

Date: 14 April 2009  
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To: Members of the Licensing & Enforcement Sub-Committee  
(Councillors: Graham Goddbeer and Steve Hall)  
Remaining members of the Licensing and Enforcement Committee  
for information)

Head of Legal, Licensing & Democratic Services – For Information  
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## Meeting of the Licensing & Enforcement Sub-Committee

**Tuesday 21 April 2009 at 9.00am 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).

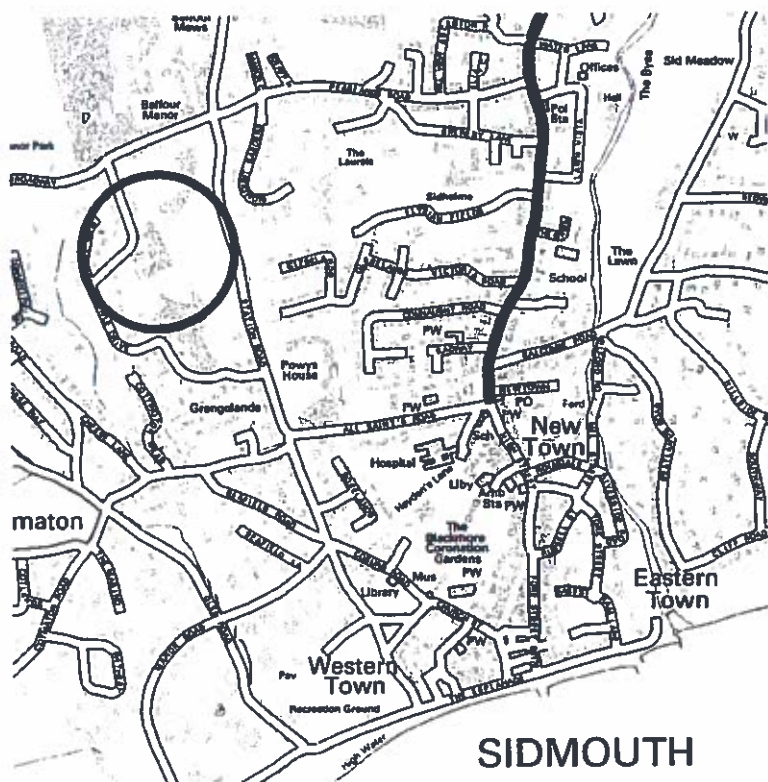
Pages

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

**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 – 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 contact the Democratic Services Team on 01395 517546**

## **Agenda Item 4**

**Licensing Sub Committee**

**21 April 2009**

**IC**

**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.

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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 the grant of a new premises licence	Londis Convenience Store. 1-2 The Strand, Exmouth.	Following mediation the applicants, the Devon & Cornwall Constabulary and the three interested parties have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.  The proposed permitted hours for the sale of alcohol to terminate at 11.00 pm and the proposed permitted hours for the provision of late night refreshment to terminate at 3.00 am.
<b>Recommendation</b>	Recommend approval of application subject to the amended timings, the offered operating schedule and the Mandatory Conditions of the Licensing Act 2003.	

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### 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

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Ian Carter Ext.2080

Senior Licensing Officer

Licensing Sub Committee

21 April 2009