

## REPORT TO LICENSING SUB COMMITTEE

**Date of Hearing:** 21<sup>st</sup> January 2021

**Report of:** The Service Lead - Environmental Health & Community Safety

**Type of Application:** A new premises license

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

**Applicant:** Ford Holdings Limited (Company Registration No 12606277)

**Premises Address:** Ganbeis, Unit 2, Commercial Road, Exeter, EX2 4AE

**Ward of Premises:** St David's Ward

### 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 license for Ganbeis, Unit 2, Commercial Road, Exeter, EX2 4AE. A plan showing the Premises is attached at Appendix B. The proposed licensed area of the Premises is edged red.

### 2. Are there any representations?

- 2.1 There have been two representations received and these are attached at Appendix C and D. These representations are relevant to the Licensing Objectives, Public Safety and the Prevention of Public Nuisance.

### 3. Report details:

- 3.1 The Applicant is a private limited company registered at Companies House. The Companies House website states that the company was incorporated on 15<sup>th</sup> May 2020 and the company status is active.
- 3.2 The Application seeks to apply for:
- **Provision of Recorded Music:** Monday-Sunday **09:00 – 01:00** hrs. (Indoors only)
  - **Late Night Refreshment:** Monday to Sunday **23:00 – 01:00** hrs (On and Off-sales.)
  - **Supply of alcohol:** Monday to Sunday: **09:00 – 01:00**hrs (On and Off Sales)
  - **Hours Open to the Public:** Monday to Sunday **09:00 – 02:00** hrs
- 3.3 Devon and Cornwall Constabulary has mediated with the Applicant within the 28 day consultation period proposing amended times and licensing conditions.
- 3.4 The Applicant has confirmed agreement to the Devon and Cornwall Constabulary of the proposals as set out in Appendix E and E (a).

The revised times agreed are;

- **Provision of Recorded Music:** (Indoors only)  
Monday to Saturday **09:00 – 01:00**hrs. Sunday **09:00 – 00:00**hrs.
- **Late Night Refreshment:** (On and Off-sales)  
Monday to Saturday **23:00 – 01:00**hrs. Sunday **23:00 – 00:00**hrs.
- **Supply of alcohol:** (On and Off Sales)  
Monday to Saturday: **09:00 – 00:30**hrs. Sunday **09:00 – 23:30**hrs.
- **Hours Open to the Public:**  
Monday to Saturday **09:00 – 01:00**hrs. Sunday **09:00 – 00:00**hrs.

- 3.5 The Applicant has set out steps he intends to take to promote the Licensing Objectives in the Operating Schedule in the Application, making reference to the British Beer and Pub Association link 'Irresponsible Drink Promotions' This is attached as Appendix F.
- 3.6 The Application was advertised on the premises from 27<sup>th</sup> November 2020 and in the local newspaper on 3<sup>rd</sup> December 2020 in Express & Echo in accordance with the requirements of the Licensing Act 2003. The end date for representations was on the 24<sup>th</sup> December 2020.

#### **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;
  - (b) The Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2018 which can be viewed at the [Revised guidance issued under section 182 of Licensing Act 2003](#);
  - (c) The Licensing Authorities Statement of Licensing Policy which can be viewed at the [Statement of Licensing Policy on the Council website](#).
- 4.2 In determining a license application the Licensing Sub-Committee will consider each application on its merits.
- 4.3 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.
- (a) To grant the license 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 license any of the licensable activities to which the application relates;
  - (c) To refuse to specify a person in the license 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.

### **Service Lead – Environmental Health & Community Safety**

## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-  
None

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275