

## **Agenda Item 5**

**Licensing Sub Committee**

**8 July 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.

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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 premises licence	Sidholme Hotel, Elysian Fields, Sidmouth, EX10 8UJ	Following mediation the applicant and the Interested Parties have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.  The proposed operating schedule be amended to include the following conditions.  <ol style="list-style-type: none"><li>1. Prominent, legible notices requesting people to leave the premises and the area quietly must be displayed at all exists.</li><li>2. The licence holder must ensure that when functions are taking place at the premises staff regularly patrol the premises both indoors and out to supervise the orderly conduct of patrons.</li></ol>
<b>Recommendation</b>	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

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Licensing Sub Committee

Senior Licensing Officer

8 July 2009