

**EXETER CITY COUNCIL (Licensing Authority)
LICENSING ACT 2003**

NOTICE OF DETERMINATION

Application under Licensing Act 2003 section 34 for the variation of a premises licence in respect of a premises Pitcher and Piano 79-81 Queen Street Exeter EX4 3RP

Decision of the Licensing Sub-Committee sitting at the Civic Centre Exeter on Thursday 18 November 2010 at 1430hrs convened under Licensing Act 2003.

Councillor J Taghedissian (Chairman), Councillor J Winterbottom and Councillor P Wadham

In the presence of the Principal Licensing Officer Ian Ley (IL) and the Licensing Solicitor Elaine Kale (EK)

The meeting commenced at 1430hrs and closed at 1510hrs

In attendance for Marston's PLC (the Applicant) were Christopher Grunert (CG) Solicitor of John Gaunt Solicitors, Edward Foster (EF) the Designated Premises Supervisor and Tom Allingham (TA) the Area Manager for Pitcher and Piano.

In attendance for the Devon and Cornwall police were John Bean (JB) Licensing Officer and Sgt Beverley Weston (BW).

Application

The Applicant applied for the variation of the premises licence in the terms set out at pages 2 – 9 of the Operating Schedule which accompanied the application.

The licensable activities to be varied were as follows:

- (B) Film
- (C) Indoor Sporting Events;
- (E) Live Music;
- (F) Recorded Music;
- (G) Performance of Dance;
- (I) Provision of Facilities for Making Music;
- (J) Provision of Facilities for Dancing
- (L) Late Night Refreshment
- (M) Supply of Alcohol

and the licensing hours applied for in respect of each activity were:

1000hrs – 0200hrs

Subsequently, the Applicant notified the licensing Authority of its wish to amend the application to vary so that the licensing hours applied for in respect of each activity were as follows:

Mondays 1000hrs – 0200hrs

Application was made to vary the hours the premises are open to the public as follows:

Mondays 1000hrs – 0230hrs

JG outlined the application and said that the Premises was a long established bar in Exeter. It was “reassuringly expensive” and there was no intention to alter that. The police had made a representation not as a hostile step but as a step to demonstrate the necessity of an agreed condition. To the extent that there were concerns about the cumulative impact of the variation of licensing hours for the sale of alcohol on the licensing objective of crime and disorder that were met by the amendment of the application, JG did not present any evidence to rebut the presumption that the crime and disorder objective would be undermined.

Cllr Wadham asked why the application had been restricted to Monday nights alone and it was explained that Monday night was a popular student night out.

Representations

The police stated that the premises was within the area identified in the Cumulative Impact Policy and that was the reason that had led to the amendment of parts of the application. There were additional concerns which the police said would apply even if the Premises were not in a CIP and this had led to the requirement of a condition requiring a minimum of three door supervisors to be present until all customers had left the premises.

The Licensing Sub-Committee completed its deliberations at 1510hrs.

The Decision

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

- Licensing Act 2003 (section 34)
- Statutory Guidance October 2010
- Exeter City Council Statement of Licensing Policy January 2010
- Human Rights Act 1998

The Licensing Sub-Committee determined that there was sufficient evidence presented to it on the application that justified the exercise of its powers refuse part of the application for variation and grant the application in respect of Mondays where it determined that there was sufficient evidence presented to it to impose a condition on the variation applied for and accordingly the variation was granted subject to the following condition:

1. On Monday evenings a minimum of three door supervisors will be on duty from 2100hrs until the Premises is closed to the public and all customers have left.

Right of Appeal

All parties are reminded of their right to appeal to the Magistrates' Court against this decision by virtue of (Schedule 5) section 181, paragraph 4 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision appealed against.

Appeal is commenced by a notice addressed to:

The Clerk to the Justices, Central Devon Magistrates' Court Office, Southernhay Gardens,

Exeter EX1 1UH Telephone 01392 415560

Parties are advised to contact the Court Office to check the form of notice required and the fee payable.

Date of notice: 24 December 2010

Principal Licensing Officer