

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

**Date of Hearing: 15 July 2019**

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

**Type of Application:** To seek a REVIEW of the premises licence trading as The Globe Inn held by Ann Spence, the holders of a licence under the relevant legislation

**Legislation:** Licensing Act 2003

**Ward Application Refers to:** Newtown

**Applicant:** Residents of Belmont Road Exeter, and Albert Street Exeter

**Premises Address:** 39 Clifton Road

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

1.1 An application has been received from residents of Belmont Road and Albert Street, seeking a review of the premises licence held by Ann Spence and operating at premises at The Globe Inn, 39 Clifton Road, Exeter, EX1 2BL. The application for review has been advertised and circulated as required by the legislation.

**2. Are there any representations?**

2.1 The legislation requires that a representation for review must be submitted to the Licensing Authority and such representations were received on the 22<sup>nd</sup> May 2019.

2.2 One representation has been received from interested parties situated in the vicinity of the premises. The representation addresses the concern of a local person in relation to the licensing objectives of public nuisance. A further representation in support of the Licensee was received from Mr Richard Taylor of Gosschalks Solicitors, who represents EI Group PLC who hold the freehold of the premises. These representations were received within the notice period and these are attached at Appendix 2.

2.3 No representations have been received from a Responsible Authority. Environmental Health have previously received numerous complaints regarding noise disturbance emanating from the pub but these complainants have not been substantiated during unannounced monitoring visits by Officers. The most recent complaint on file was received on 3<sup>rd</sup> July and related to alleged noise nuisance relating to the use of the beer garden by patrons at 8:30pm.

2.4 Further representation was made by one of the Albert Street applicants on 30<sup>th</sup> June, and included eight photographs and 4 videos of the premises in support of their application. The licensee was contacted on 4<sup>th</sup> July to invite her to view the footage at the Civic Centre prior to the hearing.

### **3. Report details:**

- 3.1 Residents of both Belmont Road and Albert Street have submitted applications for the review of the above premises licence. The application from the residents of Belmont Road referenced all four licence objectives and was received on 22<sup>nd</sup> May 2019. The applications from the residents of Albert Street also references all four licensing objectives and was received on 23<sup>rd</sup> May 2019. Copies of both applications have been attached at Appendix 1.
- 3.2 The representation received from the local resident references a number of noise disturbance episodes alleged to have originated from the licenced premises and as such concerns the licensing objective of public nuisance.

### **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 Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2018. An electronic copy of the official guidance has been provided to each member of the Licensing Sub-Committee.
- 4.3 The Licensing Sub-Committee must have regard to the relevant representation 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 and either modify conditions by altering, omitting or adding them; exclude a licensable activity; remove the designated premises supervisor; suspend the licence for a maximum of three months or revoke the licence.

### **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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