

REPORT TO: LICENSING (SUB) COMMITTEE

Date of Hearing: 20 March 2017

Report of: Environmental Health and Licensing Manager

Type of Application: The application for the VARIATION of a premises Licence in respect of NEWHAM STORES T/A COSTCUTTER, 12-13 SOUTH STREET, EXETER, EX1 1DZ, under the relevant legislation.

Legislation: Licensing Act 2003

Ward Application Refers to: St Davids

Applicant: Ross Newham

Premises Address: 12-13 South Street, Exeter, EX1 1DZ

1. What is the report about?

- 1.1 An application attached as Appendix A has been received from Ross Newham owner of Newham Stores (T/A Costcutter), for the VARIATION of a premises licence. The existing premises licence is attached as Appendix B.
- 1.2 The proposed variation is for an extension to the current operating hours and to increase the hours for the sale of alcohol for consumption OFF the premises only to 24 hours seven days a week. The current terminal hour in place is 02:00.
- 1.3 The premises falls within the Cumulative Impact Zone (CIZ) the area shown on the attached plan Appendix C.

2. Are there any representations?

- 2.1 Representations have been received from local business' and other interested parties. Seven objections to the application have been received which refer to the Licensing Objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. Devon and Cornwall Constabulary's representation refers to the Cumulative Impact Policy and the fact that the premises is within the Cumulative Impact Zone. Redacted versions of the representations are attached as Appendix D.

3. Report details:

- 3.1 The application was advertised on the premises and in the local newspaper in accordance with the requirements of the Licensing Act 2003.

4. Legal and Policy Considerations:

- 4.1 As the premises is located with the CIZ there is a rebuttable presumption that applications likely to add to the existing cumulative impact will normally be

refused or subject to certain limitations following relevant representations, unless the Applicant can demonstrate in the operating schedule to the application that there will be no negative cumulative on the relevant Licensing Objectives.

- 4.2 The operating schedule in the application setting out the steps the Applicant intends to take to promote the Licensing Objectives states 'As before'. In order to assist the Licensing Sub-Committee the operating schedule for previous applications submitted by the Applicant in respect of the premises are attached as Appendix E.
- 4.3 The Licensing Sub-Committee are required to have regard to;
 - 4.3.1 the representations (including supporting information) presented by all the parties;
 - 4.3.2 the Official Guidance issued under section 182 of the Licensing Act 2003 revised March 2015;
 - 4.3.3 the Licensing Authorities Statement of Licensing Policy.
- 4.4 In determining a licence application the Licensing Authority will consider each application on its merits.
- 4.5 The Licensing Sub-Committee, having regard to the representations, must take such of the following steps, if any, as it considers appropriate for the promotion of the Licensing Objectives.
 - to modify the conditions of the licence; and/or
 - to reject the whole or part of the application.

If the Licensing Sub-Committee considers that none of the above steps are appropriate for the promotion of the Licensing Objectives the Application shall be taken as granted as applied for.

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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