



## LICENSING ACT 2003

### NOTICE OF DETERMINATION

<b>Date of Hearing:</b>	Wednesday 2 <sup>nd</sup> April 2025
<b>Application:</b>	Variation of a Premises Licence
<b>Name of Premises:</b>	Duke of York Inn
<b>Address:</b>	58 Sidwell Street, Exeter, EX4 6PH
<b>Licensing Sub-Committee:</b>	Cllr Snow (Chair) Cllr Holland Cllr Banyard
<b>Committee Legal Advisor:</b>	Matthew Hall Max Murphy
<b>Principal Licensing Officer:</b>	Nigel Marston Julie Bennett
<b>Democratic Services Officer:</b>	Liz Smith Jo Quinnell
<b>The Applicant:</b>	Craft Union Pub Company Limited Gui Chipchase and Julian Highfield (Regional Manager)
<b>Representations:</b>	In attendance: Emma Wootton
<b>Hearing Duration:</b>	1000hrs – 1155hrs

#### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 2<sup>nd</sup> April 2025 to determine the application for a variation to the premises licence has unanimously resolved to grant the variation subject to conditions in accordance with section 35 of the Licensing Act 2003.

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

In determining this application, the Licensing Sub-Committee took into account all the relevant evidence and information presented to it both written and oral, and took account of all the matters it is bound to take account of, in particular the following:

- Licensing Act 2003
- Statutory Guidance
- Exeter City Council Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

## Conditions

The Application is granted subject to the conditions submitted by the Applicant and set out in Section 16 of the Operating Schedule of the Application as modified by the Licensing Authority.

In addition, the following conditions were imposed by the Licensing Sub-Committee:

A telephone number shall be made available and displayed in a prominent location where it can be conveniently read from the exterior of the premises for local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.

## **REASONS FOR DECISION**

Having carefully considered all the written and oral submissions the Licensing Sub-Committee resolved to grant the application subject to conditions as it was satisfied that the proposed extension of hours of the licensable activities at the Premises, if managed in accordance with the Applicants proposals, would not cause disturbance to local residents and would promote the Licensing Objectives.

In the presentation to members the Applicant stated that the main purpose of the Application was to allow existing patrons to stay at the Premises beyond midnight. The Applicant conceded that the Premises may attract new patrons after midnight but this was not the main objective of the Application and there was no intention of holding additional events at the Premises which would continue its existing nights of Karaoke Sundays until 23:00hrs and Live music on Friday and Saturday nights within existing timings.

The Licensing Officer confirmed that no complaints had been received in respect of anti-social behaviour and noise nuisance at the Premises, save for one incident on 3<sup>rd</sup> February 2025 relating to noise caused by the collection of glass bottles. The Applicant confirmed this had been an issue with the contractor collecting the bottles which had now been resolved.

In response to questions from the Licensing Sub-Committee, the Applicant stated that the maximum capacity of the outside area was between 10 and 12 patrons and access to the outside area was directly visible from the bar so could be easily monitored. CCTV would be in place to monitor the outside area and staff at the Premises would proactively monitor the area, to ensure that no drinks were taken outside and were solely used for smoking from 23:00hrs. The incident referred to in representations relating to the throwing of bottles from the outside area had not been reported to the Applicant and none of the Responsible Authorities had made reference to such an incident. The Licensing Sub-Committee noted the current Designated Premises Supervisor was very experienced and, since being appointed in 2024, had taken steps to bar troublesome patrons as soon as any issues had arisen.

The Applicant outlined the existing measures to ensure that patrons leave the premises quietly and avoid causing nuisance in the surrounding area, including gradual dispersal before closing time and appropriate signage enforced by the Designated Premises Supervisor and staff on weekdays and enforced by door staff on Friday and Saturday nights. The Applicant confirmed that both entrances to the Premises had an acoustic lobby to limit sound escaping from the Premises during the performance of regulated entertainment. The Licensing Sub-Committee commended the Applicant's policies regarding the 'Ask Angela' scheme.

In light of the above, the Licensing Sub-Committee did not consider that the Application applied for would have a negative impact on the prevention of public nuisance or the prevention of crime and disorder. However, the Licensing Sub-Committee with the agreement of the Applicant has imposed a condition to enable residents to contact the Premises on a direct telephone number to report any issues, so that they could take measures to resolve them quickly.

When considering the representations made regarding general nuisance and anti-social behaviour in the area no incidents could be directly linked to the Premises. The Licensing Sub-Committee noted paragraph 2.27 of the Home Office Statutory Guidance, dated February 2025, which states:

'Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.'

Specific incidents set out in the written representations did not provide clear details of times and dates and complaints made to Responsible Authorities or the Premises and there was no indication that these incidents had taken place at the time the current Designated Premises Supervisor had been operating the Premises. Furthermore the Licensing Sub-Committee were mindful that the Licensing Authority should look to the police as the main source of advice in respect of the Prevention of Crime and Disorder and no representation had been made by Devon and Cornwall Police in respect of this application.

Should any issues arise as a result of this grant, the Licensing Sub-Committee noted that a Review of the Premises Licence can be sought by any person or a Responsible Authority and any complaints can be made directly to the Licensing Authority.

#### **ADVISORY**

The Applicant agreed to keep the side door of the premises closed, which opens onto York Road, from 20:00hrs. The Licensing Sub-Committee was not minded to place a condition on the licence. However it suggested that such action is taken at the Premises when appropriate in order to promote the Licensing Objectives.

#### **RIGHT OF REVIEW**

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

#### **RIGHT OF APPEAL**

All parties are reminded of their right to appeal against this decision to the Magistrates' Court by virtue of Section 181 and Schedule 5 Part 1 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision.

**Any Appeal is commenced by a notice addressed to:**

The Clerk to the Justices, North and East Devon Magistrates' Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

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

**The Chair of Licensing Sub Committee**



.....

**7 April 2025**