

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

**Date of Hearing:** 11 May 2018

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

**Type of Application:** The application is for a new premises licence in respect of a restaurant called No.3, 3 Fore Street, Topsham, Exeter under the relevant legislation.

**Legislation:** Licensing Act 2003 ('the Act')

**Ward Application Refers to:** Topsham

**Applicant:** Linda Horner

**Premises Address:** No.3, 3 Fore Street Topsham, Exeter

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

1.1 An application attached as Appendix A has been received from the Applicant for the grant of a new premises licence in respect of No.3, 3 Fore Street, Topsham, Exeter. A plan of the premises is attached at Appendix B

**2. Are there any representations?**

2.1 There has been one representation received and this is attached at Appendix C. The representation is relevant to the Licensing Objective the Prevention of Public Nuisance

**3. Report details:**

3.1 The application was advertised on the premises and in the local newspaper on 23<sup>rd</sup> March 2018 in accordance with the requirements of the Licensing Act 2003. The end date for representations was 16 April 2018.

**4. Legal and Policy Considerations:**

4.1 The Licensing Sub-Committee are required to have regard to;

(a) the representations (including supporting information) presented by all the parties; and

(b) the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2017 which can be viewed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627825/revised\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf); and

(c) the Licensing Authorities Statement of Licensing Policy which can be viewed at <https://exeter.gov.uk/media/1427/statement-of-licensing-policy-2015-2020.pdf>

- 4.2 In determining a licence application the Licensing Sub-Committee 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.
- (a) To grant the licence subject to:
    - i. The conditions consistent with the operating schedule modified to the extent that the authority considers appropriate for the promotion of the Licensing Objectives;
    - ii. The mandatory conditions under sections 19, 20 and 21 of the Act.
  - (b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) To refuse to specify a person in the licence as the premises supervisor;
  - (d) To reject the application.

Section 18 (5) of the Act provides that conditions in the operating schedule are modified if any of them is altered or omitted or any new condition is added.

## **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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