

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing: 20 March 2017

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the VARIATION of a premises licence in respect of THE BOOK COVER, UNIT 2, PORTLAND HOUSE, LONGBROOK STREET, EXETER, EX4 6AB under the relevant legislation.

Legislation: Licensing Act 2003

Ward Application Refers to: St James

Applicant: Stephen Keough

Premises Address: Unit 2, Portland House, Longbrook Street, Exeter, EX4 6AB.

1. What is the report about?

- 1.1 An application has been received from Stephen Keough, director for the VARIATION of a premises licence (copy attached). The proposed variation is for an extension to the current operating hours and to increase the hours for the sale of alcohol, late night refreshment and regulated entertainment on a Thursday, Friday and Saturday night. The current terminal hour in place is 00.00 for the sale of alcohol and late night refreshment and 00.30 for the regulated entertainment and opening hours.
- 1.2 The applicant has applied to increase the hours for the sale of alcohol and late night refreshment to 03.00 and 03.30 for the regulated entertainment and opening hours. The application is attached as Appendix A.
- 1.3 The non-standard timings applied for are as follows:
 - Regulated entertainment on 22, 23 and 24 December until 03.30
New Years Eve until 04.00.
 - Late night refreshment on 22, 23 and 24 December until 03.00
New Years Eve until 03.30.
 - Sale of alcohol on 22, 23 and 24 December until 03.00
New Years Eve until 03.30.
- 1.4 The Book Cover is situated in Exeter's city centre with other similar licensed premises situated close by such as The Old Firehouse, New North Road and Timepiece, Little Castle Street, both of which have a closing time Thursday to Saturday of 03.30. The applicant also manages two other licensed premises in Exeter such as Artgiano on 248 High Street, Exeter and The Terrace located in the Guildhall Queen Street area, both premises operate as late night venues with both premises closing at 02.00.

2. Are there any representations?

- 2.1 A Representation has been received from Cllr Pete Edwards with concerns with regard to public nuisance as the premises is located close to residential properties. The representation is attached as Appendix B.

3. Report details:

- 3.1 The application was advertised on the premises and in the local newspaper in line with above legislation.

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 2.2) that in determining a licence application the Licensing Authority will consider each application on its merits. Chapters 9 and 10 of the Statement of Licensing Policy set out guidance in respect of the prevention of public nuisance and consideration of the impact of licensable activities.
- 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 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.
- to modify the conditions of the licence; and/or
 - to reject the whole or part of the application.

If the Licensing Sub-Committee considers that none of the above steps are appropriate for the promotion of the Licensing Objectives the Application shall be taken as granted.

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

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