

TEIGNBRIDGE DISTRICT COUNCIL

**LICENSING AND REGULATORY SUB-COMMITTEE**

CHAIRMAN: Cllr John Nutley

**DATE:** Monday 19 July 2021  
**REPORT OF:** Licensing Manager  
**SUBJECT:** **Application for a New Premises Licence – Unit 37  
Berrys Wood, Newton Abbot, TQ12 1UP**

**PART I**

**RECOMMENDATION**

**That the Licensing and Regulatory Sub-Committee is requested to consider this application.**

**PART I**

**1. THE APPLICATION**

**Applicant: BeerBox2U Limited**

**Premises: Unit 37 Berrys Wood, Newton Abbot, TQ12 1UP**

The application is for a Premises Licence to be granted under the Licensing Act 2003 is to allow the supply of alcohol. Attached is a copy of the location plan and plan of premises (Appendix A).

The operating schedule shows:-

Hours Premises Open to the Public:

Monday to Saturday	9am to 10pm
Sunday	10am to 10pm

Relevant licensable activities:

- Supply of alcohol.

Hours of licensable activities:

Supply of alcohol (off the premises)	Monday to Saturday	9am to 10pm
	Sunday	10am to 10pm

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Designated premises supervisor: **Mr Alan Keith Boston**

Supply of alcohol is for consumption off the premises.

Steps to promote licensing objectives:

- General

BeerBox2u Limited operates systems that cover all laws and regulations.

Alcohol can only be ordered for delivery to a residential or business address and not to a public place.

Alcohol can only be ordered for delivery to the person placing the order.

Full address details, including postcode, must be given when placing an online order for alcohol.

At the time an online order for alcohol is placed a declaration will be required from the person placing the order that the person is over 18 years of age.

Customers will 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.

All licence conditions pertaining to the online sale of alcohol must be part of the 'Terms and Conditions' which must be displayed on the website or any other promotional material and expressly brought to the attention of the buyer at the time of ordering in particular the right and obligation of the driver to refuse delivery in specified circumstances.

Delivery times for delivery of online orders of alcohol will be restricted between the following hours *9am and 10pm*

Drivers will not deliver alcohol 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).

Alcohol delivery will be refused if the driver considers the person receiving the delivery to be under the influence of alcohol or drugs.

If a delivery driver considers the recipient of alcohol to appear under 25, recognised photographic identification (refer to mandatory conditions) will be requested and must be provided evidencing the recipient to be at least 18 years of age before any alcohol is handed over.

Alcohol delivery will be refused if the delivery driver believes that the alcohol was purchased on behalf of another person who is not 18 years or older.

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When executing a delivery of alcohol only pre-ordered alcohol may be carried by the delivery vehicle.

All alcohol delivery drivers will be 18 years or over.

All alcohol deliveries must be recorded contemporaneously by the driver in a legible log (kept at the premises for 12 months and available for inspection and copying on request of an authorised officer of a responsible authority) to contain:

- Name and address of person placing an order for alcohol
- Full delivery address
- Time and date alcohol delivered
- Signature of the person taking delivery of alcohol
- Form of proof of age (where applicable)
- If delivery refused, basis for refusal
- Delivery person's name and signature

A refusal/incident/accident book(s) must be kept at the licensed premises and in each delivery vehicle.

Training surrounding the procedures for online alcohol orders and alcohol deliveries will be undertaken.

Training shall be recorded in documentary form and shall be regularly refreshed at no greater than 3 *monthly* intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

Drivers of alcohol delivery vehicles must be instructed on noise minimisation.

The number of vehicles utilised for delivery of online orders of alcohol will be restricted to a maximum number of one.

No cash sales for alcohol purchased by an online method will be made.

- The prevention of crime and disorder  
No public on premises at any time.

No signage will be visible to public.

BeerBox2U operates a 3 tier age restriction scheme to trading standards Age Proof Scheme.

The premises is fitted with three lockable security systems.

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All staff engaged in licensable activity at the premises will receive training and information in relation to the following:

- The Challenge 21 scheme in operation at the premises, including the forms of identification that are acceptable.
- The hours and activities permitted by the premises licence issued under the Licensing Act 2003 and conditions attached to the licence.
- How to complete and maintain the refusal register in operation at the premises (in relation to the sale of alcohol).
- Recognising the signs of drunkenness.
- The operating procedures for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase.
- Action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- Training shall be recorded in documentary form and shall be regularly refreshed at no greater than *3 monthly* intervals. Training records shall be made available for inspection and copying at reasonable times upon request of an authorised officer of a responsible authority.

Training records will be retained for at least 12 months.

An incident log shall be kept and maintained at the premises which will include a log of the following, including pertinent details:

- Any incidents of disorder or of a violent or anti-social nature
- All crimes reported to the venue, or by the venue to the police
- All ejections of patrons
- Any complaints received
- Seizures of drugs or offensive weapons
- Any faults in the CCTV system
- Any visits by a responsible authority (under the Licensing Act 2003) or emergency service.

Records must be completed within 24 hours of any incident, and will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

The logs shall be kept for at least 12 months following the date of entry and be made available for inspection and copying upon request of an authorised officer of a responsible authority.

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There shall be no consumption of beverages purchased from the premises outside the premises.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Outside of the hours authorised for the retail sale of alcohol and whilst the premises are open to the public, all alcohol within the premises (including alcohol behind the counter) must be secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

There shall be no self-service of alcohol on the premises.

There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV (alcohol by volume).

No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

No miniature bottles of spirits of 20cl or less shall be sold from the premises.

- Public safety  
No public on premises at any time.

No drinking vessel, glass or bottle may be taken from the premises.

- The prevention of public nuisance  
No public on premises at any time.

All deliveries will be in accordance with laws and regulations.

Deliveries will be kept to a minimum due to collection from suppliers.

Pneumatic tyres (or equivalent) will be fitted to any moving work equipment to be used outside (e.g. bins, trolleys, roll cages etc.).

The handling of kegs, bottles cleaning equipment, bottle disposal and similar items shall not take place before 9am hours or after 8pm hours.

No deliveries (in relation to licensable activities) to the premises shall take place between 9am and 6pm.

All external doors and windows shall be maintained in good order.

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No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway or street furniture, or upon any building, structure, works, tree etc. not in the ownership or control of the Premises Licence Holder, or be distributed to the public.

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

- The protection of children from harm  
No public on premises at any time.

No goods will be visible with entrance open.

There will be in place a written age verification policy in relation to the sale or supply of alcohol, which will specify a Challenge 21 proof of age requirement. This means that staff working at the premises must ask individuals who appear to be under 21 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents will be:

- A photo driving licence
- A passport
- An identification card carrying the PASS hologram

Unless such identification is produced the sale of alcohol must be refused.

This policy will include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18.

An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register will include:

- the date and time of refusal
- the reason for refusal
- details of the person refusing the sale
- description of the customer
- any other relevant observations.

The refusals register will be made available for inspection and copying on request of an authorised officer of a responsible authority.

All entries must be made within 24 hours of the refusal.

All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

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### Planning advice

The Applicant should be minded that should the business operations generate levels of noise, visitors, traffic, fumes or any other external effect that goes above and beyond what might normally be expected at a residential house, the use of the garage unit would no longer be considered incidental to the primary dwelling house and planning permission would likely be required.

## 2. RELEVANT REPRESENTATIONS

### Responsible authorities:

Police – no objection.

Environmental Health Officer – no representation received.

Fire Officer – no objection.

Planning Officer – no representation received just advice

Food and Safety - no representation received.

Child Protection Agency - no representation received.

Weights & Measures – no representation received.

Health Authority - no representation received.

### Interested parties:

Four representation received on the grounds of Public Nuisance, Crime and Disorder and protection of children from harm.

Note: Relevant extracts from D.C.M.S. Guidance and the Council's own Licensing Policy are attached at the end of the report to assist members consider these representations.

**Mrs Andrea Furness**  
**Licensing Manager**

<b>Wards affected</b>	<i>Bradley</i>
<b>Contact for any more information</b>	<i>Mrs Andrea Furness</i>
<b>Background Papers (For Part I reports only)</b>	<i>Licensing Act 2003 Section 182 Guidance for Police and Licensing Authorities and Statement of Licensing Policy</i>
<b>Key Decision</b>	<i>No</i>
<b>In Forward Plan</b>	<i>No</i>
<b>Community Impact Assessment attached:</b>	<i>No</i>

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<b>Appendices attached:</b>	<i>Appendix A – Location plan and plan of premises</i> <i>Appendix B – Representations</i> <i>Appendix C – National guidance</i> <i>Appendix D - Policy</i>
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