

Representation from Interested Party

Good Afternoon,

I wish to make a representation for the application for the grant of a premises licence for Grow, 70 South Street, Exeter, EX1 1EG, on the grounds of;

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety

I have spoken to the licensing team, and have seen the proposed Annex 2 conditions, and have raised my concerns with them. These were dismissed because the officer had recommended them and did not feel my concerns were valid. I would have preferred to deal with this informally but I have had no choice other than to put in a representation.

As the application stands the premises could operate a beer garden until 01:00, I'm sure Exeter council are well aware of the issues that can be caused by having an unregulated beer garden in such close proximity to residential properties.

As stated in Exeter City Council's statement of licensing, "Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00." If this were to be granted as applied for, this would absolutely affect the sleep of the residents in South Street. I would request that the committee attach the following conditions;

- *Outdoor area to close at 22:00*
- *No entry/re-entry after 22:00*

I would also request that *off sales in open containers is prohibited* is added as a condition. My concern is that if open containers are supplied patrons will congregate on the corner of South Street and Coombe Street drinking, whilst it is not down to the premises to prevent drinking in the PSPO, and drinking in the PSPO is not offence, the PSPO has been implemented due to issues with street drinking in this area. If members aren't minded to agree to this, I would request that off sales in an open container is not allowed after 21:00.

As it stands this seems to be an application for a late night vertical drinking establishment located on South Street, which is in the CIA. Whilst the premises is not required to apply for Late Night Refreshment the absence of it shows that they are intending to operate as a bar between 23:00-01:00, with this in mind I'm very concerned that they have not offered conditions for SIA approved door staff. I would request that the committee impose that *door staff are required when the premises are open after 23:00*.

The licensing officer responded to my concerns about the premises operating as a bar by stating, "the description of the premises it highlights that they offer food and what their intentions are as a business." Whilst the description may state they offer food, this is contradicted by the absence of a request for LNR, additionally this licence once granted is transferable, and a new premises could operate it solely as a bar without the committee implementing the correct conditioning.

Additionally, I have concerns about the premises applying to open until 01:00 on a Thursday, this is incredibly late when most residents will be working the following day, and *I would request the hours are brought back until midnight*.

As per the statement of licensing policy, "The grant or variation of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make

representations.” I have raised that the notice is not compliant with the requirements set out in the licensing act but this has not been amended. I have attached a copy of the blue notice to this email, and simply put, an advert which does not state the days and times of licensable activities is not good enough. Residents have been unaware of this application, and even if they have seen the blue notice it is not clear that this is an application for a late night licence. I am sure the committee’s legal advisor will be able to advise further, but as this is not compliant, the application is invalid and should be re-advertised.

I would like to state that I am in favour of the premises being granted a licence, but not for this application to be granted as applied for. I think with the right timings and conditions this could be a positive addition to their current offering and to South Street. Whilst the premises may want to open later on occasion for special events, they would be able to do so by applying for TENs.

However, I don’t feel what has been applied for promotes the licensing objectives. Whilst I am aware that if there are issues I would be able to apply for a review, however, this isn’t a very proactive approach. It would be beneficial if the licence granted were reasonable for both the premises and the residents, rather than residents having to endure issues which could have been avoided by adding relevant conditions at the time of the grant.

As stated in the councils licensing policy, “It is therefore the policy of the Licensing Authority to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their merits.” I believe that if the committee imposes the conditions I’ve put forward this would not have an adverse impact on the residents lives.

Please can you confirm by 17:00 tomorrow that you are treating this as a valid representation.

Kind Regards,