

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing: 8 November 2022

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

Type of Application: To seek a REVIEW of the Premises Licence trading as Heavitree Social Club

Legislation: Licensing Act 2003 ('the Act')

Ward Application Refers to: Priory Ward

Applicant: Environmental Health at Exeter City Council

Premises Address: Heavitree Social Club, 2 East Wonford Hill, Heavitree, Exeter, EX1 3BS

1. What is the report about?

- 1.1 An application has been received from Environmental Health at Exeter City Council, seeking a review of the Premises Licence held by Heavitree Social Club. A copy of this application together with the Premises Licence is attached as Appendix A to this report. 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 B 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 Fourteen representations were received from local residents within the statutory representation period, the residents reside within the vicinity of the premises. The representations are attached as Appendix C to this report.
- 2.3 A further representation was received from Alice Hasted in Environmental Health. This is attached as Appendix D to this report.

3. Report details:

- 3.1 The application from Environmental Health referenced the licensing objective of the prevention of public nuisance. The grounds for the review are given as follows:
 - Nuisance witnessed at the premises.
 - Loud music internally and externally.
 - Loud external activities – splash pool.

- 3.2 A number of officers within Environmental Health have been involved with complaints in relation to this premises. The first of these is Rebecca Padfield; the officer that submitted the application for review. Mrs Padfield witnessed noise nuisance at the premises on the 15th July 2022. A copy of her statement in relation to this is attached as Appendix E to this report.
- 3.3 Alice Hasted has referenced the licensing objective of the prevention of public nuisance in her representation. Ms Hasted has provided a witness statement which is attached in Appendix F to this report. The witness statement references exhibits AH01, AH02 and AH03. These exhibits are included within Appendix F of this report.
- 3.4 A number of noise recordings were made within complainants' properties and these were analysed by Ben Turner in Environmental Health. The analysis of these recordings along with a statement from Ben Turner is attached as Appendix G to this report.
- 3.5 Simon Ruddy in Environmental Health has produced a witness statement detailing recordings made using the noise app by complainants. His statement is included as Appendix H to this report. In his statement he references exhibits SR/1 to SR/18 which relate to audio records.
- 3.6 The representations received from the local residents reference a number of noise disturbance episodes alleged to have originated from the licensed premises and as such concern the licensing objective of public nuisance. The representations received from local residents have been compiled into a table and are attached as Appendix I to this report. A more detailed representation was received from Jonathan Geyde and this is attached as Appendix J to this report.
- 3.7 The representative for the Premises Licence Holder requested an extension of time within which the hearing must be heard in order to allow discussions between the parties in respect of the matters raised. The Licensing Authority considered that it was in the public interest to extend the statutory time period and with the agreement of the other parties set the hearing for this date.

4. Legal and Policy Considerations:

- 4.1 The hearing must be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The time period within which this matter must be heard has been extended in accordance with Regulation 11 (1) for the reasons set out in paragraph 3.7 above.
- 4.2 The Licensing Sub-Committee are required to have regard to;
 - 4.1.1 the representations (including supporting information) presented by all the parties; and
 - 4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2018; and
 - 4.1.3 the Licensing Authorities Statement of Licensing Policy.

- 4.3 In determining a licence application the Licensing Sub-Committee will consider each application on its merits.
- 4.4 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;
- modify conditions by altering, omitting or adding them;
 - exclude a licensable activity;
 - remove the Designated Premises Supervisor (DPS);
 - suspend the licence for a maximum of three months;
 - 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

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