

NOTICE OF DETERMINATION
EXETER CITY COUNCIL (Licensing Authority)
LICENSING ACT 2003

Date of Hearing:	19 February 2016
Application:	New Premises Licence
Name of Premises:	Aldi Stores Limited
Address:	Aldi Stores. Exeter Road, Exeter, EX2 7DT
Licensing Sub-Committee:	Cllr K Hannan (Chair) Cllr M Choules Cllr P Holland
Committee Legal Advisors:	Matthew Hall (MH)
Licensing Officer:	Phillippa Lane (PL)
Member Services Officer:	Howard Bassett (HB)
The Applicant:	Aldi Stores Limited
Objector:	John Bean (JB) on behalf of Devon and Cornwall Constabulary
Hearing Duration:	10:00hrs to 10:15hrs

INTRODUCTION:

The Chair introduced the members of the Sub-Committee.

MH set out the procedure for the hearing and presented the application as a new premises licence for the sale of alcohol to be consumed off the premises Monday to Sunday inclusive from 0700hrs until 2300hrs.

MH stated that the Applicant had not consulted the Responsible Authorities prior to submitting the application and a representation had been submitted by the Devon and Cornwall Constabulary stating that Aldi Stores had not offered appropriate and enforceable conditions to uphold the licensing objectives of the prevention of crime and disorder and the protection of children from harm.

Following the submission of the representation, Devon and Cornwall Constabulary and the Applicant had been in discussions and agreed conditions. The Licensing Authority have received written confirmation of this agreement between the parties.

The conditions agreed were as follows:

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.

APPLICANT:

The Applicant did not attend and did not make any further written submissions.

RESPONSIBLE AUTHORITY:

JB attended on behalf of the Devon and Cornwall Constabulary. JB reiterated the agreement reached with the Applicant and confirmed that the agreed conditions dealt with the concerns raised in the representations to promote the licensing objectives of prevention of crime and disorder and protection of children from harm.

JB stated that the agreed conditions replicated those applicable to other Aldi sties in the Devon such as Honiton.

In response to a question from PH, JB advised that, given the location of the store, an instore staffed security presence was not considered necessary. JB also advised that, given recent incidents of large scale alcohol thefts from supermarket stores the Crime Prevention Officer would seek to advise the store management on security.

THE SUB-COMMITTEE'S DECISION:

Before retiring to make a decision MH advised the Sub-Committee of the following Home Office Guidance.

Paragraph 10.15

“Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons.”

Paragraph 9.12

“police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on Crime and Disorder objective. The police have a key role in managing the night time economy and should have good working relationships with those operating in the local area ...”

MH also advised the Sub-Committee that conditions may not be imposed unless the Licensing Authority is satisfied that it is appropriate to impose conditions to promote one or more of the licensing objectives. Each condition had to proportionate.

In determining this application, the Sub-Committee considered all the relevant evidence and information presented to it both written and oral, and took account of all the matters it is bound to take account, in particular the following:

- Licensing Act 2003
- Statutory Guidance
- Exeter City Council Statement of Licensing Policy
- Human Rights Act 1998
- Any equality and diversity considerations

The Sub-Committee granted the Application subject to the following conditions:

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.
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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.

REASONS FOR THE SUB-COMMITTEE'S DECISION:

The Sub-Committee granted the Application subject to the conditions agreed between the parties because it considered the conditions were appropriate and proportionate for the promotion of the Licensing Objectives.

RIGHT OF APPEAL:

All parties are reminded of their right to appeal against this decision to the Magistrates Court by virtue of (Schedule 5) Section 181, paragraph 2 of the Licensing Act 2003. Any appeal must be made within the period of 21 days beginning with the date on which you are notified of the decision appealed against.

Any Appeal is commenced by a notice addressed to:

**The Clerk to the Justices, North and East Devon Magistrates Court Office,
Southernhay Gardens, Exeter, EX1 1UH Telephone 01392 415300**

Parties are advised to contact the court office to check the form of notice required and the fee payable.

The Chair of Licensing Sub Committee

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Date