).

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

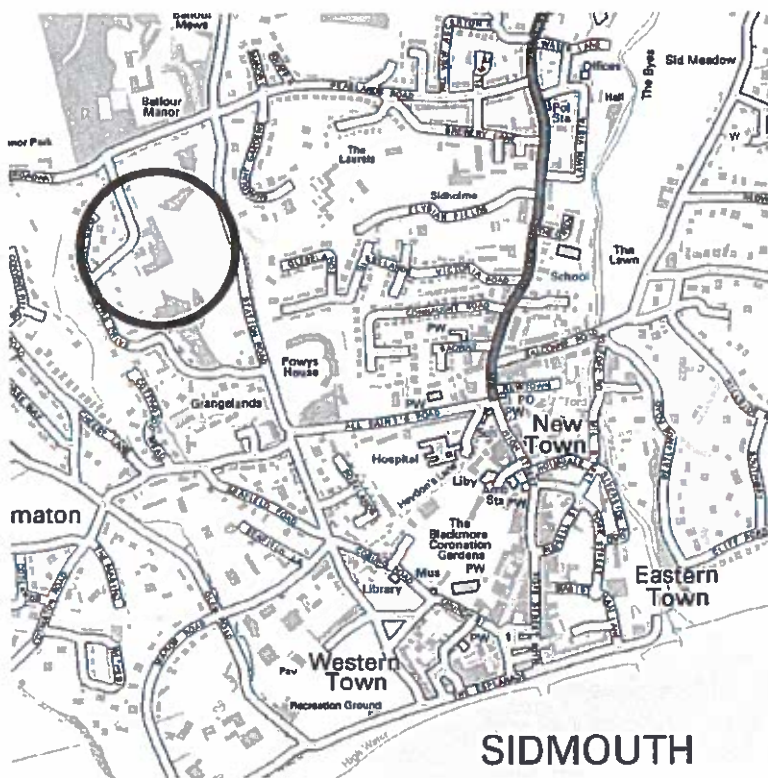
Senior Licensing Officer

5 - 6

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 Popleford – 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, 15 December 2009

- Present:** Councillors:
Graham Godbeer (Chairman)
David Atkins
Steve Hall
- Officers:** Douglas Jackson – Licensing Officer
Chris Lane – Democratic Services Officer
Giles Salter – Assistant Solicitor
John Tippin – Licensing Manager
- Also Present:** Councillors:
Marion Olive
- Apology:** Councillor:
Pat Graham

The meeting started at 9.30 am and ended at 11.10 am.

***15 Minutes**

The minutes of the meeting of the Licensing and Enforcement Sub-Committee held on 20 October 2009, were confirmed and signed as a true record.

***16 Exempt Information**

RESOLVED that the classification given to the documents to be submitted to the Sub-Committee be confirmed and that the report relating to exempt information be dealt with under Part B of the agenda.

***17 House to House Collection Application Intersecond/Do Not Delay (Breast Cancer Prevention Programme)**

The Sub-Committee gave consideration to the application for a house to house collection licence from Raimondas Biguzas of Intersecond Ltd on behalf of Do Not Delay, a cancer prevention programme registered in Lithuania. The application was for the collection to take place over the whole of the District.

Members expressed concern about the amount of items that could be collected and the low level of receipts that went to the Do Not Delay (Breast Cancer Prevention Programme) in Lithuania, which was not registered as a charity. Concern was also expressed over the standard of accounts presented to the Sub Committee.

***17 House to House Collection Application Intersecond/Do Not Delay (Breast Cancer Prevention Programme) (Cont'd)**

RESOLVED that the application from Intersecond/Do Not Delay (Breast Cancer Prevention Programme) for a House to House Collection licence for East Devon be refused due to the following reasons:

1. The amount to be applied to charitable purposes is inadequate in proportion to the total likely to be collected;
2. In relation to the total amount collected an excessive remuneration is likely to be paid to a person or persons;
3. The applicant or holder of a licence has not given the Council such information as the authority reasonably required for the purpose of informing themselves of any other matters.

***18 Exclusion of the Public**

RESOLVED that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session.

***19 Hackney Carriage Driver's Licence Applications**

Consideration was given to whether two applicants were fit and proper persons to be licensed as Hackney Carriage drivers.

- RESOLVED**
- (1) that Mrs JEP's application for a Hackney Carriage Driver's Licence be refused as she does not meet Group 2 Medical Standards of fitness to drive as adopted by the Council on 13 June 1996;
 - (2) that Mr IDG be allowed to retain his Hackney Carriage Driver's Licence.

In reaching these decisions the Licensing & Enforcement Sub Committee had regard to the Human Rights Act 1998 and in particular, Article 6.

Chairman Date

Agenda Item 6

Licensing Sub Committee

19 January 2010

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 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 variation of a premises licence	The Q Club Elm Grove Exmouth	<p>Following mediation the applicants and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The existing digital CCTV system will be extended to cover the new bar area and data to be kept for fourteen (14) days. Should the equipment become inoperative the Police and Licensing Authority must be informed within seven (7) days and immediate steps to be taken to restore the equipment to full working order.</p> <p>Suitable doorstaff must be employed when licensable activities are taking place from when the premises are opened until 30 minutes after the premises close. A minimum of one doorstaff to be employed on the entrance with a ratio of 1:75 inside.</p>
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 Responsible Authorities
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Neil McDonald Ext.2709

Licensing Officer

Licensing Sub Committee

19 January 2010





