

**REPORT TO: LICENSING (SUB) COMMITTEE**

**Date of Hearing: 01 JULY 2016**

**Report of:** Environmental Health and Licensing Manager

**Type of Application:** The application for the GRANT of a premises licence in respect of EXETER COOKERY SCHOOL, 60 HAVEN ROAD under the relevant legislation

**Legislation:** Licensing Act 2003

**Ward Application Refers to: Alphington**

**Applicant:** Lucy Fisher

**Premises Address:** 60 Haven Road, Exeter, EX2 8DP

**1. What is the report about?**

1.1 An application has been received from Lucy Fisher trading as Exeter Cookery School for the GRANT of a premises licence for the ground floor of 60 Haven Road

1.2 The proposed activities and times are set out below:

Sale of alcohol	Monday to Sunday 07.00 – 00.00
Regulated Entertainment	Monday to Sunday 09.00 – 00.00
Provision of late night refreshment	Monday to Sunday 00.00 – 01.00
Opening times	Monday to Sunday 07.00 – 00.00

The application is attached. The Applicants intention is to operate the premises primarily as a cookery school, but with the added potential to use for corporate events or other such functions. I have also attached a letter from the applicants to the local residents, introducing their business.

**2. Are there any representations?**

2.1 Representations have been received from local residents and from interested parties concerning the potential for the licensing objective relating to public nuisance and public safety. Redacted representations are attached to the report.

2.2 No representations have been received from any Responsible Authority.

**3. Report details:**

3.1 The application was advertised on the premises and in the local newspaper in accordance with the Licensing Act 2003.

- 3.2 In an attempt to mediate with the local residents the applicants issued a letter, proposing a meeting dated 26 May 2016 to discuss any issues the residents may have with regard to their application. This attached to the report.
- 3.3 Planning Permission (copy attached) has been granted for the Premises to operate a mixed use of A1 (retail) A3 (restaurant and café) and D1 (cookery school) subject to conditions. Condition 6 restricts the use of the Premises outside the hours of 08:00 to 23:00 and condition 7 restricts live or amplified music at any time unless otherwise agreed in writing by the Local Planning Authority.
- 3.4 The Home Office Guidance issued under section 182 of the Licensing Act 2003 states in paragraph 13.57 '...The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa'

#### **4. What are the legal aspects?**

- 4.1 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.
- 4.2 The Licensing Sub-Committee are required to have regard to the Home Office Guidance issued under section 182 of the Licensing Act 2003 revised March 2015 is relevant. The official guidance relating to the prevention of public nuisance to which this committee must have regard, is included in the Yellow Committee hand books.
- 4.3 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.
- 4.4 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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