

## **LICENSING SUB-COMMITTEE**

Wednesday 20 December 2023

**Present:**

Councillors Asvachin, Warwick and Vizard

**Also Present:**

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

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### **APPOINTMENT OF CHAIR**

Councillor Asvachin 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 VARY THE PREMISES LICENCE - SANDY PARK STADIUM, SANDY PARK WAY, EXETER EX2 7NN**

The Chair introduced the Members of the Licensing Sub-Committee together with the Legal Advisor, the Apprentice Solicitor, the Principal Licensing Officer and the Democratic Services Officer.

The Legal Advisor explained that a preliminary issue of compliance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 ('the Regulations') had to be determined and explained the procedure to the parties.

Members were advised that the publication of the advertisement for the application made in the local newspaper, was within 12 working days and not 10 working days as required by the Regulations. The Applicant had complied with the Regulations as detailed in the report. The parties were invited to make submissions on this matter and advised that the Licensing Sub-Committee would determine this issue before a full hearing could proceed.

Upon hearing the submissions all parties left the room for the Members to deliberate. The Licensing Sub-Committee determined that the Applicant had substantially complied with the Regulations and therefore the publication of the advertisement in the local newspaper within 12 working days instead of 10 had not caused substantial injustice or prejudice. The hearing for the application could proceed.

The Legal Advisor set out the hearing procedure and all parties in attendance, agreed that the procedure was understood.

The Licensing Officer presented the application which sought the variation of a premises licence. The variation submitted applies to events only. The variation sought to:-

- Permit a finish time on Sunday at an outdoor live music event of 22:30hrs varying from the current 21:30hrs.
- To allow up to six music events, between 1 May and 15 July each year, avoiding local school holidays. This is a reduction in the number of permitted events and time period in which they can occur, from the current licence.
- Add additional conditions as set out in the Operating Schedule at part M of the Application.

The Applicant had provided a copy of the Event Management Plan in respect of events carried out in 2023 in support of the application. This was attached at Appendix C.

There had been one representation from a local resident objecting to the variation relating to the following Licensing Objectives:

- the Prevention of Public Nuisance
- the Prevention of Crime and Disorder; and
- Public Safety.

The respondent was not in attendance. The Principal Licensing Officer read out the representation. There were no other representations from any of the other Responsible Authorities.

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

All parties were advised that a decision notice would be issued within five working days of the hearing. The Legal Advisor stated that the parties had a right of appeal against the decision notice 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 to vary the licence was agreed for the reasons set out in the formal decision notice attached.

(The meeting commenced at 10.00 am and closed at 11.10 am)

Chair



## Exeter City Council

### LICENSING ACT 2003

#### NOTICE OF DETERMINATION

<b>Date of Hearing:</b>	20 <sup>th</sup> December 2023
<b>Application:</b>	Variation of a Premises Licence
<b>Name of Premises:</b>	Sandy Park Stadium
<b>Address:</b>	Sandy Park Stadium, Sandy Park Way, Exeter , EX2 7NN
<b>Licensing Sub-Committee:</b>	Cllr M Asvachin (Chair) Cllr M Vizard Cllr S Warwick
<b>Committee Legal Advisor:</b>	Matthew Hall Max Murphy
<b>Principal Licensing Officer:</b>	Nigel Marston
<b>Democratic Services Officer:</b>	Sharon Sissons
<b>The Applicant:</b>	Exeter Rugby Club Ltd represented Natasha Pavis (Managing Director) and Mark Isaacs (Stadium Operations Director) Chris Over (Director/ Company Secretary)
<b>Representations:</b>	One not in attendance
<b>Hearing Duration:</b>	10:05 – 11:10hrs

#### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 20<sup>th</sup> December 2023 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 and as modified below 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

The Licensing Sub-Committee determined to modify the conditions on the Licence as follows:

Events shall be limited to;

- The area of the premises inside of the stadium;
- Saturdays and Sundays;

- 2 Events per month (each Event lasting no longer than two days);
- No more than 2 consecutive weekends (to avoid 3 weekends in a row);
- No more than 6 events in total between May 1<sup>st</sup> and 15<sup>th</sup> July per year avoiding local school holidays.
- A total of 15,500 people on the premises inclusive of the public, staff, crew and artists.

Condition to set Hours of events.

Events shall be permitted only on

- Saturdays and Sundays from 1600hrs to 2230hrs;

**REASONS FOR DECISION**

The Licensing Sub-Committee considered the preliminary issue of compliance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 ('the Regulations'). The Licensing Sub-Committee considered the submissions made by the Applicant and determined that in making the application the Applicant had substantially complied with the Regulations. The publication of the advertisement in the local newspaper within 12 Working Days and not 10 Working Days did not cause substantial injustice or prejudice as all other advisement and publication requirements had been complied with and no parties had raised any concerns or late representations in respect of the Application.

The Licensing Sub-Committee turned to the Application submitted and considered all the written and oral representations. The Applicant gave submissions in respect of the success of events held in 2023, compliance with the conditions of the current licence and working with the responsible authorities and notifying residents. The Licensing Sub-Committee was mindful that only one representation from a local resident had been received and no representations had been received from a Responsible Authority. No evidence was presented to the Licensing Sub-Committee to show that the variation would have a negative impact on the Licensing Objectives.

**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.

*M. Asvachin*

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**Cllr Marina Asvachin**  
**The Chair of Licensing Sub Committee**

**Dated: 22 December 2023**