

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

Date of Hearing: **28 April 2017**

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the VARIATION of a premises licence in respect of THE RUM & CRAB SHACK 14-15 CATHERINE STREET EXETER, EX1 1EU, under the relevant legislation.

Legislation: Licensing Act 2003

Ward Application Refers to: St Davids

Applicant: **Neythan Hayes**

Premises Address: 14-15 Catherine Street, Exeter, EX1 1EU.

1. What is the report about?

- 1.1 An application attached as Appendix A has been received from Neythan Hayes licence holder of The Rum & Crab Shack, for the VARIATION of a premises licence. The existing premises licence is attached as Appendix B.

2. Are there any representations?

- 2.1 A representation from a local resident living in close proximity to the premises has been received. The representation has been submitted on the grounds of 'public nuisance' and is attached as Appendix C.

3. Report details:

- 3.1 The proposed variation is for an extension of the operating hours from:

Opening hours:

| | |
|--------------------|---------------|
| Monday to Saturday | 07.30- 23.00 |
| Sunday | 09.00 – 18.00 |

Recorded music (indoors)

| | |
|--------------------|---------------|
| Monday to Saturday | 07.30- 23.00 |
| Sunday | 09.00 – 18.00 |

Sale of alcohol (on sales)

| | |
|------------------|---------------|
| Monday to Sunday | 07.30 – 23.00 |
| Sunday | 09.00 – 18.00 |

Proposed operating hours:

Opening hours:

| | |
|--------------------------------|---------------|
| Monday to Wednesday and Sunday | 08.00 – 01.00 |
| Thursday to Saturday | 08.00 – 01.30 |

Recorded music (indoors)

| | |
|--------------------------------|---------------|
| Monday to Wednesday and Sunday | 09.30 – 00.00 |
|--------------------------------|---------------|

| | |
|-----------------------------------|---------------|
| Thursday to Saturday | 09.30 – 01.00 |
| Sale of alcohol (on sales) | |
| Monday to Wednesday and Sunday | 09.00 – 00.30 |
| Thursday to Saturday | 09.00 – 01.00 |

The variation also seeks to include the area hatched red on the attached plan within the premises licence. This area is already licensed under the premises licence for 15 Catherine Street.

- 3.2 The premises is located with the Cumulative Impact Zone shown on the plan attached as Appendix D and there is a rebuttable presumption that applications likely to add to the existing cumulative impact will normally be refused or subject to certain limitations following relevant representations, unless the Applicant can demonstrate in the operating schedule to the application that there will be no negative cumulative on the relevant Licensing Objectives.
- 3.3 The operating schedule in the application is blank.
- 3.4 The Applicant has had a meeting with Devon and Cornwall Constabulary to clarify the non-standard timings requested on the application and the following conditions were agreed by the applicant.
 - Non standard timings to apply to New Years Eve only. All licensable activities to cease at 02.30 and the premises to close at 03.00.
 - CCTV will be installed and maintained to the satisfaction of the Licensing Authority and Chief Officer of Police. Images will be kept for a minimum of 28 days, copies of which will be supplied to the Licensing Authority and Police upon request.
 - The premises will adopt a Challenge 21 policy. The only acceptable forms of ID will be a passport, photo driving licence or a government approved pass card.
 - On Friday and Saturdays nights SIA security staff shall be employed at the premises from 21.00 at the discretion of the DPS / licence holder in accordance with their risk assessment for events at the premises. A written risk assessment shall be prepared and will be made available for inspection by the Licensing Authority or the Police.
 - An incident book will be kept at the premises and any incident of violence or disorderly behaviour occurring at the premises will be logged including any challenges and refusals. The incident book will be made available upon request by the Licensing Authority or the Police.
 - Notices will be placed at the outside of the premises reminding customers to leave quietly.
 - There will be no customers or music outside the premises after 23.00.

- 3.5 The application was advertised on the premises and in the local newspaper in accordance with the requirements of the Licensing Act 2003.

4. Legal and Policy Considerations:

- 4.1 The Licensing Sub-Committee are required to have regard to;
- 4.1.1 the representations (including supporting information) presented by all the parties;
 - 4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised March 2015;
 - 4.1.3 the Licensing Authorities Statement of Licensing Policy.
- 4.2 In determining a licence application the Licensing Authority will consider each application on its merits.
- 4.3 The Licensing Sub-Committee, having regard to the representations, 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 as applied for.

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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