

## **REPORT TO LICENSING SUB COMMITTEE**

**Date of Hearing:** 26 September 2022

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

**Type of Application:** To seek a REVIEW of the Club Premises Licence trading as Heavitree & Wonford United Services Club

**Legislation:** Licensing Act 2003 ('the Act')

**Ward Application Refers to:** Priory Ward

**Applicant:** Residents of Wonford Street, Exeter

**Premises Address:**

Heavitree & Wonford United Services Club, Victory Hall, 104 Wonford Street, Exeter, Devon, EX2 5DE.

### **1. What is the report about?**

1.1 Two separate applications have been received from residents of Wonford Street, seeking a review of the Club Premises Licence held by Heavitree & Wonford United Services Club. The applicants have agreed that both applications are to be heard as one. The application for review has been advertised and circulated as required by the legislation. A copy of the notice of the review is attached as Appendix A to this report.

### **2. Are there any representations?**

- 2.1 The legislation requires that any representations in relation to a review must be submitted to the Licensing Authority no later than the 28th day after receipt of the review application. The 28 day period beginning the day after receipt of the application. The last date for representation being the 5th September 2022.
- 2.2 Two applications for review have been received from residents as stated above, the residents reside within the vicinity of the premises. The applications for review are attached as Appendix B and C to this report.
- 2.3 A further representation was received from a local resident on the 28th August and the same resident made further representation on the 4th September. This representation is attached as Appendix D to this report.
- 2.4 Representations have been received from the Devon and Somerset Fire and Rescue Service in their capacity as a Responsible Authority. This is attached as Appendix E to this report.
- 2.5 Representations have also been received from Devon and Cornwall Police in their capacity as a Responsible Authority. This is attached as Appendix F to this report.

- 2.6 Representations have also been received from Simon Ruddy the Principal Environmental Health Officer for Business regulation at Exeter City Council. His representation is attached as Appendix G to this report. Mr Ruddy has produced a detailed statement of his involvement with the premises and this is attached as Appendix H to this report. The statement references a number of exhibits as SR1 to SR10. Exhibits SR1 to SR10 are appended to this report.

### **3. Report details:**

- 3.1 The applications from the residents referenced all four licensing objectives and were received on 8<sup>th</sup> August 2022. The grounds for the review are given as follows:
- Very loud music.
  - Drunk people in charge of minors.
  - Serving of drunks.
  - Anti-social behaviour outside.
  - Building unfit for purpose that is being used for (i.e. Disco's/Nightclub).
  - Staff unable to control customers.
  - Persons in charge (or claiming to be) drunk.
  - Noise and disorder.
  - Nuisance to the public.
  - Breaches of health and safety law.
  - Offensive language.
  - Smoking close to my premises.
  - Prevention of and protection of children from harm.
- 3.2 The representation received from the local resident references a number of noise disturbance episodes alleged to have originated from the licenced premises and as such concerns the licensing objective of public nuisance.
- 3.3 The representation from the Devon and Cornwall Fire and Rescue Service relates to the objective of public safety and references a number of failings in relation to fire safety at the premise following an inspection on the 5<sup>th</sup> August 2022.
- 3.4 The representation from Devon and Cornwall Police relates to the objectives of prevention of crime and disorder and public nuisance.
- 3.5 The representation from Simon Ruddy relates to the objective of public nuisance and references a number of noise disturbance episodes from the premises.

### **4. Legal and Policy Considerations:**

- 4.1 The Licensing Sub-Committee are required to have regard to the Statement of Licensing Policy which states in part (paragraph 2.8) that in determining a licence application the Licensing Authority will consider each application on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed.
- 4.2 The Licensing Sub-Committee are required to have regard to the Official Guidance issued under section 182 of the Licensing Act 2003 revised April

2018. An electronic copy of the official guidance has been provided to each member of the Licensing Sub-Committee.

- 4.3 The Licensing Sub-Committee must have regard to the relevant representation made; the evidence provided in relation to the premises from the parties involved and the evidence it hears, in reaching its decision.
- 4.4 The Licensing Sub-Committee, having regard to the representation, must take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives and either modify conditions by altering, omitting or adding them; exclude a licensable activity; suspend the licence for a maximum of three months or revoke the licence.

## **5. Recommendations:**

- 5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

### **Service Lead – Environmental Health & Community Safety**

Author: Nigel J Marston, Principal Licensing Officer (Acting)

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

Background papers used in compiling this report:-  
None

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