

**LICENSING ACT 2003**

**NOTICE OF DETERMINATION**

<b>Date of Hearing:</b>	21 <sup>st</sup> March 2024
<b>Application:</b>	Variation of a Premises Licence
<b>Name of Premises:</b>	Mill on the Exe
<b>Address:</b>	Mill on the Exe, Bonhay Road, Exeter, EX4 3AB
<b>Licensing Sub-Committee:</b>	Cllr P Holland (Chair) Cllr A Sheridan Cllr S Warwick
<b>Committee Legal Advisor:</b>	Matthew Hall Max Murphy
<b>Principal Licensing Officer:</b>	Geraldine Pendlington
<b>Democratic Services Officer:</b>	Sharon Sissons
<b>The Applicant:</b>	St Austell Brewery Co Limited represented by Jonathan Smith of Poppleston Allen Licensing Solicitors, Gareth James (Operations Director for the Applicant) and Michael Collins (General Manager of Premises and DPS)
<b>Representations:</b>	One, not in attendance
<b>Hearing Duration:</b>	12:02 to 12:51hrs

**TAKE NOTICE:**

That the Licensing Sub-Committee convened on 21<sup>st</sup> March 2024 to determine the application for a variation to the premises licence has resolved to grant the variation subject to conditions set out in the Operating Schedule of the Application in accordance with section 35 of the Licensing Act 2003.

**THE SUB-COMMITTEE'S DECISION:**

In determining this application, the Licensing Sub-Committee took into account all the relevant evidence and information presented to it both written and oral, and took account of all the matters it is bound to take account of, in particular the following:

- Licensing Act 2003
- Statutory Guidance
- Exeter City Council Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

**REASONS FOR DECISION**

Having carefully considered the written and oral submissions the Licensing Sub-Committee was satisfied that there was no evidence presented to suggest that the variation as applied for would have a negative impact on the Licensing Objectives of the prevention of public nuisance and the protection of children from harm.

The Licensing Sub-Committee were mindful of the representation received in respect of potential noise nuisance to nearby residential properties but considered the Applicant's submissions that there was no intention to change the current operation of the premises which had not generated any complaints since two unsubstantiated complaints were received by the Council in 2021. Furthermore, the Licensing Sub-Committee had regard to the comments from the Applicant stating that they had no intention of operating outside events and that they operated the hotel situated directly behind the proposed outside bar area. This, together with the requirement to have a member of staff who could monitor and promptly resolve any issues, gave the Licensing Sub-Committee confidence that the premises would be operated in a way that would not cause disturbance to local residents.

**RIGHT OF REVIEW**

At any stage, a responsible authority or any other person may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives; the prevention of crime and disorder, Public Safety, the prevention of public nuisance and the protection of children from harm.

**RIGHT OF APPEAL**

All parties are reminded of their right to appeal against this decision to the Magistrates' Court by virtue of Section 181 and Schedule 5 Part 1 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision.

**Any Appeal is commenced by a notice addressed to:**

The Clerk to the Justices, North and East Devon Magistrates' Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

Parties are advised to contact the court office to check the form of notice required and the fee payable.



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**The Chair of Licensing Sub Committee**

**22 March 2024**