

Agenda Item

Licensing Sub Committee

16 June 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 the 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 a premises licence to be granted	East Devon Tennis Centre, Exmouth	<p>Following mediation the applicant and East Devon District Council's Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the operating schedule being amended to include the following conditions:</p> <ol style="list-style-type: none"> 1. No music or amplified sound to be played except within the fitness suite and bar area and then not later than 21.00 hours on any day of the year unless the applicant has first submitted a comprehensive noise report detailing noise containment and materials to be used to acoustically insulate the licensed premises, and a noise limiter installed in each room and the levels to be set by an Environment Health Officer for Pollution from East Devon District Council. 2. The designated smoking area to be the small patio immediately adjoining the fitness suite (this applies now under the existing provisions for use of the building) 3. Customers will be asked not to stand around talking in the street outside the premise or car park and will be asked to leave the vicinity quickly and quietly 4. Suitable signage will be displayed at the patio entrance requesting patrons to respect the amenities of local residents (There are no garden areas within the control of the applicant) 5. An announcement will be made prior to closing requesting patrons co-operation in leaving the premises and vicinity as quietly and quickly as possible
	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

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Licensing Sub Committee

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