



Wednesday, 5 February 2014

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 13 February 2014

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Addis

Councillor Brooksbank

Councillor Doggett

Working for a healthy, prosperous and happy Bay

For information relating to this meeting or to request a copy in another format or language please contact:

Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR
01803 207026

Email: governance.support@torbay.gov.uk

www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**

To elect a Chairman/woman for the meeting.

2. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

3. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(Please Note: If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent items**

To consider any other items that the Chairman decides are urgent.

5. **Licensing Act 2003 – An application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark 163 Newton Road, Torquay**

(Pages 1 - 21)

To consider an application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark 163 Newton Road, Torquay.



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Premises Licence in respect of Krates Ltd, Unit 4, Longpark 163 Newton Road, Torquay TQ2 7AL**

Wards Affected: **Shiphay with the Willows**

To: **Licensing Sub Committee** **13 February 2014**

Contact Officer: **Mandy Guy**
Telephone: **01803 208124**
E.mail: **Licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a new Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder” and the “Protection of Children from Harm”.
- 1.4 The matter must be considered on its merits having received details of the issues arising either at a hearing or by written Representation if all parties have agreed that a hearing is not necessary. A decision must be made, having considered the Representations, either:-
 - (a) to grant the licence subject to
 - (i) such conditions as are consistent with the submitted operating Schedule modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
 - (ii) any condition which must under Section 19, 20 or 21 be included in the licence;

(Such conditions may differ in respect of different parts of the Premises and/or different activities).
 - (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.
- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Applicant and Interested Party following the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 17 of the Act for a Premises Licence to permit licensable activities at the Premise detailed above. Details of the relevant pages of the application are shown in Appendix 1.

A brief description of the application, as follows:

Late Night Refreshment (on and off the Premises) from 2300 until 0500 Monday to Sunday.

The Sale of Alcohol (off the Premises) 24 hours a day 7 days a week.

To be open to the public 24 hours a day 7 days a week.

A copy of the plan of the Premises is shown as Appendix 2.

- 2.2 The Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 17(5) but is unable to issue the Licence, as a relevant Representation has been received from a Responsible Authority. The Licensing Authority is also satisfied that the Representation has been received within the appropriate time scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received a Representation from the Police in relation to the Licensing Objective "The Prevention of Crime and Disorder" and "The Protection of Children from Harm". This is shown as Appendix 3.

There have been no additional Representations received from any other Responsible Authority or any Interested Party.

- 2.3 The Authority is required to conduct a hearing by the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representation and the procedure to be followed at the hearing.
- 2.5 If the application is refused, in whole or in part, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 1 of Schedule 5, to the Applicant.
- 2.6 If the application is granted, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 2(1) of Schedule 5 to :-
- (a) The holder of the licence against any decision
 - (i) to impose conditions on the licence, or
 - (ii) to take any step to exclude a licensable activity or refuse to specify a person as Premises Supervisor.
 - (b) Any person who made a relevant Representation who desires to contend
 - (i) that the licence ought not to have been granted, or
 - (ii) that, on granting the licence, the Licensing Authority ought to have imposed different or additional conditions, or taken any step to

exclude a licensable activity or refuse to specify person as Premises Supervisor.

- 2.7 Following such Appeal, the Magistrates' Court may:-
- (a) dismiss the appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such order as to costs as it thinks fit.

Frances Hughes
Executive Head Community Safety

Appendices

Appendix 1 Details of the application.

Appendix 2 Plan of Premises.

Appendix 3 Representation from the Police.

Documents available in Members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Torbay Council Licensing Policy 2011.

Agenda Item 5

Appendix 1



Torbay
Application for a premises licence
Licensing Act 2003

TORBAY COUNCIL

<https://forms.torbay.gov.uk/ContactLicenseTrading>

For help contact

Telephone: 01803 208025

30 DEC 2013

ENVIRONMENT
FOOD SAFETY

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you work for the applicant

Are you:

Applying as a business
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

ability to sell hot drinks if required - delivery service only, no customers on the premises.

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Personal Licence number
(if known)

PA2307

Issuing licensing authority
(if known)

Torbay

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

none

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

the public are not permitted to come to our premises - we operate a delivery only service. this is clarified within our operating schedule

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

The Prevention of Crime and Disorder

Continued from previous page...

1. Delivery drivers shall only take a minimum amount of cash for use as change on each 'round', they shall deposit takings from each 'round' at the premises between trips.
2. There shall be a policy of safe practice for employees that handle money in public; any violence or threat of violence shall be reported to the police immediately.
3. All delivery drivers must be 18 years of age and above.
4. All staff shall have attended a documented in house training course before starting work that covers aspects of the licensing act as is relevant to this particular business, and their specific role within it. Records shall be kept for a minimum of 12 months; such records shall be available on demand for inspection by the police, Torbay Council Licensing Department and Torbay Trading Standards Officers at any reasonable time.
5. All staff shall have bi-annual refresher meetings on the above (point 5).
6. At the time of ordering all customers shall be asked to supply the following details;
 - Name
 - Delivery Address
 - Confirmation of being over 18
 - The Alcohol Order.
7. The above supplied details (point 7) shall be written on the order sheet, a copy of which will accompany the alcohol throughout the delivery, and be left with the customers on delivery.
8. The above supplied details (point 7) shall be written on the order sheet, a copy of which will remain on record on the premises and be kept for a minimum of 12 months. Such records shall be available on demand for inspection by the police, Torbay Council Licensing Department and Torbay Trading Standards Officers at any reasonable time.
9. Only alcohol ordered for delivery shall typically be carried on delivery vehicles at any time the vehicle is in use for a delivery. Exceptions to this will include, alcohol being returned to the premises due to, for example, staff refusal to serve, non answer at address etc.
10. Alcohol shall only be delivered to a Residential or Commercial addresses. Specifically not to public outdoor spaces.
11. No alcohol shall be sold to the public from the premises asides from by remote ordering methods, i.e., internet/ telephone/mail order etc.
12. The public shall not be permitted to attend the premises to order, pay for or collect any goods, including alcohol.
13. All Media (website/flyers) shall have age restricted warnings and the current relevant links (if digital) on.

c) Public safety

Public Safety

1. There must be an accident book on site.
2. There must be a medical box on site.
3. There must be a dustpan and brush and glass bin on site.
4. Telephone numbers shall be displayed for NHS Direct and RIDDOR.

Continued from previous page...

5. There must be fire equipment on site.

d) The prevention of public nuisance

The Prevention of Public Nuisance

1. Typically deliveries shall be solo, except in cases of for example, staff training. In these exceptions staff shall be aware of noise issues, and talking etc when outside of their vehicles.
2. Car stereos shall be turned off before the drivers exit the vehicle, or open doors/windows.

e) The protection of children from harm

The Protection of Children from Harm

1. In the case of age identification, acceptable Photo ID shall be Passport, Driving Licence or Provisional Driving Licence.
2. Customers that appear to the driver to be under the age of 25 shall be asked to provide Photo ID.
3. There shall be no sale, even to an ID holder if there is a blatant under-age drinking at the delivery premises.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

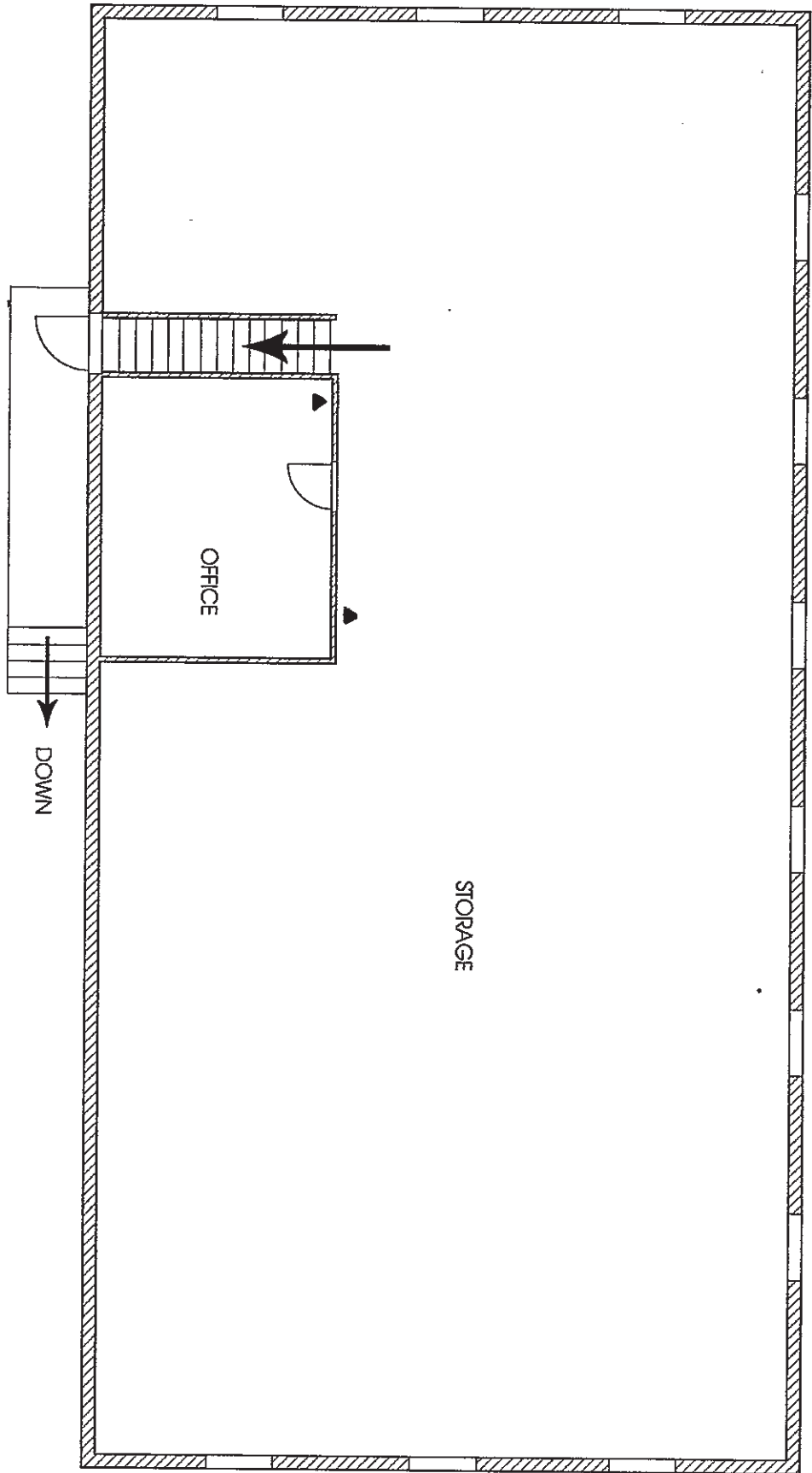
Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00

Agenda Item 5

Appendix 2



AREA FOR ALL LICENSABLE ACTIVITIES

▲ FIRE EXTINGUISHERS

PRODUCED BY	R. ABBOTTS
SITE	UNIT 4, LONGPARK 163 NEWTON RD TORQUAY, TQ2 7AL
DATE	10/12/13
SCALE	1:100
TITLE	SURVEY DRAWING

Surrounding Area

unit 4 marked in red



Agenda Item 5

Appendix 3



Devon & Cornwall Police

Building safer communities together

Licensing Team
Torbay Council
C/O Torquay Town Hall
Castle Circus
TORQUAY
TQ1 3DR

Licensing Department East
Devon and Cornwall Constabulary
Force Headquarters
EXETER
EX2 7HQ

Telephone: 01392 452225

15 January 2014

Dear Sir/Madam

Unit 4, Longpark, 163 Newton Road, Torquay, TQ2 7AL

I refer to an application for the Grant of a New Premises Licence in respect of premises at the above location, submitted by Mr Richard Abbotts of Krates Ltd. This application has been made to allow the business to operate as an Alcohol Delivery Service from this address.

For your information Krates Ltd currently operates from licensed premises known as Office 5, based at Dainton Self Storage Yard, Torre Station Yard, Torquay, TQ2 5DD. The licence in respect of that premises was granted on 13 July 2012. In respect of alcohol delivery services I would draw your attention to the fact that the premises licence relates to the premises where the alcohol is appropriated to the contract (Section 190 Licensing Act 2003) but the alcohol can be delivered at any location, and I am aware that Krates Ltd currently deliver within the Torbay and Teignbridge areas. Having discussed this application with Mr Abbotts he has indicated that he has made this new application due to the premises being considerably larger and it is his intention to surrender the existing licence at Dainton Self Storage Yard should this application be successful.

Additionally, on 17 December 2013 Mr Roy Light, a Barrister at St John's Chambers, delivered a presentation at an Institute of Licensing training seminar concerning alcohol delivery services, during which he outlined numerous conditions to be considered in respect of this type of licence. Unfortunately my Police Licensing Officer, Mrs Julie Smart, was unable to attend this seminar, however she has been forwarded a copy of his presentation which is attached for your perusal.

licensingeast@devonandcornwall.pnn.police.uk



www.devon-cornwall.police.uk

Page 16



The Government Standard

SF615

Having considered the application, and the document produced by Mr Light, the police make the following representation:

1. The police have concerns around the amount of alcohol and cash that could be carried in delivery vehicles, particularly during the hours of midnight and 0700 hrs, and whether these vehicles could be the target of criminal activity. For your information, crime FT/13/7552 relates to the aggravated taking of a vehicle belonging to Krates Ltd at approximately 0230 hrs on 3 November 2013 from Warberry Vale, Torquay. This resulted in a car chase from that location, which culminated with a further incident on The Strand, Torquay. This matter is currently being investigated by the police.

In order to alleviate our concerns, the police request that a suitable condition restricting the maximum amount of cash and alcohol that can be carried on the vehicle at any one time is imposed on the licence, as follows:

A maximum value of alcohol and cash not exceeding £ ? (this figure to be decided at the hearing once you have had the opportunity to discuss this matter fully with the applicant and my Police Licensing Officer) can be carried on the vehicle at any time.

The police also request the following conditions be imposed:

2. All staff responsible for the delivery of alcohol to customers shall complete and pass the BIIAB Level 1 Award in Responsible Alcohol Retailing Course within 3 months of the commencement of their employment.
3. Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).
4. Delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.
5. A refusals book shall be kept in each delivery vehicle and all entries shall be transferred to a main record held within the premises after each tour of duty. All refusals books shall be available for inspection by the police or members of the local authority licensing team at any reasonable time and all records shall be kept for a minimum of 12 months.
6. Customers to be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.
7. No ID, no sale.

8. A photograph will be taken by the driver of the customer's photo ID on all cash transactions. A record of the photos will be kept on a computer database. Terms and conditions will state that a picture will be taken of the ID provided on cash payments only and that there will be full compliance with the Data Protection Act.

9. The right to refuse the sale of alcohol must be in the terms and conditions.

10. All licence conditions to be part of the Terms and Conditions which must be displayed on the website or any other promotional material.


The police consider the above steps are appropriate to ensure that the licensing objectives are met.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully




Superintendent C Armes
LPA Commander



St John's
CHAMBERS

Alcohol Delivery Services


Roy Light
St John's Chambers
roy.light@stjohnschambers.co.uk
17 December 2013



St John's
CHAMBERS

Premises licence


- > usual matters arise in an application
- > may be existing off-licence premises or specialist delivery service
- > licensing objectives
 - public nuisance (if late night or 24 hours)
 - crime & disorder (delivery address/drivers with cash)
 - young people (underage sales)



St John's
CHAMBERS


MOBILE, REMOTE, INTERNET AND OTHER DELIVERY SALES

3.7 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.




St John's
CHAMBERS

3.8 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.



St John's
CHAMBERS


It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.



St John's
CHAMBERS


3.9 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should therefore apply to vary their licence to add this activity to their existing licensable activities.

Article



St John's
Committee

- In particular, it is stated that 'alcohol delivery services' should be mentioned in operating schedules and existing premises licence holders who wish to add delivery services should "apply to vary their licence to add this activity to their existing licensable activities" (3.10). Can this be right? Is the Guidance effectively seeking to add a new licensable activity to sales on and/or off the premises by introducing 'alcohol delivery services'?


Home Office response


St John's
Committee

With regards to the point raised in the article in relation to chapter 3.10 of the statutory guidance on alcohol delivery services, I accept that the wording in this part of the guidance may be slightly ambiguous. As I'm sure you are aware, the list of licensable activities in the Licensing Act 2003 could only be changed by amending the Act itself and this cannot therefore be achieved in the guidance.



St John's
Committee

This guidance was written on the basis that a premises which has a licence, but not to serve alcohol, would need to apply for a variation to add the sale of alcohol as a licensable activity if they were intending to additionally operate an alcohol delivery service. Moreover, a premises may already have an existing licence to serve alcohol (for example, a pub or off licence) but if they intend additionally to begin operating an alcohol delivery service, they should make the licensing authority aware of this to ensure appropriate conditions are added to the licence with regards to this additional activity to ensure the promotion of the licensing objectives.


St John's
Committee


We expect to lay revised statutory guidance in October this year to support the expected commencement of Early Morning Alcohol Restriction Orders and based on the issues you have raised will consider whether the guidance could be made clearer in the October revision (2012)

Conditions



St John's
Committee

- Alcohol and other goods can only be delivered to a residential address.
- Full address details, including postcode, must be given when placing an order.
- Drivers will not deliver to any person anywhere other than at the residential address given when the order was placed.
- Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card (if used).
- Delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

Conditions


St John's
Committee


- Challenge 25 - if driver consider recipient of alcohol appears under 25 recognised photographic identification requested before any alcohol is handed over.
- Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
- No ID no delivery.



St John's
CASHIER


- Minimum age of 18 for delivery drivers.
- Delivery will also be refused if driver believes the alcohol being purchased on behalf of another person who is not 18.
- Customers to be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under 18.

conditions?




St John's
CASHIER

- CCTV
- refusal/incident book to be kept in store and in each delivery vehicle
- staff training in alcohol sales
- additional staff/driver training for alcohol delivery service
- training records
- staff/drivers instructed on noise minimisation
- the number of vehicles to be in use at any one time is ???



St John's
CASHIER

- › All licence conditions to be part of the 'Terms & Conditions' which must be displayed on the website or any other promotional material.
- › If delivery is not made for any of the reasons stated above the driver will return the order to the store.
- › The right to refuse the sale of alcohol must be in the terms & conditions.
- › [A refund will be made less a deduction of 10% (with a minimum charge of £10) to cover ordering and delivery charges.]



St John's
CASHIER

- Cash orders will be limited to a maximum of £50 per order.
- Drivers will make only one delivery per trip. Having made a delivery the driver will return to the shop. This will ensure that the driver never has more than £50 cash at any time.
- Cash will be put into the glove box of the car which will be locked by a key.
- A photo will be taken by the driver of the customer's photo ID on all cash transactions. A record of the photos will be kept on a computer database. Terms & conditions will state that a picture will be taken of the ID provided on cash payments only and that there we be full compliance with the Data Protection Act.