

**REPORT TO:**

**LICENSING (SUB) COMMITTEE**

<b>Date of Hearing:</b>	<b>21.08.2024</b>
<b>Report of:</b>	<b>Service Lead - Environmental Health and Community Safety Presented by Nigel Marston – Principal Licensing Officer</b>
<b>Decision Required:</b>	<b>To determine an application for a new Premises Licence</b>
<b>Legislation:</b>	<b>Licensing Act 2003</b>
<b>Licensed Premises</b>	<b>Stripes Pizza – 30 South Street Reference 24/00452/LPRNEW</b>
<b>Applicant</b>	<b>Huseyin Kekilli</b>

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

- 1.1 The application attached as Appendix A together with the plan has been received for the grant of a premises licence.
- 1.2 The Premises is situated at 30 South Street, Exeter.

**2. Are there any representations?**

- 2.1 There have been 4 representations objecting to the Application relating to the Licensing Objectives of the Prevention of Public Nuisance, the Prevention of Crime and Disorder, the Protection of Children from Harm and Public Safety. The representations have all been received from persons that reside within the vicinity of the proposed premises.
- 2.2 Representation 1 was received from Gareth Ballyn and is attached as Appendix B.
- 2.3 Representation 2 was received from Mark Bertram and Jenny Codling and is attached as Appendix C.
- 2.4 Representation 3 was received from Roseanna Southall and is attached as Appendix D.
- 2.5 Representation 4 was received from Marc and Rachel Bennett and is attached as Appendix E.
- 2.6 The last date for receiving representations was 25 July 2024.

2.7 No representations have been received from any other Responsible Authorities.

**Report details:**

- 3.1 The application was advertised on the Premises from 26 June until 25 July 2024 and in the local newspaper on 11 July 2024 in line with above legislation. The Premises advertisement is at Appendix F and the newspaper advertisement is at Appendix G.
- 3.2 The Licensable activities applied for are:

**Recorded Music (Indoors Only)**

Monday to Sunday 11:00 to 23.00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

**Supply of Alcohol** (Alcohol is supplied for consumption on the premises)

Monday to Sunday 11:00 to 23:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

**Late Night Refreshment**

Monday to Sunday 23:00 to 03:00

**Non-Standard Timings**

From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.

- 3.3 The Applicant has offered a number of conditions as appropriate to promote the Licensing Objectives and these are found within section 18 of the application.

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

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

- 4.1.1 the representations (including supporting information) presented by all the parties; and
- 4.1.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised December 2023 which can be viewed at: [Revised Guidance](#)

issued under section 182 of the Licensing Act 2003  
(publishing.service.gov.uk); and

4.1.3 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 As the Premises is located in the Cumulative Impact Zone there is a rebuttable presumption that any application likely to add to the existing cumulative impact will normally be refused or subject to certain limitations following relevant representations, unless the Applicant can demonstrate in the operating schedule to the application that there will be no negative cumulative on the relevant Licensing Objectives.

4.4 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.

4.5 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 having regards to the 4 licensing objectives of;

- Protection of children from harm
- Prevention of public nuisance
- Public safety
- Prevention of crime and disorder

**Service Lead – Environmental Health & Community Safety**

Author: Nigel Marston, Licensing Officer.

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

Contact for enquires:

Democratic Services (Committees)

Room 4.36 01392 265275