

LICENSING ACT 2003

4. **APPLICATION FOR A GRANT OF A PREMISES LICENCE - VERNEY HOUSE, 115 SIDWELL STREET, EXETER** 1 - 36

To consider the report of the Head of Environmental Health Services.

(Report circulated)

Part II: Item suggested for discussion with the press and public excluded

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

5. **APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OF PRIVATE HIRE VEHICLE** 37 - 40

To consider the report of the Head of Environmental Health Services.

(Report circulated to Members)

6. **APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE FOR A VEHICLE OVER 8 YEARS OLD** 41 - 44

To consider the report of the Head of Environmental Health Services.

(Report circulated to Members)

Membership of the Sub-Committee will be drawn from the following members of the Licensing Committee:-

Councillors Branston (Chair), Cole, Mrs Danks, Gale, Newby, Noble, Robson, P A Smith, R Smith, Shepherd, Sterry and Wadham

Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265107.

Exeter City Council

REPORT TO LICENSING SUB-COMMITTEE HEARING: 28 February 2008

APPLICATION BY: Mr John Sadgrove

APPLICATION FOR; The GRANT of a premises licence

REPORT BY Principal Licensing Officer

PART I

1. THE APPLICATION

1.1 Applicant Mr John Sadgrove

Premises: Verney House 115 Sidwell Street Exeter

1.2 To seek the grant of a licence to permit the sale of alcohol via off sales only to be delivered from the premises as set out in the application on **pages 7,20 and 22**

Detail of Licensable Activities sought:

1.3 The premises seek to provide a service of delivering alcohol from the premises to addresses throughout the City. The times and activities requested are detailed on **page 20**

Hours of Licensable Activities

1.4 The premises seek to provide the activities requested between 22.00 and 06.00 on a daily basis. The explanatory notes indicate that the intention is to receive orders via telephone and then deliver from stocks held at the premises. There will be no Public access to the office e.g. to collect alcohol. **Page 22**

1.5 Operating Schedule – Steps to Promote the Licensing Objectives and overview of operations **page 22**

PART II

2.0 RELEVANT REPRESENTATIONS

2.1 Representations based on Public safety crime and disorder, nuisance and the protection of children have been received from the Police (Responsible Authority) at **pages 25-26**. The Police have not yet proposed any conditions in relation to their concerns. The Police will be attending to speak

against this application and will address conditions should the need arise.

2.2 Representations regarding this application have also been received from two Interested parties; one with a business interest in the same building (Relate) who is concerned over the safety of her customers and counsellors **page 27**.

2.3 The other a resident living in the vicinity of the premises concerned. This representation focuses more on the effects of the proposal in the area rather than in the premises specifically. This representation also refers to concerns over the protection of children from harm. **Page 28**

PART III

3. RELEVANT LICENSING POLICY CONSIDERATIONS **Licensing Objectives**

3.1 The statement of licensing Policy at section 2, particularly paragraphs 2.6-2.9 addresses some of the concerns raised in the representations. **Page 29**

3.2 The Licensing Policy at section 7 provides guidance on issues relating specifically to the protection of children from harm. Specific conditions may be considered and imposed if concerns are present that do not appear to be fully addressed by the Operating schedule at **pages 30-31**

PART IV

4. RELEVANT STATUTORY PROVISIONS AND OFFICIAL GUIDANCE CONSIDERATIONS

4.1 Official Guidance issued under section 182 of the Licensing Act 2003 at annex D relates to issues arising from the application. **Pages 32 - 35**

PART V

5. OBSERVATIONS

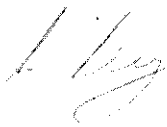
5.1 The Committee are asked to determine the contested matters that relate to the application to grant a licence as set out in **Pages 7,20,22**. The Committee is obliged to

determine this application with a view to upholding the Licensing Act 2003 objectives, which is in this case Prevention of Crime and disorder.

- 5.2 The applicant relies on the Operating schedule at **page 22** in establishing the promotion of the licensing objectives.
- 5.3 The Committee is obliged to have regard to Council's own Licensing Policy as at **pages 29-31** and the Statutory Guidance at **pages 32-35** in making its decision.
- 5.4 The Committee must also have regard to all of the relevant representations made and the evidence it hears in reaching its decision.
- 5.5 The Committee must take such of the following steps, as it considers necessary for the promotion of the licensing objectives.
 - Grant the application for variation as asked for;
 - Modify conditions by altering, omitting or adding them;
 - Reject the whole or part of the application.
- 5.6 The Committee should be mindful that in making their decision, whether to modify conditions or to reject the whole or part of the application, it must be necessary to do so to promote the licensing objectives, not just because it considers it desirable to do so.

N.B This application must be determined by no later than 04/03/2008

Author:
Date: 16-02-08
Reference:



Principal Licensing Officer

* Section O, M, L + P

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We JOHN SADGROVE
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

BRING THE BOOZE

Postal address of premises or, if none, ordnance survey map reference or description			
VERVEY HOUSE, 115 SIDWELL ST, EXETER DEVON			
Post town		Post code	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SADGROVE			First names JOHN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		159A FORE ST EXETER DEVON			
				07988-727.173	
Post Town			Postcode		EX4 3AT
Daytime contact telephone number			07972 258529		
E-mail address (optional)		whorizjohnsadgrove@yanco.co.uk			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note1)

Verney house is an office building on Sidwell st
exeter. The licence is for the second floor
office where we will receive orders and
keep stock for delivery.

If 5,000 or more people are expected to attend the premises at any
one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the
Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give a description of the facilities for dancing you will be providing</u>	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					



L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

M



Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	10 PM	6 AM						
Tue	10 PM	6 AM						
Wed	10 PM	6 AM						
Thur	10 PM	6 AM				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10 PM	6 AM						
Sat	10 PM	6 AM						
Sun	10 PM	6 AM						

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	JOHN SODGEWOOD
Address	159A FERRE ST EXETER DEVON
Postcode	EX4 3AT
Personal Licence number (if known)	
Issuing licensing authority (if known)	Sodgewood

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)



O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Our office will not have much stock and is secure ~~with~~ on the second floor of the building. We also believe that this ^{service} will reduce the number of people in the centre and will help with the smoking ban.

b) The prevention of crime and disorder

We are going to deliver alcohol to people drinking in their houses. We believe these people will be drinking responsibly in their houses. The delivery vehicle has remote central locking and has no logos on display, which will make

c) Public safety

We believe that our service will reduce the number of drink drivers on the roads and encourage people to drink at home instead of pouring out on the street. This might reduce the number of people in the centre ^{it more inconspicuous}

d) The prevention of public nuisance

We will not return to false delivery addresses and will not serve any household that we deem to be too noisy. Also because we are only selling to people in their houses, this will reduce the chance of public nuisance.

e) The protection of children from harm

We will demand to see identification off anyone who we believe to be under 21 or if we believe that alcohol will be passed to under 18's. We will also refuse anyone who we believe to be drunk already.

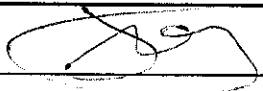
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

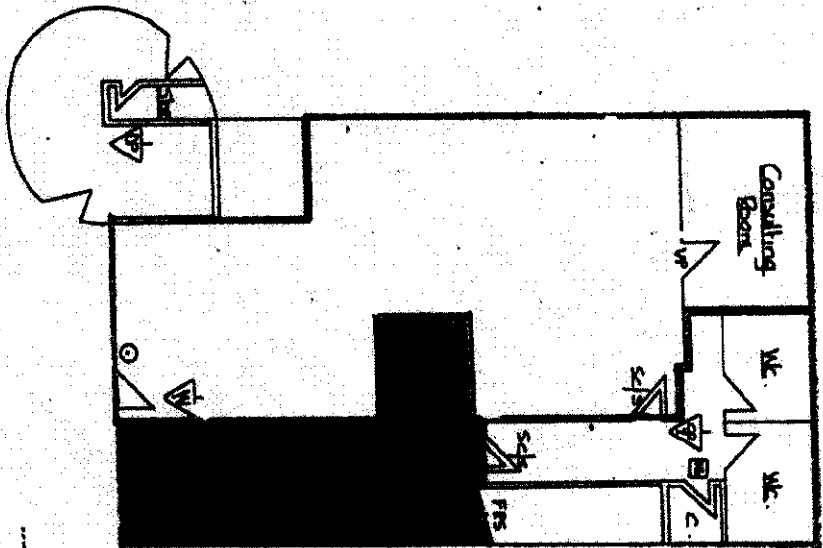
Signature	
Date	
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

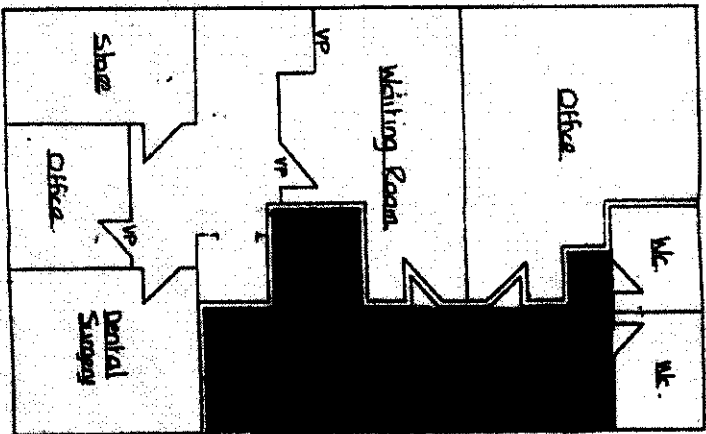
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

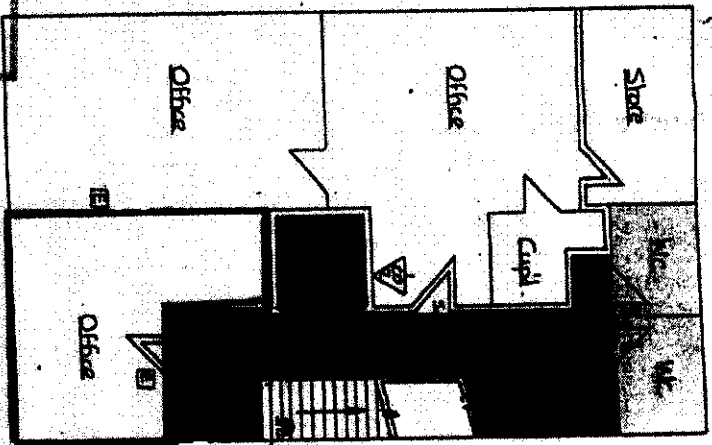
NOTE: [N2] Notices displayed at all fire alarm call points.



GROUND FLOOR ✓



FIRST FLOOR X



SECOND FLOOR X

DEVON FIRE AND RESCUE SERVICE
FIRE SAFETY DEPARTMENT

VERNEY HOUSE 115, SIDWELL STREET, EXETER, DEVON

07/2430/03
19 NOV 2007

NOT TO SCALE	PLAN 1 OF
DATE 3-7-97	FILE REF
DRAWN BY M.L./LS	22906


**DEVON & CORNWALL
CONSTABULARY**

Mr I Ley
Senior Licensing Officer
Exeter City Council
Civic Centre
EXETER

Licensing Officer
Heavitree Road Police Station
Heavitree Road
EXETER
Devon, EX1 2LR

Your ref:	Date: 31 January 2008	Telephone: 08452 777444	Direct Dialling: 01392 451512
My ref: LIC/54798	Please ask for: Lesley Carlo	Extension: 21512	Fax: 01392 451672

Dear Mr Ley

**Premises Licence Application
Bring the Booze, Verney House, Sidwell St, Exeter**

Please accept this letter as notice that the Police object to the above application on the grounds that it fails to meet the licensing objectives. Our concerns relate to the prevention of crime and disorder, public nuisance and the protection of children against harm.

We feel the sale and easy availability of alcohol until 06:00 will lead to additional incidents of crime and disorder within residential areas of the city. Within the city only Tesco is open and licensed for the sale of alcohol until such an hour. Tesco has a large number of staff, security guards and a CCTV system. There is a level of accountability here that I do not think Mr Sadgrove can match. Bring the Booze will be able to provide alcohol easily and quickly to any doorstep anywhere in the city, well beyond the opening hours of other off-licenses.

It is essential that anyone who looks to be under 21 will be asked for appropriate ID. It is also essential that alcohol is not provided to anyone who will pass it to an individual who is under 18. We feel the easy availability of alcohol by home delivery will simply encourage those who are under 18 to attempt to purchase alcohol. They will not have to undergo scrutiny by shop staff, or CCTV as they would in most off-licenses.

It is an offence under the Licensing Act to sell alcohol to an individual who is already drunk. We believe the target market for Bring the Booze will be those who have already run out of alcohol, having perhaps already consumed a large amount. I would suggest that fuelling late night parties with additional alcohol, possibly in residential areas will lead to public nuisance and inevitably additional incidents of disorder. These will in turn lead to complaints to Environmental Health Officers and the Police. If a delivery is made to an individual that has already consumed alcohol Mr Sadgrove will have to decide if, in his opinion, this person is already drunk. I would question how Mr Sadgrove would deal with such a person, or group of people, if they take exception to him refusing to leave the alcohol with them. This could lead to confrontation and incidents of disorder and could put his personal safety at risk.




Awarded for excellence

We were initially concerned that alcohol could be delivered to park benches, car parks, play areas and other public areas. Mr Sadgrove has confirmed he will only delivery to residential addresses. However, there are vulnerable addresses within the city that we do not feel it would be appropriate to deliver large amounts of alcohol to. It is not possible for Mr Sadgrove to identify such addresses since the information is not necessarily within the public domain. This could include homeless hostels, young offenders homes, care homes etc. We feel it would undermine the licensing objectives to make alcohol so readily available to vulnerable individuals within such locations.

Whilst Mr Sadgrove has attempted to allay our concerns we feel that the applicant cannot meet the licensing objectives and hence feel it is appropriate to take this matter to a hearing.

Should you have any query regarding the above please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lesley Carlo', written in a cursive style.

Lesley Carlo
Licensing Officer – Exeter

28

Received via e-mail 17 January 2008

Dear Ian Ley

Ref: Application for License to sell Alcohol

Last week there was an application posted on the front door of Verney House requesting a Licensing Application for 115D/E Verney House. As these are both floors occupied by Relate Exeter and District I rang and spoke to a lady called Phillippa who said it was where the Taxi people had moved out of. This would be 115C and she was going to have the notice altered.

She also said the application was to have a license to sell alcohol out of hours from 10.30p.m. to 6.00a.m. taking payments over the phone and that supplies would be delivered from outside although there may be some alcohol stored on the premises for emergency deliveries. Once they have the license they would be covered to hold small amounts of alcohol which they could sell.

We would like to object to the license going ahead for the following reasons:

- Sidwell Street is notorious for drug and alcohol related incidents with many homeless people who may gravitate to Verney House if they thought they could get alcohol here once the pubs are closed. How would they know? It's been advertised on the front door!
- We have clients in Verney House up to 8.00 / 8.30p.m. evenings Mondays to Fridays and we want our clients and counsellors to feel safe when they are leaving the building late at night.
- There is the added dilemma of security. We are on the fourth floor and we cannot know if clients coming in or going out have checked the front door has closed properly. The door is on a spring which allows it to close on its own but there is a delay in clicking shut. Anyone knowing there may be alcohol stored here could slip in. We cannot be responsible for clients as they enter or leave the premises and do not want this responsibility.
- You may say the office on the second floor will not be manned until 10.00/10.30p.m. at night and our clients and counsellors will be gone but if someone did get in we cannot put our counsellors at risk.

We would be grateful if the above could be taken into consideration regarding this application as we are very much against this happening.

Many thanks

Margaret Williams
Co-ordinator
Tel: 01392 678499

12 Thornton Hill
Exeter

20 January 2008

Mr Ian Ley
Senior Licensing Officer
Exeter City Council

Dear Mr Ley

I wish to object to the premises licence application in respect of the proposed all-night home delivery service '**Bring the Booze**' at Verney House, 115 Sidwell Street, Exeter, which, to my knowledge, is the first such application to be made in Exeter.

The premises at which this 'booze' will be both sold and consumed are houses and flats throughout the whole area of Exeter (including, therefore, houses and flats within my own road), and I understand that as a resident of the relevant area I have the right to have my objection properly considered.

I object in relation to two of the licensing objectives:

Prevention of public nuisance

A considerable component of the client base for a 'booze' delivery service to private houses in the small hours of the morning will be all-night parties that have run out of drink. Unlike a provider of alcohol in premises such as a pub or club, the applicant will have no ability whatever to prevent extended public nuisance arising from noise on these premises, and so can give no credible assurance that his activities will not lead to aggravation of such situations. The applicant will simply hand over the 'booze' for payment and then immediately leave the scene.

Protection of children from harm

The applicant's assurance that "We will demand to see identification off (sic) anyone who we believe to be under-21 or if we believe that alcohol will be passed to under-18s" is completely empty, as the applicant will receive orders by telephone from people whose age cannot be checked (by show of an identity card) at the time of the order. Moreover, upon delivery the applicant will have absolutely no right of entry into a private house to determine who will be drinking there. The requirement of no sale of alcohol to under-18s is enforceable in pubs, clubs and shops licensed to sell alcohol, but totally unenforceable in the case of all-night home deliveries of 'booze'.

Yours sincerely

P J Shepherd

- Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)
- Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- Council guidance in relation to noise nuisance etc.
- SIA Security at events and LACORS guidance to large events.

2.6 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

2.7 The licensing authority recognises that the provision of entertainment is a significant contributor to the economy of the city attracting tourists and visitors, making for a vibrant city and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

2.8 The licensing authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the infrastructure and police resources to cope with the influx of people, particularly at night.

2.9 In determining a licence application, the overriding principle adopted by the licensing authority will be that each application will be determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. health and safety at work and fire safety legislation).

2.10 The licensing authority will consider licensing hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. The legislation does not provide for standard closing times. There is no presumption in the Act for longer hours over valid objections from local people or local businesses. Entertainment providers will be encouraged to provide and promote a range of entertainment during their operating hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

2.11 The purpose of this policy document is to assist the licensing authority in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the City with some measure of certainty.

3. Consultation

- 6.4 Zoning refers to the setting of fixed trading hours within a designated area and will not be introduced as this can lead to the significant movement across boundaries in search of premises opening later.
- 6.5 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

7 Children and Licensed Premises

- 7.1 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered necessary to do so in order to protect them from harm.
- 7.2 When deciding whether to limit access to children or not the licensing authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises: -
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place (does not refer to a small number of AWP machines)
 - with a known association with drug taking or dealing
 - where there have been convictions of members of the current staff for serving alcohol to those under 18
 - with a reputation for underage drinking
- 7.3 Where the activities specified in an operating schedule include striptease or any other kind of nudity (for example, topless waitresses) the Licensing Authority will take into consideration the increased risk to the promotion of the licensing objectives.
- 7.4 In particular, the Authority will expect the applicant to have given additional thought to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.

Where premises licence applications include striptease or any other kind of nudity, the Licensing Authority will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to attend.

In order to promote the licensing objectives, where the discretion of the Licensing Authority is engaged through the receipt of relevant representations and grants premises licences that include striptease or any other kind of nudity it will generally impose conditions relating to the following issues:

- 1) the location within the premises where the activity takes place
- 2) the absence of advertising the activities outside the premises

- 3) the measures taken to ensure no person under 18 enters the premises
- 4) the measures taken to ensure that the activities inside the premises cannot be seen from outside the premises
- 5) the position of the performers' dressing rooms in relation to the area in which they perform
- 6) physical contact between performers and customers

All applications involving striptease or nudity of any other kind will be considered on their own merits but particular regard will be given to this section of the policy statement.

7.5 Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification's recommendations in respect of the film to be exhibited. Only in exceptional cases will the authority consider variations of this general rule.

7.6 Conditions may be imposed on licences for premises where children will be present at places of regulated entertainment to the effect that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers it will be a requirement for there to be a nominated adult responsible for such child performers at such performances.

7.7 The options available for limiting access by children would include: -

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s).

7.8 The licensing authority will not impose any condition, which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

7.9 The licensing authority will take strong measures to protect children where any licence holder is convicted of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances it may sometimes be necessary to impose a complete ban; require limitations on the hours when children may be present, age limitations or conditions requiring an accompanying adult or exclusions during certain activities of persons under 18.

8 Enforcement

8.1 The licensing authority has established protocols with the police and other enforcing authorities. These protocols provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises, which are shown to be well managed and maintained.

Annex D

Pools of conditions

CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
4. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions

attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

PART 1. CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

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- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay their response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

PART 4. CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

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Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:
 - a simple requirement to keep doors and windows at the premises closed;
 - limiting live music to a particular area of the building;
 - moving the location and direction of speakers away from external walls or walls that abut private premises;
 - installation of acoustic curtains;
 - fitting of rubber seals to doorways;
 - installation of rubber speaker mounts;
 - requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;

- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

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PART 5. CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
 - heavy or binge or underage drinking;
 - drugs;
 - significant gambling; or
 - any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature,

there should be a strong presumption against permitting any access at all for children under 18 years.

- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

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