

REPORT TO: LICENSING SUB COMMITTEE

Date of Hearing: 30 January 2023

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

Type of Application: Licensing Act 2003 application for the VARIATION of a premises licence

Premises: Sandy Park Stadium, Sandy Park Way, Exeter EX2 7NN

Legislation: Licensing Act 2003 ('the Act')

Ward of Premises: St Loyes

Applicant: Exeter Rugby Club Ltd

1. What is the report about?

- 1.1 The application attached as Appendix A has been received for the VARIATION of a premises licence. The existing premises licence and plan is attached at Appendix B.
- 1.2 The existing licence provisions are as set out in the existing premises licence attached at Appendix B:
- 1.3 The Applicant seeks to apply for:
- The removal of unenforceable and unclear conditions on the existing licence in Annexe 2 and replace with enforceable and clear conditions as set out in the Operating Schedule of the Application.
 - To add the following licensable activities:

Plays, Boxing and Wrestling, Films, Live Music and Recorded Music

All outdoors Monday to Sunday 10:00 - 23:00
- 1.3 The application attached to Appendix A includes additional plans to clarify the area within which licensable activities may take place and the boundary.
- 1.4 The Premises is situated in the area on the plan provided as Appendix C.
- 1.5 In order to promote the Licensing Objectives. The Applicant has included additional conditions in the Operating Schedule located at section M of the Application.

2. Are there any representations?

- 2.1 There have been **14** representations from local residents and 1 from Environmental Health objecting to the variation relating to the four Licensing Objectives, the Prevention of Public Nuisance, the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. There were no other representations from any other Responsible Authorities. The representations are listed and attached at Appendix D.

3. Report details:

- 3.1 The application was advertised on the Premises from 14 December 2022 for 28 days and in the local newspaper 22 December 2022 in line with above legislation. The Premises advertisement is at Appendix E and the newspaper advertisement is at Appendix F.
- 3.2 The notice of hearing copy attached at Appendix G was issued to all parties on **17 January 2023**.

4. What are the legal aspects?

- 4.1 The Licensing Sub-Committee are required to have regard to;
- 4.1.1 the steps that are appropriate to promote the Licensing Objectives;
 - Protection of children from harm
 - Prevention of public nuisance
 - Public safety
 - Prevention of crime and disorder
 - 4.1.2 the representations (including supporting information) presented by all the parties; and
 - 4.1.3 the Official Guidance issued under section 182 of the Licensing Act 2003 revised December 2022 which can be viewed at: [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/licensing-act-2003-revised-december-2022) and
 - 4.1.3 the Licensing Authorities Statement of Licensing Policy which can be viewed at <https://exeter.gov.uk/media/1427/statement-of-licensing-policy-2015-2020.pdf>
- 4.2 In determining a licence 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.
- to modify the conditions of the licence; and/or
 - to reject the whole or part of the application.

If the Licensing Sub-Committee considers that none of the above steps are appropriate for the promotion of the Licensing Objectives the Application shall be granted as applied for.

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

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

Background papers used in compiling this report:-

None

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