



## Exeter City Council

To the Chair and Members  
of the Licensing Hearing

**Please ask for:** Howard Bassett  
**Direct Dial:** 01392 265107  
**Email:** [howard.bassett@exeter.gov.uk](mailto:howard.bassett@exeter.gov.uk)  
**Our ref:**  
**Your ref:**

A **LICENSING HEARING** under the Licensing Act 2003 will be held in the Bad Homburg Room, Civic Centre, Paris Street, Exeter on the rising of the Licensing Sub Committee which commences at 2.00pm on **THURSDAY 12 JULY 2012** 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

1 **APPOINTMENT OF CHAIR**

To appoint a Chair.

### LICENSING ACT 2003

2 **ORCA, 155 FORE STREET, EXETER, EX4 3AT**

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To consider the report of the Assistant Director Environment.

Report attached.

Details of the application may be found at <http://www.exeter.gov.uk/licensing>  
Search the public register and the link is to the right of the page or may be viewed  
at the Licensing office between 09.00 and 16.00 Monday to Friday.

Membership will be drawn from the members of the Licensing Committee.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Member Services Officer on (01392) 265107 for further information.

Office of Corporate Manager (Democratic & Civic Support)

Civic Centre, Paris Street, Exeter, EX1 1JN

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[www.exeter.gov.uk](http://www.exeter.gov.uk)

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## Exeter City Council

### REPORT TO LICENSING SUB-COMMITTEE HEARING: LICENSING ACT 2003 12 July 2012

#### APPLICATION: Application for the VARIATION of a Premises Licence

#### REPORT BY Principal Licensing Officer

#### PART I

#### 1. THE APPLICATION

- 1.1 **Applicant** Mr Serhat Seckin, 155 Fore Street Exeter EX4 3AT.  
**Premises** ORCA. 155 Fore Street Exeter EX4 3AT
- 1.2 **Reason for Hearing**  
To advise that relevant representations relating to the application for the variation of this premises licence have been received.
- 1.3 The relevant pages of the application are attached at  
**Pages 4-9**
- 1.4 This application seeks to remove conditions from the licence as set out below.  
**page 5**
- The conditions sought to be removed are:  
One door supervisor to be in attendance during licensable activities; and  
The premises will be a member of Exeter Business Against Crime [EBAC]

#### PART II

#### 2. RELEVANT REPRESENTATIONS

- 2.1 There has been one relevant representation from a Responsible Authority; the Devon and Cornwall Constabulary. This refers to the licensing objective of Prevention of Crime and Disorder. The police are seeking to ensure a condition relating to CCTV remains on the licence and seek to ensure that the condition relating to Exeter Business Against Crime [EBAC] be retained.
- 2.2 The reasons cited for retaining the conditions is that they are appropriate in supporting the licensing objectives. **Pages 10-11**
- 2.3 The application for variation to this licence was lodged on the 17 April 2012 and so the legal test for imposing conditions is "necessary" not appropriate. The reason put forward by the Devon and Cornwall Constabulary is that there have been no incidents of crime and disorder at the premises since August 2011.
- 2.4 This application was put before a Licensing Sub-Committee on the 24 May 2012 but was deferred due to the lack of time on that occasion.

#### PART III

#### 3. RELEVANT LICENSING POLICY CONSIDERATIONS Licensing Objectives

- 3.1 The Statement of Licensing Policy states in part at 2.8 in determining a licence application, the overriding principle adopted by the licensing authority will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed.

#### **PART IV**

#### **4. RELEVANT STATUTORY PROVISIONS AND OFFICIAL GUIDANCE CONSIDERATIONS**

- 4.1 Official Guidance issued under section 182 of the Licensing Act 2003 revised October 2010 is relevant as the guidance issued in April 2012 post dates the application. The official guidance relating to crime and disorder, to which this committee must have regard, is included in Committee hand books.

#### **PART V**

#### **5. OBSERVATIONS**

- 5.1 The Committee must have regard to all of the relevant representations made; the evidence provided in relation to the premises from all the parties involved and the evidence it hears in reaching its decision.
- 5.2 The Committee must take such of the following steps, if any, as it considers necessary for the promotion of the licensing objectives.
- 5.3 Modify conditions by altering, omitting or adding them;
- 5.4 Exclude a licensable activity from the licence;
- 5.5 Refuse to specify a person in the licence as the Designated Premises Supervisor;
- 5.6 Reject the application.
- 5.7 The Committee should be mindful that in making their decision, whether to modify conditions or to suspend or revoke the licence, it must be necessary to do so to promote the licensing objective relating to the Protection of Children from Harm, not just because it is considered desirable to do so

Author: Ian Ley

Principal Licensing Officer



Date: 02/07/2012

Reference:

15/5/12

18808

17/04/12

£190.00

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Serhat Seckin  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> <u>EXE PF 0096</u>
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**Part 1 – Premises Details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> <u>155 Fore Street</u>			
<b>Post town</b>	<u>EXETER</u>	<b>Post code</b>	<u>EX4 3AT</u>

<b>Telephone number at premises (if any)</b>	<u>01392 253777 107841144740</u>
<b>Non-domestic rateable value of premises</b>	<u>£ 9.000</u>

**Part 2 – Applicant details**

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	<u>Sercokin@hotmail.com</u>
<b>Current postal address if different from premises address</b>	<u>155 Fore Street</u>
<b>Post Town</b>	<u>EXETER</u>
<b>Postcode</b>	<u>EX4 3AT</u>

Se

1

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year	

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

1. Remove the requirement for door staff from licence condition.
2. Remove the condition requiring the premises to be a member of EBAC.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Remove the condition which requires door staff and the condition requiring the premises to be a member of EBAC

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

ACCTV System installed

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	<i>Scottie</i>
Date	17/04/2012
Capacity	

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

## Representation Form for Responsible Authorities

**Responsible Authority**

**Devon & Cornwall Constabulary**

<b>Full Name</b>	<b>John Bean</b>	<b>Job Title</b>	<b>Licensing Officer</b>
<b>Postal and email address</b>	<b>Police Station Heavitree Road Exeter EX1 2LR</b>		
<b>Tel No.</b>	<b>01392 451512</b>		

<b>Name of the premises you are Making a representation about.</b>	<b>Orca</b>
<b>Address of the premises you Are making a representation About.</b>	<b>155 Fore Street Exeter EX4 3AT</b>

<b>Which of the four Licensing Objectives does your representation Relate to?</b>	<b>Y/N</b>	<b>Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary.</b>
<b>Prevention of Crime &amp; Disorder</b>	<b>Y</b>	<b>The application is to remove the doorstaff and EBAC radio conditions attached after a hearing. See below as to the reason for the representation.</b>
<b>Public Safety</b>		
<b>Prevention of Public Nuisance</b>		
<b>Protection of Children from Harm</b>		

This form must be returned within the statutory Period.  
Please check with the Licensing Section on 01392 265434

## **Representation Form for Responsible Authorities**

<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary</b></p>	<p><b>Since the application was granted in August 2011, there have been no incidents linked to the premises between 23.00 and 05.00hrs. As such the conditions should remain as they are appropriate in supporting the licensing objective of the prevention of crime and disorder.</b></p>
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N.B If you do make a representation you will be expected to attend the Licensing Sub Committee meeting and any subsequent appeal proceeding.

Signed:..John Bean.....  
(On behalf of the Chief Officer of Police)

Dated: 26<sup>th</sup> April 2012

Return this form along with any additional sheets/supporting information to:  
Licensing Section, Exeter City Council, Civic Centre, Paris Street, Exeter, Devon,  
EX1 1RQ. Or email to [licensing@exeter.gov.uk](mailto:licensing@exeter.gov.uk)

This form must be returned within the statutory Period.  
Please check with the Licensing Section on 01392 265434