



## LICENSING SUB-COMMITTEE

**Date:** Wednesday 2 April 2025

**Time:** 10.00 am

**Venue:** Bad Homburg Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Liz Smith, Democratic Services Officer on 01392 265425 or email [democratic.services@exeter.gov.uk](mailto:democratic.services@exeter.gov.uk)

Entry to the Civic Centre can be gained through the rear entrance, located at the back of the Customer Service Centre, Paris Street..

*Membership -*

Councillors Snow, Banyard and Holland

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

##### **1 Appointment of Chair**

To appoint a Chair for the meeting.

##### **2 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

##### **3 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

***It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:***

**“RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”**

## **LICENSING ACT 2003**

4 **Application to Vary the Premises Licence - Duke of York Inn, 58 Sidwell Street, Exeter, EX4 6PH**

To consider the report of the Service Lead - Environmental Health & Community Safety. (Pages 3 - 154)

**Individual reports on this agenda can be produced in other formats on request to Democratic Services on 01392 265425.**

# Agenda Item 4

## REPORT TO LICENSING SUB COMMITTEE

<b>Date of Hearing:</b>	<b>2<sup>nd</sup> April 2025</b>
<b>Report of:</b>	<b>Service Lead - Environmental Health and Community Safety</b>
<b>Type of Application:</b>	<b>To seek a VARIATION of the premises licence for The Duke of York</b>
<b>Premises Address:</b>	<b>Duke of York Inn, 58 Sidwell Street, Exeter, EX4 6PH</b>
<b>Legislation:</b>	<b>Licensing Act 2003 ("the Act")</b>
<b>Applicant:</b>	<b>Craft Union Pub Company Limited</b>

### 1. What is the report about?

1.1 The application attached as Appendix A has been received by the Licensing Authority for the VARIATION of a premises licence. The existing premises licence and plan is attached as Appendix B.

### 1.2 The existing licence provisions are as follows:

#### **Opening Hours**

Monday to Sunday 10:00 – 00:30

#### **Supply of Alcohol**

Monday to Sunday 10.00 - 00.00

#### **Performances of Dance (Indoors)**

Monday to Sunday 10:00 - 00:00

#### **Indoor Sporting Events (Indoors)**

Monday to Sunday 10:00 - 00:00

#### **Live Music (Indoors)**

Monday to Sunday 10:00 - 00:00

#### **Late Night Refreshment (Indoors)**

Monday to Sunday 23:00 - 00:30

#### **Recorded Music (Indoors)**

Monday to Sunday 00:00 - 00:00

1.3 **The proposed variation:**

**Opening Hours**

Sunday to Thursday 10.00 – 01:30  
Friday and Saturday 10:00 – 02:30

**Supply of Alcohol**

Sunday to Thursday 10.00 – 01.00  
Friday and Saturday 10.00 – 02.00

**Performances of Dance (Indoors)**

Sunday to Thursday 10.00 – 01.00  
Friday and Saturday 10.00 – 02.00

**Indoor Sporting Events (Indoors)**

Sunday to Thursday 10.00 – 01.00  
Friday and Saturday 10.00 – 02.00

**Live Music (Indoors)**

Sunday to Thursday 10.00 – 01.00  
Friday and Saturday 10.00 – 02.00

**Late Night Refreshment (Indoors)**

Sunday to Thursday 23:00 – 01:00  
Friday and Saturday 23:00 – 02:00

**Recorded Music (Indoors)**

Monday to Sunday 00:00 – 00:00

- 1.4 The Non-Standard timings permitted under the current licence are to remain without variation.
- 1.5 The Premises is situated in Sidwell Street, Exeter and has been operated by the Applicant since 24.07.2023.
- 1.6 In order to promote the Licensing Objectives, the Applicant has included additional conditions in the Operating Schedule located at section 16 of the Application.
- 1.7 The Applicant also seeks to remove the sole existing conditions at Annexe 2 of the licence and replace with new conditions.

**2. Are there any representations?**

- 2.1 There have been four representations objecting to the variation relating to the Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. The representations are attached at Appendix C.

2.2 No representations have been received from any Responsible Authorities.

**3. Report details:**

3.1 The application was advertised on the Premises and in the local newspaper on 20<sup>th</sup> February 2025 in line with the above legislation. The Premises advertisement is at Appendix D, and the newspaper advertisement is at Appendix E.

3.2 The notice of hearing attached at Appendix F was issued to all parties on 17.03.2025

**4. What are the legal aspects?**

4.1 The Licensing Sub-Committee are required to have regard to;

4.1.1 the steps that are appropriate to promote the Licensing Objectives;

- Protection of children from harm
- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

4.1.2 the representations (including supporting information) presented by all the parties; and

4.1.3 the Official Guidance issued under section 182 of the Licensing Act 2003 revised December 2023 which can be viewed at: [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk); and

4.1.4 the Licensing Authorities Statement of Licensing Policy which can be viewed at <https://exeter.gov.uk/media/5123/statement-of-licensing-policy-2020-2025.pdf>

4.2 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.

4.3 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the Licensing Objectives.

- to modify the conditions of the licence; and/or
- to reject the whole or part of the application.

If the Licensing Sub-Committee considers that none of the above steps are appropriate for the promotion of the Licensing Objectives the Application shall be granted as applied for.

**5. Recommendations:**

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

**Service Lead – Environmental Health & Community Safety**

Author: **Julie Bennett** Licensing Officer

**Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-  
None

Contact for enquiries:  
Democratic Services (Committees)  
Room 4.36  
01392 265275

# **APPENDIX A.1**

\* required information

## Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="JL026049"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes	<input checked="" type="radio"/> No	

### Applicant Details

* First name	<input type="text"/>	
* Family name	<input type="text"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="09429990"/>		
Business name	<input type="text" value="Craft Union Pub Company Ltd"/>		If your business is registered, use its registered name.
VAT number	<input type="text" value="GB"/>	<input type="text" value="670313167"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>		

*Continued from previous page...*

Your position in the business	Licensing Team Leader	
Home country	United Kingdom	The country where the headquarters of your business is located.
<b>Registered Address</b>		Address registered with Companies House.
Building number or name		
Street		
District		
City or town		
County or administrative area		
Postcode		
Country	United Kingdom	

## Section 2 of 18

### APPLICATION DETAILS

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number EXE-P00307

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

### Postal Address Of Premises

Building number or name	Duke of York Inn
Street	58 Sidwell Street
District	
City or town	Exeter
County or administrative area	
Postcode	EX4 6PH
Country	United Kingdom

### Premises Contact Details

Telephone number	
------------------	--

*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

30,000

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The application seeks to extend the hours for licensable activities to 01.00hrs Sunday to Thursday and 02.00hrs Friday and Saturday with an additional 30 minute dispersal period.  
The application also seeks to remove the sole existing condition at Annex 2 of the licence and replace with new conditions, as discussed and agreed with Devon & Cornwall Police. All new conditions to be added to the licence are listed at Section 16 of this application.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes

No

### Standard Days And Timings

#### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for indoor sporting events.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As per the existing premises licence

## Section 7 of 18

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

## Section 8 of 18

### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

### Standard Days And Timings

#### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

*Continued from previous page...*

**FRIDAY**

Start	10:00	End	02:00
Start		End	

**SATURDAY**

Start	10:00	End	02:00
Start		End	

**SUNDAY**

Start	10:00	End	01:00
Start		End	

Will the performance of live music take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

[Large empty box for answer]

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Large empty box for answer]

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As per the existing premises licence

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes       No

**Section 10 of 18**

Continued from previous page...

## PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

### Standard Days And Timings

#### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

#### TUESDAY

Start

End

Start

End

#### WEDNESDAY

Start

End

Start

End

#### THURSDAY

Start

End

Start

End

#### FRIDAY

Start

End

Start

End

#### SATURDAY

Start

End

Start

End

#### SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

*Continued from previous page...*

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As per the existing premises licence

#### Section 11 of 18

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

#### Section 12 of 18

#### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

#### Standard Days And Timings

##### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

##### TUESDAY

Start

End

Start

End

*Continued from previous page...*

WEDNESDAY

Start	23:00	End	01:00
Start		End	

THURSDAY

Start	23:00	End	01:00
Start		End	

FRIDAY

Start	23:00	End	02:00
Start		End	

SATURDAY

Start	23:00	End	02:00
Start		End	

SUNDAY

Start	23:00	End	01:00
Start		End	

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

#### Standard Days And Timings

##### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

*Continued from previous page...*

Will the sale of alcohol be for consumption?

On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As per the existing premises licence

## Section 14 of 18

### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

## Section 15 of 18

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

##### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

##### TUESDAY

Start

End

Start

End

*Continued from previous page...*

WEDNESDAY

Start	10:00	End	01:30
Start		End	

THURSDAY

Start	10:00	End	01:30
Start		End	

FRIDAY

Start	10:00	End	02:30
Start		End	

SATURDAY

Start	10:00	End	02:30
Start		End	

SUNDAY

Start	10:00	End	01:30
Start		End	

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Large empty box for seasonal variations]

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As per the existing premises licence

[Large empty box for non-standard timings]

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

To remove the sole condition from Annex 2 and replace with a new set of conditions

[Large empty box for removing conditions]

I have enclosed the premises licence

*Continued from previous page...*

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Staff training must incorporate:

a) Responsible Alcohol Service, including recognising signs of drunkenness, refusal skills, drugs awareness  
b) Managing and resolving conflict

2. Training records will be signed by staff, retained on the premises for a period of 12 months. They will be produced for inspection when required by an Officer of a Responsible Authority

b) The prevention of crime and disorder

1. CCTV must be installed and cover all internal & external areas, including all public entry and exit points. The CCTV unit must be positioned in a secure part of the licensed premises and not within any private area of the location. Access to the system must be allowed immediately to the Police, Trading Standards or an authorised officer of the Licensing Authority in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

2. All images must be kept for a consecutive 31 day period and to be produced to the Police, Trading Standards or an authorised officer of the Licensing Authority in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon request or within 24 hours of such request where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

3. The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are open for licensable activities and during all times when customers remain on the premises.

4. The CCTV system clock must be set correctly and maintained (taking account of GMT and BST).

5. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or an authorised officer of the Licensing Authority.

6. The Designated Premises Supervisor must identify the requirement for Door Supervisors by way of a risk assessment or upon advice received from the Police. The risk assessment must be made available for inspection by an authorised officer. Where the risk assessment identifies the need for Door Supervisors to be deployed, Door Supervisors must be of sufficient number to be able to control entry to the premises and deal with any instances of disorderly behaviour within the premises simultaneously. Door Supervisors must remain at the premises until such time the premises are closed, and all members of the public have left the venue.

7. Where Door Supervisors are employed, there must be a register of every SIA person employed at the premises that contains the following details:

a) Full Name

b) Security Industry Authority licence number

c) Time and date each security staff starts and finishes

*Continued from previous page...*

d) Each entry must be signed by the Door Supervisors

8. That register must be kept fully updated at all times and remain at the licensed premises and be available for inspection immediately by an authorised officer of the Licensing Authority, the Security Industry Authority or Police.

9. An incident log (which may be kept electronically) must be kept at the premises and made available on request to the Police or an authorised officer of the Licensing Authority. It must be completed within 24 hours of the incident and must record the following:

- a) All crimes reported to the premises.
- b) All ejections of patrons
- c) Any complaints received concerning crime and disorder.
- d) Any incidents of disorder
- e) All seizures of drugs or offensive weapons
- f) Where Possible, details of those involved including members of the public, police officers, SIA staff and employees.

10. A refusals register (which may be kept electronically) must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are underage. This register must be made available for inspection upon request by a Responsible Authority.

11. The premises shall retain a written Drugs Policy to be made available to Responsible Authorities on request.

c) Public safety

We are aware of the relevant legislation and take our responsibilities seriously.

d) The prevention of public nuisance

1. Outside areas shall be monitored and regularly cleared of glasses and bottles.

2. The outside areas shall not be used beyond 23:00hrs save for persons temporarily permitted to smoke.

3. No person shall be allowed to leave the premises (except to any area set aside for the consumption of alcohol) with open containers of drinks of any kind.

4. All Doors (save for access or egress) and Windows must be kept shut during regulated entertainment.

5. Notices shall be prominently displayed near all exits from the premises requesting patrons to leave quietly with consideration for neighbours.

e) The protection of children from harm

1. Challenge 25 must be operated at the premises whereby all persons who appear to be under 25 years of age and purchasing or attempting to purchase alcohol must be asked to provide identification to prove they are over 18 years of age. The only acceptable forms of identification allowed are:

- a) a valid passport,
- b) a valid photo ID driving licence or
- c) a valid proof of age scheme card with the PASS approved hologram.

2. Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

3. All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training.

*Continued from previous page...*

## NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

190.00

### DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the

*Continued from previous page...*

\* licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

[REDACTED]

\* Capacity

Licensing Team Leader

\* Date

12 / 02 / 2025  
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/exeter/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

JL026049

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

# **APPENDIX B**



## Licensing Act 2003 - Premises Licence

### Duke of York EXE-P00307

#### Part 1 – Premises Details

##### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Duke of York, Sidwell Street, Exeter, Devon, EX4 6AN

##### WHERE THE LICENCE IS TIME LIMITED, THE DATES

Not applicable, licence is not time limited.

##### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

Supply of Alcohol  
Performances of Dance  
Indoor Sporting Events  
Live Music  
Late Night Refreshment  
Recorded Music

##### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

###### Supply of Alcohol (Alcohol is supplied for consumption both on and off the Premise)

Monday to Sunday	10:00 - 00:00
Non Standard Timings	- (On the days/dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1 January 1 hr, good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday Prior 1 hr, May Bank Holiday (1st) Saturday Prior 1 hr, May Bank Holiday (1st) Sunday prior 1 hr, May Bank Holiday (1st) Bank Holiday Monday 1 hr, May Bank Holiday (2nd) Friday Prior 1 hr, May Bank Holiday (2nd) Saturday Prior 1 hr, May Bank Holiday (2nd) Sunday prior 1 hr, May Bank holiday (2nd) Bank holiday Monday 1 hr, August Bank holiday Friday Prior 1 hr, August Bank holiday Sat Prior 1 hr, August Bank holiday Sunday Prior 1 hr, August Bank holiday Monday 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27th December 1 hr, 28th December 1 hr, 30th December 1 hr.)
New Years Eve	10:00 - 10:00

###### Performances of Dance (Indoors)

Monday to Sunday	10:00 - 00:00
Non Standard Timings	- (On the days/dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1 January 1 hr, good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday Prior 1 hr, May Bank Holiday (1st) Saturday Prior 1 hr, May Bank Holiday (1st) Sunday prior 1 hr, May Bank Holiday (1st) Bank Holiday Monday 1 hr, May Bank Holiday (2nd) Friday Prior 1 hr, May Bank Holiday (2nd) Saturday Prior 1 hr, May Bank Holiday (2nd) Sunday prior 1 hr, May Bank holiday (2nd) Bank holiday Monday 1 hr, August Bank holiday Friday Prior 1 hr, August Bank holiday Sat Prior 1 hr, August Bank holiday Sunday Prior 1 hr, August Bank holiday Monday 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27th December 1 hr, 28th December 1 hr, 30th December 1 hr.)

### **Indoor Sporting Events (Indoors)**

Monday to Sunday 10:00 - 00:00  
Non Standard Timings - (On the days/dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1 January 1 hr, good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday Prior 1 hr, May Bank Holiday (1st) Saturday Prior 1 hr, May Bank Holiday (1st) Sunday prior 1 hr, May Bank Holiday (1st) Bank Holiday Monday 1 hr, May Bank Holiday (2nd) Friday Prior 1 hr, May Bank Holiday (2nd) Saturday Prior 1 hr, May Bank Holiday (2nd) Sunday prior 1 hr, May Bank holiday (2nd) Bank holiday Monday 1 hr, August Bank holiday Friday Prior 1 hr, August Bank holiday Sat Prior 1 hr, August Bank holiday Sunday Prior 1 hr, August Bank holiday Monday 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27th December 1 hr, 28th December 1 hr, 30th December 1 hr.)

### **Live Music (Indoors)**

Monday to Sunday 10:00 - 00:00  
Non Standard Timings - (On the days/dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1 January 1 hr, good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday Prior 1 hr, May Bank Holiday (1st) Saturday Prior 1 hr, May Bank Holiday (1st) Sunday prior 1 hr, May Bank Holiday (1st) Bank Holiday Monday 1 hr, May Bank Holiday (2nd) Friday Prior 1 hr, May Bank Holiday (2nd) Saturday Prior 1 hr, May Bank Holiday (2nd) Sunday prior 1 hr, May Bank holiday (2nd) Bank holiday Monday 1 hr, August Bank holiday Friday Prior 1 hr, August Bank holiday Sat Prior 1 hr, August Bank holiday Sunday Prior 1 hr, August Bank holiday Monday 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27th December 1 hr, 28th December 1 hr, 30th December 1 hr.)

### **Late Night Refreshment (Indoors)**

Monday to Sunday 23:00 - 00:30  
Non Standard Timings - (On the days/dates listed below the additional hours (these in addition to the ones listed left) are to be permitted for the licensable activity (not including drinking up time) - 1 January 1 hr, good Friday 1 hr, Easter Saturday 1 hr, Easter Sunday 1 hr, Easter Monday 1 hr, May Bank Holiday (1st) Friday Prior 1 hr, May Bank Holiday (1st) Saturday Prior 1 hr, May Bank Holiday (1st) Sunday prior 1 hr, May Bank Holiday (1st) Bank Holiday Monday 1 hr, May Bank Holiday (2nd) Friday Prior 1 hr, May Bank Holiday (2nd) Saturday Prior 1 hr, May Bank Holiday (2nd) Sunday prior 1 hr, May Bank holiday (2nd) Bank holiday Monday 1 hr, August Bank holiday Friday Prior 1 hr, August Bank holiday Sat Prior 1 hr, August Bank holiday Sunday Prior 1 hr, August Bank holiday Monday 1 hr, Christmas Eve 2 hrs, Boxing Day 1 hr, 27th December 1 hr, 28th December 1 hr, 30th December 1 hr.)

### **Recorded Music (Indoors)**

Monday to Sunday 00:00 - 00:00

## **THE OPENING HOURS OF THE PREMISES**

Monday to Sunday 10:00 - 00:30

Non Standard Timings -

New Years Eve 10:00 - 10:00



Licensing Authority  
Exeter City Council  
Civic Centre  
Paris Street  
Exeter  
EX1 1RQ

Tel: 01392 265 702  
Email: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES**

Alcohol is supplied for consumption both ON and OFF the Premises

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Craft Union Pub Company Ltd 3 Monkspath Hall Road Solihull B90 4SJ

Email address [licensing@stonegategroup.co.uk](mailto:licensing@stonegategroup.co.uk)

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

09429990

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Maria Ann Downing 24 Wakefield Avenue Plymouth Devon PL5 1PX

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PL13933      Licensing Authority: Plymouth

## **ANNEX 1 – MANDATORY CONDITIONS**

There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the said Premises Supervisor does not hold a personal licence or when his/her licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any person used to carry out a security activity must be licensed by the Security Industry Authority.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
  - (i) beer or cider: pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) duty is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) permitted price is the price found by applying the formula-

$P = D + (D \times V)$  where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) relevant person means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) relevant person means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) valued added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ( the first day ) would be different from the permitted price on the next day ( the second day ) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

### **Noise and Disturbance**

Measures to ensure the avoidance of noise and other nuisance will be implemented.

## **ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING**

### **ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING**

None.

## **ANNEX 4 – PLANS**

Please see attached

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# **APPENDIX C**

# Exeter City Council – Licensing Act 2003

## REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name		
The name of the organisation / body you represent (if appropriate)	CARDENS	
Postal address		
Email address	Student lettings @ cardensestateagents.co.uk	
Contact telephone number	01392 433866	
Name of the premises you are making a representation about	The Duke of York,	
Address of the premises you are making a representation about	58 Sidwell St, Exeter, Ex4 6PH	

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	Please see accompanying email
Public safety	Yes	..
To prevent public nuisance	Yes	..
To protect children from harm		

If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).	Existing license left unaltered
--	---------------------------------

Signed:

Date: 26.2.25

Please see notes on reverse



To Whom It May Concern,

I write as the Managing Agent of a property, 3 York Road EX4 6PQ. This property immediately abuts The Duke of York, 58 Sidwell Street, Exeter, EX4 6PH.

I am aware that the pub has applied to an extension of their licensing hours and I write to object to their proposal.

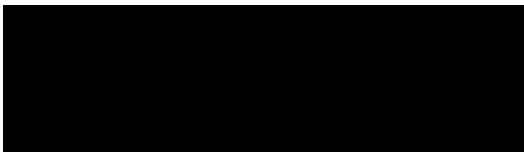
The area in question already suffers from well publicised antisocial behaviour issues and the increase in alcohol sales at extended hours will only exacerbate this. We have faced issues in the past with the pub, so the prospect of increased hours does cause a feeling of dread. The owner of our property previously had to go into the pub to ask them to stop their customers throwing bottles over their wall into our garden and causing broken glass hazards. We have also had tables and other furniture from the pub appearing on top of the lean-to area boundary, as well as patrons climbing on top that lean to roof thinking they could climb over into the pub. This has already caused negative reactions from residents and will only worsen if the proposal is accepted.

The extended hours proposed solely relate to late night alcohol sales in an area already experiencing issues with drunkenness during daytime hours. I feel this proposal will have a clear adverse effect on behaviour and crime rates that cannot even be controlled at present. There are already nightclub options available in Exeter that offer late night hours, and I fail to see what The Duke of York can offer that will be of substantial improvement to this.

Whilst Sidwell Street is a largely commercial area, there is a significant amount of housing in York Road, Oxford Road and Well Street and more, that will suffer if this proposal is accepted.

If the licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm then the first 3 of these cannot be anything other than worsened through this application.

Kind Regards



Senior Student Lettings Manager

Hampton House, 23 Longbrook Street, Exeter, EX4 6AB

Telephone 01392 433866

Email: [studentlettings@cardensestateagents.co.uk](mailto:studentlettings@cardensestateagents.co.uk)

Cardens Estate Agents Limited Registered Office: Michael House, Castle Street, Exeter, EX4 3LQ  
Registered in England and Wales No. 04708867 VAT Registered: 585 5623 07



**From:** [REDACTED]  
**Sent:** 28 February 2025 07:00  
**To:** Licensing Team <licensing.team@exeter.gov.uk>  
**Subject:** Application for a variation to a premises licence, Duke of York

Re:

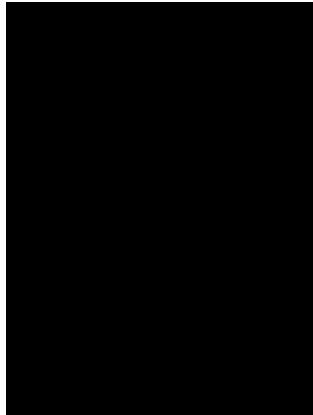
**Application for a variation to a premises licence**

**Craft Union Pub Company Ltd** has applied for a variation for the opening hours and licensable activities to a premises licence in respect of **The Duke of York, 58 Sidwell Street, Exeter, EX4 6PH.**

As a local resident I object to this change in licensing hours. I am already occasionally woken up in the early hours of the morning by drunk people shouting on Sidwell Street and King William Street, and I believe that extending these licensing hours would further reduce my peaceful enjoyment of my home.

I am also aware that a licence was recently granted for a 24hr gambling business nearby on Sidwell Street, and I don't believe that the combination of alcohol and gambling in such close proximity is a good thing for those addicted to either or both.

Yours



**From:** [REDACTED]

**Sent:** 22 February 2025 18:53

**To:** Licensing Team <licensing.team@exeter.gov.uk>

**Subject:** Regarding the proposed extended opening of the Duke of York Exeter.

Dear Sir/Madam,

I have just read the news article regarding the Duke of York in Exeter.

The Duke of York requesting to extend their opening hours Sunday - Thursday 10 - 1:30 and Friday - 10 - 2:30.

I live in Acland Terrace and have done so for 32 years. Over the last several years, the noise of surrounding businesses has severely affected my mental health and sleep. It's caused a huge impact.

We have been in constant liaison with the council, environmental health and the police, regarding the noise levels. The Duke of York is already loud when they have their Karaoke nights. We are a working family that have to be up at 6 am and this noise level surrounding us already affects our sleep massively.

Please can you seriously consider this, when looking at the proposed plan to allow them to open later. If they open until 2:30 on weekdays, this will be detrimental to my health (which is already suffering).

The amount of trouble and drunks in the area is already at the highest level we've known it. We are also trying to buy our house and this could really affect a sale in the future.

Allowing the Duke of York to extend its opening hours will cause so much more trouble in the area. We already have drunks leaving the pub singing and fighting and urinating across the road, in front of our house. We witness this often.

Your serious consideration to not allow this to go ahead would be massively appreciated.

Kind regards,

[REDACTED]

# Exeter City Council – Licensing Act 2003

## REPRESENTATION FORM

This representation is made about the premises to be licensed as detailed below:

Your full name		
The name of the organisation / body you represent (if appropriate)		
Postal address		
Email address		
Contact telephone number		

Name of the premises you are making a representation about	The Duke of York Pub
Address of the premises you are making a representation about	58 Sidwell Street Exeter EX4 6PH

Your representation must relate to one of the four Licensing Objectives

Licensing Objective	Yes Or No	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	The area in question already suffers from well-publicised anti-social behaviour issues and the increase in alcohol sales at extended hours will certainly make this worse. I have had to go into the pub in recent years to ask the bar staff to stop their customers throwing beer bottles etc over the wall into our courtyard. One flew over while I was in the courtyard inspecting the property. This is dangerous. There is no need to further put at risk this area of town, by making it a virtual pub nightclub. There are already nightclubs in Exeter offering late night hours. There are other private dwellings nearby in York Road, Oxford Street, Well Street etc that will be impacted by further anti-social behaviour. This is not even a student pub. It serves no benefit to the student community. It has always been a local pub that spills over anti-social behaviours, drunkenness, and harassment of passers-by.
Public safety	Yes	The walkway outside our property is very narrow and, as my dad experienced, not easy to get away from a drunk person asking for money. I have been frightened when approached by drunk men outside this pub. If later drinking hours are allowed, there is more chance of people throwing bottles over and trying to climb the wall into our courtyard. Our letting agents have also reported furniture from the pub appearing on top of our lean-to roof area – our passageway that leads to our courtyard. I had to organise to get furniture down from there a few years ago. It has also been reported by our letting agents of patrons climbing on top of our passageway roof to get into the pub!
To prevent public nuisance	Yes	This property – [REDACTED] – has been in our family for decades; it was previously owned by my grandparents, then my parents, from whom I inherited it. All through my childhood, while visiting my nan and grandad, up to the current day I remember problems at this pub. My dad got threatened to give money to someone coming out the pub, and as he had us two young girls with him, he gave them

	<p>money quickly, so he could get into my grandparent's house safely with us. I have been accosted a few times outside the pub, as I have been making deliveries and repairs to the property. I have personally felt intimidated. There is often vomit and rubbish outside our house from the pub. And our bins filled with patrons, rubbish. Extended licensing will only make these problems worse.</p>
<b>To protect children from harm</b>	<p>I rent the property on short-term lets to young students. I have previously rented to a group of 3 female students. The anti-social behaviour from the pub was especially intimidating for them, when items come over the wall into their courtyard. Due to the Government rental reform bill and the abolition of fixed term student contracts, new students will likely give notice within a couple months of living there for safety reasons, making it an untenable let. Cardens student lettings have expressed real concerns about this happening and have concerns it will be harder to let generally to students, as well as families with children.</p> <p>I have been researching leasing it long term direct to social housing providers for the benefit of vulnerable people and refugees/children. However, I would not be able to guarantee their safety, with all day and nightly opening hours to either 1.30am or 2.30am every night of the week.</p> <p>Our property has always previously been popular with students and sadly this extension could lose our student market. It would also make it unlettable to families/professionals. It would also be unsuitable for vulnerable people/refugees needing rehoming. I have been advised by Cardens estate agents and Students@Cardens that they have concerns that this extension will reduce what I could sell the property for or make it very hard to sell. It would leave me with our family property unattractive to students or tenants, and very difficult to sell/seriously devalued. I am a member of the National Residents &amp; Landlords Association and strive to present safe, legal and good standard accommodation. I think this is more important than a late drinking licence to further accelerate anti-social behaviour that is not well managed in the history I have known the pub – since the late 1970s.</p>

<b>If you are making a representation against a new application or full variation, please suggest any conditions that could be added to the licence to remedy your representation (or other suggestions you would like the Licensing Sub Committee to take into account).</b>	<p>I would suggest the licensing hours are reviewed and reduced due to the anti-social behaviour, safety issues and daytime drunkenness to lunchtime hours only 11am-2pm, and normal current evening pub hours kept to 10.00pm Sundays and 11pm latest as is now.</p> <p>I would also submit that the licensing extension, if granted can only be subject to residential properties in the near vicinity having current market offers made to them by the Brewery, who I believe to be The Craft Union Pub Company. This is not an unreasonable condition, considering the impact it will have on those residential properties nearby.</p>
---	--

Signed:



Date: 10/03/2025

Please see notes on reverse

## NOTES

**If you are making a representation in relation to a ‘new’ premises or a ‘full variation’ please read the following notes:**

1. If you do make a representation you will be able to attend a meeting of the Licensing Authority’s Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made in your absence.
2. This form must be returned within the statutory period of 28 days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Your representations will be published in the report available to the Licensing Committee, which will be publicly available.
6. Please return this form when completed to:

Licensing, Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN

Alternatively, you can email it to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk).

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**If you are making a representation in relation to a ‘minor variation’ please read the following notes:**

1. If you do make a representation, you should be aware that the application will be determined by an Officer. There will be no hearing and there is no right of appeal.
2. This form must be returned within the statutory period of 10 working days following submission of a valid application to the Licensing Authority.
3. You may make a representation wherever you live in relation to the premises but your representation must be relevant.
4. Representations can only relate to the four licensing objectives.
5. Please return this form when completed to:

Licensing, Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN

Alternatively, you can email it to [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk).

# **APPENDIX D**







# **APPENDIX E**

ALCOHOL & LICENSING

## 58 Sidwell Street - Applied For A Full Variation To A Premises Licence

EX4 6PH • Published 20/02/25

Exeter Express & Echo • [Publish a notice](#)



### What is proposed?

#### LICENSING ACT 2003

We Craft Union Pub Company Ltd, hereby give notice that we have applied for a full variation to a premises licence in respect of the Duke of York Inn, 58 Sidwell Street, Exeter, EX4 6PH. The variation is for the following: Extend the terminal hour for licensable activities to 01.00hrs Sunday to Thursday and 02.00hrs Friday & Saturday. Add new conditions to Annex 2 of the premises licence. Further information can be viewed on the application at the offices of the Licensing Authority at Exeter City Council, The Civic Centre, Paris Street, Exeter EX1 1JN during normal office hours or at Applications in progress - Exeter City Council.

Any interested party or responsible authority may make representations to the Council about the application. Such representations must be in writing and must be made no later than 13th March 2025.

It is an offence to knowingly or recklessly to make a false statement in connection with an application. A person guilty of such an offence is liable on summary conviction to unlimited fine.

**Date application accepted: 13/02/2025**

**Last date for representations: 13/03/2025**



## Need to publish a public notice?

If you need to publish a public notice, please contact Exeter Express & Echo directly at:

[publicnoticeteam@reachplc.com](mailto:publicnoticeteam@reachplc.com)

[01227 907972](tel:01227907972)

## About Us

The Public Notice Portal is owned and operated by the News Media Association, the voice of UK national, regional, and local newspapers in all their print and digital forms. NMA members include nearly 900 local and regional news titles which reach 40 million people across the length and breadth of the country each month.

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**EXETER CITY COUNCIL  
LICENSING ACT 2003**

**NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE**

Date: 17<sup>th</sup> March 2025  
Name: [REDACTED]

Address: Via e-mail to [REDACTED]

---

Case Number: EXE-P00307

Application: By: Duke of York

**Variation to a Premise Licence**

PLEASE NOTE that the hearing of this application will be heard by the licensing sub-committee sitting

AT: The Civic Centre, Paris Street, Exeter

AT: 10.00 hrs

ON: 2nd April 2025

Nigel J Marston PRINCIPAL LICENSING OFFICER

---

**You must respond to this notice if you wish to address the sub-committee. Please turn to page 2 which explains how and by when you should respond.**

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

**ADDRESS ALL CORRESPONDENCE TO:**

Nigel J Marston, Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

## **RESPONSE TO NOTICE OF HEARING**

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Principal Licensing Officer a notice:-

- a) stating whether you consider a hearing to be unnecessary;
- b) stating whether you intend to attend and/or be represented at the hearing;  
and
- c) requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

### **PLEASE SEND THIS INFORMATION TO:**

The Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
Tel: 01392 265430 E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**TO ARRIVE BY NO LATER THAN: 17.00hrs on 25<sup>th</sup> March 2025**

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**Accompanying this notice you will find information about the licensing sub-committee hearing procedure together with copies of any documents which have to be disclosed to you prior to the hearing. Please supply any further information that you intend to rely on in the hearing by the above date.**

**EXETER CITY COUNCIL – LICENSING ACT 2003**  
**PROCEDURE AT LICENSING SUB-COMMITTEE HEARINGS**  
**INFORMATION FOR PARTIES**

References in these notes to “the Act” are to the Licensing Act 2003 and references to “the Regulations” are to The Licensing Act 2003 (Hearings) Regulations 2005.

**1. Right of attendance, assistance and representation**

You may attend the hearing and be assisted or represented by any person whether or not that person is legally qualified. This right is subject to the licensing authority's right to exclude any person from a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.

**2. Representations and supporting information**

At the hearing you will be entitled:-

- a) to address the sub-committee;
- b) to give further information in support of your application, representations or notice (as applicable) in response to any point(s) upon which the licensing authority has advised that you will be required to provide clarification (see page 2 above); and
- c) if given permission by the sub-committee, to question any other party.

**3. Consequences if you fail to attend or be represented**

- 3.1 If you inform the licensing authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence.
- 3.2 If you do not so inform the licensing authority and then fail to attend or be represented at the hearing, the hearing may either be adjourned to a specified date or be held in your absence.
- 3.3 Where the hearing is held in your absence, the sub-committee will consider your application, representations or notice (as applicable).
- 3.4 Where the hearing is adjourned to a specified date you will be notified of the date, time and place to which the hearing has been adjourned.

**4. Procedure to be followed at the hearing**

- 4.1 The Chair shall open the sub-committee and remind Members of their obligation to declare any personal and prejudicial interests.
- 4.2 If appropriate, the sub-committee may make a resolution under Section 100A of the local Government Act 1972 to exclude the public from the hearing of a particular matter. Alternatively the sub-committee may make a resolution to exclude the public from the hearing of a particular matter where it considers this to be in the public interest.

- 4.3 The Chair shall identify the elected Members, the Legal Adviser, the Member Services Officer (and the Licensing Officer, if present) for the benefit of those attending the hearing. The Chair shall explain the officers' respective roles.
- 4.4. Each matter to be dealt with by the sub-committee shall be called in turn, usually in the order listed on the sub-committee agenda. However, the Chair may change the order at his/her discretion.
- 4.5 If the matter is being heard in private, the Member Services Officer will direct everyone except the Members, officers and parties to leave the room.
- 4.6 As each matter is called, the Chair will ask all the parties to identify themselves. Parties may be assisted or represented by any person whether or not that person is legally qualified, except that the sub-committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return, or permit them to return only on such conditions as the sub-committee may specify; but such a person may, before the end of the hearing, submit to the sub-committee in writing any information which they would have been entitled to give orally had they not been required to leave.
- 4.7 The Chair (or Legal Adviser) will ask the parties if they understand the procedure to be followed and, if not, will explain the procedure to them, including any maximum time-limit to be imposed in respect of each party's representations.
- 4.8 If a party has informed the authority that he will not be attending or be represented at the hearing, it may proceed in his absence. If a party who has not informed the authority that he will not be attending or represented fails to attend or be represented, the sub-committee may hold the hearing in that party's absence or, if it considers it to be necessary in the public interest, adjourn the hearing to a specified date.
- 4.9 Where the authority holds a hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- 4.10 Where the authority adjourns a hearing to a specified date, it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.
- 4.11 The Chair (or Legal Adviser or Licensing Officer) will introduce the matter by outlining the relevant facts. If the Licensing Officer attends, the Members may consult him at any time during the hearing to clarify any point relating to the application.

- 4.12 The sub-committee shall consider any request(s) previously made by any party(s) (in its Response to Notice of Hearing) for permission for another person to appear, and such permission shall not be unreasonably withheld.
- 4.13 The Chair (or Legal Adviser) will invite the applicant(s) to present his case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.14 Members of the sub-committee may ask questions of the applicant(s) and of any other person appearing on behalf of the applicant. Any other party may ask questions with the permission of the sub-committee.
- 4.15 The Chair (or Legal Adviser) will then invite each interested party and/or responsible authority in turn to present its case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.16 Members of the sub-committee may ask questions of each party who has addressed them and of any other person appearing on that party's behalf. Any other party may ask questions with the permission of the sub-committee.
- 4.17 The Chair (or Legal Adviser) will then invite the applicant to respond to the representations made by the other parties.
- 4.18 Where the sub-committee sets a maximum time-limit for each party to present its case, that time-limit shall apply to all parties.
- 4.19 Applications, relevant representations and/or notices shall have been sent to the authority, and to the other parties entitled to receive them, prior to the hearing within the statutory time-limits. The sub-committee may, at its discretion take into account additional documentary or other information produced by a party in support of its application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing. Any party seeking to produce additional documentary information shall provide sufficient copies for the Members, officers and other parties attending the hearing.
- 4.20 The sub-committee shall disregard any information given or evidence produced by a party or a witness which is not relevant to:-
  - (1) its application, representations or notice (as applicable), and
  - (2) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a Chief Officer of Police, the crime prevention objective.

## **5. Evidence**

The strict legal rules of evidence shall not apply and evidence shall not be given on oath.

## **6. Legal Advice**

6.1 The role of the sub-committee's Legal Adviser is to provide the Members with advice on:-

- questions of law;
- matters of practice and procedure;
- the options available to the sub-committee in making their decision;
- any relevant decisions of superior courts, or other guidelines (eg. - Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before the sub-committee (eg. any consultation currently in progress through Council etc.)
- where appropriate to assist the sub-committee in recording the reasons for its determination.

6.2 The Legal Adviser may ask questions of parties and persons appearing on their behalf in order to clarify the evidence and any issues in the case.

6.3 The Legal Adviser has a duty to ensure that every case is conducted fairly.

## **7. Determination of applications**

7.1 When all the evidence has been heard, the Members may withdraw to make their deliberations. The Member Services Officer and the Legal Adviser may remain with the sub-committee to give legal or procedural advice, but the Members will make the determination.

7.2 If the sub-committee needs to ask any further questions of any party, all parties will be asked to return before the sub-committee.

7.3 In the case of hearings held under the following sections of the Act, the sub-committee shall make its determination at the conclusion of the hearing:

- Hearing to consider police objection to temporary event notice [s.105(2)(a)]
- Hearing to consider review of premises licence following closure order [s.167(5)(a)]
- Hearing to determine application for conversion of existing licence to a new premises licence [Schedule 8, para 4(3)(a)]

- Hearing to determine application to vary a premises licence which is made at the same time as an application to convert an existing licence [s. 35 or s.39]
- Hearing to determine application for conversion of existing club certificate to a new club premises certificate [Schedule 8, para 16(3)(a)]
- Hearing to determine application to vary club premises certificate which is made at the same time as an application to convert an existing club registration certificate [s.85]
- Hearing to determine application for grant of personal licence to existing justices' licence holder [Schedule 8, para 26(3)(a)]

7.4 In any other case the authority shall make its determination within the period of 5 working days beginning with the day (or the last day) on which the hearing was held.

7.5 Where all the parties have agreed that no hearing is required, the authority shall make its determination within the period of 10 working days beginning with the day on which it gives notice to the parties.

#### **8. Quorum**

8.1 The quorum for any hearing of a licensing sub-committee shall be two (2) Members.

8.2 Determinations shall be made by a majority vote with the Chair having a casting vote in the event of an inconclusive result.

#### **9. Record of proceedings**

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of that appeal. This shall be the responsibility of the Member Services Officer.

#### **10. Irregularities**

10.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.

10.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps as it thinks fit to remedy the irregularity before reaching its determination.

10.3 The authority may correct clerical mistakes in any document recording a decision of the authority or errors arising in such a document from an accidental slip or omission.

#### **11. Form of notices**

- 11.1 Any notices required to be given under this procedure (and/or under the Regulations) must be given in writing.
- 11.2 The requirement that any notice must be given in writing shall be satisfied where:-
  - (a) the text of the notice
    - (i) is transmitted by electronic means;
    - (ii) is capable of being accessed by the recipient;
    - (iii) is legible in all material respects; and
    - (iv) is capable of being reproduced in written form and used for subsequent reference;
  - (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
  - (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.
- 11.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph 15.2(a) are satisfied.

**EXETER CITY COUNCIL  
LICENSING ACT 2003**

**NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE**

Date: 17<sup>th</sup> March 2025  
Name: Stonegate Group

Address: Via e-mail to [REDACTED]

---

Case Number: EXE-P00307

Application: By: Duke of York

**Variation to a Premise Licence**

PLEASE NOTE that the hearing of this application will be heard by the licensing sub-committee sitting

AT: The Civic Centre, Paris Street, Exeter

AT: 10.00 hrs

ON: 2nd April 2025

Nigel J Marston PRINCIPAL LICENSING OFFICER

---

**You must respond to this notice if you wish to address the sub-committee. Please turn to page 2 which explains how and by when you should respond.**

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

**ADDRESS ALL CORRESPONDENCE TO:**

Nigel J Marston, Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

## **RESPONSE TO NOTICE OF HEARING**

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Principal Licensing Officer a notice:-

- a) stating whether you consider a hearing to be unnecessary;
- b) stating whether you intend to attend and/or be represented at the hearing;  
and
- c) requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

### **PLEASE SEND THIS INFORMATION TO:**

The Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN

Tel: 01392 265430 E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**TO ARRIVE BY NO LATER THAN: 17.00hrs on 25<sup>th</sup> March 2025**

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**Accompanying this notice you will find information about the licensing sub-committee hearing procedure together with copies of any documents which have to be disclosed to you prior to the hearing. Please supply any further information that you intend to rely on in the hearing by the above date.**

**EXETER CITY COUNCIL – LICENSING ACT 2003**  
**PROCEDURE AT LICENSING SUB-COMMITTEE HEARINGS**  
**INFORMATION FOR PARTIES**

References in these notes to “the Act” are to the Licensing Act 2003 and references to “the Regulations” are to The Licensing Act 2003 (Hearings) Regulations 2005.

**1. Right of attendance, assistance and representation**

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**2. Representations and supporting information**

At the hearing you will be entitled:-

- a) to address the sub-committee;
- b) to give further information in support of your application, representations or notice (as applicable) in response to any point(s) upon which the licensing authority has advised that you will be required to provide clarification (see page 2 above); and
- c) if given permission by the sub-committee, to question any other party.

**3. Consequences if you fail to attend or be represented**

- 3.1 If you inform the licensing authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence.
- 3.2 If you do not so inform the licensing authority and then fail to attend or be represented at the hearing, the hearing may either be adjourned to a specified date or be held in your absence.
- 3.3 Where the hearing is held in your absence, the sub-committee will consider your application, representations or notice (as applicable).
- 3.4 Where the hearing is adjourned to a specified date you will be notified of the date, time and place to which the hearing has been adjourned.

**4. Procedure to be followed at the hearing**

- 4.1 The Chair shall open the sub-committee and remind Members of their obligation to declare any personal and prejudicial interests.
- 4.2 If appropriate, the sub-committee may make a resolution under Section 100A of the local Government Act 1972 to exclude the public from the hearing of a particular matter. Alternatively the sub-committee may make a resolution to exclude the public from the hearing of a particular matter where it considers this to be in the public interest.

- 4.3 The Chair shall identify the elected Members, the Legal Adviser, the Member Services Officer (and the Licensing Officer, if present) for the benefit of those attending the hearing. The Chair shall explain the officers' respective roles.
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- 4.6 As each matter is called, the Chair will ask all the parties to identify themselves. Parties may be assisted or represented by any person whether or not that person is legally qualified, except that the sub-committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return, or permit them to return only on such conditions as the sub-committee may specify; but such a person may, before the end of the hearing, submit to the sub-committee in writing any information which they would have been entitled to give orally had they not been required to leave.
- 4.7 The Chair (or Legal Adviser) will ask the parties if they understand the procedure to be followed and, if not, will explain the procedure to them, including any maximum time-limit to be imposed in respect of each party's representations.
- 4.8 If a party has informed the authority that he will not be attending or be represented at the hearing, it may proceed in his absence. If a party who has not informed the authority that he will not be attending or represented fails to attend or be represented, the sub-committee may hold the hearing in that party's absence or, if it considers it to be necessary in the public interest, adjourn the hearing to a specified date.
- 4.9 Where the authority holds a hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- 4.10 Where the authority adjourns a hearing to a specified date, it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.
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- 4.12 The sub-committee shall consider any request(s) previously made by any party(s) (in its Response to Notice of Hearing) for permission for another person to appear, and such permission shall not be unreasonably withheld.
- 4.13 The Chair (or Legal Adviser) will invite the applicant(s) to present his case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.14 Members of the sub-committee may ask questions of the applicant(s) and of any other person appearing on behalf of the applicant. Any other party may ask questions with the permission of the sub-committee.
- 4.15 The Chair (or Legal Adviser) will then invite each interested party and/or responsible authority in turn to present its case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.16 Members of the sub-committee may ask questions of each party who has addressed them and of any other person appearing on that party's behalf. Any other party may ask questions with the permission of the sub-committee.
- 4.17 The Chair (or Legal Adviser) will then invite the applicant to respond to the representations made by the other parties.
- 4.18 Where the sub-committee sets a maximum time-limit for each party to present its case, that time-limit shall apply to all parties.
- 4.19 Applications, relevant representations and/or notices shall have been sent to the authority, and to the other parties entitled to receive them, prior to the hearing within the statutory time-limits. The sub-committee may, at its discretion take into account additional documentary or other information produced by a party in support of its application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing. Any party seeking to produce additional documentary information shall provide sufficient copies for the Members, officers and other parties attending the hearing.
- 4.20 The sub-committee shall disregard any information given or evidence produced by a party or a witness which is not relevant to:-
  - (1) its application, representations or notice (as applicable), and
  - (2) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a Chief Officer of Police, the crime prevention objective.

## **5. Evidence**

The strict legal rules of evidence shall not apply and evidence shall not be given on oath.

## **6. Legal Advice**

6.1 The role of the sub-committee's Legal Adviser is to provide the Members with advice on:-

- questions of law;
- matters of practice and procedure;
- the options available to the sub-committee in making their decision;
- any relevant decisions of superior courts, or other guidelines (eg. - Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before the sub-committee (eg. any consultation currently in progress through Council etc.)
- where appropriate to assist the sub-committee in recording the reasons for its determination.

6.2 The Legal Adviser may ask questions of parties and persons appearing on their behalf in order to clarify the evidence and any issues in the case.

6.3 The Legal Adviser has a duty to ensure that every case is conducted fairly.

## **7. Determination of applications**

7.1 When all the evidence has been heard, the Members may withdraw to make their deliberations. The Member Services Officer and the Legal Adviser may remain with the sub-committee to give legal or procedural advice, but the Members will make the determination.

7.2 If the sub-committee needs to ask any further questions of any party, all parties will be asked to return before the sub-committee.

7.3 In the case of hearings held under the following sections of the Act, the sub-committee shall make its determination at the conclusion of the hearing:

- Hearing to consider police objection to temporary event notice [s.105(2)(a)]
- Hearing to consider review of premises licence following closure order [s.167(5)(a)]
- Hearing to determine application for conversion of existing licence to a new premises licence [Schedule 8, para 4(3)(a)]

- Hearing to determine application to vary a premises licence which is made at the same time as an application to convert an existing licence [s. 35 or s.39]
- Hearing to determine application for conversion of existing club certificate to a new club premises certificate [Schedule 8, para 16(3)(a)]
- Hearing to determine application to vary club premises certificate which is made at the same time as an application to convert an existing club registration certificate [s.85]
- Hearing to determine application for grant of personal licence to existing justices' licence holder [Schedule 8, para 26(3)(a)]

7.4 In any other case the authority shall make its determination within the period of 5 working days beginning with the day (or the last day) on which the hearing was held.

7.5 Where all the parties have agreed that no hearing is required, the authority shall make its determination within the period of 10 working days beginning with the day on which it gives notice to the parties.

#### **8. Quorum**

8.1 The quorum for any hearing of a licensing sub-committee shall be two (2) Members.

8.2 Determinations shall be made by a majority vote with the Chair having a casting vote in the event of an inconclusive result.

#### **9. Record of proceedings**

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of that appeal. This shall be the responsibility of the Member Services Officer.

#### **10. Irregularities**

10.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.

10.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps as it thinks fit to remedy the irregularity before reaching its determination.

10.3 The authority may correct clerical mistakes in any document recording a decision of the authority or errors arising in such a document from an accidental slip or omission.

#### **11. Form of notices**

- 11.1 Any notices required to be given under this procedure (and/or under the Regulations) must be given in writing.
- 11.2 The requirement that any notice must be given in writing shall be satisfied where:-
  - (a) the text of the notice
    - (i) is transmitted by electronic means;
    - (ii) is capable of being accessed by the recipient;
    - (iii) is legible in all material respects; and
    - (iv) is capable of being reproduced in written form and used for subsequent reference;
  - (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
  - (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.
- 11.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph 15.2(a) are satisfied.

**EXETER CITY COUNCIL  
LICENSING ACT 2003**

**NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE**

Date: 17<sup>th</sup> March 2025  
Name: [REDACTED]

Address: Via e-mail to [REDACTED]

---

Case Number: EXE-P00307

Application: By: Duke of York

**Variation to a Premise Licence**

PLEASE NOTE that the hearing of this application will be heard by the licensing sub-committee sitting

AT: The Civic Centre, Paris Street, Exeter

AT: 10.00 hrs

ON: 2nd April 2025

Nigel J Marston PRINCIPAL LICENSING OFFICER

---

**You must respond to this notice if you wish to address the sub-committee. Please turn to page 2 which explains how and by when you should respond.**

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

**ADDRESS ALL CORRESPONDENCE TO:**

Nigel J Marston, Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

## **RESPONSE TO NOTICE OF HEARING**

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Principal Licensing Officer a notice:-

- a) stating whether you consider a hearing to be unnecessary;
- b) stating whether you intend to attend and/or be represented at the hearing;  
and
- c) requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

### **PLEASE SEND THIS INFORMATION TO:**

The Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
Tel: 01392 265430 E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**TO ARRIVE BY NO LATER THAN: 17.00hrs on 25<sup>th</sup> March 2025**

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**Accompanying this notice you will find information about the licensing sub-committee hearing procedure together with copies of any documents which have to be disclosed to you prior to the hearing. Please supply any further information that you intend to rely on in the hearing by the above date.**

**EXETER CITY COUNCIL – LICENSING ACT 2003**  
**PROCEDURE AT LICENSING SUB-COMMITTEE HEARINGS**  
**INFORMATION FOR PARTIES**

References in these notes to “the Act” are to the Licensing Act 2003 and references to “the Regulations” are to The Licensing Act 2003 (Hearings) Regulations 2005.

**1. Right of attendance, assistance and representation**

You may attend the hearing and be assisted or represented by any person whether or not that person is legally qualified. This right is subject to the licensing authority's right to exclude any person from a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.

**2. Representations and supporting information**

At the hearing you will be entitled:-

- a) to address the sub-committee;
- b) to give further information in support of your application, representations or notice (as applicable) in response to any point(s) upon which the licensing authority has advised that you will be required to provide clarification (see page 2 above); and
- c) if given permission by the sub-committee, to question any other party.

**3. Consequences if you fail to attend or be represented**

- 3.1 If you inform the licensing authority that you do not intend to attend or be represented at the hearing, the hearing may proceed in your absence.
- 3.2 If you do not so inform the licensing authority and then fail to attend or be represented at the hearing, the hearing may either be adjourned to a specified date or be held in your absence.
- 3.3 Where the hearing is held in your absence, the sub-committee will consider your application, representations or notice (as applicable).
- 3.4 Where the hearing is adjourned to a specified date you will be notified of the date, time and place to which the hearing has been adjourned.

**4. Procedure to be followed at the hearing**

- 4.1 The Chair shall open the sub-committee and remind Members of their obligation to declare any personal and prejudicial interests.
- 4.2 If appropriate, the sub-committee may make a resolution under Section 100A of the local Government Act 1972 to exclude the public from the hearing of a particular matter. Alternatively the sub-committee may make a resolution to exclude the public from the hearing of a particular matter where it considers this to be in the public interest.

- 4.3 The Chair shall identify the elected Members, the Legal Adviser, the Member Services Officer (and the Licensing Officer, if present) for the benefit of those attending the hearing. The Chair shall explain the officers' respective roles.
- 4.4. Each matter to be dealt with by the sub-committee shall be called in turn, usually in the order listed on the sub-committee agenda. However, the Chair may change the order at his/her discretion.
- 4.5 If the matter is being heard in private, the Member Services Officer will direct everyone except the Members, officers and parties to leave the room.
- 4.6 As each matter is called, the Chair will ask all the parties to identify themselves. Parties may be assisted or represented by any person whether or not that person is legally qualified, except that the sub-committee may require any person attending the hearing who in its opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return, or permit them to return only on such conditions as the sub-committee may specify; but such a person may, before the end of the hearing, submit to the sub-committee in writing any information which they would have been entitled to give orally had they not been required to leave.
- 4.7 The Chair (or Legal Adviser) will ask the parties if they understand the procedure to be followed and, if not, will explain the procedure to them, including any maximum time-limit to be imposed in respect of each party's representations.
- 4.8 If a party has informed the authority that he will not be attending or be represented at the hearing, it may proceed in his absence. If a party who has not informed the authority that he will not be attending or represented fails to attend or be represented, the sub-committee may hold the hearing in that party's absence or, if it considers it to be necessary in the public interest, adjourn the hearing to a specified date.
- 4.9 Where the authority holds a hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- 4.10 Where the authority adjourns a hearing to a specified date, it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.
- 4.11 The Chair (or Legal Adviser or Licensing Officer) will introduce the matter by outlining the relevant facts. If the Licensing Officer attends, the Members may consult him at any time during the hearing to clarify any point relating to the application.

- 4.12 The sub-committee shall consider any request(s) previously made by any party(s) (in its Response to Notice of Hearing) for permission for another person to appear, and such permission shall not be unreasonably withheld.
- 4.13 The Chair (or Legal Adviser) will invite the applicant(s) to present his case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.14 Members of the sub-committee may ask questions of the applicant(s) and of any other person appearing on behalf of the applicant. Any other party may ask questions with the permission of the sub-committee.
- 4.15 The Chair (or Legal Adviser) will then invite each interested party and/or responsible authority in turn to present its case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.16 Members of the sub-committee may ask questions of each party who has addressed them and of any other person appearing on that party's behalf. Any other party may ask questions with the permission of the sub-committee.
- 4.17 The Chair (or Legal Adviser) will then invite the applicant to respond to the representations made by the other parties.
- 4.18 Where the sub-committee sets a maximum time-limit for each party to present its case, that time-limit shall apply to all parties.
- 4.19 Applications, relevant representations and/or notices shall have been sent to the authority, and to the other parties entitled to receive them, prior to the hearing within the statutory time-limits. The sub-committee may, at its discretion take into account additional documentary or other information produced by a party in support of its application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing. Any party seeking to produce additional documentary information shall provide sufficient copies for the Members, officers and other parties attending the hearing.
- 4.20 The sub-committee shall disregard any information given or evidence produced by a party or a witness which is not relevant to:-
  - (1) its application, representations or notice (as applicable), and
  - (2) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a Chief Officer of Police, the crime prevention objective.

## **5. Evidence**

The strict legal rules of evidence shall not apply and evidence shall not be given on oath.

## **6. Legal Advice**

6.1 The role of the sub-committee's Legal Adviser is to provide the Members with advice on:-

- questions of law;
- matters of practice and procedure;
- the options available to the sub-committee in making their decision;
- any relevant decisions of superior courts, or other guidelines (eg. - Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before the sub-committee (eg. any consultation currently in progress through Council etc.)
- where appropriate to assist the sub-committee in recording the reasons for its determination.

6.2 The Legal Adviser may ask questions of parties and persons appearing on their behalf in order to clarify the evidence and any issues in the case.

6.3 The Legal Adviser has a duty to ensure that every case is conducted fairly.

## **7. Determination of applications**

7.1 When all the evidence has been heard, the Members may withdraw to make their deliberations. The Member Services Officer and the Legal Adviser may remain with the sub-committee to give legal or procedural advice, but the Members will make the determination.

7.2 If the sub-committee needs to ask any further questions of any party, all parties will be asked to return before the sub-committee.

7.3 In the case of hearings held under the following sections of the Act, the sub-committee shall make its determination at the conclusion of the hearing:

- Hearing to consider police objection to temporary event notice [s.105(2)(a)]
- Hearing to consider review of premises licence following closure order [s.167(5)(a)]
- Hearing to determine application for conversion of existing licence to a new premises licence [Schedule 8, para 4(3)(a)]

- Hearing to determine application to vary a premises licence which is made at the same time as an application to convert an existing licence [s. 35 or s.39]
- Hearing to determine application for conversion of existing club certificate to a new club premises certificate [Schedule 8, para 16(3)(a)]
- Hearing to determine application to vary club premises certificate which is made at the same time as an application to convert an existing club registration certificate [s.85]
- Hearing to determine application for grant of personal licence to existing justices' licence holder [Schedule 8, para 26(3)(a)]

7.4 In any other case the authority shall make its determination within the period of 5 working days beginning with the day (or the last day) on which the hearing was held.

7.5 Where all the parties have agreed that no hearing is required, the authority shall make its determination within the period of 10 working days beginning with the day on which it gives notice to the parties.

#### **8. Quorum**

8.1 The quorum for any hearing of a licensing sub-committee shall be two (2) Members.

8.2 Determinations shall be made by a majority vote with the Chair having a casting vote in the event of an inconclusive result.

#### **9. Record of proceedings**

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of that appeal. This shall be the responsibility of the Member Services Officer.

#### **10. Irregularities**

10.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.

10.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps as it thinks fit to remedy the irregularity before reaching its determination.

10.3 The authority may correct clerical mistakes in any document recording a decision of the authority or errors arising in such a document from an accidental slip or omission.

#### **11. Form of notices**

- 11.1 Any notices required to be given under this procedure (and/or under the Regulations) must be given in writing.
- 11.2 The requirement that any notice must be given in writing shall be satisfied where:-
  - (a) the text of the notice
    - (i) is transmitted by electronic means;
    - (ii) is capable of being accessed by the recipient;
    - (iii) is legible in all material respects; and
    - (iv) is capable of being reproduced in written form and used for subsequent reference;
  - (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
  - (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.
- 11.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph 15.2(a) are satisfied.

**EXETER CITY COUNCIL  
LICENSING ACT 2003**

**NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE**

Date: **17<sup>th</sup> March 2025**  
Name: **[REDACTED]**

Address: **Via e-mail to [REDACTED]**

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Case Number: EXE-P00307

Application: By: Duke of York

**Variation to a Premise Licence**

PLEASE NOTE that the hearing of this application will be heard by the licensing sub-committee sitting

AT: The Civic Centre, Paris Street, Exeter

AT: **10.00 hrs**

ON: **2nd April 2025**

**Nigel J Marston PRINCIPAL LICENSING OFFICER**

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**You must respond to this notice if you wish to address the sub-committee. Please turn to page 2 which explains how and by when you should respond.**

Please notify the licensing authority if you have any special needs or requirements for the hearing or if you will have any difficulty in attending.

**ADDRESS ALL CORRESPONDENCE TO:**

Nigel J Marston, Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

## **RESPONSE TO NOTICE OF HEARING**

You are required by Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 to give the Principal Licensing Officer a notice:-

- a) stating whether you consider a hearing to be unnecessary;
- b) stating whether you intend to attend and/or be represented at the hearing;  
and
- c) requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

### **PLEASE SEND THIS INFORMATION TO:**

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Tel: 01392 265430 E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**TO ARRIVE BY NO LATER THAN: 17.00hrs on 25<sup>th</sup> March 2025**

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**Accompanying this notice you will find information about the licensing sub-committee hearing procedure together with copies of any documents which have to be disclosed to you prior to the hearing. Please supply any further information that you intend to rely on in the hearing by the above date.**

**EXETER CITY COUNCIL – LICENSING ACT 2003**  
**PROCEDURE AT LICENSING SUB-COMMITTEE HEARINGS**  
**INFORMATION FOR PARTIES**

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**2. Representations and supporting information**

At the hearing you will be entitled:-

- a) to address the sub-committee;
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**3. Consequences if you fail to attend or be represented**

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**4. Procedure to be followed at the hearing**

- 4.1 The Chair shall open the sub-committee and remind Members of their obligation to declare any personal and prejudicial interests.
- 4.2 If appropriate, the sub-committee may make a resolution under Section 100A of the local Government Act 1972 to exclude the public from the hearing of a particular matter. Alternatively the sub-committee may make a resolution to exclude the public from the hearing of a particular matter where it considers this to be in the public interest.

- 4.3 The Chair shall identify the elected Members, the Legal Adviser, the Member Services Officer (and the Licensing Officer, if present) for the benefit of those attending the hearing. The Chair shall explain the officers' respective roles.
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- 4.20 The sub-committee shall disregard any information given or evidence produced by a party or a witness which is not relevant to:-
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The strict legal rules of evidence shall not apply and evidence shall not be given on oath.

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- the options available to the sub-committee in making their decision;
- any relevant decisions of superior courts, or other guidelines (eg. - Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before the sub-committee (eg. any consultation currently in progress through Council etc.)
- where appropriate to assist the sub-committee in recording the reasons for its determination.

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- Hearing to consider review of premises licence following closure order [s.167(5)(a)]
- Hearing to determine application for conversion of existing licence to a new premises licence [Schedule 8, para 4(3)(a)]

- Hearing to determine application to vary a premises licence which is made at the same time as an application to convert an existing licence [s. 35 or s.39]
- Hearing to determine application for conversion of existing club certificate to a new club premises certificate [Schedule 8, para 16(3)(a)]
- Hearing to determine application to vary club premises certificate which is made at the same time as an application to convert an existing club registration certificate [s.85]
- Hearing to determine application for grant of personal licence to existing justices' licence holder [Schedule 8, para 26(3)(a)]

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#### **8. Quorum**

8.1 The quorum for any hearing of a licensing sub-committee shall be two (2) Members.

8.2 Determinations shall be made by a majority vote with the Chair having a casting vote in the event of an inconclusive result.

#### **9. Record of proceedings**

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of that appeal. This shall be the responsibility of the Member Services Officer.

#### **10. Irregularities**

10.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.

10.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps as it thinks fit to remedy the irregularity before reaching its determination.

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    - (iii) is legible in all material respects; and
    - (iv) is capable of being reproduced in written form and used for subsequent reference;
  - (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
  - (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.
- 11.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph 15.2(a) are satisfied.

**EXETER CITY COUNCIL  
LICENSING ACT 2003**

**NOTICE OF HEARING BEFORE A LICENSING SUB-COMMITTEE**

Date: 17<sup>th</sup> March 2025  
Name: [REDACTED]

Address: Via e-mail to [REDACTED]

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Case Number: EXE-P00307

Application: By: Duke of York

**Variation to a Premise Licence**

PLEASE NOTE that the hearing of this application will be heard by the licensing sub-committee sitting

AT: The Civic Centre, Paris Street, Exeter

AT: 10.00 hrs

ON: 2nd April 2025

Nigel J Marston PRINCIPAL LICENSING OFFICER

---

**You must respond to this notice if you wish to address the sub-committee. Please turn to page 2 which explains how and by when you should respond.**

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**ADDRESS ALL CORRESPONDENCE TO:**

Nigel J Marston, Principal Licensing Officer, Civic Centre, Paris Street, Exeter EX1 1JN  
E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

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and
- c) requesting permission if you wish any other person to appear at the hearing, stating that person's name and giving a brief description of the point(s) on which that person may be able to assist the licensing sub-committee in relation to your application, representations or objection (as applicable).

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Tel: 01392 265430 E-mail: [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)

**TO ARRIVE BY NO LATER THAN: 17.00hrs on 25<sup>th</sup> March 2025**

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**EXETER CITY COUNCIL – LICENSING ACT 2003**  
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- 3.3 Where the hearing is held in your absence, the sub-committee will consider your application, representations or notice (as applicable).
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**4. Procedure to be followed at the hearing**

- 4.1 The Chair shall open the sub-committee and remind Members of their obligation to declare any personal and prejudicial interests.
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- 4.7 The Chair (or Legal Adviser) will ask the parties if they understand the procedure to be followed and, if not, will explain the procedure to them, including any maximum time-limit to be imposed in respect of each party's representations.
- 4.8 If a party has informed the authority that he will not be attending or be represented at the hearing, it may proceed in his absence. If a party who has not informed the authority that he will not be attending or represented fails to attend or be represented, the sub-committee may hold the hearing in that party's absence or, if it considers it to be necessary in the public interest, adjourn the hearing to a specified date.
- 4.9 Where the authority holds a hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- 4.10 Where the authority adjourns a hearing to a specified date, it shall forthwith notify the parties of the date, time and place to which the hearing has been adjourned.
- 4.11 The Chair (or Legal Adviser or Licensing Officer) will introduce the matter by outlining the relevant facts. If the Licensing Officer attends, the Members may consult him at any time during the hearing to clarify any point relating to the application.

- 4.12 The sub-committee shall consider any request(s) previously made by any party(s) (in its Response to Notice of Hearing) for permission for another person to appear, and such permission shall not be unreasonably withheld.
- 4.13 The Chair (or Legal Adviser) will invite the applicant(s) to present his case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.14 Members of the sub-committee may ask questions of the applicant(s) and of any other person appearing on behalf of the applicant. Any other party may ask questions with the permission of the sub-committee.
- 4.15 The Chair (or Legal Adviser) will then invite each interested party and/or responsible authority in turn to present its case to the sub-committee, subject to any maximum time-limit imposed and to the requirements of paragraphs 4.19 and 4.20 below.
- 4.16 Members of the sub-committee may ask questions of each party who has addressed them and of any other person appearing on that party's behalf. Any other party may ask questions with the permission of the sub-committee.
- 4.17 The Chair (or Legal Adviser) will then invite the applicant to respond to the representations made by the other parties.
- 4.18 Where the sub-committee sets a maximum time-limit for each party to present its case, that time-limit shall apply to all parties.
- 4.19 Applications, relevant representations and/or notices shall have been sent to the authority, and to the other parties entitled to receive them, prior to the hearing within the statutory time-limits. The sub-committee may, at its discretion take into account additional documentary or other information produced by a party in support of its application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing. Any party seeking to produce additional documentary information shall provide sufficient copies for the Members, officers and other parties attending the hearing.
- 4.20 The sub-committee shall disregard any information given or evidence produced by a party or a witness which is not relevant to:-
  - (1) its application, representations or notice (as applicable), and
  - (2) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a Chief Officer of Police, the crime prevention objective.

## **5. Evidence**

The strict legal rules of evidence shall not apply and evidence shall not be given on oath.

## **6. Legal Advice**

6.1 The role of the sub-committee's Legal Adviser is to provide the Members with advice on:-

- questions of law;
- matters of practice and procedure;
- the options available to the sub-committee in making their decision;
- any relevant decisions of superior courts, or other guidelines (eg. - Government Guidance on the 2003 Act and the Council's Statement of Licensing Policy);
- other issues relevant to the matter before the sub-committee (eg. any consultation currently in progress through Council etc.)
- where appropriate to assist the sub-committee in recording the reasons for its determination.

6.2 The Legal Adviser may ask questions of parties and persons appearing on their behalf in order to clarify the evidence and any issues in the case.

6.3 The Legal Adviser has a duty to ensure that every case is conducted fairly.

## **7. Determination of applications**

7.1 When all the evidence has been heard, the Members may withdraw to make their deliberations. The Member Services Officer and the Legal Adviser may remain with the sub-committee to give legal or procedural advice, but the Members will make the determination.

7.2 If the sub-committee needs to ask any further questions of any party, all parties will be asked to return before the sub-committee.

7.3 In the case of hearings held under the following sections of the Act, the sub-committee shall make its determination at the conclusion of the hearing:

- Hearing to consider police objection to temporary event notice [s.105(2)(a)]
- Hearing to consider review of premises licence following closure order [s.167(5)(a)]
- Hearing to determine application for conversion of existing licence to a new premises licence [Schedule 8, para 4(3)(a)]

- Hearing to determine application to vary a premises licence which is made at the same time as an application to convert an existing licence [s. 35 or s.39]
- Hearing to determine application for conversion of existing club certificate to a new club premises certificate [Schedule 8, para 16(3)(a)]
- Hearing to determine application to vary club premises certificate which is made at the same time as an application to convert an existing club registration certificate [s.85]
- Hearing to determine application for grant of personal licence to existing justices' licence holder [Schedule 8, para 26(3)(a)]

7.4 In any other case the authority shall make its determination within the period of 5 working days beginning with the day (or the last day) on which the hearing was held.

7.5 Where all the parties have agreed that no hearing is required, the authority shall make its determination within the period of 10 working days beginning with the day on which it gives notice to the parties.

#### **8. Quorum**

8.1 The quorum for any hearing of a licensing sub-committee shall be two (2) Members.

8.2 Determinations shall be made by a majority vote with the Chair having a casting vote in the event of an inconclusive result.

#### **9. Record of proceedings**

The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for 6 years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of that appeal. This shall be the responsibility of the Member Services Officer.

#### **10. Irregularities**

10.1 Any irregularity resulting from any failure to comply with any provision of the Regulations before the authority has made a determination shall not of itself render the proceedings void.

10.2 In the case of any such irregularity, where it considers that any person may have been prejudiced as a result, the authority shall take such steps as it thinks fit to remedy the irregularity before reaching its determination.

10.3 The authority may correct clerical mistakes in any document recording a decision of the authority or errors arising in such a document from an accidental slip or omission.

#### **11. Form of notices**

- 11.1 Any notices required to be given under this procedure (and/or under the Regulations) must be given in writing.
- 11.2 The requirement that any notice must be given in writing shall be satisfied where:-
  - (a) the text of the notice
    - (i) is transmitted by electronic means;
    - (ii) is capable of being accessed by the recipient;
    - (iii) is legible in all material respects; and
    - (iv) is capable of being reproduced in written form and used for subsequent reference;
  - (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
  - (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.
- 11.3 Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph 15.2(a) are satisfied.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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