

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

