

**REPORT TO: LICENSING (SUB) COMMITTEE**

**Date of Hearing: 16 September 2016**

**Report of: Environmental Health and Licensing Manager**

**Type of Application:** The application for the VARIATION of a premises licence in respect of Central Stores, 72-74 Birchy Barton Hill, Exeter, EX1 3HE under the relevant legislation.

**Legislation:** Licensing Act 2003

**Ward Application Refers to: Heavitree**

**Applicant: WS Retail LTD**

**Premises Address:** Central Stores, 72-74 Birchy Barton Hill, Exeter, EX1 3HE

## **1. What is the report about?**

- 1.1 An application has been received from WS Retail LTD for the VARIATION of a premises licence known as Central Stores. Central Stores is a local convenience store located in a residential area of Heavitree in Exeter. The store already has an existing premises licence in place for the sale of alcohol to be consumed off the premises a copy is attached to this report. The proposed variation is to extend the times alcohol is sold.

The existing times for the sale of alcohol are:

Monday to Saturday	08.00 – 23.00
Sunday	10.00 – 22.30
Christmas Day	08.00 – 22.30

Proposed times for the sale of alcohol are:

Monday to Sunday	06.00 – 23.00
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The variation seeks to remove the restrictions in place for the sale of alcohol on Christmas Day and Good Friday and to submit a modified plan of the premises. The application is attached as Appendix A and the plan is attached as Appendix B.

## **2. Are there any representations?**

- 2.1 One representation has been received from local residents living in close proximity to the store. The representation makes reference to the licensing objective of public nuisance and is attached as Appendix C.

### **3. Report details:**

3.1 The application was advertised on the premises and in the local newspaper on Monday 15 August 2016 in line with above legislation.

### **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 prevention of public nuisance 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 representations 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:

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