

LICENSING SUB-COMMITTEE

Date: Friday 19 February 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

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

Membership -
Councillors Choules, Hannan and Holland

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 made under the Licensing Act 2003)

4 To consider an application for the grant of a premises licence in respect of Aldi Stores, Exeter Road, Exeter

To consider the report of the Assistant Director Environment.

(Pages 3 -
24)

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: 19 February 2016

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the GRANT of a premises licence in respect of ALDI STORES, EXETER ROAD, EXETER, EX2 7DT under the relevant legislation

Legislation: Licensing Act 2003

Ward Application Refers to: Topsham

Applicant: Aldi Stores Limited, represented by Freeths LLP

Premises Address: Exeter Road, Exeter, EX2 7DT

1. What is the report about?

1.1 An application has been received from Aldi Stores Limited for the GRANT of a new premises licence. Aldi are a supermarket selling food, alcohol, toiletries, etc., and there are two other licensed Aldi stores in Exeter currently. The applicant has proposed the sale of alcohol to be consumed off the premises only Monday to Sunday inclusive from 07.00 until 23.00.

2. Are there any representations?

2.1 A representation has been submitted from one Responsible Authority, the Devon & Cornwall Constabulary.

3. Report details:

3.1 The Devon and Cornwall Constabulary in their submission state that Aldi Stores have not offered appropriate and enforceable conditions to uphold the licensing objectives for the prevention of crime and disorder and the protection of children from harm. The Police have offered the following conditions regarding CCTV and its management, the use of a premises incident book, a robust system for dealing with refusals and a Challenge 25 age verification policy.

1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police.
2. CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or a Licensing Officer of Exeter City Council. Recording media must be set to 25 frames per second.
3. The CCTV system must be operational at all times when the premises are trading.

4. Details of any malfunction must be recorded in the premises incident book.
 5. An incident book must be maintained within which full details of all occurrences of disorder are logged.
 6. Refusal forms and incident book must be kept on the premises and must be available to Officers of both Licensing Authority and the Police.
 7. A Challenge 25 Policy will be implemented at the premises and the only acceptable forms of ID will be passport, photo driving licence and Government approved PASS card.
- 3.2 Following the submission of the representation Devon and Cornwall Constabulary and Aldi have been in discussions and agreed to the above conditions. The Licensing Authority has received written confirmation of this agreement between the parties.

4. What are the legal aspects?

- 4.1 The Council's constitution requires that all applications for Premises Licences that receive relevant representations shall be determined by a Licensing Sub-Committee.
- 4.2 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.
- 4.3 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 and the protection of children from harm 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.
- 4.5 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.
 - i) to grant the licence subject to any conditions consistent with the Operating Schedule of the application modified to such extent is appropriate for the promotion of the licensing objectives and any mandatory conditions;
 - ii) to exclude a licensable activity from the licence;
 - iii) to refuse to specify a person in the licence as the Designated Premises Supervisor; or
 - iv) to reject the application.

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

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Insert name and address of relevant licensing authority and its reference number (optional)

The Licensing Department
 Exeter City Council
 Civic Centre
 Paris Street
 Exeter
 Devon, EX1 1RQ

Application for a premises licence to be granted 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.

XWe Aldi Stores Limited
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and Xwe are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Aldi Exeter Road Topsham	
Post town Exeter	Post code EX2 7DT
Telephone number at premises (if any)	01827 710800
Non-domestic rateable value of premises	£ (not yet rated)

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i as a limited company please complete section (B)
 - ii as a partnership please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname			First names	
I am 18 years old or over	<input type="checkbox"/>			Please tick yes
Current postal address if different from premises address				
Post town			Post code	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Aldi Stores Limited
Address Holly Lane Atherstone Warwickshire CV9 2SQ
Registered number (where applicable) 2321869
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 01827 710800
E-mail address (optional) N/A

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	5	2	0	1	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Not Applicable

Please give a general description of the premises (please read guidance note 1)

Supermarket selling food, alcohol, toiletries, clothing, hardware and electrical items. The premises have dedicated car parking.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick any that apply

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 4)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	Outdoors
Tue			Both		<input type="checkbox"/>
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day				Start	Finish
Mon					
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day				Start	Finish
Mon				07:00	23.00
Tue			State any seasonal variations for the supply of alcohol (please read guidance note 4) None		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Lisa Joanne Gilligan	
Address The Coach House Church Causeway Church Langton Market Harborough Leicester	
Post code	LE16 7SU
Personal licence number (if known) HHPER00549	
Issuing licensing authority (if known) Harborough District Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None
Day	Start	Finish	
Mon	07:00	23.00	
Tue	07:00	23.00	
Wed	07:00	23.00	Non standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)
Thur	07:00	23.00	None
Fri	07:00	23.00	
Sat	07:00	23.00	
Sun	07:00	23.00	

M - Describe the steps you intend to take to promote the four licensing objectives:

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

Aldi operate over 500 stores in the UK with licences free of conditions. It is submitted that as a responsible operator, selling alcohol for consumption off the premises only, no conditions need to be attached to the premises licence other than the mandatory conditions specified in the Licensing Act 2003.

b) The prevention of crime and disorder

The applicant is a responsible retailer and takes appropriate measures to deter thieves and shoplifters. There are no other likely crime and disorder issues.

c) Public safety

The applicant is a responsible retailer and takes appropriate measures to ensure the safety of those members of the public who visit the store. There are no public safety issues in particular that need to be addressed.

d) The prevention of public nuisance

The applicant is a responsible retailer and takes appropriate measures to ensure the prevention of public nuisance. It has not been an issue in any of their other stores.

e) The protection of children from harm

The applicant is a responsible retailer and takes appropriate measures to ensure the protection of children from harm. Procedures are in place to attempt to ensure at all times that no person under the age of eighteen is sold alcohol.

Checklist:

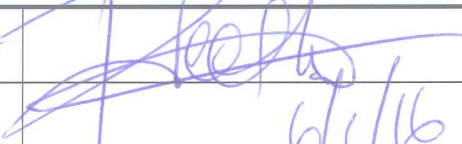
Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 4 - Signatures (please read guidance note 10)

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

Signature	
Date	6/1/16
Capacity	Solicitors for the Applicant

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13) Freeths LLP One Colton Square	
Post town Leicester	Post code LE1 1QH
Telephone number (if any)	+44 (0)845 272 5723
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) N/A	

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Representation Form for Responsible Authorities

Responsible Authority

Devon & Cornwall Constabulary

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

Name of the premises you are Making a representation about.	Aldi Stores
Address of the premises you Are making a representation About.	Exeter Road Topsham EX2 7DT

Which of the four Licensing Objectives does your representation Relate to?	Y/N	Please detail the evidence supporting your representation, or the reason for your representation. Please use separate sheets if necessary.
Prevention of Crime & Disorder	Y	The applicant has offered no appropriate and enforceable conditions to uphold the licensing objective
Public Safety		
Prevention of Public Nuisance		
Protection of Children from Harm	Y	The applicant has offered no appropriate and enforceable conditions to uphold the licensing objective

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

Representation Form for Responsible Authorities

<p>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</p>		<ol style="list-style-type: none"> 1. CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police. 2. CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or a Licensing Officer of Exeter City Council. Recording media must be set to 25 frames per second. 3. The CCTV system must be operational at all times when the premises are trading. Details of any malfunction must be recorded in the premises incident book. 4. An incident book must be maintained within which full details of all occurrences of disorder are logged. 5. Refusal forms will be maintained at the premises recording refused alcohol sales. 6. The refusals forms and incident book must be kept on the premises and must be available to Officers of both the Licensing Authority and the Police. 7. A Challenge 25 Policy will be implemented at the premises and the only acceptable forms of ID will be passport, photo driving licence and Government Approved PASS card.

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: 12th January 2016

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

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

