

Licensing Sub-Committee – Wednesday 8 August 2007

TO DETERMINE THE FOLLOWING APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003, FOR A NEW PREMISES LICENCE WHEREBY RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED BUT MEDIATION HAS TAKEN PLACE WITH AMENDMENTS BEING MADE TO THE APPLICATIONS. AS A RESULT ALL PARTIES CONSIDER A HEARING TO BE UNNECESSARY.

Report of the Licensing Manager

Statutory Powers: Licensing Act 2003

Financial Implications: There are no direct financial implications to the Council from this Report

Purpose

To determine an application for a new Premises Licence for the below named premises in accordance with Section 18 of the Licensing Act 2003.

There is a link to the Council's priorities of CP2: 'Creating the conditions for the growth and maintenance of quality economic activity' and CP3: 'Maintaining the district's distinctive environment whilst enabling access and sensitive development'.

Recommendations

That the Sub-Committee consider the application for a new style Premises Licence together with the amendments agreed following representations and to make a determination in respect of this applications, namely to:

- i grant the application as submitted, subject to any Mandatory Conditions required;**
- ii modify the conditions;**
- iii exclude any of the licensable activities to which the application relates;**
- iv to refuse to specify a person in the licence as the premises supervisor;**
- v reject the application,**

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

Background / The Issues**Summary of Applications**

- 1 The following applications have been a received for new style premises licence.

- 2 The first of the premises for consideration is Countryman's Choice of Cadleigh Park, Ivybridge. These premises are currently trading as a farm shop selling local produce and wish to have the ability to supply alcohol off the premises.
- 3 The second premises for consideration is Holne Village Stores and tearoom. These premises are currently trading as a convenience store and cafe and have applied for a premises licence to supply alcohol for on and off sales.
- 4 With regards the above applications, only interested parties or responsible authorities may make representations based on the four licensing objectives.
- 5 Both these premises have received relevant representations and following mediation an agreement has been reached to amend the application, for example reducing the hours asked for or including additional conditions to achieve the four licensing objectives.
- 6 Parties have agreed, subject to the amendment conditions being implemented on the licence that a hearing is unnecessary.
7. **The application form for a new licence for Countryman's Choice, Cadleigh can be found in Appendix A and the agreed amendments in Appendix B. The application for a new licence for Holne Village Stores and tearoom can be found in Appendix C and the agreed amendments can be found in appendix D.**

CADLEIGH, IVYBRIDGE

Countryman's Choice, Cadleigh Park, Ivybridge PL21 9JL

HOLNE

Holne Village Store and Tearoom, Holne, Newton Abbot TQ13 7SL

Risk Assessment

- 8 The Sub-Committee will, in considering the applications and any representations have to give consideration to the licensing objectives contained within the Licensing Act 2003 of:
 1. The prevention of Crime and Disorder;
 2. Public Safety;
 3. The prevention of public nuisance; and
 4. The Protection of children from harm.
- 9 In addition, due consideration should also be given to the Council's Licensing Policy Statement.
- 10 Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.

Conclusion

- 11 Interested Parties / Responsible Authorities who have made representations are satisfied that the implementation of the agreed variations will satisfy the licensing objectives. The granting of the licences subject to the amendments will not set the licence in stone. Parties can request a review of the licence at any time if the objectives are not met.

Graham Munson
Licensing Officer

Licensing Sub-Committee
8th August 2007

Background Documents:

- Licensing Applications for a new style Premises Licence
- Representations received from those residents or those having businesses in the vicinity of the premises to be licensed (where applicable) and written agreement agreeing the proposed amendments addressing the licensing objectives agreeing a hearing is unnecessary
- Written agreement from the applicant agreeing to the proposed amendments and that a hearing is not necessary
- Guidance on Meeting the Licensing Objectives
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy.