

## **LICENSING SUB-COMMITTEE**

Friday 25 August 2023

### **Present:**

Councillors Warwick, Asvachin and Holland

### **Also Present:**

Legal Advisor, Principal Licensing Officer, Senior Licensing Officer, Licensing Officer, Apprentice Solicitor and Democratic Services Officer (SLS)

62

### **APPOINTMENT OF CHAIR**

Councillor Warwick was appointed as Chair for this meeting.

63

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

64

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

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

The Principal Licensing Officer presented the application to grant a new premises Licence at the Old Fire Station, 10 Fore Street, Topsham Exeter, and Devon, EX3 0HF for a brewery and a tap room, for the times as set out in the report.

The application included a plan of the premises and the Applicant had included additional conditions in the Operating Schedule of the application to promote the Licensing Objectives. It was 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, with the last date for representations being 31 July 2023.

It was confirmed that two representations had been received, with an objection from a local resident in relation to the licensing objectives for the prevention of children from harm, prevention of public nuisance, public safety and prevention of crime and disorder. The Principal Licensing Officer read out the objection from the local resident as she was unable to attend. It was noted that an objection from the Devon and Cornwall Police was subsequently withdrawn as conditions were agreed with the Applicant. The proposed conditions were attached as Appendix D to the report.

No other representations had been received from any other Responsible Authority.

The Applicant spoke in support of their application and responded to questions from Members the Apprentice Solicitor and the Legal Advisor.

The Apprentice Solicitor advised the Licensing Sub-Committee in respect of the relevant parts of its Statement of Licensing Policy and the Home Office Guidance issued by the Secretary of State.

All parties present were advised that a decision notice would be issued within five

working days of the hearing and stated that the parties had a right of appeal against the decision to the Magistrates Court within 21 days of being notified of the decision.

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 adjourned at 11.00 am and reconvened at 2.00pm.**

65

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

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

The Principal Licensing Officer presented the application to grant a new premises licence in respect of Portal Pizza, 36 Magdalen Road, Exeter EX2 4TA. The application sought a licence to operate as a pizza restaurant with a focus on quality pizza and craft beer for the times presented in the report.

The application included a plan of the premises and the Applicant had included additional conditions in the Operating Schedule of the application to promote the Licensing Objectives. The application had been advertised on the premises for 28 days and in the local newspaper as required by legislation with the last date for representations being 31 July 2023.

It was confirmed that two representations had been received, with an objection from a local resident in relation to the licensing objectives for the prevention of children from harm, prevention of public nuisance, public safety and prevention of crime and disorder. The objection from the Devon and Cornwall Police was withdrawn as conditions were agreed with the Applicant. These conditions were set out in Appendix D to the report.

No other representations had been received from any other Responsible Authority.

The Applicant was in attendance and spoke in support of their application and responded to questions from Members, the Legal Advisor and the Respondent who was in attendance. The Respondent spoke on the matter and also in reply to questions from the Applicant, Members and the Legal Advisor.

The Apprentice Solicitor advised the Licensing Sub-Committee in respect of the relevant parts of its Statement of Licensing Policy and the Home Office Guidance issued by the Secretary of State.

All parties were advised that a decision notice would be issued within five working days of the hearing and that the parties had a right of appeal against the decision to the Magistrates Court within 21 days of being notified of the decision.

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 10.00 am and closed at 2.50 pm)

Chair

This page is intentionally left blank



## **Exeter City Council**

### **LICENSING ACT 2003**

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

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 25<sup>th</sup> August 2023

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

**Name of Premises:** The Old Fire Station

**Address:** 10 Fore Street, Topsham, Exeter, Devon, EX3 0HF

**Licensing Sub-Committee Members:** Councillors: Steve Warwick (Chair), Marina Asvachin and Peter Holland

**Legal Advisors:** Matthew Hall and Max Murphy

**Licensing Officers:** Nigel Marston and Michael Morgan

**Democratic Services Officer:** Sharon Sissons

**Applicant:** The Can Do Pub Co Limited, Oliver Bainbridge (in attendance)

**Representations:** Karen Davenport, the Police Licensing Officer for Devon and Cornwall Constabulary and Trudy Margaret Williams, Resident (neither in attendance)

**Hearing Duration:** 10:00am to 11:00am

### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 25<sup>th</sup> August 2023 has determined to grant a premises licence in accordance with section 18 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

Conditions

The Application is granted subject to the conditions provided by the Applicant set out in the Operating Schedule of the Application and submitted by the Devon and Cornwall Constabulary and agreed with the Applicant at Appendix D at page 37 to 39 of the report to the Licensing Sub-Committee.

Reasons

Having carefully considered the Applicant's submissions and the objection to the Application, the Licensing Sub-Committee was satisfied that the Application as applied for would not have a negative impact on any of the four Licensing Objectives. The Licensing Sub-Committee took into account the nature of the premises as a small brewery and a Taproom and were reassured by the Applicant's submissions that the premises would be managed responsibly to promote the Licensing Objectives. In addition, the Licensing Sub-Committee considered that the claims made in the representation in respect of existing public nuisance and anti-social behaviour could not be linked to this premises and no Responsible Authorities had raised any concerns in that regard.

**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 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.

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



**The Chair of Licensing Sub Committee**

**1 September 2023**

.....



## **Exeter City Council**

### **LICENSING ACT 2003**

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

### **NOTICE OF DETERMINATION**

**Date of Hearing:** 25th August 2023

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

**Name of Premises:** Portal Pizza

**Address:** 35 Magdalen Road, Exeter, Devon, EX2 4TA

**Licensing Sub-Committee Members:** Councillors: Steve Warwick, Marina Asvachin and Peter Holland

**Legal Advisor:** Matthew Hall and Max Murphy

**Licensing Officer:** Nigel Marston and Rebecca Barnsley

**Democratic Services Officer:** Sharon Sissons

**Applicant:** Portal Pizza Limited

**Representations:** Karen Davenport, the Police Licensing Officer for Devon and Cornwall Police (not in attendance) and Simon Coughlan (resident)

**Hearing Duration:** 14:00 – 14:48

### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 25<sup>th</sup> August 2023 has determined to grant a premises licence in accordance with section 18 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

Conditions

The Application is granted subject to the conditions provided by the Applicant set out in the Operating Schedule of the Application and the conditions submitted by the Devon and Cornwall Constabulary and agreed with the Applicant at Appendix D at page 89 of the report to the Licensing Sub-Committee.

Reasons

Having carefully considered the Applicant's submissions and the objection to the Application, the Licensing Sub-Committee were satisfied that the Application would not have a negative impact on Licensing Objectives of prevention public nuisance and prevention of crime and disorder. This was because the premises was primarily a pizza restaurant and would be operated in a way that would minimise disturbance to local residents. The Licensing Sub-Committee were also mindful that following the Applicant's agreement with the Devon and Cornwall Constabulary in respect of conditions there were no representations made by the responsible authorities.

**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 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.

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



**The Chair of Licensing Sub Committee**

**1 September 2023**  
.....