

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: