

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 20 October 2009

<b>Present:</b>	<b>Councillors:</b> Graham Godbeer (Chairman) Chris Gibbings Ken Potter
<b>Officers:</b>	Neil McDonald – Assistant Licensing Officer Giles Salter – Assistant Solicitor Chris Lane - Democratic Services Officer
<b>Also Present:</b>	<b>Councillors:</b> David Atkins Marion Olive
<b>Apologies</b>	<b>Councillor:</b> Steve Hall

The meeting started at 9.30am and finished at 10.30am.

### \*13 Minutes

The minutes of the meeting of the Licensing & Enforcement Sub Committee held on 6 October 2009 were confirmed and signed as a true record.

### \*14 Application to grant a Premises License under the Licensing Act 2003 at Tesco Express, 4 – 6 Rolle Street, Exmouth

The Sub Committee gave consideration to the application for the grant of a Premises Licence under the Licensing Act 2003 to permit the sale of alcohol for consumption off the premises at Tesco Express, 4 – 6 Rolle Street, Exmouth.

The Chairman identified members of the Sub Committee, Officers and applicants. There were no interested parties present. The applicant was Mr Nigel Smith, Operations Manager for Tesco represented by Mr Greg Bayliss, Solicitor.

The applicant's case was that the applicant was a national retail chain with high standards of management for the sale of alcohol. The Sub Committee was pointed to the 'Think 25' policy as set out in the application.

The interested parties' case was on paper, that Tesco had an irresponsible attitude towards the promotion of cheap alcohol and they were unable to control the sales of alcohol. The town had suffered with the problem of underage drinking and the introduction of a business selling alcohol from 6.00am to 11.00pm would be of no benefit to the town. Exmouth had an adequate number of shops, pubs and clubs.

The applicant was questioned on the 'Think 25' policy, the number of staff that would be on duty at specific times, and issues which might arise from staff being threatened where an alcohol sale was refused.

\*14 Application to grant a Premises License under the Licensing Act 2003 at Tesco Express, 4 – 6 Rolle Street, Exmouth (Cont)

Members considered the relevant representations that the applicant had made and the written representations of the interested party and other documentation put before the Sub Committee. They also considered the particular locality of the premises in a town centre and its physical relationship with other commercial properties in the vicinity. The Sub Committee did not accept that there was evidence of a significant risk to crime and disorder or risk to children arising from the proposed operation of the premises.

It was considered relevant that no representations had been received from the police in relation to the Licensing Act objectives that had been the subject of representations, which were crime and disorder and the protection of children from harm. From this Members concluded that the police did not consider that there was currently any significant problem associated with the proposed operation of the premises, or that there was likely to be if the application was granted.

The Sub Committee carefully considered the application for the licensable activities and the proposed hours of operation with a view to deciding whether the application promoted the licensing objectives, as required by the Licensing Act 2003. The Committee also took into account Government Guidance, the Council's own licensing policy and the Human Rights Act 1998 in making its decision.

All parties were reminded of the closure and review powers which the Government introduced once the new licences were operational from 24 November 2005. Premises which did not operate in an acceptable way in terms of the licensing objectives may in extreme cases be closed down by police action or have their scope of operation reduced by the licensing authority.

**RESOLVED 1)** that the Premises Licence be granted with the following conditions:

- (a) The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the applicant's plan.
  - (b) Permitted hours for the various licensable activities will be as set out in Appendix A.
- 2)** that the conditions will now be as shown as in Appendix E, with items to be renumbered, items 14 and 15 to follow after item 4, new item 7 to read 'In addition to local training the licence holder must employ a national alcohol compliance licensing manager'.
- 3)** that the Designated Premises Supervisor will be:  
Greg Bartley, 39 Offley Road, Hitchin, Herts, SG5 2BB.

Chairman .....

Date.....