

Agenda Item

Licensing & Enforcement Committee

9 June 2008

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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 these applications 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 a premises licence to be granted	Budleigh Salterton Croquet Club, West Field Close, Budleigh Salterton.	Following mediation the applicant and the Police have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the reduction of the proposed terminal hours for all licensable activities and opening hours at the premises to Midnight (1.00 am on New Years Eve) in the Clubhouse and 10.00 pm in the Pavilion.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Type of Application	Name of premises and address	Agreed position reached by the parties
Application to vary a premises licence	Vault Bar, Marine Place, Seaton.	Following mediation the applicant and the Police have agreed that they consider a hearing to be unnecessary if the following agreed position is approved. The application be approved as submitted subject to the amendment of the operating schedule to include additional conditions regarding doorstaff and the use of toughened glass.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing applications
- 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

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