

Date: 6 September 2011
Contact number: (01395) 517544
E-mail: clane@eastdevon.gov.uk
Our Reference: Chris Lane
Your Reference: -



East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL
DX 48705 Sidmouth
Tel: 01395 516551
Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Licensing & Enforcement Sub-Committee
(Councillors: Steve Hall, Pat Graham, Ken Potter)

Licensing Officer
Assistant Solicitor

Dear Sir/Madam

Licensing & Enforcement Sub-Committee, Tuesday 13 September 2011 at 9.30am

The Licensing & Enforcement Sub Committee meeting will take place in the Council Chamber, Knowle, Sidmouth, to consider the matters detailed on this agenda.

Members of the public are welcome to attend this meeting. A hearing loop system will be in operation in the Council Chamber. Due to the requirements of the Licensing Act 2003 only parties to the hearing are permitted to address the sub-committee (through their representative as appropriate).

A G E N D A

- | | Page/s |
|--|-----------|
| 1. To confirm the minutes of the meetings of the Licensing and Enforcement Sub Committee held on 6 September 2011. | To Follow |
| 2. To receive any apologies for absence from Members of the Sub Committee. | |
| 3. To receive any declarations of interests relating to items on the agenda. | |
| 4. To consider any items which in the opinion of the Chairman should be dealt with as matters of urgency because of special circumstances. | |

(Note: Such circumstances need to be specified in the minutes; any Member wishing to raise a matter under this item is requested to notify the Chief Executive in advance of the meeting).

PART A

MATTERS FOR DECISION

5. To agree any items to be dealt with after the public (including the press) have been excluded. (Items which the Officers recommend should be dealt with in this way are shown under Part B of the agenda).

PART A

MATTERS FOR DECISION

Pages

- | | | |
|----|---|--------------------------------|
| 6. | To consider a Review of a premises licence requested by Devon & Cornwall Constabulary for Gerrard Arms, St Andrew's Square, Colyton under the Licensing Act 2003. | Licensing Officer
4 - 44 |
| 7. | To consider an application for a premises licence to be granted under the Licensing Act 2003 - To permit the provision of regulated entertainment, late night refreshment and the sale of alcohol for consumption off the premises at Sainsbury's, Hind Street, Ottery St Mary. | Licensing Officer
45 - 124 |
| 8. | Schedule of applications for Sub Committee approval where an agreed position has been reached and all Parties have agreed a hearing is unnecessary. | Licensing Officer
125 - 128 |
| 9. | The Vice Chairman of the Sub Committee to move the following:-

"that under Section 100(A) (4)of the Local Government Act 1972, the public (including the press) be excluded from the meeting as exempt information of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)". | 128 |

PART B

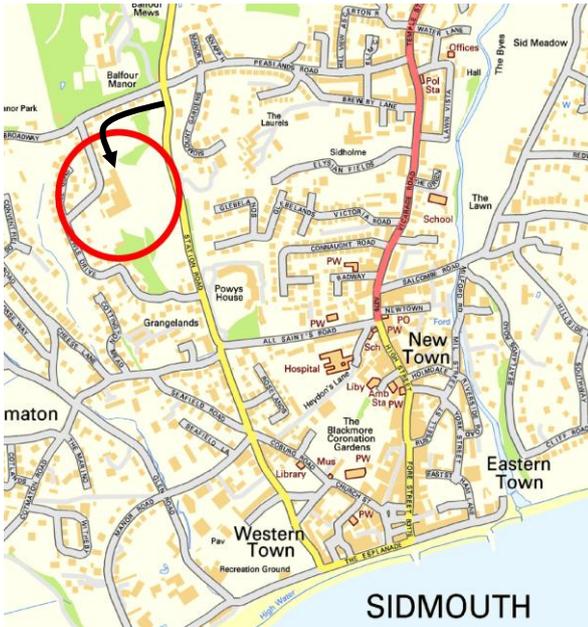
MATTERS FOR DECISION – EXEMPT INFORMATION

- | | | | |
|-----|------------------------------|---|-----------------------------------|
| 10. | Private Hire Drivers Licence | Para 3, Schedule 12A
Information relating to the financial or business affairs of any particular person. | Licensing Officer
129 –
138 |
|-----|------------------------------|---|-----------------------------------|

Members Remember!

- ❑ You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- ❑ Make sure you say the reason for your interest as this has to be included in the minutes.
- ❑ If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- ❑ You also need to declare when you are subject to the party whip before the matter is discussed.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Sub Committee held at Knowle, Sidmouth on Tuesday 6 September 2011

- Present:** Councillors:
Steve Hall (Chairman)
David Atkins
Ken Potter
- Officers:** John Tippin - Licensing Manager
Chris Lane - Democratic Services Officer
Giles Salter – Assistant Solicitor
- Also present:** Councillor:
Steve Gazzard
Pauline Stott
Tom Wright
- Apologies:** Councillor:
John Jeffery

The meeting started at 9.30 am and finished at 11.30 am.

*14 **Minutes**

The minutes of the meetings of the Licensing & Enforcement Sub Committee held on 26 July 2011, were confirmed and signed as a true record.

*15 **Application for a Sex Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth**

The Sub Committee gave consideration to an application for a Sexual Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth.

The Chairman identified members of the Sub Committee, Officers and applicants present. The applicant was Paul Kortland, represented by Graham Gover, Solicitor. The Police were represented by Barry Sleight, Police Licensing Officer.

The Sub Committee carefully considered the views of the objectors to the licence, but acknowledged that there were no issues of public nuisance or public safety that could be directly related to the operation known as The 'Lush Club'. This was reinforced by the Police view that the Club had a very good management structure with good policies in place.

Members welcomed the addition of the further door supervisor who currently managed the internal door between the upstairs bar and 'The Lush Club'.

*15

Application for a Sex Entertainment Venue Licence to be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth (Cont)

Graham Govier and Paul Kortland explained at the hearing how this door operated when both clubs were open and the Sub Committee would wish that this was formally adopted as a condition in the club management policy. Members acknowledged the proficient and professionally managed was that 'The Lush Club' had been well supervised and operated since it opened in September 2008.

Paul Kortland confirmed that he could not foresee any reason why he would want to have lap dancing, strip tease type entertainment within the adjacent Q Club under the current Premises Licence, although up to 11 events of this nature could be held within the Q Club under that Premises Licence. Graham Gover informed the Sub Committee that the Q Club would be making an application for a minor variation to its Premise Licence in early 2012 to remove the lap dancing conditions from the Q Club Premises Licence. Barry Sleight, Police Licensing Officer stated that the Police would look to revisit door supervisions conditions relating to the Q Club when the minor variation was made.

RESOLVED : that the application for a Sex Entertainment Venue Licence be granted under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for the premises known as Lush, Elm Grove, Exmouth subject to the conditions set out in Premises Licence PLWA 0539 at 13, 21 and 22 and the additional amendment to standard condition 18, as follows:

13. The area within which adult entertainment may be provided is outlined in blue on the approved plan and must not be provided in any other part of the premises without approval in writing of the Licensing Authority.
21. Changing Rooms must be provided for performers of adult entertainment and these must be separate from the parts of the premises to which the public have access. No person, other than performers or staff approved by the premises licence holder for that purpose, is to be permitted to enter the changing rooms.
23. Three door supervisors must be on duty in this part of the premises at all times when adult entertainment is about to be or being provided. The word 'this part of the premises' means Lush outlined in blue on the approved plans, the dedicated ground floor entrance to that part of the premises and the access route between the two.

The applicants Solicitor's amendment to the Licensing Authority's Standard condition 18 which will read as follows:

'There shall be no physical contact between customers and performers except for **an introductory handshake/kiss and** the placing of money or tokens into the hands of the dancer or an arm band, waistband, garter or similar receptacle at the beginning or conclusion of a performance'.

Chairman Date

Agenda Item

Licensing & Enforcement Sub Committee

13 September 2011

D Jackson

Application for Review of a Premises Licence under the Licensing Act 2003.

Summary

The report summarises an application to review a premises licence.

Recommendation

That the Committee considers an application for a review of a premises licence made under the Licensing Act 2003 for the Gerrard Arms, St Andrews Square, Colyton, EX24 6JN

a) Reasons for Recommendation

The Licensing Authority has received an application for the review of a premises licence, in accordance with Section 51 of the Licensing Act 2003 (the Act) and the Sub Committee is asked to consider the request in light of the representation which has been made by the Devon and Cornwall Constabulary.

b) Committee Options

The Licensing Authority must, having regard to the application, and any relevant representations, take such steps it considers necessary for the promotion of the licensing objectives. These 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 3 months;
- (e) To revoke the licence.

Alternatively the Sub-Committee may consider that no action is required or issue a warning regarding future conduct.

Under Section 52(6), the committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

c) Risk Considerations

None

d) Policy and Budgetary Considerations

The Council's Licensing Policy is referred to in the body of the report, there is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made by the Sub Committee.

e) Review of Decision

The Council's decision may be appealed to the Magistrates Court.

1 Description of Application

- 1.1 The Licensing Authority has received an application from the Devon and Cornwall Constabulary, received on 20 July 2011 for the review of the premises licence relating to The Gerrard Arms, St Andrews Square, Colyton, EX24 6JN. A copy of the application and Coroner's notes are attached at **Appendix A**.
- 1.2 The police have stated that the grounds for the review have been made under two of the four licensing objectives being (1) Public Safety, and (2) The Protection of Children from Harm.
- 1.3 The Gerrard Arms currently enjoys the benefit of premises licence number PLWA0285. The licence permits, subject to conditions:
 - (a) An indoor sporting event
 - (b) Performance of live music (indoors)
 - (c) Playing of recorded music (indoors)
 - (d) Provision of facilities for making music (indoors)
 - (e) Provision of facilities for dancing (indoors)
 - (f) The provision of late night refreshment (indoors), and
 - (g) The sale by retail of alcohol for consumption on and off the premises
- 1.4 The current premises licence was converted from the old licensing regime in 2005, by converting a Justices 'On' Licence, and took effect on the first appointed date of 24 November 2005
- 1.5 David and Karen Randall have been the licence holders since 3 April 2008, with Mr David Randall being the current designated premises supervisor. A copy of the premises licence including the conditions relating to the licence is attached at **Appendix B**.
- 1.6 A summary of the grounds on which the application is made are:-
 - ❑ At 0130 hours on Sunday 14 November 2010 a 17 year old youth (juvenile) was found seriously injured astride a pedal cycle in Stafford Lane Colyton. He was taken to hospital and subsequently on 21 November 2011, died of his injuries.
 - ❑ In view of the circumstances surrounding the death a police enquiry was commenced. The police enquires conclusion was that he had fallen from his poorly maintained pedal cycle, striking his head causing severe injuries (He was not wearing a cycle helmet).
 - ❑ During the enquiry it was revealed that the juvenile had consumed 5 pints of lager and half a double whisky at

the Gerrard Arms before riding his pedal cycle to Stafford Lane Colyton where he fell off, and subsequently dying in hospital.

- ❑ It was later revealed that the deceased juvenile (and another male juvenile aged 17) had tried to buy alcohol in a public house in Colyton but had been refused. They then went to the Gerrard Arms where they met up with 2 other juveniles, a 17 year old male and a 15 year old female, they were then joined at some later stage by another, adult person.
- ❑ The barmaid who served the group the drink was 19 years old and was the sister of the adult who joined them in the Gerrard Arms on that night.
- ❑ Following the police investigation the barmaid who served the drinks was given a fixed penalty notice for the offence of selling to persons under age. She said she assumed that they were the same age as herself as she had seen them around Colyton and had seen them drinking alcohol. She did accept that the pub had a challenge 21 policy but she failed to ask for their identification. It appeared to the interviewing police officers that she was devastated by the death and had decided not to work in licensed premises again.
- ❑ Two of the group drinking at the Gerrard Arms were given cautions by the police (the adult and a juvenile.)
- ❑ A juvenile in the group brought at least 3 rounds of lager for himself and the two other juveniles, including the deceased person.
- ❑ Both the deceased and the adult also brought a round of drinks each.
- ❑ The police attended the Gerrard Arms on 5 April 2011 and spoke to the Licence Holders, David and Karen Randall, with David Randall being the Designated Premises Supervisor (DPS) for the licensed premises. On the night of the incident Mr Randall was running an outside bar and his wife was in the pub but was cooking in the downstairs kitchen. They were updated as to the result of the police investigations and the fact that 3 underage persons had been brought up to five pints each, on their premises. During the meeting Mr and Mrs Randall were informed that the police were considering asking the East Devon District Council, as the Licensing Authority, to review the licence.
- ❑ Mr and Mrs Randall were very co-operative with the police and gratefully received advice. The police have had no concerns in relation to the management of the premises since the Randalls took over the licence in April 2008.
- ❑
- ❑ Despite the previous good conduct of these premises whilst being run by the current licence holders the police view the circumstances of this incident very seriously. The incident involved three underage persons drinking a large amount of alcohol followed by one of these youths being involved in a fatal road accident. In view of the seriousness the police have brought it to the attention of the Licensing Authority for a review of the licence. However, the police point out, it should be noted that the youths were no strangers to consuming alcohol and two were almost eighteen years of age. The police view is that consideration should be given to preventing sales of alcohol to under age persons. The premises now have a challenge 25 policy in place since this incident, and under age drinking will be stressed in staff training. The police noted that there is no supervision of the skittle alley at the rear of the premises and this is where the alcohol was consumed. There is also a blind spot in the main bar where youngsters could drink alcohol out of sight of the bar staff. The police informed Mr and Mrs Randall that consideration should be given to installing CCTV to monitor areas from behind the bar

- ❑ On Thursday 12 May 2011 the inquest into the death of the deceased was re opened and finalised. It concludes that there were no witnesses to the accident, that he had been cycling without lights whilst negotiating a slight left hand bend, he did not have a cycle helmet and the bicycle had serious mechanical defects to the steering and front suspension. The report continues, “as if this did not provide enough evidence of why this tragic accident happened, evidence from the deceased’s friends confirmed that he had consumed at least 5 pints of lager at the Gerrard Arms, Colyton.” The Coroner goes on to say although alcohol was not the only factor that contributed to the death it undoubtedly played a large part.
- ❑ The verdict that was returned by the Coroner was one of Accident.
- ❑ These are abstracts from the Coroners report, which can be read in full at **Appendix A**

1.7 A map showing the location of the premises is attached at **Appendix C**.

1.8 A plan of the premises is attached at **Appendix D**.

1.9 In accordance with section 51(3) (a) of the Licensing Act 2003 the police have served a copy of the application for review on the holder of the Premises Licence and on all responsible authorities.

1.10 The Licensing Authority has complied with the requirements of Section 51(3) (b) and (d) of the Licensing Act 2003 by advertising the review application at the premises, for not less than 28 consecutive days and by displaying a copy of the notice at the East Devon Council Offices and on the licensing pages of the East Devon District Council’s website. A copy of the notice is attached at **Appendix F**.

1.11 The purpose of the notices is to give others the opportunity to join the police in the review application.

1.12 Any representation in respect of this application made by responsible authorities or interested parties had to be received by the licensing authority by 17 August 2011 and must be relevant to the four licensing objectives of the Licensing Act 2003.

The Licensing objectives are:

- ❑ The prevention of crime and disorder
- ❑ Public safety
- ❑ The prevention of public nuisance
- ❑ Protection of children from harm

1.13 No further relevant representations were received.

2. Mediation Meeting & Amended Application

2.1 Since the review notice has been served no mediation meeting has taken place between the licence holders, and the police.

3 Statutory Bodies’ Response

3.1 Devon & Cornwall Constabulary
Served Review Notice

- 3.2 Devon Fire & Rescue Service
No representations have been received.
- 3.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 3.4 Devon Trading Standards
No representations have been received
- 3.5 East Devon District Council, Environmental Health Service
No representations have been received
- 3.6 East Devon District Council, Planning & Countryside Service
No representations have been received

4 Responses to Notices of Hearing

- 4.1 Details of the response to notice of hearing are attached at **Appendix E**.

5 Relevant Licensing Policy Considerations

- 5.1 Paragraph 12.9 of the Policy states:

Responsible Authorities or Interested Parties may lodge an application for review of a licence/certificate with the Licensing Authority at any time. Where a Review application is made, the Licensing Authority encourages all parties to work in partnership to achieve the promotion of the licensing objectives. The Licensing Authority expects that Responsible Authorities will give licence holders early warning, where possible, of any concerns identified at premises.

6. Guidance

- 6.1 Guidance is offered by the Secretary of State to Licensing Authorities under Section 182 of the Act, in relation to the review of premises licences (paragraph 11.1 – 11.21). In particular, the guidance refers to the options available to the authority (see first page of this report at paragraph **(b)** 'Committee Options').

- 6.2 Paragraph 11.18 of the guidance states 'In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response. For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives'.

- 6.3 Members are reminded that despite the title implying otherwise the designated premises supervisor's role as defined by the Licensing Act only relates to the sale of alcohol. It does not automatically mean the position is responsible for the supervision of the whole premises although often that is the case.
- 6.4 Paragraph 11.21 of the guidance relates to modification of the premises licence, stating 'Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Accordingly temporary changes or suspension of the licence for up to three months may be imposed. This could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. Accordingly, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for a review'.

7. Observations

- 7.1 The other parties involved in this incident (juveniles and adult) have been dealt with by the police, and received various punishments. The Coroners Court has recorded a verdict of death by Accident on the deceased juvenile. This committee hearing relates to the Gerrard Arms, the licence holders, the Designated Premises Supervisor and the action that can be taken by a Sub Committee under the review of the licence procedure. The options in relation to this have been outlined in the Committee options, at the beginning of the report.

Legal Implications

1. The licensing authority must determine the application in accordance with Section 52 of the Act which outlines the circumstances whereby a hearing is required and the options available to the committee when determining the application.
2. An appeal may be made, against the decision taken in relation to the application for review, by
 - the applicant for the review,
 - the holder of the premises licence or
 - any other person who made relevant representations in relation to the application.

An appeal must be made to a magistrates' court within the period of 21 days beginning with the day on which the appellant is notified of the decision.

3. Human Rights Act 1998

- 3.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are
- Article 6 (right to a fair trial),
 - Article 8 (right to respect for private and family life),
 - Article 11 (freedom of association) and

- Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions).

These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 3.2 Under Article 6, "everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 3.3 Under Article 8, "everyone has the right to respect for his private and family life, his home and his correspondence". This right may not be interfered with except in accordance with the law and as may be "necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 3.4 Under Article 11, "everyone has the right to freedom of peaceful assembly and to freedom of association with others" except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others". In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 3.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

Financial Implications

If there is an appeal and it is lost the Council may have to pay the costs of the appeal

Appendices

- Appendix A – Copy of review application including Coroners report dated 20 July 2011
- Appendix B – Copy of premises licence PLWA0285
- Appendix C – Map showing location of premises.
- Appendix D – Plan of premises
- Appendix E – Responses to notice of hearing

- Appendix F – Copy of review notice

Background Papers

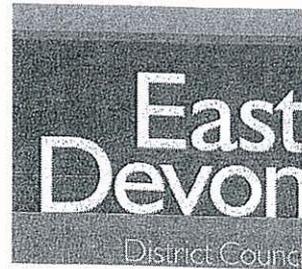
- Guidance issued under Section 182 of the Licensing Act 2003
- The District Council's Statement of Licensing Policy

Douglas Jackson Ext 2611
Licensing Officer

Licensing & Enforcement Sub Committee
13 Sept 2011

Licensing Office
Central Services Directorate
East Devon District Council
Council Offices
Knowle
Sidmouth
Devon EX10 8HL

APPENDIX A



Ref: EDP301

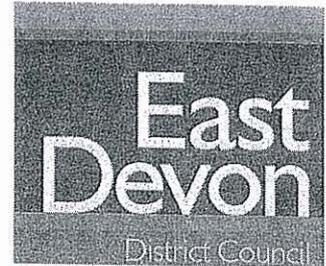
East Devon District Council
Licensing Authority
Licensing Act 2003

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

Applicant's Check List	
	Please tick ✓ yes
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirement my application will be rejected	<input type="checkbox"/>



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



Ref: EDP301

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Barry Reginald Sleight for and on behalf of The Chief Constable Devon and Cornwall Police Middlemoor Exeter

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Gerrard Arms St Andrews Square Colyton Devon EX24 6JN	
Post town Colyton	Post code (if known) EX24 6JN

Name of premises licence holder or club holding club premises certificate (if known) David John Randall Karen Randall
--

Number of premises licence or club premises certificate (if known) PLWA0285

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Barry Reginald Sleight For and on behalf of The Chief Constable Devon and Cornwall Police Licensing Office Exmouth Police Station North Street Exmouth EX8 1JZ
Telephone number (if any) 01395 226147
E-mail address (optional) barry.sleight@devonandcornwall.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

At 01.30 hrs on Sunday 14th November 2010 a [REDACTED] (17 years at the time) was found seriously injured astride his pedal cycle near the entrance to The Paddocks bungalow in Stafford Lane Colyton. He was conveyed to hospital where he subsequently died of his injuries. Unfortunately the police were not informed of the collision until much later the same day.

In view of the circumstances surrounding [REDACTED] death it was suspected he may have been involved in some sort of collision possibly hit and run so a full police enquiry was commenced. However the conclusion of these enquires tend to support the possibility he fell off his poorly maintained pedal cycle striking his head causing severe head injuries. During the enquiries it was revealed that Mr [REDACTED] had consumed some 5 pints of lager and ½ a double whisky at a local public house, The Gerrard Arms prior to riding to Stafford Lane

It was subsequently revealed that [REDACTED] and a [REDACTED] (17) attended a public house in Colyton where [REDACTED] tried to buy alcohol however he was refused as he had no ID. They then went on to The Gerrard Arms where they met up with a [REDACTED] (17 at the time) and [REDACTED] 15 years of age at the time where they stayed for the rest of the evening. At the time the bar person was [REDACTED] 19 years [REDACTED] bought lager for himself, [REDACTED] and [REDACTED] on at least 3 occasions, [REDACTED] bought a round for them. At some stage they were joined by [REDACTED] who also bought them alcohol.

In view of the fact evidence was found showing that persons underage were bought alcohol [REDACTED] and [REDACTED] were interviewed by Seaton Police and subsequently received police cautions.

[REDACTED] was interviewed by myself and PC Speariett. [REDACTED] admitted being the bar person on duty that evening and the holder of a personal licence to sell alcohol. She fully admitted selling to [REDACTED] and [REDACTED] and received an £80 fixed penalty. She stated she assumed [REDACTED] and [REDACTED] were the same age as herself having seen them around Colyton and Seaton where she had attended functions and had seen them drinking alcohol. She accepted the pub had a challenge 21 policy and she failed to ask them for ID. It was obvious to both officers that [REDACTED] was devastated by the death of [REDACTED] and had since decided not to work in licensed premises again.

On Tuesday 5th April 2011 Pc Speariett and I attended The Gerrard Arms where we spoke to the owners David and Karen Randall. David Randall is the DPS. On the 13th/14th November 2010 David Randall was running an outside bar in the village whilst his wife was upstairs in the pub cooking.

At the meeting they were updated regarding the incident and the result of police investigations re [REDACTED] and [REDACTED]. They were informed that the police were considering asking East Devon District Council to review their licence as 3 underage persons had been bought up to 5 pints each on their premises.

During the meeting discussion took place regarding the conditions of their licence, how they understood them and how they carried them out. In general terms they fully understood what was required of them and gratefully received advice. The premises now have a challenge 25 policy. The police have had no concerns regarding the management of these premises since the Randalls have taken on the Licence. They have been fully co-operative throughout

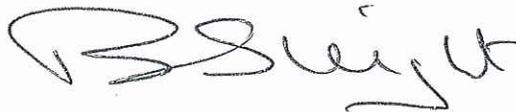
The fact that 3 underage persons have drunk a large amount of alcohol and one has subsequently been involved in a fatal collision is a serious matter and should be brought to the attention of EDDC Licensing Committee. However these it must be noted these youths were no strangers to consuming alcohol and two were almost 18 years of age.

Bearing in mind the 4 licensing objectives consideration must be given to preventing such sales and consumption again. The premises already have a challenge 25 policy and underage drinking will be stressed in staff training.

I have noted there is however no supervision of the skittle alley at the rear of the premises and this is where the alcohol was consumed. There is also a blind spot in the main bar where youngsters could drink alcohol out of sight of the bar staff. I have informed the Randall's that consideration should be given to installing CCTV to monitor areas from behind the bar and Mr Randall will investigate the cost of installation.

On Thursday 12th May 2011 the inquest into the death of [REDACTED] was re-opened and finalised. A copy of the proceedings is attached with the Coroners finding on Page 4 of the document.

As all Police Investigations are now complete following legal advice these papers are therefore submitted



Barry Sleight Alcohol Related Crime Reduction Officer

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

Day Month Year

If yes please state the date of that application

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

B Slight

Date 20th July 2011

Capacity

Licensing Officer Devon and Cornwall Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) The Licensing Office Exmouth Police Station North Street	
Post town Exmouth	Post Code EX8 1JZ
Telephone number (if any) 01395 226147	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) barry.slight@devonandcornwall.pnn.police.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

[REDACTED]

Does everyone agree to this?

I remind everyone that this inquest, like all others, is an inquiry; no one is on trial, least of all the deceased. The inquiry is to find answers to four limited but factual questions:

- **Who** was the person who has died?
- **When** did the death come about?
- **Where** did the death come about? And
- **How** did the death come about?

The question "How" is limited to finding out how the cause of death arose, the sequence of events which directly led to and caused the death. It is not an opportunity for us to examine the broad circumstances in which the death occurred.

I have a duty to exclude any question that is not relevant to the scope and purpose of this inquest.

....

Read evidence

Live evidence of M [REDACTED] and MR. Sleight (formal transcript available of this)

was being ridden downhill when it unexplainably went out of control and forced [REDACTED] to the ground . As a result of the impact [REDACTED] received serious head and arm injuries . The pathologists report gave as the cause of death pneumonia , head injury and fall

Although there were no witnesses to the collision I accept from the police evidence that on the balance of probabilities [REDACTED] had been cycling without lights whilst negotiating a slight left hand bend . He had also been cycling without a helmet on a bicycle with serious mechanical defects to the steering and front suspension.

As if this did not provide enough evidence of why this tragic accident happened evidence from the deceased's friends confirmed that [REDACTED] had consumed at least 5 pints of lager at the Gerrard Arms Colyton . I have heard from Mr Sleight that action has been taken against several people involved in selling alcohol to [REDACTED] and his friends that evening and that serious consideration is to be given by the licencing authorities to reviewing the licence of the Gerrard Arms . I had considered making a rule 43 recommendation in this matter but am satisfied on what I have heard today that the police will as a matter of urgency consider reviewing the licence and that actions has already been taken to improve the safeguards present in the public House . It is not for me to say whether or not a review should happen or what its outcome should be or not but I encourage a decision on whether a review should take place as soon as possible , especially with the summer months upon us . Although alcohol was not the only factor that contributed to [REDACTED] death it undoubtedly played a large part .

I now consider the verdicts I could consider returning legal definition of accident .

1. An accident arises if the evidence shows that it is probable (that is, more likely than not) that the cause of death appears not to have been from a naturally occurring disease process running its full course but, instead arose directly:
 - a) from some procedure, process or event, over which there was no human control; or
 - b) as the consequence of an unintended occurrence, act or omission; or
 - c) some deliberate human act which has unexpectedly and unintentionally taken a turn that leads to death.

On the evidence I find that [REDACTED] wearing no helmet and after consuming alcohol fell of his poorly maintained pedal cycle, which was without lights , into a dark unlit road and suffered devastating head injuries as a result . Thus the verdict I will return is accident .

Read from inquisition

The information on the inquisition form will be sent to the Registrar of Births Deaths and Marriages shortly . A death certificate can then be obtained from the registrar.

May I take this opportunity to offer my condolences to the family of [REDACTED]

I now formally close the inquest touching the death of [REDACTED]



Licensing Act 2003
Premises Licence

PLWA0285

East Devon District Council has granted this Premises Licence in accordance with the Licensing Act 2003. The licence authorises the identified premises to accommodate the licensable activities set out in the document and the plan deposited with and approved by the Licensing Authority. Where the sale of alcohol is authorised as a licensable activity the licence identifies the Designated Premises Supervisor.

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Gerrard Arms

St Andrews Square, COLYTON, Devon, EX24 6JN.

Telephone 01297 552588

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
C. Indoor sporting event	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
2 January extended hours apply only in any year when 1 January is a Sunday.			
E. Performance of live music (Indoors)	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		



Licensing Act 2003 Premises Licence

PLWA0285

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	continued ...		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
2 January extended hours apply only in any year when 1 January is a Sunday.			
F. Playing of recorded music (Indoors)	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
2 January extended hours apply only in any year when 1 January is a Sunday.			
I. Provision of facilities for making music (Indoors)	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
J. Provision of facilities for dancing (Indoors)	Monday to Thursday & Sunday	11:00am	Midnight
	Friday & Saturday	11:00am	1:00am
	Good Friday	11:00am	1:00am
	Bank Holiday Mondays	11:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	11:00am	1:00am
	27 December	11:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	11:00am	1:00am
	2 January	11:00am	1:00am
2 January extended hours apply only in any year when 1 January is a Sunday.			
L. Late night refreshment (Indoors)	Monday to Thursday & Sunday	11:00pm	Midnight
	Friday & Saturday	11:00pm	1:00am
	Good Friday	11:00pm	1:00am
	Bank Holiday Mondays	11:00pm	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	11:00pm	1:00am
	27 December	11:00pm	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	11:00pm	1:00am
	2 January	11:00pm	1:00am
2 January extended hours apply only in any year when 1 January is a Sunday.			



Licensing Act 2003
Premises Licence **PLWA0285**

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises			
	Monday to Thursday & Sunday	10:00am	Midnight
	Friday & Saturday	10:00am	1:00am
	Good Friday	10:00am	1:00am
	Bank Holiday Mondays	10:00am	1:00am
	Applies to Easter, May, Spring and August Bank Holiday Mondays.		
	Christmas Day & Boxing Day	10:00am	1:00am
	27 December	10:00am	1:00am
	27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
	New Year's Day	10:00am	1:00am
	2 January	10:00am	1:00am
	2 January extended hours apply only in any year when 1 January is a Sunday.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday & Sunday	9:00am	12:30am
Friday & Saturday	9:00am	1:30am
Good Friday	10:00am	1:30am
Bank Holiday Mondays	10:00am	1:30am
Applies to Easter, May, Spring and August Bank Holiday Mondays.		
Christmas Day & Boxing Day	10:00am	1:30am
27 December	10:00am	1:30am
27 December extended hours apply only in any year when either 25 or 26 December is a Sunday.		
New Year's Day	10:00am	1:30am
2 January	10:00am	1:30am
2 January extended hours apply only in any year when 1 January is a Sunday.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

David John Randall [REDACTED]	Gerrard Arms, St Andrews Square, COLYTON, Devon, EX24 6JN. Telephone [REDACTED]
Karen Julie Randall [REDACTED]	Gerrard Arms, St Andrews Square, COLYTON, Devon, EX24 6JN. Telephone [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

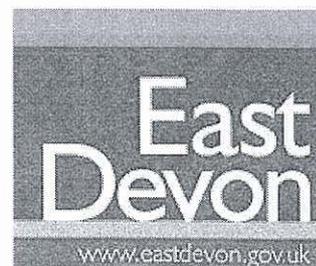


East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507



Licensing Act 2003
Premises Licence

PLWA0285

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

David John RANDALL

Gerrard Arms, St Andrews Square, COLYTON, Devon, EX24 6JN.
Telephone 01297 552588

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. EDVE1160

Issued by East Devon

Rachel L Pocock

Corporate Legal and Democratic Services Manager



Licensing Act 2003 Premises Licence

PLWA0285

ANNEXES

ANNEXE 1 - MANDATORY CONDITIONS

1.
 - a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
 - b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Source: Section 19 Licensing Act 2003
2. Any person used to carry out a security activity as required under conditions 1,2 and 4 of conditions attached after a hearing by the Licensing Authority must be licensed by the Security Industry Authority.
Source: Section 21 Licensing Act 2003
3.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
Source: Section 19 & 19A Licensing Act 2003
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance



Licensing Act 2003
Premises Licence

PLWA0285

ANNEXES continued ...

by reason of a disability).

Source: Section 19 & 19A Licensing Act 2003

5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Source: Section 19 & 19A Licensing Act 2003

MANDATORY CONDITIONS 6 & 7 LISTED BELOW WILL COME INTO FORCE ON THIS LICENCE ON THE 1 OCTOBER 2010

6. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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.

Source: Section 19 & 19A Licensing Act 2003

7. The responsible person shall ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Source: Section 19 & 19A Licensing Act 2003

ANNEXE 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Embedded Conditions Consistent with the Licensing Act 1964

1. The permitted hours to sell alcohol on this licence do not prohibit or restrict on the licensed premises the sale or supply to, or consumption of alcohol by, any person residing on the premises.
2. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale of alcohol to a trader or club for the purposes of the trade or club.
3. The permitted hours to sell alcohol on this licence do not prohibit or restrict the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
4. The permitted hours to sell alcohol on this licence do not prohibit or restrict the taking of alcohol from the premises by a person residing there.
5. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by them at their own expense, or the consumption of persons so supplied.
6. The permitted hours to sell alcohol on this licence do not prohibit or restrict the supply of alcohol for



Licensing Act 2003 Premises Licence

PLWA0285

ANNEXES continued ...

consumption on premises to persons employed there for the purposes of the businesses carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

7. The permitted hours to sell alcohol on this licence do not prohibit or restrict the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Conditions Consistent with the Operating Schedule

1. The proprietor will liaise with the Licensing Authority and Responsible Authorities as necessary to further the licensing objectives.
2. If after the expiry of six months from the second appointed date the Licensing Authority serves written notice on the licensee requiring that CCTV be provided it will be installed, maintained and operated to the satisfaction of the Chief Officer of Police and Local Authority and conditions 3 to 6 also complied with.
3. CCTV recordings will be maintained for an appropriate period of time (generally one month - but to be agreed with Police and Licensing Authority).
4. If the CCTV equipment is inoperative, the Police and Local Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action.
5. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
6. All alcoholic (with the exception of wine) and soft drinks will be served in plastic or toughened glasses.
7. If glass bottles are used the contents will be decanted into a plastic or toughened glasses.
8. All bottles to be served to the customers will be made of plastic.
9. No customer carrying open or sealed bottles or glasses will be admitted the premises at any time.
10. All bottles and glasses will be removed from public areas and the grounds on a regular and frequent basis.
11. A proof of age policy to the satisfaction of the Police and Licensing Authority will be in place.
12. The premises will maintain a policy of zero tolerance to illegal drugs and the use or supply of illegal drugs on the premises will result in a report to the police and banning from the premises.
13. All staff will attend Drug Awareness Courses.
14. A "customer code of conduct" poster will be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises in the vicinity.
15. Membership of the Local Licensees Association will be maintained and a representative will attend meetings and participate in all initiatives.
16. A person holding a Personal Licence will be on the premises at all times when alcohol is being served or regulated entertainment provided.
17. The Licensee shall keep an 'Incident Report Register' to the satisfaction of the police and the Licensing Authority, in which full details of all occurrences of actual or potential crime and disorder involving patrons of the premises. The Register is to be kept on the premises at all times and shall be made available for inspection by a police officer or duly authorised officer of the Licensing Authority. Registers shall be retained for at least 12 months from the last entry.



Licensing Act 2003 Premises Licence

PLWA0285

ANNEXES continued ...

18. All exit doors will be easily operable without the use of a key card code or similar means and will be available for egress while the public are on the premises.
19. Means of escape will be maintained unobstructed, immediately available and clearly identifiable.
20. Exit doors will be regularly checked to ensure they function satisfactorily. Records of these checks will be kept on the premises at all times and shall be made available for inspection by an officer of the Devon Fire and Rescue Service or a duly authorised officer of the Licensing Authority.
21. All fire doors will be maintained effectively self-closing and shall not be held open other than by devices approved by the Devon Fire and Rescue Service.
22. All gangways, exit ways, treads of steps or stairways will be maintained with non-slippery and even surface.
23. All floor coverings will be secured and maintained so they will not ruck. Mats will be fitted into a mat well so as to be flush with the floor surface.
24. Hangings, curtains will be secured and maintained in a flame retardant condition.
25. Upholstered seating will be fire retardant and compliant with current Fire Safety Regulations.
26. Fire Drill will be conducted monthly. Records of these checks will be kept on the premises at all times and shall be made available for inspection by an officer of the Devon and Somerset Fire and Rescue Service or a duly authorised officer of the Licensing Authority.
27. All fire exits and means of escape will be signed in accordance with BS5499.
28. Wall and ceiling finishes will be fire resistant.
29. When disabled people are present adequate equipment arrangements will exist to enable their safe evacuation in the event of an emergency
30. An adequate and appropriate supply of First aid equipment and materials will be available on the premises.
31. There shall be a nominated First Aider at the premises. The nominated First Aider shall check the First Aid equipment and materials at least once a month.
32. Fire Safety signs will be adequately illuminated.
33. Emergency lighting batteries will be fully charged before the admission of the public.
34. Emergency lighting tests will be conducted monthly and the entire system will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is registered with the EIC or NICEIC.
35. All lavatories, urinals and wash basins shall at all times be kept in good order and repair and be properly and effectually cleaned, ventilated and supplied with water and all necessary requisites and all doors leading thereto shall be suitably marked.
36. The electrical system, including portable appliances will be inspected and tested annually by a competent person to ensure safety. A competent person will be a qualified electrician who is registered with the EIC or NICEIC.
37. The gas System, including appliances will be inspected and tested by a CORGI registered gas engineer annually and a satisfactory Gas Safety Certificate will be obtained.
38. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
39. The premises will have suitable Public Liability insurance in the sum of not less than £2,000,000.00 (two million pounds).
40. A list of local taxi firms and their telephone numbers will be prominently displayed.
41. A crime prevention policy agreed by the Police and Licensing Authority will be in place.



Licensing Act 2003 Premises Licence

PLWA0285

ANNEXES continued ...

42. A sufficient number of suitable receptacles for refuse storage will be provided in the garden. The receptacles will be maintained in a clean condition.
43. Children under 14 not permitted in the bar.
44. The extent of the areas within which the various licensable activities will be permitted is as indicated by the legends on the plan deposited with and approved by the Licensing Authority.

ANNEXE 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

1. Door Supervisors registered with the Security Industry Authority to be employed from 9.00 pm until 30 minutes after the end of permitted hours on any day that live music, recorded music, performance of dance and any entertainment of a similar nature is planned to take place on the premises with the event being open to the public and continuing after 12 midnight.
2. At all other times door supervisors may be employed at the discretion of the Designated Premises Supervisor.
3. Where door supervisors are required under conditions 1 or 2 above they will
 - a) Be correctly registered with the SIA
 - b) Display the correct name badge
 - c) Carry proof of registration
 - d) Be used at a ratio to be agreed by the Licensing Authority and Police, which is currently 1 door supervisor to 75 patrons
4. Where door supervisors are required under conditions 1 or 2 above a minimum of two door supervisors will be employed at the premises.
5. A notice will be prominently displayed stating clearly that children under sixteen must be in the company of a parent/guardian or responsible adult and that children under 16 will not be permitted in the bar area.
6. Bottle skips and bins containing cans or bottles will not be emptied outside after 10.00 pm, but will be dealt with the next day during normal office hours.
7. All external doors and windows will be kept shut, other than for access and egress, in all rooms when events involving amplified music or speech or other entertainment are likely to give rise to noise.
8. A senior member of staff (manager) will assess the impact of any noisy activities on neighbouring residential premises at the start of the activity/entertainment and periodically throughout the activity/entertainment.
9. Patrons will be asked not to stand around talking in the street outside the premises or any car park and asked to leave the vicinity quickly and quietly.
10. Suitable signage will be displayed at the exit to request the co-operation of patrons in particular, to make as little noise as possible when leaving the premises.
11. An emergency lighting system which complies with the British Standard 5266: Part 1 will be installed and maintained at the premises.





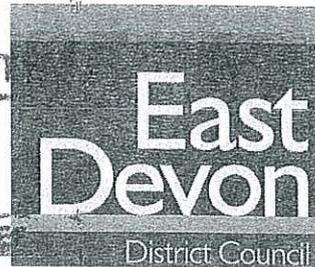
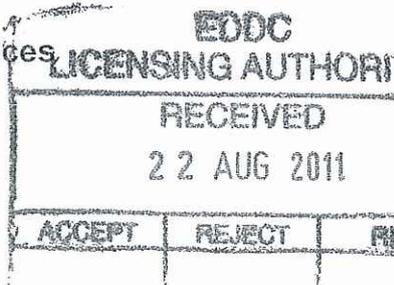
Appendix C

Map Tile: SY2494SE Full Reference: SY2458 9414

East Devon District Council - © Crown copyright and database rights 2011 Ordnance Survey 100023746. You are not permitted to copy, sub-license, distribute or sell this data to third parties in anyway

Review Premises Licence Gerrard Arms Licensing Sub Committee 13/09/11

To: Head of Legal and Member Services
 Attn Licensing Manager
 Central Services Directorate
 East Devon District Council
 Council Offices
 Knowle
 Sidmouth
 Devon EX10 8HL



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 18 August 2011 relating to the following application:

Licence Number: PLWA0285

Application: Review of a Premises Licence

By: The Chief Constable, Devon & Cornwall Police Constabulary

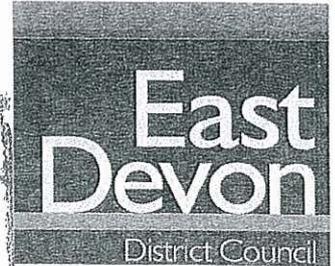
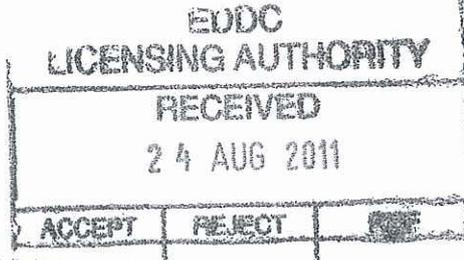
Of c/o The Licensing Office, Exmouth Police Station, North Street, EX11 1JZ

Re: Gerrard Arms, St Andrews Square, Colyton, EX24 6JN

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		<i>(Tick as appropriate)</i> (✓)	
		Yes	No
I consider the hearing to be unnecessary		<input type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing		<input checked="" type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:		<input type="checkbox"/>	<input type="checkbox"/>
<p>Please see note below <i>(Please give details of the person's name and address in this box)</i></p>			
<p>I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)</p>			
Name and Address			
<p>Please explain how this person will be able to assist the Licensing Sub Committee:</p>			
<p>I enclose the following documents to support my original representations: NONE</p> <p><i>(Please list them)</i></p>			
		<i>(Tick as appropriate)</i> (✓)	
		Yes	No
<p>I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (<i>*Delete as applicable</i>). You are invited to use the attached form marked 'Summary of Key Points' for this task.</p>		<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your address:	
Name:	B. Sleight B. Sleight	Police Licensing EXMOUTH	

To: Head of Legal and Member Services
 Attn Licensing Manager
 Central Services Directorate
 East Devon District Council
 Council Offices
 Knowle
 Sidmouth
 Devon EX10 8HL



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 18 August 2011 relating to the following application:

Licence Number: PLWA0285

Application: Review of a Premises Licence

By: The Chief Constable, Devon & Cornwall Police Constabulary

Of c/o The Licensing Office, Exmouth Police Station, North Street, EX11 1JZ

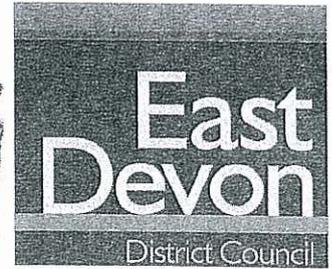
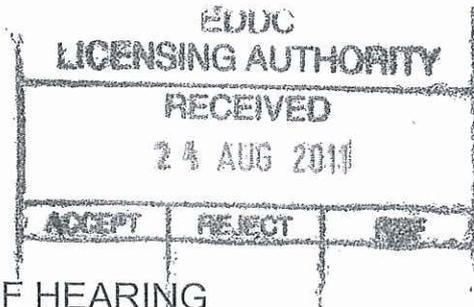
Re: Gerrard Arms, St Andrews Square, Colyton, EX24 6JN

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)(✓)	Yes	No
I consider the hearing to be unnecessary			<input type="checkbox"/>	<input type="checkbox"/>
I intend to attend the hearing			<input type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:			<input type="checkbox"/>	<input type="checkbox"/>
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and Address				
Please explain how this person will be able to assist the Licensing Sub Committee:				
I enclose the following documents to support my original representations:				
(Please list them)				
		(Tick as appropriate)(✓)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.			<input type="checkbox"/>	<input type="checkbox"/>
Your Signature:		Your address:	Gerrard Arms St. Andrews Sq. Colyton EX24 6JN.	
Name:	D. Candall			

To: Head of Legal and Member Services

Attn Licensing Manager
Central Services Directorate
East Devon District Council
Council Offices
Knowle
Sidmouth
Devon EX10 8HL



RESPONSE TO NOTICE OF HEARING

I refer to your notice of hearing dated 18 August 2011 relating to the following application:

Licence Number: PLWA0285

Application: Review of a Premises Licence

By: The Chief Constable, Devon & Cornwall Police Constabulary

Of c/o The Licensing Office, Exmouth Police Station, North Street, EX11 1JZ

Re: Gerrard Arms, St Andrews Square, Colyton, EX24 6JN

Under Regulation 8 of The Licensing Act 2003 (Hearings) Regulations 2005 I give you notice that: -

		(Tick as appropriate)(✓)	Yes	No
I consider the hearing to be unnecessary		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I intend to attend the hearing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I intend to be represented at the hearing by:		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please see note below (Please give details of the person's name and address in this box)				
I am requesting permission for the below named person(s) to appear at the hearing, (e.g. as a witness)				
Name and Address				
Please explain how this person will be able to assist the Licensing Sub Committee:				
I enclose the following documents to support my original representations:				
(Please list them)				
		(Tick as appropriate)(✓)	Yes	No
I also enclose a summary of the key points on which I seek to rely in supporting my *application, *representation or *objection I have already made (*Delete as applicable). You are invited to use the attached form marked 'Summary of Key Points' for this task.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Your Signature:		Your address:		
Name:	KJ RANDALL	GERRARD ARMS ST ANDREWS SQUARE, COLYTON, EX24 6JN		



APPLICATION FOR REVIEW OF A PREMISES LICENCE

East Devon District Council has received an application from the
Devon & Cornwall Constabulary
for a review of the premises licence issued to

Gerrard Arms, St Andrews Square, Colyton, EX24 6JN

This application to review relates to a failure to promote the
following licensing objectives:

public safety and
the protection of children from harm.

Any interested party or responsible authority who wishes to make
representations must make them by **17 August 2011** to the
Licensing Authority at the address below.

The application for review may be inspected at
**East Devon District Council, Council Offices,
Knowle, Sidmouth, EX10 8HL**
or on the website at www.eastdevon.gov.uk.

It is an offence to knowingly or recklessly make a false statement in
connection with an application for a review and the maximum fine
for which a person could be liable on summary conviction for the
offence is scale 5 on the standard scale which is currently £5000.

This notice must be displayed for 28 consecutive days from
21 July 2010 until 17 August 2010

Agenda Item

Licensing & Enforcement Sub Committee

13 September 2011

NMc

Application for a premises licence to be granted under the Licensing Act 2003

Summary

The report summarises an application for a premises licence to be granted.

Recommendation

That members consider the application for a premises licence to be granted under the Licensing Act 2003 - To permit late night refreshment on and off the premises and the sale of alcohol for consumption off the premises at Sainsbury's Supermarket, Hind Street, Ottery St Mary, EX11 1ET.

a) Reasons for Recommendation

To comply with statutory processes.

b) Alternative Options

To either grant, refuse or modify the application.

c) Risk Considerations

None

d) Policy and Budgetary Considerations

The Council's Licensing Policy is referred to in the body of the report. There is a possibility of the Council having to pay the applicant's court costs if a successful appeal is brought against the decisions made today.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1 Description of Application

- 1.1 An application has been received from Sainsbury's Supermarkets Ltd, 33 Holborn, London, EC1 2HT for the grant of a premises licence for Sainsbury's Supermarket, Hind Street, Ottery St Mary, Devon, EX11 1ET.
- 1.2 The proposed timings and licensable activities applied for are produced in table form at **Appendix A**.
- 1.3 The application is to allow late night refreshment on and off the premises and the sale of alcohol for consumption off the premises only Monday to Sunday.

- 1.4 The premises are to be a 20,000 sq ft two storey store situated next to the Hind Street car park in the centre of Ottery St Mary Town.
- 1.5 A full copy of the application is reproduced at **Appendix B**
- 1.6 A plan of the premises will be available at the meeting to show the layout of the site and the areas of licensable activity.

2 Statutory Bodies' Response

- 2.1 Devon & Cornwall Constabulary
Representations received.
- 2.2 Devon & Somerset Fire & Rescue Service
No representations have been received.
- 2.3 Area Child Protection Committee and Local Safeguarding Children Board
No representations have been received
- 2.4 Devon Trading Standards
No representations have been received
- 2.5 East Devon District Council, Environmental Health Service
No Representations have been received
- 2.6 East Devon District Council, Planning & Countryside Service
No representations have been received

3 Representations and Responses to Notices of Hearing

- 3.1 Representations have been received from the Devon and Cornwall Constabulary, three District Councillors and 31 local residents or persons involved in a business in the vicinity details of the representation are attached at **Appendix C**.
- 3.2 Details of the responses to the statutory Notice of Hearing (including supporting documents submitted by the police and Ms Lorna Brice-Nye) are attached at **Appendix D**.
- 3.3 Twenty two responses to the notice of hearing were received within the required time frame but the response from the applicants solicitors indicating that they were attending the hearing was not received until three days after the specified date. Late responses to the notice of hearing can only be considered at the hearing if all the other parties agree.
- 3.4 The responses to the notice of hearing indicated that two objectors wished to withdraw their representations. The persons who have elected to attend the hearing are the Police, two District Councillors (one of whom has been nominated by five objectors to speak on their behalf) and one other objector. Two further objectors have indicated they will not attend the hearing but have nominated representatives to speak on their behalf. These representatives have also been named as witnesses who have concerns about the application.

- 3.5 The committee should be mindful that any witnesses should support the representation made by the objector and not introduce any new or additional evidence highlighting their own concerns.

4 Proposed Operating Schedule and Mediation

- 4.1 The proposed operating schedule offered by the applicants has been reproduced at **Appendix E** and numbered for ease of reference.
- 4.2 The police representation relates to the CCTV condition offered by the applicant. The police feel that the CCTV conditions offered are unacceptable and fall below the minimum standards required by the police and by this Authority's Licensing Policy.
- 4.3 The police would like the applicants to comply with the CCTV conditions and wording used in the East Devon Licensing Authorities guidance and the East Devon Licensing Policy reproduced at **Appendix F & G**.
- 4.4 At the time of writing this report the police and the applicants solicitors are in discussion/mediation in an attempt to come to an agreed position over the police concerns. Any update will be given verbally at the hearing.

5 Relevant Licensing Policy Considerations

Licensing Objectives

- 5.1 Section 2.1 of the Policy states: 'The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting the four licensing objectives.' These objectives are the only matters to be taken into account in determining the application and any conditions attached must be necessary to achieve the licensing objectives.
- 5.2 Section 2.2 of the Policy states: A licence will only be granted where the licensing authority is satisfied that these objectives have been met.
- 5.3 Section 2.3 of the Policy lists the kind of measures the licensing authority will be expecting to see taken into account to promote the objectives.

Conditions

- 5.4 Section 4 of the policy sets out what the Sub Committee should consider before imposing conditions on a licence.
- 5.5 The **Guidance** issued under Section 182 Licensing Act 2003 also states:

The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.

The Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.

Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for the licensing objectives. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties.

Licensing Hours

- 5.6 Section 6.1 of the Policy states: The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with licensing hours beyond midnight higher standards of control will generally need to be included in operating schedules to promote the licensing objectives especially for premises which are situated near residential areas. There is no presumption within the legislation for longer opening hours and the licensing objectives are paramount in any consideration of an application.
- 5.7 Section 6.3 of the Policy states: The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the licensing authority believe it necessary, proportionate and reasonable to restrict the hours required.

Nuisance

- 5.8 Section 17.1 of the Policy states: To promote the licensing objectives, applicants for licences for licensable activities will be required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low-level nuisance affecting a few people living locally as well as a major disturbance affecting the whole community. It may also include the prevention of the reduction of the living and working amenity and environment of interested parties.

Capacity

- 5.9 Section 18.1 of the Policy states: Where it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder or for public safety the licensing authority will expect this to be addressed in the operating schedule. The licensing authority, if relevant representations are made and only then if such conditions are deemed necessary proportionate and reasonable, may impose a condition stipulating a maximum number of persons permitted to attend premises where it considers it necessary to prevent crime and disorder or for public safety purposes.

6. Observations

- 6.1 The application being considered is for the grant of a Premises Licence to permit :

- the supply of alcohol for consumption off the premises
- Late night refreshment on & off the premises.

6.2 The representations received relate to all four of the licensing objectives. Issues raised include concerns that there will be extra noise from people and vehicles using the store which would extend through the night if 24 hour opening is granted. The related risk of an increase in accidents as increased numbers of vehicles use the unlit country roads to access the premises.

There are also concerns that existing anti social behaviour and vandalism affecting the surrounding residential areas will increase if youngsters have access to alcohol for longer periods of time than already available from other outlets in the area and the danger of an increase in 'proxy' purchasing of alcohol.

6.3 A number of the interested parties refer to the 24 hour opening requested by the applicant which they consider will cause an increase in noise and disturbance all through the night to local residents and have requested that the committee consider restricting the opening hours of the premises. The committee may find it difficult to justify amending the opening hours of the store as the licensable activities represent a small section of the business which is primarily a food store/supermarket. Normally the committee would deal with licence applications where the primary purpose of the premises is alcohol and/or entertainment led and a closing time would be relevant to the licensable activities. This application is for the sale of alcohol off the premises between 6 am and midnight and late night refreshment between 11pm and midnight therefore the remaining hours would be related to unlicensed retail trading only. In this case the issue of 24 hours shop opening would seem to be a planning matter and not one that needs to engage the Sub Committee.

6.4 The police have made representations primarily under the crime and disorder objective and have requested CCTV conditions in a different format to that offered by the applicants. I draw your attention to paragraph 4.2 and 4.3 of this report on the subject of the provision of CCTV at the proposed licensed premises. The applicant has failed to satisfy the police with the standard and operation of the CCTV equipment they intend to provide and currently have not agreed to install and operate CCTV at the premises in accordance with the District Council's Licensing Policy.

6.5 The Sub Committee will be aware that during 2010 a great deal of time was spent by the Police and East Devon Licensing Officers discussing and researching CCTV conditions and how they should relate to licensed premises. The police subsequently attended a meeting of the full Licensing and Enforcement Committee and their barrister and CCTV expert gave a presentation regarding minimum standards of systems that should be accepted for licensed premises. A report was later prepared by the Licensing Manager and the Committee accepted the minimum standards as part of the East Devon District Council's current Licensing Policy. The relevant section of the policy is reproduced at **Appendix F**.

6.6 The East Devon Licensing Authority's 'Guidance to meeting the licensing objectives' numbered GN6 was updated to the agreed CCTV minimum standards. The relevant section of form GN6 is reproduced at **Appendix G**.

6.7 The other conditions offered by the applicant appear at **Appendix E**. To assist the Sub Committee a set of conditions have been prepared at **Appendix H** that members may wish to consider having heard from both the applicant and the interested parties. The conditions are in part suggested to replace those offered by the applicant with conditions that reflect the applicants

intentions but offer a more concise and enforceable operating schedule.

- 6.8 The Sub Committee will now need to consider whether to grant this application as it stands or in the light of the representations to refuse the application or grant it in a different form.
- 6.9 A location plan is attached at **Appendix I**.

Legal Implications

1. As relevant representations have been made in respect of the application, this hearing must be held. (Relevant representations are about the likely effect of the grant of the application on the promotion of the licensing objectives, by interested parties or responsible authorities). The sub-committee must disregard any information or evidence not relevant to the licensing objectives.
2. The sub-committee must consider this application in accordance with Section 4 of the Licensing Act 2003, which requires that licensing functions must be carried out with a view to promoting the four licensing objectives. The licensing authority must also have regard to its own licensing policy and the Secretary of State's guidance, but may depart from both if it has good reason to do so. Those reasons should be stated.
3. Section 18 of the Act requires the licensing authority to grant a premises licence unless it considers additional steps are needed for the promotion of the licensing objectives having regard to any relevant representations.

The steps are:

- (a) to grant the licence subject to:
 - (i) the conditions in the operating schedule modified to such extent as members consider necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under sections 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates
- (c) to refuse to specify a person in the licence as the premises supervisor
- (d) to reject the application.

The conditions of the licence are modified if any are altered or omitted or any new condition is added. Different conditions may be applied to different parts of the premises, and to different licensable activities. The sub-committee must give its reasons for its decision to take any of these steps. Similarly, if any part of an application is rejected, the sub-committee must give its reasons.

4. The Act requires mandatory conditions to be imposed where supplying alcohol or exhibiting films are approved as licensed activities. It also requires a mandatory condition to be imposed where door supervisors or other individuals carrying out security activities are conditions on the licence.

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

1. (a) There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Source: Section 19 Licensing Act 2003
2. (a) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(b) 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.
Source: Section 19 & 19A Licensing Act 2003

(b) Section 20 - Mandatory condition relating to exhibition of films – Not applicable to this application

Children may only be admitted to films in accordance with the classification recommendations of the British Board of Film Classification, or as recommended by the licensing authority.

(c) Section 21 - Door Supervision – Not applicable to this application

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

5. The sub-committee will need to consider the hours of operation proposed in relation to the licensable activities in the light of the promotion of the licensing objectives, the effectiveness of the operating schedule proposed by the applicant, the representations received, the location of the premises in relation to residential and other commercial properties including other licensed premises, the history of the management of the premises and how it is proposed to be run in the future, the evidence produced of any problems in the past, and the likely impact of any extension of hours and activities. These issues, and any other relevant ones, may be explored at the hearing.

6. Human Rights Act 1998

- 6.1 The sub-committee must also have regard to the provisions of the Human Rights Act 1998 when determining this application. The 1998 Act made the European Convention of Human Rights directly enforceable in British courts. The relevant provisions are Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 11 (freedom of association) and Article 1 of the First Protocol (right to peaceful enjoyment of one's possessions). These provisions are explained below. Essentially, they require the sub-committee to identify correctly the competing interests, give each appropriate weight in the circumstances of the case, and balance them against each other in order to arrive at a fair and reasonable decision.

- 6.2 Under Article 6, “everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”. The procedures established by this Council for hearings under the Licensing Act 2003 are compliant with Article 6.
- 6.3 Under Article 8, “everyone has the right to respect for his private and family life, his home and his correspondence”. This right may not be interfered with except in accordance with the law and as may be “necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. In Licensing Act cases this means that the sub-committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.
- 6.4 Under Article 11, “everyone has the right to freedom of peaceful assembly and to freedom of association with others” except where it is lawful to restrict that freedom in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. In Licensing Act cases this means, for example, that the sub-committee is entitled to impose conditions to ensure that patrons of licensed premises do not unreasonably disturb others living or working nearby. Again, the sub-committee should balance the competing interests.
- 6.5 Article 1 of the First Protocol (that is, the first amendment to the Convention) says that every natural or legal person (meaning a human being or a company) is entitled to peaceful enjoyment of his possessions, except where the law provides for restrictions on that right in the public interest. This means, for example, that it is compliant with the Convention to impose restrictions, such as those provided in the Licensing Act 2003, upon business premises where it is in the public interest to do so. On the other hand the same applies to the owners and occupiers of neighbouring premises.

7. Appeals

If the sub-committee imposes conditions on the licence with which the applicant disagrees, or modifies the licensable activities permitted or refuses to specify a person a designated premises supervisor, he or she may appeal within 21 days of notification of the decision to the Magistrates’ Court. The applicant may also appeal if an application for a premises licence is rejected. Those making relevant representations may appeal if they believe that the licence should not have been granted, or that, when granting the licence, the licensing authority ought to have imposed different or additional conditions or excluded a licensable activity or refused to specify a persona as designated premises supervisor. The magistrates’ court may dismiss the appeal, or substitute its own decision, or send back the case to the licensing authority with directions as to how the case is to be dealt with. The magistrates’ court may make any costs order it thinks fit.

8. Review Provisions

If extended hours/licensable activities are granted, the Licensing Act contains review provisions which enable those living or running businesses in the vicinity of the premises, bodies representing them or any of the responsible authorities to apply to this licensing authority for a review of the licence.

A hearing follows which enables the sub-committee to use the normal powers at a hearing (set out above) but also to suspend the licence for a period of up to three months or to revoke it.

9. Police Closure

A senior police officer may close any premises for 24 hours (this can be extended) where s/he reasonably believes there is or is likely imminently to be disorder on, or in or in the vicinity of the premises and their closure is necessary in the interests of public safety. Closure can also be affected if public nuisance is being caused by noise coming from the premises and closure of the premises is necessary to prevent that nuisance

Financial Implications

No apparent financial implications

Appendices

- Appendix A – Requested times and activities in table form
- Appendix B – Copy of licensing application
- Appendix C – Details of representations received
- Appendix D – Details of responses to the Notice of Hearing
- Appendix E – Applicants proposed operating schedule
- Appendix F – Copy of CCTV section of EDDC Licensing Policy
- Appendix G – Copy of CCTV section of GN6 Guidance Form
- Appendix H – Proposed conditions
- Appendix I – Location Plan

Background Papers

- Licensing Application dated 14 July 2011
- The District Council's Statement of Licensing Policy
- Amended S. 182 Guidance of the Licensing Act 2003

Neil McDonald ext 2079
Licensing Officer

Licensing & Enforcement Sub Committee
13 September 2011

**Sainsbury's Supermarket, Hind
Street, Ottery St Mary**

Proposed Timings

	l) Late night refreshment on and off the premises	m) Sale of alcohol for consumption off the premises	Hours premises are open to the public
Monday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Tuesday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Wednesday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Thursday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Friday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Saturday	11:00pm - midnight	6:00am - 12 midnight	24 hours
Sunday	11:00pm - midnight	6:00am - 12 midnight	24 hours

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's Supermarket Hind Street			
Post town	Ottery St Mary	Post code	EX11 1ET

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 020 7695 6000
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
1	3	0	8	2	0
1	1				

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)
A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at Hind Street, Ottery St Mary, EX11 1ET.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors
			Outdoors		<input type="checkbox"/>
			Both		<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The provision will take place inside the premises but customers may leave the premises with items purchased.		
Mon	2300	2400			
Tue	2300	2400			
Wed	2300	2400	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	2300	2400			
Fri	2300	2400	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	2300	2400			
Sun	2300	2400			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	0600	2400	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	0600	2400			
Wed	0600	2400			
Thur	0600	2400			
Fri	0600	2400			
Sat	0600	2400			
Sun	0600	2400			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Joanne Surguy	
Address 15 Blendon Road Bexley	
Postcode	DA5 1BN
Personal Licence number (if known) 06/00209/BEXLEY/LI	
Issuing licensing authority (if known) London Borough of Bexley	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

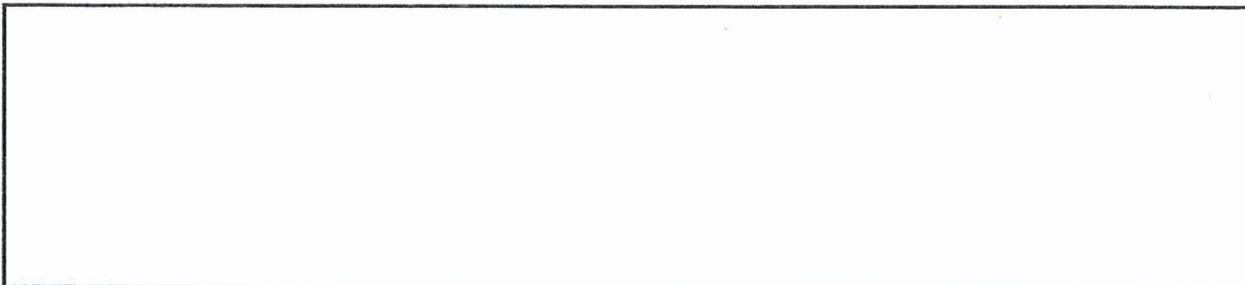
The premises will sell other age restricted products.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2400	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

P Describe the steps you intend to take to promote the four licensing objectives:

a) **General** – all four licensing objectives (b,c,d,e) (please read guidance note 9)



b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce (before being sold alcohol) identification bearing their photograph, date of birth and a holographic mark.

Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	14 July 2011
Capacity	Solicitors duly authorised on behalf of the Applicant

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Winckworth Sherwood LLP (Ref: EMF/26508/1422/RPB) Minerva House 5 Montague Close			
Post town	London	Post code	SE1 9BB
Telephone number (if any)	020 7593 5155		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) efinlay@wslaw.co.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

REPRESENTATIONS LIST

APPENDIX C

Application No: 029513 **Application Date:** 15 July 2011
Licence Type: Premises Licence WITH Alcohol **Licence No:** N/A
Application Type: New Application

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Applicant: Sainsbury's Supermarkets Ltd
33 Holborn, London, EC1N 2HT.

Person making Representation: Steven Moule
1 Odey Place, Hind Street, Ottery St Mary, Devon, EX11 1ET.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We already have lots of kids hanging around some of them good kids - this would all change with alcohol added.

Evidence:

Suggestion: Allow them to have one licence consumption off the premises only

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Lorna Brice-Nye
12 Batts Lane, Ottery St Mary, Devon, EX11 1EY.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Alcohol related vandalism, public urination and assaults could all be prevented if people could not easily have access to alcohol 24/7. If Sainsbury were to be granted this uninhibited 'Late night refreshments' licence what is stopping them from upgrading to an 'On Licence' 6 months down the line? Unfortunately we presently live in a lane that is a cut through for many people to get to town and the future store and therefore when they return home also. We have to deal with alcohol fuelled fights, arguments and drunk individuals urinating on a derelict building opposite. This happens twice a week and I don't think we could deal with anymore. We no longer have a police presence in Ottery as the station had to close for funding reasons, the nearest station is Honiton and therefore it takes too long for them to get to us.

Some people already feel threatened by the amount of 13 -25 year olds that congregate around hind street at night and this would be worse if the premises are open 24 hours. My husband and I have had our public safety put at risk when we have had to ask people to be quiet or not to fight or urinate outside our house. This nearly always happens after 11pm at night.

There is a current problem in Ottery St Mary with underage drinking causing a health hazard and anti social behaviour. The underage people already 'hang out' at the Land of Canaan and Hind Street which is where the new premises are to be located. I have had to call out the police twice before to alert them to the drinking in the park

I am very concerned about the availability of large quantities of cheap alcohol. 24hr access means that young people are well able to ask 'adults' to purchase alcohol for them. My own relative was admitted to hospital after being found comatose aged 13 years in Ottery after a 'friend' purchasing various cheap ciders and a litre of vodka. She and another child of the same age spent the night in the children's ward at the RD & E

Further email received on 3 August 2011 stating:

Id like to make a representation as an interested party in to the application made by sainsbury Ottery St Mary for a Late Night refreshments licence.
As a concerned resident I my husband and 4 year old daughter already have to put up with the loud and disorderly conduct of people leaving various local licensed premises at 12 midnight let alone anything later. The levels of under-aged drinking in Ottery St Mary is disturbing and Im afraid that Sainsbury just offering to put up signs to ask people to be quiet is not enough. How difficult is it for Sainsbury to make an upgrade to their licence to an On-licence within 6 months of operating in Ottery? We have a number of restaurants and pubs and to be honest with you if Sainsbury go along those lines in the future then the life of Otterys food and drink establishments will be very short. May I draw your attention to the Panorama programme on Monday night which highlighted the problems with selling cheap alcohol 24 hours a day. Children get adults to buy it for them and then they will go to the Land of Canaan in Ottery to drink it.
I have no objection to Sainsburys having a restricted times off licence but the latenight refreshments application has got me extremely concerned.

Evidence:

Suggestion: Not being allowed to sell 'bargain booze'. Not being a 24hr licensed premises; not having a 'Late night refreshments' licence.
I don't feel that Sainsbury saying that they'll put up notices to ask people to leave the premises quietly is enough. I know the local pubs do it, but I don't know any people that read those signs.
I would like to see Sainsbury take responsibility for restricting the sale of cheap alcohol at all hours in a small community like Ottery St Mary that does not need it.
When I lived in Staffordshire our local Sainsbury was offering drink samples during the day as an advertising promotion. When I stated that 80% of the customers had driven to the store and asked what they thought about encouraging drink driving they just shrugged their shoulders. I do not believe this is the action of a responsible retailer!

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: A Henham
3 Coombelake Cottage, Coombelake, Ottery St Mary, Devon, EX11 1NG.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I am writing with great concern regarding an application by the new Sainsburys in Ottery for a late license (alcohol 6-2400 + late night 'refreshments' 2300-2400) and food outlet. The town is more than adequately served already with these facilities and it will only serve to increase noise, public nuisance and further hasten the demise of any remaining shops left in the town.
Many in this town are still reeling from the destruction of Coleridge's ancient orchard to site this orange monstrosity, the disproportionate size of the store and what will be a massive build up of traffic in this peaceful country town.

Evidence:

Suggestion:

Person making Representation: L J Brice
28 Coleridge Road, Ottery St Mary, Devon, EX11 1TD.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: As a former Town Councillor of OSM I am very much aware of the alcohol related crime present in Ottery. 'A late night refreshment' and 24 hour off-licence will only exacerbate the problem.

Canaan Way and Hind St are very popular areas for people to congregate and people alcohol and traffic spells out Danger.

The above with the addition of festive and carnival celebrations where Ottery's population increases significantly.

Being a rural community with children having less to occupy themselves with, underage drinking is a problem.

Evidence:

Suggestion: Not granting 24 hours off licence and late night refreshment licence. A restricted hours licence would be preferable.

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Grace Norris
Chanters House, The College, Ottery St Mary, Devon, EX11 1DQ.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: Light Pollution & Ecology : Should a 24/7 license be given the shop will be open throughout the night. This will mean an increase in light pollution which will not have a positive effect on local bat habitats. We are aware from the extensive ecological and particularly bat survey work undertaken at our property that the habitats of protected species are covered by European law as well as the various species themselves. We assume that surveys have been undertaken, at the correct times of year, to support this application particularly with regards to feeding paths and habitats within trees on our site and adjacent to the Sainsbury site. If not, will the licensing department take legal responsibility for destroying any habitats if it is shown that the habitats are negatively affected?

Noise pollution & Anti-social behaviour : We are very concerned about the 'late night refreshment' and late sale of alcohol which we feel has the potential to give rise to a anti-social blackspot. Who are Sainsbury's looking to feed after 11pm? Traditionally in towns and cities this type of service is met by Kebab shops and other, similar establishments to those on their way home from the pub. The combination of late night food and alcohol would allow revelling to continue in the carpark, or the park behind the Land of Canaan. We are not against people enjoying themselves but this can sometimes lead to antisocial behaviour; an increase in rubbish (glass bottles, beer cans and food packaging); and can eat into local policing resources. Also the village is quiet late at night and with 24hr shopping, slamming car doors and horns may become an issue. Although this might not happen, we still feel that granting permission will give rise to potential Environmental Health and Pollution breaches which are issues for local residents.

Economic : Although not strictly a licensing issue we were of the understanding that Sainsbury's was granted planning permission extraordinarily for a greenfield site, within the curtilage of a Grade II* listed building and within a conservation area partly on the basis it would increase foot-fall for local businesses and assist in ensuring the economic viability of the 'local' shops. Granting permission to extend the opening hours to a "24/7" regime, we argue, is likely to have the opposite effect. To grant a 24/7 license would undermine a fundamental reason for granting the original permission in the first place. If people come into Ottery St Mary during the daytime, they may chose to shop at other local stores, however if they can come after 5pm to avoid the times of busier traffic, the local shops will be closed and therefore receive no benefit whatsoever. Sadly any money spent at Sainbury's leaves Ottery St Mary at the close of the day. Only if money is spent in the local shops and all the staff live within Ottery, can Sainsbury argue to provide an economic benefit to the community.

We also wish to note that we did not receive any written notification of this application from the Council and as the owners of an adjoining premises, we believe we should have received something. Notification of the last planning application for Sainsbury was received after the time for written representation had officially finished. Surely neighbours should be notified by the council in due time.

Evidence:

Suggestion:

Person making Representation: Jill Christine Dixon
Penbryn, 35 Oak Close, Ottery St Mary, Devon, EX11 1BB.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: The sale of alcohol after the 11 p.m. is bound to encourage anti-social behaviour in particular in the Land of Canaan area where problems already exist but this could spread into the residential areas of Mill St and Hind St.

As above I think the sale of alcohol after 10 p.m. or certainly after the usual public house closing times in the town will only increase anti-social behaviour and have an adverse affect upon public safety

I think in a small town like Ottery St. Mary it is totally unnecessary to have a supermarket open 24 hours. The extra traffic and noise this would generate would be out of place in a quiet market town. We have survived thus far without the need for such a facility and I do not think we need to start now.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Sheila Walker
10 Franklea Close, Ottery St Mary, Devon, EX11 1BQ.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: It is well established that much crime, particularly vandalism and affray, are alcohol - related. This has been true in Ottery and can only be exacerbated with increased availability of alcohol.

Many folk are already wary of the number of mainly younger people on the streets late at night, particularly in the Hind St and Land of Canaan areas, often under the influence of drink or other substances. Anyone trying to address any disorder (in the absence of a local police presence) risks abuse or worse.

Neighbours of ours have been the victims of vandalism (gardens and cars damaged) and late-night noise, abuse and fighting as a result of drunkenness; also urinating in public places which would inevitably be more frequent with after-hours alcohol easily available.

Young teenagers have already had to be hospitalised as a result of inappropriate drinking, and have admitted to not knowing what they were doing when under the influence of drink (which has at times been part of the argument for access to morning-after pills) Though adults or older young people would have to purchase the alcohol, this rarely seems to be a deterrent.

Evidence:

Suggestion: Not to be granted a 24 hour license. Apart from the risks detailed above, this gives the supermarket an additional unfair advantage over the already beleaguered smaller shopkeepers in town. We don't need a 24 hour store.

Not to be granted a late night refreshment licence, for the same reasons.

Not to be granted a sale by retail of alcohol for consumption off the premises until midnight, for the same reasons.

Person making Representation: Edward Pot
Bayford, Longdogs Lane, Ottery St Mary, Devon, EX11 1HX.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: The likelihood of more crime and disorder with alcohol on sale 24 hours a day will be far greater.
This will not help with public safety
This is likely to cause more of a public nuisance with people visiting the premises all through the night.
This can only be detrimental to the protection of children from harm.

Evidence:

Suggestion: Yes a withdrawal of this application. Ottery St Mary does not need any more competition for local business than this Sainsbury store is already creating with the normal opening hours. Further more any shopping between 10pm and 7am would cause a disturbance in the town.

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Robert Baldry
1 Orchard Close, Ottery St Mary, Devon, EX11 1HT.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: 24 hour trading will bring traffic and associated noise into an area of the centre of the town that overnight is currently very peaceful. The property is located very close to residents, but also 24 hour trading will impact the town as a whole, as the one way system will push traffic through the night, right through the centre of the town, being a significant disturbance to residents.

Is it not the case that 24 hour supermarkets are usually in out of town locations, away from residential areas, where this sort of disturbance does not occur - so surely it should not be permitted in a town centre / residential area.

Sale of alcohol up to midnight is also likely to bring additional noise to the area, especially between the hours of 11pm and midnight (as pubs that are very nearby, shut). This will have a significant impact on residents in the immediate vicinity to the supermarket.

The sale of alcohol in the town with these extended hours is likely to encourage drinking on the streets of Ottery St Mary.

Evidence:

Suggestion: Opening hours to be restricted to 6am to 10pm Monday to Saturday, less on Sunday.

Sale of alcohol to be restricted to the same times.

Person making Representation: Peter Button
Robin Cottage, Priory Mews, Ridgeway Gardens, Ottery St Mary, Devon, EX11 1FD.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I would like to express my objection to Sainsbury's application to open 24 hours a day, including the right to sell alcohol up to 12 midnight.

I am greatly concerned that the extension to sell alcohol increases the likelihood of antisocial behaviour on the streets in Ottery. There are already some issues with groups of teenagers in the area around Sainsbury's. This will only increase if the store is open later, and especially if there is access to alcohol to a later time.

Furthermore, permission to open later will increase traffic and general activity at an antisocial time of day for many in what is a residential area.

As a general comment, I cannot see any need or demand for the supermarket to be open to such late times. Ottery is a small community, and this seems a disproportionate request. As an example, we have just been on holiday in Falmouth (a significantly larger community) where the Sainsbury's is only open until 9pm! Is there really a need for Ottery to have this?

Evidence:

Suggestion:

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Heather Broadbent
20 Coleridge Road, Ottery St Mary, Devon, EX11 1TD.

Representation Accepted: Representation has been accepted

Reason: n/a

Details:
I wish to register my concern that Alcohol will be available until midnight and that there are facilities for drinking it in Sainsbury's from 11 pm - 12 midnight each evening.
I know that the Esso garage opposite already has difficulty with people buying alcohol for under age drinking, but with regular staff and knowledge of the young people they are able to control it to an extent. It will be much easier to buy alcohol anonymously in Sainsbury's

Also we are short of policemen/women in the evenings and through out the night; our streets are in darkness because the street lamps are switched off, so I think this could lead to increased crime.

Apart from all this is it really necessary to stay open so late in Ottery?

Evidence:

Suggestion:

Person making Representation: Tony Howard
1 Needlewood Close, West Hill, Ottery St Mary, Devon, EX11 1XR.

Representation Accepted: Representation has been accepted

Reason: n/a

Details:
I write to as a Member for Ottery St Mary Rural Ward and with reference to Sainsbury's Licence application for store opening hours.

I am strongly opposed to both the Licence request for 24 hour store opening hours and the request for the sale of alcohol for a period of 18 hours.

A large numbers of residents in my Ward have also voiced their opposition to the Licence applications proposed hours.

I believe the impact on existing local businesses and the neighbourhood, particularly during the hours of peace and quiet, is unacceptable for town and village areas. If Sainsburys are allowed to sell outside the normal hours for town businesses then a high risk of antisocial behaviour will be introduced into a widespread catchment area. An area of outstanding natural beauty where the neighbours are proud and intolerant of urban type behaviour. The extra traffic volume is likely to create disturbance, noise and risk accidents in narrow poorly lit country roads. It must be remembered some street lights are now turned off in some village areas.

In closing, I am surprised that Sainsburys were not more open and honest about their opening hours when planning permission was first tabled.

If required, I would be pleased to voice above view at the appropriate Licence Application meeting.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Shirley-Ann Williams
2 Katherines Lane, Ottery St Mary, Devon, EX11 1FB.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: You have good propositions for securing order on your premises but have you considered the effect when people leave your supervised area? Excess consumption or possession of alcohol could lead to problems in the town. Do you realise that there might be people willing to buy alcohol for under age consumers and to give/sell it to them when off site? Ther have been many instances of young people sitting on the former wall by the former toilets in Hind STreet consuming alcohol and it is believed drugs at late hours of the evning and in the night. Although Sainsbury's will have destroyed this wll and the tilets there will still be the temptation to return to former haunts and those who obatined alcohol etc for young people will sstill be around. this will need a greater police presence than is possible in Ottery to keep the place 'clean'.

Staff levels will be fine in the store but again what about the behaviour of those who have purchased alcohol or other things from you once they leave the premises? You should have some sense of responsibility for the townspeople and also those who have bought alcohol from you either for consumption in the premises or outside as some of them may well be 'over their own limits' be those within or not those of the legal suggested amounts. Public safety could be at risk as the times you ask for to sell alcohol will give unlimited access to alcohol. Will more all night traffic along Hind STreet if the store is open 24 hours a day be conducive to a peaceful atmosphere? The all noight Tesco attracts some very strange people at times and is not very well supported by paying customers...this serves a greater area than is proposed here so will it really be of financial benefit to Sainsbury's? It will also cause greater resentment towards the store by residents who are already alarmed at the prospect of local businesses suffering from the competition of this 'giant' supermarket. We would like to think that the town and Sainsbury's could work together in a friendly business capacity and also to be concerned for the greater good of the area and its residents.

There will be a greater amaount of traffic from those who use the facility of 24 hour opening and this will cause disturbances in the town as the store is in the middle of what is mostly a residential area. Ottery is a peaceful town but there is an element of people who do not think of the safety or comfort of those in whose midst they are living or having social activity.

How much will the requirement of age limits be observed as many young people look older than their actual years? As at present some older people will give alcohol to youngsters as a matter of course or just for kicks. This will be a danger to children and young people. This will happen outside the store but the goods will have been purchased in it where previously it was not a possibility. We do not need to encourage children to be on the streets at unsocial or very late hours. The availability of food and drink during the late hours you are proposing will not be conducive to a healthy and appropriate life style for children so they could be harmed by lack of sleep, proximity to unsavoury people and by lack of parental control. We realise that parental control is the responsibility of the family but there will always be those for whom this is not possible. Parents and children need to know the boundaries of a good society. We must try to let our children grow up in a way that will give them freedom but keep the innocence of childhood and encourage good habits as they grow up. Social responsibility is a requisite for all businesses and residents in the town.

Evidence:

Suggestion:

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Robert Baker
Ottery End, Cadhay, Ottery St Mary, Devon, EX11 1QS.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: The supermarket is immediately opposite to an area, the Canaan Way car park, well known for anti-social behaviour and crime such as vehicle damage. Anti-social behaviour at this site is associated with alcohol consumption and 18-hour availability of alcohol can only make this worse. We live directly next to the car park and regularly have to ask people to make less noise and not to wheel-spin their cars. Cars have been deliberately damaged at this site by gangs of drunken youths, as well as fires started in skips and late-night fights.

Alcohol consumption at the Canaan Way car park opposite Sainsbury's supermarket regularly leads to youths performing stunts in their cars such as wheel-spinning, sometimes when there are innocent pedestrians and children in the car park. 18-hour availability of alcohol can only make this worse.

Youths regularly meet in the Canaan Way car park to drink, fight, play loud music and perform noisy and dangerous car stunts. Virtually every morning there is the visual nuisance of heaps of litter and empty alcohol containers, usually collected by a few public-spirited citizens. 18-hour availability of alcohol can only make this worse.

24hour opening of the supermarket would create nuisance in the form of night-time traffic and noise in a residential area; directly next to our house and the houses of other residents.

Problems with drinking and anti-social behaviour in the Canaan Way car park have consistently involved underage drinkers. While outlets may try to restrict direct sale of alcohol to minors, they still seem to be able to acquire it somehow. 6am to midnight opening for alcohol sale, on or off premises, can only make this worse. Further, drunken youths perform driving stunts in the car park do so sometimes when there are children using the car park, which is a popular site for learning to ride a bicycle. There is also a childrens' playground on the site which is regularly invaded by youths intent on drinking. We have had drunken youths shouting foul-mouthed abuse of a sexual nature at our children, aged 7 and 9, through the fence between the Canaan Way car park and our house.

Evidence:

Suggestion: I would like the trading hours of the supermarket to be restricted to those it advertised in its original application and stated would apply during the meeting at the Tumbling Weir Hotel in February 2011; ie 8am to 10 pm on weekdays and Saturdays, 10am to 4pm on Sundays. I am certain that permitting greater access to alcohol outside those hours will lead to the problems outlined above. Further, opening after 5pm at all will lead to the precise opposite of what was intended by granting Sainsbury's planning consent, in that money spent in those hours will simply leave the town and provide unfair competition to local traders. Ottery is a very small town and is simply not suited to 24-hour opening of a supermarket of this size.

Person making Representation: Hugh MacGregor
40 North Street, Ottery St Mary, Devon, EX11 1DR.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I think especially in the light of current affairs it is important that Sainsbury's new store in Ottery St Mary is only open 8am-10pm Monday-Saturday.

Any later opening will be a nuisance to local residents.

It is vitally important for public safety and health especially of vulnerable young adults and children that alcohol is not sold after 10pm. It causes extreme social problems which our society is currently struggling with.

We want a East Devon to be a safe happy place to live in.

Evidence:

Suggestion:

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Margaret Kerr
1 Katherines Lane, Ridgeway, Ottery St Mary, Devon, EX11 1FB.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: There is already a problem with under age drinking in Ottery and the resultant vandalism and anti-social behaviour at the weekends and 24 hour licensing would add to this especially as we no longer have a Police Station in the town. The young people tend to congregate in that area and an off licence would add to the problem.

The store is situated in an residential area and the noise of cars coming and going until midnight would be detrimental . As well , there would be rowdy behaviour as people leave the premises

As the Mothers' Union is concerned with upholding family values and protecting young people from harm, I feel,as leader of Ottery Mothers' Union this freedom of licensing would go against all that we stand for. The person on the checkout might well ask for age identification, but has no way of checking with whom the alcohol will be shared, once outside.

Evidence:

Suggestion:

Person making Representation: Brian Hadfield
10 Victoria Road, SIDMOUTH, Devon, EX10 8TZ.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I am writing as the Minister of Ottery Methodist Church, Mill St. to express concerns about the above application. Methodists are much more relaxed these days on the subject of alcohol but that doesn't mean we wish to see it available night and day. I am not aware that other outlets operate till midnight in Ottery through the week and feel that Sainsburys should not be allowed to either. Availability of alcohol has been recognised in a number of recent reports as a harmful factor eg Institute of Alcohol Studies, St Ives, Cambs.

My main concern is for the actual opening hours of the store in what is a small sleepy market town. Twenty four hour opening will adversely affect the feel and quality of life in Ottery. Most people welcome the facility but none of us imagined it being open all through the week. I doubt many local residents will use it after 9.00pm but the population of Cranbrook poses a significant change to our local character. The store has been built in the middle of the town not by the Crematorium so any ' store traffic' will be passing a number of homes to use the shop. Considering the future population of Cranbrook this poses some real concerns for our community.

I hope the Licensing Service rejects the additional hour for alcohol sales and sets the opening from 8.00am till 9.00pm

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Heather Weaver
8 School Street, Sidford, SIDMOUTH, Devon, EX10 9PF.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: The CCTV specified will prevent crime and disorder in the vicinity of the supermarket but I do not believe it will alleviate any antisocial behaviour that is fuelled by alcohol anywhere else in the town.

Cost Cutters and the petrol station in Hind street already have a licence to sell alcohol I believe it would be a public nuisance if their trade was detrimentally affected by Sainsburys

Evidence:

Suggestion:

Person making Representation: Linda Carter
22 Homefield Close, Ottery St Mary, Devon, EX11 1HS.

Representation Accepted: Representation has been withdrawn

Reason: representation withdrawn

Details: It has just come to my attention that Sainsbury have applied to open their new store 24hrs and sell alcohol up to midnight.

I live in Ottery and feel that for such a small town this would be inappropriate. I have a 13 year old and know that the teenagers already have little to do in the evenings and by having the store open 24hrs would just encourage them to drink, hang around on the streets until late, causing a nuisance and possibly resorting to crime as a result.

Children and young people need to be kept free from temptation and I feel that having the store open all day and night selling alcohol would be inviting crime and disorder, not protecting children from harm and encouraging them to become a public nuisance - all the things we should all be working to prevent.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Juliet Nelson
Ottery End, Cadhay, Ottery St Mary, Devon, EX11 1QS.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: The supermarket is immediately opposite to an area, the Canaan Way car park, well known for anti-social behaviour and crime such as vehicle damage. Anti-social behaviour at this site is associated with alcohol consumption and 18-hour availability of alcohol can only make this worse. We live directly next to the car park and regularly have to ask people to make less noise and not to wheel-spin their cars. Cars have been deliberately damaged at this site by gangs of drunken youths, as well as fires started in skips and late-night fights.

Alcohol consumption at the Canaan Way car park opposite Sainsbury's supermarket regularly leads to youths performing stunts in their cars such as wheel-spinning, sometimes when there are innocent pedestrians and children in the car park. 18-hour availability of alcohol can only make this worse.

Youths regularly meet in the Canaan Way car park to drink, fight, play loud music and perform noisy and dangerous car stunts. Virtually every morning there is the visual nuisance of heaps of litter and empty alcohol containers, usually collected by a few public-spirited citizens. 18-hour availability of alcohol can only make this worse.

24hour opening of the supermarket would create nuisance in the form of night-time traffic and noise in a residential area; directly next to our house and the houses of other residents.

Problems with drinking and anti-social behaviour in the Canaan Way car park have consistently involved underage drinkers. While outlets may try to restrict direct sale of alcohol to minors, they still seem to be able to acquire it somehow. 6am to midnight opening for alcohol sale, on or off premises, can only make this worse. Further, drunken youths perform driving stunts in the car park do so sometimes when there are children using the car park, which is a popular site for learning to ride a bicycle. There is also a childrens' playground on the site which is regularly invaded by youths intent on drinking. We have had drunken youths shouting foul-mouthed abuse of a sexual nature at our children, aged 7 and 9, through the fence between the Canaan Way car park and our house.

Evidence:

Suggestion: I would like the trading hours of the supermarket to be restricted to those it advertised in its original application and stated would apply during the meeting at the Tumbling Weir Hotel in February 2011; ie 8am to 10 pm on weekdays and Saturdays, 10am to 4pm on Sundays. I am certain that permitting greater access to alcohol outside those hours will lead to the problems outlined above. Further, opening after 5pm at all will lead to the precise opposite of what was intended by granting Sainsbury's planning consent, in that money spent in those hours will simply leave the town and provide unfair competition to local traders. Ottery is a very small town and is simply not suited to 24-hour opening of a supermarket of this size.

Person making Representation: Sara Drew
Hillcote, Tip Hill, Ottery S Mary, Devon, EX11 1BE.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: We already have noisy groups passing the house when the pubs close and limited police presence in Ottery, so if we phone the police it is up to half an hour before they arrive. With alcohol on sale up til midnight this problem will get worse.

See above, plus increase in late night traffic noise and other pollution.

Evidence:

Suggestion: Licence varied to end alcohol sales at 10pm

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Jill Dudding
Half Moon House, North Street, Ottery St Mary, Devon, EX11 1DR.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I am writing to air my concerns regarding the proposed 24 hour opening hours now applied for by Sainsbury's who are currently well on the way with their development in Ottery s St Mary.

Having resided in the town for 26 years and watched the decline of traders in the vicinity, was heartened to see some newer ventures be more successful over the last 5 years. Well done to them for their energy eagerness to support the current work of the Chamber of Commerce and make Ottery a shopping area again with diversity of shops.

The arrival of Sainsbury's has had a huge impact on the town not only the unsightly construction but on a area of land which could and should have been an accessible area for all local residents as a park band stand or the like.

Local residents especially the elderly have felt intimidated by the immensity of huge noisy vehicles, work force, changes of road access and, no doubt traders have seen over the last 2 weeks a drop in sales when parking became so restricted that many potential shoppers gave up attempting to park and resorted to travelling to other shops for their basic stores as they were unable to access parking.

Ottery has a community feel those who live here because of it's natural beauty, history and well established businesses and schools and local shops where one is known and feels at ease.

My own children have grown up here and through teenage years been aware of the small but ever growing intimidating groups, of mostly young people who have access to excessive cheap alcohol, abuse it are then display threatening behaviour in the streets and carry out mindless vandalism to cars shops etc.

We are condoning these acts by allowing this huge and successful chain to open their doors any later than any other shop in the town. The local shops which currently sell alcohol have a tight and impressive policy and attempt to prevent alcohol being purchased by those who should not have access. Sainsbury's will as with all their other stores have tempting offers on alcohol which will allow people from Ottery and outlying communities to come to the town purchase consume and then abuse our town.

I vote very firmly we should not give this application for 24 hour opening whether for occasional times of the year or as routine practise approval. By doing so the current livelihood of local stores will be greatly threatened as will the residents who find outside their doors noisy swearing and shouting people as a result of late night shopping to purchase amongst other items alcohol.

Thanks to the Sustainable Ottery Group I have been made aware of this application. I do not see it anywhere obvious in the town or has it been a noticeable article in the local press, it leads one to think that this has been submitted discreetly in the hope there will be little challenge to the application.

I look forward to hearing that the voice of Ottery St Mary has had a significant impact on this application when it comes to be viewed before committee.

Evidence:

Suggestion:

Person making Representation: Jeremy & Ann Bradshaw-Smith
4 Salston Barton, Strawberry Lane, Ottery St Mary, Devon, EX11 1RG.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: We would like to make an objection to the proposed late night alcohol licensing for the new Sainsbury Store at Ottery St Mary. We have no objection to an alcohol licence being granted between 9.0am and 6.0pm, but see no need to extend the timing beyond these hours. Late night sales of alcohol will encourage noise and bad behaviour in the late evenings to the detriment of the local householders

Evidence:

Suggestion:

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Gordon Oxenham
64 Mill Street, Ottery St Mary, Devon, EX11 1AF.

Representation Accepted: Representation has been withdrawn

Reason: Having read a further explanation of when J Sainsbury intends to open for long periods for s

Details: A 24hr licence has the potential to see an increase in alcohol consumption in young people especially those that tend to congregate in the Land of Canaan.

A 24 hr alcohol licence will tend to lead to an increase in public safety and nuisance to other citizens.

A 24 hr alcohol licence risks underage children being purchased alcohol for consumption on their behalf.

Evidence:

Suggestion:

Person making Representation: Pamela Baker-Clare
6 Salston Barton, Strawberry Lane, Ottery St Mary, Devon, EX11 1RG.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: In view of the riots that have taken place in other parts of the country I would have thought that Sainsburys would have shown a greater sense of responsibility than to fuel any criminal aspect of Ottery ST. Mary. The supermarket is immediately opposite to an area, the Canaan Way car park, well known for anti-social behaviour and crime such as vehicle damage. Anti-social behaviour at this site is associated with alcohol consumption and 18-hour availability of alcohol can only make this worse. My son lives directly next to the car park and regularly have to ask people to make less noise and not to wheel-spin their cars. Cars have been deliberately damaged at this site by gangs of drunken youths, as well as fires started in skips and late-night fights.

Sainsburys is showing no sign of responsibility towards Ottery St. Mary. Fuelling the population with alcohol and opening at antisocial hours is the beginning of the end for this mostly peaceful town. Opposite this monstrosity of a building is the Canaan Way car park where alcohol consumption regularly leads to youths performing stunts in their cars such as wheel-spinning, sometimes when there are innocent pedestrians and children in the car park. 18-hour availability of alcohol can only make this worse.

Youths regularly meet in the Canaan Way car park to drink, fight, play loud music and perform noisy and dangerous car stunts. Virtually every morning there is the visual nuisance of heaps of litter and empty alcohol containers, usually collected by a few public-spirited citizens. 18-hour availability of alcohol can only make this worse.

24hour opening of the supermarket would create nuisance in the form of night-time traffic and noise in a residential area; directly next to our house and the houses of other residents.

Problems with drinking and anti-social behaviour in the Canaan Way car park have consistently involved underage drinkers. While outlets may try to restrict direct sale of alcohol to minors, they still seem to be able to acquire it somehow. 6am to midnight opening for alcohol sale, on or off premises, can only make this worse. Further, drunken youths perform driving stunts in the car park do so sometimes when there are children using the car park, which is a popular site for learning to ride a bicycle. There is also a childrens' playground on the site which is regularly invaded by youths intent on drinking. We have had drunken youths shouting foul-mouthed abuse of a sexual nature at my grandchildren aged 7 and 9, through the fence between the Canaan Way car park and our house.

Evidence:

Suggestion: I would like the trading hours of the supermarket to be restricted to those it advertised in its original application and stated would apply during the meeting at the Tumbling Weir Hotel in February 2011; ie 9am to 10 pm on weekdays and Saturdays, 10am to 4pm on Sundays. I am certain that permitting greater access to alcohol outside those hours will lead to the problems outlined above. Further, opening after 5pm at all will lead to the precise opposite of what was intended by granting Sainsbury's planning consent, in that money spent in those hours will simply leave the town and provide unfair competition to local traders. Ottery is a very small town and is simply not suited to 24-hour opening of a supermarket of this size.

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Devon & Cornwall Constabulary
Police Station, 1 North Street, Exmouth, Devon, EX8 1JZ.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I am the Police Licensing Officer for East Devon responsible for dealing with the above application.

I would like to discuss the wording of the CCTV condition that you have offered under the prevention of crime and disorder objective.

Last year new minimum requirements for CCTV in licensed premises were ratified between the Police and East Devon District Council. This was after a long process of consultation between the parties as to how to give a clear and workable CCTV solution to applicants applying for a new or varied premises licence.

I have attached document GN6 which is provided by East Devon District Council as advice to applicants on meeting the licensing objectives. I would appreciate it if you could consider the document and agree to re-wording the CCTV condition to that which is suggested.

Evidence:

Suggestion:

Person making Representation: Roger Giles
14 Winters Lane, Ottery St Mary, Devon, EX11 1AR.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I have serious concerns about the application to operate the store for 24 hours a day/seven days a week, and to sell alcohol from 6am to midnight/seven days a week. Please consider this email message as an official objection.

My concerns relate to:
prevention of crime and disorder;
public safety; and
prevention of public nuisance.

There has been a long standing occasional problem of young people congregating in the Hind Street and Land of Canaan car parks in Ottery, and engaging in anti social behaviour. This is connected with alcohol consumption, including alcohol consumption by under age drinkers. The police have been aware of this problem for some time. EDDC officers are aware of the problem, and have attempted to reduce it by switching off the lights in the Land of Canaan car park at night. Allowing allnight shopping, and increased alcohol sales, is likely to lead to increased incidents of antisocial behaviour. It is likely to result in increased incidents of crime. It will certainly result in a considerable increase in public nuisance.

In addition to fear of increased antisocial behaviour, people who live in Hind Street, and adjoining areas, are very concerned about increased nuisance and disturbance and noise which are likely to result from 24 hour store opening.

Ottery is a quiet town. It has a small number of food outlets and licensed premises which all close at a reasonable hour. The proposal for all night shopping and extended alcohol sales is a totally alien concept which would - if approved - cause a serious deterioration in the quality of life of people living nearby, would wholly change the character of our town, and would very probably lead to an increase of public nuisance, and crime and disorder. It would place a greatly increased burden on the local police at a time when they face a substantial reduction in police officers in Ottery.

I strongly urge that these totally unacceptable and completely unjustifiable proposals are rejected by East Devon District Council's Licensing Committee.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Chris Wakefield
Melbury, Longdogs Lane, Ottery St Mary, Devon, EX11 1HX.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: Although I have only minor reservations to the arrival of Sainsburys in Ottery (the store is too big and the traffic will be chaotic), the planned opening hours for alcohol sales at the store are utterly unacceptable and profoundly socially irresponsible. At a time when alcohol abuse is soaring - especially among young people - the offer of cheap and available alcohol in Ottery can't be countenanced. All the agencies fighting alcohol abuse cite price and availability as the chief among the causes of the problem, so why would any authority in its right mind grant a license for cheap, available alcohol?

I urge you to refuse this licence.

Evidence:

Suggestion:

Person making Representation: Anna Roderick
3 Hind Street, Ottery St Mary, Devon, EX11 1BW.

Representation Accepted: Representation has been accepted

Reason: n/a

Details:

Prevention of Crime and Disorder
As you will already be aware, consumption of alcohol is often the catalyst for criminal activity. A simple example of this can already be found in the Land of Canaan park, directly opposite the new store. This park is often used as a hang-out for young people in the evenings. It is not uncommon to visit this park with our young children in the morning and find a litter bin burnt out, plants uprooted and a pile of empty beer cans lying on the grass. It is hard to see how making alcohol more readily available in the town, with the express requirement that it be consumed off the store premises, can do anything other than fuel this problem.

Prevention of Public Nuisance
As I'm sure you are already aware, Ottery is a fairly congested town with narrow pavements. The increased traffic flow which the new store will inevitably bring will further worsen this problem. There are a significant number of houses and flats located in the town centre, the residents of which are already set to suffer for increased noise and fume pollution. If the store is allowed to open 24 hours a day then local residents will also face the likelihood of significant disturbance during the night, both from traffic noise and from passing pedestrians.

In our home, 3 out of 4 bedrooms are located at the front of the house overlooking the road. We already notice noise during the late evening / early morning from passers-by (sometimes drunk), particularly over the weekend. This problem is likely to be exacerbated by the combination of 24 hour opening and a late liquor licence. The knock-on effect for ourselves and other local residents will be disturbed sleep. This is a real problem highlighted recently by the Midweek Herald in the case of the Tesco store in Honiton.

Protecting Children from Harm
Unfortunately we already have a culture of binge drinking amongst young people. I'm sure that Sainsburys would seek to ensure that alcohol is only sold to those 18 and over. However, presumably its responsibility ceases once the purchaser has left the premises. The obvious outcome is that alcohol is more readily available to teenagers in the town.

Summary
Ottery is a small rural town. The vast majority of people who live in this area choose to do so because they enjoy a small, quiet community. A 24 hour supermarket is totally inappropriate in this context and, in this age of internet shopping, completely unnecessary. I strongly urge the Council to reject both of these applications.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: David Kenneth Pegg
3 Dunkirk Cottages, Cadhay, Ottery St Mary, Devon, EX11 1QS.

Representation Accepted: Representation has been accepted

Reason: n/a

Details: I consider that this long opening is entirely inappropriate for a small rural town such as Ottery. The problems with vandalism and late night disturbance in Hind Street and Land of Canaan have gone on for years and are well documented. Having extended licensing / opening hours will only exacerbate these issues.

As per above, this will again be exacerbated on days such as Tar Barrels, Pixie Day and other family day occasions. Long opening hours would cause real problems and stretch already meagre Police resources.' Boy racers' constantly screech around the Land of Canaan and this coupled with alcohol and more people around shopping is an accident waiting to happen.

I consider that this long opening is entirely inappropriate for a small rural town such as Ottery. The problems with vandalism and late night disturbance in Hind Street and Land of Canaan have gone on for years and are well documented. Having extended licensing / opening hours will only exacerbate these issues. The contention that signs will be sited requesting patrons to be quiet is laughable - they take absolutely NO notice

I consider that this long opening is entirely inappropriate for a small rural town such as Ottery. The problems with vandalism and late night disturbance in Hind Street and Land of Canaan have gone on for years and are well documented. Having extended licensing / opening hours will only exacerbate these issues. The contention that sign requesting patrons to be quiet is laughable -they take absolutely NO notice. Litter from youths is a constant problem for us as they go to Head Weir with alcohol and snacks. My wife is constantly clearing up alcohol bottles and cans left by teenagers. The 25 age scheme is ineffective and it is well known that a) under 25's ARE served and b) older youths, even parents buy on their behalf.

Evidence:

Suggestion: It would be far more appropriate for Sainsburys to be granted limited opening and licensing hours, just as Co-op Supermarket (2200 hrs) and the Esso Garage (2300 hours have now) There is no need for 24 hour opening in ANY form and certainly NOT for alcohol. Tesco in Honiton (a much larger population) stopped this after a period. There is NO need in a rural community with a limited population and infrastructure. I did note that Sainsbury have said they only want the option and are unlikely to use it, this is absolute rubbish in my opinion and a 'slippery slope'. If they need variations to the licence, they should apply on a case by case basis, like any other local business. This is also an unfair advantage over local businesses.

Application No: 029513
Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Rudd Jansen Venneboer
Mazzard Farm, East Hill, OTTERY ST MARY, Devon, EX11 1QQ.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: We are writing to oppose the most recent licensing application as submitted by Sainsbury's, in which it is applying for 24 hour opening and an alcohol license until midnight.

We believe both these applications are wrong, and we request for these to be turned down.

Key reason we feel the 24 hour store opening should be prevented is that in our view it would be hugely unfair to residents living in the immediate are of the store, of which there are many, as the additional nuisance caused would be of an unacceptable level. In fact, we are sure that had Sainsbury's included this requirement in its original proposal, the chance would have been significant for the entire proposal to be rejected.

Allowing alcohol to be sold beyond the current licensed hours within Ottery St. Mary would simply be asking for trouble, and would in fact completely reverse all the good work done in the community over the last few years to combat under age drinking and public nuisance. It is a well known fact that in an area just behind the new Sainsbury store (Land of Canaan), under age drinking and general misbehaviour is a problem the town is fighting hard to contain, or better even, to get rid of. At present, young people's opportunities to (illegally) acquire alcohol are reduced to the Coop and Costcutter, and to 10 pm in the evening. Due the small size of these stores, and limited numbers of personel, it is just about possible to avoid most attempts to purchase alcohol (usually through the use of an 18-year old complicit in these actions), simply as it is possible for this select group of Coop and Costcutter sales staff to generally know who the culprits are. Needless to say, for a store as large as Sainsbury's this is an entirely different matter, and one can simply predict the negative outcomes. Adding further hours to this problem in the making would simply be irresponsible. It would undoubtely add to local crime and disorder, negatively impact on public safety, create more nuisance, and most important of all, has a significant potential of causing harm to children.

Where we feel strongly about these matters, what we also wish to express is our disgust with the way in which the applicant is increasingly applying for, and seemingly getting away with, important alterations to its original proposal, of which these are just two. Indeed, we are convinced that had some or most of these been part of its original plans, there would not have been a Sainsbury's in Ottery St. Mary.

We would happily explain in more detail our position.

Evidence:

Suggestion:

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Jacqueline Parker
Mazzard Farm, East Hill, OTTERY ST MARY, Devon, EX11 1QQ.

Representation Accepted: Representation has been withdrawn

Reason: N/A

Details: We are writing to oppose the most recent licensing application as submitted by Sainsbury's, in which it is applying for 24 hour opening and an alcohol license until midnight.

We believe both these applications are wrong, and we request for these to be turned down.

Key reason we feel the 24 hour store opening should be prevented is that in our view it would be hugely unfair to residents living in the immediate are of the store, of which there are many, as the additional nuisance caused would be of an unacceptable level. In fact, we are sure that had Sainsbury's included this requirement in its original proposal, the chance would have been significant for the entire proposal to be rejected.

Allowing alcohol to be sold beyond the current licensed hours within Ottery St. Mary would simply be asking for trouble, and would in fact completely reverse all the good work done in the community over the last few years to combat under age drinking and public nuisance. It is a well known fact that in an area just behind the new Sainsbury store (Land of Canaan), under age drinking and general misbehaviour is a problem the town is fighting hard to contain, or better even, to get rid of. At present, young people's opportunities to (illegally) acquire alcohol are reduced to the Coop and Costcutter, and to 10 pm in the evening. Due the small size of these stores, and limited numbers of personel, it is just about possible to avoid most attempts to purchase alcohol (usually through the use of an 18-year old complicit in these actions), simply as it is possible for this select group of Coop and Costcutter sales staff to generally know who the culprits are. Needless to say, for a store as large as Sainsbury's this is an entirely different matter, and one can simply predict the negative outcomes. Adding further hours to this problem in the making would simply be irresponsible. It would undoubtely add to local crime and disorder, negatively impact on public safety, create more nuisance, and most important of all, has a significant potential of causing harm to children.

Where we feel strongly about these matters, what we also wish to express is our disgust with the way in which the applicant is increasingly applying for, and seemingly getting away with, important alterations to its original proposal, of which these are just two. Indeed, we are convinced that had some or most of these been part of its original plans, there would not have been a Sainsbury's in Ottery St. Mary.

We would happily explain in more detail our position.

Evidence:

Suggestion:

Person making Representation: David Cox
6 Eyemore Drive, West Hill, OTTERY ST MARY, Devon, EX11 1UN.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I refer to your notification concerning Sainsbury's application. Whilst I have not received any objections from residents, I am concerned that the proposed licensing hours will further encourage the sale of alcohol to younger people in the town and exacerbate anti social behaviour problems which are already evident in and around the Land of Canaan, Tumbling Weir Hotel and in recent weeks the new footbridge over the River Otter.

Evidence:

Suggestion: In essence, I propose that the sale of alcohol should be confined to 6.00am to 11.00pm in line with the Co-op (I gather that Cost Cutters licence extends to 10.00pm only) to minimize public nuisance in what is essentially a residential area. In the circumstances I would welcome the opportunity to attend the hearing and address the Licensing & Enforcement Committee.

Application No: 029513

Premises: Sainsbury's Supermarket
Hind Street, Ottery St Mary, Devon, EX11 1ET.

Person making Representation: Claire Elizabeth Gillies
3 Dunkirk Cottages, Cadhay, OTTERY ST MARY, Devon, EX11 1QS.

Representation Accepted: Representation has been accepted

Reason: N/A

Details: I think that long opening hours are not appropriate for a small quiet town such as Ottery St Mary. One problem that we do have in the town is teenage disturbance and vandalism and longer opening hours and extended licensing will only make this worse.

Longer opening hours will bring more traffic to our quiet and safe town and this will cause dangerous roads especially on our days of celebration such as Pixie day and November 5th when the townspeople are out and about. Not to mention that shoppers travelling into town at late hours all year round will bring extra traffic disturbance and put any pedestrians at risk - this combined with the racer boys, teenagers out and about and readily available alcohol will eventually cause an accident.

Long opening hours are just not suitable for a small quiet town like Ottery St Mary. The problems with vandalism and late night disturbance especially in the Land of Canaan and the vicinity of the supermarket are well documented and are an on going problem for all of us who live close by. Extended opening hours and licensing will only make these problems worse and make sleeping and noise disturbance even more difficult for us.

The extra traffic that extended opening will bring will put all young people in town at risk especially the teenagers that roam the town at night with nothing else to do and nowhere else to go. The availability of alcohol until late will only put them and others at risk. Underage drinkers are able to purchase the alcohol that they want one way or another and to suggest that an proof of age or an extended age limit on alcohol purchases will make little difference. Our town is already plagued by litter dropped by kids out and about, add to this more cans and bottles abandoned purchased at Sainsburys late in the evening and then consumed and smashed by the river and along the road and we have a dangerous and unsightly place to live.

Evidence:

Suggestion: It would be far more appropriate for Sainsburys to be granted limited opening and licensing hours just as Co-op (2200 hours). There is no need for 24 hour opening in ANY form and certainly not for alcohol. There is NO need in a rural community with limited population and infrastructure.

APPENDIX D

Sainsburys, Ottery St Mary – Responses to Notice of Hearing

Applicant

Sainsburys Supermarket, Hind Street, Ottery St Mary, EX11 1ET	
Hearing Unnecessary	No
Attending	Yes
Represented by	Winkworth Sherwood Solicitors (Sabrina Cader/Robert Botkai), Warren Knight/Joanne Surguy (Sainsburys Supermarkets Ltd)
Supporting documents	No
Summary of key points	No

Responsible Authorities & Interested Parties

1.	Devon & Cornwall Constabulary, Exmouth Police Station, North Street, Exmouth, EX8 1JZ
Hearing Unnecessary	No
Attending	Yes
Represented by	Sgt Richard Crosby, Police Licensing Sergeant
Permission requested for attendance of	Nicholas Farrell B-tech Police Crime Prevention/Architectural Liaison Officer
Supporting documents (copies attached)	DCMS Guidance Licensing Act 2003 – pages 12-14 East Devon District Council Licensing Policy – CCTV section Form GN6. Licensing Act 2003 EDDC guidance to meeting the licensing objectives
Summary of key points	
Prevention of Crime and Disorder	<p>CCTV helps to reduce incidents of crime and disorder and assists the Police in the prevention and detection of crime.</p> <p>In 2010, as a result of a number of concerns that CCTV systems were not being husbanded appropriately within Exmouth and East Devon the Police compiled a list of minimum standards which would ensure that all possible steps would be taken to produce images of the highest possible quality.</p> <p>These minimum standards were included in the EDDC Licensing Policy in January 2011 and to date have been accepted by all applicants who have been subject to a CCTV condition.</p> <p>The applicants in this case have offered some CCTV conditions but they are unacceptable to the Police and fall well below the minimum standards required by both the Police and Licensing Authority.</p>
Public Safety	As above
Prevention of Public Nuisance	As above
Protection of Children from Harm	As above
2.	Mr G J Oxenham, 64 Mill Street, Ottery St Mary, EX11 1AF
Representation withdrawn	
3.	Ms P Baker-Clare, 6 Salston Barton, Strawberry Lane, Ottery St Mary, EX11 1RG

APPENDIX D

Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Public Nuisance	Box ticked but nothing added.
4. Ms H Broadbent, 20 Coleridge Road, Ottery St Mary, EX11 1TD	
Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Crime and Disorder	I think it will be impossible to control the sale of alcohol to under age teenagers. The Esso garage opposite already finds it difficult. The teenagers already hang about around the area of the Esso garage. It is intimidating walking past these groups at night. The police presence has been reduced in Ottery
Public Safety	
Prevention of Public Nuisance	
5. Rev B Hadfield, 10 Victoria Road, Sidmouth, EX10 8TZ	
Hearing Unnecessary	No
Attending	No
Summary of key points	No
6. Ms S Walker, 10 Franklea Close, Ottery St Mary, EX11 1BQ	
Hearing Unnecessary	No
Attending	No
7. Mr R Baldry, 1 Orchard Close, Ottery St Mary, EX11 1HT	
Hearing Unnecessary	No
Attending	No
8. Mr P Button, Robin Cottage, Priory Mews, Ridgeway Gardens, Ottery St Mary, EX11 1FD	
Hearing Unnecessary	No
Attending	No
9 Cllr T Howard, 1 Needlewood Close, West Hill, Ottery St Mary, EX11 1XR	
Hearing Unnecessary	No
Attending	Yes
Summary of key points	Yes
Prevention of Crime and Disorder	The sale of alcohol over the proposed hours will attract youth congregation around the store with the inherent risk. There would also be increased risk in roads to and from the store
Public Safety	The assumption is that increased road usage in the rural areas as customers travel to and from the store. The rural roads are narrow and badly lit. Particularly during winter months with slippery roads.
Prevention of Public Nuisance	Noise and disturbance to those neighbourhoods around the store and leading to the store. Youth congregating in the area of the store at night time.
Protection of Children from Harm	Underage youths will be attracted to join gangs around the store at night time.
10. Ms L Brice-Nye, 12 Batts Lane, Ottery St Mary, EX11 1EY	
Hearing Unnecessary	No
Attending	Yes
Supporting documents (copies attached)	Excerpt from 'Ottery St Mary Neighbourhood Assessment', excerpt from 'Ottery Town Council Minutes 1/11/2010, Parliamentary Postnote 244 'Binge Drinking & Public Health'
Summary of key points	No – attached pages from original representation
11. Ms G Norris, Chanters House, The College, Ottery St Mary, EX11 1DQ	

APPENDIX D

Hearing Unnecessary	No
Attending	No
Represented by	Ms Rachel Beaumont
Permission for a named person to attend as a witness	Yes Ms Rachel Beaumont – has been subjected to constant disturbance from the car park opposite to the Sainsburys' site.
Summary of key points	Yes
Prevention of Crime and Disorder	Disturbance and drinking in adjacent car park – refer recent arrests
Prevention of Public Nuisance	Ditto
12.	Ms L Carter, 22 Homefield Close, Ottery St Mary, EX11 1HS
Representation withdrawn	
13.	Cllr D Cox, 6 Eyemore Drive, West Hill, Ottery St Mary, EX11 1UN
Hearing Unnecessary	No
Attending	No
14.	Ms J C Dixon
Hearing Unnecessary	No
Attending	No
Represented by	Cllr Roger Giles
Supporting documents	Copy of original representation submitted on 3/8/11
Summary of key points	Yes
Prevention of Crime and Disorder	The sale of alcohol after 11pm is bound to encourage anti-social behaviour in particularly in the Land of Canaan area where problems already exist but this could spread into the residential areas of Mill St and Hind St
Public Safety	As above – I think the sale of alcohol after 10pm or certainly after the usual public house closing times in the town will only increase anti-social behaviour and have an adverse effect upon public safety
Prevention of Public Nuisance	I think a small town like Ottery St Mary it is totally unnecessary to have a supermarket open 24 hours. The extra traffic and noise this would generate would be out of place in a quiet market town. We have survived thus far without the need for such a facility and I do not think we need to start now.
15.	Ms S Williams, 2 Katherines Lane, Ottery St Mary, EX11 1FB
Hearing Unnecessary	No
Attending	No
Represented by	Cllr Roger Giles
Summary of key points	Yes
Prevention of Crime and Disorder	Lack of control once buyer of alcohol is off the premises – could then be available to all ages
Public Safety	How to supervise 'order' and bad behaviour once off Sainsburys premises. What is Sainsburys offering to the community?
Prevention of Public Nuisance	Excess traffic because of suggested opening hours
Protection of Children from Harm	Danger of children accessing alcohol from unscrupulous adults. Bad example of encouraging children on streets late in evening
Summary of key points	Yes
16.	Ms M Kerr, 1 Katherines Lane, Ridgeway, Ottery St Mary, EX11 1FB
Hearing Unnecessary	No

APPENDIX D

Attending	No
Represented by	Mrs Janis Thatcher
Permission for a named person to attend as a witness	Yes Mrs Janis Thatcher – she shares the same concerns as I do about the effect long licensing hours will have in the town.
Summary of key points	Yes
Prevention of Crime and Disorder	24 hour licence would encourage underage drinking, antisocial behaviour, vandalism
Prevention of Public Nuisance	Residents would have to endure rowdy behaviour as people leave the premises and the noise of car doors shutting, engines starting
Protection of Children from Harm	As a resident and as leader of Ottery MU I feel strongly that late night opening would lead to underage drinking and all that that entails
17. Ms A Roderick, 3 Hind Street, Ottery St Mary, EX11 1BW	
Hearing Unnecessary	No
Attending	No
Represented by	Cllr Roger Giles
Summary of key points	No
18. Dr J and Mrs A Bradshaw-Smith, 4 Salston Barton, Ottery St Mary, EX11 1RG	
Hearing Unnecessary	No
Attending	No
Summary of key points	Yes
Prevention of Public Nuisance	We believe that a licence to sell alcohol is acceptable but not after 2000 hours as it is likely that the car park will become a meeting place for the young and the houses in the vicinity will be faced with noise and nuisance.
19. Drs R Baker and J Nelson (Baker),	
Hearing Unnecessary	No
Attending	No
Represented by	Cllr Roger Giles
20. Cllr R Giles, 14 Winters Lane, Ottery St Mary, EX11 1AR	
Hearing Unnecessary	No
Attending	Yes
Summary of key points	No

APPENDIX E

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.
7. The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.
8. Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
9. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce (before being sold alcohol) identification bearing their photograph, date of birth and a holographic mark.

16 CCTV Standards Policy

16.1 Where the provision of CCTV system is a requirement of the conditions of either a Premises licence or a Club Premises certificate, whether these are placed on the licence/certificate as offered by the applicant's Operating Schedule or imposed following a Sub Committee hearing, the system must comply with at least the Licensing Authority's CCTV minimum standard. This has been set in consultation with the police to ensure that the systems provide a tool to prevent criminal and anti-social behaviour and to ensure that the images provided by the systems meet the recognition and identification standards necessary for the detection and prevention of crime and disorder.

16.2 The Minimum Standard

- (1) All installed CCTV systems must be of an evidential standard and installed and operated to the satisfaction of the Licensing Authority and the Police. It should cover all areas to which the public have access, excluding, where relevant, the inside of toilets. Images must be recorded at a frame rate no less than 25 frames per second. All cameras located on entrances must be able to produce images of an evidential standard as defined by the Home Office Guidance Manual or any guidance replacing it. Entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises. They should be high-resolution colour cameras complete with an auto iris vari-focal lens. Cameras in the main areas of the premises must be able to cope with the extreme lighting conditions that may be present. The cameras, recording equipment and all ancillaries should be maintained according to the manufacturers' instructions to ensure that the standard of the image is not compromised.
- (2) The numbers of cameras located within the premises and where appropriate for external coverage must be appropriate for the type of licensing activity carried out at the premises. The numbers of cameras, locations and views provided by these cameras must be to the satisfaction of the Licensing Authority and Police. All cameras must provide evidence of identification and be correctly maintained.
- (3) Where, to satisfy the Licensing Authority and the Police, there is a requirement to provide an external camera for coverage of entrances it must be a high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing.

- (4) In all areas where cameras are operating including externally the lighting must be of sufficient brightness to complement the quality of the camera images.
- (5) The CCTV recordings must be stored on a digital multiplex recorder with either an on board CD/DVD re-writer and/or a USB port for evidence recovery.
- (6) The system must be capable of producing single images and forward, reverse, pause and slow motion at full screen resolution.
- (7) CCTV images must be retained for a minimum of 14 days and be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.
- (8) Recordings of incidents occurring at the premises must be made secure and held for possible inspection.
- (9) All equipment shall have constant time/date generation.
- (10) Unless otherwise agreed in writing by the Licensing Authority there must be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of the police including the creation of evidential discs. Where an exemption to this requirement is agreed in writing then the evidence requested must be provided no later than 48 hours after the request.
- (11) The Designated Premises Supervisor or Premises licence holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment must be housed in a secure room/cabinet where access is restricted and the operation is strictly limited to authorised persons.
- (12) The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
- (13) A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.

16.3 This policy applies to all Premises licences and Club Premises certificates issued or varied (not minor variation) following the Licensing Authority's adoption of the policy on the 7 September 2010. Holders of existing licences

and certificates that require the maintenance and use of CCTV are encouraged to comply with the policy as soon as possible.

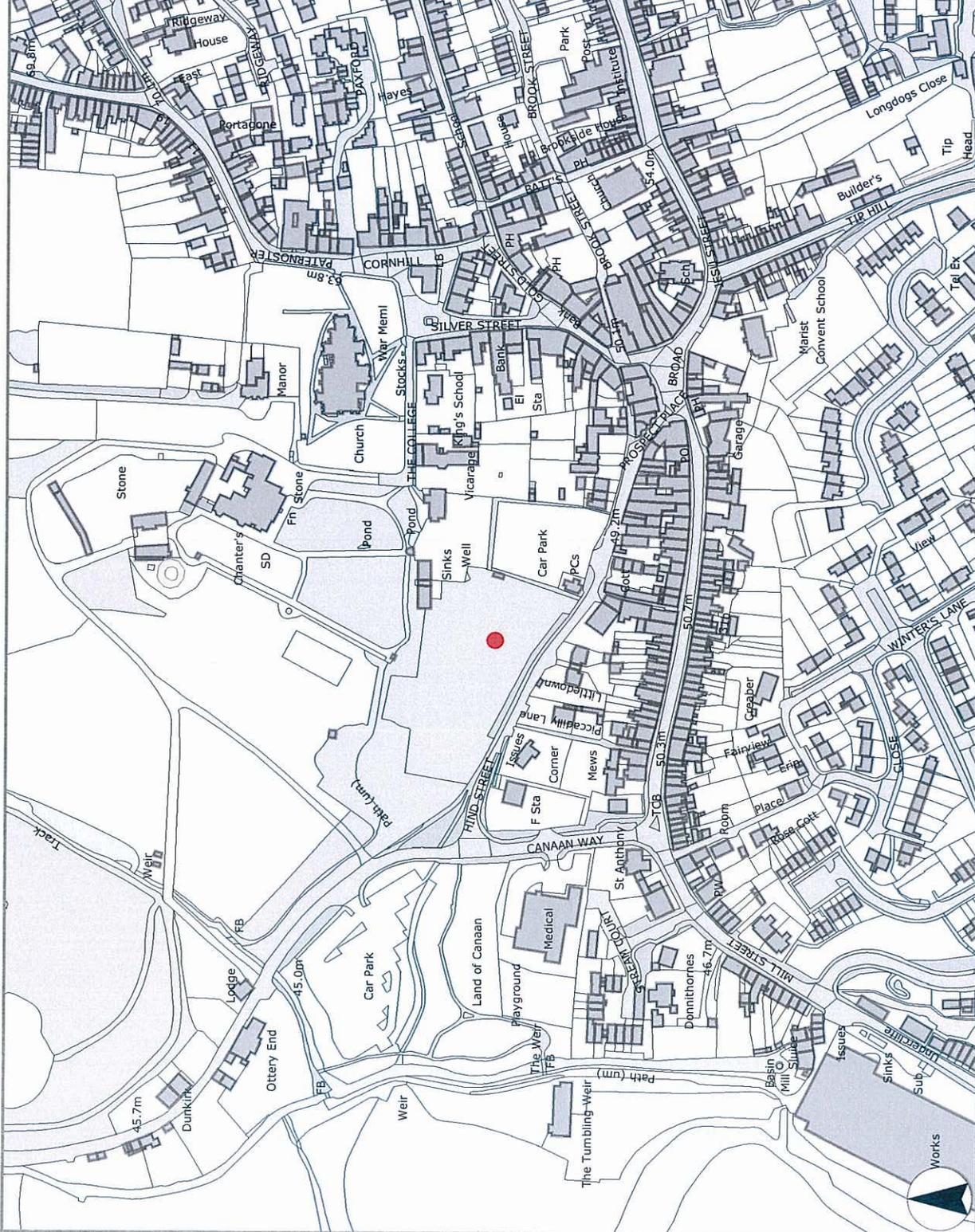
APPENDIX G

- CCTV must be installed, operated and maintained to the satisfaction of the Licensing Authority and the Chief Officer of Police in accordance with the requirements set out in the EDDC Licensing Policy.
- CCTV images must be retained for a minimum of 14 days and to be produced on the request of the Police or a Licensing Officer of East Devon District Council. Recording media must be set to 25 frames per second.
- The CCTV system must be operational at all times whilst the premises are trading. If the system is faulty or not working then the Police and East Devon Licensing Service must be informed immediately. Details of the malfunction must be recorded in the premises incident book.
- A4 sized warning notices must be displayed in public areas of the premises and at all entrances advising that CCTV is in operation. The signs located at entrances should be located on the exterior of the building at, and adjacent to, all public access doors. All signs must comply with the requirements of the Data Protection Act 2002.

APPENDIX H

1. The Licence Holder must at all times maintain adequate levels of staff. Such staff levels must be disclosed, on request, to the Licensing Authority and Police.
2. Prominent, legible signage must be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.
3. The Licence Holder must ensure that an age verification policy will apply to the premises whereby all cashiers must be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce (before being sold alcohol) identification bearing their photograph, date of birth and a holographic mark.

Sainsbury's Supermarket, Hind Street, Ottery St Mary. Licensing Sub Committee 13/09/2011



APPENDIX I

Map Tile: SY0995SE Full Reference: SY0971 9549

East Devon District Council - © Crown copyright and database rights 2011 Ordnance Survey 100023746. You are not permitted to copy, sub-license, distribute or sell this data to third parties in anyway

Agenda Item

Licensing Sub Committee

13 September 2011

NMcD



Schedule of applications for Sub Committee approval where an agreed position has been reached and all parties have agreed a hearing is unnecessary.

Summary

The report details these applications.

Recommendation

That this application be granted as applied for subject to the agreed positions set out in the schedule below, any relevant statutory conditions and the applicants having complied with relevant statutory requirements.

a) Reasons for Recommendation

To ensure full compliance with statutory processes.

b) Alternative Options

The Licensing Authority must grant these applications as all parties have agreed a position which they consider makes a hearing unnecessary.

c) Risk Considerations

Applications must be dealt with within the statutory time limits.

d) Policy and Budgetary Considerations

Officers have taken into account the Council's Licensing Policy in making the recommendation.

e) Date for Review of Decision

The council's decision may be appealed to the Magistrates Court. The Licensing Act 2003 also contains review provisions.

1. Legislation Background

1.1 Under the Licensing Act 2003 it is unclear whether applications where an agreed position has been reached and the parties do not consider a hearing to be necessary, require to be formally determined by a licensing sub committee, as opposed to relying on determination powers delegated to officers. To put the matter beyond doubt, these applications are reported to members for their approval of the agreed position. This process also enables members to be advised of the success of the informal mediation in advance of hearings, which is facilitated by Licensing Officers or sometimes by other Responsible Authorities.

2. Schedule of Applications

Type of Application	Name of premises and address	Agreed position reached by the parties
Application for a premises licence to be granted	Manor Gardens, Exmouth, EX8 2AG	<p>Following mediation the applicant, Devon & Cornwall Constabulary and the Councils Environmental Health service have agreed that they consider a hearing to be unnecessary if the following agreed position is approved.</p> <p>The application be approved as submitted subject to the addition of the following conditions</p> <ol style="list-style-type: none"> 1. There will be no more than 2000 tickets sold for the event. 2. SIA Registered Doorstaff will be employed as follows: <ul style="list-style-type: none"> • 12.00 Hrs to 16.00 Hrs a minimum of 5 doorstaff • 16.00 Hrs to 18.00 Hrs a minimum of 7 doorstaff • 18.00 Hrs to 30 minutes after closing a minimum of 9 doorstaff 3. All drinks will be sold in plastic or toughened containers. 4. All bottles will be decanted. 5. There will be a challenge 25 policy in force. 6. There will be a contingency plan to supplement the numbers of SIA staff if

		<p>there is any intelligence of potential disorder or the minimum staffing level for the event is not sufficient.</p> <p>7. There will be a contingency plan for dealing safely with those persons entering or attempting to enter the licensed area without a ticket or permission (gatecrashers).</p> <p>8. There will be a contingency plan for stewarding all entrances/exits to ensure the safe evacuation of the licensable area.</p> <p>9. There will be no Techno or drum and bass music.</p> <p>10. The sound level throughout the event at Manor Gardens Exmouth on 17 September shall not exceed 65dB(A) 15 LAeq at any time throughout the event.</p> <p>11. The sound levels shall be continuously monitored and the 15min logs available for checking by EHO on demand.</p> <p>12. The recording meter shall be located at the entrance on Alexandra Terrace and Beacon Hill.</p>
	<p>Recommend approval of application subject to the amended operating schedule and the relevant mandatory conditions of the Licensing Act 2003</p>	

Legal Implications

Included within the report

Financial Implications

No apparent financial implications

Background Papers

- The relevant licensing applications
 - Representations received from Responsible Authorities
 - Guidance issued under Section 182 of the Licensing Act 2003
 - The District Council's Statement of Licensing Policy
-

Neil McDonald Ext.2079

Licensing Sub Committee

Licensing Officer

13 September 2011