

LICENSING SUB-COMMITTEE

Thursday 3 October 2024

Present:-

Councillors Bennett, Hussain and Snow

Also Present

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

6 **APPOINTMENT OF CHAIR**

Councillor Snow was appointed as Chair for this meeting.

7 **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

8 **APPLICATION TO VARY THE PREMISES LICENCE - 5 OLD TIVERTON ROAD, EXETER EX4 6LD**

The Chair introduced the Members of the Sub-Committee together with the Legal Advisor, Apprentice Solicitor, the 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 Licensing Officer presented the application which sought the variation of a premises licence. The application has 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 10 September 2024.

It was confirmed that five valid representations objecting to the Application relating to three of the four Licensing Objectives were received. The representations were from members of the public were listed in an appendix to the report.

The Applicants spoke in support of their application and responded to questions from Members and the Legal team.

Representations were made by the public against the application.

All parties present were advised that a decision notice would be issued within five working days of the hearing. 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 11.30 am)

Chair

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LICENSING ACT 2003

NOTICE OF DETERMINATION

Date of Hearing:	3 rd October 2024
Application:	Variation of a Premises Licence
Name of Premises:	The Sunset Society
Address:	5 Old Tiverton Road, Exeter, EX4 6LD
Licensing Sub-Committee:	Cllr M Snow (Chair) Cllr C Bennett Cllr J Hussain
Committee Legal Advisors:	Simon Copper Max Murphy
Principal Licensing Officer:	Nigel Marston
Democratic Services Officer:	Pierre Doutreligne
The Applicant:	The Sunset Society, represented by Howard Parker
Representations:	Sandra Pruski (in attendance)
Hearing Duration:	10:00hrs to 11:30hrs

TAKE NOTICE:

That the Licensing Sub-Committee convened on 3rd October 2024 to determine the application for a variation to the premises licence has resolved to grant the variation subject to conditions set out below, in accordance with section 35 of the Licensing Act 2003.

THE SUB-COMMITTEE'S DECISION:

In determining the 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's Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

Conditions

The Application is granted subject to the following conditions.

All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 25 scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.

- How to complete and maintain the 'refusal register' in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase on behalf of those who are drunk or under age.
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- Training shall be recorded in documentary form and shall be regularly updated at least every 12 months. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.
- Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

i. Any complaints received

Records must be completed within 24 hours of any incident and will contain the time and date, the nature of the incident, the identities of the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon the request of an authorised officer of a responsible authority.

REASONS FOR DECISION

Having carefully considered the written and oral submissions the Licensing Sub-Committee were satisfied that, subject to the conditions above, the additional hours of the supply of alcohol at the premises would not cause disturbance to local residents and would promote the licensing objectives.

The Licensing Sub-Committee were mindful of the representations received in respect of potential noise nuisance to nearby residential properties but considered the Applicant's submissions that the proposed hosting of private events, focused on providing various activities and food, rather than solely providing alcohol, would not negatively impact the Licensing Objectives. The Licensing Sub-Committee had regard to the two noise complaints received in August and September 2023. The Licensing Sub-Committee were satisfied that the Council's Environmental Health Department did not take any further action upon receipt of these complaints, and by the Applicant's explanation of the events and, notably, that they did not intend to host such events in the future.

The Licensing Sub-Committee noted that no representations had been made by any of the Responsible Authorities.

The Licensing Sub-Committee were satisfied by the Applicant's submissions as to how the premises is currently managed, and did not consider that the increase in hours for the supply of alcohol would have a negative impact on the prevention of public nuisance.

The Licensing Sub-Committee noted the Applicant's discussions with Cllr Palmer regarding her representation, and Cllr Palmer's subsequent withdrawal of her objections.

The Licensing Sub-Committee considered the conditions proposed by the Applicant in section 16 of the Operating Schedule of the Application, and noted that the majority seemed overly onerous, on the basis of the nature of the premises licensed and the proposed use. Following suggestions from the Principal Licensing Officer and the Applicant, the Licensing Sub-Committee were satisfied that the two conditions set out above, would be sufficient to satisfy the licensing objectives in addition to the standard licensing conditions.

RIGHT OF REVIEW

At any stage, a responsible authority or any other person may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

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.

The Chair of Licensing Sub Committee



Councillor Martyn Snow

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