



## **LICENSING ACT 2003**

### **NOTICE OF DETERMINATION**

<b>Date of Hearing:</b>	20 <sup>th</sup> September 2024
<b>Application:</b>	Premises Licence
<b>Name of Premises:</b>	The Holt - Exeter
<b>Address:</b>	5 Cathedral Close Cathedral Green, Exeter
<b>Licensing Sub-Committee:</b>	Cllr Holland (Chair) Cllr Begley Cllr Harding
<b>Committee Legal Advisors:</b>	Matthew Hall
<b>Principal Licensing Officer:</b>	Nigel Marston
<b>Democratic Services Officer:</b>	Pierre Doutreligne
<b>The Applicant:</b>	Otter Brewery Limited
<b>Representations:</b>	In attendance: Timothy Noon
<b>Hearing Duration:</b>	10:03 – 11:21hrs

#### **TAKE NOTICE:**

That the Licensing Sub-Committee convened on 20<sup>th</sup> September 2024 to determine the application for a premises licence has resolved to grant the licence in part subject to the conditions in accordance with section 18 of the Licensing Act 2003.

#### **THE SUB-COMMITTEE'S DECISION:**

In determining this application the Licensing Sub-Committee took into account all relevant evidence and information presented to it both written and oral, and took account of all the matters it is bound to take account of, in particular the following:

- Licensing Act 2003
- Statutory Guidance
- Exeter City Council Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

The Application for the following licensable activities was granted:

#### **Sale of Alcohol** (for consumption on the Premises)

Monday, Tuesday Thursday 11:00 to 23:00hrs

Wednesday, Friday and Saturday 11:00 to 24:00hrs

Sunday 11:00 to 22:30hrs

#### **Late Night Refreshment**

Wednesday, Friday and Saturday 23:00 to 24:00hrs

The opening and closing times will be consistent with the times permitted for the sale of alcohol.

The following conditions shall apply:

The conditions submitted by the Applicant set out in section 18 of the Application and the following conditions were imposed by the Licensing Sub-Committee:

A designated smoking area will be allocated at the rear of the Premises in a precise location and size approved in writing by the Licensing Authority.

Drinks shall not be permitted in the designated smoking area after 11pm.

A telephone number shall be made readily available and displayed in a prominent location where it can be conveniently read from the exterior of the premises for local residents to contact in the case of noise nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number will be a direct number to the management who are in control of the premises during opening hours. A record will be kept by management of all calls received, including the time, date and information of the caller, including actions taken following the call. Records will be made available for inspection and copying by an authorised officer of a responsible authority during the trading hours of the premises.

### **REASONS FOR DECISION**

The Licensing Sub-Committee carefully considered the written and oral submissions in support of and against the application. The Applicant gave an explanation of the proposed use of the Premises and the concept of 'social dining'. The Licensing Sub-Committee recognised that the Applicant specialised in the use of local produce and commended its 'family values' based approach to the Application. This approach reassured the Licensing Sub-Committee that the Premises would be operated professionally and sympathetically based on its location and was not aimed at attracting a clientele simply looking to consume alcohol and cause a disturbance in the locality of the Premises.

The Licensing Sub-Committee was concerned that the Applicant had not given sufficient consideration as to how it would operate during the later hours and this was the main issue raised by the objectors in their representations. The concept of 'social dining' did not appear to align with the concept of patrons arriving after midnight. The Licensing Sub-Committee considered that more consideration needed to be given as to how the Premises would operate in respect of patrons arriving, leaving and smoking at later hours. This was important as the Premises are located within the City's Cumulative Impact Zone. It is for the Applicant to show that the Premises would not have a negative impact on the Licensing Objectives.

The Applicant's response to the objector's representations concerning the removal of off sales and proposed revised closing times was noted by the Licensing Sub-Committee. The Applicant made further concessions at the hearing to reduce the hours from a closing time of 02:00 hours to midnight. The Licensing Sub-Committee determined that the reduction in hours together with the implementation of conditions would promote the Licensing Objective of the Prevention of Public Nuisance and would strike a fair balance between the benefits to the community of a licensed venue and the risk of disturbance to local residents and workers.

When considering the Licensing Objective concerning the Prevention of Crime and Disorder, the Licensing Sub-Committee were mindful that the Licensing Authority should look to the Police as the main source of advice and no representations had been made by Devon and Cornwall Police. In respect of the Licensing Objectives concerning the Protection of Children from Harm and Public Safety, no representations had been received from the responsible authorities.

The Licensing Sub-Committee accordingly granted the application in part subject to the conditions set out in this notice.

**Advisory Note(s)**

The Licensing Sub-Committee recommend that Applicant consider signing up to the 'Best Bar None' scheme.

**RIGHT OF REVIEW**

At any stage, a responsible authority or any other person may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives; the prevention of crime and disorder, Public Safety, the prevention of public nuisance and the protection of children from harm.

**RIGHT OF APPEAL**

All parties are reminded of their right to appeal against this decision to the Magistrates' Court in accordance with section 181 and schedule 5 Part 1 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision.

**Any Appeal is commenced by a notice addressed to:**

The Clerk to the Justices, North and East Devon Magistrates' Court Office, Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300.

Parties are advised to contact the court office to check the form of notice required and the fee payable.

**The Chair of Licensing Sub Committee**

A handwritten signature in black ink, appearing to read 'Holland', with a long horizontal flourish extending to the right.

Councillor Peter Holland