

REPORT TO: LICENSING SUB COMMITTEE

Date of Hearing: 21 March 2024

Report of: The Service Lead - Environmental Health and Licensing Manager

Author: Geraldine Pendlington, Licensing Officer

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

Premises: Mill on the Exe

Legislation: Licensing Act 2003 ('the Act')

Ward of Premises: St David's

Applicant: St Austell Brewery Company Limited

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 variation submitted applies to Supply of Alcohol.

1.2 The existing licence is attached at Appendix B.

1.3 The proposed variation:

The Applicant seeks to apply for a variation to permit:

1. A new bar to be situated in the gardens as shown on the new plans at Appendix C.
2. For the hours of the sale of alcohol from the new bar to be the same as the current hours permitted for the sale of alcohol on the premises of 10.00 to 00:00 Monday to Sunday and from 10.00 on New Years Eve to 10.00 on New Years Day

1.4 The Applicant is seeking the sale of alcohol to be both on and off the premises.

1.5 The Applicant has provided a copy of the proposed new plans showing the position of the new bar attached as Appendix C.

2. Are there any representations?

2.1 There has been one representation from a local resident, attached as Appendix D, objecting to the variation relating to the following Licensing Objectives:

- the Prevention of Public Nuisance;
- the Protection of Children from harm.

3. Report details:

- 3.1 The application was advertised on the Premises and in the local newspaper on 8th February 2024 in line with the Licensing Act 2003. The Premises advertisement is at Appendix E.
- 3.2 The notice of hearing was issued to all parties on 7th March 2024.

4. What are the legal aspects?

- 4.1 In the event the Licensing Sub-Committee proceed to determine the application it is required to have regard to;
 - 4.1.1 the steps that are appropriate to promote the Licensing Objectives;
 - 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 2023 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/guidance/revised-guidance-issued-under-section-182-of-licensing-act-2003) and
 - 4.1.4 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

Author: **Geraldine Pendlington** Licensing Officer

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

Background papers used in compiling this report:-

None

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