

LICENSING SUB-COMMITTEE

Tuesday 15 February 2022

Present:

Councillors Buswell, Moore, J and Wood

Also Present:

Councillor Holland

Also Present:

Legal Advisor, Principal Licensing Officer, Democratic Services Team Leader and Democratic Services Officer (HB)

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APPOINTMENT OF CHAIR

Councillor Buswell was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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APPLICATION TO GRANT A PREMISES LICENCE

The Chair introduced the Members of the Licensing Sub-Committee together with the Legal Advisor, the Principal Licensing Officer and the Democratic Services Officers. The Legal Advisor set out the hearing procedure and the parties in attendance, agreed that the procedure was understood.

The Principal Licensing Officer presented the application to grant a new premises license at Sandy Park Hotel, Sandy Park Way, Exeter, Devon, EX2 7NN. It was confirmed that there had been 27 representations received, which were included in the agenda documentation and were relevant to the Licensing Objective for the Prevention of Public Nuisance. No representations had been received from Environmental Health, the Devon and Cornwall Constabulary or any other Responsible Authority.

The Principal Licensing Officer confirmed that the Application had been advertised on the premises and in the local newspaper on 26th January and 13th January 2022, in accordance with the requirements of the Licensing Act 2003.

The Principal Licensing Officer stated that following the end date for representations the Applicant had written to the Licensing Authority to explain that the provision for live and recorded music to be played outside of the Premises as set out in the Application was not required. In addition that the applicant had no intention to sell alcohol for consumption outside of the hotel premises. The letter had been circulated to all the parties prior to the hearing and many representations had been withdrawn as a result of the Applicants letter.

The Applicant spoke in support of their Application and responded to questions from Members and the Legal Advisor. Particular reference was made to providing assurance that there was no intention to have live or recorded music playing or to sell alcohol for consumption outside of the hotel. The Applicant confirmed this had been an error on the application form. The Applicant confirmed that they were

applying for live and recorded music inside the Premises only and there was suitable soundproofing in the hotel.

Councillor Holland, spoke on behalf of those representations who had requested him to do so.

The meeting was closed so that the members could determine the application.

RESOLVED that the application be granted as applied for, subject to conditions for the reasons set out in the formal decision notice attached.

(The meeting commenced at 5.00 pm and closed at 6.09 pm)

Chair



Exeter City Council

LICENSING ACT 2003

APPLICATION FOR GRANT OF A PREMISES LICENCE

NOTICE OF DETERMINATION

Date of Hearing: 15 February 2022

Application: Grant of a New Premises Licence

Name of Premises: Sandy Park Hotel Ltd

Address: Sandy Park Way, Exeter, Devon, EX2 7NN

Licensing Sub-Committee Members: Councillors: Buswell, J. Moore and Wood.

Legal Advisor: Matthew Hall (MH)

Licensing Officer: Alan Drake (AD)

Democratic Services Officer: Mark Devin (MD), Howard Bassett (HB)

Applicant: Mr Tony Rowe (TR) and Ms Kirsty Holburd (KH)

Representations: Cllr Peter Holland (speaking on behalf of members of the public who requested him to do so)

Hearing Duration: 17:00 Hours to 17:49 Hours

TAKE NOTICE:

That the Licensing Sub-Committee convened on 15 February 2022 has determined to grant a premises licence in accordance with section 18 of the Licensing Act 2003 subject to the amendments and conditions agreed by the Applicant as set out in this notice.

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

The Application was granted as applied for subject to the following amendments and conditions.

Amendments to the Application

The Applicant requested that the Licensing Sub-Committee amend the application to remove the following licensable activities:

- 1. The Provision of Live Music outside only.
- 2. The Provision of Recorded Music outside only.
- 3. Provision of anything similar in description to live music, recorded music or performances of dance.

Conditions

The Application is granted subject to the conditions submitted by the Applicant and set out in the Operating Schedule of the Application and Appendix D at page 55 of the report to the Licensing Sub-Committee.

In addition and with the agreement of the Applicant the following condition was imposed by the Licensing Sub-Committee:

Off-sales of alcohol shall not be consumed outside of the hotel building.

Reasons

The Licensing Sub-Committee was satisfied that the Application as amended would not have a negative impact on the Licensing Objective of public nuisance. The Licensing Sub-Committee considered that the Premises would be operated and managed in a way that would not pose a risk of disturbance to local residents and were reassured by the Applicant that live and recorded music would not be played outside after 2300hrs.

RIGHT OF APPEAL:

All parties are reminded of their right of appeal against this decision to the Magistrates' Court in accordance with 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 appealed against.

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.

The Chair of Licensing Sub Committee

Christine A Buswell
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21 February 2022