

## LICENSING SUB-COMMITTEE

Date: Friday 8 January 2016  
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 Hannan, 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 To seek a Review of the premises licence in respect of Continental Food Stores, 119-122 Old Tiverton Road, Exeter**

To consider the report of the Assistant Director Environment.

(Pages 3 -  
44)

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:** 8 January 2016

**Report of:** Environmental Health and Licensing Manager

**Type of Application:** To seek a REVIEW of the premises licence trading as CONTINENTAL FOOD STORES, the holders of a licence under the relevant legislation

**Legislation:** Licensing Act 2003

**Ward Application Refers to:** Newtown

**Applicant:** Devon and Cornwall Police

**Premises Address:** 119-122 Old Tiverton Road

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

- 1.1 An application has been received from Chief Inspector Donna Braund of the Devon and Cornwall Police, seeking a review of the premises licence held by Lakha Singh and operating at premises at 119 – 122 Old Tiverton Road, Exeter, EX4 6LD. The application for review has been advertised and circulated as required by the legislation.
- 1.2 This hearing is a follow up from an original hearing on 6 November 2015. It was discovered that the original review application had not been served on the correct applicant. The application was re served on the correct applicant and the application was advertised in line with the above legislation.

## **2. Are there any representations?**

- 2.1 The legislation requires that a representation for review must be submitted to the Licensing Authority and such representations were received on the 11 November 2015.
- 2.2 No representations have been received.

## **3. Report details:**

- 3.1 The Devon and Cornwall Police have submitted a series of statements from Police Officers detailing a number of incidents at the premises between 2013 and 2015. A comprehensive list of incidents and Police Officer statements relating to events at the premises will be provided to the Licensing Sub-Committee under separate cover.
- 3.2 The grounds for the review are that the premises have repeatedly breached the licensing condition relating to the premises having operational CCTV at the premises and other anti social aspects which strike at the licensing objective of preventing crime and disorder and public nuisance.

#### **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 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 and public nuisance to which this committee must have regard, is included in the Yellow Committee hand books.
- 4.3 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; exclude a licensable activity; remove the designated premises supervisor; suspend the licence for a maximum of three months or revoke the licence.

#### **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

**Application for the review of a premises licence or club premises certificate 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 Chief Inspector Donna Braund

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Continental Food Stores 119-122 Old Tiverton Road	
<b>Post town</b> Exeter	<b>Post code (if known)</b> EX4 6LD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Lakha Singh
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<b>Number of premises licence or club premises certificate (if known)</b> EXE - P00276
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Chief Inspector Donna Braund C/o Licensing Department Police Station Heavitree Road Exeter EX1 2LR
Telephone number (if any) 01392 451512
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 1)**

Failure to comply to CCTV condition on licence which states:-

CCTV will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and the Licensing Authority.

Recordings will be in colour and kept for a minimum of 14 days.

If the CCTV equipment is inoperative, the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.

Failure to prevent sales to intoxicated individuals contrary to Section 141 of the Licensing Act 2003.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Please see attached documents that are numbered and subsequently described for clarification and consideration.

As an introduction, the documents show that issues with the CCTV conditions have been on-going for some considerable time and that all efforts have been made to work with the premises to rectify the deficiencies of the CCTV system to ensure compliance to CCTV conditions.

The issues on sales to intoxicated customers provides further evidence of failure in management at the premises to uphold the licensing objectives.

Item 1 - Alcohol /Licensing Information Form dated 11<sup>th</sup> January 2013 and details an incident regarding known individual who when drunk was sold further alcohol. PCSO Rees notes impact of this action on members of the public.

Item 2 - Alcohol Licensing Information Form dated 15<sup>th</sup> January 2013 and details attendance at store of PCSO Rees to obtain CCTV for on-going crime investigation and failure of staff to produce required item in contravention of licence condition.

Item 3 - E-mail from Sgt 590 McMahon dated 28<sup>th</sup> January 2013 confirming visit to the premises and that threat of Section 19 closure notice not required as system recording and playing back saved material.

This visit was subsequent to Items 1 and 2 ensuring CCTV licence conditions were met.

Item 4 - Section 19 Closure Notice Fact Sheet included for information purposes

Item 5 - Alcohol/ Licensing Information Form dated 12<sup>th</sup> October 2014 and details an incident and crime for which the production of CCTV would have upheld the prevention of crime and disorder licensing objective

Item 6 - E-mail correspondence relating to the incident noted in Item 5.

Item 7 - Alcohol/Licensing Information Form dated 22<sup>nd</sup> October 2014 detailing a further visit by uniformed officers to the premises to obtain CCTV relating to the incident noted in item 5 on 12<sup>th</sup> October 2014.

Item 8 - E-mail dated 22<sup>nd</sup> October 2014 with information in support of Item 7. ( Items 9 to 11 all relate to the issues following the incident on 12<sup>th</sup> October 2014)

Item 9 - Detailed Licensing time line record over many months of action taken by Licensing and Crime Prevention Officers to ensure that CCTV system conformed to licence conditions.

Item 10 - E-mails of 11<sup>th</sup> and 12<sup>th</sup> November 2014 between Licensing Officer Lesley Carlo and Video Processing Unit Supervisor Paul Dart regarding the CCTV system and the inability of police to obtain evidential images.

Item 11 - E-mails of 30<sup>th</sup> January 2015 and 5<sup>th</sup> March 2015 between Crime Prevention Officer Kris Calderhead and Jugthar Singh (Jay) concerning issues and suggested action to ensure CCTV meets licence condition requirements.

Item 12 - E-mail of 10<sup>th</sup> June 2015 relating to sale of alcohol to drunks from an Exeter City Council employee and subsequent action taken by the Police Licensing



Department as noted in the e-mail of 12<sup>th</sup> July to the Senior Licensing Officer of Exeter City Council.

This item can be linked to Item 1 and shows a lack of responsibility on behalf of the premises to uphold the licensing objective of the prevention of public nuisance.

Item 13 - Alcohol/Licensing Information Form dated 13<sup>th</sup> August 2015 detailing visit by PC 4463 Wooldridge to obtain CCTV in relation to an on-going criminal investigation

Item 14 - Statement from PC 4463 Wooldridge dated 1<sup>st</sup> September 2015 and providing further details as regards CCTV issues at the premises and the effect on the criminal investigation.

Item 15 - Copy of licence for Continental Food Store downloaded from Exeter City Council website.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 11<sup>th</sup> November 2015

Capacity Chief Inspector Local Policing Area Exeter

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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