

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing:	03.10.2024
Report of:	Service Lead - Environmental Health and Community Safety Presented by Nigel Marston – Principal Licensing Officer
Decision Required:	To determine an application for a Variation to an existing Premises Licence
Legislation:	Licensing Act 2003
Premises:	Sunset Society, 5 Old Tiverton Road, Exeter, EX4 6LD 24/01160/LPRVAR
Applicant:	The Sunset Society

1. What is the report about?

- 1.1 The application attached as Appendix A together with the plan has been received for the variation of a premises licence.
- 1.2 The Premises is situated at 5 Old Tiverton Road, Exeter, EX4 6LD as shown on the location plan attached as Appendix B

2. Are there any representations?

- 2.1 There have been 5 valid representations objecting to the Application relating to the Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder, and the Protection of Children from Harm. The representations have all been received from persons that work or reside within the vicinity of the proposed premises.
- 2.2 Representation 1 was received from [REDACTED] and is attached as Appendix C.
- 2.3 Representation 2 was received from [REDACTED] and is attached as Appendix D.
- 2.4 Representation 3 was received from [REDACTED] and is attached as Appendix E.
- 2.5 Representation 4 was received from [REDACTED] and is attached as Appendix F.
- 2.6 representation 5 was received from Councillor [REDACTED] and is attached at Appendix G.
- 2.7 The last date for receiving representations was 10.09 2024.
- 2.8 No representations have been received from any of the Responsible Authorities.

- 2.9 As a result of the representations, the Applicant has submitted a response in relation to the objections raised and sought to clarify how the premises will operate. This response by the Applicant is attached as Appendix H.
- 2.10 The response to the objections by the applicant was circulated to those that had made representations. The responses received are attached as Appendix I.

3. Report details:

- 3.1 The application was advertised on the Premises from 12 August 2024 until 10 September 2024 and in the local newspaper on 1 August 2024 in line with above legislation. The Premises advertisement is at Appendix J and the newspaper advertisement is at Appendix K.
- 3.2 The current licensable activities are:

Supply of Alcohol (Alcohol is supplied for consumption on the premises).

Wednesday 11.00 – 17.00hrs.
Thursday to Saturday 11.00 – 22.00hrs.

Live Music

Friday 18.00 – 22.00hrs.

Recorded Music

Monday to Sunday 09.00 – 17.00hrs.

- 3.3. The variation sought is to increase the hours for the sale of alcohol to the below:

Supply of Alcohol

Monday to Sunday 12.00 – 22.00hrs

- 3.4 Whilst there is no proposal to change the hours for live music or recorded music. Members should note that due to the exemption provisions of the Live Music Act 2012 the premises is able to provide live or recorded music between the hours of 09.00 and 23.00hrs.
- 3.5 The applicant has offered a number of conditions to promote the licensing objectives and these can be found in section 16 of the application.

4. What are the legal aspects?

- 4.1 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 December 2023 which can be viewed at: [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk); and
- 4.1.3 the Licensing Authorities Statement of Licensing Policy which can be viewed at [Statement of Licensing Policy 2020-2025 \(exeter.gov.uk\)](https://www.exeter.gov.uk)
- 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.
- (a) To grant the licence subject to:
- i. The conditions consistent with the operating schedule modified to the extent that the authority considers appropriate for the promotion of the Licensing Objectives;
 - ii. 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.

Service Lead – Environmental Health & Community Safety

Author: Nigel Marston, Licensing Officer.

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

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