

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing: 12 MAY 2017

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the VARIATION of a premises licence in respect of The Chevalier Inn 81 Fore Street, Exeter, EX4 3HR, under the relevant legislation.

Legislation: Licensing Act 2003

Ward Application Refers to: St David's

Applicant: JD Wetherspoon plc

Premises Address: 81 Fore Street, Exeter, EX4 3HR

1. What is the report about?

- 1.1 An application with new plans is attached as Appendix A has been received from JD Wetherspoon plc the licence holder of The Chevalier Inn, for the VARIATION of a premises licence. The existing premises licence with existing plans is attached as Appendix B.
- 1.2 The proposed variation is for an extensive refurbishment of the premises and the addition of a rooftop terrace, which will require the premises to be closed for a significant time period. The premises is currently closed and is due to reopen on 11 July 2017. All other existing licensable activities and times are to remain unchanged.
- 1.3 The premises falls within the Cumulative Impact Zone (CIZ) the area shown on the attached plan as Appendix C.

2. Are there any representations?

- 2.1 One representation has been received from the Devon and Somerset Fire Authority with regard to approval from Building Control and the proposed alterations having an impact on 'means of escape' from the premises. Therefore the representation has to be considered under the licensing objective of public safety. The representation is attached as Appendix D.

3. Report details:

- 3.1 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 As the premises is located with the CIZ 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.

- 4.2 The Licensing Sub-Committee are required to have regard to;
- 4.2.1 the representations (including supporting information) presented by all the parties;
 - 4.2.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2017;
 - 4.2.3 the Licensing Authorities Statement of Licensing Policy.
- 4.3 In determining a licence application the Licensing Authority will consider each application on its merits.
- 4.4 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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