

## LICENSING SUB-COMMITTEE

Date: Friday 13 November 2015  
Time: 10.00 am  
Venue: Bad Homburg Room, Civic Centre, Paris Street, Exeter

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 Howard Bassett, Democratic Services Officer (Committees) on 01392 265107 or email [howard.bassett@exeter.gov.uk](mailto:howard.bassett@exeter.gov.uk)

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

*Membership -*  
Councillors Choules, Holland and Shiel

### 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**

It is considered unlikely that the Committee would wish to exclude the press and public during consideration of the items on this agenda. If, however, the Committee were to exclude the press and public, a resolution in the following form should be passed:

**“RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) on the grounds that it (they) involve the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act.”

**LICENSING ACT 2003 (Convened under the Licensing Act 2003 and open to the press and public subject to the regulations under the Licensing Act 2003)**

**4 Newham Stores, 12-13 South Street, Exeter**

To consider the report of the Assistant Director Environment.

(Pages 3 -  
18)

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.

**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:** 13 NOVEMBER 2015  
**Report of:** Environmental Health and Licensing Manager  
**Type of Application:** Representations against application for the VARIATION of a Premises Licence  
**Legislation:** Licensing Act 2003  
**Ward Application Refers to:** St Davids  
**Applicant:** Ross Newham  
**Premises Address:** Newham Stores, 12-13 South Street, Exeter, EX1 1DZ

### 1. What is the report about?

1.1 An application was received from Ross Newham seeking the variation of a premises licence for the above premises, which currently has in place a premises licence for the sale by retail of alcohol to be consumed off the premises. The licence was originally granted in September 2014. Mr Newham would like to vary his existing licence to increase the sale of alcohol from 23.00 to 02.00 and to add a condition following advice from the Devon & Cornwall Police.

- For the sale of alcohol by retail to be consumed off the premises.
- Monday to Sunday from 06.00 to 02.00.
- 'A dedicated SIA registered door supervisor will be employed at the premises when they are open beyond 23.00'.

1.2 The application received is attached at Appendix A.

### 2. Are there any representations?

2.1. Three relevant representations based on the prevention of crime and disorder, public nuisance and public safety have been received in response to this application. The representations are attached at Appendix B.

2.2. No representations have been received from any Responsible Authority.

### 2.3. 3. Report details:

3.1 Since the premises licence was granted in September 2014 there have been two recorded incidents of crime and disorder at the premises. No complaints have been recorded on any issues of public nuisance or public safety.

### 4. What are the legal aspects?

4.1 The Licensing Sub-Committee are required to have regard to the Statement of Licensing Policy which states in part (paragraph 2.8) that in determining a licence application the Licensing Authority will consider each application on its merits. Licence conditions will be tailored to the individual application and only those appropriate to meet the licensing objectives will be imposed.

4.2 The Premises is situated within the area designated as the Cumulative Impact Zone.

4.3 The Licensing Sub-Committee are required to have regard to the Official Guidance issued under section 182 of the Licensing Act 2003 revised March 2015 is relevant.

The official guidance relating to crime and disorder to which this committee must have regard, is included in the Yellow Committee hand books.

- 4.4 The Licensing Sub-Committee must have regard to the relevant representation made; the evidence provided in relation to the premises from the parties involved and the evidence it hears, in reaching its decision.
  - 4.4 The Licensing Sub-Committee, having regard to the representation, must take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives and either modify conditions by altering, omitting or adding them or rejecting the whole or part of the application, and for this purpose the conditions of the licence 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



**Exeter**  
**Application to vary 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 17**

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

\* 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 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

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

**Premises Contact Details**

Telephone number



Continued from previous page...

Non-domestic rateable  
value of premises (£)

30,750

### Section 3 of 17

#### VARIATION

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

Yes

No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

Yes

No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe 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.

CONVENIENCE STORE UNDERTAKING THE SALE BY RETAIL OF ALCOHOL ALONGSIDE GROCERIES AND PROVISIONS. THE VARIATION APPLIED FOR IS TO EXTEND THE CURRENT LICENCED OPENING HOURS FROM 0600 - 2300, 7 DAYS, TO 0600 - 0200, 7 DAYS.

### Section 4 of 17

#### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes

No

### Section 5 of 17

#### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes

No

### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Continued from previous page...

Yes

No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes

No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes

No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes

No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes

No

**Section 11 of 17**

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

**Section 13 of 17**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes

No



Continued from previous page...

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

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.

NONE

Continued from previous page...

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

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

NONE

**Section 14 of 17**

**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.

Provide 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.

NONE

**Section 15 of 17**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

SATURDAY

Start 06:00

End 02:00

Start

End

SUNDAY

Start 06:00

End 02:00

Start

End

State any seasonal variations.

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

NONE

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

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

NONE

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

NONE

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

## Section 16 of 17

### 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.



Continued from previous page...

NO DELIVERIES OR OUTSIDE MOVEMENT BETWEEN 2300 AND 0700 - AS IS CURRENTLY IN PLACE ON THE PRESENT LICENCE. STAFF FULLY TRAINED IN ALL ASPECTS OF THE SALE OF AGE-RESTRICTED PRODUCTS, ALONG WITH KNOWLEDGE OF THE LICENCE CONDITIONS. TWO MEMBERS ONSITE AT ALL TIMES PLUS A DOOR SUPERVISOR AFTER 2300.

b) The prevention of crime and disorder

A DEDICATED 'SIA'-REGISTERED DOOR SUPERVISOR WILL BE EMPLOYED AT THE PREMISES WHEN THEY ARE OPEN BEYOND 2300 HOURS. NO SALE TO ANYONE BELIEVED TO BE UNDER THE AGE OF 18 OR WHO APPEARS INTOXICATED AND MAY CAUSE A NUISANCE. CCTV IN PLACE AND OPERATING 24 HOURS A DAY, 7 DAYS A WEEK.

c) Public safety

NO CONGREGATING ENCOURAGED JUST OUTSIDE THE PREMISES. DOOR SUPERVISOR EMPLOYED TO HELP POLICE THIS. NO IRRESPONSIBLE ALCOHOL SELLING - PREVIOUS LICENCE CONDITION STATING NO PROMOTIONAL SALES OF ALCOHOL WHERE IT'S SOLD MUCH LOWER THAN AVERAGE. SPIRITS LOCATED BEHIND THE COUNTER.

d) The prevention of public nuisance

ANYONE CAUSING A DISTURBANCE OUTSIDE WILL BE ASKED POLITELY TO MOVE ON. SIGNAGE AT THE EXIT POINT INDICATING CUSTOMERS SHOULD PLEASE LEAVE QUIETLY. EXTERNAL TROUGH LIGHTING POINTED DOWN AND INWARDS TO ILLUMINATE THE 'COSTCUTTER' EMBLEM BUT SO AS NOT TO SHINE A BRIGHT LIGHT DIRECT TO NEIGHBOURING FLATS OPPOSITE. LIGHTING TO BE EFFECTIVE FROM 0600-0200 DAILY.

e) The protection of children from harm

NO SALE TO UNDER 18S. STAFF TRAINED ON A 'CHALLENGE 21' POLICY, INCLUDING KNOWLEDGE OF 'BY PROXY' SALES. TILL PROMPTS IN PLACE. 6 MONTHLY REVIEWS COMPLETED. REFUSAL RECORD STORING DATA.

## Section 17 of 17

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
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Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/exeter/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="COSTCUTTER"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Cllr. Stella Brock,

The Licensing Dept,  
Exeter City Council,  
Paris Street,  
Exeter

Dear Sirs,

**Re:Application from Costcutter 12/13 -Variation of License**

I am writing to raise concerns regarding the above application, under Public safety and Prevention of public nuisance of the 4 licensing objectives.

This store currently closes at 11pm and now wishes to open until 2am with the provision of sale of alcohol.

Residents who live opposite these premises have questioned "who is walking the streets at this time of the morning unless they have been "clubbing" and already consumed alcohol ?

**Public safety** must be questioned. The premises next door is a taxi office and many people queue here for their services, many already having had too much to drink and the opportunity whilst waiting for a taxi to buy and consume even more alcohol , could easily lead to disorder and raise issues over public safety.

**Prevention of Public Nuisance.** There is already a level of disturbance to residents who actually live in South Street, due to late night/early morning eating and taxi facilities, the opportunity to buy more alcohol (and consume) whilst on the street raises more concerns on the issue of public nuisance.

Drinking on the street would be in direct conflict with the DPPO or the new PSPO when it comes into force, and would need to be monitored.

Granting premises further/extended alcohol licenses when it will be in direct conflict with these protection orders seems irresponsible.

There seems no justification or necessary need for this store to be open until 2am for the sale of alcohol.

Cllr. Stella Brock  
St. David's ward

Licensing Team  
Exeter City Council  
Civic Centre  
Paris Street  
Exeter  
EX1 1RQ

30th September 2015

Dear Sirs

**Application for a Variation of the Premises Licence for Newham Stores**  
**12-13 South Street Exeter EX1 1DZ**

*The Variation to Extend Hours for the sale of Alcohol to Monday - Sunday  
0600 -0200*

*The Prevention Of Crime And Disorder*

*We wish to register our Objections with regard to the above application:*

*Giving the people who are leaving the Pubs and Clubs and are waiting for taxis easy access to more alcohol will increase the noise and disturbance and increase drinking on the street.*

*We already experience revellers urinating on our steps in George Street and vomit + urine in the alley leading from South Street to George Street. Being able to obtain more alcohol will increase this problem.*

*There will be an increase in customers in cars coming to South Street to purchase alcohol causing yet more noise and disturbance.*

*We understand people need to enjoy themselves but we as residents of South Street also need to sleep before 2am.*

*Yours faithfully*



Received via email 14 October 2015

I hear by object to the application for the above license due to being a frequent visitor to this area and viewing the effect of alcohol relate incidents in south street every weekend.

People falling over in the street and the road way, people being sick by the fast food takeaways and people urinating in the area opposite KFC fast food chain, I have talked to a couple of the branded supermarkets managers in the area, none of the supermarkets in the area sell Alcohol pass 12 midnight and when you talk to the managers of the supermarkets, they have been also asked to restrict the sale of Alcohol from 2300 hrs by the local police force to help them reduce the number of incidents of unsociable behaviour.

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