

LICENSING AND REGULATORY SUB-COMMITTEE

THURSDAY, 24 AUGUST 2023

Present:

Councillors Hayes (Chair), Henderson and Peart

Officers in Attendance:

Licensing Officer

Legal Assistant

9. APOLOGIES

None.

10. DECLARATIONS OF INTEREST

None.

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

12. REQUEST FOR HACKNEY CARRIAGE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - WJ13 KVX

The Sub-Committee noted the information provided by way of the report and heard from the Applicant. In particular the Sub-Committee noted that the vehicle's MOT certificate expires on 31 August 2024, with no advisories. The Sub-Committee were informed that the vehicle passed its annual taxi inspection test on 10 August 2023.

The Sub-Committee were 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 as detailed in the report subject to 6 monthly vehicle inspections due to the age of the vehicle.

13. APPLICATION FOR A NEW PREMISES LICENCE - PARRS COUNTRY STORE, MATFORD HOME FARM, MATFORD, EXETER, EX2 8XT

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 Parris Country Store, Matford Home Farm, Matford, Exeter, EX2 8XT.

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 R Hayes and seconded by Councillor Peart, and

RESOLVED that the Application for a new Premises Licence in respect of Parris Country Store, Matford Home Farm, Matford, Exeter, EX2 8XT be granted subject to the following two additional conditions:

- The supply of alcohol on/off the premises be allowed between the hours of 1000hrs to 2100hrs;
- the music level must not exceed 53db. Any decibel readings are to be taken from outside any window or door at the licensed premises when the same are shut. Readings to be taken from within 2 meters of the closed window or door.

Reasons for the decision:

The Sub-Committee heard that the licence for alcohol had been applied for to enable sales from the farm shop and for alcohol to be consumed whilst eating in the café and the Thai takeaway which both have small amounts of seating. The Applicant clarified that there was seating for approximately 20 people in the café and around 12 people outside the Thai takeaway. In total there are usually only around 25-30 people on the site at any one time although this could vary.

The Sub-Committee heard from the Applicant that the Designated Premises Supervisor was experienced and would be in charge of training all staff. They also heard that whilst there were no employed security staff, all current members of staff are very experienced and as such would be comfortable dealing with any issues that may arise.

The Applicant then clarified the current opening hours for the farm store are 8am-6pm. The café opened from 9am-3pm and the Thai takeaway opened at 3pm until 9/9.30pm.

The Sub-Committee then heard from the representative's spokesperson who detailed the history of the site as a working farm and how its use had changed over the years to include other small businesses including the farm shop and café. They detailed their concerns about the proposed licence and the potential noise levels impacting on the neighbours living next door to the application site. The residents already have to deal with noise from close by hotels and were concerned additional noise levels from the application site would make it more difficult to enjoy their homes.

Those who had submitted representations also had concerns about the prevention of crime. There had recently been break ins and the residents were concerned the supply of alcohol and potential increase in people on the site could lead to further crime. The residents also had concerns that the appropriate planning permissions had not been granted. It was suggested by the spokesperson that conditions on the opening hours and decibel levels could be considered by the committee if they were minded to approve the application.

In response to comments from persons who had submitted representations the Applicant explained that he had not received any formal complaints regarding noise. The Applicant stated that the intention is for music to only be played in the café. The Applicant also confirmed that the farm shop was insulated on all sides except the front where the entrance is. This insulation was completed around 5-7 years ago. Planning applications to change the use of the office were also due to be submitted over the following weeks.

The Sub-Committee were also informed by the Licensing Officer that one representation had been withdrawn following discussions with the Applicant and they now supported the application and understood the reasons for it.

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 should approve this application. However, the Sub-Committee being mindful of the location of the application site, felt it reasonable to add two additional conditions restricting the maximum music decibel level and limiting the hours available for the sale of alcohol to promote the Licensing Objectives.

The Sub-Committee felt that on balance the Applicant had given consideration to the nature of the premises, the locality in which it is situated and potential risks in carrying out the licensable activities. The Sub-Committee were mindful that whilst planning is not a material consideration, the applicant's assurances that he was going to seek the appropriate planning permissions reassured the Sub-Committee that the applicant would also uphold the conditions given on the licence.

The Sub-Committee were sympathetic to those who had submitted representations and their reasons and explained that they had the usual channels to report any issues such as noise disturbances. Any concerns or breaches could then be dealt with appropriately.

The Sub-Committee was satisfied that the four Licensing Objectives would be upheld and therefore deemed it appropriate to grant the premises licence with the two additional conditions.

Cllr R Hayes
Chair