

**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

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