

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing: 27 July 2022

Report of: The Service Lead - Environmental Health & Community Safety.

Type of Application: Licensing Act 2003 - Application for a Premises Licence

Legislation: Licensing Act 2003 ('the Act')

Ward Application Refers to: St David's

Applicant: Grow Coffee House Ltd

Premises Address: **Concord House, 70 South Street, Exeter, EX1 1EG**

1. What is the report about?

- 1.1 A premises licence application and plans, have been received by the licensing authority. The application is attached at Appendix A. The Plans are attached at Appendix B and the Photos of the premises are attached as Appendix C.
- 1.2 The premises is known as Grow Coffee House, Concord House, 70 South Street, Exeter EX1 1EG.
- 1.3 The premises is adjoining the Cumulative Impact Zone.

2. Are there any representations?

- 2.1 There have been four representations objecting to the application relating to the licensing objectives of the prevention of public nuisance, public safety and prevention of crime and disorder.
- 2.2 The representation at Appendix E from an interested party that lives in postcode EX1 1EE.
- 2.3 The representation at Appendix F from an interested party that lives in postcode EX4 2BL.
- 2.4 The representation at Appendix G from an interested party that lives in postcode EX4 2BL. This representation has been withdrawn as the interested party is happy with the agreed Police conditions.
- 2.5 The representation at Appendix H from Karen Davenport Devon and Cornwall Police Licensing Officer. This representation has been withdrawn as the Police and applicant have agreed conditions. The agree conditions are found as Appendix I of this report.
- 2.6 The last date for receiving representations was 6th July 2022.

2.7 No representations have been received from other residents or any of the other responsible authorities.

3. Report details:

3.1 The application was advertised on the premises and in the local newspaper in line with the above legislation. A copy of the notice that was used in the paper and on the premises is included as Appendix D.

3.2 This application seeks to provide regulated entertainment and the sale of alcohol at the premises from Monday to Sunday as follows:

Recorded Music

09:00 – 23:00 Monday to Wednesday

09:00 – 01:00 Thursday to Saturday

10:00 – 16:00 Sunday

Music to be indoors only and background only.

Sale of Alcohol (both off and on the premises)

09:00 – 23:00 Monday to Wednesday

09:00 – 01:00 Thursday to Saturday

11:00 – 16:00 Sunday

3.3 The applicant has not applied for any live music and any live music will be provided under the Live Music Act 2012 and be subject to the requirements' of that Act. The main one being that this can only take place between 08.00 and 23.00hrs.

3.4 The applicant has offered a number of conditions as appropriate to promote the Licensing Objectives and these are found within the operating schedule in section 18 of the application.

4. Legal and Policy Considerations:

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

- the representations (including supporting information) presented by all the parties; and
- the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2018; and
- the Licensing Authorities Statement of Licensing Policy which can be viewed here: [Licensing Authorities Statement of Licensing Policy](#)

4.2 In determining a licenced premises 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.

(a) To grant the licence subject to:

- The conditions consistent with the operating schedule modified to the extent that the authority considers appropriate for the promotion of the Licensing Objectives;
- The mandatory conditions under sections 19, 20 and 21 of the Act.

(b) To exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) To refuse to specify a person in the licence as the premises supervisor;

(d) To reject the application.

4.4 Section 18 (5) of the Act provides that conditions in the operating schedule are modified if any of them is altered or omitted or any new condition is added.

5. Recommendations:

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application having regards to the 4 licensing objectives of;

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

Service Lead – Environmental Health & Community Safety

Author: Nigel Marston, Licensing Officer.

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

Background papers used in compiling this report:-
None

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