



Exeter City Council

LICENSING ACT 2003

APPLICATION FOR GRANT OF A PREMISES LICENCE

NOTICE OF DETERMINATION

Date of Hearing: 21 January 2021

Application: Grant of a New Premises Licence

Name of Premises: Ganbeis, Unit 2, Commercial Road, Exeter, EX2 4AE

Applicant: Ford Holdings Limited (Company Registration No 12606277) represented by Mr Robert Rofe (RR) and Mr Glynn Ford (GF)

Licensing Sub-Committee Members: Councillors: Wood, Newby and Vizard

Legal Advisor: Matthew Hall (MH)

Licensing Officer: Neil Gardiner (NG), Lee Staples (LS)

Democratic Services Officer: Mark Devin (MD), Howard Bassett (HB)

Representations: Simon Goddard (SG), Heather Goddard (HG)

Hearing Duration: 10:05 Hours to 11:48 Hours

TAKE NOTICE

That the Licensing Sub-Committee convened on 21 January 2021 has determined to grant a premises licence in accordance with section 18 of the Licensing Act 2003 and as set out in this notice.

THE SUB-COMMITTEE'S DECISION

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

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

The Application was granted for the licensable activities applied for and the amended hours agreed by the Applicant with Devon and Cornwall Constabulary, subject to the following conditions:

Continued overleaf

- a) The conditions agreed with Devon and Cornwall Constabulary;
- b) Conditions consistent with the Operating Schedule;
- c) Condition restricting off-sales set out below.

Off sales of alcohol shall only be permitted by pre-order and by delivery to a residential or business address and not to a public place.

Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/ debit card.

- Challenge 25- if the driver considers the recipient of the alcohol appears under 25 recognised photographic identification will be requested and must be provided evidencing the recipient to be of at least 18 years of age before any alcohol is handed over
- Delivery will also be refused if the driver believes the alcohol was purchased on behalf of another person who is not 18.

REASONS FOR THE SUB-COMMITTEE'S DECISION

The Sub-Committee was mindful of the issues raised by the two members of the public in their representations, in particular, the late operating hours and incidents of public nuisance in an area with both residential and commercial premises. With regard to the incidents of public nuisance the Sub-Committee noted that such incidents were not linked to this Premises which was yet to trade.

The Applicant's explanation of the operation of the Premises primarily as a restaurant reassured the Sub-Committee. The applicant had also engaged with Devon and Cornwall Constabulary and agreed to reduce the operating hours and add additional conditions. Furthermore the Applicant agreed to an additional condition to limit off-sales of alcohol by delivery to residential and/or business premises.

The Sub-Committee considered that the application together with the agreed amendments promoted the Licensing Objectives and that should issues arise as a result of this grant, a Review of the Premises Licence is available to Interested Parties and the Responsible Authorities.

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 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.

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

RIGHT OF REVIEW

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

The Chair of Licensing Sub Committee

A handwritten signature in black ink, appearing to read 'D Wood', is positioned above a dotted line.

.....Date: 27 January 2021
Cllr D Wood