

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing: 22 April 2016

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the GRANT of a premises licence in respect of CAMPER COFFEE, 22 McCoy's ARCADE, FORE STREET, EXETER, EX4 3AN under the relevant legislation

Legislation: Licensing Act 2003

Ward Application Refers to:

Applicant: Gary Williams

Premises Address: 22 McCoy's Arcade, Fore Street, EXETER, EX4 3AN

1. What is the report about?

1.1 An application has been received from Gary Williams trading as Camper Coffee for the GRANT of a new premises licence. Camper Coffee is an upmarket cocktail bar which is located in the McCoy's Arcade in Fore Street, Exeter. The applicant has applied for the sale of alcohol (on and off sales) from 0700 to 2300 Monday to Sunday inclusive and for live and recorded music 1600 – 2300 Monday to Sunday inclusive (indoors only). The application and plans are attached.

2. Are there any representations?

2.1 Representations have been received from local business' and other interested parties. Two objections to the application have been received and nine positive representations. Redacted versions of the representations are attached. No representations have been received from a Responsible Authority.

3. Report details:

3.1 The application was advertised on the premises and in the local newspaper in line with above legislation. During the consultation period Environmental Health had some concerns regarding possible noise nuisance issues that may arise at the premises. As a result of this Environmental Health proposed the following conditions to be added to the licence. Gary Williams has agreed to the proposed conditions. The proposed conditions are as follows:

- 1 There shall be no music or amplification of sound outside the premises building after 21.30.
- 2 The performance of live music shall be restricted to 2 sessions per week.
- 3 Glass bottles shall not be deposited in any skip, bin or other container located outside the premises building except between 0800 and 2000.

- 4 The licensee shall ensure that a telephone number for contacting the licensee or a nominated person during licensable activities is made publicly available. Appropriate action shall be taken to investigate any complaint made.
- 3.2 A letter from the freeholders (South West Land) Limited of McCoys Arcade was received on 16 March 2016 in response to an objection from the owner of Mansons Guitars. The letter is attached as additional information.

4. What are the legal aspects?

- 4.1 The Council's constitution requires that all applications for Premises Licences that receive relevant representations shall be determined by a Licensing Sub-Committee.
- 4.2 The Licensing Sub-Committee are required to have regard to the Statement of Licensing Policy which states in part (paragraph 2.8) that in determining a licence application the Licensing Authority will consider each application on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed.
- 4.3 The Licensing Sub-Committee are required to have regard to the Official Guidance issued under section 182 of the Licensing Act 2003 revised March 2015 is relevant. The official guidance relating to crime and disorder and the prevention of public nuisance to which this committee must have regard, is included in the Yellow Committee hand books.
- 4.4 The Licensing Sub-Committee must have regard to the relevant representations made; the evidence provided in relation to the premises from the parties involved and the evidence it hears, in reaching its decision.
- 4.5 The Licensing Sub-Committee, having regard to the representation, must take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives.
- i) to grant the licence subject to any conditions consistent with the Operating Schedule of the application modified to such extent is appropriate for the promotion of the licensing objectives and any mandatory conditions;
 - ii) to exclude a licensable activity from the licence;
 - iii) to refuse to specify a person in the licence as the Designated Premises Supervisor; or
 - iv) to reject the application.

5. Recommendations:

- 5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

Environmental Health and Licensing Manager

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

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