

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 12 July 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 11.20 am

7 Minutes of the previous meeting

The minutes of the previous meeting held on 21 June 2023 were agreed as a correct record.

8 Declarations of interest

There were no interests declared.

9 Matters of urgency

There were no matters of urgency.

10 Confidential/exempt items

There were no confidential / exempt items.

11 Determination of an application to license a private hire vehicle which does not comply with the Council's vehicle age policy

The Sub Committee considered an application to license a private hire vehicle which does not comply with the Council's vehicle age policy.

The Chair introduced the members of the Sub Committee and the officers present.

The applicant, Mr Jason Vincent of Axminster Private Hire, was present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Mrs Emily Westlake, presented the report and made the following points:

- It was the district council's policy that on initial licensing as a private hire vehicle, a vehicle should not be more than 5 years old from the date of first registration as shown on the vehicle registration document.
- The application to licence a private hire vehicle was for a 9 seater (including the driver) MPV which was 5 years and 3.5 months old, and therefore did not meet the policy and was to be determined by the Licensing and Enforcement Sub Committee.
- Where exceptional circumstances may apply to licence vehicles that were more than five years old from the date of first registration as shown in the vehicle registration document would be considered on a case by case basis.
- Each application would be considered on its own merits.
- Factors such as the condition of the vehicle and the mileage would be relevant.
- The Council would expect the vehicle to have a full service history and a certification that the recorded mileage was correct.

- When considering to licence an older vehicle Members would expect to be provided with an AA 'Comprehensive' test report or a RAC 'Essential Plus' report to indicate the condition of the vehicle. An AA test report had been provided by the applicant and was included at Appendix H of the report.
- The date of the MOT and advisories to monitor and repair were noted. The applicant had provided an invoice to document repairs carried out to the vehicle following the MOT, in addition to another invoice for further repairs.
- The applicant had provided an approved compliance test report which indicated that the vehicle had passed all of the required tests. The tester had certified that they had found the vehicle to be safe, comfortable and in sound mechanical condition.
- The MOT indicated that on 11 April 2023 the vehicle's mileage was shown as 249,087 miles.

The vehicle was presented by the applicant at the Council offices on the day of the hearing to allow Members the opportunity to inspect the vehicle. The Licensing and Enforcement Sub Committee was asked to consider the application and determine whether to refuse the application or make an exception to the Council's vehicle age policy and agree to grant the application and licence the vehicle.

The applicant informed Members that he had purchased the vehicle as he required an additional MPV to transport school children as part of his contract with Devon County Council. He already owned an electric 7 seater MPV but this was not suitable for the school runs and was used for private hire. He advised the Committee that 9 seater vehicles were very expensive and he had purchased the vehicle four months ago in the hope that a licence would be granted. The vehicle represented good value for money.

In response to questions from members, the applicant confirmed that:

- The vehicle had not been used much since its purchase so the mileage remained much the same as at MOT. The high mileage did not concern him as the vehicle would not be used by the general public for private hire and therefore not accumulate large mileage.
- The vehicle had a very comprehensive service history and all of the required works had been completed.
- The seats were fixed forwards and could not be rotated.
- The vehicle would be used to transport children, with three school runs a day, as part of a Devon County Council (DCC) contract.
- DCC provided the necessary car seats for the children, where applicable. DCC also specified where the children could sit within the vehicle.
- There were bodywork repairs required on the vehicle. The applicant was reluctant to carry out cosmetic repairs until a licence was agreed.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

This item finished at 10:10am and the meeting was adjourned until 11:00am.

The applicant, Cllr Brian Bailey, and the Licensing Officers left the meeting.

12 **Determination of an application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton, EX14 3PD.**

On resumption of the meeting, the Chair introduced the members of the Sub Committee and the officers to those present.

The meeting was a hearing under the Licensing Act 2003.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for hearing the application.

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol to be consumed ON and OFF the premises at Combe Farm Shop, Hayne Farm, Gittisham, Honiton EX14 3PD.

The applicant, present and entitled to make representations, was represented by Justin Lascelles, Estate Manager, Combe Estate.

A representation had been received from Gittisham Parish Council. The Parish Council had given notice that it would not attend or be represented at the meeting.

The Licensing Officer, Phillippa Norsworthy, presented the report which covered the following points:

- The applicant had applied for the sale of alcohol to be consumed on and off the premises, with sales to be limited to the café and the courtyard area.
- The premises was located in Gittisham, on the outskirts of Honiton and was a family run business.
- The farm shop currently held a premises licence for off sales only, Monday to Saturday 9am to 6pm and Sunday 9am to 12 midday.
- The applicant advertised the application at the premises and in the local newspaper in accordance with the Licensing Act 2003. During consultation the application received one representation from Gittisham Parish Council with concerns relating to possible public nuisance and to public safety towards persons leaving the premises at night after consuming alcohol.
- A representation was received from the Devon and Cornwall Police Service to which the applicant came to an agreed position.
- Since publication of the agenda an email was received on 7 July from the clerk of Gittisham Parish Council advising that after their Parish Council meeting on 6 July the parish council maintained its objection to the proposed extended hours for off sales but did not object to the extended hours for on sales.

There were no questions from members or from the applicant for the Licensing Officer.

The applicant, represented by Justin Lascelles (Combe Estate Manager) made the case for the application and highlighted the following points:

- Combe Farm Shop and Café had been trading in its current form since 2020.
- The shop was successful, but marginal and they were always trying to refresh the offer by doing everything possible to make the business more successful.
- 'Dine in' evening events had been well received and successful. The aim was to hold these two or three times a month, with up to 25 people at a time, providing seasonal offers. This had previously occurred under a temporary event licence.
- The current licence application was customer demand led. The events had been and would be food led, not alcohol led. It would allow flexibility.
- An agreed position had been agreed with the Police whereby there would be a 30 minute drinking up period, with no alcohol being served prior to closure.
- The farm shop was already well used and no additional on-site activity was anticipated during standard hours as a result of the application.
- The applicant believed that the parish council's 'off sales' objection was unfounded. They would like the ability to sell alcohol to customers who had attended the onsite events.
- Combe Farm Shop and Café employed four full time and three full time members of staff and offered a local shopping experience.

- To date there had been no complaints/issues and the business was responding to customer feedback.
- There was CCTV cover in place.

In response to questions from the Sub Committee the applicant stated that:

- It was not envisaged that the 'dine in' events would be expanded to other events such as birthday parties. The events were primarily designed to showcase the food produce on offer from the shop, rather than promoting the premises as a venue for hire.
- The licence application was in response to events where people expected to be able to have alcohol with their meal, as the events were primarily held to showcase the products available in the shop.
- The events would be pre-booked (maximum seating capacity was 25 in the café, with additional seating in the courtyard) in order to plan and make the events viable.
- Depending on demand, it was anticipated that two or three events would be held per month.
- Opening hours would only be extended when events were being held.
- It was not viable to open full time as a restaurant and a pub was not envisaged.
- The licensing application would give flexibility rather than having to keep applying for temporary event licenses.

In his closing statement the applicant highlighted that he did not feel that Gittisham Parish Council's concerns about 'off sales' were realistic. The range of alcohol on offer was limited and the price point was likely to be higher than other local establishments.

The Chair thanked everyone for attending and advised that the decision would be notified within five working days.

Attendance List

Councillors present:

K Bloxham (Chair)
O Davey
S Gazzard

Councillors also present (for some or all the meeting)

B Bailey
C Nicholas

Officers in attendance:

Phillippa Norsworthy, Licensing Officer
Giles Salter, Solicitor
Alethea Thompson, Democratic Services Officer
Emily Westlake, Licensing Officer

Councillor apologies:

Chairman

Date: