

## **LICENSING SUB-COMMITTEE**

Wednesday 27 July 2022

### Present:

Councillors Foale, Asvachin and Vizard

### Also Present:

Legal Advisor, Licensing Officer and Democratic Services Team Leader

34

### **APPOINTMENT OF CHAIR**

Councillor Foale was appointed as Chair for this meeting.

35

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

36

### **APPLICATION TO GRANT A PREMISES LICENCE**

The Licensing Sub Committee considered two preliminary matters:-

- The Application Plan was missing detail of the points of access and egress; and
- The Premises Notice attached to the application did not contain the proposed times of licensable activity, and therefore had not complied with Regulations 25 and 26 of Licensing Act 2003.

The Applicant confirmed the points of access and egress on the plan in accordance with Regulation 23 of Licensing Act 2003 and confirmed that a link had been added to the premises notice, which provided the times for the licensable activity and presented a copy of the notice to Members.

The meeting was adjourned so that the members could deliberate on the preliminary matters. Members considered that both errors to be minor and did not prejudice or present any injustice to any parties. Members were satisfied to proceed with the meeting and the Applicant returned to the room.

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

The Licensing Officer presented the application for a new premises license at 'Grow Coffee House', Concord House, 70 South Street, Exeter, which was adjoined to a Cumulative Impact zone. The Application was seeking to provide regulated entertainment and the sale of alcohol for the times presented in the report.

Four representations had initially been received from the public and Devon and Cornwall Police, objecting to the application in relation to the licensing objectives for the prevention of public nuisance, public safety and prevention of crime and disorder. Three of the representations had since been withdrawn, following agreement of conditions to the licence. Therefore only one representation

remained to be considered by the Licensing Sub-Committee.

The Licensing Officer confirmed that the Application had been advertised on the premises and in the local newspaper in accordance with the requirements of the Licensing Act 2003. Members noted that the applicant had not applied for live music as in the event the Licence was granted the Applicant wished to rely on the provisions of the Live Music Act 2012

The Applicant spoke in support of the Application and responded to questions from Members and the Legal Advisor. The respondent was not in attendance.

Particular reference was made to the conditions that had been agreed with the Police and that the Applicant had contacted all the respondents to notify them of the agreed conditions.

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

**RESOLVED** that the application be granted subject to the conditions set out in the Operating Schedule of the Application and as agreed with the Police in Appendix I of the report, for the reasons set out in the formal decision notice attached.

(The meeting commenced at 10.00 am and closed at 10.50 am)

Chair



## **Exeter City Council**

### **LICENSING ACT 2003**

### **APPLICATION FOR GRANT OF A PREMISES LICENCE**

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 27 July 2022

**Application:** Grant of a New Premises Licence

**Name of Premises:** Grow Coffee House Ltd

**Address:** Concord House, 70 South Street, Exeter, Devon, EX1 1EG

**Licensing Sub-Committee Members:** Councillors: Asvachin, Foale and Vizard.

**Legal Advisor:** Matthew Hall (MH)

**Licensing Officer:** Vicky Limb (VL)

**Democratic Services Officer:** Mark Devin (MD)

**Applicant:** Mr Daniel Frye (DF)

**Representations:** Dakota Ferrara (Did not attend)

**Hearing Duration:** 10:00 Hours to 10:50 Hours

### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 27 July 2022 has determined to grant a premises licence in accordance with section 18 of the Licensing Act 2003 subject to the amendments and conditions set out in this notice.

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

The Sub-Committee considered two preliminary points.

#### **Application Plan**

The Applicant amended the Plan submitted with the Application to confirm the points of access and egress in accordance with Regulation 23 of Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/4.

### Validity of the Notice.

The Licensing Sub-Committee considered that the Notice attached to the Premises in respect of the application did substantially comply with Regulations 25 and 26 of Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005/4.

Both these errors were considered minor and did not prejudice or present any injustice to any parties.

The Licensing Sub-Committee determined the application and 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 is granted subject to the conditions set out in the Operating Schedule of the Application and Appendix A at page 19 and agreed with the Police at Appendix I at page 67 of the report to the Licensing Sub-Committee.

### Reasons

The Licensing Sub-Committee was satisfied that this Premises operating under the conditions agreed would not have a negative impact on the Licensing Objectives. The Licensing Sub-Committee was pleased that the applicant had conducted early discussions regarding the application with the Police and considered this as positive in the overall promotion of the Licensing Objectives.

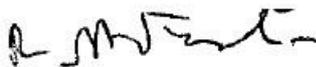
The Licensing Sub-Committee were confident that noise levels at the Premises would be kept to a minimum and it would be operated in a way which would not cause a late night disturbance.

### **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**

**28 July 2022**