

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

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