

AGENDA
ITEM

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SOUTH HAMS DISTRICT COUNCIL

AGENDA
ITEM

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| NAME OF COMMITTEE | Licensing Sub-Committee |
| DATE | Wednesday 13 June 2012 |
| REPORT TITLE | Application to vary a Premises Licence |
| Report of | The Licensing Manager |
| WARDS AFFECTED | Westville and Alvington |

Summary of report:

To determine an application for the variation of the Premises Licence at **Morrisons, Redford Meadow, Cookworthy Road, Kingsbridge, TQ7 1TP**, in accordance with Section 35 of the Licensing Act 2003. Relevant representation has been received but mediation has taken place with amendments being made to the application. As a result all parties consider a hearing is unnecessary.

Financial implications:

There are no direct financial implications to the Council from this Report.

RECOMMENDATIONS:

That the Sub-Committee consider the application to vary the Premises Licence together with the amendments agreed following representations and make a determination in respect of this application, namely to:

- i grant the application as submitted, subject to any Mandatory Conditions required;**
- ii modify the conditions of the licence;**
- iii reject the whole or part of the application;**
and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

in line with the licensing objectives (Section 4) contained within the Licensing Act 2003.

Officer contact:

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1. BACKGROUND

- 1.1 The Licensing Authority has received an application for a variation to the premises licence for **Morrisons, Redford Meadow, Cookworthy Road, Kingsbridge, TQ7 1TP**. A copy of the application is attached (**Appendix 'B'**).
- 1.2 The application is to permit the sale of alcohol for consumption off the premises from 6am to midnight, Monday to Sunday. Also to remove all embedded conditions from the licence. The existing licence can be found in **Appendix 'A'**.
- 1.3 The current premises licence permits alcohol to be sold for consumption off the premises, Monday to Saturday from 8am to 11pm; Sundays from 10am to 10.30pm; Christmas Day from 12pm to 3pm and 7pm to 10.30pm; Good Friday from 8am to 10.30pm. There are currently no set opening hours.
- 1.4 We received one representation from the Police in relation to the Prevention of Crime and Disorder licensing objective. Their representation and proposed amendments can be found in **Appendix 'C'**. The Police have requested that hours permitted for the sale of alcohol be reduced by one hour to finish at 11pm. They have also requested the following additional conditions:
 - CCTV system installed and operative at all times while the premises are trading and the equipment to be maintained to the satisfaction of the chief of police. Recorded images to be retained for 14 days and made available to Police Officer on request, at any reasonable time.
 - A 25 proof of age policy to be in place.
- 1.5 Both parties have agreed, subject to these amendments being implemented on the licence that a hearing is unnecessary.
- 1.6 The existing premises licence is in **Appendix 'A'**, the variation application can be found in **Appendix 'B'**, and the representation and agreed amendments are in **Appendix 'C'**.

(Please note that due to the amount of paperwork contained within these appendices, full copies have only been circulated to the Sub-committee Members. Any Interested Parties who would like to receive full (or part) copies are asked to contact Member Support Services on (01803) 861273.)

2. ISSUES FOR CONSIDERATION

- 2.1 The Police had concerns in relation to the Prevention of Crime and Disorder. They are satisfied that their concerns will be addressed through the implementation of the agreed amendments.
- 2.2 The Sub Committee will now need to consider this application.

3. LEGAL IMPLICATIONS

- 3.1 The Act requires mandatory conditions to be imposed on the licence, the wording of which is prescribed by the Act but may be summarised as follows:

(a) Section 19 - Mandatory conditions relating to the supply of alcohol

No alcohol may be supplied unless there is a Designated Premises Supervisor who also holds a personal licence.

Every supply of alcohol under a premises licence must be made or authorised by a personal licence holder.

(b) Section 19A - Age verification policy

- (i) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (ii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

(c) Section 21 - Door Supervision

Where door supervisors are specified by condition, those individuals must be licensed by the SIA.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications to the Council from this Report.

5. RISK MANAGEMENT

- 5.1 The risk management implications are:

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| Corporate priorities engaged: | There is a link to the Council's priority of improving Community Life and developing the local Economy. |
| Statutory powers: | Licensing Act 2003 |
| Considerations of equality and human rights: | Compliance with the Human Rights Act 1998 – Article 6: Right to a fair hearing |
| Biodiversity considerations: | Not applicable |
| Sustainability considerations: | As above under corporate priorities engaged |
| Crime and disorder implications: | Section 17 of Crime and Disorder Act 1998 applies. |
| Background papers: | <p>Guidance on Meeting the Licensing Objectives</p> <p>The Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003</p> <p>The District Council's Statement of Licensing Policy</p> <p>Confirmation from applicant and Police that they agree to the amendments and that a hearing is unnecessary.</p> |
| Appendices attached: | <p>Appendix A – Existing premises licence</p> <p>Appendix B – Application for new premises licence</p> <p>Appendix C – Police agreed amendments</p> |

STRATEGIC RISKS TEMPLATE

| No | Risk Title | Risk/Opportunity Description | Inherent risk status | | | Mitigating & Management actions | Ownership | |
|----|--|---|----------------------------|----------------------------|------------------------------------|---------------------------------|--|--|
| | | | Impact of negative outcome | Chance of negative outcome | Risk score and direction of travel | | | |
| 1 | Ensuring the Licensing Objectives are not undermined | <p>To review the application in line with: The Licensing Act; National Guidance issued by the Secretary of State, and The South Hams District Council Statement of Licensing Policy.</p> <p>To create an increased opportunity for employment in the district.</p> <p>An opportunity to maintain the districts distinctive environment whilst enabling access and sensitive development.</p> <p>To consider whether the proposal would promote tourism. The</p> | 3 | 2 | 6 | ↔ | <p>To be able to give consideration to representations made by 'Interested Parties' and / or 'Responsible Authorities' in line with the Licensing Objectives, namely:-</p> <p>The prevention of Crime and Disorder; Public Safety; The prevention of public nuisance; and The Protection of children from harm.</p> <p>The Licensing Authority follows strict legislation in accordance with the Licensing Act 2003 and adheres to the statutory instruments contained within the Act.</p> | EH Business Support / Licensing Manager. |

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|----|------------|--|----------------------------|----------------------------|------------------------------------|---------------------------------|-----------|
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| | | <p>population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people – the very segments of society who would perhaps be deterred by anti-social behaviour.</p> <p>Failure to adequately consider these issues could result in the Council facing an appeal to the Magistrates Court.</p> | | | | | |

Direction of travel symbols ↓ ↑ ↔