

Agenda Item 5

Licensing Sub Committee

23 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	Escot Park – Beautiful Days	<p>Following mediation the applicant and the 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 inclusion within the operating schedule of the Noise Management Statement Version 2</p>
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	
Application to vary a premises licence.	Samanthas, Exmouth	<p>Following mediation the applicant and the Police 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 inclusion within the operating schedule of an additional condition</p> <ol style="list-style-type: none"> 1. The Licensing Authority and Devon & Cornwall Constabulary (Licensing Officer) must be notified in writing, at least 21 days prior to the commencement of the event, of any Boxing or Wrestling events to be held at the premises.
Recommendation	Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003	
Application for a premises licence to be granted	Liverton Copse Social Club, Exmouth	<p>Following mediation the applicant and the Police 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 demarcation of the external drinking area and the inclusion within the operating schedule of two additional conditions.</p> <ol style="list-style-type: none"> 1. Customers must not be permitted to take open containers of drink outdoors after 9.00 pm. 2. Where drinks are going to be consumed in outdoor areas they must be served in plastic or 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

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Licensing Sub Committee

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