



Exeter City Council

To the Chair and Members
of the Licensing Hearing

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Our ref:

Your ref:

A **LICENSING HEARING** under the Licensing Act 2003 will be held in the Rennes Room, Civic Centre, Paris Street, Exeter on the rising of the Licensing Sub Committee which commences at 2.30pm on **WEDNESDAY 19 JUNE 2013** to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway on **Exeter 265275**.

Pages

AGENDA

1 **APPOINTMENT OF CHAIR**

To appoint a Chair.

LICENSING ACT 2003

2 **NOTIFICATION OF A TEMPORARY EVENT NOTICE - PREMISES EX4, 162-163 FORE STREET, EXETER** 3 - 4

To consider the report of the Principal Licensing Officer.

Details of the application may be found at <http://www.exeter.gov.uk/licensing>
Search the public register and the link is to the right of the page or may be viewed at the Licensing office between 09.00 and 16.00 Monday to Friday.

Membership will be drawn from the following members of the Licensing Committee -
Councillors Owen (Deputy Chair), Dawson, Choules, Clark, D J Henson, Laws, Macdonald, Newby, Payne, Pearson, Ruffle, Shiel, Tippins and Winterbottom

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Exeter City Council

REPORT TO LICENSING SUB-COMMITTEE 19 JUNE 2013

APPLICATION: Objection to a Notification of a Temporary Event REPORT BY Principal Licensing Officer

PART 1

1. THE APPLICATION

- 1.1 Premises user and applicant for the Temporary Event Notice (TEN)
Mr Robin Patterson

Premises: EX4 – 162-163 Fore Street, Exeter, EX4 3AT

- 1.2 The Devon and Cornwall Constabulary and an Environmental Health Officer has raised objections under the provisions of section 104 of the Licensing Act 2003.
- 1.3 The application is for an After Party on 6 October 2013 from 02.00–6.00. The details of the event are as follows:
- To provide music and entertainment from 02:00 to 06:00
 - To provide alcohol between 02:00 and 04:30

Detail of Objection against the Licensable Activities sought:

- 1.4 The Devon and Cornwall Constabulary have objected to the TEN application submitted by Robin Patterson for an event at EX4, 162-163 Fore Street, Exeter, EX4 3AT, stating that allowing the premises to be used in accordance with the TEN would undermine the crime prevention objective and that they are concerned that this event will lead to incidents of crime and disorder.
- 1.5 Environmental Health have objected to the TEN application submitted by Robin Patterson for an event at EX4, 162-163 Fore Street, Exeter, EX4 3AT. The objection is based on the licensing objective of the prevention of public nuisance.
- 1.6 Section 104(2) as amended provides that where a specified Responsible Authority is satisfied that allowing the premises to be used in accordance with the Notice would undermine the crime prevention objective or prevention of Public nuisance he must give notice stating the reasons he is so satisfied. The notices of objection are attached.

PART 11

2.0 RELEVANT REPRESENTATIONS

- 2.1 There is no provision for any representations other than from the Chief Officer of Police or the Environmental Health Authority.

PART 111

3.0 RELEVANT LICENSING POLICY CONSIDERATIONS **Licensing Objectives**

- 3.1 The statement of licensing policy at section 2 addresses in part, the concerns raised in the representation. Guidance under Section 2.6 of the Policy states that the Licensing Committee may take account of any non-compliance with Statutory requirements brought to its attention if they undermine the licensing objectives.

PART IV

4.0 RELEVANT STATUTORY PROVISIONS AND OFFICIAL GUIDANCE CONSIDERATIONS

- 4.1 Official Guidance issued under section 182 of the Licensing Act 2003 at annex D is contained at section 7 particularly 7.25 to 7.29 the text is contained in the members yellow handbooks.

PART V

5.0 OBSERVATIONS

- 5.1 The committee are asked to determine the matters raised by the Devon and Cornwall Constabulary and the Environmental Health officer in regard to promoting the licensing Objectives that relates to the prevention of Crime and Disorder and the prevention of public nuisance.
- 5.2 At the time of writing there has been no indication of agreement to modify or withdraw the application between the Environmental health Officer and the premises user; however the police have indicated an agreed modification to the application. No details are yet available.
- 5.3 The Committee is obliged to have regard to Council's own Licensing Policy and the Statutory Guidance in making its decision.
- 5.4 The Committee must take one or other of the following steps, as is considered necessary for the promotion of the licensing objective relating to crime and disorder.
- Having regard to the objection Notice and if it is considered appropriate for the promotion of the licensing objectives, give the premises user a counter notice and a notice stating the reasons for the decision or;
 - If it is determined not to give a counter notice under these provisions; give the premises user and the Chief Officer of Police for the Devon and Cornwall Constabulary and the Environmental Health Officer notice of the decision and the reasons for that decision



Principal Licensing officer

Date: 13.06.13