

MINUTES of a **MEETING** of the **LICENCING SUB COMMITTEE** held on 14 July 2025 at 10.00 am

**Present
Councillors:**

J Cairney, F J Colthorpe and A Cuddy

**Also Present
Officer:**

Deborah Sharpley (Legal Services Manager), Sarah Hargreaves (Solicitor), Thomas Keating (Specialist Lead (Licensing) Officer) and Angie Howell (Democratic Services Officer)

4 APOLOGIES

There were no apologies for absence.

5 ELECTION OF CHAIR

Councillor J Cairney was elected as the Chair of the Sub-Committee.

6 DETERMINATION OF A PREMISES LICENCE FOR SPAR, 23 BAMPTON STREET, TIVERTON, DEVON, EX16 6AA

An application had been received for a new premises licence for the Spar, 23 Bampton Street, Tiverton, Devon, EX16 6AA.

The Chair introduced the Members of the Sub-Committee and officers that were present and explained the process for the Hearing.

No declaration of interest were declared however Cllr A Cuddy informed the Committee, out of courtesy, that he ran a restaurant which was located opposite the Spar.

The Licensing Sub-Committee agreed that the meeting should be heard in public session and that there would be no time limit for speakers.

The Sub-Committee confirmed they had received and read the paperwork circulated in advance of the meeting.

The Specialist Lead (Licensing) Officer outlined the contents of the report as follows:-

- An application had been submitted, on behalf of Russh Limited, for a new premises licence for Spar at 23 Bampton Street, Tiverton, Devon, EX16 6AA.

- The application was for the sale of alcohol for consumption off the premises.
- The report provided a summary of conditions to ensure the Licensing Objectives were met. They included:-
 - (a) Ensuring all spirits were displayed behind the counter;
 - (b) Installing and operating a CCTV system;
 - (c) Keeping and maintaining an Incident Book and an Alcohol Sales Refusal Register;
 - (d) Ensuring staff were fully trained;
 - (e) Adopting and implementing a Challenge 25 Policy and displaying posters to confirm it was in place.
- No representations were received from any Responsible Authorities.
- Although the Police had not made a representation they did agree the following condition with the applicant:-

“There shall be no sale of single cans of beer, lager or cider of 6% ABV (Alcohol by Volume) or above from the premises”.
- The representations received did not provide a significant amount of details in relation to the application. All outside parties were given the opportunity to elaborate, however they were not in attendance today.
- Mid Devon District Council had not adopted a Cumulative Impact Assessment (CIA) which helped to limit the number or types of licence applications granted in areas to ensure it would not have a negative impact on the licensing objectives.
- Those that had made representations were asked by the Licensing Team how they felt the Licensing Objectives would be affected from a cumulative perspective. No further communication had been received.
- The options for the Sub-Committee included:-
 - (a) Granting the license as applied for;
 - (b) Granting the licence subject to appropriate modifications necessary for the promotion of the licensing objectives;
 - (c) Excluding from the scope of the licence any of the licensable activities to which the application related;
 - (d) Refusing to specify a Designated Premises Supervisor;
 - (e) Rejecting the application.

The Chair invited the applicant to present his case. The representative for Russh Limited, Mr Patrick Burke informed the Sub-Committee of the following:-

- The premises had been a long established newsagent.
- The applicant had a wealth of experience and was currently managing two petrol stations (Shell and Morrisons) and another general store in the area.
- Ongoing training was provided to staff. Morrisons and Shell used CPL Learning and Lockett & Co for their ongoing staff training.
- Devon and Cornwall Police had agreed a condition.
- With regard to representations received the following comments were made with regard to concerns of:-
 - a) An increase in anti-social behaviour – there was no evidence for this.
 - b) The saturation of licensed premises – this was not relevant.
 - c) Minors accessing alcohol – detailed comprehensive steps had been taken and there had been no objections from Child Services.
 - d) Break-ins – this was not relevant.
 - e) An increase in litter – adequate bins would be provided.

- f) An increase on strain to public services – there had been no objections from Responsible Authorities.
- The High Court case R (on application of Daniel Thwaites plc) v Wirral Magistrates Court and Others (2008) EWHC 838 (Admin) had emphasised company guidance that there should be a “light touch” bureaucracy for applications and decisions should be based on evidence not speculation.
- The representations received were speculative and the Licensing Authority should not give weight to those.

The following questions were raised by:-

Councillor A Cuddy

- Did the other premises that the applicant managed sell alcohol?
Mr R Indradas, the designated supervisor for the applicant confirmed that they did.
- Would there be 2 people working on an evening to protect staff?
Mr R Indradas confirmed that there would be 2 people working on an evening.
- How many cameras would be installed for the CCTV?
It was explained by Mr P Burke that 16 cameras would be installed and that there would always be a member of staff on site to operate them should the Police need access and that recordings were kept for 31 days.

Cllr F J Colthorpe

- How would the Police condition, with regard to refusing to sell 1 drink rather than 6 drinks, help to reduce anti-social behaviour?
It was confirmed by Mr P Burke that this was a standard condition used by the Police up and down the country, particularly in town centres. Customers would generally buy products to eat or drink at home rather than drinking on the streets. In addition, someone was unlikely to buy a pack of 4/6 drinks when refused the 1. This also acted as a deterrent for anti-social behaviour.

Cllr J Cairney

- Can you confirm that there would be no sale of single cans of beer, lager or cider of 6% ABV or above?
Mr R Indradas confirmed that this was the case.
- How did the Refusal Register work?
Mr P Burke explained that all stores had a system that when a product was scanned a message would flash to confirm if the customer was over 25. If the sale was refused, the scanner would print out a receipt that the server would sign. A hard copy Refusal Book would also be provided as well as training for all staff.
- Was there any additional security measures apart from CCTV?
It was confirmed by Mr R Indradas that the wooden door frame would be changed and an external shutter would be considered; and if not allowed (by Planning) an internal shutter would be considered.

Cllr A Cuddy

- How many bins would the premises install since the pavement outside was narrow?
Mr R Indradas confirmed that bins could be provided in the store; this was done in his other premises. However when the business was up and running an adequate amount of bins would be provided according to the need.

The Chair invited the applicant to summarise.

Mr R Burke explained that there had only been 5 letters of objection despite the thousands of people in Tiverton that had not made any comments.

Numerous businesses were closing and when a new business was opened, creating training and careers for people then this should be credited for. Mr R Indradas had spent 15 years working for Tesco and had a good grasp on what was required and he appreciated the importance of staff training.

Members of the Sub-Committee then retired to reach a decision in private accompanied by the Council's representatives from Legal and Democratic Services.

The Sub-Committee returned and the Chair made the following statement:-

In making its decision the Sub-Committee has taken into account the relevant legislation, the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, the report of the Licensing Officer, the relevant representations submitted prior to the hearing and the presentations of those present at the hearing today.

In particular, the Sub-Committee noted the following:

- The Responsible Authorities e.g. the Fire Service, Environmental Health etc. made no representations to the application; and more importantly that the Police, who are responsible for dealing with crime and disorder, had made no representations about the application as applied for.
- The relevant concerns about possible increased crime, anti-social behaviour and public nuisance, noise and littering and access to alcohol by minors in the representations received.
- The proposals offered by the applicant in section M of the application to promote the licensing objectives.
- The additional condition the applicant has agreed with Police.
- The indication by the applicant that consideration will be given to the provision of bins once the business is up and running.
- The security considerations that have been considered by the applicant e.g. electronic point of sale (epos) system in relation to refusals and a shutter.
- The applicant's experience in running other licensed premises.

The Sub-Committee did not take into account what it felt to be irrelevant concerns about the number of licensed premises in the vicinity and whether the high street is becoming unsuitable for children.

Reason for the Decision:

The Licensing Sub-Committee resolved to grant the application for the premises licence as applied for plus the additional condition agreed with the Police, namely:

‘There shall be no sale of single cans of beer, lager or cider of 6% ABV or above from the premises’.

The Legal representative advised that all parties would be notified of the decision in writing and also the rights of appeal.

(The meeting ended at 11.13 am)

CHAIR