



Exeter City Council

To the Chair and Members
of the Licensing 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 COMMITTEE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **5.30 pm** on **TUESDAY 14 JUNE 2011** to consider the following business.

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

Pages

AGENDA

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

1 **MINUTES**

To sign the minutes of the meeting held on 29 March 2011.

2 **DECLARATIONS OF INTEREST**

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**

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 items 6 to 9 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

- 4 **PROPOSAL TO DESIGNATE STREETS AS PROHIBITED STREETS,
LICENCE STREETS AND CONSENT STREETS FOR STREET TRADING** 1 - 16
- To consider the report of the Head of Environmental Health Services.
- (Report circulated)
- 5 **APPLICATION FOR THE GRANT OF A SEX ENTERTAINMENT LICENCE** 17 - 20
- To consider the report of the Head of Environmental Health Services.
- (Report circulated)
- Part II: Items suggested for discussion with the press and public excluded**
- TRANSPORT ACT 1985**
- TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**
- 6 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE
LICENCE (MR J.A.)** 21 - 28
- To consider the report of the Head of Environmental Health Services.
- (Report circulated to Members)
- 7 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE
LICENCE (MR S.B.)** 29 - 34
- To consider the report of the Head of Environmental Health Services.
- (Report circulated to Members)
- 8 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE
LICENCE (MR S.H.)** 35 - 44
- To consider the report of the Head of Environmental Health Services.
- (Report circulated to Members)
- 9 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE
LICENCE (MR K.J.)** 45 - 54
- To consider the report of the Head of Environmental Health Services.
- (Report circulated to Members)

10 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE (MR G.Q.)** 55 - 60

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

(Report circulated to Members)

11 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE (MR S.R.)** 61 - 66

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

(Report circulated to Members)

12 **APPLICATION FOR THE ISSUE OF A HACKNEY CARRIAGE VEHICLE LICENCE (MR A.T.)** 67 - 72

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

(Report circulated to Members)

DATE OF NEXT MEETING

The next Licensing Committee will be held on **Tuesday 26 July 2011** at 5.30 pm

Membership -

Councillors Macdonald (Chair), Branston (Deputy Chair), Choules, Fullam, A Hannaford, Henson D.J., Newby, Newcombe, Payne, Robson, Ruffle, Shiel, Thompson and Tippins

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**EXETER CITY COUNCIL
LICENSING COMMITTEE
14 JUNE 2011**

PROPOSAL TO DESIGNATE STREETS AS PROHIBITED STREETS, LICENCE STREETS AND CONSENT STREETS FOR STREET TRADING

1 PURPOSE OF REPORT

- 1.1 To inform the Licensing Committee of the responses to the notification of an intention to re-designate all streets in Exeter for the purposes of street trading in accordance with the Local Government (Miscellaneous Provisions) Act 1982.

2 BACKGROUND

- 2.1 A report to the Licensing Committee on 29 January 2008 recommended designation and re-designation of certain streets within the City Centre for street trading purposes but leaving the majority of streets un-regulated.
- 2.2 Street trading controls are applied in the following ways:
- Prohibited streets – street trading may not take place on these streets (e.g. the High Street, where street traders would be in direct competition with established traders);
 - Consent streets – where street traders have to apply for a consent to trade for a period of time no longer than a year (e.g. Castle Street), but such consent may be withdrawn by the Council;
 - Licensed streets – where street traders apply for a licence to trade (e.g. the stall holders in Sidwell Street).
- 2.3 The distinction between the two forms of control is that Consent streets are administered by the Licensing Team, whereas licensed stall holders in licensed streets are administered by Estates Services.

3. ADDITIONAL INFORMATION

- 3.1 At the Licensing Committee held on the 15 February 2011 Members resolved to adopt the re-designation of all the streets in Exeter and to advertise the procedure to change the designation as is set down by statute.
- 3.2 The legislation requires a notice to be placed in the local press setting out the intention to make the resolution and allowing a period of at least 28 days before the making of the resolution when representations can be made. In addition to this copies of the notice must be served on the Highways Authority and the local Chief of Police. There is no proposal to change any of the designations of the “prohibited” and “licensed” streets already covered by this legislation.
- 3.3 The Licensing Committee is required to consider any representations which were received in response to the advertisements.
- 3.4 The Highway Authority, Devon County Council has responded stating that they are supportive of the changes to the designation of the streets as advertised.

- 3.5 Two letters, one with a supporting petition, have been received from residents in the vicinity of a trader operating in Cowley Bridge Road. They seek to have Cowley Bridge Road designated as a prohibited street rather than a consent street as is proposed. The letters and petition is attached for information, together with responses from the Head of Environmental Health Services.
- 3.6 The Head of Environmental Health Services has responded to the two respondents informing them that the "consent" proposal is the most effective way of controlling traders that may be causing a nuisance without unduly fettering other legitimate traders, as consents can be removed by this Committee, or restricted, if complaints are received. In addition, any departure from the designations advertised in the notice will require the whole process to be re-started.
- 3.7 In order to complete the process of re-designating the streets the procedure requires two further notices, in two consecutive weeks, to be placed in the local press advertising the coming in to effect of the new designations. The first notice must be published not less than 28 days before the proposed changes come in to effect.
- 3.8 Those traders currently trading in un-controlled streets will need to make application to the Licensing Committee on 26 July 2011, in order to lawfully trade from 1 August, 2011, and all known street traders will be individually notified of such as far as is reasonably practicable.

4. PROPOSAL

- 4.1 The proposal is that subject to consideration of the objections/comments received, all streets for the purposes of street trading be designated according to the notice published.
- 4.2 It is also proposed that the Head of Environmental Health Services is authorised to deal with the migration of all the existing consents on this one occasion; and to allow for those consents to be renewed from the 1 August 2011 to the previously agreed expiry date with no requirement for any additional fees to be levied.

5. RECOMMENDED

- 5.1. It is recommended that:
- 1) it be resolved that with effect from 1 August 2011 all existing street designations shall be rescinded and all streets in the City of Exeter be designated as advertised in the attached notice dated 25 March 2011;
 - 2) delegated powers be granted to the Head of Environmental Health Services to deal with the migration of existing consents; and
 - 3) pre-existing consents be permitted to renew to the previously agreed expiry date without incurring an additional fee.

HEAD OF ENVIRONMENTAL HEALTH SERVICES
COMMUNITY & ENVIRONMENT DIRECTORATE
Background papers used in compiling this report:
Copy of advertisement placed in the Express and Echo

Schedule
EXETER CITY COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
STREET TRADING

NOTICE IS HEREBY GIVEN THAT:

At the meeting held on the 14 June 2011 the Licensing Committee of Exeter City Council:

“RESOLVED that with effect from 1 August 2011 all existing designations shall be rescinded and the following streets in the City of Exeter shall be designated as follows within the meaning of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

“Prohibited Streets”

Alphington Road; Bailey Street; Bampfylde Lane; Bampfylde Street; Barnfield Road (from junction with Southernhay East to junction with Western Way); Bartholomew Street; Bedford Street; Belgrave Road; Blue Boy Lane; Blue Boy Square; Broadgate; Bude Street; Castle Street (northern part between Bailey Street and the Castle); Cathedral Yard and Cathedral Close; Catherine Square; Catherine Street; Chapel Street; Cheeke Street; Commercial Road; Cricklepit Street; Dix’s Field; Eastgate; Egypt Lane; Ewings Lane; Fore Street, Exeter (part); Fore Street Arcade; Gandy Street; George Street; Goldsmith Street; Guinea Street; Heavitree Road; High Street; Kestrel Way; Little Queen Street; Longbrook Street; Lower Coombe Street; Magdalen Street; Martins Lane; Mary Arches Street; Matford Park Road; Moor Lane; Musgrave Row; New Bridge Street; New North Road; North Street; Northernhay Place (between Bailey Street and High Street); Okehampton Street; Okehampton Place; Palace Gate; Paris Street; Paul Street; Pinhoe Road; Princesshay Arcade; Princesshay Lane; Princesshay Square; Red Lion Lane; Roman Walk; Quay Hill; Quay Lane; Queen Street; Sidwell Street (part only); South Street (part only); Southernhay East; Southernhay West; Stephens Bow; Swan Yard; Tabernacle Court; Topsham Road; Verney Street; Waterbeer Street; West Street; Western Way

“Licence Streets”

Fore Street, Exeter (part only on southern side between South Street and Market Street); South Street (part only); Sidwell Street (part only on southern side between Paris Street and Cheeke Street);

“Consent Streets”

All other streets in the City of Exeter.

In Schedule 4 of the Act:

“Consent Street” means of a street in which street trading is prohibited without the consent of the City Council;

“Licence Street” means a street in which street trading is prohibited without a licence granted by the City Council;

“Prohibited Street” means a street in which street trading is prohibited;

“Street” includes:

(a) any road, footpath, beach or other area to which the public have access without payment; and

(b) a service area as defined in Section 329 of the Highways Act 1980, (also includes any part of a street).

“Street Trading” means, subject to certain exceptions contained in Schedule 4, the selling or exposing or offering for sale of any article (including a living thing) in a street.

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425416 .

14 Cowley Bridge Road
Exeter
Devon
EX4 5AD

09 MAY 2011

Mr R Norley
Head of Environmental Services
Civic Centre
Paris Street
Exeter
EX1 1JN

3rd May 2011

Dear Mr Norley

Reference: Street Trading in Cowley Bridge Road.

I want to object to the proposal that Cowley Bridge Road should be designated a "Consent Street" where any one can apply for a license to trade. I believe Cowley Bridge Road is a similar road in structure and environment to Alphington Road which is classed as a prohibited street surely they should therefore be treated the same. They are both roads which are main routes in to the city they also are both residential areas, why then should they be classed differently from each other?

We have lived here for 15 years and over the last couple of years we have encountered problems with a burger van being parked in the lay-by opposite our home. These have been noise from the generator, noise and jams in the lay-by from increased traffic parking in the lay-by because of the burger van and the smell that this van generates all of these mean you do not want to leave windows open to the front of the house.

An increasing problem has been Lorries now parking overnight due to the fact that drivers can buy breakfast first thing in the morning from this burger van. The lorry drivers in particular urinate against the wall or the bottle banks they also strip down in the mornings outside their cabs and wash. On top of this you get a constant hum from the refrigerated Lorries through the night. The smell in the lay-by can only be described as a gentleman's urinal unfortunately though the men causing the problem are far from gentlemanly and when you try and ask them not to urinate they threaten to in their words "knock your f***** block off". This lay-by does not have facilities for lorry drivers parking overnight it should therefore not be used as such.

Do you think this is acceptable for a residential area where families live? If for instance this were to start happening outside your own house Mr Norley would you think it okay and acceptable? I think not. Would you be happy for your nearest and dearest to be abused in such a way and then find that the police and local council really don't appear to want to help you? I don't want my 17 year old daughter having to walk past men exposing themselves on her way to college but this is what is regularly happening and if you don't believe the residents (despite photographic evidence provided by one of us) then I suggest you come and visit this lay-by early in the morning so you can witness it for yourself and even if you don't witness it you are sure to smell the evidence of it. Call the police you might say, that's been tried by my neighbour and they didn't want to know, so much for paying my council tax without fail every month.

I feel so angry that my husband and I have always paid our taxes, are law abiding and yet when we try and complain about an issue which is severely affecting the quality of our lives and that of our children no one wants to listen.

I would be interested in your views as to why the council are considering Alphington Road to be classified as a "prohibited street" and Cowley Bridge road is being considered as a "consent street"? I really cannot see what the difference is between them and why they should be classified differently your views and the reasoning behind this would be appreciated.

In the short term any power you may be able to bring in to force regarding urinating in public by the drivers of these Lorries would be greatly appreciated.

I await you reply.

Yours sincerely



Mrs J Hurford.

C.C.

Ben Bradshaw MP

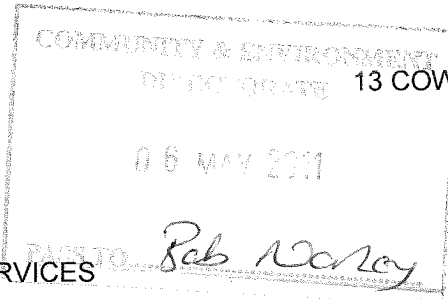
Percy Prowse Councillor

John Earle Liberal Democrat Focus Team

PC Dave Cropp by email

PC Dave Dalziel by email

Sharon Taylor Assistant Chief Constable (ACC) – Local Policing and Partnership (LPP)



13 COWLEY BRIDGE ROAD
EXETER
EX4 5AD
4th May 2011

MR R NORLEY
HEAD OF ENVIRONMENTAL SERVICES
CIVIC CENTRE
PARIS STREET
EXETER
EX1 1JN

Dear Mr Norley

RE: STREET TRADING IN COWLEY BRIDGE ROAD – EXETER

Given all the problems I have reported to you and your colleagues at Exeter City Council regarding the burger van currently located in the lay-by on Cowley Bridge Road I find it unbelievable that in the *Express and Echo* of the 25th March 2011, you are proposing to designate Cowley Bridge Road as a 'consent street'. Why have you and members of Exeter City Council failed to listen to residents views regarding the burger van and the associated anti-social activities it has brought with it?

I will highlight once again some of the problems residents (particularly those residing in 13-20 Cowley Bridge Road) have to deal with since the burger van took up residence in the lay-by:

- The burger-van not only takes up a valuable parking space, the owner of the burger-van takes up 2 additional car spaces - one for his tables and chairs and a second for his vehicle restricting parking availability for residents.
- Residents are subjected to the constant noise from the generator from 7am in the morning 6 sometimes 7 days a week. The generator is often located between the recycling bins causing a health and safety issue.
- There is a constant smell of greasy food coming from the van.
- The external wall of Thomas Hall is used as a public lavatory by customers and staff of the burger van. There is a constant smell of urine which is horrendous! I invite you and members of Exeter City Council Licensing Committee to come along to the lay-by and see and smell for yourselves just what we have had to put up with for almost 2 years!
- Lorry and wagon drivers use the lay-by as an overnight lorry park, illegally parked on the double yellow lines and Exeter City Council fails to implement the parking restrictions which you are responsible for. The wagons run generators all night long and in the morning residents open their bedroom curtains to see the drivers urinating in the street and strip washing at the side of the road! As you know this is a residential area
- Cowley Bridge Road is also a major vehicle route into the City particularly used by holiday makers to Devon. The lay-by as it is currently being used gives a very poor impression of the City of Exeter and Devon as a County.

I have forwarded details of my concerns supported by photographic evidence on a regular basis to Councillor Percy Prowse; Councillor Lee Motram; Councillor John Hart; Dr. Phil Norrie, Chief Executive, Devon County Council; the Rt. Honourable Ben Bradshaw, MP, Exeter and PC Dave Cropp, Devon and Cornwall Constabulary.

Despite my requests for support to deal with the issues raised the situation continues to deteriorate. With these issues in mind I do not support the proposal to designate Cowley Bridge Road as a 'consent street'. **I respectfully request that Cowley Bridge Road is designated as a 'prohibited street'.**

The request to designate Cowley Bridge Road as a 'prohibited street' is supported by a significant number of residents of Cowley Bridge Road. I enclose a petition signed by 46 residents of Cowley Bridge Road formally requesting that Exeter City Council Licensing Authority at their meeting on 14th June 2011 designate Cowley Bridge Road as a **'prohibited street'**.

I do hope that Exeter City Council Licensing Authority on this occasion listens to the views of Cowley Bridge Road residents and designates Cowley Bridge Road as a 'prohibited street' at their meeting on the 14th June 2011.

I look forward to a positive outcome.

Yours Sincerely



Mr. Christopher Lyons

Copies to:

Rt. Honourable Ben Bradshaw, MP, Exeter
Councillor John Hart, Leader of the Council, Devon County Council
Councillor Lee Motram, Duryard Ward
Councillor Percy Prowse, Duryard Ward
Dr. Phil Norrey, Chief Executive, Devon County Council
Stephen Otter, Chief Constable, Devon and Cornwall Constabulary
John Earle, Liberal Democrat Focus Team

Resident's petition enclosed

PETITION: LAY-BY AT COWLEY BRIDGE ROAD, EXETER

We the undersigned residents of Cowley Bridge Road oppose the proposal by Exeter City Council Licensing Authority to designate the lay-by at Cowley Bridge Road as a 'consent street' for trading. We request the Licensing Authority designate the lay-by as a 'prohibited street' for trading.

NAME	ADDRESS	SIGNATURE
CHRIS LYONS	13 COWLEY BRIDGE RD.	Chris Lyons
STEPH LYONS	" " "	S Lyons
A LYONS	" " "	A Lyons
M MURFORD	14 " "	M Murford
J Hurford	14 " "	J Hurford
E MURFORD	14 " "	E Murford
C E DAWSON	15 Cowley Bridge Rd	C Dawson
R DAWSON	15 Cowley Bridge Rd	R Dawson
Xueyu WANG	15 Cowley Bridge Rd	Xueyu WANG
ANDY HEARD	18 " "	A Heard
DULIE HEARD	18 " "	D Heard
T WALSH	19 " "	T Walsh
E. WALSH	19 " " "	E Walsh
J. COOMBS	1 West Growth Court	J. Coombs
M. Kelly	2 " " Ct	M. Kelly
M. Flower	3 " "	M. Flower
Pinehope J Mason	5 West Growth Court	Pinehope J Mason
Jane Koch	4 West Growth Court	Jane Koch
Paul Dwyer	51 Cowley Bridge Rd	P. Dwyer
Seadenar	53 Cowley Bridge Rd	Seadenar
M. SUSSEX	55 COWLEY BRIDGE RD.	M. SUSSEX
T. WEE	55 COWLEY BRIDGE RD	T. WEE
R WILSON	69 Cowley Bridge Rd	R Wilson
Rodney & Dennis Olding	66 Cowley Bridge Rd	Rodney & Dennis Olding
J Cowthorne	56 Cowley Bridge Rd	J Cowthorne
JOHN ARNOLD	54 Cowley Bridge Rd	John Arnold

5th MAY 2011

PETITION: LAY-BY AT COWLEY BRIDGE ROAD, EXETER

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NAME	ADDRESS	SIGNATURE
SHAUN Pym	IVYDALE ²¹ Cowley Bridge Rd	S Pym
Zoe Lock	23 Cowley bridge rd	Z Lock
Philip Dale	25 Cowley bridge Rd	P.E Dale
NEIL GEESON	17 COWLEY BRIDGE Rd	N Geeson
HEATHER SHUTE	31 " " "	H Shute
CAROL BRIMBLECOMBE	33 " " "	C Brimblecombe
Sarah Brimblecombe	33 " " "	S Brimblecombe
ANDREW BRIMBLECOMBE	33 COWLEY BRIDGE RD	A Brimblecombe
KNA THOMSON	35 " " "	K Thomson
Douglas Miller	35 " " "	D Miller
JACK SKELTON	45 " " "	J Skelton
DON BROOKS	47 " " "	D Brooks
PAT BROOKS	47 " " "	P Brooks
VAL KINS	59 " " "	V Kins
Mrs Howell	65 " " "	M Howell
Ms Campbell	64 " " "	M Campbell
A CAMPBELL	62 COWLEY BRIDGE RD	A Campbell
JON PRICE	60 Cowley Bridge Rd	J Price
K. Pike	"	K. Pike
P. Belcher	50 Cowley Br. Rd	P Belcher

5th MAY 2011

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STEPH LYONS	" " "	S Lyons
A LYONS	" " "	A Lyons
M HURFORD	14 " "	M Hurford
J Hurford	14 " "	J Hurford
E Matherd	14 " "	E Matherd
C E DAWSON	15 Cowley Bridge Rd	C Dawson
R DAWSON	15 Cowley Bridge Rd	R Dawson
Xueyu WANG	15 Cowley Bridge Rd	Xueyu WANG
ANDY HERRD	18 " "	Andy Herrd
JULIE HERRD	18 " "	Julie Herrd
T WALSH	19 " "	T Walsh
P. WALSH	19 " "	P Walsh
J. COOMBS	1 West Growth Court	J. Coombs
M. Kelly	2 " " Ct	M Kelly
M. Florence	3 " "	M Florence
Penelope J Mason	5 West Growth Court	Penelope J Mason
JANE ROCH	4 West Growth Court	JANE ROCH
Paul Dwyer	51 COWLEY BRIDGE RD	P. Dwyer
Sebastian	53 Cowley Bridge Rd	Sebastian
M. SUSSEX	55 COWLEY BRIDGE RD	M SUSSEX
T WEBB	55 COWLEY BRIDGE RD	T Webb
R WILSON	69 Cowley Bridge Rd	R Wilson
Rodney + Berni Olding	66 Cowley Bridge Rd	Rodney + Berni Olding
J Cowthorne	56 Cowley Bridge Rd	J Cowthorne
JOHN ARNOLD	54 Cowley Bridge Rd	John Arnold

5th MAY 2011

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ANDREW BRIMBLECOMBE	33 COWLEY BRIDGE RD	A Brimblecombe
RNA THOMPSON	35 " " "	R Thompson
Douglas Miller	35 " " "	D Miller
JACK SKELTON	45 " " "	J Skelton
DON BROOKS	47 " " "	D Brooks
PAT BROOKS	47 " " "	P Brooks
VAL KINS	59 " " "	V Kins
Mrs Howell	65 " " "	M Howell
Ms Campbell	64 " " "	M Campbell
A CAMPBELL	62 COWLEY BRIDGE RD	A Campbell
J. Price	60 Cowley Bridge Rd	J Price
h. Pike	"	h. Pike
P. Belloni	50 Cowley Br. Rd	P Belloni

5th MAY 2011

Hazel Ball, Director Community and Environment
Robert Norley, Head of Environmental Health Services

Please ask for: Robert Norley
Direct Dial: 01392 265170
Email: robert.norley@exeter.gov.uk
Our ref: RN/sr
Your ref:

Mrs. Hurford
14 Cowley Bridge Road
EXETER
EX4 5AD

10 May 2011

Dear Mrs. Hurford,

Re. Street Trading Controls

Thank you for your letter received 5 May 2011, regarding the above subject. I note your point about making Cowley Bridge Road a Prohibited Street, but for reasons I will expand upon in this letter, I feel that the designation of a Consent Street is the most appropriate control measure needed to deal with the problems you are experiencing.

I am aware of the issues regarding the hot food trader in the lay-by at Cowley Bridge Road, as these have been brought to my attention by Cllr. Prowse, as well as other residents. It is because of the problems you and other residents have been experiencing that the Council has reviewed its regulation of street trading. You may be aware that currently no street-trading controls exist for this lay-by, which is the case for the majority of streets in Exeter. The proposal to designate Cowley Bridge Road, and other uncontrolled streets in Exeter 'Consent Streets' is to ensure that the Council can exert control over the types of nuisances you describe, as well as other matters, which at present it is unable to do.

Once so designated, anyone wishing to trade in a Consent Street must apply to the Council via the Licensing Committee for such consent; the Licensing Committee would consider such an application alongside any objections from relevant authorities such as the Police and Highways Authority, and of course local residents and councillors. The Licensing Committee may grant consent, with or without conditions (trading times, clearing litter, etc.) or refuse it; it does not need to give reasons, nor is there a right of appeal. Furthermore, should a consent be granted, it may be modified or withdrawn by the Licensing Committee at a later date should issues of concern ensue. Therefore, designating your road a Consent Street will give the Council a robust means of controlling problems with any street trader.

The number of Prohibited Streets in Exeter are few in number, but have either been initiated at the behest of the Highways Authority (Devon County Council) in relation to main trunk roads and traffic flow, or the Police in relation to city centre night-time disorder issues. The Princesshay shopping precinct is also a Prohibited Street.

Cont'd.....

With regard to making a street such as Cowley Bridge Road a Prohibited Street, I have met with the Highways Authority and they are confident that the designation of a Consent Street will permit them to intervene on a matter of a trader causing traffic-related issues. Furthermore, classifying Cowley Bridge Road as a Prohibited Street would prevent any type of trader from plying his/her trade, including for example an ice-cream vendor or flower seller, in effect disbaring legitimate street traders that one would not associate with the problems you currently experience. This would seem to be an unnecessary step when the designation of a Consent Street will enable appropriate controls to be exercised.

Your letter will be presented to the Licensing Committee for its consideration, when it meets in June 2011 to determine the proposed street controls.

Yours sincerely

Robert Norley
Head of Environmental Health Services

Hazel Ball, Director Community and Environment
Robert Norley, Head of Environmental Health Services

Mr C. Lyons
13 Cowley Bridge Road
EXETER
EX4 5AD

Please ask for: Robert Norley
Direct Dial: 01392 265170
Email: robert.norley@exeter.gov.uk
Our ref: RN/sr HOEH/11/5/2
Your ref:

10 May 2011

Dear Mr. Lyons,

Re. Street Trading Controls

Thank you for your letter received 6 May 2011, and the supporting petition. I am aware of the issues regarding the hot food trader in the lay-by at Cowley Bridge Road, as these have been brought to my attention by Cllr. Prowse, as well as other residents. You may be aware that currently no street-trading controls exist for this lay-by, which is the case for the majority of streets in Exeter. The proposal to designate Cowley Bridge Road, and other uncontrolled streets in Exeter 'Consent Streets' is to ensure that the Council can exert control over the types of nuisances you describe, as well as other matters, which at present it is unable to do.

Once so designated, anyone wishing to trade in a Consent Street must apply to the Council via the Licensing Committee for such consent; the Licensing Committee would consider such an application alongside any objections from relevant authorities such as the Police and Highways Authority, and of course local residents and councillors. The Licensing Committee may grant consent, with or without conditions (trading times, clearing litter, etc.) or refuse it; it does not need to give reasons, nor is there a right of appeal. Furthermore, should a consent be granted, it may be modified or withdrawn by the Licensing Committee at a later date should issues of concern ensue. Therefore, designating a Consent Street will give the Council a robust means of controlling problems with any street trader.

With regard to making a street such as Cowley Bridge Road a Prohibited Street, this would prevent any type of trader from plying his/her trade, including for example an ice-cream vendor or flower seller, in effect disbaring legitimate street traders that one would not associate with the problems you currently experience. This would seem to be an unnecessary step when the designation of a Consent Street will enable appropriate controls to be exercised.

Your letter and petition will be presented to the Licensing Committee for its consideration, when it meets in June 2011 to determine the proposed street controls.

Yours sincerely

Robert Norley
Head of Environmental Health Services

Civic Centre, Paris Street, Exeter, EX1 1RQ

Tel: 01392 277888

Fax: 01392 265852

www.exeter.gov.uk

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EXETER CITY COUNCIL

LICENSING COMMITTEE

14 JUNE 2011

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR THE GRANT OF A SEX ENTERTAINMENT VENUE LICENCE

1. PURPOSE OF REPORT

- 1.1 To refer an application by Kerry Kimitri in respect of a business trading as The Eden Lounge, seeking the grant of a licence enabling the business to operate at EX4 162-163 Fore Street Exeter EX4 3AT. This licence was applied for in February 2010 under the provisions of the above legislation.

2. BACKGROUND

- 2.1 This application is for the grant of a licence under new provisions brought about by the Policing and Crime Act 2009 via an amendment to the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 The premises has been lawfully providing this type of entertainment under existing alcohol and entertainment licences but is now required to apply for a Sex Entertainment Venue licence in order to continue to provide it. The type of sex entertainment carried out at the premises is pole-dancing and lap-dancing (lap-dancing takes place in booths).
- 2.3. The application has been advertised in accordance with the legislation and objections invited to be submitted; none have been received. Licensing Officers have carried out 2 inspections of the premises since it began its operations and have found the premises to be well managed, with good systems in place.
- 2.4. The Licensing Committee are now entitled to add conditions to the grant of this licence pertaining to the nature of the operation. Appropriate conditions for this venue are contained in the attached schedule.
- 2.5. Since the Eden Lounge began its operations, there have been no valid complaints made to this Licensing Authority from agencies or other parties. In light of this fact, and the favourable conditions found on inspection, there is no justifiable reason why this licence should not be granted subject to the conditions as attached in the schedule below.
- 2.6. The proposed conditions will require that a responsible person is at the premises at all times that sex entertainment is provided to ensure compliance with these conditions and to ensure that no advertising is displayed outside the premises, or visible to persons outside the premises, nor any photographs or other images which indicate or suggest that sexual entertainment takes place on the premises.

- 2.7. The proposed conditions will also require that a notice is displayed stating that no under 18's will be permitted entry.

3. RECOMMENDED

It is recommended that:

- 1) the Licensing Committee grant a licence for a sex entertainment venue to the Eden Lounge situated at EX4 162-163 Fore Street Exeter EX4 3AT

Head of Environmental Health Services

COMMUNITY AND ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:- None. .

**POLICING AND CRIME ACT 2009
AMENDMENT TO SECTION 2 SCHEDULE 3; LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982**

Conditions for the Eden Lounge EX4 Fore Street Exeter

- 1) Sex entertainment may only take place between the following hours;
MONDAY TO WEDNESDAY 21-00 – 01.00
THURSDAY TO SATURDAY 21-00 - 02.30
SUNDAY 21-00 - 02.00
- 2) The licence relates only to the Eden Lounge situated on the 1st Floor of the building.
- 3) Dressing rooms must be provided and shall not be accessible to members of the public prior to, during or after the provision of the entertainment.
- 4) The entertainment shall be provided only by the performers and no audience participation shall be permitted.
- 5) Entertainers that are not performing must not be in the licensed area in a state of undress.
- 6) Entertainers shall not be aged less than 18 years and shall only perform in designated areas or to seated customers.
- 7) There shall be no physical contact between entertainers and customers before, during or after the performance. Notices outlining this shall be clearly displayed at every table, at each entrance to the premises and each bar.
- 8) The designated premises supervisor [DPS] or a responsible person nominated in writing shall be present on the premises during the entertainment to ensure compliance with these conditions. In addition there shall be a nominated female present to oversee the activities of female performers, and likewise a nominated male present to oversee the activities of male performers.
- 9) A register shall be maintained and kept on the premises to clearly record the identity of the DPS or substitute on duty, the day and times of the start and finish of the duty and the records shall be retained for a period of not less than 12 months after the last entry in the register. The register shall be available at all times for inspection by the Police or Officers of the Licensing Authority.
- 10) The Organiser nor any other person shall allow or permit the display outside the premises, or visible to persons outside the premises, any photographs or other images which indicate or suggest that sexual entertainment takes place on the premises.
- 11) A clear notice shall be displayed at the entrance to the licensed area in a prominent position stating “No person under the age of 18 will be permitted”

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