



Exeter City Council

To the Chair and Members
of the Licensing Sub-Committee

Philip Bostock, Chief Executive

Bindu Arjoon, Assistant Chief Executive

Civic Centre, Paris Street, Exeter, EX1 1JN
Tel: 01392 277888 www.exeter.gov.uk

Direct dial: 01392 265107

Fax: 01392 265268

email: howard.bassett@exeter.gov.uk

Our ref:

Your ref:

A meeting of the **LICENSING SUB-COMMITTEE** will be held on **WEDNESDAY 2 JUNE 2010**, commencing at **9.30 am** in the Bad Homburg Room, Civic Centre, Paris Street, Exeter to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, on **Exeter 265107**.

Pages

Part I: Items suggested for discussion with the press and public present

1 **APPOINTMENT OF CHAIR**

To appoint a Chair for the meeting.

2 **DECLARATION OF INTERESTS**

Councillors are reminded of the need to declare personal and prejudicial interests, including the nature and extent of such interests, in relation to business on the agenda, before any discussion takes place on the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

3 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

“**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

LICENSING ACT 2003

4 **REVIEW OF A PREMISES LICENCE - THE SHOWMAN, COWICK STREET,
EXETER** 1 - 4

To consider the report of the Head of Environmental Health Services.

(Report circulated)

Membership of the Sub-Committee will be drawn from the following members of the Licensing Committee:-

Councillors Branston, S Brock, Mrs Danks, Gale, Newby, Newton, Noble, Shiel, R Smith, Sterry, Thompson and Wadham

Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265107.

Exeter City Council

REPORT TO LICENSING SUB-COMMITTEE HEARING: LICENSING ACT 2003 02/06/2010

APPLICATION: Review of a Premises Licence REPORT BY Principal Licensing Officer

PART I

1. THE APPLICATION

- 1.1 **Applicant** Mr & Mrs D J Tsouris
Premises The Showman Cowick Street Exeter EX4 1AP
- 1.2 **Application**
- 1.3 To seek a REVIEW of the premises licence under S51 of the Licensing Act 2003 and specifically the Prevention of Public Nuisance licensing objective. **Pages 4-9**
- 1.4 The application relates to the noise emanating from within the premises and an assertion that noise outside the premises has caused and continues to cause disturbance. **Pages 6-7**
- 1.5 The complaints of noise had been the subject of investigation by the Environmental Protection section. It should be noted that the management of the premises changed hands over the weekend of the 5 April 2010. The Review Notice states 'new landlord in no change – we called the CP (Community Patrol) out on Saturday Karaoke night [April 3rd], however the new management did not take control until the Monday after this event. **Pages 10-11**
- 1.6 The Environmental Protection Section have indicated that they have been dealing with a number of complaints at this premises. Up to date information relating to this element and any other relevant paperwork will be submitted separately.

PART II

2. RELEVANT REPRESENTATIONS

- 2.1 Relevant representations relating to the review have been received from the Environmental Protection Unit. **Pages 12-13**
- 2.2 A statement of support concerning activities in and around the Showman has been submitted by a resident in the vicinity of the premises. **Details of name and address have been removed. Page 14**

PART III

3. RELEVANT LICENSING POLICY CONSIDERATIONS Licensing Objectives

- 3.1 The statement of licensing Policy at section 17 deal with the issues relating to nuisance including noise nuisance. Section 17.1 states "To promote the licensing objectives applicants for licences for licensable activities will, if the Licensing Authority is engaged through relevant representations, be required to demonstrate the measures they have in place for the prevention of public nuisance.
- 3.2 The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of the interested parties.

PART IV

4. RELEVANT STATUTORY PROVISIONS AND OFFICIAL GUIDANCE CONSIDERATIONS

- 4.1 Official Guidance issued under section 182 of the revised guidance [January 2010] under the Licensing Act 2003 makes mention of noise nuisance matters. The official guidance to which this committee must have regard is attached **pages 15-16**

PART V

5. OBSERVATIONS

- 5.1 The Committee are asked to determine the application for the Review of the licence issued to the Showman of Exeter as requested by Mr & Mrs D J Tsouris. The Committee is obliged to determine this application with a view to upholding the Licensing Act 2003 objectives, which is in this case, the prevention of public nuisance.
- 5.2 The Committee must have regard to all of the relevant representations made by the parties; the evidence provided in relation to the premises from all the parties involved and the evidence it hears in reaching its decision.
- 5.3 The Committee must take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives.
- 5.4 Modify conditions by altering, omitting or adding them;
- 5.5 Exclude a licensable activity from the licence;
- 5.6 Remove the Designated Premises Supervisor;
- 5.7 Suspend the premises Licence (subject to a maximum period of three months).
- 5.8 Revoke the licence
- 5.9 The Committee should be mindful that in making their decision, whether to modify conditions or to suspend or revoke the licence, it must be necessary to do so to promote the licensing objective relating to the Public safety, not just because it is considered desirable to do so.



Author: Principal Licensing Officer
Date: 10 May 2010
Reference:

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