

LICENSING AND REGULATORY SUB-COMMITTEE

MONDAY, 3 APRIL 2023

Present:

Councillors D Cox, Kerswell, J Petherick

Officers in Attendance:

Head of Legal Services

Licensing Officer

Legal Assistant

41. APOLOGIES

None.

42. ELECTION OF CHAIR

It was proposed by Cllr J Petherick, seconded by Cllr Kerswell and

RESOLVED that Cllr D Cox be elected Chair for the duration of the meeting.

43. DECLARATIONS OF INTEREST (IF ANY)

None.

44. MINUTES

The Minutes of the meeting held on the 6 March 2023, were approved as a correct record and signed by the Chair.

45. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

46. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - CV11 AXN

The Licensing and Regulatory Sub-Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Ford Mondeo vehicle registration CV11 AXN.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 28

March 2024, with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 31 March 2023.

The Sub-Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the 12 month Hackney Carriage Vehicle Licence Extension as detailed in the report with 4 monthly vehicle inspections due to the age of the vehicle.

47. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - FY61 XHR

The Licensing and Regulatory Sub-Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Skoda Octavia vehicle registration FY61 XHR.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 3 October 2023, with one advisory. The Sub-Committee were informed that the vehicle failed its annual taxi inspection test on 28 March 2023 due to a lack of tariff card and was due to be retested on the afternoon of the 3 April 2023.

The Sub-Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the 12 month Hackney Carriage Vehicle Licence Extension as detailed in the report with 4 monthly vehicle inspections due to the age of the vehicle and subject to the vehicle passing the retest and all paperwork being provided to the licensing officer.

48. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - RE11 KFJ

The Licensing and Regulatory Sub-Committee considered an application for a Hackney Carriage Vehicle Licence Extension for a Ford Transit vehicle registration RE11 KFJ.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 21 February 2024, with nine advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 30 March 2023. The Licensing Officer confirmed that it must be assumed that all MOT issues must have been fixed as the vehicle had passed the Depot test.

The Sub-Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the 12 month Hackney Carriage Vehicle Licence Extension as detailed in the report with 4 monthly vehicle inspections due to the age of the vehicle and subject to the Licensing Officer being satisfied that all MOT advisories had been fixed.

49. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - FH68 BMZ

The Licensing and Regulatory Sub-Committee considered an application to display a small plate for a Skoda Kodiaq, vehicle registration FH68 BMZ.

The Sub-Committee considered photos of the vehicle, examples of sample plates and heard from the Licensing Officer.

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

Decision

The application to display a small plate on vehicle Skoda Kodiaq, vehicle registration FH68 BMZ be approved.

Reason for Decision

Having considered the photos of the vehicle, read all written material, and listened to the representation by the Licensing Officer and having heard what the applicant's work entails, the Sub-Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities

50. REQUEST FOR PRIVATE HIRE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - KLZ 1117

The Licensing and Regulatory Sub-Committee considered an application for a Private Hire Vehicle Licence Extension for a Chrysler vehicle registration KLZ 1117.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 26 October 2023, with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 21 March 2023.

The Sub-Committee was satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the 12 month Private Hire Vehicle Licence Extension as detailed in the report with a six monthly vehicle inspection due to the age of the vehicle.

51. REQUEST FOR A SMALL PLATE FOR A PRIVATE HIRE VEHICLE - EXZ 199

The Licensing and Regulatory Sub-Committee considered an application to display a small plate for a Ford Tourneo, vehicle registration EXZ 199.

The Sub-Committee considered photos of the vehicle, examples of sample plates and heard from the Licensing Officer.

The Council's requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27, as set out in the report circulated with the agenda.

Decision

The application to display a small plate on vehicle Ford Tourneo, vehicle registration EXZ 199 be approved.

Reason for Decision

Having considered the photos of the vehicle, read all written material, and listened to the representation by the Licensing Officer and having heard what the applicant's work entails, the Sub-Committee considered the resolution above would be best suited to the applicant whilst meeting the Council's licensing responsibilities

52. APPLICATION FOR A NEW PREMISES LICENCE – WOODLAND CAFÉ AND YURT CAMP

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of an application for a new Premises Licence for the Woodland Café and Yurt Camp, Stapehill Road, Liverton, Newton Abbot, TQ12 6FU.

The Applicant attended the meeting and was permitted to speak. The Applicant answered questions put to him by the Sub-Committee.

Persons who had submitted representations also attended the meeting and were permitted to speak.

Arising from consideration of the report, evidence presented and in accordance with the relevant provisions of the Licensing Act 2003 Statutory Guidance, and the

Council's Licensing Policy, it was moved by Councillor D Cox and seconded by Councillor Petherick, and

RESOLVED that the Application for a new Premises Licence in respect of Woodland Café and Yurt Camp, Stapehill Road, Liverton, Newton Abbot, TQ12 6FU be refused.

Reasons for the decision:

The Sub-Committee heard from Applicant that he was not the Site Owner and only leased the café and area which was subject to the application. The Site Owner also held a licence and managed bookings for weddings which the Applicant was contractually required to hold. The Applicant explained he only held these weddings as he was contractually required to and he did not advertise or encourage these bookings. If he became the licensee for the site then he would potentially look to hold more weddings as he would have more control over these. Wedding guests get exclusive use of the site which has room for approximately 80 people if fully occupied.

The Applicant then clarified the opening hours were not set to change and would finish at 10.30pm. Music is only likely to be played between 19:30 and 21:30. They are currently closed on Monday and Tuesdays and have only been opening from late March to October half term. The applicant was advised by the Licensing Team to apply for extended hours so that the option was there to open later should they need to without having to apply for a further licence. The Applicant clarified that summer months would mean British Summer Time.

The Applicant confirmed after questioning from the Legal Advisor that he would accept the conditions that had been suggested by the Environmental Health Officer as detailed in the committee report.

In response to comments from the Objectors relating to noise and also rubbish, the Applicant explained that he had only received one telephone call to turn the music down and since then had not received any further complaints regarding noise. If complaints had been sent to the Site Owner they had not been passed to him. It was also for the Site Owner to deal with the issue of littering outside of the application area. The Objectors found the noise levels regularly impacted on their use and enjoyment of their gardens and that when sleeping windows had to be kept shut even in hot weather.

In response to questions the Applicant clarified that the festival which was to be held on the site in May had 500 tickets of which 200 had already been sold. Camping would not be on site but at a neighbouring farm and the Liverton football club. There would be 20 people hired for security and extra toilets hired in. The Applicant confirmed that the whole site is fenced and it was not thought necessary to fence the application area as well.

The Sub-Committee heard from the representatives who detailed their concerns about the proposed licence and the festival which was to be held yearly. The Objectors

were concerned about the noise level as the closest houses were said to be only 10 meters away from the boundary fence. Noise was also said to be heard in neighbouring areas. There was also concern about car parking for the event and level of traffic anticipated especially around school times and with people using the roads for walking and horse riding. An Objector also mentioned safeguarding concerns for young attendees of a close church who they would not want to be negatively impacted. Those in attendance felt that they had not been consulted about the festival and that previous complaints about issues had not been addressed effectively.

The Objectors also had concerns about the prevention of crime. They were not aware of CCTV being installed and the boundary fence was only waist height and broken in many places. The Objectors understood that 20 security staff would be patrolling the site but were unsure this could be done effectively. Due to the apparent ease of access to the site there did not seem to be any conceivable way of effectively controlling numbers on the site and ensuring only those who had tickets attended. There was concern that any trouble caused by the festival attendees or indeed by residents staying at the site on any other occasion, would be unable to be policed effectively and that security staff would not provide an effective deterrent.

The Sub-Committee having considered the Application submitted and having heard from those present, and being mindful of Statutory Code of Guidance and Licensing policy, felt that on balance it could not approve this application as it appears to be confused in part, ambiguous and that whilst some concerns could be addressed by conditions, the Sub-Committee were concerned that some concerns could not be mitigated with conditions, particularly the Prevention of Crime and Disorder and Public Nuisance.

The Sub-Committee felt that whilst the Applicant did appear to want to work with the local community and had put in some measures to address their concerns, they were not satisfied that the Applicant had sufficiently considered his various obligations in relation to promoting the four licensing objectives effectively. The Sub-Committee felt the Applicant has failed to give full consideration to the nature of the premises, the locality in which it is situated, potential risks in carrying out the licensable activities, or to put in place measures which are sufficiently appropriate for the effective promotion of the licensing objectives.

The Sub-Committee were not satisfied that the four Licensing Objectives would be upheld and therefore deemed it appropriate to refuse the premises licence.

Cllr D Cox
Chair