

LICENSING SUB-COMMITTEE

Wednesday 14 June 2023

Present:

Councillors Asvachin, Snow and Wood Minute 37)

Also Present:

Legal Advisor, Apprentice Solicitor, Principal Licensing Officer and Democratic Services Officer (SLS)

33

APPOINTMENT OF CHAIR

Councillor Asvachin was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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APPLICATION TO GRANT A PREMISES LICENCE

The Chair introduced the Members of the Licensing Sub-Committee together with the Legal Advisor, the Principal Licensing Officer and the Democratic Services Officer. The Legal Advisor set out the hearing procedure and the parties in attendance, agreed that the procedure was understood.

The Principal Licensing Officer presented the application to grant a new premises license at Wine World, Fore Street, Topsham. The Application was seeking to sell alcohol for the times presented in the report.

It was confirmed that two representations had been received, objecting to the application in relation to the licensing objectives for the prevention of children from harm, prevention of public nuisance, public safety and prevention of crime and disorder.

No representations had been received from any other Responsible Authority.

The Principal Licensing Officer confirmed that the Application had been advertised on the premises and in the local newspaper on 27 April 2023, in accordance with the requirements of the Licensing Act 2003.

The Applicant spoke in support of the Application and responded to questions from Members and the Legal Advisor. The respondents were also in attendance and addressed the Members and the Applicant.

The meeting was closed so that the Members could determine the application.

RESOLVED that the application be granted as applied for, subject to conditions for the reasons set out in the formal Decision Notice attached.

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ADJOURNMENT

The meeting was adjourned at 11.30am, until the appointed time to hear the next application. The meeting recommenced at 12.50pm.

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APPOINTMENT OF CHAIR

Councillor Asvachin was re-appointed as Chair for this meeting.

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DECLARATION OF INTEREST

No declarations of interest were made by Members.

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

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

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APPLICATION TO RENEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE OVER 9 YEARS OLD

The Chair introduced the Licensing Sub Committee Members and Officers.

The Legal Advisor set out the procedure for the hearing advising of the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Legal Advisor explained that the Taxi Policy, stated that vehicles presented for renewal aged between 9 and 10 years old would be referred to the Licensing Sub Committee for determination. Vehicles over 10 years old should not be granted, however, the Applicant had the right to apply for the application to be considered by a Licensing Sub-Committee if they considered that their circumstances justified a deviation from the policy.

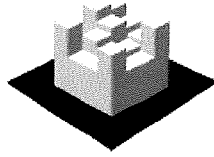
The Principal Licensing Officer presented the application for a licenced driver to renew a Private Hire Vehicle licence in relation to a vehicle which was over 9 years old at the renewal date. The Applicant had submitted a vehicle MOT certificate dated 2 May 2023, with a recorded mileage of 278,508. An independent mechanical inspection report, dated 11 May 2023 had also been submitted which raised an issue relating to the brakes. Additional photographs of the vehicle had also been submitted and the vehicle was confirmed to have been plated by Exeter City Council since 23 May 2014.

The Applicant, who was in attendance, spoke in support of the application and responded to questions from Members and the Legal Advisor.

RESOLVED that the application for the renewal of a Private Hire Vehicle licence be granted for 12 months, subject to the brakes being checked and the evidence sent to the Licensing Authority.

(The meeting commenced at 10.00 am and closed at 1.16 pm)

Chair



Exeter City Council

LICENSING ACT 2003

APPLICATION FOR THE GRANT OF A PREMISES LICENCE

NOTICE OF DETERMINATION

Date of Hearing: 14th June 2023

Application: Grant of a New Premises Licence

Name of Premises: Wine World

Address: 11 Fore Street, Topsham, Exeter, Devon, EX3 0HF

Licensing Sub-Committee Members: Councillors: Cllr Asvachin (Chair) Cllr Snow

Legal Advisor: Matthew Hall (MH) and Max Murphy (MM)

Licensing Officer: Nigel Marston (NM)

Democratic Services Officer: Sharon Sissons (SS)

Applicant: Julien Packer

Representations: Paula Kressinger and Carolina Hobbs

Hearing Duration: 1000hrs to 1100hrs

TAKE NOTICE:

That the Licensing Sub-Committee convened on 14th June 2023 has determined to grant a premises licence as applied for in accordance with section 18 of the Licensing Act 2003.

THE SUB-COMMITTEE'S DECISION:

In determining this application the Licensing Sub-Committee took into account all the relevant evidence and information presented to it both written and oral and took account of all the matters it is bound to take account of, in particular the following:

- Licensing Act 2003;
- Statutory Guidance;
- Exeter City Council Statement of Licensing Policy;
- Human Rights Act 1998;
- Any equality and diversity considerations.

Continued overleaf

Reasons

Having carefully considered the applicant's submissions and the objections to the Application the Licensing Sub-Committee was satisfied that the Application would not have a negative impact on any of the four Licensing Objectives. The issues raised relating to Police funding and diversity of premises in the area were not relevant licensing considerations. The claim in relation to existing public nuisance and anti-social behaviour could not be linked to the premises and no Responsible Authorities have raised any concerns or raised representations. The Licensing Sub-Committee were reassured that the type of the premises being operated would be managed in a way that would promote the Licensing Objectives.

RIGHT OF APPEAL:

All parties are reminded of their right to appeal against this decision to the Magistrates' Court by virtue of Section 181 and Schedule 5 Part 1 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision appealed against.

Any Appeal is commenced by a notice addressed to:

The Clerk to the Justices, North and East Devon Magistrates Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

Parties were advised to contact the court office to check the form of notice required and the fee payable.

The Chair of Licensing Sub Committee

M. Asvachin
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