

Agenda Item: 07

Licensing Sub Committee

11 August 2009

NMcD

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.

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 variation of a premises licence	Axminster Guildhall, West Street, Axminster	<p>Following mediation the applicant and the Devon & Cornwall Constabulary have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>Section P to be withdrawn (original conditions to remain attached to licence with conditions 1 and 2 removed).</p> <p>Add C.C.T.V. conditions as follows: -</p> <p>C.C.T.V. to be installed operated and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police.</p> <p>C.C.T.V. recordings must be maintained for a period of 14 days or for a period of time to be agreed in writing by the Licensing Authority.</p> <p>If the C.C.T.V. equipment is inoperative the Licensing Authority must be informed within 7 days and immediate steps to be taken to restore the equipment to full working order.</p> <p>A notice must be displayed at the entrance to the premises advising that C.C.T.V. is in operation.</p> <p>Update proof of age policy by incorporating conditions 8 and 14 plus :-</p> <ol style="list-style-type: none"> 1. A due diligence system will be in place to ensure persons under 18 will not be sold alcohol. 2. The premises will operate a 'challenge 21' policy whereby persons who appear to be under 21 will be asked to provide valid proof of age before they are sold alcohol e.g. passport, photo driving licence, PASS proof of age card. No alcohol will be sold without such proof of age. 3. Notices will be displayed in the premises about the 'challenge 21' scheme. 4. Staff will be trained on induction and regularly thereafter in the premises' due diligence system. 5. There will be signs at the bar stating 'no under 18's at the bar'.
Recommendation	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

Licensing Officer

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