

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Council Chamber, Blackdown House, Honiton on 11 March 2020

Attendance list at end of document

The meeting started at 10.30 am and ended at 11.45 am

17 Minutes of the previous meeting

The minutes of the meeting held on 12 February 2020 were confirmed and signed as a true record.

18 Declarations of interest

There were no Declarations of interest.

19 Matters of urgency

There were no matters of urgency.

20 Confidential/exempt items

There were no Confidential/Exempt items.

21 That members consider an application for the grant of a new premises licence to allow the sale of alcohol on and off the premises at Knights Farm Shop, Lower Cotley Farm, Fluxton, Ottery St Mary, EX11 1RG

The Sub Committee gave consideration to an application for the grant of a new premises licence to allow the sale of alcohol for consumption on and off the premises at Knights Farm Shop, Lower Cotley Farm, Fluxton, Ottery St Mary, EX11 1RG.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the applicant promoted the licensing objectives as required by the Licensing Act 2003. They also took into account Government Guidance and the Council's own licensing policy and the Human Rights Act 1998 in making this decision.

The Sub Committee considered the relevant representations that all parties had made and the written representations and other documentation put before the Sub Committee. They also considered the particular locality of the premises and its physical relationship with other residential and commercial properties in the vicinity.

The Sub-Committee considered it relevant that no representations have been received from the police in relation to the Licensing Act objectives that have been the subject of representations today, that is to say: public safety and public nuisance. From this we have concluded that the police do not consider that there

will be any significant problem associated with the operation of the premises, if the application is granted

The applicant Emily Knight stated that the “on licence” application was to run bespoke small events for a maximum of 25 ticketed guests, particularly to showcase local food and drink, and to provide alcohol for customers of craft making events such as wreath making.

The farm business needed to diversify in a similar way to bigger businesses such as Darts Farm. The premises were provided in a reuse/local ethos.

A designated fenced hard standing parking area has been provided for customers and patrons.

The events referred to by the IPs were not held by the applicant who has only been the tenant since late autumn 2018. The Applicant had used TENs to sell alcohol in the shop for “off sales” prior to Christmas 2019.

As part of the application process the applicant had met with Devon & Cornwall Police Licensing to clarify some issues and put recommendations into the acceptable form. She identified on the plan at Appendix E the layout of the premises and their proximity to the IP’s property.

Cllr Bloxham asked for clarification of the type of event. The Applicant stated that she was in contact with a number of businesses to provide gin, wine tasting, and local chefs to do food tasting experiences etc.

Cllr Wright asked about the frequency of events. The Applicant stated that it was her intention to hold 1-2 per month currently.

Cllr Wright asked about the applicant’s intention in running the shop for “off sales” and closing the shop when she intended to hold events to use the “on sales” part of the licence. The applicant confirmed that it was her intention to use the “on sales” for ticketed events only.

The interested parties’ case was: Ms Trudi Longmire & Mr Hugh Rudham
On paper – Regarding public safety, vehicular and pedestrian access is not good on an increasingly busy road. All weather parking could be problematic for events. Parking for the farm shop is adequate.

Regarding the prevention of public nuisance, noise and disturbance both day and night. This is aggravated by the close proximity of the two properties as indicated on the two plans within the papers at Appendix E.

At the hearing Ms Longmire added that she was not in a neighbour dispute with the applicant but she was concerned with a growing and diversifying multi-faceted farm business in close proximity to her property as she believed it would affect them.

Additional noise from events running in the evenings on Thursday, Friday and Saturdays would add to associated farming noise already experienced each day.

There were concerns expressed about alcohol being bought and consumed elsewhere on the farm in outbuildings, barns etc. There had been a number of family celebrations that had gone on late into the night.

Ms Longmire asked for clarification over the use of the premises on a Sunday.

The Chairman asked the applicant for clarification as to how she intended to keep casual passers-by from trying to enter into private ticketed events. The applicant confirmed that the licensed premises was not visible from the public highway.

We have carefully considered the operating schedule put forward by the applicants and the likely impact of the application. In relation to the evidence we have heard regarding the premises, we consider that the establishment will be well managed and controlled with good policies in place and adequate supervision from line management.

We do not accept that there is evidence of a significant public nuisance or risk to public safety arising from the proposed operation of the premises.

The Council solicitor confirmed the arrangements for Review and Closure under the Licensing Act 2003

At the present time there is no evidence that the operation the applicant proposes to run will cause the impact local residents suggest.

All parties were reminded of the closure and review powers which the government brought into force once the new licenses were operational from 24th November 2005. Premises which do not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

Whilst the Sub Committee acknowledged the concerns expressed by the interested parties before us today, we believe the concerns expressed in representations have been addressed by the hours of operation for the licensable activities and the conditions which have been tailored to the size, characteristics and activities on the premises, and which we believe are necessary and proportionate

RESOLVED 1.that the premises licence be granted as follows:

- a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
- b) Permitted hours for the various licensable activities will be set out in Appendix A.
- c) The conditions will be shown in Appendices F & G of the operating schedule.
- d) The mandatory condition required by section 19 of the Licensing Act 2003 will also be imposed.

2. The Designated Premises Supervisor would be Emily Knight of Lower Cotley Farm, Fluxton, Ottery St Mary, EX11 1RG.

Attendance List

Councillors present:

K Bloxham (Vice-Chairman)

P Jarvis (Chairman)

T Wright

Councillors also present (for some or all the meeting)

Officers in attendance:

Christopher Lane, Democratic Services Officer

Giles Salter, Solicitor

Stephen Saunders

Councillor apologies:

Chairman

Date: