

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Licensing and Enforcement Sub Committee held at Tale Room, Blackdown House, Honiton on 7 March 2023

Attendance list at end of document

The meeting started at 9.30 am and ended at 10.47 am

21 Minutes of the previous meeting

The minutes of the previous meeting held on 24 January 2023 were agreed and signed as a true record.

22 Declarations of interest

There were no declarations of interest in accordance with the Council's Code of Conduct. The Chair wished to record that he used the establishment on occasion as a resident of Exmouth.

23 Matters of urgency

There were no matters of urgency.

24 Confidential/exempt items

There were no confidential / exempt items.

25 Determination of an application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ

The Sub Committee considered the application for the grant of a premises licence to allow the sale of alcohol and the provision of late night refreshment at Moores Newsagents, 28 The Strand, Exmouth EX8 1AQ.

The meeting was a hearing under the Licensing Act 2003.

The Chair introduced the members of the Sub Committee.

The applicant, present and entitled to make representations was Mr Yoganathan Ramesh. The applicant's agent, Mr Ian Rushton, was represented at the hearing by Mr Frank Fender.

The interested parties, present and entitled to make representations were Mr Oliver Bainbridge, Mr George Nightingale, Mr David Weston and Mrs Jeanette Weston.

The Licensing Authority had received representations from Devon and Cornwall Police who were not present.

The Sub Committee's legal advisor, Giles Salter, outlined the procedure for the meeting.

The Licensing Officer, Lesley Barber, summarised the application and advised that the applicant had provided all necessary documentation. Seven objections had been received from interested parties. Four interested parties were present, with Mr Bainbridge also nominated to speak on behalf of Ms Lynsey Lowthian. The Police had reached an agreed position with the applicant.

Since the publication of the report, updated information had been circulated to all parties and published with the report at Appendix H with three additional supporting documents.

In response to a question from the Sub Committee, the Licensing Officer set out the maximum opening hours of other licensed venues in the vicinity of the application premises.

The interested parties had no questions for the Licensing Officer.

The agent for the applicant, Mr Fender, made the case for the application and highlighted the following points:

- The applicant has made a considerable investment in the premises and now wishes to add the sale of alcohol to complete the convenience store offer.
- The applicant has held a premises licence since 2005 and has an excellent track record, with no breaches of licensing conditions
- Measures which would be in place to uphold the licensing objectives include CCTV, Challenge 25 and staff training, with the type of training set out in the updated information which had been submitted.
- Although representations had been submitted by local residents and businesses, the Police had no objections to the application and the additional conditions set out by the Police had all been accepted by the applicant.
- No other statutory consultees had submitted representations and many other local businesses had also not submitted objections.
- The applicant's agent, Mr Rushton, had contacted interested parties to explain the application, but this had not resulted in any representations being withdrawn.
- With regard to paragraph 3.6 of the report, it was noted that the applicant is not the premises licence holder for another premises, Premier JC Stores and has never worked at that premises. Issues regarding Premier JC Stores were not relevant to the application under consideration.
- There was no evidence to support concerns regarding potential damage and anti-social behaviour should the licence be granted and there was no basis for making assumptions as to how the licence would be operated if granted.

Members of the Sub Committee put questions to the applicant's agent who made the following points in reply:

- The operator of Premier JC Stores is the applicant's brother who had advised the applicant's agent that issues with street drinking had been reduced. Super-strength beers had been removed from sale at Premier JC Stores and would not be on sale at Moores Newsagents should the licence be granted.
- Regarding the licensing hours sought, the planned opening times of the premises would depend on market forces. Sales after midnight would be made through the sales hatch as the shop would then be closed.
- With regard to other late night licensed premises in the area, evidence of need is not a consideration under the Licensing Act.
- Regarding supervision, the applicant would have a good view of potential customers approaching the premises and would refuse the sale of alcohol if appropriate. Customers also have to take personal responsibility for their conduct.

Interested parties put questions to the applicant's agent, who advised the following in reply:

- With regard to the potential target audience, this included shift workers on their way home and workers in the hospitality trade.
- Regarding the family connection with Premier JC Stores, the applicant's brother is the premises licence holder and there is no intention that he would be involved with Moores Newsagents. There had never been a review application for JC Stores as a result of any issues arising from that premises.

The interested parties objecting to the application made their case and highlighted the following concerns:

- Concerns arise due to the existing level of street drinking in the area.
- Repeated complaints regarding street drinking in The Strand had been made to the Police and a death had previously occurred.
- The Strand is a family area, with war memorial, and during the summer months is busy with families. Visiting in winter does not provide an accurate picture of the area.
- The interested parties were of the view that granting the licence would be seen as encouraging street drinkers and that local objections had been overruled.
- The interested parties were surprised that the Police had not put in stronger objections given the previous level of complaints.
- Late night operating hours would encourage street drinking.

In response to a question from a Member of the Sub Committee, an interested party advised that the Police were not sufficiently resourced to enable them to respond to incidents resulting from street drinking.

Interested parties expressed further concerns as follows:

- Progress had been made recently by the Licensees Association of Exmouth and other partners, to improve the situation in The Strand, which is a natural area for people to congregate, and, should the licence be granted, this would jeopardise the last twelve years of their work.
- A lack of taxis on the taxi rank means that more people are waiting in the area and would take advantage of late night sale of alcohol.
- CCTV does not prevent crime and disorder, rather it just records it.

In response to a question from a member of the Sub Committee regarding complaints to the Police, an interested party confirmed that the Police record incidents with crime reference numbers.

With regard to younger people congregating in The Strand, an interested party advised that it was easier to identify street drinkers rather than minors engaging in under-age drinking. Groups of young people could be an intimidating presence in the area.

An interested party expressed concern that staff would not be properly trained and would not have the incentive to refuse to sell alcohol and turn customers away.

The applicant's agent put questions to the interested parties, and their replies included the following points:

- The 'drink of choice' of street drinkers is any alcoholic drink and removing certain super strength beers from sale would have little effect.
- The interested parties, putting forward their views and perspectives, had concerns regarding whether conditions would be adhered to based on previous issues with Premier JC Stores.

Regarding historic issues with JC Stores, the Licensing Officer advised that it was not correct to say that no actions had been taken. The Police and the Licensing Officer had previously visited JC Stores with regard to complaints about alcohol sales to minors and

street drinkers. Although there had not been formal tightening of conditions, improvements had been made but had not resolved the problem. The Police had subsequently asked that door staff be put in place on two consecutive weekends and were not aware of any issues at this premises since then.

In response to a question from a member of the Sub Committee, the Licensing Officer advised that, once a licence was granted, Licensing Officers would visit a premises to check that conditions are adhered to. The Licensing Authority keeps a record of any issues which bring a premises to the Authority's attention.

The applicant's agent advised that the applicant would continue to hold the premises licence for another business premises in Wellington and that the additional information submitted in support of the application evidenced the type of training which would be provided for staff.

The applicant's agent made a final statement which included the following points:

- The vast majority of customers using the premises would take alcohol home for consumption, rather than drink on the street.
- The Sub Committee were requested to attach weight to the applicant's experience and track record and the fact that no other authority had made representations.
- The Sub Committee should also attach the appropriate amount of weight to speculation regarding issues at Premier JC Stores.
- The Sub Committee were asked to note that there is the safety net of the review application process should any issues arise.
- The Police were happy with the application and the Sub Committee were asked to grant the licence.

The Chair thanked all participants for attending the hearing and advised that the decision of the Sub Committee would be notified to all parties in writing within five working days.

Attendance List

Councillors present:

K Bloxham (Vice-Chair)
J Whibley (Chair)
T Woodward

Councillors also present (for some or all the meeting)

None

Officers in attendance:

Lesley Barber, Licensing Officer
Sarah Jenkins, Democratic Services Officer
Giles Salter, Solicitor
Louise Bennett, Licensing Support Officer

Chair

Date: