

Licensing Sub Committee

Tuesday 18 September 2012

PRESENT:

Councillor Rennie, in the Chair.
Councillor Mrs Nicholson, Vice-Chair.
Councillors Singh and Kate Taylor (Fourth Member).

Also in attendance: Debbie Bradbury (Lawyer), Katey Johns (Democratic Support Officer), Mr Wright (Applicant), Bev Gregory (Licensing Officer) and Fred Prout (Devon and Cornwall Police).

The meeting started at 10 am and finished at 11.15 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

35. **APPOINTMENT OF CHAIR AND VICE-CHAIR**

Agreed that Councillor Rennie is appointed Chair and Councillor Mrs Nicholson is appointed Vice-Chair for this meeting.

36. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by councillors in accordance with the code of conduct.

37. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

38. **APPLICATION FOR TEMPORARY EVENTS NOTICE**

11 Moor View, Keyham, Plymouth

The Committee having –

- (a) considered the report from the Director for Place;
- (b) heard from the applicant that:
 - he had applied for a Temporary Event Notice (TEN) between 19 September 2012 and 24 September 2012;
 - he wished to operate a home delivery alcohol service open for 24 hours between the above dates;
 - he agreed with the police on the need for stringent conditions to effectively promote the licensing objectives and was happy to abide

- by the conditions the police would wish to attach;
- the sale would take place over the phone at the premises;
- payment would only be by credit or debit card over the phone;
- the only staff responsible for delivery and telephone response would be by Mr Wright, a personal licence holder, and Craig Bullen, who had attended the course and test but had not applied for his personal licence yet;
- they would operate a challenge 25 policy. As these were home deliveries there was clearly no issue with people having access to their ID;
- the car engine would be turned off at delivery sites to minimise noise;
- if the police had any additional conditions that they wished to add this was unlikely to be a problem;
- this temporary event was intended to be a trial for setting up a permanent alcohol delivery service to see if there was sufficient demand and was not to circumvent the need for a premise licence;
- as the main concern of the police was that conditions could not be attached to a TEN in the same way as a premise licence they had brought forward the premise licence application and this should be rejected if they broke any of the conditions informally associated with this TEN;
- the days covered by this TEN was important to this new business as this covered the period that new students arrived at University and they felt it was essential that they established a visible presence in this vital period;

(c) heard from a representative of Devon and Cornwall Police that –

- they had concerns regarding the potential impact this application would have to undermine the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm;
- they believed this application sought to circumvent the need for a full premises licence and made it impossible for the police and the applicant to effectively engage in the promotion of the four licensing objectives;
- they referred to paragraph 3.10 of s.182 of the Licensing Act 2003 regarding the consideration of appropriate conditions that should be attached to the operating schedule regarding internet and delivery sales of alcohol;
- there were significant concerns regarding the location where the sale took place, the methods of payment, the training of staff regarding underage sales, how to prevent public nuisance, what checks would be required before completing the transaction;
- this application though lawful was not within the spirit of the Act and, if granted, it would be impossible to effectively police without stringent conditions;
- they recommended that this application was refused.

Members considered the potential problems raised by Devon and Cornwall Police and believed there would be the potential for an increase in public nuisance, crime and disorder and the potential for under age sales should this TENs be granted. Members were concerned that although the applicant agreed to comply with the conditions applied to a similar premise, the applicant could not be compelled to comply with any additional measures.

Having heard from the applicant and considered the objection notice of Devon and Cornwall Police, Members considered it appropriate for the promotion of the prevention of crime and disorder, prevention of public nuisance licensing and protection of children from harm objectives to refuse the application for Temporary Events Notice and issue a counter notice.

39. **EXEMPT BUSINESS**

Whilst parts of the documentation presented to Committee were confidential, it was not necessary for the Committee to move to Part II during their discussions on this application.