

REPORT TO LICENSING SUB COMMITTEE

Date of Hearing:	12.06.2024
Report of:	Service Lead - Environmental Health and Community Safety
Type of Application:	To seek a REVIEW of the premises licence for Newham Stores
Premises Address:	Newham Stores, 12-13 South Street, Exeter, EX1 1DZ.
Legislation:	Licensing Act 2003 (“the Act”)
Applicant:	Exeter Cathedral School, The Chantry Palace Gate, Exeter, Devon, EX1 1HX

1. What is the report about?

- 1.1 An application has been received from Exeter Cathedral School (‘the School’), seeking a review of the Premises Licence held by Newham Stores. A copy of this application together with the Premises Licence is attached as Appendix A to this report. The application for review has been advertised and circulated as required by the legislation. A copy of the notice of the review is attached as Appendix B to this report.

2. Are there any representations?

- 2.1 The legislation requires that any representations for the review of a Premises Licence must be submitted to the Licensing Authority no later than the 28th day after receipt of the review application. The 28 day period begins the day after receipt of the application. The last date for representations was therefore the 22nd May 2024.
- 2.2 No representations were received from local residents within the statutory representation period.
- 2.3 No representations were received from any of the Responsible Authorities within the statutory time period.

3. Report details:

- 3.1 The application from Exeter Cathedral School referenced the licensing objective of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The grounds for the review are given as follows:

The prevention of crime and disorder

The sale of alcohol from licensed premises leads to public drinking and drug taking place on South Street, directly outside Kalendar Hall. This has led to

incidents of disorder, violence and criminal damage to the building and most recently an attempt at arson.

Public safety

The regular disorder caused by public drinking not only affects the staff and pupils in Kalendar Hall, but also members of the public in South Street, especially those waiting at the nearby bus stop.

The prevention of Public Nuisance

The public drinking and drug taking leads to litter, with discarded cans and rubbish being left on the wall of Kalendar Hall and vomit and human excrement in the doorway into the building.

The protection of children from harm

Pupils at the School are aged between 3 and 13 years old. The noise, foul language and the smell of cannabis caused by the public drinking directly outside Kalendar Hall has a negative impact upon the learning experience and safety of the pupils within.

There are serious and substantive safeguarding and welfare concerns for the young children in our care, who are exposed to foul language, raucous behaviour, drug-taking, public drinking, vomit, excrement, urine, litter, an arson attempt.

This behaviour is also evident on the nearby Cathedral Green, where these activities take place directly outside the main entrance to the school for our 9-13 year old pupils and our staff. We are frequently obliged to call 999 to report illegal behaviour, and the children and staff are exposed to: violence (fights spilling into groups of pupils and their parents), drug-taking (cannabis and syringes), public drinking, litter, visibly using the school wall as a place to urinate and defecate, public sexual acts in full view of the children, intimidating and loud behaviour, foul language.

- 3.2 The School has provided further evidence of the problems they have experienced in an email from Lucy Cordon, a visiting music teacher, relating to her experiences of teaching in Kalendar Hall. This is attached as Appendix C.
- 3.3 The Director of Music for the School, Russell Collins, has also provided an email detailing his experiences of anti-social behaviour. This is attached as Appendix D.
- 3.4 The School and the premises licence holder have been in discussion in relation to the matters raised in the review and have sought to agree voluntary measures that can be taken to alleviate the School's concerns. A copy of the email containing the agreed voluntary measures is attached as Appendix E.

4. Legal and Policy Considerations:

4.1 The Licensing Sub-Committee are required to have regard to;

- 4.1.1 the steps that are appropriate to promote the Licensing Objectives;
- Protection of children from harm
 - Prevention of public nuisance
 - Public safety
 - Prevention of crime and disorder
- 4.1.2 the representations (including supporting information) presented by all the parties; and
- 4.1.3 the Official Guidance issued under section 182 of the Licensing Act 2003 revised December 2023 which can be viewed at: [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK_(www.gov.uk).pdf) and
- 4.1.3 the Licensing Authorities Statement of Licensing Policy which can be viewed at <https://exeter.gov.uk/media/1427/statement-of-licensing-policy-2015-2020.pdf>

4.2 The Application has been made under section 51 of the Act. Section 52 of the Act states that the Licensing Sub-Committee must, having regard to the Application and any relevant representations, take such steps (if any) as it considers appropriate for the promotion of the licensing objective.

The steps are;

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5. Recommendations:

5.1 The Licensing Sub-Committee are required to identify what steps, if any, need to be taken to determine the application.

Service Lead – Environmental Health & Community Safety

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
None

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