

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

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