

## LICENSING SUB-COMMITTEE

Date: Monday 30 July 2018  
Time: 11.00 am  
Venue: Bad Homburg Room - Civic Centre

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [Mark.Devin@exeter.gov.uk](mailto:Mark.Devin@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

*Membership -*  
Councillors Owen, Sheldon and Holland

### Agenda

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

**1 Appointment of Chair**

To appoint a Chair for the meeting.

**2 Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of 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**

To pass the following resolution:

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for item 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part I of Schedule 12A of the Act.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

## **TOWN POLICE CLAUSES ACT 1847**

### **4 Application for the Grant of a Private Hire Drivers Vehicle Licence Over 4 Years Old**

To consider the report of the Environmental Health and Licensing Manager. (Pages 3 - 14)

#### **Part II: Item suggested for discussion with the press and public excluded**

### **5 Hearing to Determine Whether a holder of a Hackney Carriage / Private Hire Drivers Licence is a fit and proper**

To consider the report of the Environmental Health and Licensing Manager. (Pages 15 - 38)

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

## **LICENSING ACT 2003**

### **6 Application to Grant a New Premises Licence**

To consider the report of the Environmental Health and Licensing Manager. (Pages 39 - 76)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## REPORT TO LICENSING (SUB) COMMITTEE

**Date of Hearing:** 30<sup>th</sup> July 2018

**Report of:** Environmental Health and Licensing Manager.

**Type of Application:** GRANT of a licence relating to a Private Hire vehicle over 4/9/10 years old.

**Legislation:** Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847

**Applicant:** Richard Lee

### 1. What is the report about?

1.1 An application has been received from the Applicant, a licensed taxi driver seeking permission for the grant of a private hire vehicle licence for a vehicle which is over 4 years old. This is a matter that cannot be dealt with under delegated powers.

### 2. Background

2.1 The vehicle that is being presented for licensing as a Private Hire Vehicle (PHV) is a 6 passenger Vauxhall Zafira with a registration date of 1<sup>st</sup> November 2013 making the vehicle over 4 years old. The vehicle previously held a private hire vehicle licence with Exeter City Council, but the plate was not renewed upon its expiry in February this year and as such has been treated as a new vehicle application.

### 3. Report details:

3.1 The vehicle is a Vauxhall Zafira registration SW63 FYO. The vehicle has a current MOT certificate dated 5<sup>th</sup> July 2018. The mileage recorded at the MOT was 99,198 miles. The MOT certificate is attached as Appendix A. In addition to the MOT certificate an independent mechanical inspection report has been submitted, this is dated 18<sup>th</sup> July 2018 and is attached as Appendix B. The applicant presented the vehicle to the Licensing officer for inspection on 18<sup>th</sup> July 2018 and was considered to be in good condition. Photos of the vehicle are attached as Appendix C.

3.2 The Licensing Sub-Committee must have regard to the Council's the Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy')

3.3 'An application for the grant of a first private hire vehicle licence, where the vehicle in question is more than 4 years old, shall not be granted. However the applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies'.

#### **4. What are the legal aspects?**

- 4.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') states that a district council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

a) that the vehicle is-

- i) suitable in type, size and design for use as a private hire vehicle;
- ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- iii) in a suitable mechanical condition;
- iv) safe; and
- v) comfortable;

b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licence are granted by the council.

- 4.2 Under Section 48(4)(c) of the Act the Licensing Sub-Committee may grant a licence for a maximum period of 12 months.
- 4.3 Any person aggrieved by a refusal of the Licensing Sub-Committee to grant a vehicle licence under Section 48 of the Act may appeal to the Magistrates Court within 21 days of receiving written notice of the refusal.

#### **5. Recommendations:**

- 5.1 The Licensing Sub-Committee are asked to determine the application having regard to current policy.

#### **Environmental Health and Licensing Manager**

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

**Background papers used in compiling this report:-**

None

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275

**N.B THIS IS NOT PART OF THE REPORT**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE / DRIVERS LICENCES**

You are invited to appear before the Licensing Sub-Committee to speak in support of your application. A legal or other adviser may accompany you but may not appear instead of you.

**Your Application**

Depending on the circumstances, your application may be heard in part two of the Committee meeting procedures from which members of the public and press are excluded. You will be notified in advance if your application will be a part two matter, if you have not been advised of this, the hearing will be in the Public domain.

You or your adviser would be expected to respond to an officer's verbal introduction outlining the above report. You or your adviser may be asked questions and may be invited to ask questions if appropriate.

At the end of the hearing you will be asked to withdraw and the Committee will reach a decision. On conclusion of the decision making process you will then be recalled and the decision will be announced.

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# 90-point Vehicle Inspection.

VIN: 2031598 Date: 18/7/18 Job no: 47111  
 Model: ZAFIRA Reg no: SW63FX0 Mileage: 100702 Key no:

Exterior	On Hi:
Inspect seat and carpet protectors	Inspect underbody for damage/evidence of repair
Inspect glove panel body panels for damage and bright metal	Inspect all fluid levels and connections for leaks
Inspect exterior mouldings for damage and detachment	Check wheels and tyres for clearance
Check operation of door locks	Check steering and suspension for looseness/damage/wild weave
Check operation of remote locking/alarm system (if equipped)	Check exhaust system for leaks and damage
Check door operation, hinges and alignment	Check condition of front brake pads, discs and callipers
Check boot/trunk alignment and hinges	Check condition of rear brake assemblies
Check boot/trunk release and lamp (if required)	Check transmission oil level (if applicable)
Check bonnet alignment, hinges and operation of release mechanism	Inspect drive shafts and dust boots
Check operation of fuel filler flap release	<b>Road Test:</b>
Check operation and condition of exterior lamps	Check operation of brakes
Check operation of headlamp levelling system	Check operation of clutch (if required)
Inspect all wiper blades	Check steering wheel control and alignment
Torque wheel nuts/bolts	Check for squeaks and rattles
Inspect condition of all tyres and axles (if equipped)	Check risk, handling and engine performance
Check tyre pressures and record tread depth (min 3mm)	Check operation of meters and gauges
Check vehicle jack and tools	Check risk, handling and engine performance
Check availability and firmness of locking wheel bolt key (record number)	Check operation of the cruise control (if equipped)
Check Tyre Mobility A3 and expiry date of sealant where applicable	Check heater operation on all settings (inc. A/C)
<b>Under Bonnet - Engine off</b>	Check auto operation including steering wheel controls (if equipped)
Confirm VIN plate details	4WD - Check operation of 4WD system (if equipped)
Check condition of battery (terminals, casing and electrolyte level)	Set compass (if equipped) meet if required
Inspect all fluid lines and connections for leaks	Check operation of Parking Sensors (if equipped)
Check engine oil level (top up if necessary)	Align Right Hand Mirror
Check brake/catch fluid level (top up if necessary)	Ready any streaks and marks
Check coolant level and specific gravity (top up if necessary)	Set clock if required
Check tightness of coolant hose clips	Check service due date (carry out if required)
Inspect auxiliary drive belts (check & adjust if necessary)	Check handbrakes
Check accelerator cable & linkage (if applicable)	Outstanding campaigns & recalls: check VIN
Inspect power brake and hoses	Customer Options - Set date (date for additional services)
<b>Interior</b>	Set audio stations
Check DTCs on all systems using diagnostic equipment	Set auto locking (if applicable)
Check operation of all seat controls and head restraints	
Check seat belts and seat belt warning system	
Check ignition switch and steering lock	
Check operation of the inhibitor switch (automatic transmissions only)	
Check operation of the ignition key and 'lights-on' warning (if equipped)	
Check operation and fit of all windows	
Check warning indicators and panel lights	
Check operation of interior mirrors	
Check operation of exterior mirrors	
Check operation of heated rear seat	
Check cigar lighters, ashtrays and power sockets	
Check operation of sunroof (if equipped)	
Check operation of child proof door locks	
Check all keys disarm immobiliser	
Record key number	
Inspect carpets, sunrims, glove box and storage areas/door holders	
Inspect fit and flesh of upholstery and trim	
Check height/trim play of brake/clutch pedals	
Check parking brake operation and adjustment	
Check estimate navigation system (if fitted)	
<b>Under Bonnet - Engine running</b>	
Check engine operation during warm-up	
Check operation of cooling/condenser fans	
Check automatic transmission fluid level (if applicable)	

U/F 6 mm RHF 6 mm LHR 5 mm RHR 5 mm Spun No Spoke

Technician signature: *A. M. P. P. P.*  
 Print name: A. M. P. P. P.

Dealer stamp:  
**HENDY GROUP LTD**  
 14 MARSH BARTON ROAD  
 EXETER EX2 8NT  
 TEL 01392 499600



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**P371 Vehicle Photographs**









By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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**REPORT TO:** LICENSING (SUB) COMMITTEE

**Date of Hearing:** 30 July 2018

**Report of:** Environmental Health and Licensing Manager

**Type of Application:** The application is for a new premises licence in respect of a restaurant OPA Greek Taverna, 36-37 South Street, Exeter under the relevant legislation.

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

**Ward Application Refers to:** St David's

**Applicant:** Aleksander Berisha

**Premises Address:** OPA, 36-37 South Street, Exeter, EX1 1ED

**1. What is the report about?**

- 1.1 An application attached as Appendix A has been received from the Applicant for the grant of a new premises licence in respect of OPA Greek Taverna, 36-37 South Street, Exeter. A plan of the premises is attached at Appendix B.

**2. Are there any representations?**

- 2.1 There has been four representations received and these are attached at Appendix C. The representations are relevant to the Licensing Objective the Prevention of Public Nuisance.

**3. Report details:**

- 3.1 The licence seeks to apply for:
- Supply of alcohol: Monday to Sunday:10.00-23.00
  - Live Music: Friday & Saturday: 11.00-23.00
  - Dance: Friday & Saturday: 10.00-23.00
  - Anything similar to dance: Friday to Sunday 08.00-23.00
- 3.2 The applicant has set out steps it intends to take to promote the Licensing Objectives in the Operating Schedule in the application.
- 3.3 The application was advertised on the premises Wednesday 13 June 2018 and in the local newspaper on Thursday 21 June in Express & Echo in accordance with the requirements of the Licensing Act 2003. The end date for representations was 10 July 2018.

**4. Legal and Policy Considerations:**

- 4.1 The Licensing Sub-Committee are required to have regard to;

- (a) the representations (including supporting information) presented by all the parties; and
  - (b) the Official Guidance issued under section 182 of the Licensing Act 2003 revised April 2017 which can be viewed at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627825/revised\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revised_182_guidance_05_04_17.pdf); and
  - (c) 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.
- (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.

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.

## **Environmental Health and Licensing Manager**

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

**Background papers used in compiling this report:-**

None

Contact for enquires:  
Democratic Services (Committees)  
Room 2.3  
01392 265275



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# APPENDIX A

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£190  
636564

1017118



**Exeter**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk)  
Telephone: 01392 265702

\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

First name

Family name

E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

*continued from previous page...*

imited Company Trading as Opa

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

Email

Telephone number

Other telephone number

Date of birth  /  /

dd mm yyyy

Nationality  Documents that demonstrate entitlement to work in the UK

[Add another applicant](#)

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /

dd mm yyyy

Do you wish the licence to be valid only for a limited period, when do you want it to end  /  /

dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a Greek Taverna which will be serving bottled beers and wine to the diners. We have seating area for approximately 50 people who will purchase beer, wine or spirits either with their meal or after their meal.

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

**Continued from previous page...**

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We may have live music for dancing and events, this may be every Friday and Saturday but not with immediate effect as this will be as the business grows, however we would like provision for this for future events

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We may have live music on events nights and special requests by customers, however this would not be something that is ongoing and everyday. Summer months may require changes

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the performance of dance take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

On some event evenings, we may have belly dancers to dance and perform for the guests. These will not be every weekend but may well be once a month and on special occasions

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

During the summer months, we may have the dancers on other evenings dependent on the guest requirements

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### Section 13 of 21

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes                       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.



Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

We will have belly dancers, dancing to Greek music on some evenings.

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We will have amplified music for the dancers

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

Date of birth  /  /   
                  dd           mm           yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Continued from previous page...

Issuing licensing authority  
(if known)

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 21

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

### Section 17 of 21

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start 10:00

End 23:00

Start

End

Give timings in 24 hour clock.  
(e.g. 00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 10:00

End 23:30

Start

End

WEDNESDAY

Start 10:00

End 23:30

Start

End

THURSDAY

Start 10:00

End 23:30

Start

End

Continued from previous page...

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

New Years Eve and Christmas Eve

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of

*Continued from previous page...*

promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available the retail unit.

Log Book will be kept upon the premises all the time.

Nothing belong existing Health & Safety requirements

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT



*Continued from previous page...*

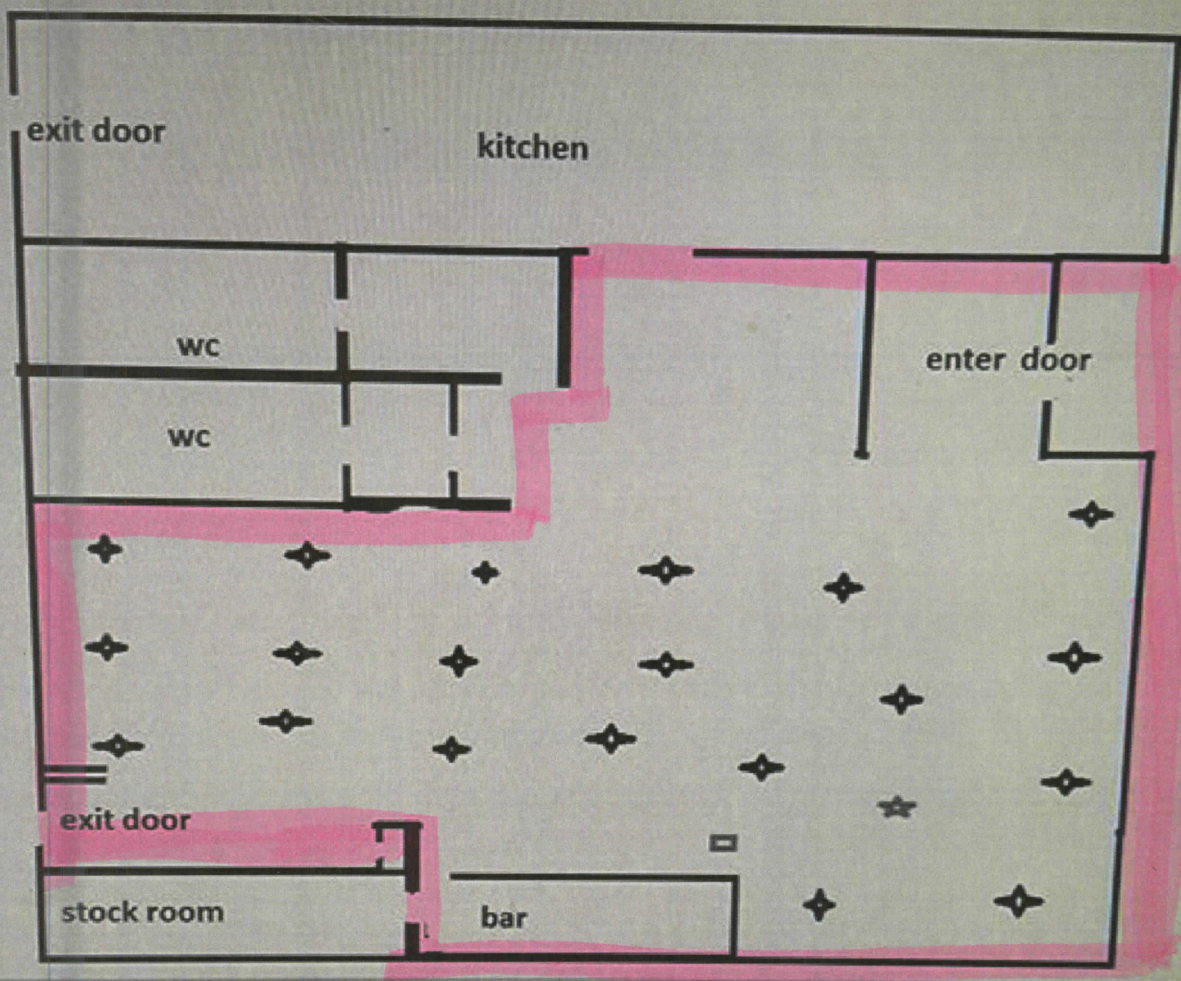
In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.



# APPENDIX B

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# APPENDIX C

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## Caroline Moorhead

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**From:** Phillippa Lane on behalf of Licensing Team  
**Sent:** 09 July 2018 09:59  
**To:** Caroline Moorhead  
**Subject:** FW: Public Nuisance

Phillippa Lane  
Senior Licensing Officer  
01392 265543  
[phillippa.lane@exeter.gov.uk](mailto:phillippa.lane@exeter.gov.uk)

  
**Sent:** 06 July 2018 16:14  
**To:** Licensing Team <licensing.team@exeter.gcsx.gov.uk>  
**Subject:** Public Nuisance

I just received a letter through the post explaining how a new restaurant (Greek Taverna) has applied for live music until 11pm Friday and Saturday nights. I am one of the residences who live above this restaurant I think there is about 50 flats who most of us have young families from babies to teenagers. There is also elderly and disabled people. Some people in this flat building suffer from mental health issues I for one suffer from social anxiety and depression. There is also people who have come from bad pasts and this is their first home they came to to escape. These people and myself don't need to listen to loud music our children and elderly not being able to sleep. People suffering from depression who need quiet away from the world people with anxiety who suffer panic attacks. I ask you to please put in a lot of thought before making a final decision.

Thank you for your time.

Kind regards

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**Caroline Moorhead**

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**From:** [REDACTED]  
**Sent:** 05 July 2018 14:52  
**To:** Licensing Team  
**Subject:** Licensing a Greek Taverna in South Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Team,

I and my wife and elder daughter are joint owners of a house at [REDACTED] and write to object to the grant

of a Licence to a Greek Taverna in South Street allowing Live Music and Dancing. This would be likely to increase the

noise level in the area and lead to rowdy behaviour. Although there is a Chinese Restaurant and a Wetherspoons in our

immediate neighbourhood they do not cause a problem at present as they do not offer Live Music &/or dancing but it is

believed that Live Music and /or Dancing at the Taverna would become a Public Nuisance affecting not only our family (

including four year old twins) and residents of the gated area of Palace Gate but children at the Boarding school nearby.

We would respectfully request that you refuse to grant a Licence for Live Music &/or Dancing.

Yours Sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]

ps please forgive the computer for appalling typescript dislocation

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The Manager,  
Exeter City Council Licencing Authority  
The Licencing Section  
Exeter City Council  
Civic Centre  
Paris Street  
Exeter EX1 1RQ

9 July 2018

Application Ref:  
**TMB (Exeter) Ltd**  
application for a premises licence on behalf of  
**OPA Greek Taverna, 36 - 37 South Street, Exeter**

Dear Sir,

I am writing in my [REDACTED] on the residential property at [REDACTED] to register my objections to the proposed licencing changes affecting the building, on its change of use from a meze restaurant to a Greek taverna.

The application proposes the introduction of live music and dance, from mid-morning to 23.00 at night, three days per week, in addition to a seven-day licence to serve alcohol. The introduction of regular live music and dance in particular represents a significant change in the use of the premises, which previously only offered live music on special occasions.

As you're aware, the building at 36 - 37 South Street is a 'mixed use' property, consisting of retail space on the ground floor and three two-storey privately-owned residential properties above, of which ours is the middle one. Constructed as part of the substantial city rebuilding programme after the war, the ground floor was originally a police station.

The style and construction of the building, a unitary concrete and brick shell with cast-concrete floors, makes it essentially a large sound box, inherently poorly suited to the management and reduction of sound and vibration nuisance, but of course it wasn't designed or built to be an entertainments venue. Loud music, and particularly rhythmic vibration, simply reverberates through the structure, and represents a very significant nuisance to the residents above.

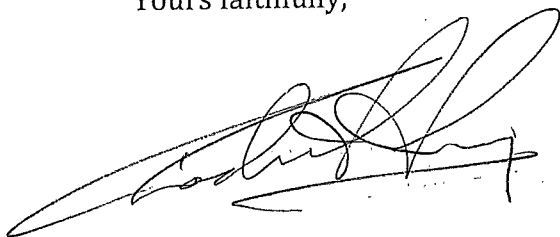
Apart from the noise and vibration nuisance from the music and dancing themselves, there is a real likelihood of further disruption as patrons leave the premises. This is not limited to the noise, but includes other nuisances, such as the increased use of the relatively sheltered hardstanding behind the property as a rubbish tip and toilet, already something of a problem due to the proximity of the Wetherspoons next door.

The Exeter City Council's published code of practice for licenced premises outlines the City's concerns to minimise the adverse impact of noise and other

nuisance from licenced premises on residents, demanding proper impact assessment and mitigation, particularly where the licencing application represents a significant change or escalation in the level of potential nuisance. Although on the face of it, the application here is for the replacement of one restaurant business with another, the change in style of the type of more raucous entertainment being proposed makes this application more significant to local residents and other businesses than it first appears.

I shall be grateful if you will take this letter as a formal objection to the proposals in their current form, and will let me know the outcome of your deliberations, with specific reference to the points I have raised above.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Richard King', written in a cursive style.A block of contact information, including what appears to be a name and a phone number, has been completely redacted with thick black bars.

LICENSING SECTION  
EXETER CITY COUNCIL  
CIVIC CENTRE  
PARIS ST  
EXETER, EX1 1RQ

5/07/18

REF: TMB (EXETER) LTD APPLICATION FOR PREMISES  
LICENCE FOR OPA GREEK TAVERNA @  
36-37 SOUTH ST, EXETER.

To whom it may concern,

I am writing with reference to the application above to state my objections as an owner/occupier of one of the three residential properties above.

I oppose the application for alcohol, live music and dance with a 'provision of similar' due to the level of noise and disturbance it will cause me in my home and the public nuisance it will create. I have previous experience of this as the previous tenant (La Bocada) had an occasional evening approximately once per month of music and dance and it was so loud, it was as if the musicians were in my house. This is a completely unreasonable request when you have three residential properties above.

Vot only is the noise from 10am - 11pm a disruption, when customers vacate the premises will be another nuisance.

We already have a problem with people urinating being sick and emptying our bins into the alleyway where our main door is, and this will obviously increase with a 7 day / week 10am - 11pm alcohol licence.

The new business owners are also telling people that they will be having outdoor seating. This is something that also has to be put in writing to tenants by Exeter City Council, but is missing from this documentation?

I oppose this also due to the fact it will be a public nuisance and the noise that will incur making it impossible to have windows open in the evenings.

South St is a residential area with businesses operating with this in mind. I am stating my opposition as an extremely concerned resident and would like to be informed of the outcome,

Yours Sincerely

