

# REPORT TO LICENSING SUB COMMITTEE

**Date of Hearing:** 25 August 2023

**Report of:** Principal Licensing Officer - Licensing.

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

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

**Ward Application Refers to:** Newtown & St Leonard's

**Applicant:** Portal Pizza Ltd

## 1. What is the report about?

- 1.1 A premises licence application, attached at Appendix A, has been received by the licensing authority for a new premises licence. A plan of the premises is attached as Appendix B.
- 1.2 The premises is Portal Pizza, 35 Magdalen Road, Exeter, EX2 4TA.

## 2. Are there any representations?

- 2.1 There have been two representations received objecting to the application on the grounds of the prevention of public nuisance, public safety, prevention of crime and disorder and the protection of children from harm.
- 2.2 The representation at Appendix C from Karen Davenport, the Police Licensing Officer for Devon and Cornwall Police. This representation has been withdrawn as the Police and Applicant have agreed suitable conditions to be added to the licence. The agreed conditions are attached as Appendix D.
- 2.3 The representation at Appendix E from Simon Coughlan, an interested party that lives in Magdalen Road.
- 2.4 The last date for receiving representations was 31<sup>st</sup> July 2023.
- 2.5 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 F.
- 3.2 This application seeks to license 35 Magdalen Road, Exeter as a pizza restaurant with a focus on quality pizza and craft beer.
- 3.3 The Licensable activities applied for are:

### Recorded Music (Indoors Only)

Sunday to Thursday 11:00 to 23:00  
Friday and Saturday 11:00 to 00:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

**Late Night Refreshment**

Friday and Saturday 23:00 to 00:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

**Supply of Alcohol** (Alcohol is supplied for consumption on and off the premises)

Sunday to Thursday 12:00 to 23:00

Friday and Saturday 12:00 to 00:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

**Opening Hours**

Sunday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day

3.4 The Applicant has offered a number of conditions as appropriate to promote the Licensing Objectives and these are found within 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 August 2023; and
- the Licensing Authorities Statement of Licensing Policy which can be viewed on the Council's website at :<https://exeter.gov.uk/media/5123/statement-of-licensing-policy-2020-2025.pdf>

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

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