

LICENSING SUB-COMMITTEE

Tuesday 10 March 2026

Present:

Councillors Haigh and Holland

Also Present:

Legal Services Manager, Apprentice Solicitor, Principal Licensing Officer, Licensing Officer (GP) and Democratic Services Officer.

66

APPOINTMENT OF CHAIR

Councillor Holland was appointed as Chair for this meeting.

67

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

68

LICENSING ACT 2003

69

APPLICATION TO VARY THE PREMISES LICENCE - NEWHAM STORES, SOUTH STREET

The Chair introduced the Members of the Licensing Sub-Committee together with the Legal Advisor, Apprentice Solicitor, Principal Licensing Officer, Licensing Officer, and Democratic Services Officer. The Legal Advisor set out the hearing procedure and the Applicant, who was in attendance, agreed that the procedure was understood.

The Licensing Officer presented the application to determine a variation of the premises licence for Newham Stores, 12-13 South Street, Exeter, EX1 1DZ, as set out in the report.

It was confirmed that three representations had been received within the statutory representation period. The representations were listed as appendices to the report. It was confirmed that the application was advertised on the premises and in the local newspaper in accordance with the requirements of the Legislation.

The Applicant spoke in support of their application and responded to questions from Members and Officers.

One of the three Respondents was in attendance and spoke against the application and responded to questions from Members.

The Applicant and the Respondent in attendance were given the opportunity to sum up.

All parties present were advised that a decision notice would be issued within five working days of the hearing.

The meeting was closed so that the Members could determine the application.

RESOLVED that the application be granted subject to the conditions as set out in

the formal decision notice attached.

BREAK FOR LUNCH: 11:29

MEETING RESUMED: 12:57

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

70

APPLICATION TO RENEW PRIVATE HIRE VEHICLE LICENCE OVER 10 YEARS OLD

The Chair introduced the Members of the Licensing Sub-Committee and Officers. The Apprentice Solicitor set out the procedure for the hearing, advising on the Council's policy and the requirements under Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer presented the report for the application to renew a licence in relation to a Private Hire SEAT Alhambra, which was over 10 years old. The vehicle was first registered on 1 March 2015. The Applicant submitted a current MOT dated 22 December 2025, which recorded a mileage of 166,267 miles. The vehicle had been inspected by a council officer and found to be in excellent condition. The vehicle had been licenced with Exeter City Council since 21st March 2018.

The Applicant spoke in support of the application, making the following comments:

- they had owned the car since it was new;
- it had had all services done by the SEAT dealership;
- this vehicle only did the Devon County Council school run for students with Special Educational Needs;
- they would not have applied for this if they did not think the vehicle was in good condition; and
- SEAT had stopped making this type of vehicle so it would not be possible to replace with a new one.

In response to questions from Members and Officers, the Applicant made the following comments:

- they were hoping to introduce daily checks using an app to track;
- the comments made in the mechanical inspection report would be addressed quickly if the application was granted;
- services were carried out every 20,000 miles as the car was on a long-life service schedule;
- the vehicle took 4 passengers and a school escort;
- telematics would be installed soon to track the vehicles, front and back facing dash-cameras and reports of driving quality;
- the vehicle was not wheelchair accessible; and
- the vehicle was Euro 6 compliant.

In summing up, the Applicant stated that they felt 10 years was too early to stop running modern cars. They also advised the panel that their drivers knew they could take their cars to SEAT and that the issues would be fixed.

RESOLVED that the application for the renewal of a licence relating to a Private Hire Vehicle over 10 years old be approved for 12 months, subject to the conditions that the vehicle would have an MOT every 6 months, and that evidence of this be provided to the Council's Licensing Department, and that the brakes of the vehicle be inspected, as advised in the vehicle inspection report, within two months from 10th March 2026.

71 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION
OF PRESS AND PUBLIC**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

TOWN POLICE CLAUSES ACT 1847

72 **HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE
/ PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO
HOLD A THE LICENCE**

The Chair introduced the Licensing Sub-Committee and the Officers. The Licenced Driver had been referred to the Licensing Sub-Committee to determine if they were a fit and proper person to hold a taxi driver's licence.

The Apprentice Solicitor set out the procedure for the hearing and the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Apprentice Solicitor stated that the evidential burden was not on the Licenced Driver to prove he was a fit and proper person to hold a taxi driver's licence, but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that the Licenced Driver is no longer a fit a proper person. Every case was heard on its own individual merits and that the paramount concern of the Licensing Sub-Committee was the safety of the travelling public.

The Principal Licensing Officer presented his report to the Licensing Sub-Committee.

The Licenced Driver spoke in support of why he considered he was still a fit and proper person to hold a taxi driver's licence and answered questions from Members and Officers.

The Licenced Driver was given the opportunity to sum up.

RESOLVED that the Licensing Sub-Committee were not satisfied that the Licenced Driver was a fit and proper person to hold a taxi driver's licence for a Hackney Carriage/Private Hire Vehicle and that his licence should be revoked with immediate effect.

(The meeting commenced at 10.00 am and closed at 2.30 pm)

Chair

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LICENSING ACT 2003

NOTICE OF DETERMINATION

	10 th March 2026
Application:	Variation of Premises Licence
Name of Premises:	Newham Stores
Address:	12-13 South Street Exeter EX1 1DZ
Licensing Sub-Committee:	Cllr P Holland (Chair) Cllr L Haigh
Committee Legal Advisors:	Matthew Hall Max Murphy
Licensing Officers:	Geraldine Pendlington, Nigel Marston (Principal Licensing Officer)
Democratic Services Officer:	Josie McDonald
The Applicant:	Ross Newham
Representations:	Cllr D Moore, Lisa Cocks Environmental Health and Community Safety Manager In attendance: Cllr L Pole
Hearing Duration:	10.04am to 11.15am

That the Licensing Sub-Committee convened on Tuesday 10th March 2026 to determine the application for a variation to the premises licence has resolved to grant the variation subject to agreed conditions and conditions imposed by the licensing sub-committee as set out below.

THE SUB-COMMITTEE'S DECISION:

In determining this application, the Licensing Sub-Committee took into account 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 of, 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 Application was granted as applied for subject to the conditions added with the agreement of the Applicant and one additional condition imposed by the Licensing Sub-Committee.

Conditions added with the agreement of the Applicant:

Alcohol can only be ordered for delivery to a residential or business address and not to a public place.

Alcohol can only be ordered for delivery to the person placing the order.

Full address details, including postcode, must be given when placing an online order for alcohol.

At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.

Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.

All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.

Drivers will not deliver alcohol to any person anywhere other than at the residential address given when the order was placed.

Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).

Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification (refer to mandatory conditions) will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.

Alcohol delivery will be refused if the delivery driver believes that the alcohol was purchased on behalf of another person who is not 18 years or older.

When executing a delivery of alcohol only pre-ordered alcohol may be carried by the delivery vehicle.

In addition, the Licensing Sub-Committee imposed the following condition.

An alcohol delivery sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- i. the date and time of refusal
- ii. the reason for refusal
- iii. details of the person refusing the sale
- iv. description of the customer
- v. any other relevant observations.

The refusals register will be made available for inspection and copying on the request of an authorised officer of a responsible authority. All entries must be made within 48 hours of the refusal.

REASONS FOR DECISION

Having carefully considered the written and oral submissions the Licensing Sub-Committee were satisfied that the Application together with the imposition of conditions would promote the Licensing Objectives.

The Applicant explained how the delivery service would operate with trained staff at the Premises selecting the goods to be collected by an established a third-party delivery service. The Applicant confirmed that age verification checks on persons ordering online took place upfront when setting up an account and placing the order and on delivery when at the doorstep. The Applicant confirmed that the third-party delivery service operator applied the Challenge 25 age verification policy. All alcohol must be delivered to a residential address and if the person collecting the delivery failed the age verification checks the goods would not be delivered. The Applicant stated that the conditions presented by the Responsible Authority Environmental Health were measures that were in place already but had no issue with these being applied to the Premises Licence except for the requirement to order groceries with alcohol which he considered to be unreasonable. The Applicant stated that the issues raised in the representations could not be linked to this application and most deliveries took place away from the Premises and not within the Cumulative Impact Zone.

The Licensing Sub-Committee were mindful of the representations received in respect of the Licensing Objectives of Public Safety, the Prevention of Crime and Disorder, the Prevention of Public Nuisance but considered there was insufficient evidence to link operation of the Premises with the concerns raised. No representations had been received from the Police who are the main source of advice in respect of the Licensing Objective of the Prevention of Crime and Disorder and no health and safety authorities had raised any issues in respect of the Public Safety Objective.

The Environmental Health authority had not raised any issues in respect of the Prevention of Public Nuisance but did raise concerns in respect of the Protection of Children from Harm and suggested conditions to address this. The Licensing Sub-Committee considered that the conditions presented by Environmental Health would be applied excluding the requirement that all orders must include groceries. The Licensing Sub-Committee did consider it to be appropriate and proportionate to impose an additional condition in respect of keeping records where a delivery is refused.

RIGHT OF REVIEW

At any stage, a responsible authority or any other person may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives; the prevention of crime and disorder, Public Safety, the prevention of public nuisance and the protection of children from harm.

RIGHT OF APPEAL

All parties are reminded of their right to appeal against this decision to the Magistrates' Court by virtue of Section 181 and Schedule 5 Part 1 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.

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



Page 7

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